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SEVENTY-FIFTH CONGRESS, THIRD SESSION

SENATE

FRIDAY, JANUARY 28, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, January 27, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	Overton
Andrews	Copeland	Johnson, Calif.	Pepper
Ashurst	Davis	Johnson, Colo.	Pittman
Austin	Dieterich	King	Pope
Bailey	Donahey	La Follette	Radcliffe
Bankhead	Duffy	Lee	Reynolds
Barkley	Ellender	Lewis	Russell
Berry	Frazier	Lodge	Schwartz
Bilbo	George	Logan	Schwellenbach
Bone	Gerry	Lonergan	Sheppard
Borah	Gibson	Lundeen	Smathers
Brown, Mich.	Gillette	McAdoo	Smith
Brown, N. H.	Glass	McKellar	Steiwer
Bulkley	Guffey	McNary	Thomas, Okla.
Bulow	Hale	Maloney	Thomas, Utah
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Milton	Truman
Byrnes	Hayden	Minton	Vandenberg
Capper	Herring	Murray	Wagner
Caraway	Hill	Neely	Walsh
Chavez	Hitchcock	Norris	Wheeler
Clark	Holt	O'Mahoney	

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Maryland [Mr. TYDINGS] are absent because of illness.

The Senator from Nevada [Mr. MCCARRAN] is absent on official business.

The Senator from Kansas [Mr. MCGILL] is detained on important public business.

My colleague, the senior Senator from Indiana [Mr. VAN NUYS] is unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from North Dakota [Mr. NYE] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

THE NATIONAL DEFENSE (H. DOC. NO. 510)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, referred to the Committee on Military Affairs, and ordered to be printed, as follows:

To the Congress of the United States:

The Congress knows that for many years this Government has sought in many capitals with the leaders of many governments to find a way to limit and reduce armaments and to establish at least the probability of world peace.

The Congress is aware also that while these efforts, supported by the hopes of the American people, continue and will continue, they have nevertheless failed up to the present time.

We, as a peaceful nation, cannot and will not abandon active search for an agreement among the nations to limit armaments and end aggression. But it is clear that until such agreement is reached—and I have not given up hope of it—we are compelled to think of our own national safety.

It is with the deepest regret that I report to you that armaments increase today at an unprecedented and alarming rate. It is an ominous fact that at least one-fourth of the world's population is involved in merciless, devastating conflict in spite of the fact that most people in most countries, including those where conflict rages, wish to live at peace. Armies are fighting in the Far East and in Europe; thousands of civilians are being driven from their homes and bombed from the air. Tension throughout the world is high.

As Commander in Chief of the Army and Navy of the United States it is my constitutional duty to report to the Congress that our national defense is, in the light of the increasing armaments of other nations, inadequate for purposes of national security and requires increase for that reason.

In spite of the well-known fact that the American standard of living makes our ships, our guns, and our planes cost more for construction than in any other nation and that the maintenance of them and of our Army and Navy personnel is more expensive than in any other nation, it is also true that the proportion of the cost of our military and naval forces to the total income of our citizens or to the total cost of our Government is far lower than in the case of any other great nation.

Specifically and solely because of the piling up of additional land and sea armaments in other countries, in such manner as to involve a threat to world peace and security, I make the following recommendations to the Congress:

(1) That there be authorized for the Army of the United States additions to antiaircraft matériel in the sum of $8,800,000 and that of this sum $6,800,000 be appropriated for the fiscal year 1939.

(2) That there be authorized and appropriated for the better establishment of an Enlisted Reserve for the Army the sum of $450,000.

(3) That there be authorized the expenditure of $6,080,000 for the manufacture of gages, dies, and other aids to manufacture of Army matériel, the sum of $5,000,000 thereof to be expended during the fiscal year 1939.

(4) That the sum of $2,000,000 be authorized and appropriated toward the making up of deficiencies in ammunition for the Army.

(5) That the existing authorized building program for increases and replacements in the Navy be increased by 20 percent.

(6) That this Congress authorize and appropriate for the laying down of two additional battleships and two additional cruisers during the calendar year 1938. This will call for the expenditure of a very small amount of Government funds during the fiscal year 1939.

(7) That the Congress authorize and appropriate a sum not to exceed $15,000,000 for the construction of a number of new types of small vessels, such construction to be regarded as experimental in the light of new developments among navies; and to include the preparation of plans for other types of ships in the event that it may be necessary to construct such ships in the future.

I believe also that the time has come for the Congress to enact legislation aimed at the prevention of profiteering in time of war and the equalization of the burdens of possible war. Such legislation has been the subject for many years of full study in this and previous Congresses.

It is necessary for all of us to realize that the unfortunate world conditions of today have resulted too often in the discarding of those principles and treaties which underlie international law and order; and in the entrance of many new factors into the actual conduct of war.

Adequate defense means that for the protection not only of our coasts but also of our communities far removed from the coast, we must keep any potential enemy many hundred miles away from our continental limits.

We cannot assume that our defense would be limited to one ocean and one coast and that the other ocean and the other coast would with certainty be safe. We cannot be certain that the connecting link—the Panama Canal—would be safe. Adequate defense affects therefore the simultaneous defense of every part of the United States of America.

It is our clear duty to further every effort toward peace but at the same time to protect our Nation. That is the purpose of these recommendations. Such protection is and will be based not on aggression but on defense.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 28, 1938.*

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, lists of papers among the archives and on the files of the Navy Department which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. GIBSON members of the committee on the part of the Senate.

PETITIONS

The VICE PRESIDENT laid before the Senate the following resolution of the House of Representatives of the State of Ohio, which was referred to the Committee on Military Affairs:

Resolution memorializing Congress to adopt the Universal Service Act, H. R. 6704, now pending before that body

Be it resolved, That the Congress of the United States is hereby memorialized to adopt the Universal Service Act, H. R. 6704, to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace, now pending before that body; and be it further

Resolved, That a copy of this resolution be transmitted by the clerk of the house to the two United States Senators and to each of the 24 Congressmen from Ohio, and to the Clerk of the United States Senate, and to the Clerk of the House of Representatives.

The VICE PRESIDENT also laid before the Senate the following resolution of the House of Representatives of the State of Ohio, which was ordered to lie on the table:

Resolution memorializing Congress to enact a uniform wage and hour law

Whereas it is the consensus of opinion of a majority of the members of this house that it would be of economic benefit to the wage earners of our country if a law were enacted by Congress regulating wages and the number of hours in a workweek; and

Whereas the enactment of uniform, well-considered, and well-prepared minimum wage and maximum workweek legislation will contribute greatly to the industrial peace and economic welfare of our Nation as a whole: Therefore be it

Resolved, That the members of the house of representatives of the ninety-second general assembly hereby memorialize the Congress of the United States to speedily enact a law regulating wages and hours, which will provide for a uniform minimum rate of 40 cents per hour and a workweek of not more than 40 hours for all working men and women in all sections of the country wherever they may be employed throughout the United States; and be it further

Resolved, That copies of this resolution be transmitted by the clerk of the house of representatives to President Franklin D. Roosevelt, Vice President John N. Garner, the Clerk of the United States Senate, the Clerk of the United States House of Representatives, and to the United States Senators and the Members of Congress from Ohio.

Mr. LODGE presented a resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., favoring the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table.

REPORT OF COMMITTEE ON THE JUDICIARY

Mr. ASHURST (for Mr. MCCARRAN), from the Committee on the Judiciary, to which was referred the bill (S. 3052) to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes, reported it without amendment and submitted a report (No. 1316) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK:

A bill (S. 3332) to provide for recognizing the services rendered by civilian officers and employees in the construction and establishment of the Panama Canal and the Canal Zone; to the Committee on Interoceanic Canals.

By Mr. McADOO:

A bill (S. 3333) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Ben White, Arch Robinson, Lee Wells, W. S. Wells, A. J. McLaren, A. D. Barkelew, Oscar Clayton, R. L. Culpepper, W. B. Edwards, the estate of John McLaren, the estate of C. E. Wells, and the estate of Theodore Bowen; to the Committee on Claims.

By Mr. HAYDEN:

A bill (S. 3334) to authorize the erection of additional facilities to the existing United States Veterans' Administration facility at Tucson, Ariz.; to the Committee on Finance.

By Mr. PEPPER:

A bill (S. 3335) relating to appointments to the Military and Naval Academies of sons of certain officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps of the United States; to the Committee on Military Affairs.

By Mr. CLARK:

A joint resolution (S. J. Res. 249) to transfer jurisdiction of the Legislative Reference Service to the President of the Senate and the Speaker of the House of Representatives; to the Committee on the Library.

AMENDMENT OF TARIFF ACT OF 1930—LUMBER AND TIMBER PRODUCTS

Mr. MCNARY submitted an amendment intended to be proposed by him to the bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. MURRAY submitted amendments intended to be proposed by him to the Interior Department appropriation bill, 1939, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place, under the heading "Bureau of Reclamation", insert the following:

"Marias River investigations: To enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on en-

gineering and economic investigations, including all necessary surveys, to determine the economic and financial feasibility of establishing a reclamation project in the valley of the Marias River in the State of Montana, $50,000."

At the proper place, under the heading "Bureau of Reclamation", insert the following:

"Missouri and Milk River Valley investigations: To enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on engineering and economic investigations, including all necessary surveys, to determine the economic and financial feasibility of establishing reclamation projects in the valley of the Missouri and Milk Rivers in the State of Montana, $40,000."

At the proper place, under the heading "Bureau of Reclamation", insert the following:

"Yellowstone River Basin investigations: To enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on engineering and economic investigations, including all necessary surveys, to deterine the economic and financial feasibility of establishing reclamation projects in the basin formed by the Yellowstone River and its tributaries in the State of Montana, $45,000."

ELIZABETH REILY

Mr. HARRISON submitted the following resolution (S. Res. 228), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Elizabeth Reily, daughter of W. Jones Miller, late a messenger of the Senate under supervision of the Sergeant at Arms, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INTERNAL-REVENUE COLLECTIONS AND RELIEF EXPENDITURES

Mr. TOWNSEND. Mr. President, I ask permission to insert in the RECORD a very interesting tabulation, which shows the total internal-revenue collections from the several States and the total relief expenditures in the States by the Federal Government. The tabulation shows that the two totals are almost equal, being $15,649,100,000 for internal-revenue collections and $15,162,800,000 for relief expenditures.

In this study the States are divided into two sections. Section A includes all States west of the Mississippi River, group 1; and the southern tier of States, including Tennessee and South Carolina, group 2. Section B includes all the States north of the Mason and Dixon's line, group 3, and east of the Mississippi, together with group 4, consisting of Kentucky, Maryland, North Carolina, and Virginia. It will be observed that section B, groups 3 and 4, contributed 80 percent of the total revenue collections, but received only 48½ percent of the relief expenditures. Notwithstanding this inequality, groups 3 and 4 contain 60.8 percent of the total unemployed and 56.3 percent of those working on W. P. A., N. Y. A., C. C. C., and other emergency work. The difference between the amount contributed and the relief expenditures in groups 3 and 4 is $5,200,000,000, which sum these States paid out to groups 1 and 2, which had only 39.7 percent of the totally unemployed and 43.7 percent of those working on W. P. A., N. Y. A., C. C. C., and other emergency work.

This distribution of taxes, supposedly collected to help the unemployed, should be known. The tabulation which I submit shows the amounts, in millions of dollars, collected and expended in each State separately, both as a total and per capita. It shows also the number of Representatives in the House of Representatives, the estimated population, wealth, and the number of unemployed persons.

These data have all been taken from Federal statements, excepting those as to wealth, which were taken from the report of the Brookings Institution for the year 1929.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Comparison of total Federal relief expenditures and revenue collections, fiscal years 1933–37, inclusive

	Internal-revenue collections (millions)	Federal relief expenditures (millions)	Internal-revenue collections per capita	Federal relief expenditures per capita	Ratio of expenditures to collections	Number of Representatives in House	Population, estimated, 1936	Wealth of States (thousands), estimated, 1929	Totally unemployed and wanting work	Percent, by States, of total unemployed and wanting work	Working on W. P. A., N. Y. A., C. C. C., and other emergency work	Percent, by States, of work on W. P. A., N. Y. A., and C. C. C. emergency work
SECTION A												
GROUP 1. WEST OF THE MISSISSIPPI					Percent							
Arizona	9.0	136.3	$22.17	$335.71	1,514	1	406,000	1,840,009	12,948	0.2	8,476	0.4
Arkansas	17.1	267.9	8.45	132.43	1,567	7	2,020,000	3,539,443	92,149	1.6	34,254	1.7
California	870.8	721.0	143.72	119.00	83	20	6,059,000	21,044,427	258,005	4.4	91,055	4.5
Colorado	84.5	197.8	79.27	185.55	234	4	1,066,000	4,512,176	44,272	.8	20,829	1.0
Idaho	9.1	122.2	18.76	252.00	1,343	2	485,000	2,147,517	18,641	.3	7,239	.4
Iowa	87.3	373.3	34.33	146.80	428	9	2,540,000	14,716,635	61,531	1.1	23,765	1.2
Kansas	85.5	337.6	45.34	179.00	395	7	1,886,000	8,709,681	64,575	1.1	35,038	1.7
Minnesota	217.3	376.2	82.48	142.77	173	9	2,635,000	11,966,085	98,495	1.7	45,684	2.3
Missouri	386.7	411.8	97.67	104.02	106	13	3,959,000	13,839,614	191,873	3.3	65,109	3.2
Montana	20.9	241.4	39.36	454.51	1,155	2	531,000	3,112,464	28,390	.5	20,203	1.0
Nebraska	50.4	286.4	36.95	209.97	568	5	1,364,000	7,448,105	44,872	.8	25,850	1.3
Nevada	11.7	74.0	117.00	740.00	632	1	100,000	758,402	3,091	.1	1,757	.1
New Mexico	5.4	121.8	12.80	288.63	2,256	1	422,000	1,192,570	21,162	.4	9,428	.5
North Dakota	6.2	223.6	8.82	318.07	3,606	2	703,000	3,453,880	26,962	.5	18,707	.9
Oklahoma	208.9	323.0	82.63	127.96	155	9	2,528,000	5,590,933	114,114	2.0	58,725	2.9
Oregon	36.9	185.7	36.28	182.60	503	3	1,017,000	4,787,242	55,557	1.0	14,634	.7
South Dakota	6.3	224.1	9.10	321.84	3,557	2	692,000	4,096,355	26,002	.5	23,680	1.2
Texas	346.9	763.1	56.69	124.75	220	21	6,117,000	13,791,240	229,253	3.9	76,355	3.8
Utah	20.1	105.1	38.95	203.68	523	2	516,000	2,149,667	18,848	.3	10,945	.5
Washington	85.8	281.3	52.22	171.21	328	6	1,643,000	7,171,367	84,871	1.5	31,078	1.6
Wyoming	7.3	81.6	31.33	350.21	1,118	1	233,000	1,366,734	7,665	.1	3,191	.2
Total	2,574.1	5,855.2				127	36,922,000	137,294,549	1,508,277	26.1	626,602	31.1
GROUP 2. SOUTHERN TIER												
Alabama	45.0	368.0	15.70	128.50	818	9	2,864,000	4,202,860	150,145	2.5	38,739	1.9
Florida	100.3	211.9	61.07	129.05	211	5	1,642,000	2,298,000	73,479	1.3	33,151	1.7
Georgia	109.7	334.2	35.85	109.22	305	10	3,060,000	4,284,000	130,803	2.2	36,589	1.8
Louisiana	112.8	241.7	53.16	113.90	214	8	2,122,000	4,782,604	143,031	2.5	54,352	2.7
Mississippi	12.9	253.8	6.42	126.39	1,967	7	2,008,000	2,811,200	89,504	1.5	29,377	1.5
South Carolina	57.0	216.8	30.64	116.56	380	6	1,860,000	2,604,000	73,227	1.3	29,401	1.5
Tennessee	88.6	330.9	30.94	115.54	373	9	2,864,000	3,009,600	116,142	2.0	31,956	1.6
Total	526.3	1,957.3				54	16,420,000	23,992,264	776,331	13.3	253,563	12.7

Comparison of total Federal relief expenditures and revenue collections, fiscal years 1933–37, inclusive—Continued

	Internal-revenue collections (millions)	Federal relief expenditures (millions)	Internal-revenue collections per capita	Federal relief expenditures per capita	Ratio of expenditures to collections (Percent)	Number of Representatives in House	Population, estimated, 1936	Wealth of States (thousands), estimated, 1929	Totally unemployed and wanting work	Percent, by States, of total unemployed and wanting work	Working on W. P. A., N. Y. A., C. C. C., and other emergency work	Percent, by States, of work on W. P. A., N. Y. A., and C. C. C. emergency work
SECTION B												
GROUP 3. NORTH OF MASON AND DIXON'S LINE												
Connecticut	207.6	110.0	$119.72	$63.44	53	6	1,734,000	7,400,400	69,576	1.2	18,206	0.9
Delaware	160.2	28.4	618.50	109.65	18	1	259,000	876,071	8,907	.2	2,429	.1
Illinois	1,330.8	897.5	169.62	114.40	67	27	7,845,000	31,025,911	338,555	5.7	121,688	6.1
Indiana	275.7	333.2	79.70	96.33	121	12	3,459,000	12,361,616	133,136	2.3	53,267	2.7
Maine	37.2	68.9	43.61	80.77	185	3	853,000	2,809,143	37,814	.7	6,050	.3
Massachusetts	531.2	428.8	120.04	96.90	81	15	4,425,000	18,173,174	248,484	4.2	79,135	3.9
Michigan	763.9	448.4	159.71	93.75	59	17	4,783,000	15,966,805	195,016	3.4	54,172	2.7
New Hampshire	23.5	44.1	46.25	86.81	188	2	508,000	1,903,789	25,311	.4	6,628	.3
New Jersey	622.7	344.5	143.88	79.60	55	14	4,328,000	16,511,864	217,176	3.7	70,354	3.5
New York	3,388.1	1,545.7	261.93	119.49	46	45	12,935,000	51,849,366	763,322	13.1	206,518	10.2
Ohio	817.0	717.6	121.70	106.89	88	24	6,713,000	25,885,372	304,682	5.2	105,185	5.3
Pennsylvania	1,255.0	921.2	123.82	90.88	73	34	10,136,000	40,367,243	566,437	9.6	184,014	9.1
Rhode Island	82.5	44.9	121.14	65.93	54	2	681,000	2,664,056	48,654	.8	14,889	.7
Vermont	10.0	48.7	26.32	128.16	487	1	380,000	1,178,856	10,197	.2	4,128	.2
West Virginia	56.5	194.2	30.86	106.12	344	6	1,830,000	6,535,086	86,449	1.5	34,061	1.7
Wisconsin	253.5	355.8	87.17	122.35	140	10	2,908,000	11,012,513	112,728	1.8	46,574	2.3
Total	9,815.4	6,731.9				219	63,777,000	246,581,265	3,160,944	54.0	1,007,298	50.0
GROUP 4. STATES WHOSE REVENUE IS DERIVED LARGELY FROM LIQUOR AND TOBACCO TAXES												
Kentucky	418.8	212.6	145.26	73.74	51	9	2,883,000	5,015,347	143,031	2.5	54,352	2.7
Maryland	268.5	137.9	160.39	82.38	51	6	1,674,000	5,586,476	58,288	1.0	12,947	.6
North Carolina	1,351.5	276.3	390.94	79.92	20	11	3,457,000	6,360,354	94,711	1.6	31,030	1.5
Virginia	694.5	191.6	260.02	71.73	28	9	2,671,000	6,848,198	84,487	1.5	28,112	1.4
Total	2,733.3	818.4				35	10,685,000	23,810,375	380,517	6.6	126,441	6.2

	All States	Groups 1 and 2	Percent of total	Groups 3 and 4	Percent of total
Total internal revenue collections	[1] 15,649.1	[1] 3,100.4	19.8	[1] 12,548.7	80.2
Total relief expenditures	[1] 15,162.8	[1] 7,812.5	51.5	[1] 7,350.3	48.5
Persons totally unemployed	5,826,069	2,284,608	39.2	3,541,561	60.8
Persons working on W. P. A., N. Y. A., C. C. C., and other emergency work	2,013,304	879,565	43.7	1,133,739	56.3

[1] Millions of dollars.

THEODORE W. NOYES

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address delivered by Theodore W. Noyes, publisher of the Washington Star, at a testimonial dinner in his honor held in the city of Washington on January 26, 1938, which appears in the Appendix.]

ADDRESS BY GOVERNOR LEHMAN BEFORE NEW YORK STATE BAR ASSOCIATION

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an address delivered by the Governor of New York before the New York State Bar Association on January 22, 1938, which appears in the Appendix.]

ORDER OF BUSINESS

Mr. KING obtained the floor.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KING. I yield if I shall not lose the floor.

The VICE PRESIDENT. The Senator from Utah has been recognized; and if he yields the floor, and the rule is invoked, it will count as one speech against him.

Mr. CLARK. I withdraw the request.

Mr. ADAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. KING. I yield for a question; or I yield if I may do so without losing the floor.

Mr. ADAMS. Mr. President, there is on the desk a privileged matter, a conference report, which I assume could be taken up without interfering with the Senator's right to the floor.

The VICE PRESIDENT. If the Senator from Colorado had been on his feet first the Chair could have recognized him, and would have done so; but he cannot do it now, because it would be the transaction of business, unless the Senate gives unanimous consent.

Mr. ADAMS. I ask unanimous consent that that may be done.

The VICE PRESIDENT. The Senator from Colorado asks unanimous consent that he be permitted to bring up a privileged conference report for consideration without interfering with the rights of the Senator from Utah with reference to the number of speeches made on this bill.

Mr. BORAH. Mr. President, may not that unanimous consent be extended to the transaction of morning business?

The VICE PRESIDENT. Is there objection to the Chair recognizing various Senators to submit resolutions, and so forth, without affecting the rights of the Senator from Utah?

The Chair hears none.

(At this point, by unanimous consent, routine business was transacted, which appears under the appropriate headings elsewhere in today's RECORD.)

APPROPRIATIONS FOR SUGAR CONTROL ACT AND CROP-PRODUCTION AND HARVESTING LOANS—CONFERENCE REPORT

Mr. ADAMS. Mr. President, yesterday there was submitted the conference report on House Joint Resolution 571. At that time a motion was made that the report be agreed to, but at the request of the junior Senator from Texas [Mr. CONNALLY] the matter went over until today. I now ask for the adoption of the report.

The VICE PRESIDENT. Without objection, the report will be read.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, and 5, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SENATE

"That the following sums are hereby appropriated, out of any money in the Treasury, not otherwise appropriated, for expenses of the Senate, namely:"

And the Senate agree to the same.

ALVA B. ADAMS,
CARTER GLASS,
FREDERICK HALE,
Managers on the part of the Senate.

EDWARD T. TAYLOR,
C. A. WOODRUM,
CLARENCE CANNON,
JOHN TABER,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. KING. Mr. President, will the Senator explain the matter embodied in the report?

Mr. ADAMS. Gladly. It is purely a textual amendment. In the short House joint resolution passed a few days ago there was added by the Appropriations Committee of the Senate an appropriation to provide money for the Senate committees and for the maintenance of the Senate restaurant. In the preparation of the amendment the clerks of the Appropriations Committee assumed that the form of the joint resolution was like that of ordinary appropriation bills, with an appropriation clause in it, and so they merely added the items. When the joint resolution was examined, however, it was found that it did not have the preceding appropriation clause, so the conference report simply seeks to correct that textual mistake by adding the formal words of appropriation.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

NATIONAL HOUSING PROGRAM—CONFERENCE REPORT

Mr. BARKLEY. Mr. President, will the Senator from Utah yield to me for a statement with reference to procedure, without taking the Senator off his feet?

Mr. KING. With that understanding, I yield.

Mr. BARKLEY. The Senator from New York [Mr. WAGNER] had intended to file the report on the housing bill at this hour, with an announcement that it would be taken up on Monday. He has inadvertently left the report at his office. As soon as it is obtained he will file it, with the statement that he contemplates bringing it up on Monday. I thought Senators ought to know that.

Mr. WAGNER subsequently, during Mr. KING's speech, said: Mr. President, will the Senator from Utah yield to me so that I may present a conference report?

Mr. KING. Mr. President, I ask unanimous consent that I may yield to the Senator from New York while he presents a conference report.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. WAGNER. Mr. President, I send to the desk and ask to file the conference report on House bill 8730, the National Housing Act amendment of 1938. I wish to say that on Monday I propose to move the consideration of the report. I ask that the report may lie on the table.

The report submitted by Mr. WAGNER is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) to amend the National Housing Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'National Housing Act Amendments of 1938.'

"SEC. 2. Subsections (a) and (b) of section 2 of the National Housing Act, as amended, are amended to read as follows:

"'SEC. 2. (a) The Administrator is authorized and empowered, upon such terms and conditions as he may prescribe, to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies, and other such financial institutions, which the Administrator finds to be qualified by experience or facilities and approves as eligible for credit insurance, against losses which they may sustain as a result of loans and advances of credit, and purchases of obligations representing loans and advances of credit, made by them on and after the date of the enactment of the National Housing Act Amendments of 1938 and prior to July 1, 1939, or such earlier date as the President may fix by proclamation upon his determination that there no longer exists any necessity for such insurance in order to make ample credit available for the purpose of financing alterations, repairs, and improvements upon urban, suburban, or rural real property, by the owners thereof or by lessees of such real property under a lease expiring not less than six months after the maturity of the loan or advance of credit. In no case shall the insurance granted by the Administrator under this section to any such financial institution on loans, advances of credit, and purchases made by such financial institution for such purposes on and after the date of the enactment of the National Housing Act Amendments of 1938 exceed 10 per centum of the total amount of such loans, advances of credit, and purchases. The total liability which may be outstanding at any time plus the amount of claims paid in respect of all insurance heretofore and hereafter granted under this section and section 6, as amended, shall not exceed in the aggregate $100,000,000.

"'(b) No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, if the amount of such loan, advance of credit, or purchase exceeds $10,000 with respect to loans, advances, or purchases for financing repairs, alterations, or improvements upon or in connection with existing structures, or exceeds $2,500 with respect to loans, advances, or purchases for financing the building of new structures, nor unless the obligation bears such interest, has such maturity, and contains such other terms, conditions, and restrictions as the Administrator shall prescribe in order to make credit available for the purposes of this title.'

"SEC. 3. Title II of the National Housing Act, as amended, is amended to read as follows:

"'TITLE II—MORTGAGE INSURANCE

"'DEFINITIONS

"'SECTION 201. As used in section 203 of this title—

"'(a) The term "mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (1) under a lease for not less than ninety-nine years which is renewable or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State, district, or Territory in which the real estate is located, together with the credit instruments, if any, secured thereby.

"'(b) The term "mortgagee" includes the original lender under a mortgage, and his successors and assigns approved by the Administrator; and the term "mortgagor" includes the original borrower under a mortgage and his successors and assigns.

"'(c) The term "maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

"'MUTUAL MORTGAGE INSURANCE FUND

"'SEC. 202. There is hereby created a Mutual Mortgage Insurance Fund (hereinafter referred to as the "Fund"), which shall be used by the Administrator as a revolving fund for carrying out the provisions of this title with respect to mortgages insured under section 203 as hereinafter provided, and there shall be allocated immediately to such Fund the sum of $10,000,000 out of funds made available to the Administrator for the purposes of this title.

"'INSURANCE OF MORTGAGES

"'SEC. 203. (a) The Administrator is authorized, upon application by the mortgagee, to insure as hereinafter provided any mortgage offered to him which is eligible for insurance as hereinafter provided, and, upon such terms as the Administrator may prescribe, to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon: *Provided*, That the aggregate amount of principal obligations of all mortgages insured under this title and outstanding at any one time shall not exceed $2,000,000,000, except that with the approval of the President such aggregate amount may be increased to not to exceed $3,000,000,000: *Provided further*, That on and after July 1, 1939, no mortgages shall be insured under this title except mortgages (1) that cover property which is approved for mortgage insurance prior to the completion of the construction of such property, or (2) that cover property the construction of which was commenced after January 1, 1937, and was completed prior to July 1, 1939, or (3) that cover property which has been previously covered by a mortgage insured by the Administrator.

"'(b) To be eligible for insurance under this section a mortgage shall—

"'(1) Have been made to, and be held by, a mortgagee approved by the Administrator as responsible and able to service the mortgage properly.

"'(2) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Administrator shall approve) in an amount—

"'(A) not to exceed $16,000 and not to exceed 80 per centum of the appraised value (as of the date the mortgage is accepted for insurance) of a property upon which there is located a dwelling or dwellings designed principally for residential use for not more than four families in the aggregate, irrespective of whether such dwelling or dwellings have a party wall or are otherwise physically connected with another dwelling or dwellings, or

"'(B) not to exceed $5,400 and not to exceed 90 per centum of the appraised value (as of the date the mortgage is accepted for insurance) of a property, urban, suburban, or rural, upon which there is located a dwelling designed principally for a single-family residence (i) the construction of which is begun after the date of enactment of the National Housing Act Amendments of 1938 and which is approved for mortgage insurance prior to the beginning of construction, or (ii) the construction of which was begun after January 1, 1937, and prior to the date of enactment of the National Housing Act Amendments of 1938, and which has not been sold or occupied since completion: *Provided*, That with respect to mortgages insured under this paragraph the mortgagor shall be the owner and occupant of the property at the time of the insurance and shall have paid on account of the property at least 10 per centum of the appraised value in cash or its equivalent, or

"'(C) not to exceed $8,600 and not to exceed the sum of (1) 90 per centum of $6,000 of the appraised value (as of the date the mortgage is accepted for insurance) and (ii) 80 per centum of such value in excess of $6,000 and not in excess of $10,000, of a property of the character described in paragraph (2) (B) of this subsection and subject to the same limitations and conditions which apply to such property.

"'(3) Have a maturity satisfactory to the Administrator, but not to exceed twenty years from the date of the insurance of the mortgage: *Provided*, That until July 1, 1939, a mortgage of the character described in paragraph (2) (B) of this subsection shall be eligible for insurance under this section if it has a maturity satisfactory to the Administrator, but not to exceed twenty-five years from the date of the insurance of the mortgage.

"'(4) Contain complete amortization provisions satisfactory to the Administrator requiring periodic payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Administrator.

"'(5) Bear interest (exclusive of premium charges for insurance) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time, or not to exceed 6 per centum per annum if the Administrator finds that in certain areas or under special circumstances the mortgage market demands it.

"'(6) Provided, in a manner satisfactory to the Administrator, for the application of the mortgagor's periodic payments (exclusive of the amount allocated to interest and to the premium charge which is required for mortgage insurance as hereinafter provided) to amortization of the principal of the mortgage.

"'(7) Contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserves, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Administrator may in his discretion prescribe.

"'(c) The Administrator is authorized to fix a premium charge for the insurance of mortgages under this title but in the case of any mortgage such charge shall not be less than an amount equivalent to one-half of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time, without taking into account delinquent payments or prepayments: *Provided*, That a premium charge so fixed and computed shall also be applicable to each mortgage insured prior to the date of enactment of the National Housing Act Amendments of 1938 in lieu of any premium charge which would otherwise become due after such date with respect to such mortgage: *Provided further*, That in the case of any mortgage described in section 203 (b) (2) (B) and accepted for insurance after such date and prior to July 1, 1939, the premium charge shall be one-fourth of 1 per centum per annum on such outstanding principal obligation. Such premium charges shall be payable by the mortgagee, either in cash, or in debentures issued by the Administrator under this title at par plus accrued interest, in such manner as may be prescribed by the Administrator: *Provided*, That the Administrator may require the payment of one or more such premium charges at the time the mortgage is insured, at such discount rate as he may prescribe not in excess of the interest rate specified in the mortgage. If the Administrator finds upon the presentation of a mortgage for insurance and the tender of the initial premium charge or charges so required that the mortgage complies with the provisions of this section, such mortgage may be accepted for insurance by endorsement or otherwise as the Administrator may prescribe; but no mortgage shall be accepted for insurance under this section unless the Administrator finds that the project with respect to which the mortgage is executed is economically sound. In the event that the principal obligation of any mortgage accepted for insurance under this section or section 210 is paid in full prior to the maturity date, the Administrator is further authorized in his discretion to require the payment by the mortgagee of an adjusted premium charge in such amount as the Administrator determines to be equitable, but not in excess of the aggregate amount of the premium charges that the mortgagee would otherwise have been required to pay if the mortgage had continued to be insured under this section until such maturity date; and in the event that the principal obligation is paid in full as herein set forth and a mortgage on the same property is accepted for insurance at the time of such payment, the Administrator is authorized to refund to the mortgagee for the account of the mortgagor all, or such portion as he shall determine to be equitable, of the current unearned premium charges theretofore paid.

"'(d) The Administrator is authorized to insure, pursuant to the provisions of this section, any mortgage which (A) covers a farm upon which a farm house or other farm buildings are to be constructed or repaired, and (B) otherwise would be eligible for insurance under the provisions of paragraph (b) of this section: *Provided*, That the construction and repairs to be undertaken on such farm shall involve the expenditure for materials and labor of an amount not less than 15 per centum of the total principal obligation of said mortgage.

"'PAYMENT OF INSURANCE

"'SEC. 204. (a) In any case in which the mortgagee under a mortgage insured under section 203 or section 210 shall have foreclosed and taken possession of the mortgaged property in accordance with regulations of, and within a period to be determined by, the Administrator, or shall, with the consent of the Administrator, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon (1) the prompt conveyance to the Administrator of title to the property which meets the requirements of rules and regulations of the Administrator in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations, and (2) the assignment to him of all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings, except such claims as may have been released with the consent of the Administrator. Upon such conveyance and assignment the obligation of the mortgagee to pay the premium charges for insurance shall cease and the Administrator shall, subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face value equal to the value of the mortgage and a certificate of claim, as hereinafter provided. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Administrator, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property after default other than by foreclosure, the amount of all payments which have been made by the mortgagee for taxes, special assessments, water rates, which are liens prior to the mortgage, insurance on the property mortgaged, and any mortgage insurance premiums paid after either of such dates, and by deducting from such total amount any amount received on account of the mortgage after either of such dates, and any amount received as rent or other income from the property, less reasonable expenses incurred in handling the property, after either of such dates: *Provided*, That with respect to mortgages which are accepted for insurance prior to July 1, 1939, under section 203 (b) (2) (B) of this Act, and which are foreclosed before there shall have been paid on account of the principal obligation of the mortgage a sum equal to 10 per centum of the appraised value of the property as of the date the mortgage was accepted for insurance, there may be included in the debentures issued by the Administrator, on account of foreclosure costs actually paid by the mortgagee and approved by the Administrator an amount not in excess of 2 per centum of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings, but in no event in excess of $75.

"'(b) The Administrator may at any time, under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instrument secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage.

"'(c) Debentures issued under this section shall be in such form and denominations in multiples of $50, shall be subject to such terms and conditions, and shall include such provisions for redemption, if any, as may be prescribed by the Administrator with the approval of the Secretary of the Treasury, and may be in coupon or registered form. Any difference between the value of the mortgage determined as herein provided and the aggregate face value of the debentures issued, not to exceed $50, shall be adjusted by the payment of cash by the Administrator to the mortgagee from the Fund as to mortgages insured under section 203 and from the Housing Fund as to mortgages insured under section 210.

"'(d) The debentures issued under this section to any mortgagee with respect to mortgages insured under section 203 shall be executed in the name of the Mutual Mortgage Insurance Fund as obligor, shall be signed by the Administrator by either his written or engraved signature, and shall be negotiable and the debentures issued under this section to any mortgagee with respect to mortgages insured under section 210 shall be executed in the name of the Housing Insurance Fund as obligor, shall be signed by the Administrator by either his written or engraved signature, and

shall be negotiable. All such debentures shall be dated as of the date foreclosure proceedings were instituted, or the property was otherwise acquired by the mortgagee after default, and shall bear interest from such date at a rate determined by the Administrator, with the approval of the Secretary of the Treasury, at the time the mortgage was offered for insurance, but not to exceed 3 per centum per annum, payable semiannually on the 1st day of January and the 1st day of July of each year, and shall mature three years after the 1st day of July following the maturity date of the mortgage on the property in exchange for which the debentures were issued. Such debentures as are issued in exchange for property covered by mortgages insured under section 203 or section 207 prior to the date of enactment of the National Housing Act Amendments of 1938 shall be subject only to such Federal, State, and local taxes as the mortgages in exchange for which they are issued would be subject to in the hands of the holder of the debentures and shall be a liability of the Fund, but such debentures shall be fully and unconditionally guaranteed as to principal and interest by the United States; but any mortgagee entitled to receive any such debentures may elect to receive in lieu thereof a cash adjustment and debentures issued as hereinafter provided and bearing the current rate of interest. Such debentures as are issued in exchange for property covered by mortgages insured after the date of enactment of the National Housing Act Amendments of 1938 shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; and such debentures shall be paid out of the Fund, or the Housing Fund, as the case may be, which shall be primarily liable therefor, and they shall be fully and unconditionally guaranteed as to principal and interest by the United States, and such guaranty shall be expressed on the face of the debentures. In the event that the Fund or the Housing Fund fails to pay upon demand, when due, the principal of or interest on any debentures issued under this section, the Secretary of the Treasury shall pay to the holders the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures.

"'(e) The certificate of claim issued by the Administrator to any mortgagee shall be for an amount which the Administrator determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, at the time of the conveyance to the Administrator of the property covered by the mortgage, the mortgagor had redeemed the property and paid in full all obligations under the mortgage and a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings, or the acquisition of the mortgaged property otherwise, and the conveyance thereof to the Administrator. Each such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of 3 per centum per annum which shall not be compounded. The amount to which the holder of any such certificate shall be entitled shall be determined as provided in subsection (f).

"'(f) If the net amount realized from any property conveyed to the Administrator under this section and the claims assigned therewith, after deducting all expenses incurred by the Administrator in handling, dealing with, and disposing of such property and in collecting such claims, exceeds the face value of the debentures issued and the cash paid in exchange for such property plus all interest paid on such debentures, such excess shall be divided as follows:

"'(1) If such excess is greater than the total amount payable under the certificate of claim issued in connection with such property, the Administrator shall pay to the holder of such certificate the full amount so payable, and any excess remaining thereafter shall be paid to the mortgagor of such property; and

"'(2) If such excess is equal to or less than the total amount payable under such certificate of claim, the Administrator shall pay to the holder of such certificate the full amount of such excess.

"'(g) Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, the Administrator shall have power to deal with, complete, rent, renovate, modernize, insure, or sell for cash or credit, in his discretion, any properties conveyed to him in exchange for debentures and certificates of claim as provided in this section; and notwithstanding any other provision of law, the Administrator shall also have power to pursue to final collection, by way of compromise or otherwise, all claims against mortgagors assigned by mortgagees to the Administrator as provided in this section: *Provided*, That section 3709 of the Revised Statutes shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $1,000.

"'(h) No mortgagee or mortgagor shall have, and no certificate of claim shall be construed to give to any mortgagee or mortgagor, any right or interest in any property conveyed to the Administrator or in any claim assigned to him; nor shall the Administrator owe any duty to any mortgagee or mortgagor with respect to the handling or disposal of any such property or the collection of any such claim.

"'CLASSIFICATION OF MORTGAGES AND REINSURANCE FUND

"'SEC. 205. (a) Mortgages accepted for insurance under section 203 shall be classified into groups in accordance with sound actuarial practice and risk characteristics. Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any such mortgage, the receipts derived from the property covered by the mortgage and claims assigned to the Administrator in connection therewith and all earnings on the assets of the group account shall be credited to the account of the group to which the mortgage is assigned. The principal of and interest paid and to be paid on debentures issued in exchange for property conveyed to the Administrator under section 204 in connection with mortgages insured under section 203, payments made or to be made to the mortgagee and the mortgagor as provided in section 204, and expenses incurred in the handling of the property covered by the mortgage and in the collection of claims assigned to the Administrator in connection therewith, shall be charged to the account of the group to which such mortgage is assigned.

"'(b) The Administrator shall also provide, in addition to the several group accounts, a general reinsurance account, the credit in which shall be available to cover charges against such group accounts where the amounts credited to such accounts are insufficient to cover such charges. General expenses of operation of the Federal Housing Administration under this title with respect to mortgages insured under section 203 may be allocated in the discretion of the Administrator among the several group accounts or charged to the general reinsurance account, and the amount allocated to the Fund under section 202 shall be credited to the general reinsurance account; except that any expenses incurred with respect to mortgages described in section 203 (b) (2) (B) shall be charged to the general reinsurance account.

"'(c) The Administrator shall terminate the insurance as to any group of mortgages (1) when he shall determine that the amounts to be distributed as hereinafter set forth to each mortgagee under an outstanding mortgage assigned to such group are sufficient to pay off the unpaid principal of each such mortgage, or (2) when all the outstanding mortgages in any group have been paid. Upon such termination the Administrator shall charge to the group account the estimated losses arising from transactions relating to that group, shall transfer to the general reinsurance account an amount equal to 10 per centum of the total premium charges theretofore credited to such group account, and shall distribute to the mortgagees for the benefit and account of the mortgagors of the mortgages assigned to such group the balance remaining in such group account. Any such distribution to mortgagees shall be made equitably and in accordance with sound actuarial and accounting practice.

"'(d) No mortgagor or mortgagee of any mortgage insured under section 203 shall have any vested right in a credit balance in any such account, or be subject to any liability arising out of the mutuality of the Fund, and the determination of the Administrator as to the amount to be paid by him to any mortgagee or mortgagor shall be final and conclusive.

"'(e) In the event that any mortgagee under a mortgage insured under this title forecloses on the mortgaged property but does not convey such property to the Administrator in accordance with section 204, and the Administrator is given written notice thereof, or in the event that the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof, and the mortgagee pays any adjusted premium charge required under the provisions of section 203 (c), and the Administrator is given written notice by the mortgagee of the payment of such obligation, the obligation to pay any subsequent premium charge for insurance shall cease, and all rights of the mortgagee and the mortgagor under section 204 shall terminate as of the date of such notice. Upon such termination the mortgagor under a mortgage insured under section 203 shall be entitled to receive a share of the credit balance of the group account to which the mortgage has been assigned in such amount as the Administrator shall determine to be equitable and not inconsistent with the solvency of the group account and of the Fund.

"'INVESTMENT OF FUNDS

"'SEC. 206. Moneys in the Fund not needed for the current operations of the Federal Housing Administration shall be deposited with the Treasurer of the United States to the credit of the Fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Administrator may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under the provisions of section 204. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued, and the several group accounts to which such debentures have been charged shall be charged with the amounts used in making such purchases.

"'RENTAL HOUSING INSURANCE

"'SEC. 207. (a) As used in this section—

"'(1) The term "mortgage" means a first mortgage on real estate in fee simple, or on the interest of either the lessor or lessee thereof

(A) under a lease for not less than ninety-nine years which is renewable or (B) under a lease having a period of not less than fifty years to run from the date the mortgage was executed, upon which there is located or upon which there is to be constructed a building or buildings designed principally for residential use; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances (including but not being limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State, district, or Territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby, and may be in the form of trust mortgages or mortgage indentures or deeds of trust securing notes, bonds, or other credit instruments.

"'(2) The term "mortgagee" means the original lender under a mortgage, and its successors and assigns, and includes the holders of credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

"'(3) The term "mortgagor" means the original borrower under a mortgage and its successors and assigns.

"'(4) The term "maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with the periodic payments provided for in the mortgage.

"'(5) The term "slum or blighted area" means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health, or morals.

"'(6) The term "rental housing" means housing, the occupancy of which is permitted by the owner thereof in consideration of the payment of agreed charges, whether or not, by the terms of the agreement, such payment over a period of time will entitle the occupant to the ownership of the premises.

"'(b) In addition to mortgages insured under section 203, the Administrator is authorized to insure mortgages as defined in this section (including advances on such mortgages during construction) which cover property held by—

"'(1) Federal or State instrumentalities, municipal corporate instrumentalities of one or more States, or limited dividend corporations formed under and restricted by Federal or State housing laws as to rents, charges, capital structure, rate of return, or methods of operation; or

"'(2) Private corporations, associations, cooperative societies which are legal agents of owner-occupants, or trusts formed or created for the purpose of rehabilitating slum or blighted areas, or providing housing for rent or sale, and which possess powers necessary therefor and incidental thereto, and which, until the termination of all obligations of the Administrator under such insurance, are regulated or restricted by the Administrator as to rents or sales, charges, capital structure, rate of return, and methods of operation to such extent and in such manner as to provide reasonable rentals to tenants and a reasonable return on the investment. The Administrator may make such contracts with, and acquire for not to exceed $100 such stock or interest in, any such corporation, association, cooperative society, or trust as he may deem necessary to render effective such restriction or regulation. Such stock or interest shall be paid for out of such Housing Fund, and shall be redeemed by the corporation, association, cooperative society, or trust at par upon the termination of all obligations of the Administrator under the insurance.

"'(c) To be eligible for insurance under this section a mortgage on any property or project shall involve a principal obligation in an amount not to exceed $5,000,000 and not to exceed 80 per centum of the amount which the Administrator estimates will be the value of the property or project when the proposed improvements are completed, and such part thereof as may be attributable to dwelling use shall not exceed $1,350 per room, and the mortgage shall provide for complete amortization by periodic payments within such term as the Administrator shall prescribe, and shall bear interest (exclusive of premium charges for insurance) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time. The Administrator may consent to the release of a part or parts of the mortgaged property from the lien of the mortgage upon such terms and conditions as he may prescribe and the mortgage may provide for such release. No mortgage shall be accepted for insurance under this section or section 210 unless the Administrator finds that the property or project, with respect to which the mortgage is executed, is economically sound.

"'(d) The Administrator shall collect a premium charge for the insurance of mortgages under this section and section 210 which shall be payable annually in advance by the mortgagee, either in cash or in debentures issued by the Administrator under this title at par plus accrued interest. In addition to the premium charge herein provided for, the Administrator is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project offered for insurance and for the inspection of such property or project during construction: *Provided*, That such charges for appraisal and inspection shall not aggregate more than one-half of 1 per centum of the original face amount of the mortgage.

"'(e) In the event that the principal obligation of any mortgage accepted for insurance under this section is paid in full prior to the maturity date, the Administrator is authorized in his discretion to require the payment by the mortgagee of an adjusted premium charge in such amount as the Administrator determines to be equitable, but not in excess of the aggregate amount of the premium charges that the mortgagee would otherwise have been required to pay if the mortgage had continued to be insured until such maturity date.

"'(f) There is hereby created a Housing Insurance Fund (herein referred to as the "Housing Fund") which shall be used by the Administrator as a revolving fund for carrying out the provisions of this section and section 210, and the Administrator is hereby directed to transfer immediately to such Housing Fund the sum of $1,000,000 from that part of the Fund now held by him arising from appraisal fees heretofore collected by him. General expenses of operations of the Federal Housing Administration under this section and section 210 may be charged to the Housing Fund.

"'(g) The failure of the mortgagor to make any payment due under or provided to be paid by the terms of a mortgage insured under this section shall be considered a default under such mortgage and, if such default continues for a period of thirty days, the mortgagee shall be entitled to receive the benefits of the insurance as hereinafter provided, upon assignment, transfer, and delivery to the Administrator, within a period and in accordance with rules and regulations to be prescribed by the Administrator of (1) all rights and interests arising under the mortgage so in default; (2) all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction; (3) all policies of title or other insurance or surety bonds or other guaranties and any and all claims thereunder; (4) any balance of the mortgage loan not advanced to the mortgagor; (5) any cash or property held by the mortgagee, or to which it is entitled, as deposits made for the account of the mortgagor and which have not been applied in reduction of the principal of the mortgage indebtedness; and (6) all records, documents, books, papers, and accounts relating to the mortgage transactions. Upon such assignment, transfer, and delivery the obligation of the mortgagee to pay the premium charges for mortgage insurance shall cease, and the Administrator shall, subject to the cash adjustment provided for in subsection (j), issue to the mortgagee a certificate of claim as provided in subsection (h), and debentures having a total face value equal to the original principal face amount of the mortgage plus such amount as the mortgagee may have paid for (A) taxes, special assessments, and water rates, which are liens prior to the mortgage; (B) insurance on the property; and (C) reasonable expenses for the completion and preservation of the property, less the sum of (i) that part of the amount of the principal obligation that has been repaid by the mortgagor, (ii) an amount equivalent to 2 per centum of the unpaid amount of such principal obligation, and (iii) any net income received by the mortgagee from the property: *Provided*, That the mortgagee, in the event of a default under the mortgage, may, at its option and in accordance with rules and regulations to be prescribed by the Administrator, proceed to foreclose on or otherwise acquire the property as provided in the case of a mortgage which is in default under section 210 and receive the benefits of the insurance as provided in such section.

"'(h) The certificate of claim issued by the Administrator to any mortgagee upon the assignment of the mortgage to the Administrator shall be for an amount which the Administrator determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, on the date of the assignment, transfer and delivery to the Administrator provided for in subsection (g), the mortgagor had extinguished the mortgage indebtedness by payment in full of all obligations under the mortgage. Each such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of 3 per centum per annum which shall not be compounded. If the net amount realized from the mortgage, and all claims in connection therewith, so assigned, transferred, and delivered, and from the property covered by such mortgage and all claims in connection with such property, after deducting all expenses incurred by the Administrator in handling, dealing with, acquiring title to, and disposing of such mortgage and property and in collecting such claims, exceeds the face value of the debentures issued and the cash adjustment paid to the mortgagee plus all interests paid on such debentures, such excess shall be divided as follows:

"'(1) If such excess is greater than the total amount payable under the certificate of claim issued in connection with such property, the Administrator shall pay to the holder of such certificate the full amount so payable, and any excess remaining thereafter shall be paid to the mortgagor of such property; and

"'(2) If such excess is equal to or less than the total amount payable under such certificate of claim, the Administrator shall pay to the holder of such certificate the full amount of such excess.

"'(i) Debentures issued under this section upon the assignment of an insured mortgage to the Administrator shall be executed in the name of the Housing Insurance Fund as obligor shall be signed by the Administrator, by either his written or engraved signature, and shall be negotiable. They shall bear interest at a rate determined by the Administrator, with the approval of the Secretary of the Treasury, at the time the mortgage was insured, but not to exceed 3 per centum per annum payable semiannually on the 1st day of January and the 1st day of July of each year, and shall mature three years after the 1st day of July following the maturity date of the mortgage in exchange for which the debentures were issued. Such debentures as are issued in exchange for mortgages insured after the date of enactment of the National Housing

Act Amendments of 1938 shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. They shall be paid out of the Housing Fund which shall be primarily liable therefor, and they shall be fully and unconditionally guaranteed as to principal and interest by the United States, and such guaranty shall be expressed on the face of the debentures. In the event the Housing Fund fails to pay upon demand, when due, the principal of or interest on any debentures so guaranteed, the Secretary of the Treasury shall pay to the holders the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon, to the extent of the amount so paid, the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures.

"'(j) Debentures issued under this section shall be in such form and denominations in multiples of $50, shall be subject to such terms and conditions, and shall include such provision for redemption, if any, as may be prescribed by the Administrator with the approval of the Secretary of the Treasury, and may be in coupon or registered form. Any difference between the amount of debentures to which the mortgagee is entitled under this section, and the aggregate face value of the debentures issued, not to exceed $50, shall be adjusted by the payment of cash by the Administrator to the mortgagee from the Housing Fund.

"'(k) The Administrator is hereby authorized either to (1) acquire possession of and title to any property, covered by a mortgage insured under this section and assigned to him, by voluntary conveyance in extinguishment of the mortgage indebtedness, or (2) institute proceedings for foreclosure on the property covered by any such insured mortgage and prosecute such proceedings to conclusion. The Administrator shall so acquire possession of and title to the property by voluntary conveyance or institute foreclosure proceedings as provided in this section within a period of one year from the date on which any such mortgage becomes in default under its terms or under the regulations prescribed by the Administrator: *Provided*, That the foregoing provisions shall not be construed in any manner to limit the power of the Administrator to foreclose on the mortgaged property after the expiration of such period, or the right of the mortgagor to reinstate the mortgage by the payment, prior to the expiration of such period, of all delinquencies thereunder. The Administrator at any sale under foreclosure may, in his discretion, for the protection of the Housing Fund, bid any sum up to but not in excess of the total unpaid indebtedness secured by the mortgage, plus taxes, insurance, foreclosure costs, fees, and other expenses, and may become the purchaser of the property at such sale. The Administrator is authorized to pay from the Housing Fund such sums as may be necessary to defray such taxes, insurance, costs, fees, and other expenses in connection with the acquisition or foreclosure of property under this section. Pending such acquisition by voluntary conveyance or by foreclosure, the Administrator is authorized, with respect to any mortgage assigned to him under the provisions of subsection (g), to exercise all the rights of a mortgagee under such mortgage, including the right to sell such mortgage, and to take such action and advance such sums as may be necessary to preserve or protect the lien of such mortgage.

"'(l) Notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real and other property by the United States, the Administrator shall also have power, for the protection of the interests of the Housing Fund, to pay out of the Housing Fund all expenses or charges in connection with, and to deal with, complete, reconstruct, rent, renovate, modernize, insure, make contracts for the management of, or sell for cash or credit or lease in his descretion, any property acquired by him under this section; and notwithstanding any other provision of law, the Administrator shall also have power to pursue to final collection by way of compromise or otherwise all claims assigned and transferred to him in connection with the assignment, transfer, and delivery provided for in this section, and at any time, upon default, to foreclose on any property secured by any mortgage assigned and transferred to or held by him: *Provided*, That section 3709 of the Revised Statutes shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $1,000.

"'(m) Premium charges, adjusted premium charges, and appraisal and other fees, received on account of the insurance of any mortgage insured under this section or section 210, the receipts derived from any such mortgage or claim assigned to the Administrator and from any property acquired by the Administrator, and all earnings on the assets of the Housing Fund, shall be credited to the Housing Fund. The principal of and interest paid and to be paid on debentures issued in exchange for any mortgage or property insured under this section or section 210, cash adjustments, and expenses incurred in the handling of such mortgages or property and in the foreclosure and collection of mortgages and claims assigned to the Administrator under this section or section 210, shall be charged to the Housing Fund.

"'(n) In the event that a mortgage insured under this section becomes in default through failure of the mortgagor to make any payment due under or provided to be paid by the terms of the mortgage and such mortgage continues in default for a period of thirty days, but the mortgagee does not foreclose on or otherwise acquire the property, or does not assign and transfer such mortgage and the credit instrument secured thereby to the Administrator, in accordance with subsection (g), and the Administrator is given written notice thereof, or in the event that the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof, and the mortgagee pays any adjusted premium charge required under the provisions of subsection (e), and the Administrator is given written notice by the mortgagee of the payment of such obligation, the obligation to pay the annual premium charge for insurance shall cease, and all rights of the mortgagee and the mortgagor under this section shall terminate as of the date of such notice.

"'(o) The Administrator, with the consent of the mortgagee and the mortgagor of a mortgage insured under this section prior to the date of enactment of the National Housing Act Amendments of 1938, shall be empowered to reissue such mortgage insurance in accordance with the provisions of this section as amended by such Act, and any such insurance not so reissued shall not be affected by the enactment of such Act.

"'(p) Moneys in the Housing Fund not needed for current operations of this section and section 210 shall be deposited with the Treasurer of the United States to the credit of the Housing Fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Administrator may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under the provisions of this section and section 204. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this subsection. Debentures so purchased shall be canceled and not reissued.

"'TAXATION PROVISIONS

"'SEC. 208. Nothing in this title shall be construed to exempt any real property acquired and held by the Administrator under this title from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

"'STATISTICAL AND ECONOMIC SURVEYS

"'SEC. 209. The Administrator shall cause to be made such statistical surveys and legal and economic studies as he shall deem useful to guide the development of housing and the creation of a sound mortgage market in the United States, and shall publish from time to time the results of such surveys and studies. Expenses of such studies and surveys, and expenses of publication and distribution of the results of such studies and surveys, shall be charged as a general expense of the Fund and the Housing Fund in such proportion as the Administrator shall determine.

"'ADDITIONAL HOUSING INSURANCE

"'SEC. 210. (a) In addition to mortgages insured under sections 203 and 207 the Administrator is authorized to insure mortgages as defined in section 207 (a) (1), including advances on such mortgages during construction, covering property upon which there is located or upon which there is to be constructed one or more multifamily dwellings or a group of not less than ten single-family dwellings: *Provided*, That the property shall have been approved for mortgage insurance prior to the beginning of construction.

"'(b) To be eligible for insurance under this section a mortgage shall—

"'(1) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Administrator shall approve) in an amount in excess of $16,000 but not in excess of $200,000 and not in excess of 80 per centum of the amount which the Administrator estimates will be the value of the property when the proposed improvements are completed, and such part thereof as may be attributable to dwelling use shall not exceed $1,150 per room.

"'(2) Have a maturity satisfactory to the Administrator, but not to exceed twenty-one years and contain complete amortization provisions satisfactory to the Administrator.

"'(3) Bear interest (exclusive of premium charges for insurance) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time.

"'(4) Contain such terms, conditions, and provisions with respect to advances during construction, assurance of completion, recognition of equitable rights of contract purchasers in good standing, release of part of the mortgaged premises from the lien of the mortgage, insurance, repairs, alterations, payment of taxes, default and management reserves, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Administrator may in his description prescribe.

"'RULES AND REGULATIONS

"'SEC. 211. The Administrator is authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this title.'

"SEC. 4. Section 301 (a) of such Act is amended to read as follows:

"'SEC. 301. (a) The Administrator is further authorized and empowered to provide for the establishment of national mortgage associations as hereinafter provided which shall be authorized, subject to rules and regulations to be prescribed by the Administrator—

"'(1) To make real-estate loans which are accepted for insurance or insured under Title II of this Act: *Provided*, That no such association controlled or operated by the United States or any agency of

the United States shall make any real-estate loan which is accepted for insurance or insured under section 203 of this Act;

"'(2) To purchase, service, or sell any mortgages, or partial interests therein, which are insured under Title II of this Act;

"'(3) To purchase, service, or sell uninsured first mortgages and such other liens as are commonly given under the laws of the State, district, or Territory in which the real estate is located to secure advances upon real estate held in fee simple, or under a lease for not less than ninety-nine years which is renewable, or under a lease having a period of not less than fifty years to run from the date the mortgage was executed, together with the credit instruments, if any, secured thereby; but the amount of the principal obligation of any such uninsured mortgage shall not exceed 60 per centum of the appraised value of the property as of the date the mortgage is purchased by the association; and

"'(4) To borrow money for any of the foregoing purposes through the issuance of notes, bonds, debentures, or other such obligations as hereinafter provided.'

"SEC. 5. Section 301 (d) of such Act is amended to read as follows:

"'(d) No association shall transact any business except such as is incidental to its organization until it has been authorized to do so by the Administrator. Each such association shall have a capital stock of a par value of not less than $2,000,000, and no authorization to commence business shall be granted by the Administrator to any such association until he is satisfied that such capital stock has been subscribed for at not less than par and that at least 25 per centum thereof has been paid in cash, or in Government securities at their par value, or in first mortgages or such other first liens as are described in section 301 (a) hereof, which mortgages or liens shall be taken at such value as the Administrator may determine, not exceeding (except as to mortgages insured under title II of this Act) 60 per centum of the appraised value of the property as of the date of subscription, and that the remainder of the subscription to such capital stock is payable in the same manner and at such time as may be determined by the Administrator: *Provided*, That no association shall issue notes, bonds, debentures, or other such obligations until such time as such subscriptions are paid in full in cash or Government securities at their par value or in mortgages or other liens as hereinbefore set forth.'

"SEC. 6. Section 302 of such Act is amended to read as follows:

"'SEC. 302. Each national mortgage association is authorized to issue and have outstanding at any time notes, bonds, debentures, or other such obligations in an aggregate amount not to exceed (1) twenty times the amount of its paid-up capital and surplus, and in no event to exceed (2) the current unpaid principal of mortgages held by it and insured under the provisions of title II of this Act, plus the amount of its cash on hand and on deposit and the amortized value of its investments in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. No national mortgage association shall borrow money otherwise than through the issuance of such notes, bonds, debentures, or other obligations, except with the approval of the Administrator and under such rules and regulations as he shall prescribe. An association may, if its bylaws so provide, accept any notes, bonds, debentures, or other obligations issued by it in payment of obligations due it at par plus accrued interest: *Provided*, That such notes, bonds, debentures, or other obligations so accepted shall be canceled and not reissued.'

"SEC. 7. Section 303 of such Act is amended to read as follows:

"'SEC. 303. Moneys of any national mortgage association not invested in first mortgages or other liens as provided in section 301, or in operating facilities approved by the Administrator, shall be kept in cash on hand or on deposit, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States, except that each such association shall keep and maintain such reserves as the Administrator shall by rules and regulations prescribe, and may purchase in the open market notes, bonds, debentures, or other such obligations issued under section 302.'

"SEC. 8. Section 307 of such Act is amended to read as follows:

"'SEC. 307. All notes, bonds, debentures, or other obligations issued by any national mortgage association shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. Every national mortgage association, including its franchise, capital, reserves, surplus, mortgage loans, income, and stock, shall be exempt from taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. Nothing herein shall be construed to exempt the real property of such association from taxation by any State, county, municipality, or local taxing authority to the same extent according to its value as other real property is taxed.'

"SEC. 9. Section 512 (a) of such Act is amended to read as follows:

"'SEC. 512. (a) Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that such loan or advance of credit shall be offered to or accepted by the Federal Housing Administration for insurance, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage insured by the said Administration, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of the said Administration under this Act, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be punished by a fine of not more than $3,000 or by imprisonment for not more than two years, or both.'

"SEC. 10. Section 512 of such Act is further amended by adding at the end thereof the following new subsections:

"'(d) No individual, association, partnership, or corporation shall hereafter, while the Federal Housing Administration exists, use the words "Federal Housing" or "National Housing", or any combination or variation of any of these words, alone or with other words, as the name, under which he or it shall do business, which shall have the effect of leading the public to believe that any such individual, association, partnership, or corporation has any connection with, or authorization from, the Federal Housing Administration, the Government of the United States, or any instrumentality thereof, where such connection or authorization does not, in fact, exist. No individual, association, partnership, or corporation shall falsely advertise, or otherwise represent falsely by any device whatsoever, that any project or business in which he or it is engaged, or product which he or it manufactures, deals in, or sells, has been in any way endorsed, authorized, or approved by the Federal Housing Administration, or by the Government of the United States, or by any instrumentality thereof. Every violation of this subsection shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

"'(e) Whoever, for the purpose of inducing the insurance of the accounts of any institution by the Federal Savings and Loan Insurance Corporation or for the purpose of obtaining any extension, or renewal of such insurance by said Corporation or for the purpose of influencing in any way the action of the said Corporation under this Act, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published, any statement, knowing the same to be false, or utters, forges, or counterfeits, or causes or procures to be uttered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been uttered, forged, or counterfeited, or willfully overvalues any security, asset, or income, of any institution insured or applying for insurance by said Corporation, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both.

"'(f) Any person who willfully and knowingly makes, circulates, or transmits to another or others any statement, or rumor written, printed or by word of mouth, which is untrue in fact and is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of the Federal Savings and Loan Insurance Corporation, or who knowingly counsels, aids, procures, or induces another to start, transmit, or circulate any such statement or rumor, is guilty of a misdemeanor punishable by a fine of not more than $1,000 or by imprisonment of not exceeding one year, or both.'

"SEC. 11. Title V of such Act is further amended by adding after section 513 thereof the following new section:

"'SEC. 514. The provisions of section 10 (a) 1 and 10b of the Federal Home Loan Bank Act, as amended (49 Stats. 294, 295); paragraph seventh of section 5136 of the Revised Statutes, as amended (49 Stats. 709); section 24 of the Federal Reserve Act, as amended (49 Stats. 706); subsection (n) of section 77B of the Bankruptcy Act, as amended (49 Stats. 664); section 5 (c) of the Act approved January 31, 1935, continuing and extending the functions of the Reconstruction Finance Corporation (49 Stats. 1); and all other provisions of law establishing rights under mortgages insured in accordance with the provisions of the National Housing Act, shall be held to apply to such Act, as amended.'

"SEC. 12. (a) Section 35 of chapter III of the Act entitled 'An Act to regulate the business of life insurance in the District of Columbia', approved June 19, 1934 (48 Stat. 1152), is amended by inserting between paragraph (3) and paragraph (4) of such section a new paragraph to read as follows:

"'(3a) Bonds or notes secured by mortgages insured by the Federal Housing Administrator: *Provided*, That the restrictions in paragraph (3) of this section in regard to the ratio of the loan to the value of the property shall not apply to such insured mortgages.'

"(b) Paragraph (4) of section 35 of such Act is amended to read as follows:

"'(4) Bonds or other evidences of indebtedness of the farm loan banks authorized under the Federal Farm Loan Act or Acts amendatory thereof or supplementary thereto, and bonds or other evidences of indebtedness of national mortgage associations.'

"SEC. 13. The last sentence of paragraph 'Seventh' of section 5136 of the Revised Statutes, as amended, is further amended by inserting before the colon after the words 'guaranteed as to

principal and interest by the United States' a comma and the following: 'or obligations of national mortgage associations'."

And the Senate agree to the same.

ROBERT F. WAGNER,
ROBERT J. BULKLEY,
ALBEN W. BARKLEY,
HERBERT E. HITCHCOCK,
FREDERICK STEIWER,
J. G. TOWNSEND, Jr.,
Managers on the part of the Senate.

HENRY B. STEAGALL,
T. ALAN GOLDSBOROUGH,
M. K. REILLY,
HAMILTON FISH,
Managers on the part of the House.

The PRESIDENT pro tempore. The report will lie on the table.

Mr. LODGE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LODGE. Does that mean that the conference report is now before the Senate?

The PRESIDENT pro tempore. It does not.

Mr. LODGE. What action has to be taken in order to bring it before the Senate?

The PRESIDENT pro tempore. The House has acted, so the Chair understands, on the report of the House conferees. The report can come up on motion by the Senator from New York [Mr. WAGNER].

Mr. LODGE. The Senator from New York has not made such a motion, has he?

The PRESIDENT pro tempore. No. He has simply presented the conference report and asked that it lie on the table, ready to be brought up for action when he shall make such motion. The House has acted favorably on the report.

Mr. WAGNER. Will the Senator from Utah indulge me just a moment longer?

Mr. KING. I will do so if by doing it I do not lose the floor.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? The Chair hears none.

Mr. WAGNER. Yesterday, knowing that the Senator from Massachusetts [Mr. LODGE] was interested in the report, I informed him that I proposed, as soon as I could secure the floor on Monday, to make the necessary motion to bring the report before the Senate for consideration. I thought that had satisfied the Senator, but I now again give him that assurance.

Mr. LODGE. I am perfectly satisfied.

Mr. WAGNER subsequenty said: I ask unanimous consent that I may propound a parliamentary inquiry at this time. I do not know that I need unanimous consent for that purpose; but, to be doubly sure that the Senator from Utah shall not lose the floor, I ask such consent.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). It is in order to propound a parliamentary inquiry at this time.

Mr. WAGNER. I propound this inquiry, not for my own information, because I know the answer, but because I have noticed in the press a statement that if the housing conference report were to be brought up and considered by the Senate, it would displace the pending business. So, in order to make the parliamentary status very clear to the members of the press, I desire to propound the inquiry whether calling up the conference report on the housing bill would displace the pending business, or whether it is not a fact that the moment we dispose of the housing conference report, automatically the consideration of the pending business is resumed.

The PRESIDING OFFICER. It will not displace the pending bill, because a conference report is a privileged matter, and, under rule XXVII, may be called up at any time. The relevant portion of the rule is as follows:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. WAGNER. Very well. I thank the Senator from Utah for permitting the interruption.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. KING. Mr. President, we have just listened to a message from the President of the United States dealing with national defense. The message, as I interpret it, calls for appropriations which in the aggregate will total several hundred million dollars, to be expended in increasing the Army and in constructing additional war vessels. However, this is not the only request for appropriations for military purposes which we will have to consider during this session of Congress. Already measures are pending before committees of the House calling for more than $1,000,000,000 for the Army and the Navy, and that enormous sum will be appropriated before this session of Congress ends. It is evident that Congress this year will appropriate a larger sum for military purposes than was ever carried in any annual appropriation bill at any time except during the World War. I predict that before the adjournment of Congress appropriations will be authorized for the expenses of the Government for the next fiscal year amounting to more than $8,000,000,000. Notwithstanding the heavy burden of taxation under which the American people now labor, the House of Representatives is now considering a new revenue measure which will add perhaps $1,000,000,000 to the tax burdens of the people.

Appeals by citizens for tax relief will be ignored and, as I have just stated, heavier burdens will be laid upon them. The demands for economy receive but scant consideration, and executive departments and agencies submit budgets carrying stupendous sums which, in my opinion, may not be justified under existing conditions. As a matter of fact, the annual appropriations of the Federal Government have been increased perhaps more than a thousand percent over the national appropriations made under Mr. Wilson's administration, except during that period of the World War in which the United States was a participant.

The expenditures for the fiscal year ending June 30, 1937, were $8,836,077,445, and the expenditures, for which appropriations are already made for the fiscal year ending June 30, 1938, will exceed $9,356,174,982.92. As I have stated upon a number of occasions, the public debt will soon reach the colossal sum of $39,000,000,000. The tax demands made upon the people not only are a severe drain upon the economic life of the country, but constitute serious obstacles to industrial and business revival. Notwithstanding the enormous tax demands made upon the people during the past few years, deficits have annually occurred until they total approximately $20,000,000,000. There have been collected from the people during the past 6 years, 1931–37, ordinary receipts not including postal receipts, $23,600,878,915, deficits of postal receipts 1931–37, $287,599,169.28, but notwithstanding these enormous contributions to the Federal Government, there have been annual deficits, the total of which, 1931–37, is $22,253,149,380. It is therefore obvious that the American people are confronted with heavy demands for taxes to meet current expenses, and the deficits which will annually be created, at least for some time, and to meet the past deficits which, as I have stated, total approximately $23,000,000,000. Some financial writers state that approximately 30 percent of the entire income of the people of the United States is required to meet the annual expenses of Federal and State Governments and the political subdivisions of the States. This great debt is a mortgage—a deterrent to business revival and returning prosperity.

Mr. President, I did not take the floor for the purpose of discussing revenues, taxation, and expenditures, but the message of the President diverted me for the moment from the bill which has been before the Senate, and doubtless will be before Congress for a number of days more. I am constrained to remark that in view of the many important bills requiring action by this Congress, including appropriation bills, the passage of which is absolutely necessary, in order that the Government may continue to function, we cannot, in my opinion, find justification for devoting further time to the discussion of the so-called antilynching bill. It is a measure which has no place in this forum and certainly deserves no consideration at this time when measures of vital importance must be acted upon before Congress adjourns.

However, there seems to be a disposition upon the part of some Senators to compel the Senate to keep before it, to the exclusion of important measures, a bill which not only is unconstitutional but is an assault upon the authority of the States, and if enacted into law would affect the peace of the people of the United States.

Mr. President, important addresses have been delivered by distinguished Senators in opposition to the pending bill. They have demonstrated its invalidity from a constitutional standpoint and its unwarranted attack upon the people of a large section of our country. If the views expressed by these Senators were accepted, the measure before us would promptly be withdrawn in order that the Senate might address itself to measures and policies requiring consideration. However, some of the proponents of this measure apparently are determined to prolong the discussion, and some of us who are opposed to it will feel constrained to convince them of the error of their ways and of the folly of the course in which they are persisting.

Mr. President, later, perhaps next week, I shall address myself to some of the constitutional aspects of this proposed legislation, and before concluding my remarks today may briefly consider some of the legal objections to the same.

In my opinion the measure under consideration does not belong to this age and has no place in a legislative body which exists under and in virtue of a written Constitution such as that drafted by the fathers of this Republic. They were familiar with the rise and fall of nations and the evils resulting from concentrated power. They determined that the maintenance of individual rights was indispensable to liberty and to civilization. They provided a dual form of government and were careful to restrict the power granted to the Federal Government. They knew the causes which had led to the establishment of oppressive governments and were determined, as I have indicated, that the political system which they were establishing should, so far as humanly possible, be free from the evils which had brought so much woe and sorrow to the world. We recall Gibbons' statement that—

> History is little more than a register of the crimes, follies, and misfortunes of mankind.

The fathers of the Republic, who recognized the imperfections of humanity and the dangers that would beset the Government which they labored to establish, determined, so far as possible, to guard against the evil forces which were pervasive and which had been so dominant in past ages. They were practical men, but at the same time they possessed prophetic powers and believed that the world was entering upon an age of reconstruction—a period in which there would be greater liberty and tolerance and spiritual forces for the guidance of humanity. But they did not lose sight of the fact that the greed for power would ever be present and that democratic institutions would be the subject of persistent assaults, and that the maintenance of individual liberty and the benefits of local self-government would call for courage and patriotism and an unyielding faith in the ultimate triumph of justice, truth, and righteousness. They did not believe that custom was the whole of morality or that morality, so-called, was coextensive with religion. They believed in an overruling Providence and that governments were established for the protection of the weak against the strong, and to restrain the mad ambitions of selfish men. In other words, they sought liberty, the protection of life and person and property, and the development of social and spiritual conditions under which the highest forms of civilization might be attained.

When we consider the causes which led to the establishment of communities and governments in the New World, and the multitudinous problems with which the people were confronted, one is compelled to accept the view that only by the interposition of a divine power could those problems have been solved and this Republic established.

As civilization has advanced the demand for liberty and freedom has been intensified, and individuals and communities have been willing to make heavy sacrifices in order to secure the prize of liberty and to live under free institutions. It is needless to say that the highest form of government known to the world may be realized under the principles and policies resultant from a proper interpretation of the Constitution of the United States. Obviously no human institution is perfect; all the products of man's genius and wisdom suffer from many defects, but we know that as men reach higher moral and spiritual heights, there is wider freedom, more universal justice, and a growing understanding of the purposes of life.

These observations are a prelude to the observation that moral and spiritual progress does suffer interruptions and not infrequently defeats, and so we find civilization destroyed, liberal and progressive governments superseded by autocratic forms of government, and liberalism overwhelmed by oppressive autocracies.

There are truths which do not change with the years; there are moral principles and policies upon which liberty and justice rest that are adapted to every age and condition, which, if adhered to, result in uninterrupted progress. Unfortunately there is a persistent struggle between the forces that are supporting the cause of liberty and justice, and the elements which seek to prevent progress and to destroy the fruits of patriotic effort and of moral devotion.

In a new world and in a new age there was given birth to a political system which contained the principles of a political system conceived by the fathers of the Republic, adequate to meet all the exigencies of life and the political and social disturbances which occur. Sovereign Commonwealths were brought together and a federated Republic established. Grants of authority were voluntarily surrendered by the people and by States that were sovereign, but the line of demarcation between the Federal Government and the States was clearly drawn. The Federal Government was granted limited authority, and its field of operations defined and restricted.

Undoubtedly the system devised was unique, but it rested upon sound political philosophy and a proper conception of the relation of individuals to governments and the recognized fact that the individual is the source of authority, and that his liberty is indispensable to progress and sound collective action under which that liberty is protected; and so this federated Republic was formed. It is not too much to say that its example has influenced peoples in all parts of the world. It has grown in influence, prestige, and moral power until it stands on the glittering heights of the New World as an example to peoples who are seeking emancipation from conditions which deny liberty and moral and spiritual development.

With more than 150 years of progress, under a federated Republic, we are challenged to change the system under which such extraordinary victories have been won and such striking contributions to human liberty and progress have been realized.

The bill under consideration is an assault upon our federated system; it seeks to degrade the States, to deprive them of inherent rights and powers, and to superimpose upon

them a nationalistic authority, which, as I have indicated, strikes at the very foundation of this Republic. It is in harmony with the centralizing tendencies finding expression in many governments; it is a denial of the competency of the people to govern themselves; it rests upon the theory that authority and power are to be exercised by autocratic governments. The theory of democracy is challenged, the right of local self-government is denied, and the philosophy of the totalitarian state is asserted as the guide for this Republic. Efforts are made, of course, to conceal the sinister meaning of the bill, and the poisonous and dangerous forces which are embraced within its provisions. Assaults upon liberty are not always open, and individuals and communities have not infrequently been deprived of their rights and liberties by measures alleged to be harmless or in their interest, but which cloak dangerous and destructive elements.

If the Federal Government is empowered to deal with the question embraced within the bill under consideration, then the sovereign powers of States will not only be impaired, but a precedent will have been established which will result in further sabotage of State governments and further aggrandizement of the Federal Government.

As I have indicated, in many parts of the world the rights of individuals and local communities are being destroyed and the power and authority of governments immeasurably augmented. Individual liberty is being assailed and dictators are mounting to power upon the prostrate forms of individuals and local self-governments.

There are psychological forces that are not limited by sea or land. They reach beyond governments in which autocracy is dominant and affect people in far-distant lands. It cannot be denied that views hostile to our form of government—to the integrity, prestige, and honor of States—are finding exponents in various parts of the United States. There are forces at work which seek to undermine the States and strike down the pillars upon which local self-governments rest. Socialism finds its adherents and communistic elements strike at the very foundations of the Republic. Efforts are being made to change our form of government, to inaugurate policies at variance with the Constitution of the United States, and to create an omnipotent and all-powerful National Government.

As I have indicated, the bill before us finds its support in this destructive philosophy. It seeks to further weaken the States, and to batter down the walls which protect the rights of the States and preserve them against aggressions from the Federal Government. I am amazed, and indeed grieved, that Democrats should give their support to this bill or any measure that impairs the authority of the States. If the States shall be destroyed this Republic will be destroyed. Upon its ruins then would rise a socialistic state or an oppressive dictatorship.

Mr. President, the Democratic Party has many times reaffirmed its devotion to the principles of Jefferson and Jackson and declared that the maintenance of the States in all of their authority and power was indispensable to the perpetuity of this Republic. I fear that some Democrats are forgetting the solemn pledges of their party and are endeavoring to convert the Democratic Party into a different, if not an alien, organization. I fear that we have forgotten the solemn declarations of the party under what some call the "new system" or the "new philosophy," which, in my opinion, is inconsistent with the views of the founders of the party and at variance with the fundamental principles upon which this Republic rests. Bureaucracy undoubtedly is marching with powerful tread through the country, and dangerous forms of socialism are making their appearance.

Mr. President, I shall take the liberty of placing in the RECORD a number of planks from Democratic platforms. They are as follows:

In the Democratic convention of 1856 this declaration was made:

> * * * A high and sacred duty is devolved, with increased responsibility upon the Democratic Party of this country, as the party of the Union, to uphold and maintain the rights of every State, and thereby the Union of the States, and to sustain and advance among us constitutional liberty, by continuing to resist all monopolies and exclusive legislation for the benefit of the few at the expense of the many.

In 1864 the Democratic convention adopted the following resolution:

> *Resolved*, That the aim and object of the Democratic Party is to preserve the Federal Union and the rights of the States unimpaired, and they hereby declare that they consider that the administrative usurpation of extraordinary and dangerous powers not granted by the Constitution—the subversion of the civil by military law in States not in insurrection; * * * the suppression of freedom of speech and of the press; the denial of the right of asylum; the open and avowed disregard of State rights; * * * is calculated to prevent a restoration of the Union and the perpetuation of a government deriving its just powers from the consent of the governed.

In 1868 the Democratic Party reaffirmed its former declarations and declared:

> That the President of the United States, Andrew Johnson, in exercising the power of his high office in resisting the aggressions of Congress upon the constitutional rights of the States and the people, is entitled to the gratitude of the whole American people, and in behalf of the Democratic Party we tender him our thanks for his patriotic efforts in that regard.

The Democratic platforms of 1872 and 1876 were concerned with the correction of evils existing in the Government and an examination and condemnation of Republican abuses during the preceding 11 years.

In the platform of 1876 the following plank was adopted:

> *Resolved*, That this convention, representing the Democratic Party of the United States, do cordially endorse the action of the present House of Representatives in reducing and curtailing the expenses of the Federal Government, in cutting down salaries, extravagant appropriations, and in abolishing useless offices and places not required by the public necessities. * * *

The Democratic platform of 1880 contained the following statement:

> We pledge ourselves anew to the constitutional doctrines and traditions of the Democratic Party, as illustrated by the teachings and example of a long line of Democratic statesmen and patriots and embodied in the platform of the last national convention of the party.
>
> Opposition to centralizationism and to that dangerous spirit of encroachment which tends to consolidate the powers of all the departments in one, and thus to create, whatever be the form of government, a real despotism.

In 1884 the Democratic convention declared that—

> Fundamental principles of the democracy, approved by the united voice of the people, remain and will ever remain as the best and only security for the continuance of free government. The preservation of personal rights, the equality of all citizens before the law, the reserved rights of the States, and the supremacy of the Federal Government within the limits of the Constitution, will ever form the true basis of our liberties, and can never be surrendered without destroying that balance of rights and powers which enables a continent to be developed in peace, and social order to be maintained by means of local self-government.

It will be observed that the convention emphasized the importance of the preservation of personal rights, the equality of all citizens before the law and the reserved rights of the States. The platform also condemned sumptuary laws which vex the citizen and interfere with his individual liberty. It further declared—

> We are opposed to propositions which, upon any pretext, would convert the general Government into a machine for collecting taxes, to be distributed among the States, or the citizens thereof.

The Democratic platform of 1892 reaffirmed allegiance to the principles of the party as formulated by Jefferson and exemplified by the long and illustrious line of his successors in Democratic leadership. It then declared—

> We believe the public welfare demands that these principles be applied to the conduct of the Federal Government through the accession to power of the party that advocates them; and we solemnly declare that the need of a return to these fundamental principles of a free popular government, based on home rule and individual liberty, was never more urgent than now, when the tendency to centralize all power at the Federal capital has become a menace to the reserved rights of the States that strikes at the very roots of our Government, under the Constitution, as framed by the fathers of the Republic.

The Democratic platform adopted in 1896 reaffirmed the faith of the party as stated in former platforms and submitted a declaration in regard to bimetallism.

The Democratic platforms of 1900 and 1904 dealt principally with questions arising out of the Spanish-American War and the conflict in the Philippine Islands.

The platform in 1908 contained the following declaration:

Believing with Jefferson in "the support of the State governments in all their rights as the most competent administrations for our domestic concerns, and the surest bulwarks against antirepublican tendencies, and in the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad," we are opposed to the centralization implied in the suggestion now frequently made that the powers of the General Government should be extended by judicial construction. There is no twilight zone between the Nation and the State in which exploiting interests can take refuge from both; * * *.

In 1912 the Democrats in convention declared:

Believing that the most efficient results under our system of government are to be attained by the full exercise by the States of their reserved sovereign powers, we denounce as usurpation the efforts of our opponents to deprive the States of any of the rights reserved to them and to enlarge and magnify by indirection the powers of the Federal Government.

The platform of 1916 was a general endorsement of former Democratic declarations, and the same may be said of the platform of 1920.

In 1924 the Democratic platform reaffirmed its adherence and devotion to the cardinal principles contained in the Constitution and the precepts upon which our Government is founded. It contained a plank which I had the honor to prepare and which was unanimously adopted by the platform committee and the convention. It reads:

We demand that the States of the Union shall be preserved in all their vigor and power. They constitute a bulwark against the centralizing and destructive tendencies of the Republican Party.

We condemn the efforts of the Republican administration to nationalize the functions and duties of the States.

We oppose the extension of bureaucracy, the creation of unnecessary bureaus and Federal agencies, and the multiplication of offices and officeholders.

We demand a revival of the spirit of local self-government essential to the preservation of the free institutions of our Republic.

In my opinion, the dark figure of politics stalks into the picture and seeks to command the forces that are pressing for the passage of this bill. And, from communications which I have received, I am led to believe that a Nation-wide propaganda is being carried on, whether purposely or otherwise, which has the effect of misleading the people concerning the purpose and effects of this bill. But I shall discuss that matter later in my remarks. I will only say at the present time that, in my opinion, the driving force of the bill is political, and I may add that any movement which seeks to degrade the States, to insult citizens of important sections of our country, to undermine our form of government, and strike down the authority and power of the States is not only unwarranted but reprehensible; and if that movement is inspired, directly or indirectly, by political considerations, it becomes all the more reprehensible and calls for severe condemnation.

In my opinion the real object and purpose of the bill is concealed by the name under which its advocacy is being urged. Many persons who abhor lynching are led, without considering the terms of the bill before us, and its implications and consequences, to give the measure their support; but if they knew why it was being urged, if they were aware of its assault upon constitutional government and its attack upon the rights of the States they would promptly denounce it. Obviously, all liberty-loving and law-abiding citizens oppose crime in any form, and lynching is a crime which calls for condemnation; but, as stated, many people accept the view that a measure such as the one before us is necessary for the elimination of the crime of lynching. Appeals for its passage are made by some of its proponents, that it is a humanitarian measure, and is free from any challenge as to its constitutionality. It is not revealed that measures similar to this have from time to time been urged in the interest of political factions or political parties, and that their enactment would materially increase the votes of one or more sections or groups in a number of the Northern States. But investigations establish the fact that the bill before us is politically inspired to aid political groups or organizations in certain States and is aimed at Democratic States in the South. That its provisions cannot successfully be defended from a constitutional standpoint I have no doubt; that it attempts to strip the States of their inherent constitutional powers it seems to me is beyond controversy.

I cannot help but believe that there is something immoral about a scheme which attempts to pillory States and to fasten upon them a stigma of dishonor, and at the same time seeks to impair their integrity and sovereignty, and to bring their internal affairs and their police powers within the cognizance of the Federal Government. It certainly cannot be defended when appeals are made to the fears and prejudices of members of the colored race, and attempts are made to mobilize such fears behind a propaganda of distortion and misrepresentation. It is believed by many that the bill is not so much concerned in the elimination of crime as it is in promoting the interests of political groups or the schemes of political organizations. If the movement sincerely sought the elimination of crime, why does it contain the following provision:

Provided, however, That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932 (47 Stat. 70). * * *

Comments have been made by a number of Senators who have discussed this bill, with respect to the provision to which I have just referred, and they have drawn, and correctly drawn, the conclusion that this bill is not so much concerned in the elimination of crimes of murder and gangsterism which afflict so many of the Northern States and bring discredit upon them, as it is to further the ambitions of some political groups or factions in some political party.

I think it a most reprehensible thing to utilize a measure of this character to further the interests of the Democratic Party in New York, or Chicago, or any State. Any attempt to use a vehicle of this character to carry to success political groups or political parties ought to bring down upon those making the effort the condemnation of all patriotic citizens.

Mr. President, I have always been a friend of the colored race, whether here or elsewhere. I count among many of my friends persons belonging to the Negro race. I have spoken for them whenever and wherever opportunity afforded, and have sought to promote their welfare and happiness. When my own Government—improperly, as I believe—made war upon a Negro government, I denounced it and labored for years to compel the withdrawal of our military forces and the restoration of their government to the people of Haiti. I likewise denounced our occupation of Santo Domingo and the imposition upon it of American control—at one time almost unlimited—until finally, after we had condemned that course and demanded the withdrawal of our military forces from that country, the end which we sought was accomplished.

As a member of the Committee on the District of Columbia of the Senate for 20 years and of the House for 4 years, I have earnestly worked for the interests of the colored residents of the Capital of the Nation. I have urged that they be given positions and treated with every consideration. In connection with the public schools, I have insisted that colored children receive the same consideration accorded to white children. I have supported measures that would give colored children the same privileges given to the children of white parents in our public schools, and have insisted that colored teachers receive the advantages and compensation enjoyed by white teachers.

Mr. President, I have endorsed many colored men for important positions—as judges, marshals, and other positions in the District and elsewhere. I have tried to understand the problems involved where different races live under the same flag, and particularly in governments such as ours.

I sympathize with the South in the problem which it has had to meet, and I have learned to appreciate the fine spirit with which its people have addressed themselves to meet this problem and the heroism with which they lifted the bleeding and prostrate form of their States to the proud eminence which they now occupy. I am unwilling to join in any movement which seeks to degrade the South or to brand the Southern States and their people with dishonor.

I am unwilling, in order to please certain political elements, even in my own party, to support a measure which I regard as unconstitutional, which is pregnant with sinister implications, and which will constitute precedents for the further invasion of the rights of sovereign States. If this measure shall become a law and its validity be sustained, it is certain that the States will be robbed of additional powers.

As I have indicated, the bill seeks to confer additional power upon the Federal Government, to weaken the States, and to deprive them of their reserved rights.

It is a bill which seems to me to have been born in the atmosphere breathed by Ben Butler and Thaddeus Stevens. As I read it, I wonder whether there is such a thing as the transmigration of souls, and whether those cruel and ruthless political leaders who sought to chain the South and to rob its brave and heroic people of their rights and liberties as American citizens have again visited this terrestrial globe to animate, directly or indirectly, those who so relentlessly demand the passage of the pending bill.

Mr. President, I had hoped that the day of hate in this Republic was over; that sectional animosities had forever been exorcised from our hearts and minds; but the bill before us is a challenge to my hopes.

I have loved the South and its generous, chivalrous, and patriotic people. I have been grateful for the contributions which they have made toward the maintenance of democratic institutions and toward the progress and development of our country. The history of the South has been not only fascinating but inspiring. When I was old enough to read of the sacrifices and sufferings of the people of the South during and following the War between the States, my admiration for them grew into a feeling of deep affection. As I read of the efforts made during reconstruction days to break their spirit, to humiliate and degrade their souls and their bodies, to impose upon them hateful and wicked laws, my soul rose in revolt against those who had been engaged in such shameful and cruel efforts. Perhaps my political views were powerfully influenced when I read of the cruel and inhuman treatment to which the people of the South were subjected in reconstruction days. When I began to study politics, I turned to the great southern leaders of whom I had read and tried to understand the political philosophy and political ideals by which they were guided, and which had led them to give undying devotion to their political principles. I may state that my mother was born in the great State of Louisiana—a State of beauty and romance, of historic interest, and of important contributions to our political, civic, and industrial life. Upon my father's side, if I may be pardoned for a further personal reference, I count only Republicans and Federalists, some of whom, aided in laying the foundations of the Federalist Party.

But it seemed to me, in those early days of my study of political questions, that the philosophy and political views of Jefferson, Madison, Mason, Henry, Pinckney, Jackson, and other giant figures who gave honor and distinction to the South, were best suited to secure liberty and the establishment and maintenance of a genuinely democratic form of Government.

Mr. President, I should like to place in the RECORD the names of hundreds of great leaders and statesmen of the South and point to their achievements. However, I must content myself, though reluctantly, in naming but a few of those whose names and memories are held in grateful remembrance by all who love the South. I present the names of Washington, Jefferson, Madison, Monroe, Henry, Mason, Pinckney (Charles C.), Marshall, Jackson, Polk, Johnson (Andrew), Davis, Lee, Macon, Benton, Iredell, Calhoun, Houston, Lamar (L. Q. C.), Clay.

In more recent years the South has had great men in public life, whose ability and influence were and still are recognized. Among them, and I can name only a few, were Wilson (Woodrow), Morgan, Gordon (John B.), Hampton, George (James Z.), Williams (John Sharp), Beck (James B.), White (Edward D.), Vance, Vest, Clark (Champ), Daniel (John W.), Underwood (Oscar), Coke, Mills, Watterson (Henry), Grady.

In this list I referred to one of the great men of the South, John C. Calhoun, whom South Carolinians—and, for that matter, all southerners—love. One of the admirable traits in the character of South Carolina is her loyalty to the honor, integrity, and memory of John C. Calhoun. She has understood when others have not understood. It is just that this should be, for Calhoun was a partisan of no cause but the cause of his country and the cause of South Carolina as he understood that cause. He was one of the most sincere and upright men that has graced the statesmanship of the country. There is none to deny his great and transcendent ability in this field. He maintained his opinions with a good faith which was transparent to all men, and with a consistency and singleness of devotion to the right, as he saw the right, which redeems his character from any charge of partisanship, and accords him a place with great political leaders in the purity of his patriotism. I am glad to speak these words of regard for his character and his memory.

It was the good people of South Carolina who made Calhoun great, or, rather, who willingly invested him with and maintained him in public authority, where he employed his great talents for the glory of his country and of his State.

John C. Calhoun was born in South Carolina. He received his collegiate education at Yale College, in Connecticut. Even as a youth, his mind was open to the whole field of knowledge, particularly law and politics, unaffected by either partisan or provincial influences. Calhoun was elected to Congress in 1810, when in his twenty-eighth year, at a time when our country was vacillating between an ignominious neutrality and war for the vindication of its maritime rights and national honor. His extraordinary talents were recognized at once by his colleagues in Congress, and he became acting chairman of the Committee on Foreign Relations of the House of Representatives. On June 3, 1812, he brought in the declaration of war against Great Britain. He was an ardent supporter in Congress of the war, and one of the main points which he urged was that the war would integrate our national character and vindicate America before all the world. This, indeed, was the important result of the War of 1812; and it was the great Carolinians, Calhoun in the forum and Jackson in the field, who were the leaders in this great victory of our country.

Throughout the administration of James Monroe, Calhoun was Secretary of War. During his tenure of this office he instituted many notable reforms and improvements in the Military Establishment. His reports evince a comprehension of the military problems of the country and a foresight for proper and adequate measures of defense which have not been equaled by any other man who has held the office of Secretary of War. Calhoun proposed that Congress, for the defense of the country, should construct a great military road which should connect Maine with Louisiana and permit the prompt movement of military stores and militia to all the great cities of the Atlantic seaboard. He clearly saw that such a military highway was necessary for the proper mobility of our forces on the eastern coast. He also proposed and advocated, as important and necessary to the defense of the coast, the construction of an inland waterway from Boston to Charleston.

On March 4, 1825, Calhoun became Vice President under John Quincy Adams. Four years later he was again elected Vice President, when Andrew Jackson was elected to the Presidency, and served from March 4, 1829, to July 16, 1832, when he resigned the Vice-Presidency and was, on December 12, elected to the United States Senate.

On March 4, 1844, Calhoun became Secretary of State in the Cabinet of John Tyler. During this time he successfully negotiated the treaty which brought in Texas as a State of the Union.

On November 26, 1845, he was again elected to the United States Senate and served in the Senate until the day of his death, March 31, 1850. In the hour of his demise he was proclaimed by his colleagues, among whom were Henry Clay and Daniel Webster, as a great American and a heroic figure in the history of his country. He was universally mourned by the people who knew him and felt that a great man had passed from the political forum, and that a leader of his people had gone the way of all the earth. John C. Calhoun was interred in Charleston. The reverence of the people of South Carolina, and the eulogies which were pronounced upon his memory in the cities of South Carolina, were tributes which revealed the great place Calhoun held in the hearts and esteem of his people.

Mr. President, the times demand a renaissance of the constitutional rights of the people and the States. And to renew our knowledge of these rights, we must consider the teachings and philosophy of Jefferson, Madison, Jackson, Calhoun, and many of the other great leaders and statesmen who wrought so mightily in the building and preservation of our federated Republic. The time has come when the Constitution must be kept by the people and by the able men from among the people who constitute the political competence of the country. It is not by a mere formal adherence to a Constitution that the Republic endures. Our only security is that the Federal and republican principles of the Constitution be fixed and perpetuated in the minds, the customs, and the morals of the people and in the politics of the country. It is only when men of high character are chosen from among and by the people that democracy may be justified. For there is no more virtue in the rule of majority of numbers than in the rule of majority of force, except that there be thereby a preponderance of wisdom instead of a preponderance of violence.

Calhoun was sincerely and intensely devoted to the Union, but he foresaw that the abolition agitation would cause a separation of the country, a thing which in his very soul he could not contemplate but with abhorrence. His last speech in the Senate on the 4th of March 1850 contains a clear prophecy of the events which were to come and which he deplored almost with all the anxiety and, we may say, the final agony of his great soul.

Abraham Lincoln, on the other hand, believed that the Union could not exist with slavery. He knew that the people of the country had already become separated and estranged on either side of the geographical line between the free and the slave States. Indeed, the great Protestant Churches of the North and the South—the Methodist Church, the Baptist Church, and the Presbyterian Church—had, even in Calhoun's day, become split asunder into northern and southern factions which persist, unfortunately, to this day. Lincoln said in all sincerity and with a good faith:

> A house divided against itself cannot stand. I believe this Government cannot endure permanently half slave and half free. I do not expect the house to fall, but I do expect that it will cease to be divided.

The work of Calhoun and Lincoln has been finished. The passions which divided the country have been burned out in the agony of war, and the Union of Calhoun and Lincoln is to be perpetuated under the Constitution. We have built a great Lincoln Highway across the country to symbolize the union of the East and the West. Would it not be appropriate to build a Calhoun highway to symbolize the union of the North and the South and to bring to fruition the great project which was first proposed by John C. Calhoun in the House of Representatives on February 4, 1817?

The Missouri Compromise of 1820, based on the Mason and Dixon's line, was a compromise that could not endure. It was deeply deprecated by Jefferson, who expressed the most gloomy forebodings as to the consequences which would ultimately flow from it. Jefferson knew in his soul that it was pregnant with the separation and war which were to come.

At this point it may be appropriate to state what was in the heart of Abraham Lincoln for the restoration of peace and the reestablishment of the Constitution as the supreme law of the land. Lincoln's terms of peace were announced from Washington, July 18, 1864, in these words:

> • • • To whom it may concern: Any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery, and which comes by and with an authority which can control the armies now at war against the United States, will be received and considered by the Executive Government of the United States and will be met by liberal terms upon other substantial and collateral points, and the bearer or bearers thereof shall have safe conduct both ways. (Signed) Abraham Lincoln. • • •

Abraham Lincoln, moreover, did not believe in any interference by the Federal Government with the elective franchise in the States. He did not believe in the forcible enfranchisement of the colored people of the South. At the close of the war South Carolina accepted in all good faith the program and terms of peace which had been laid down by President Lincoln. The convention of South Carolina met at Columbia, September 13, 1865. This was a free convention of the people of South Carolina, met in their sovereign right to declare the law and the policy of the State. Its members numbered 50 planters out of a total membership of 62. Among these was Francis W. Pickens, who was Governor of South Carolina at the time the Ordinance of Secession was passed on December 20, 1860. D. L. Wardlaw, J. L. Orr, J. J. Brabham, John A. Inglis, Henry McIver, John B. Richardson, and R. G. M. Dunovant were also members of the convention of South Carolina of 1860 which passed the Ordinance of Secession. Andrew Johnson, President of the United States, had granted pardons to 20 of the members to remove any impediment to their participation in the convention. Among these were J. L. Warstair, Chancelor Carroll, ex-Governor Benham, Gen. M. C. Butler, Gen. Steven Elliott, and C. M. Furman. The leading members of the convention had taken part in the Confederate movement.

In his message to the convention Governor Perry spoke of African slavery as an institution of the State, cherished from her earliest history, patriarchical in character, under which the Negro had multiplied with a rapidity that proved he had been kindly cared for, but it was gone, never to be revived in the State. On the first day of the session John A. Inglis, who was chairman of the committee which had reported the Ordinance of Secession on the 20th of December 1860, introduced an ordinance to abolish slavery, which was passed. South Carolina was thus the twenty-ninth State of the Union and the first of the Confederate States, unconquered at Lee's surrender, to abolish slavery. Ex-Governor Pickens reported an ordinance to repeal the Ordinance of Secession which was carried almost unanimously. Having abolished slavery, and having repealed the Ordinance of Secession, the work of the convention was complete. The delegates, however, nominated James L. Orr, a member of the convention, who was Speaker of the Thirty-fifth Congress, and a member of the secession convention of 1860, as candidate for Governor of South Carolina. James L. Orr was elected and on the 29th of November was inaugurated as Governor of South Carolina. Thus South Carolina put her house in order and put herself into harmony with the new order of things in the country. As she had led the movement for separation, she was now the first to remove the cause of the separation and to stand ready in her place as a member of the Union under the old Constitution—the Constitution of Washington and Franklin and Madison. She had fulfilled to the letter, and in complete good faith, the conditions laid down by Lincoln, and looked forward with courage to the new day which was opening.

The action of South Carolina taken on September 19, 1865, abolishing slavery within the State was followed by similar ordinances abolishing slavery in Alabama on September 22, and in North Carolina on October 7; in Georgia on October

22; in Texas on October 26; and in Florida on November 6. Slavery had been abolished in Mississippi in August 1865, and had been abolished in Arkansas, Virginia, Louisiana, and Tennessee in 1864. The point I desire to make is that slavery was abolished in all the States which had taken part in the Confederate Government, by separate action in each State, and that when Florida abolished slavery on November 6, 1865, slavery was legally extinct in all the Confederate States. The thirteenth amendment was not proclaimed until December 18, 1865, after the proceedings to which I have referred had been carried into execution. The thirteenth amendment was in fact a Federal ordinance extending to all the States the original provisions of the ordinance of 1787, drafted by Thomas Jefferson for the Government of the Federal territory northwest of the Ohio River, which provided that—

> * * * there shall be neither slavery nor voluntary servitude in said Territory otherwise than in the punishment of crimes whereof the parties shall have been duly convicted. * * *

The last State of the number required to ratify was Georgia, which ratified on December 9, 1865. It thus appears that the thirteenth amendment, although it brought to a close the movement for the abolition of slavery, as a matter of fact did not operate to abolish slavery in a single State which had adhered to the Confederacy.

The thirteenth amendment was anomalous, in that for the first time the process of amending the Constitution was employed to enact prohibitory legislation binding the States and the people upon a subject not within the legislative powers granted by Congress, and which did not commit new subjects of legislation to Congress. Morever, as already noted, the thirteenth amendment was of no virtue for the abrogation of slavery in the South, because prior to the adoption of the amendment slavery had been abolished in all the Confederate States by separate State action, precisely as it had been abolished in the free States in the North by separate State action.

The thirteenth amendment became the precedent for the eighteenth amendment, which by Federal ordinance abolished the liberty of the people to use alcoholic beverages within the United States. Thus, slavery and alcohol became unconstitutional and the final moral "regeneration of the people," it is said, had been legally completed.

As South Carolina was one of the first of the Southern States to ratify the thirteenth amendment, she was also one of the first to ratify the eighteenth amendment, being preceded only by Virginia, Kentucky, and North Dakota, in the order named.

Personally, I was not in favor of the eighteenth amendment. I regarded it as an unwarranted infraction of the powers, dignity, and independence of the States in a matter completely within their domestic police powers. If Federal action was necessary, I preferred the interdiction of interstate commerce in beverage liquors containing alcohol, which Congress could have enacted without the eighteenth amendment, and which would have left the States complete control over the question of intoxicating-beverage liquors within their borders.

In the adoption of the prohibition amendment the constitutional majority of States, by the process of constitutional amendment, enacted legislation upon the question of intoxicating liquors, and gave Congress supplementary power to enforce such legislation, when Congress had not been given power to legislate over the general question itself. It is a piece of manifest and obvious folly that the State legislatures and Congress itself should, by this means, have been divested of all police and legislative powers over such an article of industry, production, and commerce as alcohol. It is doubtful whether any other government would have placed such inhibitions upon its legislative and parliamentary powers.

In the days of Calhoun there was no interference with the residuary political powers of the States by extra-constitutional legislation on the part of Congress which is at all comparable to the deprivation of the States of their police control of the food and beverages of the people within their borders. Acts of Congress have not infringed upon the States so much as upon the rights of the people. It may be said to the credit of the Supreme Court that it has generally hewn a clear line between the powers of Congress and the powers of the States.

Another attack upon the integrity of the State governments was the proposal and ratification of the fifteenth amendment, which undertook to forbid the States to refuse to invest their colored male citizens with the elective franchise. The article is pregnant with an admission that it is alone within the power of the State to create the office of elector. This amendment contains the anomalous proposition that the States shall not deny to their colored inhabitants the exercise of an office which it is alone within their power and volition to grant. Although the amendment uses the words "right to vote," there is in fact no such thing as the right of suffrage in the sense of its being a personal right. The right to vote is the exercise of the office of elector, an office of the State government, created and defined by the fundamental law of the State, and to be exercised only by those persons who are invested with the office by the State law. In other words, the office does not exist except as related to the several State governments, and no State has any power or right to create or define the office except for itself, and cannot, therefore, with any propriety concern itself as to what persons shall exercise the office in any other Commonwealth. It is, therefore, erroneous and improper to speak of the fifteenth amendment as extending to the colored people the right to vote.

The fifteenth amendment was on the thirtieth day of March 1870 proclaimed by the Secretary of State to have been ratified, but the ratification rested upon the acts of usurped reconstruction governments in North Carolina, Louisiana, South Carolina, Arkansas, Florida, Virginia, Alabama, Mississippi, and Georgia, all of which were declared to have ratified the fifteenth amendment in 1869 and 1870. At that time there were 37 States in the Union, and the concurrence of 28 States was necessary to ratify. Excluding the 10 States above enumerated, where ratification was exacted from usurped governments, and therefore in any fair view of the case illegal and void, the ratification rests upon the votes of but 20 States, including New York, which repealed her act of ratification on January 5, 1870.

Yet, as I indicated a moment ago, before the proclamation was issued all of the Confederate States had, by State action, repealed their laws which were discriminatory against the colored race.

In the year of our Lord 1920 the fifteenth amendment was made the precedent for the nineteenth amendment, to extend "the right of suffrage to women." The women of South Carolina who became voters should have and hold the elective office by the same high tenure by which the men of South Carolina hold the elective office; that is, by virtue of the grant and act of the government of South Carolina. The fifteenth amendment cannot be enforced by the Federal courts. The fifteenth amendment can be enforced only by Congress, and that by an enforcement act which shall effectually take over, by a Federal commission, the entire election machinery of the States, and practically abrogate and destroy the integrity of the State governments. What persons shall exercise the elective office in South Carolina is a matter which it is properly and inherently within the power and right of the State of South Carolina to prescribe, and it is a right which should never be surrendered. I doubt that Congress could, in any circumstances, be induced to interfere with the exercise of this inherent and inalienable right of the State.

The great repository of personal rights and liberties is the common law, or the law of the land, to which the Federal Government has no legislative relation. The liberty, contracts, and property of colored citizens must of course be subject to precisely the same law and processes that apply to the rights of white citizens.

I say again that the demand of the times is for a reexamination and a renaissance of the political philosophy of Calhoun. There is nothing in all of our political literature that surpasses the Disquisition on Government and the Discourse on the Constitution and Government of the United States, by Calhoun. These two great works were posthumously published. Their composition was commenced in 1843 and was completed only at the time of his demise. In these great works Calhoun formulates the fundamental and essential principles for the constitution of every free political society. His explanation of the real character of the Constitution and Government of the United States, and the governments of the States, as one composite whole, is not surpassed by any commentator upon the Constitution. The foundation of the whole system is laid with the sovereignty of the people, existing independently within the several States. The people of the several States ordained their several State constitutions, and the people of the several States, acting concurrently, ordained and established the Constitution of the United States, investing the General Government with certain designated powers, to be exercised as the joint instrument of the several States for the conduct of their international affairs and the administration of their common internal political concerns; that is, the concerns that are common to the States in their internal relations.

John C. Calhoun believed in the separate and independent sovereignty of the people within the several States, by virtue of which they erect their own constitutions of government and limit the Government of the United States to such powers as they concurrently confer in the terms of the Federal Constitution. One government is general and the State governments are separate, independent, and particular.

The views of Calhoun on these questions are epitomized in these excerpts from the Discourse on the Constitution, which I ask may be placed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KING (reading):

Ours is a system of government compounded of separate governments of the several States composing the Union and of one common government of all its members, called the Government of the United States * * *. The entire powers of government are divided between the two, those of the more general character being specifically delegated to the United States, and all others not delegated being reserved to the several States in their separate character. Each within its appropriate sphere possesses all of the attributes and performs all the functions of government. Neither is perfect without the other. The two combined form one entire and perfect government * * *. The Government of the United States is formed by the Constitution of the United States, and ours is a democratic Federal Republic. It is democratic in contradistinction to aristocracy and monarchy. * * * It is federal as well as democratic. Federal on the one hand, in contradistinction to national, and, on the other, to a confederacy. * * * It is federal because it is the government of the States, united in a political union, in contradistinction to a government of individuals socially united; that is, by what is usually called a social compact. To express it more concisely it is federal and not national because it is the government of a community of States and not the government of a single State or nation (Discourse 1).

In them severally—or, to express it more precisely, in the people composing them, regarded as independent and sovereign communities—the ultimate power of the whole system resided and from them the whole system emanated. Their first act was to ordain and establish their respective constitutions and governments—each by itself and for itself—without concert or agreement with the other; and their next, after the failure of the Confederacy, was to ordain and establish the Constitution and Government of the United States in the same way in every respect, as has been shown, except that it was done by concert and agreement with each other (discourse 273).

According to the fundamental principles of our system, sovereignty resides in the people and not in the Government; and if in them, it must be in them, as the people of the several States, for, politically speaking, there is no other known to the system. It not only resides in them but resides in its plentitude, unexhausted, and unimpaired * * * (discourse 274).

Without it (sec. 2 of art. 6) the Constitution and the laws made in pursuance of it, and the treaties made under its authority, would have been the supreme law of the land, as fully and perfectly as they are now; and the judges in every State would have been bound thereby, anything in the constitution or laws of the State to the contrary notwithstanding. Their supremacy results from the nature of the relation between the Federal Government and those of the several States and their respective constitutions and laws. Where two or more States form a common constitution and government the authority of these, within the limits of the delegated powers, must, of necessity, be supreme in reference to their respective separate constitutions and government. Without this there would be neither a common constitution and government, nor even a confederacy. The whole would be, in fact, a mere nullity (discourse 252).

John C. Calhoun believed that the Constitution of the United States, the acts of Congress in conformity therewith, and the treaties with foreign powers were the supreme law of the land, binding alike upon the States and the people, and that every magistrate, of both the State governments and the General Government, was bound to give controlling effect to the Federal Constitution and laws, and if acts of Congress were repugnant to the Constitution, then the repugnant laws were void and of no effect. On these great questions of constitutional law John C. Calhoun was as orthodox as John Marshall. Calhoun was not one of those who believed that Marshall went outside of the Constitution when he announced the doctrine that the Federal courts had the power and the duty to declare that Federal laws which were repugnant to and inconsistent with the Federal Constitution were null and of no effect.

Calhoun did believe with all the fervor of his soul that the Constitution of the United States created a truly Federal Government. He believed, moreover, that the General Government and the State governments were together, comprehended within one true, harmonious, and balanced Federal system. He was opposed, on the one hand, to detracting from the powers of Congress so as to weaken the integrity of the General Government, and he was opposed, on the other hand, to those nationalistic tendencies which would convert the General Government, created by the Constitution, from a Government of the United States into a great consolidated nation, to be ruled by the democratic nationalistic majority.

Calhoun believed in the principle of concurring majorities as applied to the operation of the Government. He believed that the policy of the commonwealths and communities of the country should be reflected in Federal affairs, and that nonconcurring minorities ought to have a check against impolitic and undesirable legislation. He believed in federalism and republicanism as the primary political principles of our system. He did not believe in that nationalism and democracy which to him typified that national mass or majority rule which would inevitably end in the consolidation of all the political powers of the country in the General Government, thus converting it from a federal government into a nationalistic democratic or socialistic government. He believed that the only way to preserve the rights and liberties of the people was to vitalize and maintain the integrity of government in the communities and commonwealths of the country.

It may be said that this conception is the underlying political philosophy of John C. Calhoun. For the preservation of true federal and republican principles, he was ready to sacrifice all other political expedients and arrangements.

There is in these times no need of any "new nationalism" or of any "new democracy." Nationalism and democracy are great centripetal, sentimental forces, ever and constantly working in the country and in the minds of the people. They need no artificial stimulation. They must be tempered and modulated. We want a sound federalism and a rational, patriotic, and temperate democracy, which in its political application will support and maintain the federal and republican principles incorporated in our constitutions of government.

Republicanism denotes the functions of government as incorporated in free States, democracy signifies majority rule. We have always had majority rule in this country. The plain fact is that majority rule, or democracy, as it is called, is responsible equally for the mistakes we have made, as for the success we have achieved. The soundest republicanism and federalism comprehends that the proper powers of the State republics and of Congress shall all be exerted for the welfare of the people and the wealth of the country.

It is believed by many that we have had too much democratic-socialistic-nationalistic politics in this country, and that what is needed is a clear definition and conception of true Federal and republican principles to be the guide of our politics—the federalism which recognizes that the Constitution of the United States creates a federal government as distinguished from a national government, at least in its internal structure, and that republicanism which recognizes that the affairs of the state are res publicae, or public affairs, as distinguished from the private or personal affairs of any king, potentate, or oligarchy; that the prime duty of the state is to protect the liberty and promote the welfare of the people; and that the only practical application of the theory of democracy or majority rule is the republican principle of representative government, the functionaries of which, chosen by the voice of the people, shall be the wisest, most prudent, capable, and patriotic men of the country. For the plain fact is that the people in the mass can no more run the States than the passengers on a ship can run the ship. They may only elect the public officials and commit to them the public business.

Life, liberty, and the pursuit of happiness do not consist in majority rule, but they may be enjoyed under wise and just laws promulgated by a majority of the electorate. We want to be free; we want to govern ourselves and that which is ours under the law. That is all there is of liberty. We do not want to be governed by a democracy which overrules and ignores our personal rights. The civil liberty which is the heritage of our country had its origin in the customs of the Anglo-Saxons; it is incorporated in the common law; it did not originate in the decisions of popular majorities, either in Parliament or in plebiscites. There is no greater tyranny than the alternating ascendency of one faction over another in the conduct of government, especially when extended over the continent.

It is the preservation and vindication of the individual rights of the people, as they are denoted by the word "liberty," which is the primary object and proper care of constitutional government. It were, indeed, better to be ruled by the true principles of men who have passed on than by the arbitrary will of the majority of living men. We have in the test of experience a dependable means of knowing the soundness of that which was said by those who have gone before, which we cannot always apply to prove the words which are presently spoken.

A danger from a system of majority rule is the tendency it develops for parties to seize political power by the promise of special and selfish legislation desired by small but vociferous and often irresponsible groups which frequently have the balance of power in the elections. The bane of American politics is the passing of laws to please factions rather than to promote and secure the liberties, prosperity, and welfare of all of the people together. This principle of practical politics has been thus stated:

> You proceed at present upon the principle or rule that a mere majority of the electoral community shall possess the whole mass of political power; and what are the inevitable results? First, that the community is divided into parties, and into parties not very unequal in their aggregate numbers. What next? That the balance of power between parties is held by a very small number of voters; and, in practical action, what is the fact? That the struggle is constantly for the balance of power, and in order to obtain it all the arts and all the evil influences of election are called into action. It is this struggle for that balance of power that breeds most of the evils of our system of popular elections.

Those who do not have the stamina to maintain their own deliberate and well-considered opinions in the face of ill-advised and captious notions of popular currency ought not to exercise legislative authority.

Democracy itself has no right to repeal the Ten Commandments, to amend the multiplication tables, or to deprive any man of the freedom of speech, religious liberty, the integrity of his person, of the liberty of contract, or the use of and dominion over that which he peaceably and lawfully possesses, or to deny him legal process for the compulsory rendition of the duties or debts which belong to him, or for the recovery of compensation for damages he has suffered by the trespasses of other persons. These rights and the processes for their vindication constitute the immutable law of the land, unalterable by majorities of either legislatures or people.

These personal rights, indeed, are distinct from the administration of the public affairs. Administrative government has principally to do with the levy of revenue and the apportionment of the same for public purposes, the preservation of the public peace, and the promotion of the common health and welfare. These public affairs are properly the concern of responsible representatives of the community chosen by electors from among the people to exercise the executive authority. The sound principle is that those citizens who contribute to the revenues and support the Government should participate in the Government. Democracy itself may only be properly exercised within these limitations.

There is no difference in principle between the proposition that "might makes right" and the proposition that "majority makes right." One must yield to the rule of the majority only from the consideration that the majority may impose its will by its superior force. It is more convenient and conservative of life to count polls than to battle, and the rule of the majority, therefore, has been made the rule of decision in civil governments. From the nature of things it must be the rule that the decision of any question should be resolved by the will of more than one person, but the rule rests upon the principle that the majority has the power to impose its will. Surely liberty is a thing which, to exist, must be independent of the rule of majority as it must be independent of the rule of force. The security of liberty rests in the Constitution and laws, and not in the will of majorities or by the sufferance of unrestrained, autocratic, democratic, or mobocratic power.

The premonitions of Calhoun as to the evil consequences of unrestrained nationalism and democracy acting by the rule of majority, through great national parties to concentrate all political powers of the country in Congress, are being realized; and it is believed by many that the States are too supine and indifferent to their rights and the rights of individuals. It is contended by some persons that the great national parties, whose primary purpose is the periodical capture of the Presidency and the control of the States, are engulfing the States and counties, municipalities, communities, towns, and even school districts, in the maelstrom of their operations and are making all questions of local policy and administration, subordinate to the exigencies of so-called national politics. The result is that some persons question the view that the Government comes up from the peoples in the communities and Commonwealths of the country; and they assert that the Government in all of its ramifications, general and local, is handed down from dominating national parties through various political leaders.

It is high time that the Commonwealths and communities of the country should reassert their importance as the primary political units in the Government. An important desideratum is to reinvest the legislatures with their old dignity and importance in the government of their respective States and republics—the dignity which they had when legislatures exercised greater authority in the affairs of the respective States than they do at present.

The sectional partisanship of the older day was of evil tendency, but the professional partisanship of our present nationalistic politics is of yet more evil tendency and consequence. Modern partisanship does not always yield to considerations of patriotism. Its ears are often deaf to the appeals of state and country and the common welfare. Its evils may only be thwarted by a reintegration and vitalization of government in the commonwealths and communities of the country. It is only by and through the community and the commonwealth, and the Congress of the country, as separate agencies, that democracy or majority rule may be safely and prudently exercised.

The true conception is that the General Government of the United States and the independent governments of the

separate States are comprehended within one Federal system. As the States are within the United States, so the governments of the States, or the policies of the States and of the people of the States, should reflect themselves in the Congress of the United States, thus making the policy of Congress the true concurrent and composite policy of the States. The concurrent majority of the States should thus control the policy and acts of Congress, and in this process there should be an effective check and veto on unconstitutional and impolitic legislation.

There is a fallacy abroad in the land that political progress consists in arbitrary, cumulative, and ever-recurring changes in the law of the land. It is to accomplish these changes that political groups seek the power of legislation. The true principles of liberty incorporated in the common law are no more capable of radical alteration than are the rules of mathematics, the laws of physics, or the principles of architecture. An important reform would be the repeal of useless, incongruous, and impolitic laws which even now, like a thicket of excrescent and parasitic growths, obscure and encumber the great and important principles of law and policy and thereby render them more difficult of definition, comprehension, and application. As the horticulturist in season prunes his orchards and vineyards and clears away incongruous and vicious growths, so our body of laws should be periodically examined and brought into proper relation to the fundamental principles. This is the one way to promote the symmetry of the system, define the relation of its parts, and cause a frequent recurrence to true constitutional principles.

I believe the present Congress can render important service to the country by the repeal of many laws and the enactment of a simple and definite code which could be understood and interpreted by all the people even though they lacked legal training. Many laws that encumber the statute books, oppress labor and business and constitute obstacles to progress and the enjoyment of liberty, should be greatly modified or repealed. However, scores if not hundreds of new laws will be passed before the adjournment of Congress, some of which will impose higher taxes upon the people, and they and other measures will interpose obstacles to economic recovery and genuine progress and the enjoyment of political freedom.

Calhoun's views as to the unconstitutionality of the acts of Congress were addressed quite as much to the point of the impolicy and unequal operation of the laws as to the question of their repugnance to the Constitution, and Jefferson's position was somewhat similar. His argument against the United States Bank was that it was invalid because the bank was unnecessary. His argument proceeded rather upon the point of policy, and was therefore addressed to the discretion of Congress rather than to the point of constitutional law as it would be raised in the Supreme Court of the United States.

Congress obviously must judge and formulate what measures are proper and necessary to execute the primary powers conferred upon it. Congress is the judge of the ancillary powers required for the execution of the primary powers. Acts of Congress cannot be nullified even by the courts on the ground that they are improper or unnecessary, unless they actually transcend the scope of the primary power. The tariff acts were not among the residuary powers, but were within the powers conferred upon Congress, and hence were not an encroachment upon the rights of South Carolina, such as would have made them null before a legal tribunal.

The Constitution of the United States, as clearly defined by Calhoun in the earlier part of his discourse, is a great Federal ordinance, not by the State governments, but by the people of the several States acting in their independent sovereign capacity. The Constitution created a general government, investing it with certain specified powers and authority. The Constitution does not, strictly speaking, delegate powers. It rather prescribes powers and functions. It invests Congress with certain powers, not by delegation from the States, but by the joint organic act of the people of the several States, who created the Government of the United States under the Constitution to exercise specified powers and functions.

The powers of Congress were derived from the people of the several States, and not from the governments of the several States. Powers reserved to the States do not denote powers reserved to the State governments, but denote the whole body of residuary powers not conferred upon or invested in Congress by the Constitution, and, therefore, remaining with the people of the several States in their independent and several capacities to be exercised by their own separate organs of government. Powers reserved but not delegated by the people of the State governments or to the general government are merely in esse, and have no actual operation in the Government.

The Constitution, moreover, was not a league between the State governments, but the ordinance and act of the people of the separate States in their sovereign capacity. This is the true view of the legal character of the Constitution, and no one has given it a clearer formulation than has Calhoun.

Calhoun was further of the opinion that the spoils system, whereby the President assumed power to discharge the employees and officials of the Federal Government, and make new appointments from among his friends and adherents, had been made an engine for the development of great national parties whose primary object was the quadrennial capture of the Executive power, all of which made the Presidency a great political stake to be won or lost in the elections, subordinating all consideration of rights and interests of the people and of the States. Calhoun was outspoken against the assumption by the national parties of the prerogative of nominating the President, and of the virtual emasculation of the electoral college, which this practice had accomplished, thereby giving a great sectional majority control of the executive department of the Government.

The fourteenth amendment was submitted to the States by joint resolution of Congress on the 16th day of June 1866. At that time there were 37 States in the Union of which the ratification of 28 were required to make the proposed amendment effective as a part of the Constitution.

Rejection of the amendment by 10 States was sufficient to defeat ratification. The amendment was expressly rejected by Texas on October 13, 1866; by Georgia on November 9, 1866; by Florida on December 3, 1866; by Alabama on December 7, 1866; by North Carolina on December 13, 1866; by Arkansas on December 17, 1866; by South Carolina, on December 20, 1866; by Kentucky on January 8, 1867; by Virginia on January 9, 1867; by Mississippi on January 25, 1867; by Louisiana on February 5, 1867; by Delaware on February 7, 1867; by Maryland on March 23, 1867; by Ohio on January 15, 1868; by New Jersey on March 15, 1868. By April 3, 1868, every State in the Union had acted upon the question of ratification of the amendment. The States which had ratified were 22 and the States which had rejected the amendment were 15, as set out above. The question submitted by Congress had by that date been fully acted upon by all the States, and the amendment by every rule of law and procedure was definitely rejected.

Notwithstanding the premises, the Secretary of State, on July 28, 1868, declared that the amendment had been ratified. The Secretary based his proclamation upon the alleged ratifications of New Jersey, Oregon, and Ohio, all of which repealed and rescinded their acts of ratification before the amendment was promulgated, making 16 States which expressly rejected the amendment, and upon the alleged ratifications of North Carolina, South Carolina, Georgia, Arkansas, Florida, Louisiana, Alabama, and Virginia, whose legislatures had formely by free legislative acts, and with practical unanimity, rejected the amendment. Congress regarded these rejections as specific acts of disloyalty to the Union, and thereafter exacted ratification from reconstructed State governments of its own creation, which many asserted was a greater usurpation of the rights of these States of the

South than was the Confederacy a usurpation of the constitutional powers of Congress and the President in the States of the South.

Mr. President, we read of "the tragic era" and of the period of reconstruction, when the rights of the South were trampled upon, and when wretched carpetbaggers, usurping authority, and, with bayonets behind them, subjected the chivalrous and heroic people of the South to indignities which to this day fill us with hot anger.

The acts of the reconstruction legislators, in ratifying the fourteenth amendment, were, in the view of some, as null and void as were the acts of the Confederate Congress. It was contended by many that Congress had no more right to coerce South Carolina to ratify the amendment than it had to coerce Delaware to do so, and it, of course, had not constitutional power to coerce either. The repeals of the act of ratification by New Jersey, Oregon, and Ohio, it was claimed by some, were sufficient of themselves to invalidate the amendment.

It has been thought by some persons that there was no necessity for the proposal or the ratification of the fourteenth amendment, because it would add nothing of utility to the powers of Congress or to the Constitution of the United States. Certainly the definition of citizenship contained in section 1 of the amendment is the law, without being declared to be such by the amendment. Every free person born within the United States is, by the definitions of the common law and the Constitution, a natural-born citizen of the United States, and, since the abolition of slavery, this applies alike to native whites and colored. The Constitution, moreover, gave Congress specific power to establish a uniform law on naturalization, under which Congress has complete authority to provide for the admission to citizenship of any person not a natural-born citizen within the definitions of the Constitution. Every person who holds his citizenship by virtue of a general or a special act of Congress is a naturalized citizen, and every person of American nativity and allegiance is a natural-born citizen by virtue and force of the Constitution and the common law, without the intervention of the fourteenth amendment. This was made clear by Mr. Justice Gray, as I interpret his opinion, speaking for the Supreme Court of the United States, in the case of *Wong Kim Ark* (169 U. S. 649), wherein a citizen of Chinese blood born in California was held by the Court to be a natural-born citizen of the United States, without reference to the fourteenth amendment.

The provisions of section 2 of the amendment, with respect to the apportionment of Representatives among the several States according to their respective numbers, is but a repetition of the provisions of section 2, article I of the original Constitution, which provided for the enumeration of all free persons for this purpose. With the abolition of slavery this original provision applies to the free colored natives in all the States. The provision of section 2 of the amendment for the reduction of the number of Representatives apportioned to the States in which the colored male inhabitants are not invested with the elective office was made for the specific purpose of compelling the States of the South to include Negro males within the body of their electors.

The provision of section 3 of the amendment, which disqualified persons who had taken part in the Confederate government from being Senators and Representatives in Congress, electors of the President or Vice President, or from holding any office, civil or military, under the United States, or under any State is obsolete and is merely a memorial of the sectional malice of reconstruction politics and should be excised from the Constitution of the United States.

The provisions of section 4 of the amendment, with regard to the validity and public debt of the United States and the invalidity of the Confederate debt or of any claims for the emancipation of the slaves, which, as we have shown, was accomplished by State action and not by the thirteenth amendment, never had any reason for existence and remain merely a memorial of former dissensions which should now be forgotten.

The provisions of section 1 of the amendment, that no State shall make or enforce any law that shall abridge the privileges or immunities of citizens of the United States, is unnecessary, inasmuch as the original Constitution provided, in section 2 of article 4, that "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

The provisions of section 1 of the amendment, "Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws," was a provision contained in the constitutions of the several States.

Moreover, the Federal Constitution provided in section 10, article I, "That no State shall pass any law * * * impairing the obligation of contracts." This was an adequate prohibition against the enactment by any State of laws which arbitrarily interfere with the property of the people or with rights created by contract, whether such rights are vested or consist of executory covenants or promises. This was the construction placed upon this clause by John Marshall, Chief Justice of the Supreme Court of the United States, in the case of *Fletcher* v. *Peck* (6 Cr. 87) and in the case of *Dartmouth College* v. *Woodward* (4 Wheat. 518).

The reconstruction amendments were primarily made not to extend or amplify the powers of Congress conferred in the Constitution of the United States, but to shackle the State governments in the exercise of legitimate and proper political authority. Whatever the cause, we witness the picture of every person who has a grievance or some progressive political aberration appealing to Congress by prayers, petitions, and propaganda. It seems to have been forgotten that there are legislatures in the various Commonwealths of the country having a better knowledge than Congress could have of the situation within their jurisdictions requiring legislative correction, and the power and duty to formulate and grant relief, and redress of grievances, and rectify inequalities in the operation of the law, and abuses of the public authority.

Every abuse of legislative power in the States, and every failure of legislatures to use their political powers in an equal and fair manner, is not to be redressed by running to the Congress of the United States. The numerous persons who persist in this practice should be directed to a consideration of the words of Chief Justice John Marshall in *Providence Bank* v. *Billings* (4 Peters 52), wherein he said:

> The power of legislation, and consequently, of taxation, operates on all persons and property belonging to the body politic. This is an original principle, which has its foundation in society itself. * * * This vital power may be abused, but the Constitution of the United States was not intended to furnish the corrective for every abuse of power which may be committed by the State governments. The interest, wisdom, and justice of the representative body, and its relations with its constituents, furnish the only security, where there is no express contract, against unjust and excessive taxation, as well as against unwise legislation generally.

The Constitution of the United States was ordained by the people of the several States, to create a Government which should be the organ of the States of the Union with respect to their international and interstate relations and affairs. The Federal Government is a political corporation, properly exercising the independent political powers with which it is invested.

It has been contended that the Federal Government has no proper relation to the common law, or to the law of the land. The conception that the Constitution of the United States was designed directly to defend and vindicate liberties and rights, and that all political powers should be concentrated in Congress for that purpose, is the heresy of some who have sought to destroy the States and subvert the Union. Another heresy has developed, that the process of amending the Constitution may be used as a means of legislation over subjects not specifically delegated to Congress. It were well if we adhered to the letter and spirit of the Constitution of the United States to guide not only the States but the Republic.

It is vital that the States arouse themselves to the responsibilities resting upon them, to the end that they may and

shall exercise the undisputed power and authority which they have reserved to themselves.

A great Democrat from Florida who recently passed from our midst, the late Senator Fletcher, in an article written by him and which appeared in the North American Review a few years ago, said:

> Chief Justice Marshall held "that immense mass of legislation, which embraces everything within the territory of a State not surrendered to the general Government; * * * inspection laws, quarantine laws, health laws of every description, * * * are component parts of the mass," and insisted they should not be encroached upon. And later he said, "The acknowledged power of a State to regulate its police, its domestic trade, and to govern its own citizens, * * * the power of regulating their own purely internal affairs, whether of trading or police," must be conceded. He fully enunciated and sustained the principle of local self-government in local matters and the police powers of the States.

How different is the view of those who are clamoring for the enactment of this bill. They want the police powers of the States to be stripped from the States and transferred to the Federal Government, in violation of the Constitution. Their purpose is to make the States mere administrative units, subject to the control of the Federal Government whereas, under our theory of government, the States are the pillars of the Government, the States are independent in their respective spheres, and they cannot be deprived by congressional enactments of their police powers and of their sovereign and reserve powers.

The article to which I have adverted contains excerpts from an address delivered by Senator Fletcher in May 1924 on the floor of the Senate, which are as follows:

> Mr. President. I wish above everything else that I might adequately respond to the call of this hour. I hope in this debate someone will measure up to the commanding responsibility which now confronts us. We are to preserve American institutions or abandon them as out of date and weak. Truth, justice, honor, never get old or need revision. We are to hold fast to the system of government laid in the blood and treasure of a free people, designed by the inspired vision and wisdom of the master builders, or discard that system for one which the experience of mankind has discredited. The century-old conflict between dominion founded upon power and a confederacy founded upon law has never met but one ending wherever waged.

We should remember that where governments rest upon power wrongfully wrested from the people or otherwise, their end can be envisaged; and this great Senator, with the experience of a lifetime, with his knowledge of the pages of history, warned against a policy under which virtually all political power would be centered in the Federal Government.

Continuing, Senator Fletcher said:

> Between an autocracy or a dictatorship and democracy the gulf is wide and can never be successfully bridged. We hoped to develop true constitutional liberty here. We aspired to be a Nation that loves liberty—where every man is set free to do his best and be his best.
>
> The danger the early statesmen apprehended now confronts us—the centralization of power in the National Government, the destruction of local self-government and the relinquishment of the sovereign powers of the State. Against that those farseeing patriots set their souls, and we have had no occasion to question their wisdom. They would be distressed beyond measure if they could look upon this vital thrust at the sacred system of their prayerful making. I would stay the hands that would strike that blow. It is supreme folly and inexcusable rashness to push down the pillars of the temple.

Mr. President, I regret that the patriotic and statesmanlike utterances of Senator Fletcher have been and are being disregarded by many of our citizens. There are some Democrats who are supporting policies which undermine the States—policies which rest upon the assumption that the States are mere administrative agencies of the Federal Government and that the latter should control the economic, industrial, and political life of the American people.

Mr. President, when people lose liberty, it is usually because of lack of interest in their local affairs; because they sit silently by and witness the insidious growth of authority and power in the hands of groups or a limited number of individuals. Some people seem to believe that because we have a Republic founded by great men, we may sit idly and silently by, fearing no danger, recognizing no menace to our security and to the perpetuity of our Constitution. That feeling of lassitude is a dangerous symptom in individuals and to constitutional and liberal government.

It is frequently said that the rights of the States are waning, and legal writers assert, as I have indicated, that the States will soon be mere administrative districts. If such a condition shall develop, then our form of government is at an end, and socialism, or a totalitarian form of government, will rise upon its ruins. Unfortunately, there has been a subsidence of that spirit of local self-government which is essential for the maintenance of democratic institutions and the rights and authority of the States. If the States shall lose their identity and their power, the fault will lie at the door of the people themselves. After all, the people make the States and determine whether the State governments shall be effective and shall exercise the authority which they possess. When there is a crevice in the wall protecting the States, it soon widens and continues to widen until the wall is shattered and the ramparts of State government are destroyed.

I submit that it is obvious that there is not sufficient interest on the part of the people in their own Governemnt and in the functions, duties, and responsibilities resting upon them as citizens and upon the political subdivisions organized under or in virtue of State constitutions. There is an increasing demand, even by State officials, to obtain Federal aid, grants, and subsidies. They come on bended knee to implore the Federal Government to take over responsibilities resting upon the States.

Too often they display a willingness apparently to abdicate duties and to renounce the powers possessed by State officials and by the States themselves. Little by little these demands for Federal interposition lead to misinterpretations of the Constitution, and legislative authority is sought to augment the power of the Federal Government with respect to domestic affairs of the States; and judicial interpretations are demanded to validate legislative enactments which contravene the Constitution of the United States.

The commerce clause has become a destructive engine to attack the foundations of State authority and local sovereignty. Upon a former occasion I challenged attention to the demands for appropriations in behalf of activities clearly and, indeed, solely within the jurisdiction of the States. The welfare clause, it was asserted, was a specific grant of authority for the Federal Government to appropriate money for any purpose by which it might be claimed the public welfare was subserved. Under this wholly unwarranted and unsound interpretation, there would be no reason for enumerating powers granted the Federal Government. That view was forcibly demonstrated by Madison in an address delivered in the House of Representatives, and also upon various other occasions.

It is so obvious that if the welfare clause is a grant of authority to the Federal Government, its authority is almost omnipotent, and the provisions defining the specific powers would constitute a work of supererogation. The most insignificant matter—the most microscopic cause—could be made the basis of enormous appropriations by the Federal Government, to be followed by oppressive taxes, because it was asserted that it might, directly or indirectly, contribute to the public welfare. Of course, the words "public welfare" under this interpretation are so elastic that any appropriations might be justified for almost any conceivable enterprise or activity.

Madison, as I have indicated, in one of his articles in the Federalist, declared that the welfare clause was to be construed as limiting the grants of power to raise money; to limit the appropriations which were necessary to execute the enumerated powers.

As is well known, Madison vetoed the internal improvement bill, contending that it was unconstitutional; that it could not rest upon the general welfare clause; that if it were valid, then there would be no power to guard the boundaries between the legislative powers of the general and the State governments. And he added that if the general

welfare clause were construed as a grant of power, then the only question for consideration would be one of policy and expediency, which, as he declared, were "insusceptible of judicial cognizance and decision." The same view was entertained by Mr. Story, and expounded at length in his work on the Constitution.

I desire to emphasize that the fears of Madison have been realized. Under the latitudinarian, unsound, and indefensible interpretation placed by many upon the welfare clause, there is no protection to be afforded in the courts, and the people and their personal and property rights are left to the uncontrolled discretion of the legislative branch of the Government.

The vitality and vigor of the States are constantly being undermined by grants from the Federal Treasury, for almost every conceivable purpose. The States are successfully appealing for Federal grants in aid of activities and projects which are, as I have stated, exclusively within their jurisdiction.

There are many Americans who do not appreciate the insidious growth of socialism and the efforts to introduce the idealogy of Marxian philosophy. Their feeling of security rests upon the assumption that this Republic will endure forever; that it is founded upon the principles of justice and liberty, and therefore cannot successfully be assailed by evil or destructive forces. One need only to examine the progress of this Republic, its achievements in every field of human endeavor, to bring the conviction that our Fathers established the best form of government of which the world bears record. Individual liberty is the primary purpose of democratic institutions, and, of course, as a recognition of such liberty, there must be a recognition of the right of private property. Our philosophy of government involves a concept of marriage and home which rests upon the basis of the right to acquire property and to enjoy its possession. Communism would destroy our form of government and the family and the moral and spiritual foundations upon which genuine civilization rests. Proper social conditions rest upon home and family, and communities in which individual initiative finds opportunity for development and the integration of communities into States and genuine autonomous governments.

Mr. Root, in an address to the Conference of the Governors of the States on May 13, 1908, stated:

> * * * The Nation cannot perform the functions of the State sovereignties. If it were to undertake to perform those functions it would break down.

Who can say that our Government may never break down? With taxes eating up nearly 30 percent of the gross income of the people; with appropriations eight or nine times as great as they were a few years ago; with deficits reaching nearly $20,000,000,000 during the past 6 or 7 years, with demands for appropriations of more than $10,000,000,000, who shall say, in view of these facts, and the inordinate demands which are being made by cities, counties, States, and individuals for Federal interposition in local affairs, that the Government is not confronted with a problem and with a situation which may tax its vitality and its strength?

I continue the quotation from Mr. Root:

> The machinery would not be able to perform the duty. The pressure is already very heavy upon national machinery to do its present work. * * *

Mr. Root, at the tenth annual dinner of the National Civic Federation, New York, November 23, 1909, among other things, said:

> * * * Are we to reform our constitutional system so as to put in Federal hands the control of all the business that passes over State lines? If we do, where is our local self-government? If we do, how is the Central Government at Washington going to be able to discharge the duties that will be imposed upon it? Already the administration, already the judicial power, already the legislative branches of our Government are driven to the limit of their power to deal intelligently with the subjects that are before them.

Indeed, I may add that they have transgressed their power in some respects, and may challenge a denial of their policies, if the Supreme Court, as it will, acts in opposition to this reaching for power and not conferred by the Constitution of the United States.

I continue to quote:

> This country is too great, its population too numerous, its interests too vast and complicated already, to say nothing of the enormous increase that we can see before us in the future, to be governed as to the great range of our daily affairs from one central power in Washington. After all, the ultimate object of all government is the home—the home where our people live and rear their children, with its individual independence, its freedom; and I am not willing, for the sake of facilitating transaction of any kind of business, to overturn limitations that have been set by the Constitution—wisely set—between the powers of the National and State Governments.
>
> Great is our Nation. Let it exercise its constitutional powers to the fullest limit; but do not let us, in our anxiety for efficiency, cast away, break down, and reject those limits which save to us the control of our homes, of our own domestic affairs, and of our own local governments. For there, in the last analysis, under the protecting power of our great Nation, there must be formed the character of free, independent, liberty-loving citizens upon whom our Republic must depend for its perpetuity. * * *

Mr. President, I cannot refrain from reading a few words from Jefferson. I know that some Democrats in these days of opportunism and disregard of fundamentals pay scant attention to the philosophy and teachings of Jefferson. We are on the high sea of a new nationalism—I sometimes think without a compass and without proper guides.

Jefferson wrote:

> What has destroyed the liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France, or the aristocrats of a Venetian senate.
>
> It is not by the consolidation or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority.

We forget the mandates, teachings, and prophecies of the founders of this Republic, of Jefferson and Jackson, and of those who envisioned a great nation resting upon the liberty of the people, upon local self-government. We forget the warnings of great statesmen against the evils which would befall the people if they surrendered their independence, their individual liberty, and permitted the concentration of all governmental authority in the Federal Government.

We have too many economists and Socialists and totalitarians in our country today who are willing to tear down the foundations of this Republic and to establish an alien government, which finds its replica perhaps in Germany, perhaps in Italy, perhaps in Russia. It seems to me that with the warnings of history, with the lessons now being taught in many lands of the evils and woes resulting from autocratic power, we should proceed with great caution and with a determination that the Government of the fathers which came to us as a result of their sacrifices shall be preserved not only for this generation but for generations to come.

I continue to quote from Jefferson:

> Every State again is divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards, to manage minuter details; and every ward into farms, to be governed each by its individual proprietor. * * * It is by this partition of cares, descending in graduation from general to particular, that the mass of human affairs may be best managed, for the good and prosperity of all. (Autobiography, 113.)

Jefferson further said:

> Our country is too large to have all its affairs directed by a single government. Public servants at such a distance, and from under the eye of their constituents, must, from the circumstances of distance, be unable to administer and overlook all the details necessary for the good government of the citizens; and the same circumstance, by rendering detection impossible to their constituents, will invite the public agents to corruption, plunder, and waste.
>
> I see with the deepest affliction the rapid strides with which the Federal branch of our Government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their power.

I wonder what Jefferson would say today if he could witness the mighty torrent of legislation—some of which, I believe, is violative of the Constitution—and the demands which are being made, and which are being granted, for Federal interposition in purely local affairs. Would he not say, in stronger terms than those I have read, that there is danger to the Republic and to the Government of the fathers in these consolidating tendencies which are manifesting themselves in our political institutions?

Jefferson refers in his statement to efforts to strip the States of their power. After referring to certain decisions of the Supreme Court and certain actions by the President and Congress, he said:

> Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry, and that, too, the most depressed, and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words "general welfare," a right to do not only the acts to effect that which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare. And what is our resource for the preservation of the Constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them.
>
> The representatives chosen by ourselves? They are joined in the combination, some from incorrect views of government, some from corrupt ones, sufficient voting together to outnumber the sound parts; and with majorities only of one, two, or three, bold enough to go forward in defiance. * * * But, in the meanwhile, the States should be watchful to note every material usurpation on their rights; denounce them as they occur in the most preemptory terms; to protect against them as wrongs to which our present submission shall be considered, not as acknowledgments or precedents of right, but as a temporary yielding to the lesser evil, until their accumulation shall overweigh that of separation.

We overlook the fact that the founders of the Republic were profound students of history and governments. They knew the struggles through which peoples had passed to secure liberty, and of the causes which led to loss of liberty. They were acquainted with Locke and Milton and Sidney and Montesquieu and the Encyclopedists of France. They were familiar with the causes leading to the rise and fall of nations, and they determined to limit the power of the central government, and to build up in the new world a constitutional government in which individual and local self-governments were not only of primary consideration but were the basis of the entire political structure which they were to erect. As stated they were familiar with the thesis of Montesquieu and the dangers which would result if legislative and executive powers were united in the same person or in the same body of magistrates. As I have indicated, our fathers were familiar with the teachings of Locke, and the great liberal leaders of thought in Great Britain, and from them Otis, Samuel Adams, and Henry, and other great patriots who aided in establishing this Republic, derived inspiration to guide them in their great labors.

Sound political thinkers and writers upon our Constitution are concerned with the increasing authority of the Federal Government and its serious effect upon State and individual conduct. Prof. Andrew C. McLaughlin, in his work entitled "The Courts, the Constitution, and Parties," asks whether—

> If the people of the State are on the whole derelict about duties that can be performed through local law, can we have assurance that the authorities at Washington will be superior to unwholesome influence and incompetence?

As I interpret his view, it is that there is a conscious disregard of law, in part due to the assertion of power by the Federal Government, which neutralizes the authority of the States and develops a growing indifference upon the part of the people to the constitution and laws of their respective States. The writer states that, if the National Government can assume powers not granted, we shall lose local authority in a considerable measure and surrender to that degree our conception of a Federal State, and thus, as I understand his position—

> We shall consciously give up the idea of law-abiding State and enter once again upon a government of men and not law; we shall revert, in other words, to the condition against which the fathers struggled and against which the forces of liberty were arrayed for centuries in English history. If the Federal Government can under pressure reach beyond its legal competence to do things for the State, there cannot in logic be an end; the very framework of government itself may be warped and broken under the pressure of opportunism and exigency. It is easy enough to argue that a President can go beyond his constitutional limits because he can act more expeditiously than a cumbersome Congress. Even now at least one able, influential, and thoughtful journal (I do not mention the hare-brained variety) is demanding "centralized democracy," which is a euphemism for consolidated government and centralized authority. But from the highest point of view can there be any greater danger than the conscious breach of confining law unless it arises from the hypocritical pretense of regard for law while one is consciously going beyond its limits? Have we reached that stage in our fretting against the bars of legal federalism? (pp. 287–289).

Mr. Zane, in his excellent work, the Story of Law, refers to the encroachments of the Federal Government and the bureaucratic organizations that are being developed within the National Government. He states that if the various governmental boards and agencies would be satisfied with ordinary voracity the situation of the people and of business would be less oppressive. But he adds that "through the resources of the Government Printing Office they are enabled to deluge the land with masses of documents highly laudatory of their activities and pointing out how further revenue can be obtained."

Those who are familiar with the bureaus and Federal agencies, and the millions of books, documents, pamphlets, statements, eulogies, of themselves and their activities, will not attempt to controvert this statement.

He calls attention to the fact that Congress and State legislatures seem perfectly willing to pass any sort of law that any Government board asks for. May I quote the following paragraph from the work to which I have just referred:

> This constant flood of legislation is the worst feature of our polity. Laws that regulate minutely the affairs of the citizens are bad enough, but when they are constantly changing the evil is vastly multiplied. Plato may have had a fantastic idea when he said that children's games ought to be regulated so that they could not be changed, but his reason was this, that when these children were grown up they would not as citizens be constantly changing the laws. His idea was the direct result of the baleful legislative fecundity of Athens. Zaleucus, the lawgiver of the Epizephyrian Locrians, had the provision that the proposer of a law should appear before the assembly with a rope around his neck, and if the law failed of passage the proposer should be instantly hanged. At Athens if a law turned out badly any citizen could bring a criminal action against the proposer. But under our representative system of government the responsibility for a law cannot be enforced against anyone. If in this country proposers of bad laws were indictable the number of courts would need to be doubled (p. 405).

Mr. President, when measures are proposed in Congress an inquiry should be made as to whether they are violative of the Constitution—whether they interfere with the rights of the States or impinge upon the rights of individuals. The Democratic Party has been a defender of the Constitution—a protector of the States and of individual rights. The bill before us, as I have stated, is a challenge to our form of government; it is an assault upon the States; it is an attempt to degrade them and to deprive them of their police powers. In my opinion the bill before us is violative of the Constitution and seeks to impair the sovereign rights of the States. I need not mention the fact that the tenth amendment declares—

> * * * The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people. * * *

It must be admitted that there is no provision in the Constitution that delegates to the Federal Government the authority to take over the police powers of the States.

In the case of *New York* v. *Miln* (11 Pet. 102, 138), in referring to the authority of the Federal Government concerning the powers of the States, the Court declares—

> * * * We choose rather to plant ourselves on what we consider impregnable positions. They are these: That a State has the same undeniable and unlimited jurisdiction over all persons

and things, within its territorial limits, as any foreign nation; where that jurisdiction is not surrendered or restrained by the Constitution of the United States. That, by virtue of this, it is not only the right, but the bounden duty of a State, to advance the safety, happiness, and prosperity of its people, and to provide for its general welfare, by any and every act of legislation, which it may deem to be conducive to these ends; where the power over the particular subject, or the manner of its exercise is not surrendered or restrained, in the manner just stated. That all those powers which relate to merely municipal legislation, or what may, perhaps, more properly be called internal police, are not thus surrendered or restrained; and that, consequently, in relation to these, the authority of a State is complete, unqualified, and exclusive. * * *

I refer to this case for the purpose of indicating that the police power is wholly within the jurisdiction of the State. It is to be noted that this decision antedated the adoption of the fourteenth amendment, but as I shall show, that amendment was not intended to, and did not rob the States of their police powers, or confer upon the Federal Government additional authority to deal with the domestic affairs of the States. The amendment did not transfer to the Federal Government the vast field of rights and immunities belonging to the citizens of the States, and over which prior to its adoption the control of the States was undisputed. That fact is clearly indicated by the Supreme Court of the United States in the famous Slaughterhouse cases.

The Senator from North Carolina [Mr. BAILEY] in his able and profound address, interpreted the Slaughterhouse cases, and conclusively demonstrated that the so-called anti-lynching bill finds no support under the fourteenth amendment. May I quote a few sentences from the decision of the Court?

* * * Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privilege and immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned, from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States? * * * All this and more must follow, if the proposition of the plaintiffs in error is sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States, in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects. * * * The argument we admit is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other, and of both these governments to the people; the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt. * * *

The contention referred to by the Court—which it denied—was in effect that the fourteenth amendment transferred to the Federal Government authority over that field which had theretofore been exclusively under the jurisdiction of the States and came within their police powers. I ask Senators to note the statement of the Court, that this rejected contention would fetter and degrade the State governments by subjecting them to the control of Congress; and yet, as I have heretofore stated, this bill is an effort to degrade the States and to fetter them by subjecting their internal affairs and police powers to the Federal Government. The court in rejecting this argument stated that no such results were intended by Congress when the fourteenth amendment was proposed nor by the legislatures of the States which ratified it.

The view that the fourteenth amendment did not in any way limit the authority of the States in the exercise of full and complete police powers over the subjects within their dominion, or confer upon the Federal Government any authority over the police powers of the States, has been reiterated by the Supreme Court of the United States in a number of cases.

In the case of *Barbier* v. *Connolly* (113 U. S. 27, 31), the Court stated:

* * * But neither the amendment (fourteenth), broad and comprehensive as it is, nor any other amendment, was designed to interfere with the power of the State, sometimes termed "its police power," to prescribe regulations to promote the health, peace, morals, education, and good order of the people. * * *

In the case of *House* v. *Mayes* (219 U. S. 270), the Court stated:

* * * There are certain fundamental principles * * * which are not open to dispute. * * * Briefly stated, those principles are: That the Government created by the Federal Constitution is one of enumerated powers and cannot by any of its agencies exercise an authority not granted by that instrument, either in express words or by necessary implication; that a power may be implied when necessary to give effect to a power expressly granted; that while the Constitution of the United States and the laws enacted in pursuance thereof, together with any treaties made under the authority of the United States, constitute the supreme law of the land, a State of the Union may exercise all such governmental authority as is consistent with its own constitution, and not in conflict with the Federal Constitution, but exists independently of it by reason of its never having been surrendered by the State to the General Government; that among the powers of the State not surrendered—which power therefore remains with the State—is the power to so regulate the relative rights and duties of all within its jurisdiction so as to guard the public morals, the public safety, and the public health. * * *

Again the Court declared in the case of *Arkansas* v. *Kansas, etc., Coal Co.* (183 U. S. 185) that the fourteenth amendment did not invest Congress with the power to legislate on subjects which are within the police power of the States. The Court used this language:

* * * The police power * * * the power to protect life, liberty, and property, to conserve the public health and good order, which always belonged to the States * * * was not surrendered to the General Government or directly restrained by the Constitution. The fourteenth amendment, in forbidding a State to make or enforce any law abridging the privileges or immunities of citizens of the United States, or to deprive any person of life, liberty, or property without due process of law or to deny to any person within its jurisdiction the equal protection of the laws, did not invest Congress with power to legislate upon subjects which are within the domain of State legislation. * * *

Mr. President, I submit that an attempt is being made by the proponents of this bill to impair the inalienable sovereign rights of the States to "conserve the public health and good order." It is an attempt, based upon the erroneous and unsound interpretation of the Constitution, that the Federal Government should and does have the power and authority to declare what should constitute crimes within the States, and to that extent interfere with their authority. Stripped of its subterfuge and pretense, this bill is an attempt to regulate the crimes of murder, assault, false imprisonment, and other offenses which it does not possess. May I say in passing that if the Federal Government has such authority, it may deal with practically all infractions of law and usurp the police power of the States.

Mr. McClain, in his work on criminal law, states that—

* * * Undoubtedly the authority to determine what crimes are punishable, and to provide for their punishment, is a part of the general police power of a sovereign and independent State, and, not being conferred by the Constitution of the United States upon the Federal Government, remains with the separate States of the Union. * * *

Senators are familiar with the famous case of *United States* v. *Cruikshank et al.* (92 U. S. 542). There an indictment was found against certain persons for violating a Federal statute which provided in effect that—

* * * where two or more persons conspired or intended to deprive persons of constitutional rights they enjoyed, they would be guilty of a felony and subject to fine and imprisonment. Due to loose pleading on the part of the Government, the constitutionality of this statute was not decided. * * * The third and eleventh counts are even more objectionable. They charge the intent to have been to deprive the citizens named, they being in Louisiana "of their respective several lives and liberty of persons without due process of law." This is nothing else than alleging a conspiracy to falsely imprison or murder citizens of the United

States, being within the territorial jurisdiction of the State of Louisiana. The rights of life and personal liberty are natural rights of man. "To secure these rights," says the Declaration of Independence, "governments are instituted among men, deriving their just powers from the consent of the governed." The very highest duty of the States, when they entered the Union under the Constitution, was to protect all persons within their boundaries in the enjoyment of these "inalienable rights with which they were endowed by the Creator." Sovereignty for this purpose, rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State, than it would be to punish for false imprisonment or murder itself. * * *

A few years later section 5519 of the Revised Statutes of the United States, which contained essentially the same provision as the one under consideration in the Cruikshank case, was declared unconstitutional by the Supreme Court of the United States.

In the case of *United States* v. *Harris* (106 U. S. 629), the Supreme Court of the United States stated that—

* * * The purpose and effect of the two sections of the fourteenth amendment were clearly defined by Mr. Justice Bradley in the case of *United States* v. *Cruikshank* (1 Woods, 308) as follows: "* * * It is a guaranty of protection against the acts of the State itself. It is a guaranty against the exertion of arbitrary and tyrannical power on the part of the government and legislature of the State, not a guaranty against the commission of individual offenses; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guaranty does not extend to the passage of laws for the suppression of crime within the States. * * * When the case of *United States* v. *Cruikshank* came to this Court the same view was taken here * * *."

The Supreme Court of the United States again reiterated the view that the fourteenth amendment did not abridge the exclusive jurisdiction of the States over crimes within their borders. In the case of *Caldwell* v. *Texas* (132 U. S. 692), the Court stated:

* * * By the fourteenth amendment the powers of the States in dealing with crime within their borders are not limited. * * *

After stating that it was the settled doctrine that the police power of the State extends to the protection of the lives, the health, and property of the people, Mr. Justice Harlan used this language in the case of *Patterson* v. *Kentucky* (97 U. S. 501).

* * * Whether the policy thus pursued by the State is wise or unwise, it is not the province of the national authorities to determine. * * *

I submit, Mr. President, that the cases to which I have referred, as well as others which might be cited have announced fundamental principles and rules of constitutional law which may not be challenged. Briefly stated they are: That there is not contained in the Constitution any delegation of authority to the Federal Government to interfere with the police power of the States; that under the terms of the tenth amendment the authority known as the police power was retained by the States, even though it might be conceded that such authority had not been retained by the States under the Constitution; that the adoption of the fourteenth amendment did not limit the States in their authority in this regard, nor did it confer upon the Federal Government any power over subjects specifically defined as being within the police power, and that criminal offenses such as those embraced within the terms of the bill under consideration are exclusively within the jurisdiction of the States. Putting it mildly, there has been a gross misapplication of the letter and the spirit of the fourteenth amendment in efforts to employ its provisions as a basis in support of the bill before us. The fourteenth amendment did not create any new rights for citizens of the United States not existing prior to its adoption.

The amendment was designed only for the purpose of preventing any State from infringing upon the rights of individuals which theretofore existed, and which in my opinion have existed from the time of Magna Carta. Primarily it was adopted for the purpose of preventing infringements upon those rights, on account of color or race, and that the "due process" and "equal protection of the laws" clauses are applicable where any person is denied the same. I repeat, the fourteenth amendment did not originate new rights. This view, I insist, is almost universally accepted. It is therefore difficult to understand how it can be contended that an individual who has been assaulted and who thus has access to the courts to secure redress for such assault, acquires the additional right to secure damages from the county. And I might add that the fallacy of this proposition is manifest when the victim himself is removed from the picture; and yet the right to recover damages from the county still remains for the benefit of the representatives who were not denied equal protection of the law even under any interpretation of the fourteenth amendment.

I am sanguine that the framers of the fourteenth amendment never intended to weaken the foundations of the States by permitting or authorizing under its vague and nebulous terms, the Federal Government to enforce the criminal laws of the States. A clause in the fourteenth amendment relating to the denial of equal protection of the laws, was directed against certain State laws which discriminated against certain members of the colored race; and the purpose of Congress in adopting the provisions referred to, extended no further than an attempt to prevent unequal laws. Under the most distorted interpretation of this clause it cannot be contended that a person is denied equal protection of the laws, when a policeman or peace officer fails to uphold the laws of his State. If, because of discriminatory legislation, persons are denied redress in the courts, there is justification for the contention that there has been a denial of equal protection of the laws.

It is claimed by the proponents of this measure that persons of the colored race were not able to secure fair trials, due to State laws or State constitutional provisions which prevented Negroes from serving on juries because of their color. In a few cases there was no law of the State, and it was the act of an officer of the court of which complaint was made. Such was the case of *Strauder* v. *West Virginia* (100 U. S. 303) and the case of *Neel* v. *Delaware* (103 U. S. 370). In the latter case the State law excluded Negroes from serving on juries. It was held that there was a denial of equal protection of the laws by the affirmative act of the State as a corporate entity.

The case of *Ex parte Virginia* (100 U. S. 339) affords no sanction for the bill under consideration. The bill before us declares that—

* * * a State shall be deemed to have denied to any victim or victims equal protection and due process of law whenever that State or any legally competent governmental subdivisions thereof shall have failed, neglected, or refused to employ the lawful means at its disposal for the protection of that person or those persons against lynching or against seizure and abduction followed by lynching. * * *

If it were within the power of the Federal Government to enact this provision into law, then there would be no line of demarcation beyond which the Federal Government might not go. The only requirement would be the statement of a rule of law with a condition that a certain situation would be embraced within such rule. It is obvious that any felony or misdemeanor, no matter where committed, could be punished under this view by invoking the principle or doctrine announced in the provision just referred to.

For example, the State or a political subdivision thereof could be fined, or an officer of the law could be punished in every instance where it could be shown that he was negligent. Where an officer traverses a certain beat which he was presumed to protect, he would be guilty of a felony for any negligence in connection with any crime or petty misdemeanor committed on his beat. Larceny, disturbances of the public peace; indeed substantially all offenses could be controlled by the Federal Government if the theory of this bill is accepted, and if this measure were enacted into law and held to be constitutional, it merely would be necessary for Congress to state that such negligence on the part of the officer would constitute denial of equal protection of the laws to

the victims of such crimes as might be committed. If such control upon the part of the Federal Government is constitutional it would seem there would be reasons assigned for the regulation of all crimes, misdemeanors, and breaches of the public peace, in order to secure uniformity in criminal cases; otherwise there would be confusion and the States and their political subdivisions would be unable to determine which crimes or offenses they could deal with by legislation.

Under the views of the proponents of this measure, the Federal Government may be supreme in matters which have been regarded to be exclusively within the powers of the States. It would justify regimentation of the most offensive and oppressive character.

To illustrate the dangers in this proposed legislation I have prepared two amendments which I shall present not for the purpose of having them adopted. If offered I should vote against them, but I refer to them to show how dangerous, not only to the authority and rights of the States this measure would prove, if enacted into law, but also to the rights and liberties of individuals. If the Federal Government has authority to enact this so-called antilynching bill, it may enact laws upon the ground that they are for—

• • • the purpose of better assuring equal protection and due process of law to persons unlawfully deprived of employment, or unlawfully deprived of their property as a result of the seizure and retention thereof by others. • • •

If this were not unconstitutional the Federal Government could declare that lynching shall be deemed to include acts constituting felonies and misdemeanors, unlawful seizure and retention of property, excepting stolen property. It could declare that lynching—

• • • shall be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, or violence occurring during the course of picketing or boycotting or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932 (47 Stat. 70) • • •

As stated, if this so-called antilynching measure is constitutional then the Federal Government can enter into the fields to which I have just referred and deal with labor disputes and controversies. The bill further states that—

If any State or governmental subdivision thereof fails or neglects or refuses to protect any owner of property from strikes of employees and so forth, it shall be liable in damages.

Certainly labor should look with concern upon any measure that might establish a precedent or might be used to its disadvantage in labor disputes or controversies. The principle upon which this bill rests, if asserted in labor controversies, would prove harmful to individuals or groups.

As stated, I am not suggesting these amendments for the purpose of having them adopted. Quite the reverse, because, as stated, I would oppose them if efforts were made to engraft them upon this bill or upon any measure.

The fourteenth amendment is limited in its application to action by the States. As stated in the *Cruikshank case* (92 U. S. 542), it prohibits a State from—

• • • denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it • • • add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. • • •

In the case of *Virginia* v. *Rives* (100 U. S. 318), the Court declared that—

• • • The provisions of the fourteenth amendment to the Constitution we have quoted all have reference to State action exclusively, and not to any action of private individuals. It is the State which is prohibited from denying to any person within its jurisdiction the equal protection of the laws. • • •

In order for a cause of action to arise under the fourteenth amendment, it must be shown that a State has performed certain acts which constitute a denial of equal protection of the law or a denial of the due process of law.

As stated in *Ex parte Virginia* (100 U. S. 339)—

• • • The prohibitions of the fourteenth amendment are addressed to the States. The constitutional amendment was ordained for a purpose. It was to secure equal rights to all persons and to insure to all persons the enjoyment of such rights, power was given to Congress to enforce its provisions by appropriate legislation. Such legislation must act upon persons, not upon the abstract thing denominated a State, but upon the persons who are the agents of the State in the denial of the rights which were intended to be secured. • • •

Mr. President, the hour of adjournment has arrived and I shall not further detain the Senate. However, when I again obtain the floor I shall further discuss the unconstitutionality of the measure under consideration.

Mr. President, I have today merely started on what I am about to discuss, but there will be another day, and I think I shall now yield the floor.

Mr. ELLENDER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LODGE in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	Overton
Andrews	Copeland	Johnson, Calif.	Pepper
Ashurst	Davis	Johnson, Colo.	Pittman
Austin	Dieterich	King	Pope
Bailey	Donahey	La Follette	Radcliffe
Bankhead	Duffy	Lee	Reynolds
Barkley	Ellender	Lewis	Russell
Berry	Frazier	Lodge	Schwartz
Bilbo	George	Logan	Schwellenbach
Bone	Gerry	Lonergan	Sheppard
Borah	Gibson	Lundeen	Smathers
Brown, Mich.	Gillette	McAdoo	Smith
Brown, N. H.	Glass	McKellar	Steiwer
Bulkley	Guffey	McNary	Thomas, Okla.
Bulow	Hale	Maloney	Thomas, Utah
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Milton	Truman
Byrnes	Hayden	Minton	Vandenberg
Capper	Herring	Murray	Wagner
Caraway	Hill	Neely	Walsh
Chavez	Hitchcock	Norris	Wheeler
Clark	Holt	O'Mahoney	

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present.

The question is on the amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment, as modified, of the Senator from Illinois [Mr. LEWIS].

Mr. BARKLEY and Mr. BILBO addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BARKLEY. Mr. President, does the Senator from Mississippi desire to proceed with his discourse this afternoon.

Mr. BILBO. I will state to the Senator from Kentucky that I am now ready to make a 30-day speech, and I wish to ask unanimous consent that I may have the floor the next time the Senate meets.

EXECUTIVE SESSION

Mr. BARKLEY. It is satisfactory to me for the Senator to have the floor at the next meeting, but I do not control recognition.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. LODGE in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Edward W. Griffin, of Alaska, to be Secretary of the Territory of Alaska (reappointment), which was referred to the Committee on Territories and Insular Affairs.

EXECUTIVE REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on the Judiciary, reported favorably the nomination of George A. Meffan, of Idaho, to be United States marshal for the district of Idaho.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

THE JUDICIARY

The legislative clerk read the nomination of William R. Smith, Jr., to be United States Attorney for the western district of Texas.

Mr. BARKLEY. Mr. President, the Senator from Texas [Mr. CONNALLY] has been asking that this nomination be passed over.

Mr. CONNALLY. Let it be passed over until further notice.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

The legislative clerk read the nomination of Robert A. Cooper, of South Carolina, to be United States district judge, district of Puerto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. KING. Mr. President, Judge Cooper is the present judge in Puerto Rico and he has important work before his court. I ask that the President be notified of his confirmation.

The PRESIDING OFFICER. Without objection, the President will be notified.

The legislative clerk read the nomination of Emerich B. Freed to be United States attorney for the northern district of Ohio.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John D. Clifford to be United States attorney for the district of Maine.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of Otto S. Beyer, of Virginia, to be a member of the National Mediation Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the Executive Calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc. That concludes the calendar.

BRIG. GEN. EDGAR CARL ERICKSON

The PRESIDING OFFICER. The present occupant of the chair asks unanimous consent to report, from the Committee on Military Affairs, the nomination of Brig. Gen. Edgar Carl Erickson, Massachusetts National Guard, to be brigadier general, National Guard of the United States. General Erickson is a splendid citizen of the State of the present occupant of the chair, who is happy to have the honor to report his nomination.

Is there objection to the present consideration of the nomination? The Chair hears none; and, without objection, the nomination is confirmed.

RECESS TO MONDAY

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 15 minutes p. m.) the Senate took a recess until Monday, January 31, 1938, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate January 28 (legislative day of January 5), 1938

SECRETARY OF THE TERRITORY OF ALASKA

Edward W. Griffin, of Alaska, to be secretary of the Territory of Alaska. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate January 28 (legislative day of January 5), 1938

UNITED STATES DISTRICT JUDGE

Robert A. Cooper to be United States district judge for the district of Puerto Rico.

UNITED STATES ATTORNEYS

Emerich B. Freed to be United States attorney for the northern district of Ohio.

John D. Clifford to be United States attorney for the district of Maine.

NATIONAL MEDIATION BOARD

Otto S. Beyer to be a member of the National Mediation Board.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

Edgar Carl Erickson to be brigadier general, National Guard of the United States.

POSTMASTERS

ARIZONA

Virginia Gay, Clemenceau.

ARKANSAS

William E. Carpenter, Cave City.
Elizabeth Horton, Washington.

ILLINOIS

Frank J. Clark, Hines.
Ernest J. Kruetgen, Chicago.

KANSAS

William E. Gallanaugh, Gardner.

MICHIGAN

Anna G. Kindelan, Dollar Bay.

VIRGINIA

Carrie F. Patterson, Greenwood.

WISCONSIN

Howard F. Vande Hei, West De Pere.

HOUSE OF REPRESENTATIVES

FRIDAY, JANUARY 28, 1938

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, Thou who art most human and divine, grant that we may be joined to Thee in vital union of affection, devotion, and heartfelt desire. When our joy is touched with pain, when shadows fall on brightest flowers, breathe upon us the ministry of the divine presence. In the calmness of sustaining faith, let their discipline be lost in the joy of fairer days. We are not merely to gratify our own purpose, but to seek Thy will. When found, blessed Lord, may we love to follow it. From the high altar of worthy living, out of fair ideals of the mind of understanding, let there spring ambitions for a better and a happier country. In every situation, do Thou be pleased to sustain our Speaker and the Congress with the arms everlasting, that never fail. In the Master's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed the following resolution:

Senate Resolution 227

JANUARY 5 (calendar day, JANUARY 27), 1938.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. EDWARD A. KENNEY, late a Representative from the State of New Jersey.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 12 o'clock meridian tomorrow.

The message also announced that the Senate insists upon its amendments to the joint resolution (H. J. Res. 571) entitled "Joint resolution making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. GLASS, and Mr. HALE to be the conferees on the part of the Senate.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 408.

The Clerk read as follows:

Resolved, That, for the purpose of obtaining information necessary as a basis for legislation, the Committee on World War Veterans' Legislation of the Seventy-fifth Congress is authorized as a committee, by subcommittee or otherwise, to continue the survey begun under authority of House Resolution 325 of the Seventy-fifth Congress until January 3, 1939, and for such purposes said committee shall have the same power and authority as that conferred upon the Committee on World War Veterans' Legislation by House Resolution 325 of the Seventy-fifth Congress. The unexpended balance of the appropriation under House Resolution 331 of the Seventy-fifth Congress is hereby continued for such purposes.

Mr. O'CONNOR of New York. Mr. Speaker, if I may be permitted to explain this resolution briefly: In the first session of this Congress the House passed a resolution authorizing the Committee on World War Veterans' Legislation to investigate the veterans' hospitals. They were to report at the beginning of this session. This investigation has not been completed, for I understand there are six or seven more hospitals to be investigated. There is an unexpended balance of about $3,000 in the committee's funds.

The purpose of this resolution is to authorize the committee to continue the investigation and to report at the beginning of the next session of Congress, and to allow them to use the unexpended balance.

If there is any further need of explanation the gentleman from Indiana [Mr. GRISWOLD], a member of that committee, can explain; and I yield to him for that purpose.

Mr. COCHRAN. Mr. Speaker, will the gentleman from Indiana yield?

Mr. GRISWOLD. I yield.

Mr. COCHRAN. I know that the gentleman's committee made an investigation of the hospital adjoining my district, under authority of the resolution passed last year. This resolution, as I understand it, simply permits your committee to continue and carry on the activities that were interrupted by reason of the special session, and further authorizes only the use of the unexpended appropriation. It does not ask for or authorize any additional money. Is this correct?

Mr. GRISWOLD. The gentleman is correct. No additional funds are asked for, and it is not contemplated any will be asked for in view of the fact that there remains of the original $5,000 an unexpended balance of $3,000, and we have investigated 80 percent of the hospitals. We have spent only $2,000 of the original $5,000 given to the committee.

Mr. COCHRAN. In view of the gentleman's statement, which clearly indicates no additional money will be requested, I offer no objection.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to; and a motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—NATIONAL DEFENSE (H. DOC. NO. 510)

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee of the Whole House on the state of the Union, and ordered printed.

To the Congress of the United States:

The Congress knows that for many years this Government has sought in many capitals with the leaders of many governments to find a way to limit and reduce armaments and to establish at least the probability of world peace.

The Congress is aware also that while these efforts, supported by the hopes of the American people, continue and will continue they have nevertheless failed up to the present time.

We, as a peaceful nation, cannot and will not abandon active search for an agreement among the nations to limit armaments and end aggression. But it is clear that until such agreement is reached—and I have not given up hope of it—we are compelled to think of our own national safety.

It is with the deepest regret that I report to you that armaments increase today at an unprecedented and alarming rate. It is an ominous fact that at least one-fourth of the world's population is involved in merciless devastating conflict in spite of the fact that most people in most countries, including those where conflict rages, wish to live at peace. Armies are fighting in the Far East and in Europe; thousands of civilians are being driven from their homes and bombed from the air. Tension throughout the world is high.

As Commander in Chief of the Army and Navy of the United States it is my constitutional duty to report to the Congress that our national defense is, in the light of the increasing armaments of other nations, inadequate for purposes of national security and requires increase for that reason.

In spite of the well-known fact that the American standard of living makes our ships, our guns, and our planes cost more for construction than in any other nation and that the maintenance of them and of our Army and Navy personnel is more expensive than in any other nation, it is also true that the proportion of the cost of our military and naval forces to the total income of our citizens or to the total cost of our Government is far lower than in the case of any other great nation.

Specifically and solely because of the piling up of additional land and sea armaments in other countries, in such manner as to involve a threat to world peace and security, I make the following recommendations to the Congress:

(1) That there be authorized for the Army of the United States additions to antiaircraft material in the sum of $8,800,000 and that of this sum $6,800,000 be appropriated for the fiscal year 1939.

(2) That there be authorized and appropriated for the better establishment of an enlisted reserve for the Army the sum of $450,000.

(3) That there be authorized the expenditure of $6,080,000 for the manufacture of gages, dies, and other aids to manufacture of Army matériel, the sum of $5,000,000 thereof to be expended during the fiscal year 1939.

(4) That the sum of $2,000,000 be authorized and appropriated toward the making up of deficiencies in ammunition for the Army.

(5) That the existing authorized building program for increases and replacements in the Navy be increased by 20 percent.

(6) That this Congress authorize and appropriate for the laying down of two additional battleships and two additional cruisers during the calendar year 1938. This will call for the expenditure of a very small amount of Government funds during the fiscal year 1939.

(7) That the Congress authorize and appropriate a sum not to exceed $15,000,000 for the construction of a number of new types of small vessels, such construction to be

regarded as experimental in the light of new developments among navies; and to include the preparation of plans for other types of ships in the event that it may be necessary to construct such ships in the future.

I believe also that the time has come for the Congress to enact legislation aimed at the prevention of profiteering in time of war and the equalization of the burdens of possible war. Such legislation has been the subject for many years of full study in this and previous Congresses.

It is necessary for all of us to realize that the unfortunate world conditions of today have resulted too often in the discarding of those principles and treaties which underlie international law and order, and in the entrance of many new factors into the actual conduct of war.

Adequate defense means that for the protection not only of our coasts but also of our communities far removed from the coast we must keep any potential enemy many hundred miles away from our continental limits.

We cannot assume that our defense would be limited to one ocean and one coast and that the other ocean and the other coast would with certainty be safe. We cannot be certain that the connecting link—the Panama Canal—would be safe. Adequate defense affects, therefore, the simultaneous defense of every part of the United States of America.

It is our clear duty to further every effort toward peace but at the same time to protect our Nation. That is the purpose of these recommendations. Such protection is and will be based not on aggression but on defense.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 28, 1938.*

PERMISSION TO ADDRESS THE HOUSE

Mr. MERRITT. Mr. Speaker, I ask unanimous consent that on Monday next after the disposition of legislative business on the Speaker's table I may be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech by James O'Connor Roberts, national chairman of the American Legion National Defense Committee.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WELCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an article published in the Log, a periodical devoted to west-coast shipping news, the article being entitled "Pacific Coast Defense Weakened."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MASON asked and was given permission to extend his own remarks in the RECORD.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

Mr. COLLINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes; and pending that I ask unanimous consent that general debate proceed throughout the day, to be equally divided between the gentleman from Michigan [Mr. ENGEL] and myself.

Mr. ENGELL. Debate not to be confined to the bill?

Mr. COLLINS. Debate not to be confined to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Mississippi.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9181, the District of Columbia appropriation bill, 1939, with Mr. DRIVER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. ENGEL. Mr. Chairman, I yield 25 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, on January 29, 1937, I addressed this House on the life and achievements of William McKinley. In that address I took the position that McKinley, considered from the results of his efforts in Congress, was one of the most effective Congressmen among the many distinguished men who have served in this House. At the same time I took the position that, although McKinley had, after having been Governor of the great State of Ohio, served as President of the United States during one of our great wars, yet his greatest contribution to the welfare of this Republic and her people was made here upon the floor of this House as a Member of this honorable body.

It has not been given to many Congressmen, however brilliant, to be considered by their contemporaries and by subsequent generations as central figures in any one of the great epochs of our history. Many brilliant men have graced this House with their service. Since I have been a Member of this body I have seen men come and go whose mental attainments were of the highest order. Had they served in the time of a great emergency they might have burned their names into the everlasting history of the Republic. But, be that as it may, Mr. McKinley found his opportunity and made the most of it, for he was no ordinary man.

Mr. McKinley was elected to Congress in 1876, and entered upon his duties the same day that Rutherford B. Hayes, who had served with him on many bloody battlefields, entered upon his service as the President of these United States. These two men were more than friends; they were comrades. It has been said publicly many times, although I have not been able to verify it from historic records, that upon one occasion during a battle or campaign of the Civil War there were four Ohio officers occupying the same tent all of whom afterwards became Presidents of the United States. It is supposed that these were Grant, Hayes, Garfield, and McKinley.

McKinley's greatest contribution was his successful efforts in protecting American industry, American farmers, and American workmen from the products of the cheap labor of foreign countries. He was a modern apostle of protection. While he did not raise the protection tariff as a new issue he interpreted the protective tariff in a new way.

Tariff on imported articles was one of the inevitable policies of colonial days. The Colonies were early under the necessity of protecting themselves against importations from neighboring colonies.

Massachusetts was probably the first colony to enact such legislation. In 1652, and 32 years after the landing of the Pilgrim fathers, Massachusetts by law prohibited importation of malt, wheat, flour, meat, meal, and similar products. Soon thereafter Virginia prohibited the importation of tobacco, especially from North Carolina. Practically every colony prohibited competitive goods coming from its neighboring colony because the neighboring colonies usually produced about the same class of articles. Lack of transportation prevented distant colonies from competition by importation.

Gradually, as Great Britain imposed her unfair taxes and duties upon Americans, they began, from necessity, to manufacture their own necessities. Therefore when the Revolutionary War broke out they patriotically prohibited the importation of any goods from Great Britain and proceeded to make themselves as self-sufficient as possible. The termination of the Revolutionary War brought to America not only political liberty but furnished our people an opportunity to demonstrate to the world that they were the most industrious and ingenious people in the world.

Following the Revolution, the Thirteen Colonies continued to operate under the Articles of Confederation. Each State held to itself all the powers of sovereignty, especially as to the

power to prohibit importations from any other colony or colonies and from foreign nations. They exercised that power to such an extent that it created in the minds of leaders, such as Washington, Madison, Hamilton, and Franklin, the fear that unless something would be done immediately the Colonies would soon be at actual war with each other with a result that we do not like to contemplate. This fear was beyond any question the one most important reason for the calling of the convention to amend the Articles of Confederation which, instead of amending the Articles of Confederation, brought forth the Constitution. So the policy of protecting ourselves from competitive imports by levying duties and tariffs and prohibitions against importations has from the very beginning of our history been one of our most important national policies.

The Constitution provides that the States should surrender their right to levy tariffs and duties. That right was granted to the Congress exclusively, and when Congress assembled in its first session in April 1789, after electing a chairman its next official act was the appointment of a Committee on Ways and Means. This great committee was the first appointed, and it has from that day to this been considered the ranking committee of Congress. On the second day of the first session of the first Congress, James Madison proceeded to put "first things first" by introducing a resolution for free trade between all the States and a levy of revenue duties on foreign importations.

This resolution was met by a counter proposal from Mr. Fitzsimmons, of Pennsylvania, who had been chosen chairman of the Committee on Ways and Means. He advocated free commerce between the States and a tariff on foreign importations, not only for revenue but for protection to the industries of the new Nation. During the debates, which lasted 6 weeks, Madison coined the phrase "infant industries." This phrase has been employed in every tariff discussion from that day to this. The resolution was passed by a 5-to-1 majority, with Madison voting for it. The terms of this resolution are in line with the policy expressed in its caption, which is as follows:

> Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufacturers that duties be paid on goods, wares, and merchandise imported.

The next great epoch in the history of the development of tariff policies of our Nation is one that grew up around and out of the publishing of Hamilton's Report on Manufactures. It has had a profound effect and lasting influence upon the economic and financial policies of the Nation. In this report Hamilton dealt with national finance, national credit banking facilities, and other national powers and responsibilities. Being a strong advocate of the development of home industries, Washington supported him in his views. It is quite probable that these two great men agreed on these policies in advance of the publishing of this famous document.

Washington in his first inaugural address said:

> The safety and the interest of the people require that they should promote such manufactures as tend to render them independent of others for essential, particularly military, supplies.

Hamilton argued for the establishment of manufactures, not only because they promised prosperity to our people but he argued that—

> We must strive to become self-contained for the reason that although we could with reasonable certainty procure from other countries our manufactured articles, we have no assurance that they would take our agricultural products except on their own terms.

Any other system held no promise except that our country would always be at the mercy of other countries and consequently could not prosper. In his report he said:

> In such a position of things, the United States cannot exchange with Europe on equal terms; and the want of reciprocity would render them the victim of a system which would induce them to confine their views to agriculture and refrain from manufactures. A constant and increasing necessity, on their part, for the commodities of Europe, and only a partial and occasional demand for their own in return, could not but expose them to a state of impoverishment, compared with the opulence to which their political and natural advantages authorize them to aspire. It is for the United States to consider by what means they can render themselves least dependent on the combination, right or wrong, of foreign policy.

How prophetic of the era of great individual and national growth and prosperity which followed for more than 100 years. How prophetic of what will happen if we give up our own great, unequaled American market to the trade of the world, as is being done by this administration through its foreign trade agreements. Since we produce half of the manufactures of the world, and since half of the trade of the world is done in the United States, and since we are the wealthiest nation in the world, why open our doors to the goods of the world through trade agreements which, experience has taught us, these nations will never keep? Once they have captured our markets, how can we regain them? The superintelligence and the superior efficiency of our workers will not avail against the cheap price of the pauper-labor countries, and our standard of living, I fear, cannot be maintained. The Secretary of State becomes petulantly impatient when anybody even questions his determined course. To anybody who might timorously question his course he imputes a willful refusal to see with him the great possibilities for peace that must follow from his plans. Anybody who can see a rainbow of peace in the smoke of war as it wings its wide desolation from continent to continent in these days must be dreaming dreams. He should be awakened before it is too late, because other nations are inevitably taking our trade, and the price that we will pay is the difference between our standards of living and theirs.

What would William McKinley say if he were here today? I would not want to attempt to speak for him or to attribute to him a certain definite course. But, judging the present by the past, it would seem that his works and actions irrefutably indicate that he would not subscribe to the present policies, and especially the present practices of the administration with reference to the reciprocal-trade agreements that our State Department has bound upon us. McKinley, who is considered by many as the father of reciprocity as it applies to the tariff, maintained that we should enter into no reciprocal agreements except as to products which we could not produce. It was not to apply to any articles in competition with any articles that we could produce. Let me give you McKinley's own words from his inaugural address. He says:

> To the end in view always to be the opening up of new markets for the products of our country by granting concessions to the products of other lands that we need and cannot produce ourselves, and which do not involve any loss of labor to our own people but tend to increase their employment.

While his language is clear and plain let me put what he says into categories. His statement means, first, products admitted to the United States must not compete with those produced by us.

Second. The countries traded with must be such as would take our surplus of manufactures and of farm produce.

Third. The concessions obtained by us must be fully equivalent in the volume of trade thereby gained to those made by the countries with which the arrangements were entered into.

In his last speech made at Buffalo on the day before his assassination he went further than in any other speech theretofore made. In that speech he indicated clearly that the welfare of the man who labors in this country should be the controlling factor in all reciprocal-trade programs. Let me quote his exact language:

> We should take from our customers such of their products as we can use without harm to our industries and labor.

There are those who defend the reciprocal-trade agreements made by this administration by claiming that McKinley's philosophy was broad enough to encompass them. I maintain this is not true. McKinley's program would not permit the free entry of any competitive articles. The Hull agreements in many instances have practically thrown open

our markets to the trade of the world. Let me cite you some figures. In 1936 there were 31,430,738 bushels of corn imported into the United States, while in 1937 the amount nearly trebled when 86,135,194 bushels were imported. In 1935 the imports of beef from Argentina was 31,742,847 pounds while in 1937 it had jumped to 40,029,351 pounds. Likewise in 1935 the hams and bacon, imported principally from Poland, amounted to 5,297,355 pounds, while in 1937 they had reached the colossal figure of 44,282,455 pounds. Six years ago the importation of shoes from Czechoslovakia was practically nothing. There will be 3,500,000 pairs imported this year.

All of this, we must remember, has been imported in the face of the great pressure exerted to curtail the growth and production of corn and other products in this country, and in face of the senseless program of curtailing production of cattle and hogs through the wanton wastefulness as shown by the destruction of pigs and calves. We are now in the midst of making a trade agreement with Great Britain. The agenda around which this agreement will be perfected carries a list of practically hundreds of the principal articles manufactured in the United States and practically every farm product. In this list are all kinds of materials made from steel from steel ingots to shotguns; all kinds of material made from the products of the earth, such as brick and cement; all classes of articles made from leather; all classes of articles made from wool and cotton. When we have concluded this agreement with England and permit the same privileges to Japan and other countries under the most-favored-nation agreements we surely will have surrendered up our market in its entirety. The products we sell in exchange are automobiles and typewriters and adding machines, and so forth.

Having captured our markets these foreign countries will, when they have been able to manufacture these articles upon which they now give us concessions, have the control of all of the markets of the world through the medium of low wages. What will we do then? That is a question that carries with it dangers and uncertain implications. Can a nation that has built itself up to the highest efficiency ever achieved by any nation of the world maintain its position against terrific odds?

Under the tariff laws in effect before the passage of the present reciprocal trade agreements law the President could not raise or lower tariff rates except within very definite limitations prescribed in the law. He was bound by a definite legislative formula set up in that agreement, namely, the difference in the cost of production between foreign and domestic articles. This difference must have been found upon hearings and investigations made by the Tariff Commission, a quasi-judicial body. The power to levy tariff duties is given by the Constitution exclusively to Congress. The present law providing for reciprocal-trade agreements gives the President complete discretion to select the articles to be admitted under the trade agreements, and he may do this without regard to whether they are competitive, and he can determine the amounts and quantities to be admitted.

There is grave doubt as to the constitutionality of this present law, but those who prepared it have worded it so as to deny a complainant the same right of appeal as provided under section 516 of the old law. Section 2 of the new law provides:

> The provisions of sections 336 and 516 (b) of the Tariff Act of 1930 shall not apply to any article with respect to the importation of which into the United States a foreign trade agreement has been concluded pursuant to this act or to any provision of any such agreement.

As a result of this refusal of the Administration to prevent free open contest of the law in the courts no one has yet been able to bring a case to test the constitutionality of the act.

I have great fears that this surrender of the rights of Congress to the Chief Executive and the secret conduct of those who represent the Government in negotiating these agreements and the tyrannical refusal to permit easy appeals and legal contests will put us at the mercy of the world. We have built up the greatest market in the world by care and caution. Why throw it away with reckless abandon under the spell of the impractical "brain trusters" and confirmed free-traders?

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. CASE of South Dakota. The gentleman from Ohio has referred to the proposed trade agreement with the United Kingdom. Has the gentleman noticed the fact that among the items listed for consideration in the original notice of January 8 which the Secretary stated would be considered, several items are listed on which the rate of duty, as fixed by the Tariff Act of 1930, has already been reduced 50 percent.

Mr. JENKINS of Ohio. I am not sure that I know definitely what the gentleman has in mind, but I do know that the Secretary has deviated somewhat from his usual course of secrecy. Heretofore the entire Commission down there has taken the position that all these negotiations should be carried on very secretly, and I do know that he has been somewhat more lenient in that respect recently.

Mr. CASE of South Dakota. My point is that the act of 1934 which amended the act of 1930 by providing for these reciprocal-trade agreements specifically set forth that in none of these trade agreements should the tariff be reduced to more than 50 percent of the existing rate of duty. Now the question arises, in view of this notice of the Secretary, whether or not the Secretary interprets this as power to reduce the tariff from the act of 1930 by 50 percent in one agreement and then at a later time use that rate of duty as a new existing rate of duty, and then successively reduce it another 50 percent, and another 50 percent, and so on, and thereby destroy the entire tariff structure.

Mr. JENKINS of Ohio. Under the 1930 law the President could not, by proclamation, reduce any rate more than 50 percent or transfer any article from the dutiable list to the free list. I do not know just how the Secretary of State will interpret it as to whether he will consider that the 50 percent left after reducing 50 percent will be a base upon which he can make another 50-percent reduction. I think that since he has always been such a pronounced free-trader it may be expected that he will make every reduction possible.

Mr. CASE of South Dakota. I have a bill along this line pending before the gentleman's committee, and I hope the gentleman will consider it.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. Yes.

Mr. TREADWAY. I have listened with great interest to the gentleman's eulogy of former President McKinley and the description of his type of tariff protection for American industry. Would the gentleman kindly tell us by contrast how it compares with the kind of tariff that is now being advocated by the Secretary of State, Mr. Hull, in reciprocal treaties? My thought is this: Is not the present policy of the administration absolutely contrary to the theories of former President McKinley?

Mr. JENKINS of Ohio. Yes. There is no question about that. As I have heretofore said, the cardinal principle of Mr. McKinley's doctrine was the protection of American industry, and by that I mean the laboring man in industry. He has always, right down to the very last word in every speech and in every doctrine laid down, said that it was the protection of American labor that was the issue and the real controlling factor.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. Yes.

Mr. COX. Is the gentleman attacking the law under which the Secretary is operating, or is he attacking the Secretary's administration of the law?

Mr. JENKINS of Ohio. Mr. Chairman, I am not attacking either one, but I am trying to give what I think would

have been the views of President McKinley and the views of those who agree with him. Since the gentleman has asked the question, I would not want to attack the law, because it is the law. Of course, I would attack the principle of the law, because I say to you that this Congress should never have surrendered its rights and prerogatives under the Constitution; it should not have given this great legislative power to the President; it should have laid down the line as was laid down in the old law, and the measurement in the old law was this: That the controlling factor to be followed by the Commission was the difference between the cost of production in foreign countries and in this country. That was the rule then, but it is not the rule now. I further attack the law in this respect: I say that since the Constitution gave to Congress the full power to levy tariff duties, we cannot constitutionally surrender this to another agency, even to the President. The most we can do in that respect is to lay down a legislative formula or yardstick which defines exactly how far the President may go. A fact-finding agency is to find the facts, and the President must accept these facts and be controlled by them absolutely. I attack the administration of it, yes; but I say to the gentleman that the administration of it now is not what it was in the beginning. The administration of this law in the beginning was absolutely un-American, because those administering the law shut out the people who were interested in knowing what changes were contemplated. People could not know of proposed conferences. They did not know what was going to be considered. The Secretary did not publish agendas then, and interested producers did not have the right or opportunity to come and be heard. Many instances came to our attention where persons vitally interested did not have an opportunity to present their views. Take, for instance, those who produce pottery. The pottery business is probably the sickest business in the country today. That is one industry that is given no consideration by the proper agencies. The pottery industry is forced to meet ruthless competition from all parts of the world, especially from Japan. That industry has never been given a fair chance to present its case. It is facing complete destruction from Japanese competition. Japan expects to take that market away from us in its entirety, and if it had not been for the Japanese-Chinese war, Japan would probably have that industry in control today. When we surrender that industry to Japan, you will see the price of such articles go up. That is what Alexander Hamilton could foresee so clearly. When we give foreign nations concessions on their goods and they find that we have lost the art of making those articles, then we have no assurance that they will not increase the price on the goods that we must get from them. [Applause.]

From the days of Washington and Hamilton the protection of our industries through means of the tariff was carried on. Henry Clay became the next great advocate of this policy. After the War of 1812 foreign goods flowed into our country like the torrents of a flood. The importations jumped from $12,965,000 in 1814 to $113,000,000 in 1815. For a few years this condition bewildered such statesmen as Clay, Webster, and Calhoun, but in 1816 Clay showed signs of leadership and took a national view of the situation, while Webster, who was blinded to the shipping industry of his own section, took a local view, and Calhoun was bound by his duty to protect the cotton of his own section, also took a narrow view. Clay, with his advocacy of the American system, automatically leaped to a position of leadership. In that contest Clay, Webster, and Calhoun all showed unmistakable signs of the genius that later made them immortal among American statesmen.

Clay steadfastly continued to defend and maintain his American system for many years. The years 1818 to 1831, except for slight flurries, were years of great national prosperity. This was in spite of the threat of nullification made by South Carolina, and in spite of the disorders that were arising all over the country from the irresistible advance of the slavery question. There was a national ferment constantly at work and the opposition to the extension of slavery was not to be denied. During those trying years before the Civil War Clay frequently used the tariff as a means of compromise with Calhoun and others to relieve the national tension. It was by reason of his compromises thus made that he won the title the "Great Pacificator." It seemed, however, that nothing but the spilling of human blood would be a sufficient atonement for the national sin against a helpless race, and this sacrifice was made that the Nation might live. During the war none disputed the wisdom of the protective tariff and after the war it was employed to relieve the tremendous debt growing out of the war.

It was not until the panic of 1873, which followed the wild speculation following the Civil War, that the protective tariff again became an issue.

President Hayes came to the Presidency by the election of 1874. He recognized that the task of restoring prosperity was a gigantic one. To do so with a Congress of opposite political faith was a most unalluring prospect. He decided that the protective tariff offered the best means of raising revenue to meet the onerous war debts, which had increased from $91,000,000 in 1861 to $2,683,000,000 in 1865. He took his trusted friend, McKinley, into his confidence with reference to his problems, and, although McKinley was a new Congressman, the President invited him to study this great question of how best to relieve the depression of that day and to liquidate the obligations of that war.

This started McKinley upon a line of study that enabled him to render a great and lasting service to his country. He took up the task where Clay had laid it down. The tariff had proven its efficiency so completely during the days of Clay that for several years it coasted along on its own popularity as a revenue raiser. It had, however, become the football of politics and frequently the subject of bargaining between Congressmen and Senators from different sections of the country, each group seeking advantages for its particular section.

Extreme protectionists had demanded too much protection by exorbitant duties. Free-traders, on the other hand, pressed their theories without regard to how much destruction their plans and theories might work on established industries. Clay, like Hamilton, defended the American system. He maintained that tariffs should be a part of a national program and for the general benefit of the whole Nation. Sectional tariffs were not a part of the American system. Clay maintained that a protective tariff was an economic regulation needed to give our country a chance to grow symmetrically and substantially.

McKinley's mental and physical equipment were such that he was competent and admirably qualified to study and master this great doctrine. With President Hayes his task was to revive industry and to pay the debt of the Nation. He maintained that the revival of industry could best be accomplished by a scientific levy of protective tariffs which would not only relieve business, but would furnish revenues with which the debt burden could be reduced. As he contemplated tariff duties he considered the country as a whole.

In one respect McKinley was like Lincoln, namely, he was apt in laying down great principles in plain language. He clearly set out his views when he said early in his advocacy of protection:

> Self-preservation is the first law of nature as it is and should be of nations.

Frequently he maintained that the levying of tariffs should be done with "the general welfare in mind." He further said that—

> It is our duty and we ought to protect as sacredly and assuredly the labor and the industry of the United States as we would protect our honor from taint and our territory from invasion.

He maintained that free trade among the States was entirely different than free trade among nations. In this connection he said:

> Here we are one country, one language, one allegiance, one standard of citizenship, one flag, one Constitution, one destiny. It is otherwise with foreign nations, each a separate organism, a

distinct and independent political society organized for its own, to protect its own, to work out its own destiny.

He denied that foreign nations had the right to trade on equal terms with our own producers in our own markets which these foreigners paid nothing to maintain and in which they had none but a selfish interest. He insisted that it was a correct principle that we should protect our industries from cheap foreign labor by a tariff that would at least equal the difference between the cost of an article from abroad and the cost in our own country. He saw in this difference a chance to raise the revenues required and to operate the Government.

By what system and how should these tariff duties be levied was the real question. The free-traders were willing to accept the revenue if it could be collected without interfering with the shipment into foreign trade of products from their sections. They were willing to agree to levying a tariff upon products that could not be produced in our country. Examples of those are coffee, tea, and sugar. A tariff on these articles would raise revenue but would offer no protection to any American industry. McKinley maintained that we should admit all such articles free because the more freely they would come in the cheaper the price would be. He insisted that the duties should be levied on products which could be produced here, but which could not be produced as cheaply here as abroad and which would not be produced here unless we protected their production against the importation of cheaper-made goods. McKinley saw that, in accordance with his system, the teas and coffees were permitted to enter free of duty, thereby giving them to our people at a cheap price, and that the steels and all other manufactures were protected against the importation of these classes of materials, which, if manufactured in the United States, would keep our men employed in the mills and factories of the Nation. One theory placed a duty on articles that we could not produce. Another theory admitted all such free and placed a duty on all that came in competition with our own. By this latter system we permitted free entry of many foods that were for that reason cheaper to us and we protected our own industries from foreign competition, built up our businesses, and at the same time collected enough revenue to maintain the Nation.

There is no question but that McKinley was the statesman for that day in our history. He presented the proper solution of the problem. He prescribed the proper remedy for our national malady. He laid down a program that carried our Nation to great heights of prosperity and national growth. His theory protected the worker and his employer. He did not constantly array one group against another. He knew that the prosperity of the employer and the employee was bound together by ties of common interest. His purpose was to formulate a program on a sound economic principle and then allow that program to work out without a constant meddling by the executive branch of the Government. What would he do and say today? Can anybody read the story of his great battle for the American workingman and doubt that if he were here today and at the helm of authority that he could relieve this situation that threatens the very life of the Nation? When he took the helm of the ship of state in 1897 as it floundered then as now in a sea of unemployment and poverty and hunger brought on by a policy of surrendering our markets to the cheap labor of the world, he supplied as if by magic the necessary confidence that was totally absent as it is now. If the American employer and the American workingman today had confidence in the Chief Executive and his policies as the people had confidence in McKinley, the depression that is the worst that the Nation ever suffered from would lift as a dense discouraging fog lifts before the irresistible sun. My friends, American industry recognizes that American labor is the finest labor in all the world. That cannot be denied. [Applause.] And American labor believes American industry is the finest in all the whole world, and that cannot be denied. [Applause.] With these two undeniable foundation stones in place and held in place by the cement of American patriotism and a faith by both groups that ours is the best country in the world, why is it that we cannot build on this foundation a gigantic economic structure that will house all who want to work therein, including the 12,000,000 unemployed whose number is increasing every day? If these two groups are only one short step apart, what is keeping them apart, and with such awful consequences to so many worthy people? The answer can be found in the story of the relationship of McKinley with the people as contrasted with the relationship of our Chief Executive today. McKinley had the confidence of both groups, while our present Executive has not the complete confidence of either group. His uncertain, supercilious attitude inspires fear and distrust, while a sincere, sympathetic, forward-working attitude would inspire confidence. Away with criticism; away with petulance; away with threats; away with personal animosities; away with personal ambitions. Hark to the call for a return to sanity, to an open and aboveboard square deal. Neither new nor nebulous. Hark to a call of our people for a return of the time when a large majority of the people, both rich and poor, were at least presumed to be honest as against these times when the national philosophy points a finger of distrust and dishonesty toward everybody.

My friends, McKinley had the confidence of the people because he believed in them. He had confidence in them. His every action was flooded with proof of his loyalty to America and Americans. He was ever ready to defend his country and her people against the encroachments of all foreign countries. He was never willing to betray the American businessman or workingman or to submerge their interests for the benefit of anyone anywhere. When our Chief Executive rids himself of those advisers who fail to enthuse over the heritage that has come down to us from the firmness of Washington, the confidence of Jefferson, the sturdiness of Jackson, and the vicarious sacrifice of Lincoln, but who rather look upon all these great men as misguided individuals who failed to interpret aright their duties and their responsibilities, he will go far toward restoring a proper relationship between himself and the people whom he should feel it is his great honor to serve. Distrust will always breed depression. Confidence is always conducive to contentment. [Applause.]

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. PATMAN].

PRESIDENT'S MESSAGE

Mr. PATMAN. Mr. Chairman, I am generally very much in accord with the President's message, think it is a wonderful message, and I consider it timely. I invite attention particularly to two or three paragraphs:

> I believe also that the time has come for the Congress to enact legislation aimed at the prevention of profiteering in time of war, and the equalization of the burdens of possible war. Such legislation has been the subject for many years of full study in this and previous Congresses.

The American Legion and other veterans' organizations have been working for the enactment of such a law. At all the conventions that I have attended, and all of the meetings that I have attended, I have tried to make one point plain. We do not want to make the same mistake that was made during the last war. During the last war President Woodrow Wilson caused laws to be passed that would have taken the profits of the war to pay the cost of that war. If those laws had not been repealed, the entire national debt would have been paid, and we would have had a surplus by June 30, 1927, of a billion and a half dollars. The men engaged in that war did not make a profit out of the war. We know that the four and a half million men received only a small part of the amount that was expended as the cost of the war. We know people who did make a profit, and these laws would have taken that profit to pay the cost of the war, but after the war was over and another administration came into power, then the slogan was to reduce taxes to help business, and they commenced to cut down those taxes, repealing the excess-profits tax laws, and others, until we still owe that war debt. I insist that during the last war men served with-

out profit, and the profiteers would have had to pay the cost of the war had the laws remained in effect. After the war was over those laws were changed or repealed. Let us make sure that any law we pass for the future does not allow the men to go ahead and serve without profit of any kind, making all kinds of sacrifices, and after the war is over repeal such laws as to business and profit, as we did after the last war.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. Yes.

Mr. MAY. I advise the gentleman that, as perhaps he understands, the House Military Affairs Committee has reported a bill that is now on the calendar, and for which we expect to ask for a rule some time between now and the 15th of February, which I think is an admirable bill on that subject. It is designed to take the profit out of war and prevent profiteering. I hope the gentleman will take an active interest in promoting this bill.

Mr. PATMAN. If the bill is the one I think it is, I may say that I am familiar with it. I want to take the profits out of war. One way to make war less likely is to take the profits out of war in advance.

Mr. MAY. The gentleman also believes that if we limit the amount of profit that may be made during a war, such as is done under the technical provisions of that bill, we will be able to pay for the war as we go along, and at the end of it we shall not be burdened with a vast debt, as we were at the end of the World War.

Mr. PATMAN. We do not want to have a war, in the first place. We want to do everything we can to prevent war; but if we have one, the gentleman's suggestion is a good one, except there should be no profit at all.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. COLLINS. The gentleman knows that the bill referred to by my friend from Kentucky guarantees that there will be profits in war and does not undertake to take profits out of it.

Mr. PATMAN. I am not, of course, familiar with that type of bill. I thought he was talking about the kind of bill that would take the profits out of war. If, as the chairman of the subcommittee suggests, it is a bill that will guarantee the profits of war, that is a different question. I am opposed to guaranteeing a profit to anyone during war.

Mr. MAY. If the gentleman will permit, it limits the amount of profits that may be earned by industry to 5 percent. It is the thought of the committee that if you take all of the profits away from industry it might be detrimental to a war program; that it might be better to let them earn, say, certain profits.

Mr. COLLINS. I am afraid the gentleman does not understand his own bill. The bill is based upon the theory that peacetime profits are O. K., but that 95 percent of the profits over and above peacetime profits will be taken away from industry.

Mr. MAY. The gentleman is mistaken.

Mr. COLLINS. Oh, no; I know what the gentleman's bill is, because, as a member of the War Policies Commission, I studied the same proposition that is incorporated in his bill during about 3 months of public hearings.

Mr. MAY. The gentleman is talking about some draft of the bill that was never finally reported.

Mr. PATMAN. Anyway, the bill will soon be before the House for consideration. If it is a bill to guarantee the profits of war, I shall be opposed to it. I am for a bill that will make wars less likely. If corporations are guaranteed a profit in time of war and they cannot make a profit now, they certainly have some incentive to get our country into war if the profit motive governs.

Another quotation from the President's message is this:

> Adequate defense means protection not only of our coasts but also of our communities far removed from the coast. We must keep any potential enemy many hundreds of miles away from our continental limits.

I was inclined the other day, when an appropriation bill was before the House, to vote for the amendment to eliminate the provision for the two battleships. I was very much sold on the idea that instead of voting for the two battleships we should vote to construct 2,800 large bombing planes that would cost $50,000 each. The argument seemed to me to be logical that 1,400 large bombers certainly would be worth more to us to defend our country than one battleship; but coming to the House with the gentleman from New York [Mr. FITZGERALD], and making that argument to him, while giving the matter further consideration, he said:

> Yes; but remember that if other countries have battleships and can come within a couple of hundred miles of our shores bringing hundreds of bombers on these battleships, they can cause us considerable damage and destruction before we can defend ourselves; so we have got to have battleships to keep battleships of foreign countries from coming so close to the continental United States.

It therefore occurs to me that so long as other countries use battleships we shall be in danger unless we have battleships to prevent them from coming too close to our shores. This question is a serious one and should be given careful consideration.

Another paragraph to which I desire to invite your attention is this:

> It is our clear duty to further every effort toward peace, but at the same time to protect our Nation. That is the purpose of these recommendations. Such protection is and will be based not on aggression but on defense.

I am glad to get those words from the President of the United States—that there is no intent or effort on his part to use the services and facilities asked for in this measure to engage in any aggressive war; it is not to be used for the purpose of aggression but for the purpose of defense only. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS. Mr. Chairman, so far as the question of battleships and the equipment for national defense is concerned, every Member of the House to whom I have spoken is in agreement as a matter of principle with the policy of providing that which is necessary for American defense; and I think most Members of the House are earnestly trying to find out what that means.

I am not, however, going to talk about arms and armament. What I shall talk about is something which to my mind concerns more intimately and immediately the problem of the struggle between democracy and dictatorial government than even the question of armament, for, after all, our principal job in this American Congress is to demonstrate that we can give to this democratic Nation effective leadership, not only in solving the economic problems of the country but also in protecting the people of the country from insecurity.

We have got to have an adequate answer in the form of actual conditions in this Nation to anybody who attempts to say that the American system is not superior to that of any other in the world. Ultimately we will defeat the challenge of any dictatorial government right here in the United States. Unless we defeat it here we can scarcely expect to wipe it off the face of the earth by fighting a foreign war.

Mr. Chairman, we are called upon today and tomorrow to consider the District of Columbia appropriation bill. I have taken the trouble to go into this matter to some extent. In this bill we have represented to us, I feel, an extremely dangerous attempt to save money at the expense, literally, of the chance for people to live and of certain of the fundamentals of our civilization. After all, this bill appropriates money raised in the District by means of taxes. Do not forget that the possibility that some of these taxes may fall upon the Members of Congress is involved and, therefore, the Members must give some account for the basis of what they do to appropriations for a dire need with that in mind.

It is true that at this moment in the District a person who is employable cannot get assistance because there is not enough money. It is true that last year $1,336,000 was appropriated for relief of distress due to unemployment and

that in this bill only $900,000 is appropriated for the same item.

Mr. COLLINS. Will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from Mississippi.

Mr. COLLINS. I will say to the gentleman from California for his information that identically the same amount of money is carried in this bill for relief that was carried in the 1938 bill. The 1938 bill carried $2,280,140, and this bill carries $2,280,140. In both figures administrative expense has been eliminated. Notwithstanding the fact that the amounts in both bills are identical, there were 556 less cases in December 1937 than there were in July of 1937.

Mr. VOORHIS. I would appreciate it if the gentleman would explain to me a litle further the situation. I have gone over these figures with some care, and I do not quite see how the figures can be the same.

Mr. COLLINS. The figures I have given the gentleman are Budget figures, and they are the figures that were presented to the committee and were found to be correct. Not only that, but Miss Hill, who directs relief, testified as follows:

Mr. COLLINS. All told, you will have as much money to spend if these estimated amounts are appropriated for 1939 as you had in 1938?

Miss HILL. They are much the same. They are not very different.

Mr. VOORHIS. I would like to call the attention of the gentleman to page 28 of the report, which is all the information I have. It is indicated on that page there is a cut of $436,500 below the 1938 amount for the item of public assistance.

Mr. COLLINS. I will be very happy to explain that to the gentleman. In connection with old-age assistance, the cut that was made was for this reason: In old-age assistance it was estimated that persons eligible for old-age assistance would receive this old-age assistance at the rate of $30 per month or $360 a year. It was testified that they were being paid now $25 a month or $300 a year and that they would not be paid during the fiscal year 1939 more than $25 a month or $300 a year. The difference between $360 and $300 is $60. It is estimated there will be 3,600 of these cases. Sixty times 3,600 is $216,000. Since it is proposed not to spend the $60 per year or a total of $216,000 the committee saw no reason why it should be appropriated.

Mr. VOORHIS. The gentleman refers to the item of old-age assistance. I was speaking about the item for public assistance, which refers to unemployment relief.

Mr. COLLINS. I will be very happy to tell the gentleman about that.

Mr. VOORHIS. I hope the gentleman will give me a little additional time.

Mr. COLLINS. This subject will be gone into in detail when the bill is presented to the House. The gentleman realizes that the Federal Government through the Social Security Board contributes quite a large amount for old-age assistance, for aid to dependent children, aid to the blind, and so forth.

Mr. VOORHIS. But not for this item for public assistance.

Mr. COLLINS. Oh, yes. Aid for dependent children and home care are both incorporated in that item.

Mr. VOORHIS. That is a different item.

Mr. COLLINS. The appropriation by the Federal Government, plus the appropriation by the District of Columbia, will give you for general relief in the District of Columbia for unemployables the same amount of money that was appropriated in the 1938 bill. The same amount of money will be available for expenditures in the fiscal year 1939 that was available for expenditures in 1938, notwithstanding the fact that there are 556 less cases than there were in 1938 and notwithstanding the further fact that there will be a still less number of these cases in July than there are at the present time.

Mr. VOORHIS. However, there is testimony which I cannot question for a single moment to the effect that hundreds and hundreds of people in the District are unable to get any assistance whatever. I have some of the cases before me, which have been reviewed by certain people in the District whose word I would not question for a single moment.

Mr. PATMAN. Will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from Texas.

Mr. PATMAN. Is that not true in all the States as well as in the District?

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. VOORHIS. Mr. Chairman, of course that is true in all the States. I bring the matter of the conditions existing in the District to the attention of the House in the earnest hope that when we come up against the same problem of providing work for unemployed people throughout this Nation we will meet it in the spirit of decency and American consideration for human life and values. This is only a preliminary skirmish, and I realize that fact. However, I do believe some consideration should be given by the Members of the House to the situation in the District of Columbia, which, after all, is our National Capital. It seems to me the evidence is cumulative to the effect it has been seriously neglected.

Mr. SCHULTE. Will the gentleman yield?

Mr. VOORHIS. In just a moment. I would like the Members of the House to glance at page 28 of the committee report, which is the page I am going by so far as the cuts under 1938 appropriations are concerned. I do not question the chairman of the subcommittee, but I still do not understand it. Perhaps it will come out later in the discussion.

Now I yield to the gentleman from Indiana.

Mr. SCHULTE. The gentleman has, no doubt, read in some of the local papers that there is a shortage of $32,000 in the amount necessary to feed the poor children in the District of Columbia their little dinners.

Mr. VOORHIS. Yes; and I think it is a shame.

Mr. SCHULTE. There is carried in this appropriation bill an item of $10,000 to be given to the chief of police to pay stool pigeons—the lowest form of degenerates. Only men of that type would volunteer to do that sort of work, yet the chief of police is given $10,000 to pay stool pigeons. I hope that when the proper time comes someone will offer an amendment diverting this money from the stool-pigeon fund into the fund for the needy children of the District of Columbia.

Mr. VOORHIS. So do I. We are increasing the appropriation for the police and leaving thousands of people in the District destitute right now. I should hate to think there is any connection between these two facts. It still is true that people who are employable cannot get relief, however desperate their plight. They have requested relief and have been unable to get help because there is not enough money. There are 37,000 people unemployed in the District, according to the report of the Biggers committee reporting to the President. The amount allowed for that purpose in this bill would be an average of $30 a year—not a month, but $30 a year per family. I do not want direct relief; I want work for everyone—Government work if necessary, but work in any case. I am against direct relief, but we must recognize the fact that until we solve the problem of unemployment—which, after all, is our main job—it is unfair to require unemployed people to pay all the penalty. We must provide relief and we must have an adequate amount. Those who talk about handing the problem of relief back to the local communities had better think about giving them a decent example.

In this bill there has been cut out entirely the appropriation for the National Training School for Girls, and it is planned to send these girls to the penitentiary for adult women.

Mr. COLLINS. Mr. Chairman, will the gentleman yield there?

Mr. VOORHIS. I will yield in just a moment.

Another item which has been cut out is the Receiving Home for Children, and it is suggested in the report that the police can take care of them. I believe American civilization ought to rest on a higher plane than that. I am reminded of some of the stories of Charles Dickens when I think about things like this. I believe the fact an agency has not functioned properly does not give us the right to cut off its appropriation. I believe there are times when you need to insist upon its improvement, and even times when you need to make a somewhat larger appropriation for it, in order to make it possible for the work to be carried on properly. If you limit too much the chance for efficient administration of some of these agencies, you will not be able to carry them on as they should be carried on. I believe the limitation of 7½ percent for administration of relief may well be a case in point. I hope we may have that feature discussed.

Now I yield to the gentleman from Mississippi.

Mr. COLLINS. I will say to the gentleman if he refers to transferring these girls to Lorton, this was a mistake in the language of the report. It is the intention of the Committee on Appropriations, that these girls are to be transferred to Blue Plains. At Blue Plains there is an industrial home school for colored boys, but the law provides that both boys and girls can be kept at Blue Plains. There is an industrial school out on Wisconsin Avenue which likewise can take care of white boys and girls. There is no disposition to take these girls away from a training school and surroundings approximating what they have now. I will also say to the gentleman that the District has not been picayunish with the girls at the Industrial Home School, because $2,200 a year has been spent on each one of them.

Mr. VOORHIS. Mr. Chairman, some amendments to this bill will be offered in an effort to correct some of these matters, and I hope they will be voted up.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 30 minutes to the gentleman from Vermont [Mr. PLUMLEY].

TRADE TREATIES PROVOCATIVE OF, NOT PANACEAS FOR, WAR

Mr. PLUMLEY. Mr. Chairman, the high-minded purpose which actuated men like the late Newton D. Baker and Frank B. Kellogg to dare to think and to plan in terms that lay outside political platforms and programs, a new formula for international relationships and the eventual establishment of an irrevocable policy that involves the abolition of war as a method of settling international disputes entitles them to the commendation of everybody, and with their policy a program, idealistic as it is, none of us can quarrel.

They had the faith and they had the courage to follow an ideal, notwithstanding the disappointing result of their crusade, and they set a standard of excellence toward which the world must press on until that brotherhood of men and nations and races they have dreamed about shall become a reality.

They were dreamers of dreams. The failure of the attainment of which and of whose ideals in their day and generation, though a bitter disappointment, and though their hope did not end in fruition, nevertheless was worth striving for; and the ends which they sought to accomplish and the heights which they attempted to reach will be attained if, when, and only when the world catches up with them and men like them—these idealists, these men of vision, these dreamers of dreams.

A REALISTIC AGE

On the other hand, we live in a very realistic age, and whether we like it or not we must be reasonable and of the earth earthy. This does not mean that there is one of us who would not hopefully say with Longfellow:

> Down the dark future, through long generations,
> The echoing sounds grow fainter and then cease,
> And with solemn sweet vibrations,
> I hear once more the voice of Christ say, Peace!
>
> Peace! No longer from its brazen portals
> The blasts of war's great organ rends the skies,
> But beautiful and sweet as songs of the immortals
> The holy melodies of peace arise.

A consummation devoutly to be wished, eventually to arrive, but obviously ages hence, involving the Christianization of the world. No millenium can be created by contract.

We have to be reasonable, whether we like it or not. It is perfectly all right to be striving to reach that star of good neighborliness, but we must not be swept off both feet or off the ground by the fantasia of idealism and sentiment. We must keep at least one foot on the ground as we try to "hitch our wagon to a star."

EUROPE OR ASIA?

I do not need to refer to the fact that there is not a well-informed person in the United States who does not fear that war-torn Europe may eventually have to submit to triumphant Asia. There is not one of us who does not dread the day when the eventual struggle between the white and the yellow races will come, as come it will, and the result of which will spell either the triumph and the everlasting establishment or the end of our civilization.

That is a blunt and brutal way of stating a fact, which many of us know to be the truth, the while we smile and smile, and with our laissez faire attitude make lip service obeisance to those who lead us, or undertake to lead us in that realm of dreams and idealism which our own cold-blooded reason tells us can only end in a nightmare, with such a startled awakening as can only be appreciated or conjectured by those who answered in France to a call to advance at the zero hour.

Peace? Yes; it is the desideratum of the ages, the aspiration of all right-thinking people. Peace! But a peace not bought, nor paid for by trade treaties, based on arguments of economists or of cloistered theorists.

NATIONAL IDEALS AND INTERNATIONAL IDOLS

The truth is we have been propagandized to death by high pressure salesmen who have earned their pay. I am informed that $135,000 has been allocated for expenditure by the State Department for propaganda and publicity purposes connected with the creation of a public sentiment for these trade treaties. The amount may be more or less, it is the idea back of it all that is most reprehensible.

I realize that I do not strike a popular chord when I undertake to minimize the importance or the effect of, or to paint the picture of the disaster which certainly will follow the negotiation of these trade treaties with those nations, which forsooth, if they do not eventually pass out of the picture as nations will have the grace of God, and not their own friends, to thank.

THE ROAD TO WAR

As Dean Donham, of Harvard Graduate School of Business Administration, said in 1933:

> Our primary obligation is to put our own national house in order and by restoring our own balance to reestablish our great social groups. By so doing we shall make our best contribution to a sane and realistic internationalism. * * * A host of intelligent and idealistic men and women, in spite of the disillusionment of the last 15 years, still believe the only way to prevent another world war is the road of international cooperation, leading to gradual creation of a super state. These lend their powerful support to current theories. I think this is the one sure road to war. * * *
>
> There are bad times ahead in the international markets and we shall do Europe a disservice if we seek as powerful competitors to secure an increasing share in these markets. We shall not succeed, for Europe must win such a competitive race or be lost. No international trade plan that involves our active efforts to expand foreign trade can be sound for Europe nor can any such plan, even if sound for Europe, be a safe basis on which to rebuild our industry. We should look afresh at our relations to foreign trade.

EUROPE'S MAD MEN

Europe today is a seething, boiling pot of war, a maelstrom of diplomatic intrigue and connivance, a center of secret treaties and negotiations, self-serving, and self-saving, and "the devil take the hindmost." It is the home of the maddest men of all the ages. Why should we undertake to make contracts with them. Why should we dare to enter into alliances with these maniacs? Has not experience taught us that any contract we may enter into with them is not worth the paper on which it is written, if to break

it seems to serve their selfish purpose? It is absurdity carried to the *n*th degree to undertake to make the American people believe that these defaulting war debtors of ours will keep a promise. Moreover, they will out-trade us, as they have. We will be eventually sacrificed on the altar of entangling alliances, from which so far and up to a certain point we have escaped, thanks to our good luck—not our good judgment.

A NATIONAL "SELL-OUT"

As a national sell-out, "down the river," the trade treaties heretofore negotiated take the gold medal offered for idealistic, impractical, governmental, theoretical economic effort. They are not worth, at such time as these nations see fit to cancel them, the paper on which they are written. As written they sacrifice us on the altar of Molech. It is not popular to say it. That does not deter me, for I am one of those who is willing to say that he thinks he can see a hole through a ladder. Moreover, the President to the contrary, notwithstanding—I believe I can "See the forest despite the trees," and my attention is not to be diverted or distracted from the impending crises in the affairs at home—superinduced, I say it, and I mean it, by this administration—by any of the paid propaganda and the efforts to draw a red herring across the trail, incident to the magnification of the benefits to be derived from the trade treaties.

Again I say, and am still of the opinion, based on experience and justified by that fact, that Europe does not keep its word. It does not respect its obligations. Written obligations, signed, sealed, and delivered by these "good neighbors" of ours, are nothing but "scraps of paper" to them, if and when it is to their selfish interest to so judge them.

Carried away by their enthusiasm for what is right and good, too many people in these United States have been hypnotized by the words, and the voices, which have proclaimed the potentialities for recovery and relief and international good will, supposedly inherent in these trade treaties. Some day they will wake up and realize the fact and know, if not already too late to save themselves, that these trade treaties are two-edged swords, both sides of which will cut their throats.

EUROPE HATES US

The fact is, and it is known to many, that there is not a country in Europe that loves us; none that does not hate us, and because it owes us—if you want to know the reason why. Moreover, their readiness to join in these trade treaties should put us on our guard. They have no desire or intention to do a single thing other than to advance their own selfish interests.

Up to date we have substantially and generally speaking, been outsmarted, outgeneraled, and outtraded in every treaty we have made.

Entangling alliances? None can be worse than those contemplated. If we have not already learned it, some day we will know the truth and appreciate the fact that the very best thing which exists in perpetuity and that can be relied upon, come good or ill, between us and Europe, is the Atlantic Ocean. Into it, if I had my way, I would throw the act known as the trade agreement with the British Colonial Empire.

Do not forget for a minute that Italy, Germany, and Japan and the other totalitarian states will organize at the expense of the American producer. Do not overlook the fact that their conception of international trade under their dictatorships differs entirely from ours. So I say these trade treaties will throw us right into the center of that gigantic conflict between the totalitarian state and our democratic. republican ideals.

It is high time that we were sensible. It does not matter how beautifully high minded, sentimental, idealistic, and fantastic the dreams may be; it is high time for us to wake up and get up and put our clothes on while we have any left to put on.

WAKE UP, AMERICA!

When you wake up, you are going to find out that the American people are getting into a state of mind which may be called practical minded. You may believe it or not, but I dare to say to you, whether you were for it or against the Ludlow amendment, that the last American who was buried on foreign soil as sacrifice to the cause to make the world safe for democracy, and who went to war to end all war, is the last American who will ever be buried on foreign soil as the victim of any such propaganda. You may believe it or not, but the last draft of young American blood and brains and brawn has been made for any war on foreign soil. The people of America will keep Americans out of foreign wars, propaganda or no propaganda, dictatorship or no dictatorship.

This does not mean, however, that they will not spend their last dollar, nor that they will not fight to the last man, nor spill their last drop of blood to defend this country of ours against any aggressor. And nobody should forget that.

I would be the last man in the world to impugn or to criticize the motives or to belittle the idealism back of the trade-treaty program, or the idealistic end sought to be attained. However, stripping it of all sentiment, I am nevertheless mindful of the fact that "it is the vain endeavor to make ourselves what we are not that has strewn history with so many broken promises and lives left in the rough," as Lowell has said so well.

Because I do not believe that the proponents of this program can ever realize their ideals and for the reason that their theories do not square with the practice of this old world since its beginning, I am constrained to once more say that the law providing for the enactment of these so-called trade agreements should be repealed and agreements already entered into should be abrogated. And now—

"TRADE FOLLOWS THE FLAG"

It is a trite but true saying that "trade follows the flag." And that "trade's unfailing train usurp the land and disposses the swain" is a familiar quotation. Both furnish food for thought. There is, Mr. Chairman, no use in fooling ourselves. Whatever the theories and the idealism of the proponents of these trade treaties may be, it nevertheless is incontrovertibly true that the quest for national power and prestige is inseparably involved in and tied up to the material gain and profit which it is hoped may result from usurpation and conquest and occupation of territory. Were this not so there would be no quests.

You and I know that the loss of blood and lives and treasure incident to the attempts of colonial expansion and these quests of Italy, Japan, and Germany, and other countries is the price which these countries are willing to pay in anticipation of what they hope to get out of it. That is the cold-blooded, unsentimental truth.

Do not be misled. Hitler and Mussolini certainly have no inferiority complex. They are after territory and raw materials and the consequent revenue they hope and expect will be derived from such trade as follows the flag. Trade always has been, is, and always will be one of the economic factors and causes of war, an underlying and impelling motive for the quest for power and prestige, despite all the theories of those idealists—those who come from the reveries of a cloistered speculation, with their idle and perilous diplomacy and pedantic dogmatism, and new maxims, and great ideas, born since the last change of the moon—to the contrary notwithstanding.

Now, my position with respect to reciprocity and the tariff is very well known to my own constituents. Back in November 1933, when I was first a candidate for nomination for Congress, I said:

> I am for a protective tariff. I believe to admit foreign goods indiscriminately would further depress the economic situation in these United States.

NOT AN ISOLATIONIST

Practically speaking, I have repeatedly said that I was not a high protectionist; that I stood for a tariff policy that would reasonably protect the Vermont farmer, American industry, and American labor. I am not an isolationist, but I am for America first.

Over and over again I have asserted that reciprocity was an old tariff principle which was first advocated by a Re-

publican President, when Benjamin Harrison said in 1890 that the reciprocity clause of the Tariff Act wisely and effectively points the way to secure a large reciprocal trade.

I have called attention to the fact that reciprocity should not be a political policy.

But as Rufus Choate once said:

> I do not appreciate the beauty and comprehensiveness of those scientific ideas which forget the actual and vast interests of the community are exactly what the legislator has to protect; that the concrete things must limit the foolish wantonness of a priori theory; that that department of politics which has for its object the promotion and distribution of the wealth of nations may very consistently and very scientifically preserve what it would have created; * * * how senseless, how unphilosophical, how immoral—to arrest it suddenly and capriciously, how consummate a destruction it would cause.

So I am in favor of a reasonable and an adequate protective tariff.

Incidentally, also, I am aware of the fact that there are two schools of thought with respect to our commercial policy; namely, that of the high protectionist, who is for an America self-contained, and who would have our agricultural and industrial production geared to domestic consumption; and, secondly, those who believe in equality of commercial opportunity under trade agreements which allegedly and supposedly will, and should, protect American industry and agriculture against unfair, devastating, destructive competition.

NOT RECIPROCAL

Again, the trouble with these so-called reciprocal-trade agreements which have been negotiated is that in a majority of the cases they are not reciprocal and, therefore, as a result permit well-established American industries to be injured by unfair competition.

NOT LEGAL

Hear me when I tell you, and in all humility, that the most serious criticism to be found is found in the fact that these trade agreements, under whatever name they may be called, are, nevertheless, treaties, the negotiation of which, even though authorized by statute, is nevertheless contrary to the fundamental law of the land, forasmuch as all treaties are subject to the approval of the Senate as is provided in article II of the Constitution, section 2:

> He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur * * *.

AMENDMENT TO ACT

I will consider, first, the second proposition, which a little over a month ago, in discussing the proposed trade treaty with Great Britain, I called attention to what Senator LEWIS, of Illinois, had to say, to the effect such a treaty should be "held up until Great Britain paid its war debts," and I protested against accepting a token payment.

At that time I said, in substance, that I could not understand by what real authority the Secretary of State undertook to negotiate these trade agreements, as they are called, but which are treaties nevertheless. Probably you do not recall it, but I said that in my opinion they really were not worth the paper on which they were written, and suggested that there were many good reasons, both in law and fact and in logic, to support the contention, and that better lawyers than I affirmed the correctness of my assertion. It therefore is interesting to note that when Senator O'MAHONEY introduced a bill, which is in effect an amendment to the Reciprocal Trade Agreements Act, requiring that every reciprocal-trade agreement before becoming effective shall be filed with Congress at least 30 days, he said that there was no doubt in his mind that reciprocal-trade agreements are in effect treaties, and that they should be ratified by the Senate before they became effective.

In fairness to the Senator, I ought also to say that he said rather than introduce this amendment he would prefer to amend the law so as to provide that before a reciprocal-trade agreement should become in any degree effective the Congress of the United States should be consulted, since such agreements in effect deal with the tariff law and the making of tariff rates, and thereby constitute an act which is legislative in purpose and effect.

In that connection the Senator from Texas [Mr. CONNALLY] called attention to the fact that inasmuch as all such trade agreements relate to revenue, it was also interesting to note that in one of the first Congresses under the Constitution, the House of Representatives took the position that since the agreements under consideration related to revenue, and since the House of Representatives was given the sole authority under the Constitution to originate all revenue legislation, it followed that the contemplated trade agreements were not effective, even when ratified by the Senate, without the House itself giving consent.

A very interesting colloquy ensued, as appears from the CONGRESSIONAL RECORD, on pages 231 et sequentia, Seventy-fifth Congress, third session.

BRITISH COMPETITION WITH SOUTHERN INDUSTRY

Senator O'MAHONEY inserted in the RECORD a document signed by the Governors Conference. He called attention to the fact that while these Governors were appealing to the industrialists of the land to go into the Southeast to establish textile manufactures, the State Department might be negotiating with Great Britain to allow the textile products of Great Britain to enter this country in competition with the manufactories these Governors would like to set up.

In the discussion which followed, Senator JOHNSON of California remarked that he would insist with respect to these reciprocal-trade treaties, so-called, as he had insisted since the first trade agreement was contemplated, "that the Senate and House of Representatives perform their constitutional functions."

The Senator from Idaho [Mr. BORAH] took occasion to say:

> I agree with what the Senator from California [Mr. JOHNSON] has said, that these so-called trade agreements are treaties. They ought to come here for ratification, and if the Senate had any regard whatever for its constitutional rights and duties, they would come here.

So much for the proposition with respect to the illegality and unconstitutionality of the trade agreements as they have been negotiated and as it is proposed still further to negotiate them.

NO REAL RECIPROCITY

Now, as the proposition that these trade agreements are not reciprocal. I reiterate the statement that there is no real reciprocity in the program, and I shall continue to object and protest and to vote against—if I had a chance to vote—the negotiation of any of these agreements or the continuance of any law which permits the negotiation of agreements which puts the product of any foreign country free from duty into direct competition with those which are raised and manufactured by the people of my State and country at such a price that my people cannot compete therewith and live. Such a policy, mistakenly called "a good-neighbor policy," goes too far, in that it asks one to approve an agreement which deliberately and directly injures industry, destroys initiative, and robs the American people of their property and forces them involuntarily and without fault of their own onto the relief rolls and into the millions of unemployed.

Reciprocity, as the layman understands it, means that I will let you bring in apples because I do not raise them, if you will let me take pumpkins into your country because you do not raise them.

Theoretically, "reciprocity" means a mutual advantage grows out of mutual concessions to each of the parties. You will supply what I cannot produce and have not, and I will supply you with those things you have not and cannot produce, and we will make the pact "right" because of the mutual consideration for each other's needs.

Reciprocity as the layman understands it, does not mean that I will let you bring in apples to compete with my home-grown apples, because you can raise apples cheaper than I can raise them.

Reciprocity does not mean that I will let you put my apple growers out of business because they cannot compete with your price on apples, your price being made possible because it costs you less to raise and pick and pack—that is to say, I pay my laborers more, and they live better than yours do.

It is not reciprocity, decidedly not, to destroy our industries, put our employees out of work, increase the number of unemployed and the burden of taxes on our own just to be a good fellow and a good neighbor. That is not reciprocity, but that is just what these trade treaties so far have done to us Americans who have been hit, and just what it will do to the constituents of some of my friends who favor these trade treaties, if and when the industries of their districts and their products are hit as ours have been. I believe in being a good fellow and a good neighbor, but why should my constituents have to be the whole burnt offering to make a Roman holiday? You wait until the proposed trade treaties hit your people a solar plexus blow, and your enthusiasm for the idealism, in this hard cold world of international cutthroat—live, but do not let live—policies, will abate, decidedly. And the day of your awakening is not so far off, if the program is continued as planned.

IT HITS INDIANA—IT WILL HIT YOUR STATE NEXT

For instance and by way of illustration, here is how it hits Indiana. Ohio may be next. Others will follow.

There is or should be no political partisanship involved. But, as I said by way of illustration, let me call your attention to what the gentlewoman from Indiana [Mrs. JENCKES], a Democrat, had to say about the Cuban trade treaty and its effect upon her constituents. She addressed the National Association of Hot House Vegetable Growers at the Hotel New Yorker, back on December 16, 1937, and she said, among other things:

The cost of reciprocal-trade agreements is of great interest to the hothouse vegetable growers of America. It is also of greater interest to every man, woman, and child in every city of the United States. The reason of this great interest is that in the hothouse vegetable growing industry we find an evidence of the high cost of economic or trade agreements which are consummated hastily and without thorough research and careful investigation.

THE COST IS A CALAMITY

The cost of reciprocal-trade agreements as far as the hothouse vegetable industry is concerned is almost a calamity in America. It is needless for me to stand up here and tell you that the hothouse vegetable growing industry is being destroyed by the unfair provisions of the reciprocal-trade treaty which was entered into with the Republic of Cuba. Many of our hothouse vegetable growers have been forced into bankruptcy and it is appalling to study the income-tax returns of our American hothouse vegetable growers who, prior to the ratification of the reciprocal-trade treaty with Cuba were paying high income taxes to the Federal Government and employing at good wages thousands of American citizens, but today those thousands of American citizens who were employed in the hothouse vegetable growing industry have joined with millions of unemployed Americans and these five American hothouse vegetable growing concerns are paying very small income tax to the Federal Government and in many instances they are paying no income tax at all, due to the reciprocal-trade treaty with Cuba.

AGRICULTURAL EXPORTS DECREASED

In all, our domestic competitive agricultural exports decreased from $787,000,000 in 1934 to $333,000,000 in 1937, and our competitive agricultural imports increased from $419,000,000 to $868,000,000 during the same period.

This appears to be a true picture of the effects of trade agreements.

The imports of vegetable products are valued at $644,000,000, and animal products at $224,000,000. The total agricultural imports for 1937 amounted to $1,538,000,000, or more than half of the value of all imports, which amounted to $2,894,000,000.

AGRICULTURE PAYS "THROUGH THE NOSE"

Thus, agriculture is paying the largest portion of the good-will gesture of reciprocal-trade agreements.

A great American patriot once said that "Eternal vigilance is the price of liberty," and I wish to impress upon the 2,000 American concerns who are engaged in the hothouse vegetable growing industry, and who have $150,000,000 invested in that industry here in our country, and who give employment to approximately 50,000 American citizens at gainful wages, that in these troublous times we must be eternally vigilant.

THE CZECHOSLOVAKIAN CONSPIRACY

The Bata shoe, which, because of the trade treaty with Czechoslovakia, is being sold in competition with American-made shoes in the American market for $1.17½ a pair, actually costs the American manufacturer $1.30 to produce, no charges for transportation, selling expense, office expense, taxes, or profit being included. Think that over and wonder no longer why unemployment increases by leaps and bounds.

Representative BATES, of Massachusetts, recently said with respect to this ruinous Bata shoe competition under the trade treaty:

It is estimated that when working to capacity, Bata's plants are capable of producing 250,000 pairs of shoes a day, and it was stated by Mr. Johnson, of the Endicott-Johnson Co., before the Committee for Reciprocity Information, that all of the Bata factories combined are capable of producing upward of 350,000 pairs of footwear per day. That is the kind of organization Bata and those in sympathy with him want to "let loose" on our struggling shoe industry.

It must be kept in mind in discussing this shoe question that under a trade agreement, once Bata gets a foothold in this country, and that agreement runs over any considerable period of time, Bata will ruin the men's as well as the women's shoe industry of the United States.

It must also be kept in mind that whatever concessions are made to Czechoslovakia under the most-favored-nation clause automatically these concessions become effective with all other countries with which the United States has entered into trade agreements.

We are in the midst of a great industrial depression in which it has been estimated recently ten to twelve million people are unemployed in the United States. There is no part of this country that is suffering more from a depressed condition than the State that I represent in Congress. According to the last report that is available, there are a quarter of a million less people employed in the industries of Massachusetts than were employed 15 years before; and, according to the reports recently issued by the Unemployment Census Director, Mr. Biggers, over 300,000 people who are able to work are now unemployed in Massachusetts. The relief costs in the 39 cities of Massachusetts in 1920 were $1,600,000, which kept constantly increasing until they had totaled $27,249,764 in 1933, and in 1936 the high peak was reached when the combined expenditures by local and Federal relief agencies in these communities made a grand total of over $80,000,000. We are very much alarmed about the present situation.

* * * * * * *

In recent days not only have I received complaints from the shoe manufacturers and workers but also from the textile industry and the fiberboard industry because of the rapidly increasing imports of these products from foreign countries, particularly Japan. I represent also the largest manufacturer of women's hat bodies in the United States. This concern is also greatly troubled over the importation of hat bodies, as they are presently coming in here primarily from Japan. Let me say that this is a field into which the Japanese manufacturer did not enter until 1934, starting on a modest scale and exporting in that year but 13,892 hats to this country. The extent to which they have developed in this field and have invaded our domestic market is shown by the table I herewith submit on imports of wool-felt hat bodies from Japan:

Year:	*Number*
1934	13,892
1935	2,703,514
1936	6,528,212
1937 (estimated)	8,500,000

Japan has already displaced Italy as the leader in the markets of the United States for foreign hat bodies, and nearly 40 percent of the hats consumed in this country come from foreign shores. If imports from Japan in this respect continue at the present rate, with Japanese efficiency developed toward a better grade of products as it goes along, it is not hard to foresee what is going to happen to the hat industry of these United States if something is not done to stop it.

Time does not permit me at present to go into other subjects, such as the great volume of cotton goods from Japan, which has increased from less than a million yards in 1932 to over 100,000,000 yards in 1937. I am interested in all of these industries because they are the main source of employment for the people in the State from which I come, and to that end, as their Representative, I feel that the Government of the United States should give them the protection they need and have a right to expect in this distressing hour.

[Applause.]

Its nice "protection" if you can get it, to paraphrase the popular song, but you can't get it if you try.

RECIPROCITY A REPUBLICAN PRINCIPLE

As I have said before, I say again, and shall repeat it more than once:

All this talk about the Republican Party being opposed to reciprocity is propaganda or a red herring. Reciprocity is a Re-

publican principle. Reciprocity, I say—and that is just the reason why I, as one Republican, am opposed to these trade agreements. They are not reciprocal. The one with Canada was deliberately drawn in such a way as to do the people of my State, and I think of all New England, definite dollar damage; and it has been accomplished.

Our protests availed us nothing. We were outsmarted and outtraded.

THIS IS NOT RECIPROCITY

There is no reciprocity in such a program. There is no reciprocity in any program which makes the American people the goat any time or any place.

A VERMONT YANKEE KNOWS A "BLIND SWAP"

Every Vermont farmer can form his own opinion as to the real reciprocity found in the trade treaties by observing the list I am about to include, which shows only a few of the competitive agricultural products brought into this country during the last fiscal year. Here it is:

420,000 head of live cattle.
150,000,000 pounds of meat, which included 62,000,000 pounds of pork and 85,000,000 pounds of beef.
15,000,000 pounds of butter.
66,000,000 pounds of cheese.
10,500,000 pounds of dried and frozen eggs.
181,000,000 pounds of wool.
17,000,000 pounds of barley.
78,000,000 bushels of corn.
48,000,000 bushels of wheat (12,000,000 milled in bond for export).
190,858,000 pounds of rice and rice products.
73,822,000 pounds of tobacco, unmanufactured.
434,000,000 pounds of barley malt.
312,000,000 gallons of molasses, used in manufacture of alcohol.
19,000,000 gallons edible molasses.
6,600,000,000 pounds of sugar (3,300,000 short tons).
14,000,000 pounds of potato starch.
319,000,000 pounds of coconut oil (used in manufacturing butter substitutes).
519,634,000 pounds of copra (from which coconut oil is extracted).
360,000,000 pounds of palm oil (used in manufacture of soap).
64,000,000 pounds of palm nuts and palm nut kernels.
201,000,000 pounds of cottonseed oil (butter and lard substitutes).
147,000,000 pounds of tung oil (used in the manufacture of paints).
119,000,000 pounds of soybeans and soybean oil.
45,000,000 pounds of peanut oil.
48,000,000 pounds of forage crop seeds.
41,000,000 pounds of garden and field seeds.
551,000,000 pounds of vegetables of the common garden variety, including 59,000,000 pounds of dried beans, the latter accounting in large degree for the present low price of American beans.

The foregoing figures are selected from a bulletin entitled "Forage Crops and Markets" issued weekly by the Bureau of Agricultural Economics of the United States Department of Agriculture, which also shows the facts to be that the competitive imports exceeded the agricultural exports, the value of American farm exports declining by 4 percent and "the value of imports of commodities similar to or substituted for those produced on American farms rose by 35 percent over the fiscal year of 1935–36."

This just does not make sense from the "reciprocal" standpoint. It obviously is prejudicial to the interests and welfare of the American farmer, laborer, and everybody else, for "the farmer feeds them all."

As Representative CARLSON, of Kansas, told you the other day:

"When Congress delegated its authority to the President to negotiate, through the Secretary of State, reciprocal-trade agreements, we gave him practically unlimited authority; and under the most-favored-nation clause there is placed in operation a principle which works to the great disadvantage of the United States in the reciprocal-trade agreements. Under this provision, which is included in all of the trade agreements, all of the nations of the world, except Germany and Australia, receive the benefit of the same tariff reductions as are made to any one country."

THE FARMER IS HARD HIT

As he said:

"The farmers of the United States are not asking the embargoes or prohibitive duties, but they do believe that the American farmer is entitled to the American market. In fact, they believe they are entitled to the same assistance that is being given industry, finance, or labor. The farmers of America are interested in securing every dollar's worth of foreign trade possible, but at the same time they believe that the American market is the greatest market for their products. Our agricultural imports have reached staggering figures and our exports have diminished to a most alarming extent."

We all know that he stated the situation fairly when he called attention to the fact that—

"In the reciprocal-trade agreements with Canada the United States made extensive reductions on agricultural products. All of the other nations in the world, except the two mentioned, received the advantage of these same reductions, although they make no reductions whatever in articles going from this country to the several nations.

"The tariff on Canadian cattle coming into the United States weighing more than 700 pounds was reduced from 3 cents to 2 cents a pound. The tariff on dairy cattle coming into this country from Canada was reduced from 3 cents to 1½ cents a pound with quota restrictions. The tariff on calves weighing less than 175 pounds was reduced from 2½ cents a pound to 1½ cents a pound. These reductions, in accordance with the most-favored-nation clause, apply not only to Canada but to all the other countries of the world except Germany and Australia.

"Canada made some concessions in tariffs to the United States in the trade agreements, mostly on automobiles and machinery, but the other nations of the world receiving the benefits of our reductions made no concessions to this country at all. In my opinion, this is not reciprocity. The theory of reciprocity is that we reduce the tariff on certain articles produced in a foreign country coming into the United States which are not produced to any great extent in this country and the other countries reduce the tariff on their articles bought in the United States and going to foreign countries."

He gave you some interesting figures with reference to the importation of cattle and hogs. He showed that—

"Importation of cattle for the first 9 months of 1937 was valued at $14,647,000. This is more than the entire importation for the year 1936, during which year we imported 399,113 head of cattle, valued at $10,708,230. During the first 9 months of this year we imported 437,941 head, valued at the figure previously given. In 1933 this country imported 65,000 head of cattle, valued at $572,000. Our exports of cattle are too small for serious consideration. In 1933 we exported 2,912 head, valued at $192,000.

"These cattle were largely for breeding purposes.

"In the first 9 months of 1937 we exported 2,943 head of cattle, valued at $336,512, as compared to the imports of $14,647,244 in 1937.

"Imports of live hogs go from 29,000 in 1932 to 17,446,457 pounds in 1936 and to 15,763,411 pounds in the first 9 months of 1937. The value of live-hog imports in 1932 was $2,000, and for the year 1936 the value of live hogs imported was $1,453,841, and for the first 9 months of 1937 the importation of live hogs was $1,463,097. Using an average weight of 200 pounds per head, it would mean that we imported 87,232 head of hogs in 1936, and should they average 60 head to a carload, it would mean 1,454 carloads, or 200 trainloads of 70 cars each. Using the same basis for the first 9 months of 1937, we have imported 1,314 carloads of hogs.

"With recent serious declines in hog prices, the farmers are seriously wondering if this large importation of hogs has not had a detrimental effect on local prices."

GRANITE BUSINESS HIT HARD

As you know, one of the trade agreements entered into was with Finland. It seriously and ruinously affects the granite industry. It has already put hundreds if not thousands of men out of a job, and its effects will continue to be, and to increasingly become, disadvantageous to employers and employees.

What the trade treaty with Finland has done to New England granite is just too bad.

FINLAND GRANITE CHEAP

Under the most-favored-nation clause of the reciprocal-trade agreement with Finland the duty rates on both rough granite and manufactured memorials has dropped, to the benefit of all foreign exports, to a level which entirely fails to protect the American workman, and it is anticipated that the situation during the coming memorial season—April, May, and June—will be very serious from the standpoint of its effect on sales of domestic granite, with consequent adverse effect on the employment situation.

From the American Granite Association I learn that from figures they just received from the advance proofs covering 1936 importations, as compiled by the United States Department of Commerce, it is shown that during that year importations from Finland of unmanufactured granite aggregated 13,772 cubic feet, valued at $16,214; those from Sweden amounted to 17,421 cubic feet, valued at $34,760; and those from Canada consisted of 9,488 cubic feet, valued at $7,101, presumably chiefly base stock.

For the same period Finland sent us 14,019 cubic feet of manufactured granite, valued at $56,030, with all other countries negligible on this item of finished memorials.

These figures also show that from the standpoint of value of merchandise landed during 1936, the following customs districts lead in the importations:

Massachusetts	$42,136
Philadelphia	35,898
New York	21,748
Oregon	8,309
Maryland	6,151

Out of a total of $130,920 imported into the United States during 1936, landed valuation.

WIDESPREAD UNEMPLOYMENT IN GRANITE BELT

Anyway it is a fair assumption that the granite quarries and manufacturing plants of New England would be working full time today if the reciprocal-trade agreement with Finland were not in effect. As it is, only about one in five is working. It is a fact the trade agreement with Finland is responsible for widespread unemployment amongst quarry workers and granite cutters throughout the United States.

THE BRITISH TRADE TREATY

As to the trade agreement presently to be entered into by the United States with the United Kingdom. This I say should be given close attention and viewed with concern by many, if not most of the New England industries and those employed by them, and by others of you Members of Congress whose industries are or will be similarly prejudiced.

With the listing of those articles which will come under consideration for the possible granting of concessions we find a virtual manual of products manufactured in our small New England villages and towns. Should substantial downward revision of the tariffs on the products mentioned be the result of these negotiations, as is suggested may be the result, the consequent chaos caused to the employment status of thousands of employees in the New England area alone will be startling as well as destructive.

WOOLEN INDUSTRY FACES ABSOLUTE RUIN

If the tariffs on woolen products listed should be lowered substantially, to cite but one of many examples, this may be the coup de grace, and we will find hundreds of our small industries, upon which the welfare of countless small New England communities have depended, forced to close up shop. This industry has been in the doldrums for 2 or 3 months, due to a variety of causes, among which might be mentioned the taxes levied by the Government, including the malignant, pernicious, undivided-surplus tax saddled on them by a government subject to vacillating direction, and the iniquities of a few offenders causing restrictive measures to be placed on all business, with a consequent destruction of all business confidence.

This industry now sees that it may have the present tariff on goods it manufactures substantially reduced, thus to let in a flood of foreign-made goods in direct competition with theirs—in addition to the shoes from Czechoslovakia to add insult to injury—products manufactured by considerably lower paid labor accustomed to a much lower standard of living, subject to much longer working hours throughout the British Colonial Empire. Yet, our woolen people, employers and employees, are not asking for nor advocating higher tariffs on woolens; they do strenuously insist, I am sure, that enough tariff be kept on their products to insure continuance of the present American standard of living and guarantee the continuance of their businesses.

I envision the proposed agreement as being of serious importance to the many New England and Vermont industries involved and find that my concern is well founded, as evidenced by replies had to my recent communications to them.

THE INDUSTRIES TO BE AFFECTED

The northern New England veneer and plywood and woodnovelty people are as deeply concerned as are the woolen people; so, too, are the employers and employees of manufacturing establishments engaged in the production of the following products:

Cotton manufactures; woolen manufactures; blankets; carriage and automobile robes and steamer rugs; woven fabrics of various types and kinds; pile fabrics; toweling; sheets and pillowcases; shirts, collars, and cuffs; handkerchiefs and mufflers; hose and half-hose; underwear and outer wear; clothing and wearing apparel of every description; carpets, rugs, and mats; textile, embroidery, knitting, braiding, lace braiding, insulating, cordage, candy cutting and wrapping, wrapping and packing machinery; drawing paper; hanging, filtering, unmounted stencil paper; handmade and machine-handmade paper; paper envelopes; blotting paper; welt process shoes, boots, or other footwear of leather; gloves of leather; saddlery and harness; leather articles of many varieties and types; veneers of wood; furniture wholly or partly finished; table and kitchen utensils; doors of wood; golf clubs, tennis rackets, table-tennis bats, golf tees, and a variety of implements and devices used in sport; machine tools; agricultural hand tools including forks, hoes, rakes, scoops, shovels, spades, and drainage tools; cuttings, seedlings, and grafted plants or budded plants or evergreen ornamental trees, shrubs, or vines and all other nursery or greenhouse stock; fishing rods and reels; artificial flies, snelled hooks, leaders or casts; bicycles; motorcycles; motorboat engines; steam engines; and a host of other articles too numerous to mention, but all of which are of particular importance.

AFTER THE HORSE IS STOLEN

While it is true that the amendment to the Reciprocal Trade Agreements Act as proposed by Senator O'MAHONEY to which I have referred will permit an inspection of the proposed trade agreement for at least 30 days, this inspection could be had only after the negotiations are completed—after the horse is stolen. There is no provision to the effect that the trade agreements must be ratified by the Senate before becoming effective; the amendment only provides that the trade treaties negotiated shall not become effective until they have been filed with Congress for at least 30 days after their negotiation.

It puts Congress on record as asking the State Department to please let it know what it has done with the power and authority which Congress has abrogated, and as to what the contents of the proposed trade agreements are after the people of the country are tied hand and foot by an agreement already entered into and consummated.

When the President has made his proclamation that is a declaration that the negotiations are at an end. The only thing the amendment would do would be to limit the time within which the agreement would be unenforceable.

Possibly it is true that by reason of the publicity which it is sought to give the negotiations by reason of this 30-day interim the State Department would be more likely to pay attention to the petitions and representations and arguments of the Members of the Senate and House of Representatives in the interest of industries of the people whom they represent.

If it were to accomplish this result, it would have done a great deal, because everybody knows, as Senator BORAH has said in substance:

The commodities enumerated as the possible subject of consideration are not to a certainty the commodities which will be considered. They may or may not be considered; certain ones of them may be considered, and certain others may not be considered. As it is people come here from all parts of the country who do not know upon what subject they are to present evidence. They do not know whether or not the matters upon which they give evidence are those to be considered or not.

Senator O'MAHONEY, in explaining what happens with respect to the negotiation of these agreements, said:

SECRET NEGOTIATIONS

Mr. O'MAHONEY. Mr. President, what is done is this: The negotiations take place in secret in the Department of State. Certain clerks down there inevitably become acquainted with what is going on; and some members of some industries learn what is being done and what is proposed to be done; and the air is filled with rumors, and fear is spread broadcast throughout the land as to what is going to happen.

Mr. BARKLEY. I cannot agree with the comprehensive statement the Senator has made.

Mr. O'MAHONEY. Mr. President, I have been fighting in behalf of the wool industry ever since the announcement was made with respect to the proposed agreement with the United Kingdom, and the evidence has come to me in my office from all quarters of the country where wool is a matter of public interest, either as a raw commodity produced upon the backs of sheep or a commodity to be used in the manufacture of textiles, that there is tremendous alarm. I am trying to alleviate that fear, and the only way to alleviate it is by the assurance that there will be complete publicity.

So much for the way these trade treaties are negotiated.

THE TREATY-MAKING POWER

Right here and now before I forget it, I propose to call your attention to a speech made in Congress by Mr. Pinckney in January 1816. A speech, Mr. Speaker, or an oration, if you please, than which none ever made in Congress is more renowned, or has more often been quoted. A powerful exposition of substantive law. Mr. Pinckney, one of the greatest

statesmen in the days of great statesmen, discussed the treaty-making power of Congress, in reference, please note, to a commercial treaty with Great Britain. It is presumptive for me to say it, but I have read this oration over and over, and have taken it as my rule and guide of faith as to what the law respecting the treaty-making powers of this Government really is or should be. I cannot believe he was wrong when he said:

The Constitution has declared that whatsoever amounts to a treaty, made under the authority of the United States, shall immediately be supreme law. It has contradistinguished a treaty as a law, from an act of Congress as a law. It has erected treaties, so contradistinguished, into a binding judicial rule. It has given them to our courts of justice, in defining their jurisdiction as a portion of the lex terrae, which they are to interpret and enforce. In a word, it has communicated to them, if ratified by the department which it has specially provided for the making of them, the rank of law, or it has spoken without meaning. And if it has elevated them to that rank, it is idle to attempt to raise them to it by ordinary legislation.

Upon the extent of the power or the subjects upon which it may act, there is as little room for controversy. The power is to make treaties. The word "treaties" is nomen generalissimum and will comprehend commercial treaties, unless there be a limit upon it by which they are excluded. It is the appellative, which will take in the whole species if there be nothing to narrow its scope. There is no such limit. There is not a syllable in the context of the clause to restrict the natural import of its phraseology. The power is left to the force of the generic term and is therefore as wide as a treaty-making power can be. It embraces all the varieties which it could be supposed this Government could find it necessary or proper to make, or it embraces none. It covers the whole treaty-making ground which this Government could be expected to occupy, or not an inch of it.

ANOTHER ANGLE

Now let us look at the matter from another angle. Let us consider the efficacy of these trade agreements. This angle of the situation seems to have escaped the notice of proponents of trade treaties. While they understand ships are required to carry goods between nations, apparently they have lost sight of the fact that money is equally indispensible as a conveyor of commerce. Someone has said they do not seem to realize our international flow of the dollar controls our international volume of trade. And that the contraction of our foreign trade was directly caused by the contraction of our domestic dollar flow. The fact is trade cannot be conducted without an adequate flow of the dollar, and when this flow is inadequate every attempt to bring about an increase of commerce will not only fail but will add to the existing confusion and distress.

STILL ANOTHER SLANT

Then here is another thing about it, which must be obvious to the practical minded, and that is that recovery cannot be initiated through these trade treaties; or, in other words, by attempting to "make the tail wag the dog," as the President attempted recently to so lucidly illustrate his point.

The indisputable fact is that the resuscitation of foreign trade will be the result of, and will follow after, and cannot and will not precede a domestic increase in industrial production and employment. It is popular in some quarters to suggest and to believe that prosperity will be regained through and by means of a direct revival of our external commerce.

This notion, it seems to me, is based on a mistaken understanding of the fundamental economics which are involved. There are a great many people in this country today who still think that a favorable trade balance of $600,000,000 means our national wealth has increased to that extent and by that sum. They also are of the opinion that if the balance were unfavorable to that amount and extent, that such sum would measure the decrease in our national wealth. They do not understand what favorable and unfavorable mean when applied to trade balances, if so they would not assume the position which they do.

GLORIOUSLY IDEALISTIC POLICY

It is brutally and frankly true that the policy of this administration which has been followed, while it is gloriously idealistic insofar as its negotiation of trade treaties is concerned, has served only to worry business—big and little—to block initiative and stop the expansion of industry, and has contributed to the unemployment situation. And with its resultant ruinous competition with other nations has been the breeder of hate and war, contrary to the expectation of its proponents, for the theories and ideals are as vain as they are dangerous. Vain, because it is axiomatic that no nation can sell more than it buys, unless, of course, it wishes to accumulate a needless surplus of gold, which accumulation would add nothing to the standard of living of the possessor; and dangerous because it is the genesis of armed conflict.

GREED, GOLD, AND GLORY

Every attempt which has ever been made for territorial acquisition and expansion has had its origin principally, or in part at least, in the greedy grasping for trade that was to follow and the profits which were to ensue.

Greed for territory, for gold, for gain, and for glory is at the bottom of this war-worn world's troubles.

These nations involved in the European embroglio will have to fight in order to maintain their national unity and integrity. Self-interest always has been and always will be the deciding factor. Self-preservation is the first law of nature, and it is the same today as when Napoleon rocked the monarchies of Europe and Caesar massacred 25,000 Germans in a day and left the melancholy memorandum, "Caesar's legions killed them all."

Human nature of today—

Says Hudson Maxim—

will be the human nature of tomorrow, and the human nature of tomorrow will be in all essentials the same as it was in ancient Rome, Persia, Egypt, and even in the palmy days of sea-sunk Atlantis.

HUMAN NATURE

No plan has been promulgated which will change human nature or bring about the millenium by contract. No covenant which has ever been made or will ever be entered into between and among nations will prove a perfect panacea for, or perfect preventive of, war.

In trade agreements heretofore negotiated since the beginning of time and in trade agreements hereafter to be negotiated with their concomitant ramifications will always be involved man's irrepressible greed, and the cause for most of the ills which the world has suffered and will have to endure.

CUT A MAN'S THROAT TO STOP A NOSEBLEED

As a panacea for and preventive of war trade treaties work out just as efficaciously as between nations as does the idealism and good intent as between individuals when it is deemed best to cut a man's throat in order to stop his nosebleed. [Applause.]

Mrs. O'DAY. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BIGELOW].

TOO SIMPLE FOR CONGRESS

Mr. BIGELOW. Mr. Chairman, I would like first to comment briefly on the President's message, just read, asking for increased armaments, and on what seems to me the inadequate appropriation for relief in the District of Columbia, provided in the District appropriation bill under discussion.

The President has asked for increased expenditures on certain items which relate without question to defense only. For such increases, I shall vote without hesitation.

WHAT FOR, MR. PRESIDENT?

But the President's request for two more $70,000,000 battleships, besides the two for which we voted last week, and his additional request that the whole Navy-building program be upped 20 percent, seems to me to be justified only on the theory that we intend to join with the British and French Navies to police the globe. If this is what the American people want, we should vote for it. But do the people want this? It will take a good deal to remove my doubt on this score.

Right now, by rejecting this part of the President's proposal may be our only hope of keeping the United States out of the next world war.

ARE WE THIS CALLOUS?

On the question of relief for the people of the District of Columbia, I shall vote for an amendment, which I understand is to be offered, raising the appropriation at least a million dollars. The Biggers report shows that there are in the District 37,600 totally unemployed persons, 12,164 partly employed, and 9,760 who are employed only because the W. P. A. has made jobs for them.

The number of men, women, and children in the families of these unemployed persons must equal something like a hundred and twenty-five or a hundred and fifty thousand.

The relief administration in the District is working under the rule that no matter what the distress and the need may be, no help whatever is given to any family in which there is an employable person. If a man is able to work, and is out of a job, that cuts his family off from any possibility of relief.

So starved is the relief administration for funds that it cannot consider applications for relief except in the case of the unemployables and their families.

No words, it seems to me, could be too severe to condemn the callousness of a Congress that would leave this community, for which we are responsible, in this plight.

2×2=5

I see on the floor, my very good friend, the lone Republican from southern Ohio, Mr. JENKINS. As a Democrat, may I say that if we have to have a Republican Governor in Ohio the next 2 years, I should be very well satisfied if it were my friend JENKINS. [Applause.] Some years ago, in his town of Ironton, there was a great excitement. Everybody was down on the river front to see what was going to happen. They were building a bridge over the Ohio River. They had started from both banks, and now the time had come when the question was, Would these girders meet, as they were intended to meet, out there over the middle of the river? It was an exciting moment. The girders did meet, and so we have the bridge. If the engineers in all their figuring on that job, had said that 2 times 2 equals 5, the girders would not have met.

A FORGOTTEN BOOK

Whenever you have a fallacy in your reasoning, you are bound to get bad results. There is, I believe, a fallacy in our reasoning on the subject of property and property rights and it is because of this fallacy that we have the bad results we are getting in our social and economic life.

I have in my hand a little book, a forgotten book. It was hailed as a classic when it was written a hundred years ago. Thomas Carlyle praised it. The philosophers of the time recognized its value. Charles Sumner, of Massachusetts, had many copies of it distributed here. This book was written by a Scotchman, Patrick Edward Dove. The title of the book is Human Progress. It is a fascinating essay, a philosophical treatment of the subject of democracy.

There is elaborated in this book, published a full generation before Henry George, a theory of property rights which I think exposes the fallacy on which we are operating today.

WHO PRODUCED THE LAND?

There is laid down the proposition that the right of ownership is based on creation. A man owns that which he creates. The earth itself is not the creation of man. There is a common or collective right to the earth which does not attach to property that is individually created. Yet it would be impossible to divide the earth up and give each one his equal share. It was proposed, however, 25 years before Progress and Poverty was published, that this common interest in the earth be secured by the appropriation of ground rent for the support of government, in lieu of taxes upon property. It was the contention that for common needs, communities should live on the annual values of land created by the presence of the community.

GIVE US A CHINESE PUZZLE

Now, I suppose the simplicity of this plan of taxation is what makes it so incomprehensible to the Members of this House. If it were as much of a Chinese puzzle as the tax bill that the Ways and Means Committee is soon going to report to us, if it were as mysterious and hard to understand as our present tax muddle, then I suppose we would all be for it. Being beyond our comprehension, we assume that it must be right. [Laughter.]

GET THE CHILDREN TO FIGURE IT

What we have is a simple little problem in primary-school arithmetic. We raise for the support of the District of Columbia $20,000,000 a year by a tax of $17.50 a thousand on real estate. The average assessed value of residence dwellings in the District is a trifle under $6,000. The owner of a home of this value pays an annual real-estate tax of $104.

We have broken down for us on the assessors' books the total real-estate assessment of over a billion dollars into land values separate and apart from improvement values. In round figures the land value under private ownership, subject to taxation in the District of Columbia is five hundred millions, as compared with seven hundred millions, the value of taxable improvements upon land.

Land and improvements being lumped together for taxing purposes, it takes a tax levy of 1¾ percent on these combined values to yield the required revenue of twenty millions a year. If we were to ignore the buildings, and raise the same amount of revenue by a levy upon the land value alone, the rate would be 4 percent.

Now, which would you rather do, pay 1¾ percent on the value of both house and lot or 4 percent on the value of the lot alone? I suppose this is too big a problem for a Congressman to solve, but if you would ask your 8-year-old boy or girl at home to figure it out for you you would find that on this average near $6,000 home in the District the present tax comes to $104 a year, while a 4-percent tax on the lot value would be about $80 a year.

PARKING-LOT TAX DODGERS

Why is it that we cannot get the Members of this House interested in this change, which would reduce by 20 percent the annual tax burden of all small home owners in the District?

Note, if you will, other important effects of this change besides that of reducing the tax burden of the small home owner. Here is a man who has a valuable lot and a fair improvement on the lot. He figures that he can make more money tearing his building down to save taxes and rent the space for parking automobiles. Under the present system of taxation the community loses the revenue of 1¾ percent on the building value.

If the tax rate had been 4 percent on the land value and nothing on the building no revenue would be lost to the community, even though the house was torn down.

HIT HIM WITH A TAX IF HE DOES

Then let us take the case of an owner who has a valuable lot and an indifferent improvement on the lot. He calculates that he could probably better his situation by tearing the old building down and putting up a new structure if the community would not penalize him for this improvement by raising his taxes. But in view of the fact that the community would penalize him if he went ahead with the improvement, he gives up the idea. In that way we discourage by taxation the very thing we want, improvement, new wealth, and employment. If taxes were levied against land value alone the increased tax on the land would be a stimulant to improvement. A premium would be put upon improvement, both by the exemption of the improvement from taxation and by the increased pressure of taxation on those who hold land idle or underimproved. This change in the incidence of taxation by the encouragement of improvement would cheapen the cost of homes and reduce rents.

BRING US A PRESENT FROM AUSTRALIA

This is the plan of taxation on which Canberra, the capital of Australia, depends. Land value is made by the presence of the community. Under this plan the community lives on what it itself creates, and because it does it does not need to

exact from private individuals any portion of their own earnings.

I am very much disturbed by what may be the significance of the presence of three of our battleships at this time in the harbor of Sydney, Australia. We borrowed from Australia our Australian ballot system. I wish those battleships would come home and stay home, but I wish they might bring back with them and sell to this Congress this enlightened tax plan of the capital of Australia.

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I think I shall stand on this side of the aisle, because the faces on this side look a little more benign and, perhaps, the people on this side need the message I expect to give.

Before I begin my indictment of the New Deal for its record on civil service, in order to avoid any misunderstanding about the person or persons against whom I expect to bring this indictment, I want to make this statement, and I make it in all sincerity.

The gentleman from Georgia [Mr. RAMSPECK], the chairman of the Committee on the Civil Service of this House, in my opinion, has done everything that one man can possibly do to protect and promote civil service in this Nation, and to carry out the pledge of the Democratic Party on civil service. So my indictment is not to be applied to the gentleman from Georgia, nor his Civil Service Committee, but it is to be applied to the majority party in this Congress and to those high governmental officials that I shall name in the indictment.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MASON. No; my time is too limited.

I propose to use the time allotted to me today to discuss an almost forgotten dream; a dream that had its inception in this Nation 55 years ago; a dream that has been dreamed by millions of American citizens; a dream that has brightened at times, and faded at other times; a dream that some of us still hope and pray may come true; a dream, however, that has faded very rapidly and decidedly during the past 5 years. It is the dream of an efficient, all-embracing civil-service system in actual operation; a system worthy of being called a merit system; one that will actually provide a career for all ambitious young people entering the Government service, irrespective of party affiliation.

As a candidate for Congress 2 years ago I went on record as follows:

> I stand for the merit system in Government service instead of the present wasteful, inefficient spoils system. Our most promising young people should be able to look forward to an honorable career in Government service, and prepare for it as they do in England. We should have well-trained, efficient Government employees instead of the present inefficient, untrained pay-roll employees, that change with each administration.

After my election to Congress, because of my interest in civil service, I asked for a place on the Civil Service Committee of the House, but was not fortunate enough to be assigned to that committee. Being interested in the subject of civil service, however, I have watched with dismay the constant tendency of the majority party to disregard our civil-service law, by writing into new laws provisions that exclude the personnel required for the operation of the law from civil-service requirements. The aim seems to be to nullify in every way possible our civil-service program. Because of my dismay and disappointment over the present trend in Congress away from civil service, I have gone to some trouble to prepare this brief analysis of the situation confronting the Nation with regard to civil service.

HISTORY OF CIVIL SERVICE

Mr. Chairman, it was President Jackson who first instituted what is known as the spoils system, which is the exact opposite of the merit system. Jackson's Secretary of State, Van Buren, brought with him into the Federal Government the political spoils system then existing in New York. Van Buren's slogan was, "To the victor belongs the spoils." Since instituted by Jackson a little over 100 years ago, the spoils system has dominated all Government service—Federal, State, County, and City. In fact it seems to have become an inherent part of our party system of government. It is the Frankenstein that throttles nearly every effort to obtain efficiency in Government service.

The first attempt to institute civil service in Government affairs in this Nation was in 1883 when Chester A. Arthur signed the first Civil Service Act. Civil service was instituted at that time largely as a result of the untimely death of President Garfield, killed by a disappointed, half-crazed office seeker. Since then civil service has had its ups and downs, reaching an all-time peak of 82.9 percent of the 563,487 Federal employees in 1933, but slumping again to 63.2 percent of the 841,664 Federal employees in June 1937.

THE UPS AND DOWNS OF CIVIL SERVICE

A table taken from the Annual Report of the Civil Service Commission of March 1933, entitled "Employees of the Executive Branch, 1884–1933, Exclusive of Military," shows, by years, the total number employed, the number of civil-service positions, and the percent of those in civil service to that total. The table is illuminating because of the encouraging trend that it shows.

Employees of the executive branch, 1884–1933 (exclusive of military)

Annual reports, Civil Service Commission	Total number employed	Number in civil-service positions	Percent of civil service to total
June 30, 1884	131,208	13,780	10.5
June 30, 1894	180,000	45,821	25.5
June 30, 1904	301,000	154,063	51.2
June 30, 1913	443,605	282,597	63.7
June 30, 1916	438,057	296,926	67.8
Nov. 11, 1918	917,760	642,432	70.0
June 30, 1923	515,772	411,398	79.8
June 30, 1924	521,641	415,592	79.7
June 30, 1925	532,798	423,538	79.5
June 30, 1926	528,542	422,300	79.9
June 30, 1927	527,228	422,998	80.2
June 30, 1928	540,867	431,763	79.8
June 30, 1929	559,579	445,957	79.7
June 30, 1930	580,434	462,083	79.6
June 30, 1931	588,206	468,050	79.6
June 30, 1932	583,196	467,161	80.0
Mar. 3, 1933	563,487	467,272	82.9

This table shows that from June 30, 1884, to March 3, 1933, the percent of Government employees in the civil service rose from 10.5 percent to 82.9 percent.

Another table entitled "Employees of the Executive Branch, 1933–37, Exclusive of Military" shows the total number employed, the number in civil-service positions, and the percent of civil-service personnel to the total employees for each of those years. This table also is illuminating because of the discouraging trend that it shows.

Employees of the executive branch, 1933–37 (exclusive of military)

Annual reports, Civil Service Commission	Total number employed	Number in civil-service positions	Percent of civil service to total
Mar. 3, 1933	563,487	467,272	82.9
June 30, 1933	572,091	456,096	79.7
June 30, 1934	673,095	450,622	66.9
June 30, 1935	719,440	455,264	63.3
June 30, 1936	824,259	498,725	61.0
June 30, 1937	841,664	532,073	63.2

This table shows that under Mr. Roosevelt's administration and under the spoils philosophy of Mr. Farley, the percentage of civil-service employees in Government dropped from 82.9 percent to 63.2 percent.

Evidence as to the ill fortune the civil service was to suffer under the Roosevelt administration came very early after the New Dealers rose to power. From March 4 to June 30, 1933, President Roosevelt took advantage of the Economy Act to reduce the civil-service personnel by 11,176. In the same period of less than 3 months Mr. Roosevelt used the emergency acts to increase the non-civil-service group by 19,780 individuals. In the 4⅓ years from March 3, 1933, to June 30, 1937, the executive branch pay roll was increased

by 278,177 persons, of whom only 64,801, or 23.3 percent, were appointed under the merit system. These figures do not bear out Mr. Roosevelt's repeated protestations of his intentions to extend the merit system "upward, outward, and downward."

OUR PLATFORM PROMISES

Mr. Chairman, both party platforms in the compaign of 1936 definitely and equivocally promised to carry out a real merit system, as shown by the following quotations:

The Democratic platform: For the protection of government itself, we pledge the immediate extension of the merit system through the classified civil service—which was first established and fostered under Democratic auspices—to all non-policy-making positions in the Federal service. We shall subject to the civil-service law all continuing positions, which, because of the emergency, have been exempt from its operations.

The Republican platform: Under the New Deal official authority has been given to inexperienced and incompetent persons. Civil service has been sacrificed to create a national political machine. As a result the Federal Government has never presented such a picture of confusion and inefficiency. We pledge ourselves to the merit system virtually destroyed by New Deal spoilsmen. We will provide such conditions as offer an attractive, permanent career in Government service to young men and women of ability, irrespective of party affiliation.

The Democratic platform statement upon the subject of civil service is a definite pledge to extend the merit system to embrace all Government positions that are non-policy-making. There is no honorable way to evade this definite pledge, yet it has been evaded by the present Congress. The Republican platform statement upon the subject of civil service is a definite pledge to restore, extend, and improve the merit system. The citizens of this Nation by their votes placed the responsibility to extend and improve the merit system squarely upon the shoulders of the leaders of the present majority party and gave its elected officials a mandate to carry out its pledges. This has not been done. This Congress, as shown by the record it has made thus far, has practically repudiated the pledges made in both party platforms upon the important subject of civil service.

THE EMERGENCY EXCUSE

Mr. Chairman, one excuse used more often than any other by the present administration to meet criticism of its course in permitting this decided recession in the civil-service system is that so much of the New Deal government is an emergency set-up. However, it is significant in the history of the rise of the civil service that even during the great emergency of the World War our emergency civil employees were as far as possible appointed under the merit system. At the time of the armistice, November 11, 1918, out of the 917,760 civilian employees, 70 percent of them were under civil service. With the demobilization of the World War organizations the proportion of civil-service workers increased to around 80 percent, and remained at that figure until March 1933. With the onslaught of the depression, Government forces were reduced. But it is a significant fact that under President Hoover these reductions were made from the non-civil-service group, with the result that on March 3, 1933, of the total number of employees in the executive branch, 82.9 percent were under civil service.

A recent instance of the fallacy and falsity of the argument of emergency set-ups being the reason for excluding Federal employees from the requirements of the Civil Service Act is found in the agricultural bill, which is now in conference. Section 407 of the agricultural bill, which is a permanent measure, is so worded as to make the selection of personnel by the Agricultural Department subject to the provisions of law applicable to the appointment and compensation of personnel employed by the Agricultural Adjustment Administration. Those provisions in the old A. A. A. were that the personnel should be selected without regard to civil-service requirements and without regard to the Classification Act.

Other glaring examples of the disregard of civil service are to be found in laws establishing the National Bituminous Coal Commission, the Farm Security Administration, and the United States Housing Authority. All three of these agencies are permanent establishments and are very largely exempt from the operation of the civil-service law. These examples demonstrate the utter lack of justification for, and the absolute inconsistency of, the emergency alibi.

ROOSEVELT'S REORGANIZATION PLAN

Mr. Chairman, there is now pending before the Congress a measure sponsored by President Roosevelt, which, if approved by the national legislative body, will be the greatest single step toward the ultimate and absolute destruction of the civil service that has been taken since the merit system was first introduced into our American Government. That measure is the President's Government reorganization bill. The President and his advisers in that bill recommend the abolition of the Civil Service Commission. The report of the President's committee criticizes the Civil Service Commission, brands it as unsuited to the work of a central personnel agency, and asserts that the commission form of organization is "slow, cumbersome, wasteful, and ineffective in the conduct of administrative duty." This special committee also charges that "board members are customarily laymen and not professionally trained or experienced in the activities for which they are responsible."

A Civil Service Commission composed even of laymen not "professionally trained or experienced in the activities for which they are responsible" is infinitely preferable to having no civil service, or to having a civil service administered by political spoilsmen "professionally trained and experienced in the activities for which they are responsible"—which means placing faithful henchmen in responsible and important positions in the Government, where those henchmen operate purely from the standpoint of the spoils system, and from the standpoint that government administration is political pie to be passed out to party workers as rewards for faithful service, instead of being regarded as vital activities affecting the welfare and the very destiny of this Nation. This is the very condition that prevails today in government service, and it is NOT the fault of the Civil Service Commission.

Under the Government reorganization plan, in the place of the Civil Service Commission, a single civil-service administrator would be set up, to be appointed by the President, by and with the advice and consent of the Senate, but with this highly dangerous provision—that this administrator would be removable by the President at will. Under that arrangement the civil-service administrator would not dare do anything displeasing to the President, since by so doing he would court dismissal at the hands of the Chief Executive. No other conclusion can be drawn from this proposed measure except the one that Mr. Roosevelt desires to extend his personal power and control over the merit system of government. Certainly this proposed act would accomplish exactly that result. A civil-service administrator removable at will by the President would be merely a tool to do the President's bidding.

INDICTMENT BY NATIONAL CIVIL SERVICE REFORM LEAGUE

Mr. Chairman, the National Civil Service Reform League, in its proceedings during its fifty-fourth annual meeting in 1936, very frankly declared that—

At no time since the adoption of the original civil-service law has there been so much public agitation for the application and extension of the merit system as today. The Congress, however, has utterly failed to recognize this demonstration as a mandate from the public, because constructive personnel legislation that has been before the Congress has received no more than cursory attention. • • •

And also, quoting again—

Although the President has often assured the league of his devotion to the merit system, such assurances have not been fortified by insistence that constructive measures affecting the civil service be immediately enacted. Nor has he taken public notice of Cabinet defiance of its principles. We fear, also, that the failure of the President to take Executive action against demonstrated instances of partisan mismanagement of important branches of the service, or assessments of public employees for campaign contributions, must lead inevitably to the belief that he acquiesces in the actions of the Postmaster General, and other members of the administration similarly bent toward the patronage system.

In the phrase "acquiesces in the action of the Postmaster General" is to be found the real cause of our present civil-service mess.

Mr. ROBSION of Kentucky on last January 28 summarized the record of the New Deal on the subject of civil service wonderfully well, and I close with his statement:

> No administration since the days of Andrew Jackson has done so much to break down the merit system and civil service, and to resurrect the spoils system as the present administration.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. MASON. Yes.

Mr. GIFFORD. I congratulate the gentleman and ask him if he is willing to have me inject into his speech the statement that it is a struggle now between two great forces—civil service versus Farleyism. If the gentleman would like to reinforce his argument, read in this February issue of the American Mercury The Confessions of a New Dealer, and we will more fully understand the seriousness of the degenerate doctrine of Farleyism.

Mr. MASON. I thank the gentleman.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MASON. Yes:

Mrs. ROGERS of Massachusetts. In many ways the civil service is a great protection to everybody, including Members of Congress. Does the gentleman remember that President Garfield was assassinated by a spoils seeker?

Mr. MASON. Yes. I have referred to that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mrs. O'DAY. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. AMLIE].

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield 10 additional minutes to the gentleman from Wisconsin.

Mr. AMLIE. Mr. Chairman, I wish to discuss the provisions of the so-called Industrial Expansion Act, H. R. 7318, introduced last summer by Congressman ALLEN of Pennsylvania, Congressman MAVERICK, Congressman VOORHIS, and myself. This bill represents the point of view which I think today is entertained by a large number of people in this country, and I might also say by a substantial part of the progressive membership of this body.

Last December the American Economic Association held its annual convention at Atlantic City. My brother-in-law attended as a member of that body and gave one of the papers. While I was at home during the Christmas holidays I asked him what had impressed him most about this meeting of economists, and he told me he had been most impressed by the fact that the papers given were given by young men; that most of them indicated that confidence must be restored so that businessmen could again take the initiative in bringing back employment and an upturn in economic conditions; but the older men, who had long been recognized as the leaders in the field of economics in this country, had nothing to say. He said that they preferred not to be on the floor and hear these papers read; that they preferred to stay in groups in their hotel rooms, and that in effect their attitude was:

> We know that the economic system has broken down; that the old system of laissez-faire will never function again. We have the intelligence to know that; but, as scientists, we have the integrity not to get up here and read papers that we do not believe, and so for that reason we are letting the young men read the papers at this convention, and so far as we are concerned we prefer to take no part in the discussions. If we were to talk frankly about the economic situation as we see it, we would only endanger our jobs.

I think perhaps that is the feeling of a large part of the membership of this body. I think we recognize today that more than half of the gains that have been achieved by the New Deal since 1933 have been wiped out. I think we realize that there are probably between twelve and thirteen million people today who are wholly unemployed, and probably six or seven million more who are working on a part-time basis.

I do not believe there is any solution for our economic problems in any of the approaches that have been attempted by the New Deal. I think they have accomplished much good. While I have been a member here I have in the main supported all of the New Deal projects and proposals, and as between doing nothing at all and supporting the New Deal proposals, I shall continue to support them. However, along with a large number of the American people I believe that we have in this country the raw materials, the skilled manpower, the machinery of production, and the technique of production, that would enable us without any difficulty to turn out a total annual output, in terms of goods and services, of anywhere from $90,000,000,000 a year up to possibly $135,000,000,000. Surveys made by reputable research organizations show that they agree that we could increase our total output of goods and services anywhere from 20 percent to 40 percent over what was achieved in 1929. In the Industrial Expansion Act the authors have tried to outline a general program for stepping up output all along the line in American industry. I think that most of us here recognize that if we were to give all of the American people the food they really need, we should probably have to put 50,000,000 acres into cultivation rather than taking 50,000,000 acres out of cultivation.

I think we recognize that if all the American people were to be given all the cotton cloth they could use for clothing, bedding, towels, or any other purpose around the home, we could use the total output of cotton that we now produce and have been producing year after year. On the other hand, if we are to reduce that output to the consuming power of the people measured in terms of purchasing power, then, of course, we have no alternative but to reduce the output anywhere from 25 to 50 percent.

In this plan we have reasoned that if the Government can get the cooperation of 3,000,000 or 4,000,000 farmers in reducing output it should be possible to get the cooperation of 3,000 or 4,000 large industrial units in stepping production up to approximate capacity. This plan, may I state here, was first outlined by Dr. Mordecai Ezekiel, economic adviser to the Secretary of Agriculture. He wrote a book in 1936 entitled "$2,500 a Year" in which this plan was outlined. In this book he argued that this plan could be put into effect if we utilized the theory underlying the Agricultural Adjustment Act; that is to say, the power of the Congress to legislate for the general welfare of the American people. Shortly after that the A. A. A. was declared unconstitutional, and, as a consequence, there was very little interest in the plan advocated by Dr. Ezekiel. About a year ago, when the Supreme Court held the National Labor Relations Act constitutional under the power of Congress to regulate interstate commerce, a number of Members of this House, including the sponsors of this bill, reasoned that we could base the plan outlined by Dr. Ezekiel upon the power of Congress to regulate interstate commerce.

In general, we would set up a central planning agency that would map out production as based upon the needs of the American people and upon the productive capacity of the country as a whole, and then bring within the purview of the act those industries essential to the carrying out of the general program. We disagree with the old N. R. A. and feel that it was a mistake to try to regulate all industry. We believe that that is unnecessary and that if we were to take in the principal and essential industries, we could accomplish this stepping up of production all along the line without trying to secure the cooperation of every little member in the service trades or in the retail business.

Let us assume now that the act is put into effect; how would it operate? Let us say, for instance, that a manufacturer today is turning out 70,000 pairs of shoes. Under this act the central administrative authority would request this manufacturer to step his production from 70,000 pairs up to 90,000 pairs. This would be done through the imposition of a processing tax of approximately 25 percent of the value added by the particular manufacturer in the manufacturing

process he performs. To the industrial units that cooperate in this general plan 95 percent of this tax would be refunded. The imposition of this processing tax is merely a tool for securing compliance. But the Government would do more than seek to compel industry to go along with the general plan. In addition to the processing tax the administrative authority would be in a position to enter into contracts with cooperating units, under which the central authority would agree to take over at cost a part of the total output if it should prove to be unsalable.

It is our feeling that if this plan were instituted, any manufacturer would be just as safe in producing 90,000 units as he would be today in producing 70,000, if through stepping up production throughout industry as a whole we could, during the first year, increase our total annual income from say $68,000,000,000 to $85,000,000,000 or $90,000,000,000. Any particular manufacturer would then be safe in turning out an increase that would correspond to the increase in national income.

In addition to that assurance, the Government would further agree to take over a part of the total output if it should prove to be unsalable.

The fulfillment of these guaranty contracts by the Government would undoubtedly cost a great deal of money; it seems quite certain that the cost of taking over unsalable surpluses would be less than present relief costs. In addition to this, the unsalable surpluses could be utilized to good advantage by the millions of our people who live in sections of the country where industrial employment is not available and where agriculture is conducted on the barest kind of subsistence level. We ought not to forget that half of our farm families, three and a quarter million families, produce only one-eighth of the agricultural produce that enters the market. It will take many years to find a place for them where their services could be efficiently utilized, and in the meantime there is no reason why they should not be given some of the advantages that could be readily made available because of the inordinate productive capacity of American industry.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. AMLIE. I yield.

Mr. VOORHIS. Does not the gentleman feel that one of the most important features of this plan is that whereas one industrialist, even if he desires to increase production, is naturally afraid to do so because he does not have any reason to believe that other people will do likewise, he would, by the means provided in this bill be assured of a general increase in production and purchasing power shared in all the major industries, and he would be protected against the possibility of other manufacturers not complying?

Mr. AMLIE. Yes; I think that would perhaps be the most important contribution of the whole plan; that is, as I see and read the complaints of business today. The gist of the complaints by businessmen is their uncertainty; that is, uncertainty about taxes, and uncertainty about general economic conditions. Through a plan of this kind most of this uncertainty could be eliminated.

Some assurance could be given regarding the total national income and the amount that could be absorbed by the country as a whole. In contemplating the stepping up of production in this way, I feel we are indicating the only possible solution to the general problem. That is, it seems to me, it must be a national plan calling for the stepping up of production all along the line.

The difficulty today in such planning as the Federal Government is doing, such as the Guffey coal bill, the farm bill, and so forth, is that an industry is assisted in formulating a plan, but since it is not a general plan for all industry, no particular industry can do more than to formulate a plan for reducing its output to what it is anticipated the market can take. So what we get under the present arrangement is that the Federal Government lends its aid to various industrial groups in reducing production, and it seems to me that the general effect is to set in motion a downward production cycle throughout the whole industrial system.

It is true these groups have to be assisted. I am not arguing that the coal producers can go on without assistance or that the cotton producers can go on without assistance. They cannot. But this attempt to help just one industry at a time to solve its problem inevitably means helping it to reduce the total output to the point of effective demand, which, as I see it, inevitably becomes a program of scarcity furtherance, much as its supporters hope it might move in the other direction.

Mr. ANDRESEN of Minnesota. Will the gentleman yield?

Mr. AMLIE. I yield to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. The gentleman used the illustration of the manufacturer of shoes and presupposed an application of the 25-percent processing tax. Of course, this processing tax would be added on to the cost of the shoes when they were sold. I would like to have the gentleman explain the method of distribution he proposes in order to do away with this extra amount of manufactured shoes so that we would dispose of the surplus.

Mr. AMLIE. First of all, it is not contemplated that this processing tax shall be added. The processing tax is merely an instrument to secure compliance with the general program and would be refunded to the industrial unit that would cooperate. It is conceivable that in some industries a particular unit would prefer to pay the processing tax and not come under the provisions of the bill, but such a unit would be in competition with other units that were cooperating.

Mr. ANDRESEN of Minnesota. The average profit the manufacturer makes on shoes—and I refer to the wholesale manufacturer—is around 18 to 20 cents apiece. They are making a big profit when they make that much. That is, of course, in large-volume business. They could not very well afford to pay the 25-cent processing tax. In other words, it would be necessary for them to comply with all the regulations in order to get that tax back; otherwise they would go into bankruptcy.

Mr. AMLIE. Yes; I think that would be true for practically all the industrial units in the manufacture of shoes. But I want to go on with the other question of what assurance there would be that the purchasing power would take over the additional output. Let us say during the first year there will be an increase of national income from seventy to eighty-five billion dollars. According to the plan, 10 percent of that increase will go to the manufacturers and businessmen in the form of profits; the remainder, or 90 percent, will go to labor or to the public, either in the form of increased wages or in the form of reducing or maintaining the general price level. The increase in total national income would be distributed in those two ways.

Mr. CRAWFORD. Will the gentleman yield?

Mr. AMLIE. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I am wondering how the gentleman's plan would fit into this situation, which I think exists: You have a few dollars on deposit somewhere on which you can draw. I have a few dollars. The other fellow has a few dollars. Altogether it runs up to, say, somewhere between thirty-five and forty-five billion dollars at the present time. In other words, we are hoarding a dollar, ten dollars, a thousand dollars, or a hundred thousand dollars, whatever the amount may be. Will this system cause those who are hoarding to release the money and let it go into purchasing channels?

[Here the gavel fell.]

Mrs. O'DAY. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. AMLIE. Mr. Chairman, I will say in answer to the gentleman's query that it would not. That is, I cannot see at the present time where there is great room for new capital investment. Our present productive plant is operating at not more than 60 percent of actual capacity. If we operated at full capacity we should be producing a national income of probably between ninety and one hundred billion dollars.

Mr. CRAWFORD. On today's price index?

Mr. AMLIE. Yes. I grant, of course, that there is still tremendous room for further capital investment. I think perhaps a plan of this kind would offer a degree of stability that would provide inducement for further investment of capital that is not provided under the uncertainties existing today.

Mr. CRAWFORD. I did not make myself clear because my question was not directed to the use of credits now in the hands of individuals for capital investment purposes but for the purchase of consumer goods. Assuming that this plan did go into operation and people are paid wages, but through fear that the plan might break down in a year, 2 years, or 5 years, they take their income and use just a little bit for living purposes and hoard the balance. That is the thing at which my question is directed.

Mr. AMLIE. It seems to me there would be some assurance to the future if people felt there was some planning for the future, whereas there is virtually none or very little today.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. AMLIE. I yield to the gentleman from California.

Mr. VOORHIS. In line with the question of the gentleman from Michigan [Mr. CRAWFORD], I may say it seems to me, in the first place, the tendency for small-salaried people and wage earners to hoard would at least be much less than it is now. Perhaps it would not be altogether eliminated. Further, the large-scale deposits in the banks would certainly be encouraged to come out of hiding and go to work, under a plan of this character. I do not believe there would be nearly as much sticky deposit money in the banks as there is now.

Mr. CRAWFORD. If the gentleman will yield, it would have to go into consumer goods, not into investment capital, or expansion of plant, because otherwise there would be no demand for consumer goods. I believe if we started spending today what we have in the form of credit to our account, these plants to which the gentleman refers would within 3, 6, or 9 months certainly have to move back toward 80, 90, or 100 percent capacity, if such a thing is possible, which I do not believe. I believe 90 percent is as near capacity as you can ever get your plant to operate.

Mr. AMLIE. I agree with the gentleman's observation.

Mr. CRAWFORD. However, they are not operating because we are not consuming goods, because we want to hoard, because we are afraid to spend.

Mr. AMLIE. I may say to the gentleman I do not believe there is any actual limit as to the amount of our total income we can reinvest for capital goods purposes. We are more likely to stop investing under uncertainty such as we face today. To the extent that we can plan capacity operation on a national scale and plan the distribution of income so as to absorb the total output, to that extent will private capital be encouraged to seek investment in capital-goods fields.

Even if this plan were put into effect, even if we operated our present plant to capacity, or approximately 90 percent of theoretical capacity, we should probably still have three or four million people unemployed in private industry. Since 1929 output per man-hour has increased 20 percent. In this plan we contemplate that these people must find employment on some long-term building program.

[Here the gavel fell.]

Mr. ENGEL. I yield 5 minutes to the gentleman from Wisconsin.

Mr. AMLIE. I believe studies of our housing situation would indicate that, based on living standards of 1930, we have an actual shortage of private residences at the present time of approximately 6,000,000 homes. Another 10,000,000 homes will become obsolete during the next 12 years and should be replaced. The present administration is thinking in terms of a long-term public-works program in regional planning, the development of our national resources, and the conservation of our natural resources. I do not believe there is any limit to the useful work which remains to be done, but I do not believe this useful work can be done by private capital under private initiative. In the first place, the three or four million people who would not be reabsorbed into private industry even though it operated at capacity are, in the main, people who are not trained. They would have to be retrained if they were to be employed, and only the Federal Government can make the plans that call for the reemployment of these people.

I should like to use the rest of my time to discuss the practical political situation we are facing. We know there are today probably as many as 12,000,000 people wholly unemployed, with 7,000,000 or 8,000,000 more working on a part-time basis. Under President Hoover the administration genuinely believed that, given time, a national upturn would result in the reemployment of these people. This is still the attitude or the hope of the New Deal.

As far as any long-term planning is concerned, it seems to me that as Representatives we ought to recognize that 20 percent of our population is permanently outside the economic system in which the rest of us live and work. These people are not going to find any place within the economic system, barring perhaps a short period in the event of another world war. Some place must be found for them. If a place is not found for them, I believe that these people will inevitably join the forces that are interested in destroying democratic government. This is what has happened in Germany, and this is what I believe will happen in this country. The one-third who are ill-housed, ill-fed, and ill-clothed, as I see it, would have nothing to lose from a purely economic standpoint by throwing in their lot with some group bent on power and the establishment of a Fascist form of government here. I am not talking about ethical considerations but only about economic well-being. We have gone on now for 8 or 9 years failing completely to solve this problem. I do not believe we can solve it by leaving these people outside the economic system. I do not believe we can solve it by Federal relief, or by a Federal W. P. A. I do not believe we can solve it by setting up a system of production for use for the unemployed—a Nation-wide self-help movement. All of these things have been advocated and most of them have been tried, but we are only driving a political wedge between the part of the population which is inside the economic system and this 20 percent that is outside

At the present time we are producing a national income of between $60,000,000,000 and $70,000,000,000 a year. The 80 percent of the people who are inside the economic system naturally feel that they are the ones who produce this income. While they may for a time be willing to agree that they are their brothers' keepers, as far as the 20 percent who are outside the economic system are concerned, they will not go along year after year and send to Congress men who will vote appropriations for Federal relief, for W. P. A., or for any other plan that contemplates the maintenance of these economic outcasts outside the system at the expense of those inside. This applies just as much to the $15-a-week clerk as it does to a member of the 60 families. Nor are the people who have a place within the economic system willing to see the Federal Government set up a self-help or production-for-use system for the unemployed whereby they can contribute their own labor and utilize idle machinery for the production of things they need if they are to take care of themselves. Whenever this has been tried by the present administration businessmen have protested loudly against it on the ground that it constituted Government competition with private business. Nor is it only the businessman who takes this point of view. Even the employee who may be working for a few dollars a day shares his employer's point of view. To this low-paid employee such a system would interfere with his employer's ability to pay him higher wages, and consequently he is against it.

Nor can the unemployed be given employment on a vast public-works program that will not compete with private

business. If we were today to embark on a vast program calling for the construction of Federal buildings, the businessman as a taxpayer would object because this would entail permanent operating expenses for the future, hence a permanently increased tax load. There are some exceptions, of course, such as the building of public roads, sewers, and other projects that do not result in increased upkeep, but possibilities for employment along these lines are already being rather thoroughly exhausted.

It seems to me any solution of our difficulties must lie in finding a place for these people within the economic system itself.

The Federal Government is the only organization which has the power to evolve a plan that would contemplate the reemployment of these people by private industry, or by the economic system, as we know it, in which the rest of us live and have a place. I sincerely hope the Members of this body will give their serious consideration to the proposal we have made here. It is the only direction in which I can see any possible solution for our difficulties. To the extent we fail to find a solution for our economic difficulties, inevitably and to that extent we are going to be driven to a point where the course of least resistance will be war, and I believe we are very rapidly approaching that point. I believe our psychology is turning in that direction.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin.

Mr. AMLIE. When a plan of this kind is proposed, a great many splendid people who believe devotedly in our form of government see only the concentration of power in the Federal Government that is involved, and they are disturbed by this concentration.

It seems to me we shall inevitably be forced to concentrate power in the hands of the Federal Government to an extent that we have never considered necessary heretofore.

In the President's message to the Congress this morning the following significant paragraph occurred:

> I believe also that the time has come for the Congress to enact legislation aimed at the prevention of profiteering in time of war and the equalization of the burdens of possible war. Such legislation has been the subject for many years of full study in this and previous Congresses.

Of course, I think most of us know the particular measures that are being referred to—that is, the so-called Hill-Sheppard bill. If you will take the time to study the bill I think you will find that it contemplates the establishment in time of war of a complete military dictatorship, differing in no important respect from the dictatorships that are to be found today in certain European countries.

A great many Members of this body who would oppose vigorously any proposal to concentrate further power in the hands of the Federal Government in order to solve our peacetime problems are perfectly ready to go along with a plan of this kind that contemplates giving all power to the President as Commander in Chief of the Army and Navy whenever war is declared or a state of war deemed to exist.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield there?

Mr. AMLIE. Yes.

Mr. CRAWFORD. Under the gentleman's interpretation of the Hill-Sheppard bill, what would be the situation with reference to protected or guaranteed profits in the event we entered into warfare and went along 1, 2, or 3 years without actually declaring war, and then they bring up the last section of the bill which sets the profit level at the average for the 3 years prior to the actual declaration of war?

Mr. AMLIE. That is in the Sheppard bill. The bill that has been reported out by the House Military Affairs Committee has no provision in it at all about taxes; and since any tax has to originate in the House, I think it is highly significant that there is no provision in the House bill, that the Senate provision, of course, is out of order because they cannot originate a tax bill there. Since there is no provision about taxes in the bill as reported by the Military Affairs Committee, it seems to me any proposal from the floor to put it in would be out of order; and it seems to me that all that remains is the framework for a complete military dictatorship with nothing done about the subject of war profits at all. [Applause.] It seems to me the parliamentary situation would inevitably make that the situation.

Mr. CRAWFORD. In other words, the gentleman feels that the Hill-Sheppard bill as now presented to us by the committee does not restrict war profits?

Mr. AMLIE. That is correct, and I am told that bill is H. R. 6704.

Mr. COLLINS. Mr. Chairman, will the gentleman yield to me?

Mr. AMLIE. Yes.

Mr. COLLINS. I think I can help the gentleman. We have low-cost manufacturers and we have high-cost manufacturers in this country. In war we want production to the limit. Therefore we must encourage high-cost manufacturers. We must keep them in operation and in existence, with the result that when we keep high-cost manufacturers in existence and pay them, say, 5- or 10-percent profits, we will probably be paying low-cost manufacturers 100-percent profits.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield the gentleman 5 additional minutes.

So it is inevitable under this bill that we have profiteering as we have never seen it before.

Mr. CRAWFORD. And virtually guaranteed by this legislation.

Mr. COLLINS. And the situation will be worse than it was during the last war, because we could at least criticize and berate the profiteering that occurred in the last war, but under this proposed bill profiteering will be done with the connivance of the Government.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. AMLIE. I yield.

Mr. SAUTHOFF. I agree with what the gentleman from Mississippi has just said, and I want to point out this fact: S. 25, the original Hill-Sheppard bill, has a section 9 in it which cuts war profits 95 percent. This bill does not cut them at all and has no tax feature in it, as my colleague from Wisconsin has pointed out.

In answer to the criticism made by the gentleman from Mississippi, let me offer this suggestion: Why could we not put a provision in that bill that the profits permitted for industry during the war period be restricted to 5 or 6 percent on the investment or on the reasonable valuation of the plant? It would seem to me this would take care of the situation whether it was high-cost production or low-cost production.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. AMLIE. Yes.

Mr. VOORHIS. I may say that there is a carefully drawn bill here—H. R. 4202—which has an identical bill in the Senate, which really would provide machinery for limiting war profits. It is a big, long bill, and I doubt that it can be done in any other manner. I also point out that if you start to limit the profits only when war has actually been declared, you then will reward those businesses which in the past have been expanding their war trade, and possibly selling to the very nation which will be the potential enemy of the United States.

Mr. CRAWFORD. That brings me back to my original question. Those industries run along for 1 or 2 or 3 or 4 years before the formal declaration of war, which is specified in the bill to which the gentleman from Wisconsin referred, and you take 95 percent of the profits for the average 3 years, and you get mixed up into the declaration or nondeclaration of war, so that it hinges on the technical declaration of war. Otherwise you have no taxation there.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. AMLIE. Yes.

Mr. FITZPATRICK. Several years ago we had a bill when I was a member of the Committee on Military Affairs to place a ceiling on all profits. At that time I asked some gentlemen who appeared before us if it was all right for the Government to conscipt human life, why was it not all right to conscript all business in case of war, and take all profits out of war? [Applause.] That is the only way you will prevent profiteering.

Mr. AMLIE. Mr. Chairman, the chairman of the subcommittee, Mr. COLLINS, has been very kind to me in yielding me time, and I wish to say in conclusion that I merely brought this reference in the President's message into the discussion for the purpose of calling it to your attention that in time of war we are facing very squarely the necessity of concentrating in the Federal Government all the power that may be necessary for the purpose of prosecuting the war. That is inevitably so. I feel that we should also recognize that we are facing a situation today just as serious as war, and that we ought to be prepared to delegate to some Federal authority the power necessary to formulate a Nation-wide plan and to step up production to maximum capacity throughout industry as a whole and to furnish employment for all of our people, because to the extent that we fail to solve these problems in peacetimes, we are making war and fascism inevitable. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Chairman, the more I observe the administration of the old-age pension provisions of the Social Security Act, passed during the Seventy-fourth Congress, the more I am convinced that this old-age pension law is perhaps the greatest hoax that has ever been perpetrated by the Congress of the United States. And if Congress intended to practice deception on an unsuspecting public, why it selected these unfortunates—the aged, the halt, the maimed, and the blind—as the victims thereof I confess I am unable to comprehend. These old people had been led to believe that they were to receive a pension—a decent pension. Their hopes and aspirations had been excited by not only the advocates of the fantastic and impossible Townsend plan, but they had inferred from the press, the radio, and the political spellbinders that when Congress passed a bill it would be just and equitable to them. They never dreamed that Congress would pass a bill which would place their fate in the hands of a little group at the county seat, selected not because of their welfare knowledge and experience but largely on account of political influence. They expected their pensions to come from Washington—from the Treasury of the United States. And now when they find that this old-age pension, to all but a small minority, is nothing but a delusion and a snare, their plight and disappointment is indeed pathetic; yes, it is all but tragic.

Mr. Chairman, I assume that my experience in regard to old-age pensions or old-age assistance, as those administering it prefer to call it, is not unlike that of a large majority of the membership of this body. While as Members of Congress we have absolutely nothing to do with the administration of this law, nevertheless our constituents have the impression, and the inference is natural, that we have a great deal to do with it. During the congressional vacation there was never a day but that from 10 to 15 of these old people came to see me appealing for assistance, and on one occasion 200 of them came in a body to implore me for help. Some of them were blind, or practically so, and all of them were decrepit to a degree that it was with great difficulty they got to the office. I have never listened to a more pathetic appeal, and I have never looked upon a sadder or more melancholy spectacle than this; yet there was nothing I could do, and when I told them so it only increased their despondency and bewilderment.

Mr. Chairman, as I stated before, I presume my experience with this horrible and intolerable "mess" is similar to that of most of you. I am not directing my criticism alone to those charged with the administration of the law in my State. My indictment is against the entire set-up and system. I am sure there are other States, particularly in the South, where conditions are just as unsatisfactory as they are in Tennessee.

Mr. Chairman, what is happening today was predicted by me and other Members when the social-security bill was before the House for action in April 1935. I pointed out then that due to the disparity in the resources of the various States the measure could not be operated equitably; that the richer States would get the full benefit of the $15 contribution from the Federal Government while the poorer States would get half or less on an average. My misgivings and predictions at that time have been fully justified by developments.

Mr. Chairman, is it fair for the old people in one State to receive $15, the maximum amount of the Government's contribution, while the old people of another States receive only one-half or less of that amount? Under the system provided by this act that is exactly what is going on today. The net result is that the needy aged in many of the wealthier States are receiving $15 from the Federal Government and $15 or more from their State government, while the needy aged in Tennessee and many other States are receiving from $5 to $7.50 from the Federal Government and an equal amount from the State government. I take the position that this is a manifest injustice. Let the States pay whatever they see fit, but let the Government pay the same amount to the needy aged whether they reside in New England, the South, or the Middle West.

Mr. TRANSUE. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. TRANSUE. The contribution on the part of the Federal Government is based on the amount paid or contributed by the State government. Is not that right?

Mr. TAYLOR of Tennessee. Oh, no; there is no contribution made by the State to the Federal Government.

Mr. TRANSUE. In the Old Age Pension or the Social Security Act?

Mr. TAYLOR of Tennessee. The act provides that the Government shall put up an equal amount to the amount the State contributes, up to $15 a month.

Mr. TRANSUE. That is right. It is based on the amount the State contributes, up to $15, in order to determine how much they will get from the Government.

Mr. TAYLOR of Tennessee. Yes; but the point I make is that a great many States have not the resources to make this contribution.

Mr. TRANSUE. Then the responsibility is on the State itself for not making a larger contribution to the old-age pension.

Mr. TAYLOR of Tennessee. In a sense it is, but in States like New York and Massachusetts and other wealthier States, half of the contribution is paid out of the Federal Treasury, and a part of that money represents taxes put into the Treasury by the taxpayers of Tennessee, for which they are receiving no benefit, while New York and Massachusetts and the other wealthier States are receiving the benefit.

Mr. TRANSUE. Does the gentleman think it equitable for the Federal Government to pay a State that contributed only three or four dollars a month when in another State the taxpayers are contributing up to $15 a month?

Mr. TAYLOR of Tennessee. The gentleman misunderstands my point. My point is that the Federal Government ought to pay a uniform pension to the aged alike in every State in the Union regardless of the contribution from the State. Let the State contribute whatever it pleases, and let the pension, so far as the Federal Government is concerned, be uniform. The chairman of the subcommittee stated this afternoon that as of January 1, this year, there are 3,022 old people in the District of Columbia drawing a pension of an average of $25 monthly.

Mr. Chairman, the only satisfactory method of paying an old-age pension is to have the pension paid directly by the

Federal Government, from funds collected from the various States in proportion to their respective resources.

On April 17, 1935, when the Social Security Act was up for consideration in the House, I made a speech in which I said:

I yield to no one in my interest in or zeal for social security, but I am frank to say that the bill under consideration, if not materially amended, will prove to be a dismal disappointment to millions of American citizens who have anxiously hoped to see this Congress enact a measure that would in some substantial degree provide relief for the indigent, aged, and other underprivileged people in our Nation.

Further on in my address, in the hope that we might amend the bill and make it just and workable, I said:

But, Mr. Chairman, after a careful study of the bill before us, which is supposed to have the authorship and backing of the President, and after listening to the discussion that we have had on this measure, I am fully convinced that the bill before us as an instrument of relief, is an absolute futility—an idle gesture. Unless this bill is amended giving it more definite and unqualified terms to provide for the people it is heralded to aid, I shudder to contemplate the consternation, the disappointment, and the despair that will follow its enactment.

Later on in the same address, I said:

Just picture for a moment the utter despair and the consternation of such people as these throughout the length and breadth of the land when they discover that the Congress of the United States has given them an old-age pension law which is so complicated and involved in red tape and joker provisions as to make it practically a downright nullity. When they realize that when they ask their Government for bread it gave them a stone, you can begin to imagine their despondency, and worse still, their resentment and loss of faith in the integrity of constituted authorities.

Concluding my remarks on that day, I said:

I wish to make the prophecy that if this measure, without material amendment, is enacted into law it will prove to be the greatest boomerang this or any other administration has ever encountered.

Two days later, while the bill was still under consideration, I obtained the floor again, and on that occasion said:

Mr. Chairman, I have exerted every means in my power to help amend this bill so as to eliminate its hardships, its injustices, its inequities, but without avail. My conscience is clear. The blood is not on my hands. Whatever glory or ignominy that may attach to this measure belongs to the Democratic administration, because in all of my legislative experience I have never seen a steam roller operate with such facility and precision. Having failed in my efforts, along with others, to enact a just and equitable old-age pension law that would be a blessing to the indigent aged of every State in the Nation, I shall with more or less misgivings vote for the bill for two reasons: First, I shall vote for it in the hope that when it reaches the Senate that body will correct the unconscionable evils perfectly manifest to me. And, second, I shall vote for it in the further hope that if the Senate shall not substantially change its provisions and the bill becomes the law of the land, that at an extra session of the Tennessee Legislature, which, I understand, will certainly be called by the Governor of my State within the next 60 or 90 days, the necessary legislation will be enacted to comply with the requirements of this measure to the end that the aged of Tennessee may participate on an equal footing with the aged of other States of this Union.

The bill, substantially as originally introduced, did become a law. Sometime later the Tennessee General Assembly met and passed an old-age pension statute, but I regret to say that under this statute as administered the needy aged of my State are not participating on an equal footing with the aged in many of the States of the Union. While the indigent aged in Tennessee are receiving on an average only about one-half the amount which could be paid under the act passed by Congress, I am not unmindful of the limitations of the State's treasury. While the Federal act provides for a potential pension of $30 per month, the Tennessee act limits the amount of pension to $25. There is one provision in the Tennessee act which I am constrained to consider a reflection upon the dignity and reputation of the Old Volunteer State. This is the provision which requires the beneficiary to convey to the State any property he may own regardless of how small and insignificant it may be. Each applicant for old-age pension is required to sign an application which contains this stipulation:

If granted assistance, I understand that the amount paid to me shall be a claim against my estate and can be collected by the department of institutions and public welfare after funeral expenses, not to exceed $100, and expenses of administering the estate have been paid; however, no claim is to be made against any of my real estate while it is occupied by my spouse or dependent children.

Mr. Chairman, as a Tennessean I confess that I am ashamed of this inhuman provision, which makes the methods of Shylock himself appear generous. It is unthinkable to me that a great Commonwealth would make such a cruel exaction of old people who, without source of income, happen to own a little cabin and a garden spot to which they are sentimentally attached. There is nothing in the Federal act which warrants such a hardship, and I am sure no Congressman had such in mind when the social-security bill was enacted.

The complaints which I have received from hundreds of my aged constituents are based on various and sundry grounds. Some complain on account of discourtesy and lack of consideration by the local welfare agencies. Some say they are denied application forms, and others say they can get no action on their applications. Some charge discrimination, favoritism, and politics. And even many of those who are placed on the rolls complain that the amount of the pension is so insignificant and paltry as to be of very little assistance. Mr. Chairman, I want to be perfectly fair. Of course I realize, as I have heretofore stated, the difficulties incident to the administration of such an unworkable law, especially in a State of limited resources. But, of course, if Bill Smith, who lives on the north side of Willow Street, receives a pension of $15 per month and John Brown, who lives just across the street, who is in worse physical and financial condition, or at least thinks he is, cannot get anything and cannot even get his application acted upon, you can imagine the feeling of resentment that is engendered. Mr. Chairman, I do not like to see our great Government subjected to the suspicion and criticism which inevitably results from such a situation. It is indeed unfortunate that the Federal Government must be involved in this suspicious atmosphere. And that is why I consider it of imperative importance that the entire system be revised to the end that whatever amount of pension the Federal Government pays to its aged it be uniform throughout the Nation and paid direct from Washington. [Applause.]

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. SHEPPARD. Has the gentleman read the bill H. R. 4199 pending before the Ways and Means Committee?

Mr. TAYLOR of Tennessee. I do not think I have.

Mr. SHEPPARD. I suggest to the gentleman that he read it, for it might be in accordance with his declarations.

Mr. TAYLOR of Tennessee. Is it in accordance with the position I am now taking?

Mr. SHEPPARD. Very much so.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. CRAWFORD. On that same point I have been informed by a gentleman by the name of JOHNSON, who seems to be in charge of that bill, that he has drafted a new bill, which is to be introduced, which, in my opinion, fundamentally changes H. R. 4199.

Mr. TAYLOR of Tennessee. If the bill is along the line of the argument I am making, then I am in favor of it.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 1 additional minute to the gentleman from Tennessee.

Mr. BIGELOW. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. BIGELOW. I am intensely interested in the gentleman's address. I know that he is earnest. We talk our heads off over here, yet we are unable to do anything. I understand that the seven Republican members of the Ways and Means Committee are all for giving this matter hearing. Will the gentleman tell me how we can get some cooperation from the Democratic side?

Mr. TAYLOR of Tennessee. I tried to get some cooperation from the Democratic side when this bill was up for consideration in the first instance. An amendment was offered then requiring that the pension be paid directly by the Federal Government, but the majority leader said that the President would not sign a bill that did not provide for State participation.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. JENKINS of Ohio. I think I can assure the gentleman from Ohio and also the gentleman from Tennessee that seven Republican members of the Committee on Ways and Means are perfectly willing to vote that the bill be given consideration.

Mr. TAYLOR of Tennessee. I appreciate the gentleman's contribution. [Applause.]

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Chairman, I am very much impressed by the President's message on national defense, and particularly am I impressed by the section recommending that the existing authorized building program for increases and replacements in the Navy be increased by 20 percent.

When the naval appropriations bill was before the House it contained provision for carrying out a naval program already authorized by the Congress. When legislation is brought in to put the President's recommendation into effect this House will be faced with forming a new policy, a departure from our policy during the last few years. We shall be definitely faced with changing from a nation that has attempted to reduce armament, changing from a nation that has justified its armaments on defense, to a nation going straight down the road to meet any other nation in the world in the armament race. Before this House does that we are entitled to know what is adequate defense; we are entitled to have a definition from those who are in charge of defense as to where our line of defense is.

In trying to prepare myself intelligently to consider this legislation when it comes before the House, I addressed a letter to the Secretary of the Navy in which I asked him these questions:

WASHINGTON, D. C., *January 27, 1938.*

Hon. CLAUDE A. SWANSON,
Secretary of the Navy, Washington, D. C.

MY DEAR MR. SECRETARY: I am very much interested in obtaining expert opinion from prominent naval authorities as to—

1. Our most feasible line of defense in the Pacific.
2. The location and equipment of our naval bases in the Pacific, and at what distance from these bases our Navy can successfully operate.
3. The ability of our present Navy and our Navy when it reaches treaty strength in 1942 to defend our Atlantic and Pacific coast lines.
4. The ability of our present merchant marine and supply ships to properly supply our fleet if operating at a distance from our naval bases making dependence upon these supply ships imperative.

I realize these are rather technical questions that the Navy Department might hesitate to express an opinion on. If such is the case, I would appreciate reference to any testimony previously given to Congress that would have a bearing on this subject.

Sincerely yours.

Certainly before this Congress approves legislation increasing our naval building program by a quarter to a half billion dollars we should have some expert testimony. I turned to the last appropriation bill for the Navy, this year, but at no place in those hearings was it disclosed what it is we are trying to defend. The Congress and the Nation are entitled to know whether our line of defense runs from Alaska to Hawaii, to the Panama Canal, or whether it is immediately off the shores of Japan.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. I yield.

Mr. TABER. Does the gentleman have any idea the administration, having accomplished a deficit of practically $2,000,000,000 for this fiscal year, is trying to protect the size of that deficit in future years?

Mr. FERGUSON. That is not a real contribution to this subject.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. FERGUSON. I yield.

Mr. MAVERICK. The gentleman says the shores of Japan. I think he should have gone 600 miles up the Yangtze River. That is another thing we want to find out.

Mr. FERGUSON. Evidently our defense is 600 miles up the Yangtze River now, because our gunboats are there.

Mr. MAVERICK. That is the way it appears to me.

Mr. BIGELOW. Will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from Ohio.

Mr. BIGELOW. Does the gentleman speak advisedly in suggesting that the increase of 20 percent which the President is asking for would amount to as much as a quarter of a billion or a half billion dollars?

Mr. FERGUSON. I may say to the gentleman we are now spending $500,000,000 a year on our Navy, and by mathematical computation a 20-percent increase based on $500,000,000 is $100,000,000 annually.

Mr. BIGELOW. No. I understood the 20-percent increase was based on the amount set forth in the Vinson bill for replacements and increases in construction.

Mr. FERGUSON. Well, that is probably true. I said a quarter to a half billion dollars increase and undoubtedly it would amount to over a quarter of a billion dollars to increase the authorization under the Vinson-Trammell Act by 20 percent.

Mr. CRAWFORD. Will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I have read this message as carefully as I could with my limited knowledge of such affairs. Has the gentleman reached any conclusion as to the approximate amount of out-of-pocket cash that is involved in the message?

Mr. FERGUSON. No; I have not reached such conclusion. I think the portions of the message dealing with the Army covers subjects that probably are closely related to our actual and real national defense. Those items should not be questioned. The point I am making is that the Congress should have some adequate information as to what is national defense, where our line of defense is, whether we are trying to protect the American continent or we are trying to build a navy that will protect us in any waters of the world. The point we reach in 1942 gives us a navy which is on a parity with that of England, the greatest navy in the world. The new navy authorization puts us in the position of saying that this country requires a navy 20 percent larger than that of England's which has to patrol its territories all over the world. In taking this position undoubtedly the Congress should know whether we anticipate the need of a navy of that size to police the countries of the world or whether a navy of that size is necessary to protect only our coast line.

Mr. CULKIN. Will the gentleman yield?

Mr. FERGUSON. In just a minute.

You are always offered an alternate in the appropriation of money. If the danger of invasion actually exists and we should predicate our defenses on the danger of invasion when we speak of national defense, then this Congress should know what we can spend money for to get the most adequate defense.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman 3 additional minutes.

Will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from Michigan.

Mr. ENGEL. Would the gentleman include in his definition of national defense the right to transport across the high seas and market in a world's market five or seven million bales of cotton? Would he include in his program of national defense the right to defend the right to transport and sell this cotton in the world's market?

Mr. FERGUSON. The reply to that is we are building a navy that certainly would protect our commerce if we had any ships in which to carry that commerce.

Mr. ENGEL. I would like to have the gentleman's definition of national defense without regard to the Navy itself and whether or not it is now sufficient.

Mr. FERGUSON. I would say that, in the absence of an adequate merchant marine, which we do not now have, to carry our products, certainly our national defense should not go into the protection of our investments in foreign countries.

Mr. ENGEL. The gentleman has not answered my question. Does his program of national defense take into consideration the right of this Nation to transport across the seas our cotton or wheat and sell it in the world's market, and would he include in that defense the protection of this right to transport and market in the world's market this surplus cotton? I think that can be answered by "yes" or "no."

Mr. FERGUSON. I may say to the gentleman that as long as we can protect the transportation of our products without jeopardizing our own real defense, I would say "yes"; but if it comes to a question of sending our Navy to the Orient, for instance, to defend our trade and risking the destruction of that Navy, which is our defensive arm, I would say "no."

Mr. CULKIN. Will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from New York.

Mr. CULKIN. Does the gentleman regard it as significant that the State, War, and Executive Departments have sent three cruisers at great expense to participate in the opening of Singapore? Does not the gentleman believe we are already in there by the act of those three departments?

Mr. FERGUSON. I would say it signifies at least there is the thought in the minds of our officials that we should cooperate with the navies of England and France in carrying out a program in the Pacific.

Mr. CULKIN. Is that not the purpose of this program?

Mr. FERGUSON. Mr. Chairman, may I say in conclusion that this country is one of the few democracies still maintaining that form of government in a world gone mad under the leadership of dictators. In those countries dominated by dictators the military dictates the policy of the nation. If this House of Representatives passes laws authorizing new construction for the Navy, blindly and without a definition as to where is our line of defense and what is adequate defense of our coast line and our Territories, we must admit to the world that this democracy is dominated by the military. If this House does not demand and receive adequate information from the proper authorities as to what are the actual needs for defense of this Nation before we pass new legislation vastly increasing our outlay for armament, we have indicted ourselves and indicted our form of government. [Applause.]

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and include therein a list of the names of the Japanese corporations that are operating in the area which I shall discuss in my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAWFORD. Mr. Chairman, "Japan must either die a saintly death in righteous starvation or expand into the neighbor's back yard. Japan is not that much of a saint." In those brief words of a Japanese official we have the foreign policy of the Empire of the Rising Sun.

The 1936 issue of the Statesman's Year Book informs us that the Empire of Japan has a square mileage of 260,644, and on October 1, 1935, had a population of 97,694,628, a population of 375 per square mile. In 1930 the continental United States had a population of 122,775,046, or only 41.3 persons per square mile. Statistics compiled by the Ministry of the Interior of China in 1935 gives a total population for China of 453,815,235. In 1926 the Post Office estimated the population, including the 18 Provinces of China, together with Sinkiang and Manchuria, at 485,508,838, with an area of square mileage of 2,446,855, or a population of slightly less than 200 per square mile. The Philippine Islands have a population—1930 census—of 12,082,366, with square mileage of 114,000, or 105.6 per square mile. Thus at a glance we can fully appreciate that with the Japanese population increasing at approximately 1,000,000 per annum, the entire world must become concerned as Japan rapidly expands into Korea, China, and the Philippine Islands.

JAPAN IS CONQUERING BACK YARD OF PHILIPPINES

Mr. Chairman, the back yard to which I desire to draw the attention of the House today is the island of Mindanao, Province of Davao, which has an approximate area of 1,929,724 hectares, or about 7 percent of the whole area of the Philippines. Its soil is the richest in the whole islands. More than half of the area of the Province is covered by commercial forest whose timber is valued at millions of pesos. The climate is always healthful and the rainfall is equally distributed throughout the year. The whole Province falls in the belt where storms and typhoons are unknown. As I have pointed out to the Members of this body before, this island and this Province is one of the treasure chests of the Far East. Indeed, I again call your attention to one of the vast untouched natural warehouses of the earth, bulging with the most precious materials and natural resources that can be brought together within one small area by the God of the universe and of nature for the conduct of peace and for the conduct of war. This particular area is excelled in riches by no other open and unexplored territory similar in size on the face of the earth. Nowhere else could the Japanese go and find a land more acceptable to their culture, their habits, their religion, their enterprise and industry, and strategically situated so as to form a "clearance," a base of operations for the expansion of the Japanese into other southern waters and territory.

The capital of the Province, Davao also by name, is an open port, and is always visited by foreign boats, mostly flying the Japanese flag. It is from 90 to 120 hours from Manila on ordinary interisland steamships, with allowances at the ports of call, Cebu and Zamboanga, as compared with 15 hours or less from Palau Island, one of the mandated islands of Japan in the Pacific.

Statistics show that there are more than 15,000 Japanese in the Province of Davao alone, and that the total Japanese investments in the Province in agriculture, commerce and industry, lumber and sawmills, fisheries, and other activities are more than ₱44,000,000 (1935), or $22,000,000.

In Davao the Japanese predominate the nationals in agriculture, commerce, and industry, including lumbering and fishing. I am informed by the department of agriculture and commerce, bureau of lands, Manila, that—

> Of the total alienable area of about 118,115 hectares in Davao, 57,350 hectares, or nearly 50 percent of the agricultural area, is occupied by the Japanese. Assuming without conceding that all such lands occupied by the Japanese in Davao have all been legally acquired by them, it cannot be denied that at present the Japanese have a strong foothold and will cling to their interests in the Province of Davao.

FILIPINO-UNITED STATES-JAPANESE LAND TRIANGLE

"Assuming without conceding" was carefully chosen language used by the department of agriculture. It is not generally known that a vast acreage of land in Davao has been illegally acquired by the Japanese in their rapidly expanding powers over the industrial and cultural and agricultural activities of the island of Mindanao. But let me remind you that since 1916—more than one-fifth of a century—the Government of the United States has had specific rights and grave responsibilities with the Davao land-development problem. Bear with me when I make the charge that we have been negligent in our duty and responsibility. In this dark hour, when the aggressive spirit of Japan moves so devotedly on and with a smoothness, speed, and effectiveness which somewhat astounds and amazes the modern

world, and when the President is proposing that we remain affiliated with the Philippines until 1960 instead of "clearing out" July 4, 1946, in accordance with the terms of the Independence Act, and when the President of the Philippine Commonwealth, Mr. Quezon, again goes before his people to inquire of them if they really want independence or something similar to a dominion status with the protecting military and naval arms of the United States continually thrown around them—I say, Mr. Chairman, when all of these world-interest happenings are taking place with such lightning-like rapidity, it is time for us to take our bearings, to chart our course, to count the cost of our sins of omission as well as of commission.

The port and Province of Davao is the back door of the Philippine Islands. It is public information that Japan is smuggling her nationals into Davao from the island of Palau—Caroline Island group.

For many years now the Japanese have been illegally acquiring large holdings of land in the Province of Davao. The new far eastern crisis now brings this matter directly to our doors here in Washington. The progress which the Japanese are making in the island of Mindanao is, this very minute, of international concern. It is all of such far-reaching consequence that it involves high governmental policy and should be of great concern to our Philippine High Commissioner, Mr. McNutt.

I sincerely trust that when the High Commissioner reaches Washington and makes his first-hand contact report to the President that he will have something to say about this "new Japan" which has become so thoroughly entrenched on Philippine-American soil and under the protecting wing of the American flag, and that the President will take positive action.

As far back as 1926 there began an investigation of Davao Japanese land swindles, but the situation was quickly hushed up. Eight years later, and in the session of the Constitutional Convention, Delegate Pantaleon Pelayo, of Davao, rose and denounced some high governmental officials and private citizens for "conniving" with Japanese in violating land laws. This reopened the case. Secretary of the Department of Agriculture and Commerce Rodriguez and other officials traveled to Davao, investigated, and returned with a statement to the effect he did not see any Japanese menace in Davao but that steps should be taken to prevent further expansion of Japanese landholdings. Later Mr. Rodriguez disclosed names of government officials of Davao involved in the violation of the land laws, and indicated his determination to cancel all the illegal landholdings of the Japanese.

Definitely, the unmolested Japanese activities in Davao present a most serious problem of national and international scope.

The situation can be viewed from two sides. On one side of the ledger sheet can be written down the benefits Japanese activities bring to the area and the island. It is a land of untold riches and unexplored possibilities. It is the back door to the Philippines. Before the arrival of the Japanese the Filipinos themselves hardly knew there was a Province of Davao. Very few Filipinos have ever been in that part of the islands. Means of transportation are this day extremely limited and millions of Filipinos travel very little. It must be kept in mind that Davao is about 900 miles via boat service from Manila and a round trip would entail days of expensive travel. Filipinos cannot afford such outgo of cash, boat service is very limited, and hotel facilities practically nil. In other words, one look at a map of the principal islands making up the Commonwealth will convince any observer that transportation and communication facilities for the masses of Filipinos are a very long way off.

Accordingly Davao, I repeat, is a back door, and before the activity of the Japanese was much more so than at present.

JAPANESE INDUSTRY REVEALS POTENTIAL WEALTH OF ISLAND

Secretary Rodriguez, on his arrival in Davao to check up on the situation, found Japanese holdings of land amounted to 51,000 hectares, or 48 percent of the entire area of 106,000 hectares under cultivation, in the island. The secretary also found that the industry of the Japanese was transforming the jungle and the bush into wonderful abaca and coconut plantations, and a region that before had been practically untouched by the hand of man was fast becoming one of the most promising and profitable agricultural Provinces to be found anywhere in the entire group of islands. He found that Japanese contributions to the Provincial tax box amounted to 375,000 pesos annually and that Japanese plantations were giving employment to about 25,000 Filipinos annually, with earnings approximating 6,000,000 pesos. In addition to these advances made in agriculture the secretary found that the Japanese were building a road system. Schools had been opened for the education of Japanese children, and there was found great evidence of Japanese culture in the way of paintings, parks, monuments, club buildings. The usual evidence of Japanese thrift, courtesy, and orderliness of Japanese community life was everywhere to be found.

DISADVANTAGES OF JAPANESE INDUSTRY, PRESENCE, AND PREPARATION

In the Japanese colony of Davao there was also found evidence that the great and growing and aggressive military power of Japan was being strengthened. The agricultural development is but a two-edged sword. The usual and customary Japanese peaceful penetration was steadily, efficiently, and determinedly being pursued. Everywhere there was prevalent an atmosphere of mastery not unlike that which has hovered and absolutely controlled Manchukuo.

SPEARHEAD AND OPERATING BASE

On my own responsibility I make the charge that the Japanese agricultural activity in the Province of Davao is a disguised penetration that can easily some day form the spearhead and be used as an operating base for Japan's conquest, acquisition, and control of the Philippine Islands.

Government statistics indicate that in the municipal district of Guianga, out of a population of about 14,000 people, there were found some 8,000 Japanese, engaged in different vocations, such as farming, lumbering, shopkeeping, photography, commerce, banking, carpentry, blacksmithing, tinkering, tailoring, and catering. Out of a total of 45 Japanese corporations conducting their operations in the island, it was found that 17 were active in this one district. It was found they had constructed a wonderful water-power dam for the purpose of operating electrical equipment, providing power for a paper mill and an ice plant. A miniature Tokyo indeed! Japanese schools, hospitals, associations, clubs, stores, banks, importing and exporting houses. Japanese culture, language, habits, and actions. The entire situation thoroughly Japanized, and everything not Japanese completely subdued by Japanese influence. A full-fledged Japanese association thoroughly organized works in complete harmony with the Tokyo government. If the commonwealth government, with headquarters at Manila, desires to advocate or administer a policy that is not in harmony with the Japanese interests in Davao it finds itself squarely up against the foreign office at Tokyo. The Japanese influence in Davao is so predominant that it in fact becomes the "invisible government." The Japanese consul general is always ready to join with the local Japanese association in protesting against the cancelation of land leases illegally acquired or in opposing anything the local government might propose that in any way interferes with the policies of Tokyo. In other words, if the local government finds itself at all in disagreement with the wishes of the Japanese association, the matter takes on the atmosphere of an international incident, and the usual embarrassment is presented. As stated by the Japanese consul in Manila, Mr. Kijara, who said:

> The Japanese in Davao made sacrifices not only in money and energy but also in human lives, and to deprive them now of the fruits of their labor is unjust.

And all this in spite of the fact that the Japanese had been proceeding in an illegal manner; and Mr. S. Hammano, member of the foreign news department of the Nippon Dempo and also member of the East Asia Economic Investigating

Bureau, while at Manila made the interesting observation that in dealing with the Davao land problem—

Feelings and sentiments and the amicable relations of the Japanese and Philippine Governments should also be considered.

In other words, the Manila government, in his opinion, was not free to act according to its laws and desires, but in dealing with nationals of a foreign country who had broken the laws of the Philippine government the feelings and sentiments of other countries should be taken into consideration. He further observed that should drastic measures be taken against the Davao Japanese lessees and sublessees who may be holding their lands illegally, that these people would rather be killed than suffer eviction. He pointed out that the lands they hold had become a part of their lives, and to have the lands taken away from them would be unbearable. Mr. Hammano said:

Eviction of the Japanese landholders will be very unfortunate. They may not fight the authorities, but you know the feeling that runs in a mob.

This is rather strong language coming from Mr. Hammano.

JAPANESE CORPORATIONS OPERATING IN DAVAO (PROVINCIAL AREA)

The name, address, and assessed value of property and holdings of 45 corporations operating in the Province of Davao is now submitted:

List of Japanese corporations, Province of Davao, and assessed value

1.	Otha Development Co., Talomo, Davao, Davao	₱162,950
2.	Furukawa Plantation Co., Daliao, Davao, Davao	188,900
3.	Marasuki Konoha & Co., Sirawan, Davao, Davao	3,000
4.	Takagi Farming Co., Bunawan, Davao, Davao	12,000
5.	Catalunan Agricul. Co., Catalunan, Grande, Davao	7,550
6.	Davao Commercial Co., Bolton Street, Davao, Davao	180
7.	North Talomo Plant. Co., Catalunan, Davao, Davao	27,610
8.	Akamine Bros. Plant. Co., Bunawan, Davao, Davao	37,910
9.	Sirawan Plant. Co., Sirawan, Davao, Davao	41,400
10.	Bunawan Plant. Co., Bunawan, Davao, Davao	78,180
11.	Twain River Plant. Co., Guianga, Davao ,Davao	82,320
12.	Mindanao Recla. Co., Tongkalan, Guianga, Davao	102,460
13.	Riverside Plant. Co., Malagos, Guianga, Davao	204,520
14.	Talomo River Agr. Co., Biao, Guianga, Davao	187,600
15.	Biao Plantation Co., Biao, Guianga, Davao	187,400
16.	Dalia Plantation Co., Tagluno, Guianga	135,800
17.	Takunan Plantation Co., Biao, Guianga	37,660
18.	Bayabas Plantation Co., Bayabas, Guianga	138,110
19.	Mulig Gr. & Trading Co., Bancas, Guianga	75,190
20.	Tagurano Plantation Co., Bayabas, Guianga	91,200
21.	South Mindanao Dev. Co., Tugbok, Guianga	72,900
22.	Bato Plantation Co., Bato, Guianga	201,960
23.	Tagluno River Plant. Co., Tagluno, Guianga	4,150
24.	South Mindanao Agr. Co., Guianga, Davao	29,660
25.	Piso Coco. & Cattle Ranch, Lupon, Davao	147,180
26.	Southern Cross Plant. Co., Pantukan, Davao	99,100
27.	Davao, Trading & Farm Co., Sigaboy, Davao	55,760
28.	Tagum Plantation Co., Tagum, Davao	21,780
29.	Nanyo Plantation Co., Lasang, Davao	66,620
30.	Tuganay Plantation Co., Tuganay, Tagum, Davao	5,280
31.	Matsuoka Dev. Co., Tagum, Davao	114,600
32.	Panavo Plantation Co., Lasang, Davao	1,540
33.	Hijo Plantation Co., Hijo, Tagum	27,390
34.	Southern Davao Dev. Co., Lasang, Davao	71,400
35.	Pangi Plantation Co., Pangi, Davao	13,200
36.	Dumlan P. ntation Co., Dumlan, Tagum, Davao	15,400
37.	Lahi River .'antation Co., Magnaga, Pantukan	66,960
38.	Pindasan Plantation Co., Pindasan, Pantukan	136,000
39.	Mintal Plantation Co., Mintal-Ula, Guianga	----------
40.	Mindanao Agr. Com. Co., Ilam, Guianga, Davao	88,050
41.	Manabulan Dev. Co., Manambulan, Guianga, Davao	139,400
42.	Gui Hing Plant. Co., Padada, Sta. Cruz	122,050
43.	Itakara Plantation Co., Padada, Sta. Cruz	340
44.	Lasang Plantation Co., Lasang, Davao	70,200
45.	Guianga Plantation Co., Biao, Guianga	66,360

NOTE.—Data taken from the provincial treasurer's office of Davao, January 7, 1935. Nos. 25, 26, 27, 37, and 42 were originally registered American corporations acquired by the Japanese.

JAPAN'S INTENT TO DRIVE UNITED STATES OUT OF PHILIPPINES

Under a Paris date line of January 21, 1938, Mr. H. R. Knickerbocker said, "Japan will strike again. This is the first and last lesson that a visit to Tokyo teaches, however short the sojourn may be." He then asks the question, "Where will she strike? After China, what?" Then Mr. Knickerbocker proceeds to quote a statement taken from a memorandum from Gen. Shigeru Honjo, conqueror of Manchuria and which he passed up through his former minister of war, Gen. Jiro Minami, now Governor General of Korea, to his Imperial Japanese Majesty and which, as quoted by Mr. Knickerbocker, reads:

After we have conquered China, our Empire will be so enriched by its natural resources that we can afford to increase our Navy until it is strong enough to drive America east of Hawaii, leaving the Philippines in our hands. After America has been driven out of the Far East, the English at Hong Kong and Singapore will not be much trouble, for our Navy can easily take these two places.

Japan's 4,000-year-old culture and the tremendous pressure of her population, her unexcelled energy, and ability to organize and coordinate have given her an understanding of the American mind, philosophy, and territory such as we ourselves do not possess. Centuries ago Japan learned the fundamental truth that "to know your opponent is to be able to handle him." Japan knows the United States. Japan's recent industrialization, her aggressiveness, and her success in commanding world markets against all commercial forces have given her people spiritual encouragement. This has intensified her national spirit and increased the confidence of her people in their ability to accomplish great undertakings. Japan is not a dying race. She is not static. She is dynamic. The successive surges of her people grow stronger. In the United States there are many who now believe that each successive surge of our people grows weaker.

RELATIVE GEOGRAPHICAL POSITION OF PHILIPPINE ISLANDS

In view of the fact that the Philippine problem remains unsolved insofar as the United States is concerned, it is well for us to keep in mind or to renew our acquaintance with the following facts and distances:

Distances in nautical miles from Manila to—

Yokohama	1,757
New York	11,364
New Orleans	10,793
San Francisco	6,221
Honolulu	4,767
Panama	9,347
Hong Kong	631
Shanghai	1,162
Singapore	1,370
Calcutta	2,990
Bombay	3,822
Bangkok	1,430
Melbourne	4,528
Sourabaya	1,663
Aden (England)	5,021
Saigon	907

One glance shows the tremendous advantage Japan has over the Philippines and the Federated Malay States as compared with the advantages held by the United States and/or Great Britain. One should always keep in mind that many of the mandated islands given over to Japan lie directly between the Philippines and Hawaii. These form ideal operating bases for Japanese military, naval, and commercial operations, whether Japan operates against the Philippines, the Federated Malay States, Sumatra, Java, Borneo, New Guinea, or the Commonwealth of Australia. In all of these countries we find great natural resources and territory ready for harvesting by some aggressive power willing to fully develop agricultural, commercial, and mineral potentialities.

PRODUCTION OF ABACA (MANILA HEMP)

Mr. Chairman, one who has served in the Army or sailed the seven seas knows the importance of manila rope and the great necessity for an ample supply of it in times of peace and war. A southern cotton planter can get along with a cotton rope when it comes to driving his mules. A western cowman can make out with a hair rope for use on his ranch, but for the Army and Navy they must have real manila rope. When you travel into the interior of the Philippine Islands you find various lengths and qualities of manila hemp. The central and northern islands are subjected to the devastating typhoons that so often sweep across the land area and bring destruction to growing plant life. The abaca plant grows to heights ranging from say 5 to 25 feet. A terrific wind and rain storm, sweeping across coun-

try, twists and destroys the growing hemp—abaca—injures the fiber, and causes great destruction to crops and property. When the finished crop is placed on the market it brings a low price, just as the injured short-staple, water-soaked and discolored cotton fiber of the Southern States when it is placed in market channels against the long-fiber cotton which has been harvested without weather damage.

No other place on the face of the earth produces abaca—manila hemp—that compares in quality with that grown in the Province of Davao, island of Mindanao. The entire world is dependent upon the Philippines for its high-grade manila rope, meaning to say, of course, the quality of fiber out of which the rope is manufactured. No other place enjoys such favorable climate, rainfall, soil, and labor conditions. This territory, as I have pointed out, is free from the storms and typhoons which cause such tremendous damage to the crops grown in other parts of the islands and which make agriculture more hazardous from the standpoint of the individual crop and more costly from the standpoint of fixed charges, maintenance of buildings, seedbeds, absence of soil erosion, and so forth. It should not be overlooked that throughout the islands three crops are harmonized together—sugarcane, coconut-tree propagation and production of the nut meat—copra, and the growing of abaca—manila hemp. Storm damage can be quite disastrous to all three crops, and where there are no storms all crops are secure from this type of damage.

In the island of Mindanao we find the rich, undeveloped soils which go to make up the Cotabato Valley. This broad valley is perhaps the largest and most important of the undeveloped agricultural regions in the Philippine Islands and the largest area recommended by the special agents of the Department of Commerce as suitable for plantation rubber growing. The valley, exclusive of the Buluan and Liguasan marshlands, contains 18,000 square miles and averages 30 miles in width. This valley alone can be converted into rubber plantations and thereby become one of the greatest assets the Japanese Empire could possibly acquire anywhere in the world. Indeed! Japan is not overlooking the possibilities in this single development.

It is no idle dream to make the prediction that the day is not far distant, unless steps are taken to prevent the development of such a situation, wherein the United States will become almost entirely dependent upon Japan for our supply of high-grade manila hemp to be used by the Army and Navy.

LANDS ILLEGALLY ACQUIRED

With the port of Davao now almost entirely under the control of the Japanese and with tens of thousands of acres of land illegally acquired by Japanese nationals, what steps can be taken to remedy the situation? Let us consider these questions: Why has the United States been so negligent in its duties and responsibilities, thus permitting the Japanese acquisitions and entrenchment? Did the Governors General fail in their duty? Has the Philippine Legislature been unduly influenced by members of its own body sympathetically working with the Japanese? What is the significance of the leases acquired by Japanese who worked closely with Filipino officials in acquiring leases in violation of the public-land laws? Has there been collusion? Among other ways that might be suggested as a solution to the problem, I submit the following:

Cancelation of the leases which were illegally acquired.

Let the leases expire and prevent their renewal.

Purchase the property of the Japanese nationals located on the lands which have been illegally acquired and forbid the acquisition of similar leases in the future.

Legalize the illegal leases and enact land laws prohibiting the further acquisition of real estate by Japanese nationals and prohibit the operation of Japanese controlled and dominated corporations anywhere in the islands.

This whole matter is of great interest and concern to all of the people of the United States as well as the Filipinos. We are still tied into the islands from the standpoint of military, naval, and international relations. There is no immediate escape from this fact. When Japan moves to illegally acquire or dominate any part of the Philippine Islands, it is equivalent to making a similar attempt to acquire and dominate a part of the United States. It is now time for us to act with reference to the determination of a policy to cope with the Japanese invasion of Davao.

INDEPENDENT OR DOMINION STATUS FOR PHILIPPINES

Mr. Chairman, although the Economic Commission recently sent to the Philippines to study trade relations between the islands and the United States has not yet made public to the Congress its final report, the President has indicated that he will ask for a continuation of certain relations and beyond the independence date of July 4, 1946, set forth in the Independence Act. It appears that the United States will be kept closely related to the islands until 1960. There is ample evidence that "second thoughts" are now occurring on the question of complete and full independence for the islands. From an editorial in the December 1937 issue of the Philippine Magazine, published in Manila, I quote the following:

> Vice President Sergio Osmena spoke recently of the "onerous burdens and responsibilities attendant upon the exercise of full sovereignty" and of the fact that the circumstances in the Far East today hold grave warning to our people * * * they should be thankful that time has been given them to put their house in order while the American flag flies over their country in benevolent protection; at the same time they should take heed of the surrounding realities and understand the terrible dilemma that contemporary events present to all nations aspiring to be free.

Further quoting from the editorial, we find a statement to the effect that—

> President Manuel L. Quezon said, in his message to the assembly a month or so ago: "If we are fearful of the possible threats that complete independence may offer to our national security, and we would rather remain under the protecting wing of the United States, then let us leave the final determination of our future to coming generations and not deceive ourselves with the groundless hope that by 1946 we shall be politically and economically beyond any serious difficulty * * *."

The editorial goes on to say:

> These quotations are taken out of their context, but their meaning is thus better understood.

Webster defines dominion:

> Sovereign or supreme authority; the power of governing and controlling; independent right of possession, use, and control; sovereignty; supremacy.

The United States cannot afford to be unmindful of the staggering progress which is being made by Japan in her peaceful and quiet penetration and conquering of the Philippine Islands. [Applause.]

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I have listened with much interest to the debate this afternoon and have been deeply impressed by it, but somehow I cannot take my mind off of another subject and problem which transcend in importance the situation in the Philippine Islands and climaxes the situation in China and Japan, and no doubt even surmounts in importance the balancing of our National Budget. I have in mind the race problem, which I believe is a problem of more importance than any of the tremendous problems facing American civilization.

This is a subject I have no desire to speak on, and the making of my remarks this afternoon and my action here this afternoon with respect to the legislation I shall introduce is a matter of duty rather than one of pleasure. I do not claim to be an authority on this subject, but I cannot help but be mindful of the legislation which was before our body not so many weeks ago and was passed in the House by about a two-thirds majority. A large area of our country—the South—I believe, gave only one vote favoring the passage of this wrecker of American government. In the other legislative body for many days debate has gone on in a heated manner, deep sentiments have been expressed, Members of this other body have spoken on it with feeling and emotion,

manifesting interest in the subject, yet I do not know of any legislative suggestion which has been offered that can lead to any hope of a peaceful and proper solution of this problem.

Talk has aroused two forms of philosophy with respect to government and human existence. One philosophy—the one to which I cling—is that white men are superior in intellect, in general ability, and in ability to govern to any race in the world. I believe they shall forever dominate the governments of civilized nations. The other philosophy or thought is that there is no difference in races and that if one shall be pulled down to meet the other in order to bring an amalgamation, then this is a proper process of government.

So there has been so much said and so little done about it, I have reluctantly decided to drop in the hopper this afternoon a resolution, not from choice but as an offer of help to those in the future who must meet and solve this problem. I do it with the hope that possibly some little thought may come to some minds in America which will help them in the future to meet and solve this grave problem.

This resolution would create a joint committee or commission of five Members of the House and five Members of the Senate to make a study of the problem with respect to races in America and within 1 year report back to the Congress their recommendations.

It is expected that among the things that could be studied would be whether or not it is wise and possible that the four or five colored races in America be amalgamated and one absorbed by the whites of America; also whether the hybrid offspring would be able to carry on American institutions and government. This is one thought they may study; and on the other hand, they may study the question of whether or not it would be advisable to undertake in the fullness of time the segregation of the colored races in America—this to be done within our own continental borders of the United States or beyond our borders. If segregation should be agreed upon, whether one or more States of the Union should be used as a place for the home and/or government of the colored races.

There are many questions that could be considered, among them:

First. If the colored races of America are to be segregated on lands not within the border of the United States, should our insular or territorial possessions be used for this purpose?

Second. Should the American Government undertake to acquire by treaty or purchase additional lands to be utilized exclusively for the colored races of America?

Third. If foreign lands are to be secured, would it be possible to obtain any possessions now held by American debtors as payment of foreign debts to America?

Fourth. Would constitutional amendment or amendments be required to carry out any plan of segregation?

Fifth. Would the segregated area be a parcel and part of existing Government of the United States, or would the segregated area maintain its own government and be protected and assisted by our Government?

Sixth. What financial guaranty and security should our Government as such give to this segregated area and/or its inhabitants?

The problem is one of great magnitude and any solution of it, if there is a solution, will require much thought and the conscientious mind of America patriotically applied.

I fully realize that this character of resolution is far in advance of the formation of public sentiment upon this subject. It may be a long time before congressional action of this nature is passed. However, it is obvious that this matter must ultimately be met.

In the fullness of time the American Congress will be called upon to act in this matter; not that you or I would have it this way, but fates and circumstances have so decreed. [Applause.]

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. MAVERICK].

MESSAGE ON REARMAMENT BY THE PRESIDENT

Mr. MAVERICK. Mr. Chairman, we came here this afternoon to hear a message from the President of the United States concerning rearmament of the United States. I mean, we came here an hour early, at 11 o'clock, and the Presidential message was read to a House which had, as I remember, something like 35 or 40 Members present.

More or less lackadaisically it was tossed off on the House and read to us as though it were just an ordinary message, about a post office, a sort of casual speech, read to us in an offhand manner in all these serious troubles of the world.

My personal opinion is that this message sent to us today is by far the most important message this Congress has received since 1917, when Woodrow Wilson gave his message on war with Germany as President of the United States.

The thing that worries me about the message is the fact that it sometimes looks as if the New Deal has abandoned all its economic and political ideals and that we are riding wild horses in all separate directions and not getting anywhere.

It seems as if we are going to adopt the policy of building democratic bombs and democratic battleships—and if you bomb a city, of course, the people living there will have a feeling of happiness in knowing that they go to their death by a democratic bomb.

SHORT MESSAGE OF PRESIDENT—WHAT IS OUR POLICY?

The message of the President was extremely short.

It seems, after hearing it, that it is utterly impossible for us to go on with this rearmament program unless we form some idea as to our foreign policy. The message we got today is deeply imbedded in foreign policy, and we have to look at it from that viewpoint. It is the very essence of foreign policy.

In that connection I want to ask two or three questions.

If we are going on to have a navy building program, is our policy going to be one in which we will only take care of ourselves and arm ourselves to the teeth, or are we going to be for collective security, wherein the various nations get together for some form of peace? Which is it? The American people have a right to know.

Then I wonder if we are going to have a policy to protect the Western Hemisphere, which includes North and South America and Central America and a considerable number of islands around the United States. Is it for the purpose of protecting the Monroe Doctrine? Or is it to form an alliance with England? Are we to be auxiliary to England? I want to know.

Then, I wonder what is defense? That has been mentioned here today also.

BATTLESHIPS UP THE YANGTZE, TO HAWAII, OR ON OUR COASTS?

Does it mean that we are going to have a battleship 600 miles up the Yangtze River, or does it mean that we are going to run warships over to Hawaii?

Does it mean that we are going to defend our own country, or does it mean that we are going to pass some logical defense legislation?

My colleagues, we have to decide that for ourselves, because it cannot be decided by either the President or the most competent of naval technicians. We have to determine our policy, and tell the technicians what to do. We are elected to represent the American people—to them we owe our duty.

EVERYBODY BUILDS BATTLESHIPS; SO SHALL WE JOIN IN?

Another argument I have heard brought up here is that we have to build battleships because everybody else is building battleships. It is the same thing as saying that if you and your wife can afford a Pontiac automobile, then you ought to have a very expensive automobile, like a Rolls Royce, and not let your children eat, and go into bankruptcy simply because the Joneses have that more expensive car.

I do not see any argument to that. Let the Joneses go bankrupt financially and morally, but not us. It may be that we can get by with a Pontiac, but I see no sense in our

going bankrupt and lowering the standard of living of our people—and finally going to war anyhow—simply because we want to build some very fine battleships, particularly if we have an adequate defense system. I say to you, I know that we have got a good Army and a good Marine Corps and a good Navy at the present time.

DO PACIFISTS FAVOR ARMAMENT (WAR) FOR PEACE?

Another thing that impresses me in this whole affair is that a great many of the people who call themselves left wingers and progressives and radicals and pacifists have either gone to sleep completely or they are in favor of this program of huge armament. A most astounding thing to me is that I have talked with a great many people who call themselves pacifists, and they say we ought to build these battleships for the purpose of having peace, and that the time has now come for us to make the world safe for democracy.

SAVE WORLD FOR DEMOCRACY (WAR) AND FROM FASCISM (AND GET MORE WAR)

Oh, well, we made the world safe for democracy once, back in 1917, and look what we got! They also say that we have to save the world from fascism.

Figuring from what we got in the last war and what we will get in the next one, with death-dealing machines a hundred times more powerful than in the last, nothing can be gained by getting into war, either in making the world safe for democracy or saving it from fascism.

War is not worth the candle.

HAVE WE POLICIES, DOMESTIC OR FOREIGN?

At this point I want to emphasize that we haven't any policies at this time, either domestic or foreign. I said a moment ago that we did not have any particular national policy. I think we have no foreign policy whatever and our domestic policies are not being carried out.

I asked this question of a gentleman on the floor the other day, "Don't you believe that we ought to do something about this huge unemployment that we have today?" and he answered "Yes." "Listen," he said, "we ought to go build more battleships in order to correct unemployment."

My God!

UNITED STATES OPENS ROPE FACTORY TO HANG ITSELF

Has this country come to the point where we have to build battleships to keep people employed? Here is what it reminds me of:

It is just like the United States Government's opening a rope factory and going out here and manufacturing rope in order to hang itself. That is all you can get out of building unnecessary battleships.

ANALYSIS OF PRESIDENTIAL MESSAGE

I want now to analyze the President's message as well as I can in the time allotted.

The fifth paragraph reads:

That the existing authorized building program for increases and replacements in the Navy be increased 20 percent.

This means that we are to increase the present program 20 percent, and all the other things he asks are in addition to that, as far as I am able to ascertain.

It seems to me we have done enough already.

We have two battleships building, and we authorized two more the other day. That is four.

The President asks for still another two, which means six battleships, at a tremendous cost to the American people.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to my good friend from West Virginia.

Mr. RANDOLPH. I rise at this time simply for the purpose of keeping my own position clear and I believe the position of a great many Members of the House. I want to reiterate what I said the other day: We are actually tossing this money away through continued spending of it on battleships as a means of any type of national defense.

Mr. MAVERICK. I think the gentleman is absolutely right, because when you build a battleship it is gone forever. Money thrown in the sea, never to rise.

If you use it on P. W. A. or W. P. A., you at least get something out of it, although it may not be much.

Returning to the President's message, he asks this Congress to authorize and appropriate money for the laying down of two additional battleships. Then he goes on to state that this will call for the expenditure of a very small amount of Government funds during the fiscal year of 1939.

VERY SMALL AMOUNT OF MONEY—JUST A FEW HUNDRED MILLION

Those two battleships are going to cost seventy-odd million dollars apiece, I do not care whether they are built in 1938, 1939, or 1950; they are going to cost a whale of a lot of money. Saying that it will not cost much money in a certain fiscal year does not affect the total price.

I think that this Congress, if we are going to carry out the function of democratic government, has got to consider the total cost of these things and not the cost in a particular year. We must also consider if they are absolutely necessary. We may have been right in voting the other two battleships, but I think we are getting on very dangerous ground now.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. KITCHENS. Has it occurred to the gentleman that possibly in certain nations of the world there is growing up a spirit that means the survival of the fittest among the nations?

Mr. MAVERICK. Yes; absolutely. But we can defend ourselves.

Does the gentleman think it was positively necessary for the preservation of the United States that we went into the World War?

Mr. KITCHENS. That is quite a large question.

Mr. MAVERICK. The gentleman asked me a large one; this is a large day.

Mr. KITCHENS. I feel that the United States was perfectly justified in going into the World War.

Mr. MAVERICK. I did not ask that.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield 5 additional minutes to the gentleman from Texas.

Mr. MAVERICK. Thank you very much. I say to Mr. KITCHENS, the gentleman from Arkansas, I am not talking about the moral justification of our action in going into the World War; does the gentleman think it was necessary for the preservation of the United States that we go into that war?

Mr. KITCHENS. I am inclined to feel that it was.

Mr. MAVERICK. Inclined. But the gentleman feels that some other nations are going to take this action now—invade us?

Mr. KITCHENS. I imagine that if Japan can conquer China she might be able, as they were way back yonder under Genghis Khan, to sweep the whole of Asia and take Europe. If they did that, then they could take this country.

Mr. MAVERICK. I thank the gentleman, and I will answer him. That very fear the gentleman expresses about Japan sweeping the whole world is the basic reason, the psychology of why we got in the World War, only it was then another nation. Are we to make the same mistake?

We have got to get out of that way of thinking or we are going to get into another war, thinking that Japan is going to try to conquer the world. [Applause.]

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to my friend from New York.

Mr. CULKIN. The gentleman wonders what the foreign policy of the administration is. Could he give us any estimate or approximation of what that policy is and what it wants these battleships for now?

Mr. MAVERICK. I just got through saying I did not know. I do not know what our foreign policy is, and I do not know what these battleships are for.

Mr. CULKIN. Does not the gentleman feel that the House should know before it votes this money?

Mr. MAVERICK. I think the House ought to know; and I want to say now while we are talking about it—I am not criticizing the gentleman because I think it is a nonpartisan question the gentleman has asked me—when we talk about new battleships we should absolutely abandon any idea of partisanship whatsoever. [Applause.]

I hope that no partisan question will be asked me. I do not think the gentleman asked me one. But we talk of war, many of us were soldiers, our sons——

Mr. CULKIN. I do not believe in any partisan question about the shedding of American blood; and I think this whole program is predicated on shedding blood.

Mr. MAVERICK. I think a dead Republican is just as dead as a dead Democrat. [Laughter.] But, seriously, we are talking on the high stakes of civilization of the world.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to my very good and distinguished friend from California.

Mr. VOORHIS. The gentleman pointed out—and I think with very telling logic—that an attempt to fight a war to destroy a system of government such as Fascist dictatorship is almost certain to be doomed to failure in the beginning. Does not the gentleman, therefore, feel that in the beginning it would be well for us to determine the line of our defense with some care in order that on the basis of that line we may take the kind of strong and dignified stand that people have been advocating?

Mr. MAVERICK. Of course. I think the gentleman is right. And may I say further, I do not think it is any business of the American people whether the Germans have fascism or the Russians have communism. [Applause.]

We do not want to build battleships to convert somebody to our form of government. If we preserve democracy here—and that is going to be a hard job—we will be doing pretty good. [Applause.]

Mr. COLDEN. Will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from California.

Mr. COLDEN. Is it not sufficient justification to build a great navy that three of the great nations of this world have violated their treaties with other countries and are showing thereby their disregard for international law? Is that not a warning to every democracy that we must be ready to defend ourselves?

Mr. MAVERICK. I think we ought to defend ourselves and I will vote for 50 or 100 battleships if I am convinced they are necessary; but because other nations arm themselves and violate treaties is no reason for us to be dishonorable and violate treaties; but in any event we already have an adequate defense.

Mr. McCORMACK. Will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I agree with the general statement that it is not our concern what form of government other people have. I think the gentleman will agree that we have concern if minorities are being persecuted. Does the gentleman agree with that statement?

Mr. MAVERICK. I would rather not answer that question because it is not relevant to what I am talking about. If the gentleman is talking about the persecution of the Jews in Rumania or Germany or Poland, I am very sorry about it, but I am not decided what we should do.

Mr. McCORMACK. I refer to the persecution of any minority.

Mr. MAVERICK. I object to it; I think it is wrong, but I do not think America should take any official or military action against Rumania or any other nation because it persecutes a minority over there.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. McCORMACK. The gentleman, I am sure, does not mean exactly that. The gentleman, of course, recognizes there are plenty of precedents for our Government offering its good offices and doing everything within its power, in accordance with international law, to try and alleviate or remove the persecution of a minority. Is the gentleman aware of that fact?

Mr. MAVERICK. I think we have done that before; yes.

Mr. McCORMACK. I was sure the gentleman would agree with that statement. My purpose in asking the gentleman the question was so that the RECORD would not show something he said from which a wrong interpretation might be drawn. One more question. While I agree with the general proposition and the exceptions which the gentleman has agreed with me on, I think the gentleman will also agree that while it is none of our business what form of government another country has, it is also not a part of that government's business to inject its philosophy into our domestic life.

Mr. MAVERICK. I agree with the statement and I have the highest contempt for any government that attempts it.

Mr. BARRY. Will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from New York.

Mr. BARRY. Do I understand the gentleman to mean that the persecution of a minority in a foreign country would justify our going to war?

Mr. MAVERICK. No! No! Nothing will justify our going to war except a war of absolute defense. That is the only excuse. [Applause.]

Mr. GIFFORD. Will the gentleman yield?

Mr. MAVERICK. I yield to my distinguished friend from Massachusetts.

Mr. GIFFORD. I can visualize the gentleman himself may be President of the United States some day [applause]——

Mr. MAVERICK. I want to applaud that myself! Thank you for a vision that will never come true——

Mr. GIFFORD. And when he shall have been elected, can he not visualize coming before the Congress and asking us to give him plenty of real backing in order that he might insist upon the honorable demands of this Nation?

The gentleman realizes the necessity of these demands on the part of his President?

Mr. MAVERICK. Yes, my friend. I can visualize any man who is President of the United States having a terribly tragic responsibility.

That is what Mr. Roosevelt has today, but Mr. Roosevelt is only one man and we are men who are elected by the people to read these messages, then decide whether we want to carry out the suggestion or not.

I think we should use our most considered judgment. [Applause.]

Mr. GIFFORD. That is a new doctrine.

Mr. MAVERICK. No; there is nothing new in that.

Mr. GIFFORD. We were told when elected to do exactly as he wanted us to do.

Mr. MAVERICK. I think generally President Roosevelt is right, but not always; not always.

Mr. COLLINS. Will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Mississippi.

Mr. COLLINS. In answer to my friend the gentleman from Massachusetts, I want to call to his attention the provisions of the Constitution which impose upon the Congress the duty and the responsibility of raising and supporting the Army and the further duty of providing and maintaining a navy. That is a duty of the Congress, and it shall be careful that worth-while expenditures are made. Certainly excessive amounts should not be spent on obsolete types of weapons, and many of us believe that the battleship belongs in that category. Careful scrutiny should be given further grants of public money beyond those recommended by the Budget to date.

Mr. GIFFORD. May I answer that by saying that is something I knew, but I did not suppose some of the rest of you did.

Mr. McCORMACK. It is the duty of the President to recommend to the Congress.

Mr. MAVERICK. Sure. It is the constitutional duty of the President to recommend to the Congress, and it is our constitutional duty to do our duty and not take up recommendations and pass them if we do not think they are right. [Applause.]

PROFITEERING IN WAR MUST BE STOPPED—NEVER WAS BEFORE

Mr. Chairman, I want to go on with this message. The message of the President states further, as follows:

I believe also that the time has come for Congress to enact legislation aimed at the prevention of profiteering in war.

Why hasn't the time been here all the time? Has the time suddenly come upon us all at once so far as this particular situation is concerned?

What is the meaning of this?

I want to say something about this war profiteering business. We brought up a bill here that was supposed to stop war profiteering in 1935, 3 years ago. When it was brought up for consideration, the essential qualities of that bill provided for a draft of human beings and a guaranteed profit in war. That is all it did.

That bill stunk to the high clouds of heaven.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MAVERICK. Mr. Chairman, all that bill did was to guarantee the profits of war. Let us consider this war-profiteering bill that the Committee on Military Affairs has reported.

THE ADVANCE OF EXECUTIVE POWER; DECLINE OF CONGRESS

In its original form, considerable objection was made by me and by many others to the drafting of manpower, and that provision was cut out.

What does the present bill cover?

The bill states the President does so and so, but as a matter of fact, if you analyze the bill, it is a definite step toward a form of government in which the Executive has complete power. Think that over seriously before you vote for it.

Take it section by section. It states the President determines that any maximum price shall be adjusted, with other and numerous privileges. This power is put into the hands of the President and abandoned by the Congress.

Then the bill states the President is authorized to determine and publicly proclaim from time to time the material resources, industrial organizations, and so on. We abandon all our power in this particular field—the business and economic, which is about the biggest—and give it to the President.

The bill further states that during such time of war the President is authorized when it is necessary for the successful prosecution of war to require under rules and regulations the registration of individuals. That gets nearly everything.

A further provision states that the President may publicly proclaim what classes of public service, real and personal property, or rights or interests therein, and what classes of owners, and so forth, may deal in certain things. What else is there for Congress to determine? Nothing.

Section 6 states:

During such time of war the President is authorized to determine and publicly proclaim the order or priority in which any owner, manufacturer, dealer, producer, exporter, importer, or public service in the United States shall fill orders, or transport or deliver anything, or furnish power or service of any kind.

"FASCISM," "COMMUNISM," LOOSELY USED WORDS—BUT SOMETIMES RELEVANT

I do not like to use the words "fascism" or communism," but this bill is actually a step in a direction away from democratic government, and to a totalitarian or dictatorial government. Who can deny it? Everything we have done in the last 6 weeks or the last 3 months has been in accordance with a war psychology and not a peace psychology.

And a bill which abandons our legislative power to the Executive would just about cap the climax.

We say, "We must have a bill to stop profiteering." This is not a bill to stop profiteering but one which will guarantee profiteering.

Someone may state this bill provides for taxation which would take the profits out of war. This bill does nothing of the kind. All this bill does is state that a report must be brought to the Congress and we may act on it.

This measure is not good legislation. If we are going to pass such a bill, we ought to have hearings all over again so we can really have a decent bill enacted for the people of the United States which actually stops profiteering and does not abandon democracy.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. The gentleman is talking in general about the President's message, and has turned to the subject of this particular bill. The gentleman certainly does not want to give the impression that the President's message can be construed as a recommendation of this particular bill, about which the gentleman is now speaking?

Mr. MAVERICK. No; I did not say that and I do not believe it. I believe the President, like any other man, is absolutely conscientious in wanting a bill that takes the profits out of war. I merely say this bill does not take the profits out of war.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. At the outset of his remarks the gentleman stated he had difficulty in understanding the foreign policy of our country. Does the gentleman really mean this?

Mr. MAVERICK. Why, certainly, I mean it. Does the gentleman understand it? If the gentleman does understand it, I should like to have him explain the foreign policy of this country.

Mr. McCORMACK. Does the gentleman yield me all of his time?

Mr. MAVERICK. I do not have very much time.

Mr. McCORMACK. I will take what time the gentleman has. I should like to answer the question.

Mr. MAVERICK. Can the gentleman answer it briefly?

Mr. McCORMACK. It would take all the balance of the gentleman's time.

Mr. MAVERICK. I have only 2 minutes left. The gentleman may take that 2 minutes.

Mr. McCORMACK. The policy of our Government is very plain. Our Government is not supposed to disclose confidential secrets that will place it in an embarrassing position in the performance of its diplomatic duties and will embarrass the Government in its relationship to other nations of the world. If the gentleman or anybody else expects our Government to disclose such secrets, I may say the American people generally do not expect the Government to do so. The known policy of the present administration is very plain. The administration has shown it on the *Panay* incident, is showing it now, and has shown it in connection with the incident of the Reubens woman in Russia. Whether she is a Communist or not, she is an American citizen, and the Government is taking a firm position. As a matter of fact, we ought to withdraw our recognition of Russia, and if I had my way we would.

Mr. MAVERICK. May I ask the gentleman a question?

Mr. McCORMACK. Wait a minute. The gentleman asked me a question and he should let me proceed.

Mr. MAVERICK. The time of my own that I yielded seems irrevocable. [Laughter.]

Mr. McCORMACK. We have as Secretary of State one of the ablest men who has ever occupied that position in the history of our country. Everyone has profound respect for him. Within the last few days an organization has been created to support him in his reciprocal trade agreement policy.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 5 minutes to the gentleman from Texas.

Mr. McCORMACK. Will the gentleman allow me to continue to answer his question?

Mr. MAVERICK. This 5 minutes is mine. I must refuse to yield to anybody for awhile. I want to say something in my own time.

Mr. McCORMACK. Have I conveyed to the gentleman sufficient information?

Mr. MAVERICK. The gentleman has conveyed information to me, but I may say in reply to the gentleman from Massachusetts he has not said anything about the foreign policy of the United States.

Mr. McCORMACK. The gentleman from Massachusetts has not yet started. The gentleman from Texas has not given him enough time.

Mr. MAVERICK. Time marches on. I cannot march forever; hence I must decline to yield further to the gentleman from Massachusetts.

Mr. BREWSTER. Mr. Chairman, will the gentleman yield me 1 minute of his time?

Mr. MAVERICK. No; I must decline to yield just now. A little later, my friend. Let me finish my statement.

I do not believe the gentleman from Massachusetts said anything about out foreign policy.

He stated we have deep, dark secrets.

I say the general foreign policy of any country is ordinarily known and should be known by the people.

The people of England know that England is a maritime nation whose citizens go all over the world in search of trade.

For us, the question whether we want one of our battleships to be 600 miles up the Yangtze ought to be known to the American people, and such questions should not be handled by someone coming on the floor and whispering to us, "This is something secret. Keep it to yourself. The President knows more than you do about it. We should not do anything about this because it is secret."

I say the general principles of our foreign policy ought to be known by this House of Representatives and by the American people. [Applause.]

Mr. BREWSTER and Mr. McCORMACK rose.

Mr. MAVERICK. I must yield to the gentleman from Maine, as I am talking now on Republican time.

Mr. BREWSTER. In the 1 minute of my time I want the gentleman from Massachusetts [Mr. McCORMACK] to use that time to tell us what particular foreign policy was served by holding the note of January 17 until last night? Why was the American public kept in the dark until the eve of the Presidential message?

Mr. McCORMACK rose.

Mr. MAVERICK. Mr. Chairman, can I make a collateral agreement that the gentleman will not talk over 1 minute?

The CHAIRMAN. The gentleman from Texas has the floor and has yielded for a question.

Mr. McCORMACK. Does the gentleman yield?

Mr. MAVERICK. I yield for a very brief question.

Mr. McCORMACK. I will not continue questioning the gentleman because the gentleman always states interesting things and is a convincing talker and a wholesome and sincere gentleman, too.

Mr. MAVERICK. I can say the same for my friend from Massachusetts.

Mr. McCORMACK. I want to make this observation about the Secretary of State. I could talk about him for a long time. He is a great man, but the interesting thing is that the president of the Boston Chamber of Commerce only the other day in a speech at Boston eulogized Secretary Hull for the great work he is doing, and there was recently formed an organization, of which Mr. Stimson and other members of the Republican Party in the country are members, the purpose of which is to fight for the great work that Secretary Hull is doing along the lines of reciprocal-trade agreements.

Mr. MAVERICK. I thank the gentleman, and I believe the Secretary of State is doing a great piece of work. But let me say—please do not interrupt me for awhile: Today in this Chamber, in this House of Representatives of the United States, we may have a certain amount of facetious feeling, but we do not, deep in our hearts. Really, I discern a deep feeling. Something is hanging over us. I tell you that on what the House of Representatives and the Senate of the United States do hinges the fate of the world. [Applause.]

This is the truth.

What happens in this Nation right here, what we do and what is to happen to civilization for all eternity is dependent on what we do in this House of Representatives. [Applause.] I may overestimate, but something tells me I speak the truth. No men ever had greater responsibility.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman 2 minutes to answer a question.

Mr. MAVERICK. I yield.

Mr. ENGEL. In the President's message recommendation No. 5 reads:

That the existing authorized building program for increases and replacements in the Navy be increased by 20 percent.

Mr. MAVERICK. Yes.

Mr. ENGEL. Has the gentleman from Texas or the gentleman from Massachusetts [Mr. McCORMACK] any information, first, as to what it would cost the Government to bring our present Navy up to authorized strength; and, second, what it would cost to bring our Navy up to authorized strength plus 20 percent in excess of authorized strength?

I have particular reference to the statement made by the gentleman from Oklahoma [Mr. FERGUSON] when he said that this message provided for an increase of $100,000,000, being 20 percent of the $500,000,000 which is carried in the Navy bill. As I understand it, this message has nothing to do with our present Navy appropriation bill, but has to do with the bringing up of our Navy to authorized strength and then adding 20 percent to it, and I am interested in that phase of the matter.

Mr. MAVERICK. I may say to the gentleman that the very fact I cannot answer the question and that nobody on this floor can answer it is proof of the fact we ought to go into this thing more deeply.

My understanding is that the Vinson-Trammell Act has not been fulfilled as to authorized units. This means an increase to fulfill that program and, in addition, it is recommended that we raise the original authorization 20 percent more; this is in addition to the two more battleships, and instead of being $100,000,000 this may mean $500,000,000 and it may be spread over a period of years instead of 1 year.

No one knows; whatever it is, it is a heavy, onerous burden, and I mean morally, financially, and economically.

This is the reason I got up here to talk today. We have got to look at this matter seriously and for a long time before we vote for these naval appropriations. [Applause.]

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. COFFEE].

ENFORCEMENT OF ECONOMIC FEATURES OF OUR ANTITRUST LAWS

Mr. COFFEE of Washington. Mr. Chairman, all America should rejoice at the victory attained by Government counsel in the trial of the major oil companies for conspiracy to violate the Federal antitrust laws just ended at Madison, Wis.—United States of America against Standard Oil Co. of Indiana and others, No. 11365. Perhaps the longest jury trial in his-

tory, the conviction comes as a new Magna Carta for independent businessmen and the common people everywhere in this great land of ours.

Just envision in your minds the stupendous task that faced a small group of less than half a dozen Government lawyers arrayed against almost a hundred lawyers, the cream of the American bar. I congratulate the judge, Patrick T. Stone, and the jury that heard the case, in seeing through the wily efforts of these corporate lawyers to confuse the issues.

GOVERNMENT COUNSEL DESERVE PRAISE IN WISCONSIN OIL CASE

The Government lawyers that handled this case have proven they are of the right metal. They are the type that will see through to a conclusion the campaign of the Honorable Robert Jackson, Assistant Attorney General, in charge of the Antitrust Division of the Department of Justice, to enforce the antitrust laws and break up monopolies. To these men I want to give my highest praise for their diligent performance of duty against such tremendous odds. My hat is doffed to Government Counsel William P. Crawford, Hammond E. Chaffetz, John Henry Lewin, W. B. Watson Snyder, and Grant W. Kelleher.

My congratulations and thanks to the 12 members of the jury and their 2 alternates, 14 men who were locked up on this greatest of antitrust criminal suits from October 4, 1937, until its conclusion, almost 4 months of patriotic service.

And I want to extend thanks to the National Oil Marketers Association and their secretary-counsel, Mr. Paul E. Hadlick, for their efforts in bringing this gigantic conspiracy to the attention of the Department of Justice and for their 2½ years of assistance to the Department.

NOW WE SHOULD INSTITUTE CRIMINAL ACTIONS AGAINST MONOPOLISTS

Last summer I had the privilege of addressing Congress on the importance of using criminal actions to enforce the Federal antitrust laws. It is my viewpoint that if criminal actions were used against large monopolistic interests as has been done in the case just completed at Madison, we would soon put an end to monopoly and monopolistic practices in this country. It would soon become a country where the independent businessmen could thrive as of old.

Today I want to address my remarks to the enforcement of the economic features of our antitrust laws. I call your attention to section 6 of the Sherman antitrust law, which reads:

> Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

I not only call this to your attention but I wish to call it to the attention of the Department of Justice and urge that Department to take appropriate action against the major oil companies just found guilty at Madison, Wis.

CONVICTED MONOPOLISTS MAY BE DENIED USE OF PANAMA CANAL

Back in 1912 Congress passed the Panama Canal Act and included therein a provision reading as follows:

> No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through the Panama Canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of sections 1 to 27, inclusive (the antitrust laws), or of any other act of Congress amending or supplementing the same. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States (Aug. 24, 1912, c. 390, par. 11, 37 Stat. 567).

I call upon the Department of Justice to take appropriate action before the federal court at Madison, Wis., to bar the use of the Panama Canal to the offending companies which have been found guilty in accordance with the above-quoted statute.

PIPE-LINE USERS ARE AFFECTED, TOO

Under section 966 of title 43 of the Code of Laws of the United States (36 Stat. 296) rights-of-way for pipe-line companies over the public domain in the State of Arkansas were granted as follows:

> A right-of-way through the public lands of the United States in the State of Arkansas is granted for pipe-line purposes to any citizen of the United States or any company or corporation authorized by its charter to transport oil, crude or refined, or natural gas which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proof of organization under the same, to the extent of the ground occupied by the said pipe line and 10 feet on each side of the center line of same.

And under section 970 of the same title it is further provided that—

> If any citizen, company, or corporation taking advantage of the benefits of sections 966 to 970, inclusive, shall violate sections 1 to 7, inclusive, of title 15, or any amendment thereof (the antitrust laws) the right-of-way granted in sections 966 to 970, inclusive, shall be forfeited without further action or declaration on the part of the Government or any proceedings or judgment of any court (Apr. 12, 1910, c. 155, p. 5, 36 Stat. 296).

I call upon the Secretary of the Interior to take such steps as are necessary to revoke the permits of those convicted oil companies that have been granted permits to operate their pipe lines over the public domain in Arkansas in accordance with the above law. There is no discretion allowed by the law in this regard—the permits issued under this law are ipso facto forfeited.

OIL AND MINERAL LEASES MAY NOW BE FORFEITED

I also wish to point out to the Secretary of the Interior section 184 of title 30 of the Code of Laws of the United States (41 Stat. 449) which section provides for the forfeiture of oil and mineral leases on public lands if the lessees form a part of any combination, contract, or conspiracy in restraint of trade in the mining or selling of oil and other products. It seems quite likely from a reading of this section that the oil leases heretofore granted by the Government to any of these convicted oil companies are subject to immediate forfeiture to the Government through appropriate court proceedings.

Section 187 of this same title on mineral lands and mining makes it mandatory upon the Secretary of the Interior to include certain protective provisions in leases of public lands among which is one "for the prevention of monopoly." If the leases have been prepared properly then there should be no difficulty in securing the forfeiture provided in section 184 mentioned above.

MADISON, WIS., OIL CONVICTIONS PROVE MONOPOLISTS CAN BE EXPOSED

Mr. Chairman, I have said this much to call the attention of the Congress and Government officials to the opportunity which is presented to the people of America by the significant conviction of the major oil companies and the prominent officials thereof at the trial in Madison, Wis. At last we have had a conviction of one of the most gigantic organizations of capital in the history of America, and this conviction has been brought out by the diligent and painstaking work of deputy attorneys general, free of any suspicion of corruption, undue influence, or coercion. Yet this conviction involves within its logical sequence certain significant conditions; and it seems to me it is the bounden duty of the Government now to proceed from the excellent beginning which has already been made and limit these companies in their different capacities in connection with Federal laws and rights, as I have heretofore pointed out.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Washington. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. I would like to inquire of the gentleman if these are the same companies that have a monopoly of the production of oil in Texas and other States and have been legalized by act of Congress to control the retail production of oil in the States that do not produce oil because of certain favors given them under the law. Are these the same companies that enjoy this privilege down in the States of Texas, Oklahoma, and Arkansas under the agreement I have referred to?

Mr. COFFEE of Washington. In answer to the gentleman I may say these are the same major oil companies for whom

this Congress passed a protective act in the Connally hot-oil bill and, subsequently, other legislation, such as the interstate oil compact, the appropriation for the Bureau of Mines forecasts, the protective tariff on imported oils, and an oil-zoning and production limitation and proration agreement. Personally, I voted and worked against this legislation. I regret that we then by law encouraged and abetted monopoly.

Mr. ZIMMERMAN. So did I.

SPECIFIC STEPS TO DISINTEGRATE OIL MONOPOLY

Mr. COFFEE of Washington. I should like to point out two things that Congress can do to break up the oil monopoly. The first would be to give adequate appropriations to the Department of Justice to proceed with its investigation of the oil industry on the east coast, including the rigging of the Gulf coast market, and on the west coast. Competition has been illegally stifled in these areas, as it has been in the Middle West, and prompt action is necessary to save the independents. Congress can also help by enacting the Biermann bill (H. R. 7000) and by enacting legislation to divorce the pipe lines.

In the second place, Congress can render a real service in ending the oil monopoly by repealing such laws as it has passed that have proven themselves as the hub upon which the oil-monopoly wheel is turning, slowly but surely grinding out of existence the independent oil people. These laws that should be repealed are:

First. The Connally bill prohibiting the interstate transportation of petroleum products made from crude oil produced in excess of State quotas, originally Public, No. 14, Seventy-fourth Congress, chapter 18, Forty-ninth Statutes, pages 30–35, and extended to June 30, 1939, by Public, No. 145, Seventy-fifth Congress.

Second. Interstate oil compact and act approving an agreement between the oil-producing States permitting them to control the production of crude oil, originally Public Resolution No. 64, Seventy-fourth Congress, chapter 781, Forty-ninth Statutes, pages 939–941, and extended to September 1, 1939, by Public Resolution No. 57, Seventy-fifth Congress. In this connection I wish to charge the oil-producing States of violating article 5 of this statute, which reads:

> It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof or create or perpetuate monopoly or promote regimentation, but it is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

Witnesses for the defense in the cases at Madison testified the meetings of the compact group discussed the amount of oil necessary to be produced to stabilize the industry and to balance production with demand and that some of the members of the committee have even insisted on discussing what is a proper price for crude oil.

And early this week there was held at Hot Springs, Ark., a meeting of oil States Governors and their representatives. This meeting was called for the specific purpose of determining what the oil States could do with reference to upholding the price of crude oil. The compact is a sham; they hide behind it when they can and openly defy it when they get desperate.

Third. The import duty on petroleum of 21 cents a barrel on crude oil and 2½ cents per gallon on gasoline, as provided by section 601–c–4 of the Revenue Act of 1932, as extended to June 30, 1939, by Public Resolution No. 48, Seventy-fifth Congress.

Fourth. Withdraw from the Interior Department the special appropriation for the issuance of monthly forecasts of market demand for crude oil and refined petroleum products and place in the coming Interior Department appropriation bill a specific declaration forbidding the Secretary of the Interior from using any of the funds of his Department for that purpose.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I now yield to the gentleman from Michigan [Mr. SHAFER].

Mr. SHAFER of Michigan. Mr. Chairman, singular as it is that the 1932 Democratic platform should have warned the country of the grave danger reposing in the fact that Mr. Hoover was burdening a tax-stricken populace with military and naval expenditures "approaching a billion dollars annually," it now develops that the present administration's naval and military expenditures for the current year will go far beyond a billion dollars.

Only last week the Congress passed the naval supply bill carrying an appropriation of $553,000,000, and today President Roosevelt has sent up a message asking additional appropriations variously estimated between two hundred million and a billion dollars.

I think it is about time Mr. Roosevelt should inform the Congress, or at least the leaders in both parties, something of what his foreign policy is, so long as it seems to necessitate such enormous expenditures at a time when 20 cents of every dollar earned by every man, woman, and child in the United States is now being confiscated for Federal, State, and other taxes.

I believe we Members of Congress have a right to have this information before we are asked to vote on these additional Army and Navy expenditures.

Mr. ENGEL. Mr. Chairman, I now yield 10 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Chairman, I listened rather attentively while the President's message was read. After it had been read I secured a copy and reread it, so that I might be sure that I was making no mistake as to what it contained. Some of it I like, but most of it I do not like. I call attention in the brief time I have to a few of the outstanding things to which I object. The President says in the middle of page 1 of his message:

> It is an ominous fact that at least one-fourth of the world's population is involved in merciless, devastating conflict in spite of the fact that most people in most countries, including those where conflict rages, wish to live at peace. Armies are fighting in the Far East and in Europe; thousands of civilians are being driven from their homes and bombed from the air. Tension throughout the world is high.

In that paragraph the President recognizes that there is war in the Far East and in Spain. I ask him, then, why he does not invoke the Neutrality Act which was passed by this Congress and which was voted for by this House with only 12 votes against it? If the President wishes to live up to the law, if he recognizes there is a war in the Far East—and he does in that paragraph—then he should abide by the law and invoke the provisions of the Neutrality Act. If he is opposed to the Neutrality Act, then he should send in a message and ask this House to annul it. It is not honest for us to permit a law to be on the statute books and make our people believe we are in favor of it and then utterly ignore its provisions. Either we are for it or we are against it. Let those who are against it bring in a bill and vote it out. The gentleman from Minnesota [Mr. MAAS] has such a bill, but it is not being given a hearing. Why not? Let us be honest with the public. Let us not invoke the Neutrality Act when it pleases us to invoke it and utterly disregard it when it does not please us to invoke it.

In the next paragraph the President says:

> Our national defense is * * * inadequate for purposes of national security and requires increase for that reason.

We are advised by General Hagood, who occupied one of the outstanding positions throughout the World War, that our Navy and our Army and our coast defenses are adequate for national defense, provided that national defense is constructed along the triangle from Alaska to the Hawaiian Islands to the Panama Canal. If that is our policy, then we claim that our national defense is now adequate. If, however, it is our policy that our Navy should be sent abroad to the seven seas to engage in every controversy which exists, then it is not adequate, and the message that the President gave us today could not possibly make it adequate. For such a purpose we would need four times the size of the present Navy. There has been some intimation here that we might possibly become involved in a war with Japan. Do you know what such a war would cost? It has been stated from the public platform that the President asked for figures on that

problem, and I am advised that someone in the Army furnished the figures, at least someone in authority in the Army or naval department did. He said it would cost $50,000,000,000 and would take 4 years. Are we ready and willing to embark on such a program, and if we do, can we possibly put $50,000,000,000 on top of the $38,000,000,000 that we now owe? I do not think that our financial resources could possibly stand such a staggering sum.

If we want a navy to police the world, then let us know it. Let such a message come to the Congress. Let us come out honestly and fight out the issue of whether we want such a navy or not. I for one am opposed to it, and would oppose it with all of the resources and vigor at my command. If foreign aggression is our policy, then the present Navy would be inadequate, and it would take four or five times as large a navy to have it powerful enough for foreign aggression. I do not believe the President wants a navy for foreign aggression. In fact, I think he would be absolutely opposed to it.

What, then, is the reason back of this? I said in my remarks here a week ago that the answer is the understandings and secret agreements that have been made with the Foreign Office of Great Britain. I repeat, that is where the demand comes from for the great increase in naval armament. Great Britain and France are in trouble, and once more we are being jockeyed into a position of being the willing helper. Let me point out to you that France could be of no help whatever. Her perilous financial situation, coupled with the danger from Hitler and Mussolini, leaves her helpless to send her Army and her Navy into foreign waters. Great Britain has plenty of problems on her hands. Gibraltar, Malta, Suez, Arabia, India, Singapore, Hong Kong, and many other places demand her attention. Furthermore, our interests are too trivial to warrant our going to war 6,000 miles from home. She is the logical power to fight it out with Japan for control in the Far East. She has contiguous territory, many interests, and borders to protect. Let her protect them and let us keep our hands off. There is no doubt that Russia is already indirectly giving assistance to the Chinese. Clashes occur every now and then between Russian and Japanese patrols. Supplies are no doubt coming into China from Russian sources. Therefore let Russia assume the burden. It is not our fight, and we ought not to make it our fight.

It is the secret agreements that are being carried back and forth between London and Washington by Norman Davis, our diplomatic agent, our traveling salesman on this mission, that should give us profound concern. It is the purpose of Great Britain once more to get us to furnish the men and the money, as we did 20 years ago. I am opposed to any such entangling alliances with Great Britain or any foreign country.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. SNELL. To a large degree I am in sympathy and in entire accord with the statements the gentleman has made. What I want to know before I vote any of these increased naval appropriations—and I have always been a preparedness man and voted for practically every one that has ever come before this Congress in the 24 years I have been here—I want to know what the President's definite policy is—whether he is getting this tremendously large Navy for the purpose of policing the world or whether it is necessary for the protection of our homeland and our home people. I think it will be necessary for him to tell this Congress in a very definite way before he ever gets this increased appropriation.

Mr. SAUTHOFF. I assure the gentleman from New York that that is exactly what I want to know before I vote for it.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. PATMAN. The question of the gentleman from New York is answered in the last sentence of the President's message.

Mr. SAUTHOFF. I am coming to that.

Mr. PATMAN. The President says that such increase is and will be based not on aggression but on defense.

Mr. SNELL. There is something more than that which will have to be answered before we vote another $1,000,000,000, let me tell you that.

Mr. SAUTHOFF. I will answer the gentleman a little later. Let me now call attention to what I do agree with in this message. On page 2, about halfway down, the President states:

> I believe also that the time has come for the Congress to enact legislation aimed at the prevention of profiteering in time of war and the equalization of the burdens of possible war. Such legislation has been studied for many years in this and previous Congresses.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 7 additional minutes to the gentleman from Wisconsin.

Mr. SAUTHOFF. The so-called Hill-Sheppard bill, unfortunately, does not meet this requirement. The original bill, S. 25, provided in section 9 that 95 percent of the war profits should be taxed by the Government in aid of the prosecution of the war. The unfortunate part of this provision was that it took the 3-year average prior to the war on which to base such a tax. Applying this provision to our experience in the World War, it would have been necessary to take the profits of the 3 prior years, 1916, 1915, and 1914.

Let me remind you that there were companies engaged in supplying munitions to Europe during those years which made as high as 4,500 percent profit a year. How much of a tax could you collect from them after we got into a war? You would not get a dime. It is my judgment, therefore, that we ought to use some other yardstick by which to levy taxes on war profits. I suggest that either we take the investment in the particular plant that we want to tax, or else that we take a fair and reasonable valuation of that plant and allow some reasonable profit like 5 percent or 6 percent. I would allow that profit for the reason that there are among the stockholders of many of the companies throughout the United States, widows and orphans, the sick and disabled, trust estates, and guardianships of those incompetent to take care of themselves, left by relatives in many instances who were seeking to give some security to those dependent upon them. These people would have to live; they would have to have an income. We should, therefore, provide some return for them. Let it be made at a low rate, but at a proper amount. I have no arbitrary figures in mind and would leave it to the proper committee to work out.

The present Hill-Shepard bill—I believe it is H. R. 6704—has no tax provision of any kind in it. It refers to the taxation of war profits by recommending that in the event of war Congress should tax war profits. What does that mean? Nothing. It taxes nothing and simply leaves the whole problem to some future Congress.

I agree with the President that we should pass a tax on war profits now and I want such a law now. The present bill should be sent back to committee and a real honest tax feature be inserted. The tragedy of this bill (H. R. 6704) is the fact that any tax amendment could be ruled out of order, because there is no such feature in the present bill. It would not be germane. I consulted with our Parliamentarian in regard to that point and he so advised me. Let us say we passed the bill and it then went to the Senate. That body cannot originate any tax legislation. So the Senate would be stopped from placing any tax provision in the bill and we would have a bill with nothing in it that would tax war profits.

It looks to me as though we are being rushed into something, and I for one am opposed to being hurried. I refuse to get panicky. I believe we should keep our feet on the ground, see clearly, and think clearly, and use at least a week, if not more, to debate the recommendations in this message, so that all phases of it may be clearly understood. I would like to remind you that during the World War, with all the facilities at our command, with the aid of the friendly nations—Great Britain and France—transports, and navies to assist, with an opportunity to land our men on a

friendly shore, the best we ever did in transporting troops was 300,000 men a month. How, then, could some nation invade us? It could not possibly be done unless there were a combination of four or five of the strongest and most powerful nations in the world. Let me point out also that naval authorities have advised us that a navy loses 40 percent of its efficiency after it has left its base 3,000 miles behind. Just imagine Japan trying to invade our coast after coming 6,000 miles. It could not be done.

I think we forget that 20 years ago there was exactly this same propaganda. Lectures, motion pictures, newspaper articles, radio talks and what not to lure our people into an understanding with some foreign powers. War scares are necessary and are being used. Incidents that rile the people are being spread on the front pages of our papers every day. Hate is being engendered so that our people may be aroused and want to fight. To get people to want to go to war, you must get them to hate violently enough. This is the old, old psychology and it is now being used. I urge everyone to go slowly. War is so inexorable. Once you get in, you cannot get out until the bitter end. Now is the time to reflect; now is the time to pass proper legislation. Now is the time to count the awful cost—not simply in money but in blood, in morals, in standards, yes, in democracy itself.

Twenty years ago you will remember that our country was flooded with lecturers and writers. Why, we have been approached in the House by foreigners who are coming over here to enlist our sympathies in their cause.

Mr. Chairman, why should we fight Great Britain's battles in the Far East? Our investment consists of only 6 percent of all the foreign investments in China. Great Britain's investment consists of 37½ percent of all the foreign investments in China. With her investment six times as great as ours, why should we step out into the front ranks and defend her possessions?

As far as I am concerned, I want it clearly understood, because I went through it 20 years ago and I expect to go through it again within the next 4 or 5 years, that I am opposed to involving this country in any war abroad and I would not consent to sending one single American boy to any war abroad. [Applause.]

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. PETTENGILL. Will the gentleman yield?

Mr. SAUTHOFF. I yield to the gentleman from Indiana.

Mr. PETTENGILL. Has the gentleman brought out the fact that the value of our investments in China is not greater than our chewing-gum bill in this country for 1 year?

Mr. SAUTHOFF. I heard Boake Carter say that in a speech the other night. I was glad he referred to it because if you think chewing gum is so valuable that you ought to get up an army of three or four million and send them 6,000 miles away, spending $50,000,000,000 to bring the war to a successful conclusion, killing men by the hundreds of thousands, the best young men in our Nation, then of course you will agree with this foreign propaganda, but I am opposed to it from beginning to end, lock, stock, and barrel. [Applause.]

Mr. PETTENGILL. The gentleman knows further we will end up with a totalitarian state in this country.

Mr. SAUTHOFF. That is correct.

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, today I introduced a joint resolution which provides that the thanks of the American people and the Congress of the United States are hereby tendered to Admiral Harry E. Yarnall, United States Navy, for his highly distinguished services as commander in chief of the Asiatic Fleet during the siege of Shanghai, China, and to the officers and men under his command for their unwavering devotion and heroic valor, following his lofty example and wise leadership.

Mr. Chairman, every Member of Congress, whether he approves the administration's foreign policy in the Far East or not, is extremely grateful to Admiral Yarnall for carrying out what he considered to be the desires of the American people. He has proven that the Navy has endeavored to keep peace rather than to make war. [Applause.]

Mr. ENGEL. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, I rise at this time to point out what I deem to be the most effective defense that America can have.

Everyone seems determined that we are about to have a war with somebody. I do not know who it is. I do not know of any country that is looking for trouble. However, if war is to come, I would like to be prepared.

You cannot be prepared for any war with a foreign government by building more battleships. If you doubt this statement, call up the War Department and get the record of what the major gunboats and battleships of this Nation did during the last war. If I were to advise the people of this country about preparing for war, I would suggest that we had better do something about the 12,000,000 who are now out of a job and want one. [Applause.]

About a year ago I predicted that if we pursued the course we were then pursuing, there would be more people out of employment in 1938 than there were in 1937. I want again to announce to the Congress that if we do not change our monetary policy in this country, which allows private organizations to control the money and credit of the Nation to the detriment of all, we will have more out of employment in 1939 than we have in 1938. We do not want to stop science or invention. We want to progress, and as we do more people year after year are going to find less employment.

We hear it often said if private business was not interfered with by the Government it could employ all those who are now unemployed. I want to make the assertion that if Congress exercised no control over the private corporations of this country at all, according to their own admission, they could employ no more than 3,000,000 of the 12,000,000 who are now out of employment. What does this mean? It means if we are to do anything for these other 9,000,000 people who are left out in the cold it cannot be expected that this will be done by the private concerns of the country. These people must be taken care of. What position are we in to defend ourselves or carry on any kind of a war with 12,000,000 people behind the lines looking for something to eat? We had better put our own house in order first and be ready. Never mind these battleships for a while. [Applause.]

Mr. Chairman, there must be some power in this Nation represented by the people, who have the freest Government on earth, that will provide work for these 12,000,000 people who are out of a job. On both sides of the aisle you must admit this afternoon you have not found the remedy. During the last 5 years you have spent $21,000,000,000, increasing the debt to that extent, to find a way out of the situation and put these people back to work, but you have more people out of a job now than when you started.

I remember well when I sat on a committee appointed by President Harding away back in 1920 or 1921. The members of the committee were alarmed at the fact that two and a half million people were out of a job. They were concerned and racked their brains to find means of putting the two and a half million people back to work. As we progress, under our theory of government, with the control of our money in the hands of private interests, and with improvement in science, the number of people out of employment is bound to increase every year.

If we keep to this theory of government and hold to this theory of administering the finances of this country, then it must be the duty of the Government itself to furnish employment. However, all we hear now in this Congress is to balance the Budget. I would much rather balance the

budget on the affairs of human life than balance the budget on the ledger. If these people are hungry or without homes or clothing, it ought to be the duty of this Government to find employment for them, and this employment must be necessary employment. It cannot be foolish employment. At one time men were sent from the Southern States into our State to show the people of North Dakota how to shoot jack rabbits. I believe they made a report to one of the administrators here in Washington, and they gave this alarming information, based on some scientific experiments they had made, that it was more difficult to shoot the jack rabbits in North Dakota than the timber rabbits in Arkansas.

What I mean by Government work is that it will be planned work of benefit to the people now and for all time to come. In the State of North Dakota, where the Government has spent nearly $500 on nearly every man, woman, and child in the drought area for relief during the last 4 or 5 years, this expense could all be stopped if we could get the men of the East and the men of the Central West to understand that with a little water out in the great western plains area along the Missouri River these people could take care of themselves.

The question may be asked what arrangements are being made now to provide water, and I will tell you all about it. There is a recommendation before this Congress that we provide money for an irrigation project in the State of Montana to take care of the people there who are hungry, but the program of North Dakota was left out, for the reason, it was said, that the report of the engineers had not yet been filed. However, since the recommendation was made to the Bureau of the Budget, that report of the engineers has been filed and is favorable. Nevertheless, unless we can put this amendment into the appropriation bill in this House, it will be the conclusion of the Congress that the people out there will get along without water, and as long as they do that, we will have to feed them, that is all, because when it does not rain they cannot raise crops.

What I want to present to the Congress this afternoon is that if you are so patriotic you want to defend this Government at all costs—and I suppose you do, because we always have done it—you must get the people at home ready for war before you start sending battleships 6,000 miles away to carry on a war with some foreign country. Get every man, woman, and child in this country to believe this Nation ought to be defended, and get them to love this country and not criticize it. No man or no woman is going to have the degree of love necessary for the last-ditch defense of this country if he cannot have a home of his own, or if he is hungry and ragged and driven from his home by the sheriff. We say, "Yes; we will build new houses in a home-building program." Why not let them live in the houses they have now, and not drive them out, instead of building more houses to be taken over by the Government?

The Farm Credit Administration states, "We do not exercise any policy of foreclosure or collection that is going to bring any harm to the people. If they have not raised any crop, we do not demand it." How many times have you called up and asked for the same thing, and every time the administrator says, "There is nothing to that story at all. We pursue a lenient policy of collection." However, I know differently and you know differently. I was out in the field last year. I have been at elevators in my own State where the men in charge wanted to take the last 15 bushels away from a farmer. I asked them what authority they had to hold up this grain, and I told them they ought to be ashamed of themselves that they demanded it. I found the local agent did have authority from the headquarters in Minneapolis. I chased down the road to Minneapolis to find out what authority they had for giving orders in the field to take the last bushel away from a distressed farmer, and I was shown letters to the effect that it was the policy of the Farm Credit Administration to make loans that were bankable. That is enough said.

This Administration here in the city of Washington is responsible for putting so many people on the relief rolls, because it demands its pound of flesh. I say to you and the people of this country, give them a chance to live, and give them homes of their own. Then, if anybody wants to come here to bring war upon this Nation, let him come. But we are in no shape for it now, with 12,000,000 hungry, starving people.

Build some more battleships, and what will we do with them after you build them? What did we do with them in the last war? We ran them up the Jim River in Virginia to keep them safe so the enemy could not find them. Is that what we want some more battleships for? I would defend this country as soon as anyone, but I am going to wait until somebody attacks us. I do not know who it may be and neither do you, but everybody in America seems to feel we are going to have war. Let us first settle our war at home, and then we can face the world. [Applause.]

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DRIVER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the District of Columbia appropriation bill, 1939 (H. R. 9131), had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 571) entitled "Joint resolution making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans."

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. GIBSON members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of executive papers in the Navy Department.

ADMINISTRATION OF THE SUGAR ACT OF 1937 AND CROP PRODUCTION AND HARVESTING LOANS

Mr. TAYLOR of Colorado submitted the following conference report and statement on the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, and 5, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SENATE

"That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for expenses of the Senate, namely:"

And the Senate agree to the same.

EDWARD T. TAYLOR,
C. A. WOODRUM,
CLARENCE CANNON,
JOHN TABER,
Managers on the part of the House.

ALVA B. ADAMS,
CARTER GLASS,
FREDERICK HALE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On No. 3: Appropriates $160,000, as inserted by the Senate, for expenses of inquiries and investigations of the Senate for the remainder of the fiscal year 1938.

On No. 4: Appropriates $30,000, as inserted by the Senate, for expenses of Senate kitchens and restaurants for the fiscal year 1938.

On Nos. 1, 2, and 5: These amendments are technical amendments incidental to the insertion of amendments Nos. 3 and 4. The House agrees to amendments Nos. 1 and 5 and agrees to amendment No. 2 with a perfecting amendment.

EDWARD T. TAYLOR,
C. A. WOODRUM,
CLARENCE CANNON,
JOHN TABER,
Managers on the part of the House.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on House Joint Resolution 571.

Mr. HOOK. Reserving the right to object, what is this appropriation?

Mr. TAYLOR of Colorado. This is an appropriation to pay the sugar growers an amount of money that is in the Treasury for this purpose, and there is also a provision for making some additional crop loans.

Mr. HOOK. What is the amount of the appropriations involved?

Mr. TAYLOR of Colorado. Thirty-nine million seven hundred and fifty thousand dollars for the payments in connection with sugar and $34,000,000 for the small crop loans.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the conference report.

The conference report was agreed to.

A motion to reconsider the vote by which the conference report was agreed to was laid on the table.

GENERAL PERMISSION TO EXTEND REMARKS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill H. R. 9181, the District of Columbia appropriation bill, and those who may speak hereafter on that bill may be given 5 legislative days within which to extend their own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MEMBERSHIP OF STANDING COMMITTEES

Mr. McCORMACK. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the following-named Members be, and they are hereby, elected members of the standing committees of the House of Representatives, as follows:

Military Affairs, JOHN J. SPARKMAN, Alabama.
Interstate and Foreign Commerce, JAMES L. QUINN, Pennsylvania.
Rivers and Harbors, PHIL FERGUSON, Oklahoma.
Roads, ALFRED J. ELLIOTT, California.
Patents, GOMER SMITH, Oklahoma.

The resolution was agreed to.

A motion to reconsider the vote by which the resolution was agreed to was laid on the table.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignations from committees of the House:

JANUARY 27, 1938.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Elections No. 2.

Respectfully,

A. J. ELLIOTT.

JANUARY 27, 1938.

The Honorable WILLIAM B. BANKHEAD,
Speaker, House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Owing to my appointment as a member of the Interstate and Foreign Commerce Committee of the House, I hereby tender my resignation as a member of the Flood Control, Expenditures in the Executive Departments, and the District of Columbia Committees of the House.

Sincerely,

JAMES L. QUINN.

The resignations were accepted.

SHOSHONE POWER PLANT

Mr. FERGUSON. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill (H. R. 3786) providing for the allocation of net revenues of the Shoshone power plant of the Shoshone reclamation project in Wyoming.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EXTENSION OF REMARKS

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to place in the RECORD the historical speech made last Sunday by the Honorable Harold L. Ickes before the United Palestine Appeal Convention held here in Washington.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DOXEY. Mr. Speaker, on January 14, 1938, my colleague the gentleman from Mississippi [Mr. RANKIN] secured unanimous consent to insert some remarks in the RECORD. Since that time he has been taken ill and has asked me to request unanimous consent that the statement which he made before the Committee on Rivers and Harbors may be permitted to be included in the unanimous-consent request heretofore granted.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a radio address delivered by me on last Saturday evening, January 22.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BREWSTER. Mr. Speaker, the other day I was granted permission by unanimous consent to insert in the RECORD a speech by Mr. Boake Carter. I find it runs over the two-page limitation. I have submitted it to the Public Printer, and he estimates it will be one-half page additional. I therefore ask unanimous consent to have it incorporated in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. O'NEILL of New Jersey, for Monday, to attend the funeral of the late Congressman Kenney.

To Mr. PATRICK, on account of illness in his family.

ADJOURNMENT

Mr. COLLINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 53 minutes p. m.), in accordance with its previous order, the House adjourned until Monday, January 31, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Monday, January 31, 1938, at 10 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. McGEHEE's Subcommittee on Judiciary of the District of Columbia Committee will meet at 10:30 a. m. Monday, January 31, 1938, in room 345, House Office Building, to consider S. 1835.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, February 1, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Railroad interests will be heard.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Tuesday, February 1, 1938, at 10 a. m. on H. R. 8344, a bill relating to the salmon fishery of Alaska.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m. on the following bills:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels; and

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:15 a. m. Tuesday, February 1, 1938, to resume hearings on H. R. 9016, Washington Airport bill. Caucus room, House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m. Wednesday, February 2, 1938, in room 445, House Office Building, for the public consideration of H. R. 7780.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Monday, January 31, 1938, at 10:30 a. m., for the consideration of building program and personnel legislation for the Navy. Very important.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 3 of the Committee on the Judiciary at 10:30 a. m. Wednesday, February 16, 1938, in the committee room 346, House Office Building, on the bill H. R. 8339, providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1047. A communication from the President of the United States, transmitting a supplemental estimate of regular appropriation amounting to $125,000 and two supplemental estimates of permanent indefinite appropriations amounting to $375,000 for the Department of the Interior, fiscal year 1939 (H. Doc. No. 511); to the Committee on Appropriations and ordered to be printed.

1048. A communication from the President of the United States, transmitting a supplemental estimate of appropriation amounting to $50,000 for the United States Constitution Sesquicentennial Commission for the fiscal year 1938, together with a provision for the appropriation of receipts for the sale of publications and other material as authorized by section 2 of the act of August 19, 1937 (H. Doc. No. 512); to the Committee on Appropriations and ordered to be printed.

1049. A letter from the Secretary, United States Maritime Commission, transmitting a report of the United States Maritime Commission for the period ended October 25, 1937; to the Committee on Merchant Marine and Fisheries.

1050. A letter from the Secretary of Commerce, transmitting the draft of a proposed bill to amend the act of March 4, 1915, as amended, the act of June 23, 1936, section 4551 of the Revised Statutes of the United States, as amended, and for other purposes; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 1651. An act to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California," approved May 18, 1928 (45 Stat. 602); with amendment (Rept. No. 1736). Referred to the Committee of the Whole House on the state of the Union.

Mr. LARRABEE: Committee on Education. H. R. 9042. A bill to amend section 2 of the act to incorporate the Howard University; without amendment (Rept. No. 1737). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr RYAN: Committee on Claims. H. R. 5623. A bill for the relief of Victor Engstrand, father of Darwin Engstrand, a minor; with amendment (Rept. No. 1724). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 7500. A bill for the relief of Shelba Jennings; with amendment (Rept. No. 1725). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 7639. A bill for the relief of Al D. Romine and Ann Romine; with amendment (Rept. No. 1726). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 8376. A bill for the relief of James D. Larry, Sr.; without amendment (Rept. No. 1727). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 9198. A bill for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; without amendment (Rept. No. 1728). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. S. 112. An act for the relief of O. W. Waddle; with amendment (Rept. No. 1729). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. S. 181. An act for the relief of Lowrenza D. Johnston; with amendment (Rept. No. 1730). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. S. 284. An act for the relief of Clear Creek Mountain Springs, Inc.; without amendment (Rept. No. 1731). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. S. 1448. An act for the relief of the Northeastern Piping & Construction Corporation, of North Tonawanda, N. Y.; without amendment (Rept. No. 1732). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. S. 2022. An act for the relief of Lt. V. Balletto and others; with amendment (Rept. No. 1733). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. S. 2378. An act for the relief of Sam Green; with amendment (Rept. No. 1734). Referred to the Committee of the Whole House.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 8569. A bill for the relief of Filiberto A. Bonaventura; without amendment (Rept. No. 1735). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9119) granting an increase of pension to Ebb Hundley, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PIERCE: A bill (H. R. 9217) authorizing the Secretary of War to convey to the Port of Cascade Locks, Oreg., certain lands for municipal purposes; to the Committee on Military Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 9218) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes; to the Committee on Naval Affairs.

By Mr. WALTER: A bill (H. R. 9219) to provide for the transfer of enlisted men of the Coast Guard to the Fleet Naval Reserve; to the Committee on Merchant Marine and Fisheries.

By Mr. FORAND: A bill (H. R. 9220) to authorize the Secretary of the Navy to proceed with certain improvements at the Naval Torpedo Station, Newport, R. I.; to the Committee on Naval Affairs.

By Mr. O'BRIEN of Illinois: A bill (H. R. 9221) to authorize the erection of additional facilities at the existing Veterans' Administration Facility, Hines, Ill.; to the Committee on World War Veterans' Legislation.

By Mr. WALTER: A bill (H. R. 9222) to provide for the prompt imposition of sentence in criminal cases; to the Committee on the Judiciary.

By Mr. TOLAN: A bill (H. R. 9223) to amend the act entitled "An act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes," approved August 27, 1935 (Public, No. 351, 74th Cong.), and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. SWEENEY: A bill (H. R. 9224) to promote substitute clerks and carriers; to the Committee on the Post Office and Post Roads.

By Mr. BLAND: A bill (H. R. 9225) to amend section 3 of the act of May 27, 1936 (49 Stat. 1381), entitled "An act to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a Marine Casualty Investigation Board and increase efficiency in administration of the steamboat inspection laws, and for other purposes"; to the Committee on Merchant Marine and Fisheries.

By Mr. MAY (by request): A bill (H. R. 9226) to amend the act of March 9, 1928, authorizing appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. RANDOLPH: A bill (H. R. 9227) to amend an act entitled "An act to authorize boxing in the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

By Mr. SCRUGHAM: A bill (H. R. 9228) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936; to the Committee on Flood Control.

By Mr. McSWEENEY: A bill (H. R. 9229) to authorize the erection of a United States Veterans' Administration hospital in the northern section of the State of Ohio; to the Committee on World War Veterans' Legislation.

By Mr. GREEN: Joint resolution (H. J. Res. 578) to create a joint congressional committee to investigate certain racial problems; to the Committee on Rules.

By Mrs. ROGERS of Massachusetts: Joint resolution (H. J. Res. 579) tendering the thanks of the American people and the Congress of the United States to Admiral Harry E. Yarnall, United States Navy, commander in chief of the Asiatic Fleet, and to the officers and men under his command; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 9230) granting an increase of pension to Mary E. Beaton; to the Committee on Pensions.

By Mr. BARRY: A bill (H. R. 9231) for the relief of Gladys Faughnan Holden, guardian; to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 9232) for the relief of W. C. and James Latane; to the Committee on Claims.

By Mr. ECKERT: A bill (H. R. 9233) granting an increase of pension to Clara Hammond; to the Committee on Invalid Pensions.

By Mr. GINGERY: A bill (H. R. 9234) granting an increase of pension to Almena Gingher; to the Committee on Invalid Pensions.

By Mr. JACOBSEN: A bill (H. R. 9235) granting a pension to Martha J. Padgett; to the Committee on Invalid Pensions.

By Mr. KNIFFIN: A bill (H. R. 9236) for the relief of Floyd Elton; to the Committee on Claims.

By Mr. McSWEENEY: A bill (H. R. 9237) granting an increase of pension to Emma Wiley; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 9238) granting a pension to Stella Billings; to the Committee on Invalid Pensions.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 9239) for the relief of George H. Lowe, Jr.; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 9240) for the relief of Truman Baker and Adele Dashnaw; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9241) granting pensions to Martha Baker Mitchell and Patsy Pendleton Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 9242) granting an increase of pension to Luchen N. Patterson; to the Committee on Pensions.

By Mr. TEIGAN: A bill (H. R. 9243) for the relief of Harold G. Haines; to the Committee on Pensions.

Also, a bill (H. R. 9244) for the relief of Kenneth A. Bixler; to the Committee on Pensions.

Also, a bill (H. R. 9245) for the relief of the parents of Leonard Bjork; to the Committee on Claims.

Also, a bill (H. R. 9246) for the relief of Anton Maurice Sorenson; to the Committee on Pensions.

By Mr. THURSTON: A bill (H. R. 9247) for the relief of Minnie Belle Kendall; to the Committee on Claims.

By Mr. VINSON of Georgia: A bill (H. R. 9248) for the relief of Mamie Marshall; to the Committee on Claims.

Also, a bill (H. R. 9249) for the relief of Joseph Wheeler; to the Committee on Military Affairs.

By Mr. WENE: A bill (H. R. 9250) granting an increase of pension to Maria E. Perry; to the Committee on Invalid Pensions.

By Mr. WHITE of Idaho: A bill (H. R. 9251) for the relief of Coy L. Collins; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3898. By Mr. ALESHIRE: Memorial of the General Assembly of the State of Ohio, special session, 1937–38, memorializing Congress to adopt the Uniform Service Act (H. R. 6704) now pending before that body; to the Committee on Ways and Means.

3899. Also, memorial of the General Assembly of the State of Ohio, special session, 1937–38, memorializing Congress to enact a uniform wage and hour law; to the Committee on Labor.

3900. By Mr. ANDREWS: Resolution adopted by the City Council of Niagara Falls, N. Y., urging enactment of legislation to improve the airport facilities throughout the United States; to the Committee on Interstate and Foreign Commerce.

3901. By Mr. ASHBROOK: Petition of E. B. Babbitt and 23 citizens of Newark, Ohio, urging passage of House bill 4797; to the Committee on Ways and Means.

3902. By Mr. COFFEE of Washington: Resolution of the Typographical Union, No. 170; International Brotherhood of Electrical Workers Union, No. 1086; and International Brotherhood of Electrical Workers Union, No. 483, all of Tacoma, Wash., demanding that the United States Government insist on all foreign lumber coming into the United States being plainly marked with the country of origin and that any such lumber not so marked be denied entry; to the Committee on Ways and Means.

3903. By Mr. FITZPATRICK: Petition of the Military Order of the Purple Heart, Inc., Department of New York, urging recognition of their order in the proportionate distribution of the so-called Stars and Stripes fund of the sum of $294,852.97; to the Committee on the Judiciary.

3904. Also, petition of the United Association of Journeymen Plumbers and Steam Fitters, Local No. 86, Mount Vernon, N. Y., urging the passage of the housing bill in order to stimulate construction of buildings; to the Committee on Banking and Currency.

3905. By Mr. HILDEBRANDT: Petition of citizens of Perkins County, S. Dak., requesting adequate relief and Federal Government aid; to the Committee on Ways and Means.

3906. By Mr. JACOBSEN: Resolution adopted by the American Legion at their national convention in New York City in September 1931, providing that Federal-aid payments to States or Territorial soldiers' homes should be increased from $120 to $240 per capita per annum; provided, that in no event should the sum paid exceed one-half of the per capita cost of maintaining the veteran in the State or Territorial soldiers' home; to the Committee on World War Veterans' Legislation.

3907. By Mr. KNIFFIN: Petition of W. G. Reich and others, protesting against the passage of Senate bill 69; to the Committee on Interstate and Foreign Commerce.

3908. By Mr. LAMNECK: Resolution of the National Leather Fibre Conference, Boston, Mass., and Columbus, Ohio, protesting against the passage of Senate bill 69, the train-length bill; to the Committee on Interstate and Foreign Commerce.

3909. By Mr. MEAD: Petition of the Lackawanna Joint Unemployment Committee, of Lackawanna, N. Y., urging enactment of the Allen-Schwellenbach proposal to provide $3,000,000,000 for relief work; to the Committee on Appropriations.

3910. By Mr. REED of Illinois: Petition signed by Anton Verbic and 82 other residents of Aurora, Ill., requesting favorable action on wage and hour legislation; to the Committee on Labor.

3911. Also, petition signed by Mr. and Mrs. Lester Sidebottom and 27 other residents of Aurora, Ill., requesting favorable action on House bill 8782; to the Committee on Military Affairs.

SENATE

MONDAY, JANUARY 31, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, January 28, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. As the business of the day makes necessary the presence of a quorum, I ask that the roll be called in order to secure one.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Colo.	Pittman
Andrews	Davis	King	Pope
Ashurst	Dieterich	La Follette	Radcliffe
Austin	Donahey	Lee	Reynolds
Bailey	Duffy	Lewis	Russell
Bankhead	Ellender	Lodge	Schwartz
Barkley	Frazier	Logan	Schwellenbach
Bilbo	George	Lonergan	Sheppard
Bone	Gerry	Lundeen	Smathers
Borah	Gillette	McAdoo	Smith
Bridges	Glass	McGill	Steiwer
Brown, Mich.	Guffey	McKellar	Thomas, Okla.
Brown, N. H.	Hale	McNary	Thomas, Utah
Bulkley	Harrison	Maloney	Townsend
Bulow	Hatch	Miller	Tydings
Byrd	Hayden	Minton	Vandenberg
Byrnes	Herring	Murray	Van Nuys
Capper	Hill	Neely	Wagner
Caraway	Hitchcock	Norris	Walsh
Chavez	Holt	Nye	Wheeler
Clark	Hughes	O'Mahoney	
Connally	Johnson, Calif.	Overton	

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent. I ask to have this announcement stand for the day.

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] is absent from the Senate because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Nebraska [Mr. BURKE], the Senator from Florida [Mr. PEPPER], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from Nevada [Mr. MCCARRAN] has been called to his State on official business.

The Senator from New Jersey is absent attending the funeral of the late Representative Kenney.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

SENATOR FROM OREGON—FREDERICK STEIWER

The VICE PRESIDENT laid before the Senate a letter from the junior Senator from Oregon [Mr. STEIWER], which was read, and, with the accompanying paper, ordered to lie on the table, as follows:

UNITED STATES SENATE,
January 31, 1938.

The Honorable JOHN NANCE GARNER,
Vice President of the United States, Washington, D. C.

MY DEAR MR. PRESIDENT: Inclosed herewith please find copy of letter to the Governor of Oregon presenting my resignation from the office of United States Senator. As indicated in the letter this resignation is effective January 31, 1938.

May I take advantage of this opportunity to express my deep appreciation for the many courtesies which I have received from your office and for the consideration which has uniformly been extended to me by the United States Senate.

With assurances of highest esteem, I am,

Respectfully yours,

FREDERICK STEIWER.

[Copy]

JANUARY 24, 1938.

The Honorable CHARLES H. MARTIN,
Governor of Oregon, Salem, Oreg.

DEAR GOVERNOR MARTIN: I hereby resign from the office of United States Senator, this resignation to be effective January 31, 1938.

I will be indebted if you will advise my successor that if I can be of assistance in the organization and performance of his work in behalf of the State of Oregon, I will be completely at his service.

With assurances of highest esteem, permit me to remain,

Respectfully yours,

FREDERICK STEIWER.

The VICE PRESIDENT also laid before the Senate a telegram from the Governor of Oregon, which was ordered to lie on the table and to be printed in the RECORD, as follows:

[Postal telegram]

SALEM, OREG., *January 29, 1938.*

Hon. JOHN NANCE GARNER,
Vice President of the United States and
President of the United States Senate:

I am today appointing Hon. ALFRED EVAN REAMES, of Medford, Oreg., United States Senator for Oregon, effective February 1, vice Steiwer resigned.

CHARLES H. MARTIN, *Governor.*

Mr. McNARY. Mr. President, I desire to occupy only a moment during the routine business of the day to announce that my colleague, Hon. FREDERICK STEIWER, junior Senator from Oregon, leaves this Chamber today after 11 years of faithful service to his country and his State. I regret his going. A man of great capacity, splendid character, and judicial poise, he embraces all the characteristics that go to make a successful and distinguished legislator. In the early days his parents followed the rugged western road, and became pioneers in Oregon not far distant from the place where my forefathers settled. He worked diligently to procure for himself an education in the common and highest schools of the State. I have regret close akin to grief when I recall that this is his last day of service in this body.

Mr. SCHWELLENBACH. Mr. President, I desire to join the Senator from Oregon [Mr. MCNARY] in expressing my regret at the departure from this body of the junior Senator from Oregon [Mr. STEIWER].

Representing as I do a neighboring State to the State of Oregon, I have been privileged on many occasions to have the cooperation of Senator STEIWER in considering and working on the problems of the Pacific Northwest. While we may have disagreed on general political matters and questions of a general economic nature, I always found that in the consideration of the problems in which we were mutually interested in the Pacific Northwest there was not even a strain of partisanship in Senator STEIWER's nature. There was full cooperation, and I am sure that on behalf of the people of my State I may say that we in the Pacific Northwest are sorry to have lost the services of Senator STEIWER.

Mr. COPELAND. Mr. President, the Senator from Washington [Mr. SCHWELLENBACH] has just spoken of the devotion of the Senator from Oregon [Mr. STEIWER] to the interests of the great Northwest. As a Senator who lives on the Atlantic seaboard, I have noted with pleasure that the Oregon Senator's activities have not been confined at all to his own locality; that he has had a breadth of vision as wide as the Nation.

I served with the Senator from Oregon in the Appropriations Committee. During the years that we were together there I noted with increasing interest and admiration the ability and capacity of this fine man. He is serious, earnest, devoted, and studious. He has an analytical mind, and a way of looking into the very depths of every question which arises.

I think the retirement of Senator STEIWER is in a sense a national calamity, because he is nationally minded. We shall miss him. I hope he may have in the return to his profession as great success as he has had in his senatorial service. I wish for his charming wife happiness and contentment in the new undertaking.

Mr. KING. Mr. President, I am glad to join with my brethren who have expressed their appreciation of the valuable and important services rendered by the Senator from Oregon [Mr. STEIWER] during the years he has served in this body. I associate myself with them in expressing profound regret that the Senator has felt constrained to resign from the Senate of the United States.

It was my pleasure and privilege to serve with him for a number of years when he was a member of the Senate Judiciary Committee. He was an indefatigable worker and one of the ablest and most efficient members of that committee. He brought to the consideration of the many legal questions there presented a mind well trained in the law, and a sound judgment upon the numerous judicial and other questions with which the committee had to deal. There was no more earnest, faithful, and able member of the committee than the Senator from Oregon.

Senator STEIWER was a member of other important committees, and took an important part in the most important measures that were brought to the consideration of the Senate during his entire service in this body. The Senator from New York [Mr. COPELAND] has just demonstrated that Senator STEIWER is nationally minded. I concur in the thought that the Senator was not provincial and interested only in local matters, but that he addressed himself to the great questions affecting our Nation as a whole. I wish, however, to emphasize the fact that he was also, if I may use the expression, State-minded. He demonstrated his belief in our form of government, in the rights of the States and the rights of individuals. He believed that under our form of government the States had rights and powers of which they should not be deprived, and that the Federal Government was one of limited and enumerated powers.

Few men have come to the Senate with the fine, well-rounded, and well-balanced judgment possessed by our friend who will soon leave us. The State of Oregon has always been represented by men of distinction, courage, and ability; and Senator STEIWER has maintained the high standard of his State, and added to its prestige and honor.

The Senate is losing one of its ablest Members, but he leaves with the friendship and high regard of every Member of this body.

Mr. BULKLEY. Mr. President, having been very closely associated with Senator STEIWER in the work of the Banking and Currency Committee, I desire to add my word of tribute to his public service. In the work of that committee he was always diligent, tireless, patriotic, always attending to his duty on the committee, always rising above considerations of partisanship. I am sorry, as I am sure every Member of this body must be sorry, to have him leave us.

Mr. MCKELLAR. Mr. President, I wish to express my very great regret at the retirement of Senator STEIWER. Practically ever since he has been in the Senate, he has been a member of the Appropriations Committee, of which I also happen to be a member; and no Senator has rendered better service, more conscientious service, or indeed greater service to the Government and to the people, than has Senator STEIWER in all his work on that committee. He has been uniformly courteous. He has met, most intelligently, the questions which came before him. He has not only a wide knowledge of the law, but great ability; and it has been a very, very great pleasure to serve with him on the committee. He has made an ideal Senator and I very much regret to see him retire from the Senate. Our personal and official relations have at all times been most cordial and pleasant, and it is a source of real regret to see him leave. I wish for him every success and prosperity and happiness.

Mr. MCADOO. Mr. President, I desire to join in an expression of appreciation of my warm personal friend and colleague, the junior Senator from Oregon [Mr. STEIWER]. I have had the privilege of serving with him on two of the important committees of the Senate—the Committee on Banking and Currency and the Committee on Appropriations. In each of those committees he has brought to the discussion of every question a fine and penetrating intelli-

gence, and he has uniformly made contributions of genuine value to the country in the work he has done. He has a delightful and pleasing personality, and he has not been what I call a rank partisan. In the discussion of important questions, he has considered them more from the national than from the partisan standpoint. He is a man of true senatorial quality. He has exemplified the best traditions of the Senate. Not only in his personal characteristics but in his statesmanlike treatment of questions which have arisen upon the floor of the Senate, he has proved himself to be one of the ablest men in this body. I regret extremely that we are to lose him as a Member of the Senate. I desire to express my earnest hope for his continued happiness and prosperity.

Mr. BARKLEY. Mr. President, I should not like to let the moment pass without adding just a word to what has already been said with reference to the Senator from Oregon [Mr. STEIWER].

Since I have been a Member of the Senate I have served with him on standing committees and also on special committees; and I have always found him to be not only diligent and industrious, but willing to indulge in what many of us often seek to avoid—attention to details of legislation, and investigations looking to legislation.

Senator STEIWER has been of valuable assistance in framing legislation of importance during the past few years. He has always maintained toward his colleagues courtesy and respect, and a willingness to be helpful in every possible way. I regret his departure from the Senate, and I wish for him the greatest possible success in private life, which he has now chosen.

Mr. BONE. Mr. President, I wish to add just a word concerning our colleague, Senator STEIWER, whom I have known in an intimate and friendly way for a number of years. I think I express what is in the heart of every one here, and that is a great regret that he felt impelled to leave this body.

One contribution which Senator STEIWER made which I consider particularly valuable to the people of his section of the country was the work he did on the Bonneville bill. In the years to come, that great project is going to operate under the act which Senator STEIWER helped to shape, and it will bring cheer and comfort into the homes of thousands of people in his own State.

I am sorry to see Senator STEIWER leave this body. He has rendered a real contribution to it while he has been a Member.

Mr. POPE. Mr. President, I desire to pay my tribute of respect to Senator STEIWER, who has resigned.

Senator STEIWER lives at Pendleton, Oreg., in the eastern part of that State. I live in the western part of Idaho. I have found Senator STEIWER to be a fine friend of the Northwest; and his cooperation with us in the problems peculiar to the Northwest, particularly our reclamation problems, has been hearty and entirely satisfactory.

Realizing, as he does, the close relationship of Oregon to Idaho, I think every time I have met him during the last 5 years he has called me "neighbor." I have a very kindly and friendly feeling to our neighbor from just across the line in Oregon, and I join with the other Senators in expressing my regret at his leaving this body, and in this expression I reflect the the feeling of our people in Idaho.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop-production and harvesting loans.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 571) making appropriations available for administration of the Sugar Act of 1937 and for crop-production and harvesting loans, and it was signed by the Vice President.

PUBLIC LANDS IN ALASKA FOR SCHOOLS, HOSPITALS, ETC.

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the withdrawal and reservation of small tracts of the public domain in Alaska for schools, hospitals, and other purposes, which, with the accompanying paper, was referred to the Committee on Public Lands and Surveys.

REPORT OF CAPITAL TRANSIT CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Capital Transit Co., transmitting, pursuant to law, a report covering the operations of the company for the calendar year 1937, with balance sheet as of December 31, 1937, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORT OF WASHINGTON GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Washington Gas Light Co., transmitting, pursuant to law, a detailed statement of the business of the company, together with a list of stockholders, for the year ended December 31, 1937, which, with the accompanying papers, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from Francisco Agosto, of Ponce, P. R., praying for the prompt enactment of legislation granting increased pensions to veterans of the Spanish War, which was referred to the Committee on Pensions.

He also presented telegrams in the nature of petitions from several citizens of New York City, N. Y., praying for the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, which were ordered to lie on the table.

He also laid before the Senate resolutions adopted by the Attucks and Consolidated Clubs, of New York City; the Industrial Labor Union Council, of Seattle, Wash.; and Local No. 9, National Research Project, United Federal Workers of America, of Philadelphia, Pa., protesting against alleged filibustering in the Senate in connection with the consideration of the antilynching bill, and favoring the enactment of that bill, which were ordered to lie on the table.

He also laid before the Senate a resolution adopted by the Houston (Tex.) Exchange Club, protesting against the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by the mayor and Common Council of the City of Niagara Falls, N. Y., favoring the enactment of legislation providing funds to enable the Department of Commerce to immediately effectuate a national airport development program under a Federal-aid plan, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the Onondaga County Petroleum Industries Committee, Syracuse, N. Y., favoring the enactment of legislation to eliminate Federal gasoline and lubricating taxes, which was referred to the Committee on Finance.

He also presented the petition of members of the Women's Home Missionary Society of the First Methodist Church of New Rochelle, N. Y., praying for the enactment of legislation to abolish the compulsory block booking and blind selling of motion-picture films, which was referred to the Committee on Interstate Commerce.

Mr. CHAVEZ presented a letter from Clarence Denet Claw, of Nava, N. Mex., relative to conditions on the Navajo Indian

Reservation, which was referred to the Committee on Indian Affairs.

He also presented the petition of Charles A. Reynolds, past department commander, and sundry other ex-service men and women of Bernalillo County, Albuquerque, N. Mex., praying for the enactment of the bill (H. R. 5030) granting pensions and increases of pensions to certain soldiers, sailors, and nurses of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes, which was referred to the Committee on Pensions.

He also presented a resolution adopted by the Associated Contractors of New Mexico at Santa Fe, N. Mex., favoring the enactment of the bill (H. R. 8838) to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Associated Contractors of New Mexico at Santa Fe, N. Mex., favoring the enactment of the bill (H. R. 4594) to amend the Revenue Act of 1936 with respect to the surtax on undistributed profits, which was referred to the Committee on Finance.

THE BUSINESS RECESSION—PETITION

Mr. AUSTIN presented a petition of sundry mercantile and manufacturing companies of Bennington, Vt., and vicinity, which was referred to the Committee on Finance and ordered to be printed in the RECORD, with the signatures attached, as follows:

To the President and the Members of the United States Congress, Washington, D. C.:

The mercantile and manufacturing establishments in Bennington, Vt., and vicinity, whose welfare affects the livelihood of over 10,000 persons, are deeply concerned over the present business recession and believe that certain executive and legislative action on the part of the Federal Government is necessary to correct this situation.

We join with other communities who have already written you in urging early and earnest consideration of the following:

First. That the undistributed-profits tax should be immediately repealed and that laws designed to raise the necessary funds for the maintenance of the Government be carefully considered in the light of recent experience and the likely effect upon economic conditions and the state of the public mind and public confidence.

Second. That the Government policy toward public utilities be such as to encourage the immediate expenditure of the large sums of money required to rehabilitate and afford the requisite expansion of these important agencies of community welfare.

Third. That the Government stop its competition with private business, which has discouraged private enterprise and investment, which are the foundations of increased employment and economic welfare.

Fourth. That emergency expenditures be confined to essentials for relief and reduction in Government costs be effected to revive confidence, eliminate necessity of additional taxation, and move directly toward balancing the Federal Budget.

Fifth. That the effect of the existing capital-gains tax upon business cycles should be carefully considered.

Sixth. That any Federal wage and hour legislation be adopted only with solemn consideration of its effect upon present economic conditions and future opportunities for a resumption of the widest possible measure of profitable employment.

We hope that the accomplishment of this program may not suffer delay in view of the country-wide recession in business. Our interest in these matters is intensified by the realization that the livelihood of a substantial number of our fellow citizens is dependent upon the welfare of the establishments we represent.

The Allen-A Co., E. J. Hansen, vice president; E-Z Mills, Inc., H. L. Hall, second vice president and plant manager; Bennington Wax Paper Co., D. C. Hurlburt, treasurer; W. T. Barratt, president, Charles Cooper Co., Inc.; John J. Hayes, treasurer, Charles Cooper Co., Inc.; H. E. Bradford, president, The H. E. Bradford Co., Inc.; D. J. Keeler, treasurer, The H. E. Bradford Co., Inc.; Bennington Hosiery Co., E. W. Dewey, treasurer; Holden Leonard Co., Inc., Theo. L. Thomas, secretary; Lee C. Warner, president, Warner Manufacturing Co.; Edgar C. Joly, president, Bennington Brush Co., Inc.; Bottum & Torrance Co., A. L. Bottum, president; Catamount Manufacturing Co., A. L. Bottum, president; Fillmore & Slade, John F. McKeon, manager; H. T. Cushman Manufacturing Co., Wm. C. H. Cushman, treasurer; A. H. Winslow, Inc., A. H. Winslow, president; Henry M. Tuttle Co., Fred Stickles, partner; Edw. L. Sibley Manufacturing Co., Inc.; E. L. Sibley, president; Vermont Gravure & Lithographic Corporation, North Bennington, O. Weibben, president; Eagle Square Manufacturing Co., A. C. Dunham, manager.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 3336) to amend the law relating to the naturalization of aliens within 30 days preceding a general election; to the Committee on Immigration.

A bill (S. 3337) to amend section 2 of the act entitled "An act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes," approved May 22, 1917, as amended, to increase the authorized percentage of privates, first class, in the Marine Corps from 25 to 50 percent of the whole number of privates;

(By request.) A bill (S. 3338) to provide for the reinstatement of Frederick Krupp in the United States Naval Academy; and

(By request.) A bill (S. 3339) for the relief of Lt. (Jr. Gr.) Svend J. Skou, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. CHAVEZ:

A bill (S. 3340) authorizing the Secretary of Agriculture to convey a certain tract of land to Pete Alaniz; to the Committee on Agriculture and Forestry.

A bill (S. 3341) for the relief of the Fulwiler Motor Co.; to the Committee on Claims.

By Mr. CHAVEZ and Mr. McADOO:

A bill (S. 3342) to authorize the construction and operation of a radio broadcasting station designed to promote friendly relations among the nations of the Western Hemisphere; to the Committee on Interstate Commerce.

By Mr. NYE:

A bill (S. 3343) to amend clause (4b) of subsection (b) of section 203 of the Motor Carrier Act, 1935; to the Committee on Interstate Commerce.

By Mr. GILLETTE:

A bill (S. 3344) to extend the time for filing claims for refund of amounts paid as tax under the Agricultural Adjustment Act; to the Committee on Finance.

A bill (S. 3345) to amend the antitrust laws; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 3346) authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and interpreter of the Klamath General Council, members of the Klamath business committee and other committees appointed by said Klamath General Council, and official delegates of the Klamath Tribe; to the Committee on Indian Affairs.

By Mr. CONNALLY:

A bill (S. 3347) granting a pension to S. H. Henderson; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3348) for the relief of Gibson Taylor;

A bill (S. 3349) to amend the National Defense Act of June 3, 1916, as amended, by reestablishing the Regular Army Reserve, and for other purposes; and

A bill (S. 3350) to amend the act of March 9, 1928, authorizing appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 3351) to amend the act of March 4, 1915, as amended, the act of June 23, 1936, section 4551 of the Revised Statutes of the United States, as amended, and for other purposes; to the Committee on Commerce.

By Mr. LEE:

A bill (S. 3352) for the relief of W. Cooke; to the Committee on Indian Affairs.

A bill (S. 3353) for the relief of Hugh H. Monroe; to the Committee on Military Affairs.

By Mr. OVERTON:

A bill (S. 3354) to amend the act entitled "An act to amend the act entitled 'An act for the control of floods on

the Mississippi River and its tributaries, and for other purposes,' approved May 15, 1928," approved June 15, 1936; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 3355) to amend subsection (c) of section 3 of the act entitled "An act to revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy," approved June 12, 1934, as amended, to authorize the Postmaster General to grant limited extensions to air-mail routes at any points thereon; to the Committee on Post Offices and Post Roads.

AMENDMENTS TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. NORRIS submitted amendments proposing to increase the appropriation for salaries and expenses of the Rural Electrification Administration from $1,587,000 to $1,650,000, and also to increase the appropriation for loans under the same Administration from $30,000,000 to $40,000,000, intended to be proposed by him to House bill 8837, the independent offices appropriation bill, 1939, which were ordered to lie on the table and to be printed.

AMENDMENT TO TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 8947, the Treasury and Post Office Departments appropriation bill, 1939, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill, insert the following:

"SITE AND BUILDING OR BUILDINGS, WAR DEPARTMENT, WASHINGTON, D. C.

"War Department: For site and construction of building or buildings for the War Department, such building or buildings to be located on the area bounded by Twenty-first, Twenty-third, C and E Streets NW., in the District of Columbia, $3,000,000, within a total limit of cost of $26,000,000."

AMENDMENTS TO NAVAL APPROPRIATION BILL

Mr. BONE submitted amendments intended to be proposed by him to House bill 8993, the naval appropriation bill, 1939, which were ordered to lie on the table and to be printed, as follows:

On page 41, between lines 3 and 4, insert the following:

"Navy Yard, Puget Sound Wash.: Graving drydock, services, and auxiliary construction, as authorized by the act approved April 15, 1935 (49 Stat. 155), $2,500,000."

On page 55, line 4, strike out the comma after the word "Government" and insert a period.

On page 55, lines 4, 5, 6, and 7, strike out the following: "except when the repair, purchase, or acquirement, by or from any private contractor, would, in the opinion of the Secretary of the Navy, be advantageous to the national defense."

AMENDMENT OF TARIFF ACT OF 1930—AMENDMENTS

Mr. HAYDEN submitted an amendment pertaining to the duty on dates, and Mr. CONNALLY submitted an amendment pertaining to exemption from duty on certain articles by contiguous foreign countries, etc., intended to be proposed by them, respectively, to the bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

OPINION OF THE SUPREME COURT IN THE CASE OF WRIGHT AGAINST THE UNITED STATES—RECEPTION OF VETO MESSAGE (S. DOC. NO. 135)

Mr. McKELLAR. Mr. President, I ask unanimous consent that the opinion of the Supreme Court of the United States in the case of David A. Wright, petitioner, against the United States, delivered January 17, 1938, sustaining the action of the Senate in receiving a veto message from the President on the bill in behalf of David A. Wright, be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ADDRESS BY POSTMASTER GENERAL FARLEY AT DEDICATION OF SOUTH NORWALK, CONN., FEDERAL BUILDING

[Mr. LONERGAN asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley, Postmaster General, at the dedication of the new South Norwalk, Conn., Federal building on January 29, 1938, which appears in the Appendix.]

ORDER OF BUSINESS

Mr. BILBO obtained the floor.

Mr. LEWIS. Mr. President——

Mr. BILBO. I shall be glad to yield to the Senator from Illinois.

Mr. NORRIS. Mr. President, I ask unanimous consent to offer some amendments to House bill 8837, being the independent offices appropriation bill, and I ask that the amendments lie on the table.

Mr. CONNALLY. Reserving the right to object——

The VICE PRESIDENT. Just a moment. It was the purpose of the Chair to recognize every Senator who rose to his feet prior to the recognition of the Senator from Mississippi, upon the theory that the Senator from Mississippi was to make a speech on the pending amendment, and that if he yielded it would mean that he had made one speech. The Senator from Mississippi was the only Senator standing, so the Chair was compelled to recognize him.

The Senator from Nebraska asks unanimous consent that he be permitted to offer several amendments to the independent offices appropriation bill without interfering with the right of the Senator from Mississippi on the pending amendment. Is there objection? The Chair hears none, and the amendments will be received, printed, and lie on the table.

Mr. McNARY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Notice was given on Friday by the able Senator in charge of the conference report on the housing bill, the junior Senator from New York [Mr. WAGNER], that this morning on the convening of the Senate he would ask that the Senate proceed with the consideration of the conference report. I wonder if there has been any change in the plan.

Mr. BARKLEY. Mr. President, will the Senator from Mississippi yield?

Mr. BILBO. I yield.

Mr. BARKLEY. Last Friday it was announced that the conference report on the housing bill would be taken up today. There has been no change in the plan, and the Senator from New York is now prepared to proceed, of course, with the understanding that the Senator from Mississippi, who had the floor when we took a recess Friday, may not lose his place, and that the time consumed up to this moment will not be counted against him as one speech.

Mr. BILBO. Mr. President, with that understanding——

The VICE PRESIDENT. Let the Chair make a statement. The leader of the majority, the Senator from Kentucky [Mr. BARKLEY], advised the Chair this morning that it was the purpose to take up the conference report on the housing bill, so the Chair had his eye particularly on the Senator from New York; but the Chair cannot recognize a Senator unless he is standing, because the rules of the Senate do not permit it. The rules of the Senate provide that the Chair shall recognize the first Senator addressing the Chair. A moment ago the Chair looked around the Senate and there was but one Senator who rose in his place, and that was the Senator from Mississippi.

Mr. BARKLEY. Mr. President, the Senate took a recess Friday with the Senator from Mississippi having the floor.

The VICE PRESIDENT. That is correct.

Mr. BARKLEY. With the understanding that, subject to the conference report on the housing bill, he would have the floor today.

The VICE PRESIDENT. The Chair may add that the Senator from Mississippi was in his office this morning and stated that he had the floor, but that he would be glad to yield to everyone who might wish to take up time of the Senate, but that he did desire to have an opportunity, at the end of the interruptions, to address the Senate.

Mr. CONNALLY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CONNALLY. I should like to propound the following inquiry: The Senator from Mississippi having the floor, if

he cared to do so, could refuse to yield to the Senator from New York to bring up the conference report, but if he desires to yield, preserving his rights, he can do so?

The VICE PRESIDENT. The Senate would have to give unanimous consent to that.

Mr. BARKLEY. I ask unanimous consent that the Senator from Mississippi may yield to the Senator from New York to move that the Senate proceed to consider the conference report on the housing bill without the Senator from Mississippi losing any of his rights as to recognition, and without being charged with having made one speech.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Senator from New York is recognized.

Mr. WAGNER. Mr. President, the distinguished Presiding Officer said he had had his eye on me, waiting for me to rise. My reason for not rising was that my very distinguished colleague the senior Senator from Illinois [Mr. LEWIS] had stated that he desired to make some remarks prior to my moving that the conference report be taken up, and I was waiting so that the Senator from Illinois could get the floor for that purpose.

The VICE PRESIDENT. The Chair recognized the Senator from Illinois a while ago.

Mr. LEWIS. Mr. President, I was then but conforming to my duty in announcing absences at the time of the roll call. Then the distinguished Presiding Officer became occupied in recognizing Senators addressing themselves to the announcement of his resignation by our distinguished colleague the junior Senator from Oregon [Mr. STEIWER], and I did not wish to interrupt at that time.

As I understand, the Chair kindly recognizes me now, in view of the yielding of the Senator from New York?

The VICE PRESIDENT. The Senator from New York has the right to yield to anyone to whom he desires to yield.

Mr. BARKLEY. I suggest to the Senator from New York that he move that the Senate proceed to the consideration of the conference report on the housing bill, and it will then be under consideration, and he may yield to any other Senator.

NATIONAL HOUSING PROGRAM—CONFERENCE REPORT

Mr. WAGNER. Mr. President, I move that the Senate proceed to the consideration of the conference report on the housing bill.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) to amend the National Housing Act, and for other purposes.

PAYMENT OF FOREIGN DEBTS BY TRANSFER OF ISLANDS AS NAVAL AND AERIAL BASES

Mr. LEWIS. Mr. President, if the Senate will indulge me, I wish to thank my eminent colleague the junior Senator from New York [Mr. WAGNER] for yielding at this time to me. I wish to address the Senate upon a matter which I regard appropriate, though it is not upon the pending measure. I rather base my observations upon the scriptural injunction, "To your tents, O Israel." I seek to hold my countrymen to their own tent and to avoid the tents of the destroyer.

The news on yesterday comes to us through the public press of the Nation of the suggestion on the part of those international directors who sit in judgment in their places at Geneva, aided by three nations, our great debtors, that the United States should join nations members of the League of Nations in affording such strength and contribution as will be necessary to aid those nations in some design they have to aid or protect China.

Mr. President, I desire during this time the Senators are kindly giving me their attention to call their consideration to the fact that these moves on the part of these particular nations are from those who are our debtors. Twelve billion dollars will be due us the first of the coming month. Not even the interest, or any part of it, has been contributed by some of them, and not a dollar on the principal.

Yet it is these nations, I beseech you to contemplate, who have large interests in China, to the amount of billions of property. It is these of this ownership who are making this move. Their real object is to preserve themselves, and to have us join them with our money and men to preserve their property.

Mr. President, I turn to consider and here remind my colleagues that we are now presenting a naval bill which calls for a very large expenditure from the United States of extra funds for the defense of America. I wish to say to these great nations, which have a proposition such as we have understood, that before they go any further, through the voices which they have chosen to speak for them, they contemplate that at an armament conference in Washington they increased the navy of Japan and ratified what had been done by them at the time of the adoption of the World War Peace Treaty, when the voices of these great debtors gave to Japan the islands which stand in our path as obstructions to our reaching the Pacific Ocean. These nations, our debtors, have also great control of unnecessary islands in the Atlantic. I have heretofore pointed out the necessity of these islands being transferred to the United States. I now wish to press upon my colleagues who do me the compliment of pausing to hear me at this moment that if these nations have good faith in desiring the collaboration of this Nation in any undertaking looking to the mere defense of China, or the defense of national rights in the Orient, they now transfer to the United States those islands of which they have no need—I have designated many of them by name previously—this as a part payment upon the debt they owe us, and incidentally that this would be a proper gesture to show their good faith in this behalf. As it was they who voted to give these islands of the Pacific to Japan, it would be a very easy matter for them now to ask of Japan to yield whatever rights they previously had and turn these islands over for the uses of the United States.

I also suggest, Mr. President, that these European nations, our debtors, consider the situation and yield to the United States, by proper transfer, the islands for which they have no use, but which likewise lie in the path of the Atlantic on our way around to the Pacific, looking to our own defense, or in collaboration with other nations, should we ever assume to collaborate with other nations, for any national or international rights.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. LEWIS. I gladly yield to the Senator from Texas.

Mr. CONNALLY. Does the Senator have in mind the cession to the United States of certain islands of the West Indies?

Mr. LEWIS. Mr. President, in previous addresses before this body I have indulged frequently in discussion of the theme of the debts, I will say in answer to the Senator from Texas, and I have insisted that these islands, some of the West Indies so near to us and so very necessary to us, which are used by England purely, sir, as a base for some of her naval uses rather than in connection with her competition in industry or commerce with the United States, be transferred to the United States.

Mr. CONNALLY. Mr. President, let me suggest to the Senator that some 20 years ago we acquired the Virgin Islands, and we are already in possession of Puerto Rico. It seems to be pretty generally the opinion that, instead of being assets, they are both economic and financial liabilities to the United States. Except for purpose of national defense, I would not favor acquiring any more West Indian islands. If necessary for naval defense, yes; but for any other purpose, no.

Mr. LEWIS. It may be, sir, that as to some of these islands they have not proven commercially profitable, but I turn to my great United States and merely regret that conditions are such that we too are not now able to say that the United States today is profitable, yet it is wholly defensible and to be protected.

Mr. WALSH. Mr. President, will the Senator yield to me?

Mr. LEWIS. I yield to the Senator from Massachusetts.

Mr. WALSH. There is an island in the Pacific Ocean called Christmas Island. It is situated about 1,000 miles to the southwest of the Hawaiian Islands. It is uninhabited, has one of the few harbors of any of the smaller islands of the Pacific, and it could be made most valuable for aviation and radio stations and naval defense purposes. It is claimed by both the United States and by Great Britain. From time to time negotiations have been carried on to determine who really has title to this patricular island. The United States and Great Britain both claim title.

In view of the observation by the Senator from Illinois it might be quite appropriate for our Government to call attention to the fact that in view of this dispute with respect to ownership, it might be possible to establish United States ownership by negotiating a settlement of our debt with Great Britain, or bringing about some revision of the terms of the debt.

Mr. LEWIS. Mr. President, replying more directly to the Senator from Texas, knowing his interest in this subject, I will say that it may be true that some of these islands commercially have not shown a profit; but my proposal is that if the countries I have designated expect some collaboration from us in the defense of rights imperiled in the east, they could afford to transfer these islands in the Atlantic, as well as in the Pacific, necessary to our measures of protection as part of their cooperation—to give us naval bases and also such bases as aerial navigation in the islands described may require. Therefore, without regard to immediate temporary profit financially, a greater question arises. If those nations are sincere in their efforts to pay the debts which they say they are not now able to pay, and now present their other effort in desire to collaborate with us in what they call the defense of rights of human beings elsewhere in the world, let them show to our people some material action that mutually serves them and aids us.

Now, as to the suggestion of the Senator from Massachusetts [Mr. WALSH]. I thank him for bringing attention to the matter of Christmas Island. I hope I may be pardoned if I may with seeming levity indicate that as to Christmas Island it may be well for nations in debt to us to make us this "Christmas present" or as a New Year's present—and I find it most appropriate to join in the suggestion made by the chairman of the Naval Affairs Committee.

Mr. President, I am intruding upon the time of my able friend the Senator from Mississippi [Mr. BILBO], and also of my friend the Senator from New York [Mr. WAGNER], who is in charge of the conference report on the housing bill. I have presented, sir, the view that I had hoped to express. I flatter myself I have made clear my intention and my object, as I propose at a later time to present for action an appropriate resolution to this honorable body.

At this time I conclude my observation with the single axiom, that we are merely following the established doctrine, which comes from the divine source, that "Self-preservation is the first law of nature," and I demand that in this land of ours our first concern shall be the preservation of Americans by Americans.

Mr. McADOO. Mr. President, will the Senator yield?

Mr. LEWIS. I yield to the Senator from California.

Mr. McADOO. I wish to ask my distinguished and able friend from Illinois if I am correct in my understanding of his remarks about the islands in the Pacific which he would have transferred to the United States. The three powers in question that had the conference to which the Senator from Illinois refers, have nothing to do with those islands, as I understand. Those islands were mandated to Japan under the Treaty of Versailles, and those three nations therefore have no power to deal with those islands. Perhaps we might assume that if such a transfer were desirable they might use their influence, if they have any, with Japan to release the mandate, but as I understand, at least it has been informally stated that now Japan not only disregards the mandate, but that she asserts ownership to the mandated islands.

Mr. LEWIS. Mr. President, this much must be said in connection with the statement of the able Senator from California. At the peace treaty session Japan claimed these islands as compensation for her having driven Germany out of Shantung. Japan herself has taken possession of Shantung; she has taken it in the pursuit of war. The able Senator from California is also quite correct that it was under the terms of the peace treaty of Versailles that the mandate was given to Japan for these particular islands for certain uses. I trust I may not be assuming too much to speak of matters purely personal. I happened at the peace conference to exercise a little place there akin to being a messenger man—hardly anything higher but, apart from ousting officials, Mr. President, the fact is well known, as the record will disclose, that when this mandate was given to Japan it was for no specific length of time. Specifically it was asserted that the islands were not mandated permanently, that they were mandated for the then post-war immediate administration. Therefore, I agree with my friend from California. Now I assert that these nations of Europe who voted to entrust these islands to Japan at this time can well afford to demand of Japan that, as no time limit was placed with respect to the mandate for civil government, she has served the purpose of that mandate, that the very war itself ends the mandate, and that the islands should be turned over to the United States, so that these should no longer lie in the path of our national defense of the Pacific as obstructions but should be transferred to us to prevent any enemy who may build the fortresses of death against us.

Mr. KING rose.

Mr. LEWIS. I shall be glad to yield to the Senator from Utah.

Mr. KING. I shall take the floor for just one minute when the Senator shall have concluded his remarks.

Mr. JOHNSON of California rose.

Mr. LEWIS. I yield to the Senator from California.

Mr. JOHNSON of California. I was going to take the floor in my own right.

Mr. LEWIS. Mr. President, I have taken too much time. I yield to the Senator from California [Mr. JOHNSON] who desires to take the floor at this time.

Mr. JOHNSON of California. Mr. President, this is not the time, in my opinion, to interfere with the consideration of the conference report on the housing bill, so I shall not attempt to do so. I think the Senator from Illinois [Mr. LEWIS] has opened a subject which is of very grave importance. I cannot say that I have any great idea that Japan or any other of the nations will yield any islands which they now possess. They will keep them just as they have kept the money that is ours. They never intend either to pay their debts in money, in goods, or in any other way.

Mr. President, there is an important subject, most important at this time, in connection with the messages which have been sent to Congress by the President of the United States, regarding the Navy, with which I am in full accord. I believe in a great Navy; but, sir, I believe the Senate is entitled to know what is the foreign policy of the United States and what is endeavored to be done by those in charge of our destinies today. I want no peripatetic ambassador running around Europe saying over there to various chancelleries whatever may be in his head. At this time, when all the peoples of the world are on edge and jittery, I want no one man to have the right in secrecy to deal with the destiny of my country.

I should like to know, sir, today, tomorrow, the next day, if it be possible, what the foreign policy of the United States is. I do not know it. Other Senators do not know it. No one knows it. And we find from various addresses which are made by various people that they are all at variance with respect to that policy.

So, Mr. President, not to discuss this matter now, I call attention to the fact only that the Senate ought to assert itself and learn the foreign policy of the United States before it embarks on a journey which parallels one we took in 1917.

NATIONAL HOUSING PROGRAM—CONFERENCE REPORT

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) to amend the National Housing Act, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the conference report. The Senator from New York [Mr. WAGNER] has the floor.

Mr. WAGNER. Mr. President, I propose to take very little of the time of the Senate in reference to the conference report on the housing measure. The bill was thoroughly discussed at the time it was originally before the Senate, and all Senators are familiar with its provisions. Nor shall I refer to the instances in which the House conferees receded from their position and adopted the Senate amendments.

I wish to pay tribute to the conferees who considered the bill. They worked patiently for over a week, going over every detail, section by section.

Let me pay tribute in particular to the Senator from Oregon [Mr. STEIWER], who is about to leave this Chamber. He was one of the members of the conference committee. I think it is no exaggeration to say that he contributed as much as, if not more than, any conferee in perfecting the legislation and in aiding to reach a conclusion. I know that his intellect and statesmanship are going to be missed by the Senate and by the country at large. Although he and I have often differed upon fundamental questions, I regret to see him leave the Senate.

The House has already disposed of the conference report. It did so after about 10 minutes of discussion.

I may say also that the House conferees were rather generous because, except in a few instances, they receded from their position and adopted the provisions of the Senate bill.

The first instance in which the Senate receded was in the case of the provision which limited the insuring of 90-percent loans to July 1, 1942. The original Senate bill had no limitation as to time, and the House bill had no limitation as to time. After considerable discussion the Senate conferees agreed to recede on this point—and I think properly so. This put the bill back in the form in which it was when introduced originally in the Senate, in which form it had been adopted in the House, with very few dissenting votes.

The House receded upon an important amendment which I think was inserted on the floor of the Senate—the so-called La Follette amendment—which now makes it certain that the farmers of this country will have the same rights as urban and suburban residents to obtain loans for the construction of homes, up to 90 percent of the value of the property in some instances.

The House conferees, when they understood the amendment, thought it was an improvement upon the amendments which had been inserted in the House in favor of the urban population; and so they acceded to the Senate amendment.

The Senate bill had a provision to the effect that when loans are made under section 207, the debentures to be paid to the mortgagee in case of default could not exceed 95 percent of the value of the loan. The theory was that in such instances the Administrator, upon default, had the right to have the mortgage assigned to him without any foreclosure, so that at once the property would come under the ownership of the Federal Government. Inasmuch as there would be no expense of foreclosure in such instances, there being a 100-percent guaranty of the loan, there was the danger, perhaps, of enticing or inducing the making of improvident loans. Therefore, to induce provident lending, it was provided in the Senate bill that in case of a default and the assignment of the mortgage to the Administrator, the debentures paid the mortgagee were not to exceed 95 percent of the unpaid balance of the loan. The House bill contained no limitation at all. The House bill provided, in the event of an assignment of a mortgage in case of default, for the payment of debentures up to 100 percent of the unpaid balance of the loan.

A compromise was reached, which compromise, I think, was suggested originally in the Senate Committee on Banking and Currency. I believe it is a very wise compromise. I think all the conferees finally concluded that a 5-percent deduction was a little high; and therefore we reached a compromise on the basis of withholding 2 percent. In other words, 98 percent, in the form of debentures, may be paid in the case of an assignment to the mortgagee, with the option given the mortgagee to obtain 100 percent by foreclosure in his own right. Of course, in that event, he would undertake the expense of foreclosure. I think the compromise was a very wise one.

There are two other provisions to which I wish to invite attention. The Senate conferees receded upon the amendment which was placed in the bill upon the floor of the Senate, providing for the payment of the prevailing rate of wages in all the construction that was to be undertaken on property as to which the Government insured the loan. I shall refer to that question in a moment.

Mr. COPELAND. Mr. President, will my colleague yield?

Mr. WAGNER. I yield.

Mr. COPELAND. I offered on the floor an amendment reducing from 25 to 10 the number of houses that might be included in a group upon which loans could be made. Was that provision left in the bill?

Mr. WAGNER. Yes. I am referring now, may I say to my colleague, only to those cases in which the Senate conferees receded. In every other case where there was a difference between the two bills, the House accepted the Senate amendment; and the House readily accepted the amendment which my distinguished colleague offered, and which was adopted by the Senate.

The Senate also receded upon one other amendment which was in controversy. The Senate will recall that the distinguished senior Senator from Ohio [Mr. BULKLEY] discussed at some length the national mortgage associations, their method of organization, and the restrictions placed upon them. The Senate bill contained a provision to the effect that the national mortgage associations could issue debentures only up to 15 times the amount of their capitalization. As the Senate will recall, the capitalization must be at least $2,000,000. The House provision, and the bill as originally introduced, provided that the mortgage associations might make loans up to 20 times the amount of their capitalization.

It was urged, by the Federal Housing Administrator and others who had studied the question, that in order to induce such associations to enter this field, and to make the organization of such associations sufficiently attractive, it was necessary that there be a large volume of business.

The Administrator and others felt that a limitation to 15 times the capital of the association was not a sufficient inducement, and it was feared that under such a restriction we would not accomplish one of the main purposes of this bill, namely, to induce private money, through these associations, to flow into the construction industry. Therefore, after some deliberation and a very generous concession by the Senator from Ohio [Mr. BULKLEY], who felt very strongly upon this question, the Senate conferees receded and the limitation was placed again at 20 times the capitalization rather than 15 times.

Since the debentures issued can in no event exceed the amount of insured mortgages, cash, and Government bonds held by such associations, there can be absolutely no risk to the investor; and I think the operations of these associations are absolutely safeguarded.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. WALSH. Are the provisions under title I of the former law included in the bill as now reported from conference?

Mr. WAGNER. Yes. The Senator will recall that we inserted upon the floor of the Senate the House provision regarding title I, and that remains in the bill.

Mr. WALSH. The committee did not report it favorably.

Mr. WAGNER. No; but it was adopted on the floor of the Senate. I might say to the Senator, in order to make it very clear, that except in the instances which I have already mentioned, the House accepted all the Senate amendments. So that if I do not refer to an amendment in which any Senator is interested, and which was not in the House bill, I may say that it is now in the conference report, because the House has receded.

Mr. WALSH. In other words, every amendment which was proposed on the floor of the Senate, and which was incorporated in the original provisions of the House bill, is retained in the conference report?

Mr. McNARY. Mr. President, does that include the "prevailing wage" amendment offered by the distinguished Senator from Massachusetts [Mr. LODGE]?

Mr. WAGNER. No. A moment ago I said that the Senate conferees had receded on that amendment. I have just referred to it.

Mr. McNARY. Then, am I to understand that the only recession made by the Senate conferees is on that amendment?

Mr. WAGNER. No; there were others which I mentioned; four, altogether. I am sorry that I did not impress the Senator.

Mr. McNARY. There is no question about my being impressed. I merely wanted to know whether or not I understood the Senator correctly.

Mr. WAGNER. I stated that I was only going to mention those amendments representing differences between the Senate bill and the House bill as to which the Senate conferees receded. In every other instance the House receded in favor of the Senate provision. I have mentioned the four instances, and one of them is the prevailing rate of wage amendment, upon which the Senate conferees receded.

Mr. McNARY. Is it the purpose of the able Senator to discuss that amendment and state why the Senate conferees receded?

Mr. WAGNER. I was about to send to the desk a letter which was sent to me and to the other conferees by the Federal Housing Administrator in opposition to the inclusion of that particular amendment in the bill. His views are expressed in the letter. I shall also ask to have read a memorandum from the Labor Department; and then, perhaps, give, very briefly, my own views upon the subject.

Mr. WALSH. Mr. President, will the Senator yield for a moment further?

Mr. WAGNER. I yield.

Mr. WALSH. In view of the statement of the Senator from Oregon, I wish to see if I understand what the Senator said, namely, that all amendments offered on the floor of the Senate to restore the text of the bill as it came from the House were adopted and approved and are now in the bill, but that some of the amendments offered independently of the House text on the floor of the Senate were rejected by the conferees and are not in the bill.

Mr. WAGNER. The conferees rejected the prevailing-wage amendment.

Mr. DAVIS. Mr. President, let me inquire if all the conferees were unanimous in their rejection of the Senate amendment as to the prevailing wage?

Mr. WAGNER. All the conferees, with the exception of Representative WOLCOTT, signed the report. I authorized my signature, because on that particular day I was ill at home and I could not attend the last meeting.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. BORAH. I understood the Senator from New York sent to the desk a memorandum expressing the views of the Federal Housing Administrator. I should like to have that letter read.

Mr. WAGNER. I said I intended to have read a letter which the Federal Housing Administrator sent to the conferees. I have sent it to the desk so that the clerk may read it.

Mr. BORAH. Very well.

The PRESIDENT pro tempore. Is there objection? The Chair hears none and the clerk will read as requested.

The legislative clerk read as follows:

FEDERAL HOUSING ADMINISTRATION,
Washington, January 15, 1938.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: I have been advised that the so-called Lodge amendment to H. R. 8730 may be taken up by the conferees on this measure in the next day or two, and that in connection therewith you wish to have an expression of my views as to the effect of the amendment on the operations of the Federal Housing Administration.

It is my considered judgment, as a result of careful study of this amendment, that its retention would largely nullify both the existing provisions of the National Housing Act and the enlarged provisions contained in the pending legislation. Such a result would seem to me to be inevitable from the very nature of the contract by which mortgages are insured under the National Housing Act.

This contract, which may run for as long as 25 years, is made between the Federal Housing Administrator and the lending institution. The builder, contractor, or subcontractor is in no way a party to it. The Lodge amendment, on the other hand, would impose on the lending institution the penalty for failure on the part of a builder, contractor, or subcontractor to comply with the conditions of the amendment.

In other words, noncompliance on the part of a builder, contractor, or subcontractor at the time a property was built would deprive the lending institution of the right to collect the insurance if at any time thereafter the owner of the property should default on the mortgage.

The successful operation of the Federal Housing Administration depends on the voluntary cooperation of private lending institutions. It seems to me to be self-evident that these institutions would not be interested in making loans under the National Housing Act if the validity of the mortgage insurance contract were made contingent upon conditions over which the institutions have no control. The effect of the amendment, then, would be to prevent the stimulation of construction and the increase of employment for which the housing program is designed.

Entirely apart from the foregoing, it occurs to me that the Lodge amendment, which would require the Department of Labor to determine the prevailing wage in every community, would result, in the majority of cases, in the establishment of a wage which would be less than the union scale. This would involve the Federal Housing Administration in a question that in all other cases of private lending, private building, and private home-ownership is left to negotiation between builders or contractors and their employees.

Sincerely yours,

STEWART MCDONALD,
Administrator.

Mr. RUSSELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Georgia?

Mr. WAGNER. I yield.

Mr. RUSSELL. I should like to ask the Senator from New York if, as a matter of fact, the President of the United States in his message to Congress before the prevailing-wage amendment was offered and voted into the bill, did not state that, in his opinion, such legislation would be inadvisable?

Mr. WAGNER. Yes; I think I can state that to be so, but I should rather have the Senator from Ohio [Mr. BULKLEY] make that statement. I think he can speak more definitely as to the attitude of the administration on that question.

Mr. BULKLEY. Upon what question was that?

Mr. RUSSELL. I inquired if the President of the United States did not state, perhaps somewhat better and more strongly than the able Administrator of the Housing Administration, the effect of the "prevailing wage" amendment prior to the time when the Senate by an overwhelming vote attached the amendment to the bill?

Mr. BULKLEY. As I recall the message from the President, there was no direct reference to any such amendment. There was a reference to the theory that an annual wage should be substituted by way of benefit to the workers for a high hourly rate of wage, but that, as I understand, was not directly involved in the Lodge amendment.

Mr. RUSSELL. The Senator from Ohio, of course, recalls that in the message from the President of the United States advocating the adoption of amendments to the Housing Act, the President stated that the whole movement would fail in its purpose unless both manufacturers and dealers in material and labor reduced their costs?

Mr. BULKLEY. Yes; the President's message unquestionably contemplated a possible reduction in hourly wages, but, as to what effect that might have on this amendment, Senators are free to form their own opinions.

Mr. RUSSELL. The only reason I raised the question was that I did not understand how the letter of the Administrator of the Housing Administration could have been so persuasive in influencing the Senate conferees to abandon the position of the Senate without requiring this amendment to be taken before the House and voted on, when we knew at the time we put the amendment in the bill that the President of the United States felt that, perhaps, it would destroy the effectiveness of the program.

Mr. BULKLEY. I think the Senator's inference is correct, that the amendment is inconsistent with what the President said, but I do not think the President made any direct reference to it.

Mr. RUSSELL. Not as to the particular amendment, of course, for the amendment had not been offered at that time.

Mr. BULKLEY. I think the Senator's inference is a fair one.

Mr. RUSSELL. Mr. President, I should like to ask one further question as to procedure.

Mr. WAGNER. Let me say——

Mr. RUSSELL. If the Senator desires further to answer the question which has been propounded, very well.

Mr. WAGNER. I voted for the Lodge amendment because I was, and am, in accord with its objective. I presume I need not state upon this floor my interest in the workers, and in aiding them to obtain a larger share of the national income. My entire career here has been devoted largely to that very purpose. I am opposed to any reduction of wages, and I would do everything possible to bring about higher wages. But there is a factor involved which I had not thought of, I may say to the Senator, as I should have done.

We have been talking about securing for the worker a higher annual wage. One of the great difficulties, particularly in the building industry, and the reason for the high hourly wage in that industry, is that there are only a few months of sporadic employment throughout the year. In order that the building trades workers may receive a fair annual wage, these high hourly rates are demanded, as a result of collective bargaining. I think everybody agrees it would be a much better plan, as the President states, if we could provide a method by which the worker, because of large-scale building projects, could be employed more steadily throughout the year. Even though his hourly wage in that instance—and there have been such instances—were reduced, in the long run his aggregate annual wage would be much higher than it is with the sporadic employment he has at present.

It was stated by all the witnesses before our committee, it was stated by the President, it was stated by labor leaders as well as by enlightened employers, that that is a very desirable thing to attempt. If this amendment should remain in the bill, such an agreement would be absolutely impossible, because a builder who would agree to employ a man for a considerable period—at a lower wage per hour, but, because of the long employment, at a higher total wage—would be violating the law. That particular effort would be absolutely frustrated by the Lodge amendment.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. TYDINGS. Mr. President, will the Senator yield? I have been waiting for a long time to get the Senator's attention.

Mr. WAGNER. I can yield to only one Senator at a time.

Mr. TYDINGS. I shall be very glad to wait until the Senator has concluded.

Mr. RUSSELL. I shall be through in just a minute now.

The Senator from New York is the chairman of the Committee on Banking and Currency, which reported to the Senate this measure, in which many of us are interested. The very argument which the Senator from New York now makes for eliminating the prevailing-wage amendment was made by the President of the United States in his message to the Congress suggesting the passage of this bill.

Mr. WAGNER. To a certain extent, yes.

Mr. RUSSELL. That message was on the desk of every Member at the time the Senate overwhelmingly voted the prevailing-wage amendment into the bill. For that reason I cannot see that the statement of the Administrator of the Housing Administration should have been persuasive to the conferees in abandoning the Senate's position.

Mr. TYDINGS. Mr. President, will the Senator yield at that point?

Mr. WAGNER. Of course, the Administrator is primarily responsible for the success of this program. All of those who are interested, from the President down, feel that the chances of having a large building program will be largely nullified if this restrictive amendment is retained in the bill.

Mr. TYDINGS. Mr. President, will the Senator yield at that point?

Mr. WAGNER. Just one other word, and then I will yield.

As Mr. McDonald's letter states, there is a widespread misconception of this legislation. We are not now talking about public works, because in the case of public construction an entirely different situation prevails. For instance, in the slum-clearance bill which I pressed for several years, and which the Congress finally enacted, there is provision for the payment of the prevailing rate of wage. But the bill now under consideration does not relate to public construction by public bodies. It deals purely with private enterprise. We have made provision for insurance of loans by other governmental agencies without specifying just what wage each individual involved in the particular enterprise securing a loan is to receive.

Mr. TYDINGS. Mr. President, will the Senator yield to me now?

Mr. WAGNER. I yield to the Senator from Maryland.

Mr. TYDINGS. My reason for rising was to suggest to the Senator the point he has just made in his concluding remark, namely, that this is not a case of the Government constructing Government buildings. This is a case of the Government assisting private capital to build houses. Therefore our sphere of influence ought not to go any further than assistance. The field of actual construction of those houses, and the conditions of their construction, assuming that they are not injurious to public standards, ought not to be invaded by the Federal Government in private enterprise.

Mr. WAGNER. Yes. I am so strong for high wages that perhaps I had not given sufficient thought to another danger in this particular matter. As a general proposition, I am opposed to the passage of legislation fixing anything except a minimum wage, a living standard of pay, so as to prevent the payment of starvation wages. If we ever come to the time when we in this body pass laws saying how much a bricklayer shall receive per day, how much a carpenter shall receive, how much a clerk working in private industry of any kind shall receive, and begin to fix all those wages, we will destroy unionism and freedom of collective bargaining and advance on the road toward fascism.

The danger I see in this amendment is that it goes to the point of attempting to fix by law what the workers have a right to achieve for themselves through collective bargaining. If the workers are organized, they can exact wages sufficient to compensate them properly for their toil. In fact, wherever the workers are organized, they will obtain wages which are higher than the prevailing wages, because, as I will show, the so-called prevailing wage is lower than the union wage in the preponderant part of residential construction; yet if a builder, through a collective-bargaining agreement, should agree to pay a union wage which would be higher than the prevailing wage, he would be violating the act of Congress if this amendment should remain in the bill. So, to that extent well-organized unions are prevented from securing wages which they think their services require.

Mr. LODGE and Mr. RUSSELL addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New York yield; and if so, to whom?

Mr. WAGNER. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, if that is so, why are all the building-trade unions in favor of this amendment?

Mr. WAGNER. I remember Mr. William Green being asked at the hearings before the Senate committee about this matter of a more stabilized annual wage. He gave it as his opinion that it could not be brought about upon a national scale; but he did say that anything of the kind ought to be done by the local unions in the various localities. If we put the Lodge amendment into the law, no union in any locality could agree to a lower wage than the prevailing wage, upon condition of longer and more stabilized employment, because the employer would be violating the law of the land by entering into such an agreement, and thereby vitiate the insurance.

All these labor leaders are friends of mine. I have worked in cooperation with them since I first entered the Legislature of New York State, when I was 24 years of age. I have devoted my time from that day to this in attempting to improve the economic life of the laboring man. I do not say this boastfully, because I am too old now to boast; but upon the statutes of the State of New York to my credit are at least 60 laws, including the workmen's compensation law, all of which are designed for the betterment of the workers of our State. When our party came into power in 1911 in New York, we brought about a complete change in the economic advancement of the State. Whereas under former administrations of other parties New York was among the most backward States in the Union regarding laws for the protection of wage earners, it soon became the foremost State in the Union in that regard, and its laws were adopted as models by other States.

Ever since then I have worked with these men. I have devoted my whole public career to the advancement of the interests of those whom they represent. I say this because I would rather cut off my arm than do anything which would injure the economic status, the happiness, and the well-being of the workers of this country.

Let me say that although the Senator from Massachusetts [Mr. LODGE] sat in the subcommittee of the Committee on Banking and Currency when we had this bill under consideration, he never said a word about the advisability of including in the bill a prevailing-rate-of-wage amendment. He sat in the full committee and listened to the entire discussion, but never said a word about a prevailing-rate-of-wage amendment. At the last minute, upon the floor of the Senate, he offered the amendment without consulting any of us who had been interested in this legislation. And then what did he do? The object of the bill is to try to resuscitate an industry which is still in depression; and from the first day I came here I have tried to lift it up and to afford employment to millions of workers in this and allied industries. What did the Senator from Massachusetts do, however? He voted against the bill, just as he voted against some other legislation, including the slum-clearance bill, when it was before the Senate. That bill, as I have said, contained a prevailing-wage provision because it was concerned with public construction.

In the matter of assisting the workers of this and other industries, therefore, I can say at least that my record compares favorably with that of the distinguished Senator from Massachusetts during the short time he has been in this body. I do not question his sincerity. All of us wondered, however, why he did not give our committee the benefit of his views, but waited until the bill came to the floor of the Senate. The Senator knows that I conferred with some of the labor leaders, because I was always concerned about this question. I would not willingly do something which I would regret in after years. I tell the Senate that I am opposed to measures which attempt to fix wages in private industry, except with regard to minimum wages needed to prevent exploitation of the lowest paid groups. For years I fought for the recognition of the right of workers to organize and to be protected by law in the exercise of that right. There are now 7,000,000 workers having membership in various labor organizations, although there were only 2,000,000 at the time the national labor relations bill was enacted.

It is only through organization in labor unions that workers can, as freemen, bargain collectively with regard to the wages and conditions of their employment. I hope the day will not come when a legislative body will interfere with the right of collective bargaining.

I say to the Senator that the building-trades leaders are in favor of the Senator's amendment. I think in this instance they are mistaken. Perhaps I am wrong, but I am voting according to my convictions. I do not want to nullify a measure which I believe in time will put two or three million men back to work, and revive an industry which has suffered ever since 1929.

I did not intend to say all this. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, let me say at the outset that I have the greatest regard for the wonderful record of service of the Senator from New York.

Mr. WAGNER. And I have for the Senator from Massachusetts, as he knows.

Mr. LODGE. My record is not as extensive and as distinguished as that of the Senator from New York. I also have regard for the manner in which the Senator presides over the Committee on Banking and Currency, and I have a personal liking for the Senator; but surely the Senator recognizes the privilege of any Member of this body to bring matters on to the Senate floor. There is no rule requiring me to submit amendments in subcommittees, behind closed doors. This is my forum, and I have the privilege of making motions here.

Mr. WAGNER. I am not complaining; I merely stated that some of the Senators on the committee wondered why the distinguished Senator did not give us the benefit of his views on the subject when we had the bill under consideration in the committee. The Senator had a perfect right to wait until the bill reached the floor and then offer the amendment. I do not criticize the Senator. I merely regret that we did not have the benefit of his views earlier.

Mr. BRIDGES. Mr. President, will the Senator from New York yield?

Mr. WAGNER. I yield to the Senator from New Hampshire.

Mr. BRIDGES. Inasmuch as the Senator feels so deeply on this question today, I should like to inquire why he voted for the Lodge amendment on December 21 last.

Mr. WAGNER. Apparently the Senator has not been listening to me. I tried to explain why I voted for the Lodge amendment. Has the Senator ever changed his mind upon any proposition?

Mr. BRIDGES. Certainly; and I should be very glad to hear the Senator from New York in explanation of why he changed his mind.

Mr. WAGNER. I have been persuaded by the Federal Housing Administration, which has fathered this proposed legislation and which will administer the act, and by the other memoranda from the Labor Department, which I will have read, that this amendment would nullify the very measure which is intended to put all these people to work.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. WAGNER. Mr. President, I send to the desk a memorandum which was forwarded to me by the Department of Labor. I would read it myself, but I am suffering with a cold, and I ask that it be read at the desk.

The PRESIDENT pro tempore. Without objection, the clerk will read.

The Chief Clerk read as follows:

MEMORANDUM RE AMENDMENT ON PREVAILING WAGES IN THE HOUSING BILL

DECEMBER 22, 1937.

The amendment to the housing bill, as passed by the Senate, provides that the wage rate that prevails in a given locality for

work of a similar character shall be paid on all housing, the mortgages for which are insured by the Federal Housing Administration. The amendment further provides that adequate labor standards shall be maintained on all construction of property covered by an insured mortgage.

This amendment raises many problems with regard to the administration and effectiveness of the Federal Housing Act. It must be borne in mind that although the Federal Housing Administration under this act will guarantee a mortgage, the problem still is to be faced of getting a loan from a bank on such a mortgage. The difficulties of any bank or of any individual in determining in advance whether or not prevailing rate of wages would be paid and adequate labor conditions observed on a particular project are so difficult that I am sure it would lead banks on the advice of counsel to refrain from lending money on insured mortgages when the insurance might be declared void if at some time in the future it was discovered that these adequate labor conditions had not been maintained and prevailing wage rates not paid.

The United States is not advancing the money. It is the banks that advance the money and anything which raises the question of the validity of the guaranty will stand in the way of the banks advancing funds.

The issue really is as to whether the bill is workable under the amendment. There are a number of other items which contribute to the impracticability and unworkability of the act under this amendment.

(1) It would mean that a prevailing wage rate would have to be determined in virtually every community, no matter how small, in the United States. The administrative difficulties involved would be very great and delay that would be incurred would be a deterrent to the active construction so much needed in the very near future.

(2) The word "adequate" is not defined nor can it be well defined as it refers to labor standards in this case. There is no definition in the law and as a practical matter it would be almost impossible to define it administratively. It would have to vary from city to city and from town to town.

(3) It would make it extremely difficult for families who need to do most of the building of their own houses to get their loans and this is exactly the type of construction which we do not wish to discourage.

The amendment vitiates the fundamental purpose of the bill, which is to get private capital immediately and quickly into the construction activity of the country for the purpose of relieving unemployment and find a suitable investment for idle capital.

Mr. WAGNER. The memorandum just read was from the Department of Labor.

Mr. McNARY. Mr. President, who is the author of the letter?

Mr. WAGNER. It is a memorandum submitted to me from the Department of Labor, by the authorization of the Secretary of Labor.

Mr. McNARY. Is it a memorandum supplied by Miss Perkins, the Secretary of Labor?

Mr. WAGNER. I think I have answered the Senator sufficiently; it comes from the Department of Labor; so I take it it has the authorization of the head of the Department of Labor.

Mr. McNARY. The Senator does not know from whom it comes?

Mr. WAGNER. What particular difference does it make?

Mr. McNARY. My question is a fair one.

Mr. WAGNER. It is an authentic statement from the Department of Labor. Of course, no authentic statement can be made by the Department of Labor unless it has the approval of the head of the Department of Labor. I should like to have read also an opinion given by the Solicitor of the Department of Labor.

The PRESIDENT pro tempore. Without objection, the clerk will read.

The Chief Clerk read as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SOLICITOR,
Washington, January 4, 1938.

MEMORANDUM TO SENATOR WAGNER

DEAR SENATOR WAGNER: You have asked for my opinion with respect to the legal effect of an amendment to page 77 of H. R. 8730 entitled "A bill to amend the National Housing Act and for other purposes."

This amendment reads as follows:

"*Provided*, That the rates of pay for persons employed upon the construction of property covered by a mortgage insured under this title shall be not less than prevailing rates of pay for work of a similar nature in the same locality, as determined by the Department of Labor with the approval of the President: * * *."

I am informed that the purpose of this amendment was to make certain that the housing program contemplated by the bill would preserve local wage scales already established by collective agreements between contractors and building-trade unions in the locality involved. In my opinion inclusion of such an amendment would bring about precisely the opposite result.

The reasons for my opinion are as follows:

It is a familiar canon of statutory construction that when a legislature adopts the language of a previous statue which has been in effect for some time it incorporates by reference the construction which has been placed upon that statue by the courts and administrative agencies by whom it has been interpreted. The language of the instant amendment falls within this rule inasmuch as it was adopted in part from the phraseology of the Bacon-Davis Act (act of March 3, 1931, 46 Stat. 1494). This was a statute which provided that on contracts for the construction or repair of public buildings of the United States a provision was to be inserted providing that the rate of wage "for all laborers and mechanics employed * * * on the public buildings covered by the contract shall not be less than the prevailing rate of wages for work of a similar nature in the city * * * in which the public buildings are located."

In the event of a dispute the foregoing statute provided that the Secretary of Labor should determine the wages "prevailing * * * for work of a similar nature." The close resemblance between this language and that contained in the amendment to the pending legislation is obvious.

One of the problems of construction with which the Department of Labor was confronted under the Bacon-Davis law was whether "work of a similar nature" meant a similarity in the individual duties of the workmen, in the sense that they may be described by the same craft nomenclature (i. e., lathing, bricklaying, painting, etc.), or whether it meant that the prevailing standard was to be ascertained from reference to similar kinds of construction projects.

The decisions of the Secretary of Labor under the Bacon-Davis law have consistently held that when a showing is made of differentiation of local customs between one kind of construction and another only wages paid on types of construction similar to the contract work may be considered.

Therefore, in determining the legal rate of wages to which painters on a post office in the city of Wichita, Kans., were entitled, the Secretary of Labor based his decision on "downtown projects like office buildings and chain stores rather than on wages paid painters on fencing and residential contracts." (See *Wilson and Sons* v. *Brotherhood of Painters and Decorators*, October 13, 1934.) Similarly, it was held with respect to a dispute arising as to the proper prevailing wages for bricklayers working on marine barracks at Quantico, Va., that such mechanics were entitled to "the wages paid on the construction of military buildings at this encampment and those at nearby Fort Humphreys instead of the wages paid on private residential contracts in towns in the vicinity in that same Virginia county." (See *Minter Homes Corp.* v. *Bricklayers and Stonemasons, Local, etc.*, December 21, 1934.) This principle of construction was incorporated in Regulations No. 503 of the Department of Labor with respect to "the procedure to be followed in determining the prevailing rates of wages," copy of which is enclosed. Section 2 of these regulations provides that the rate which the Secretary regards as prevailing shall be that paid * * * "on projects which are similar to the contract work." Instructions to referees included in section 7 of these same regulations also establish the same criterion.

Pursuant to these regulations it was held in case 14–8 (2) relating to predetermination of a wage scale for a highway project in Rock Creek Park that "in road-construction cases the criterion is the corresponding wage in other road construction." Consequently, it was held the District of Columbia's Carpenter Union on building contracts was entitled to the union scale, but that these higher rates were not applicable to form setting incidental to highway construction. The application of this rule, however, has operated to the advantage of the union wage scale on Federal building projects since the relevant evidence has been restricted to downtown building construction of some magnitude. Thus it was held in the Archives Building case [case no. 14–8 (4a), November 15, 1935] that the union scale should be paid to linoleum layers since it was established that "while some residential work is done by nonunion labor at various lower rates, all large projects have been carried on at this scale."

Since the housing bill relates only to residential dwelling, it is clear from the regulations and administrative decisions of the Secretary of Labor (supra) that in determining prevailing rates for such projects the Department of Labor will be compelled by the language of the proposed amendment (if it is adopted) to take into consideration the wage scales prevailing on the construction of private homes. It is a matter of common knowledge that the bulk of this kind of construction has not been done by contractors who operate on a large scale and have collective agreements with building-trade unions, but by contractors with small shops which are almost invariably nonunion. This will mean that in nearly every locality where construction is carried on pursuant to the program of the bill that the Government will be bound to fix nonunion wages. This, in turn, will mean that the contractors whose wage scales are fixed by collective agreement will be unable to bid successfully and that union wage structures will consequently be severely impaired by the very language which was intended to support them.

Respectfully,

GERARD D. REILLY,
Solicitor of Labor.

Mr. LODGE. Mr. President, I send to the desk a motion which I ask to have read, and then I ask to be heard on my motion.

The PRESIDENT pro tempore. The motion will be read.

The Chief Clerk read as follows:

I move that the conference report on the National Housing Act amendments of 1938 now before the Senate for consideration be rejected and that the Senate conferees be instructed further to insist upon the Senate provision with respect to rates of pay and labor standards contained in section 211, as follows:

"The Administrator is authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this title: *Provided*, That the rates of pay for persons employed upon the construction of property covered by a mortgage insured under this title shall be not less than prevailing rates of pay for work of a similar nature in the same locality, as determined by the Department of Labor with the approval of the President: *Provided further*, That adequate labor standards shall be maintained on all construction of property covered by a mortgage insured under this title."

Mr. WAGNER. Mr. President, will the Senator yield to me?

Mr. LODGE. I yield to the Senator from New York.

Mr. WAGNER. I wish to correct a statement I made a moment ago. I think I stated—but I did not mean to make that statement—that labor organizations may be prevented by collective bargaining from entering into an agreement providing for a higher wage than the prevailing rate. What I did intend to say was that if labor organizations, because of a large-scale project, had the assurance of annual or long-term employment, nevertheless they could not enter into a collective-bargaining agreement which would reduce the per hour wage, no matter how long they may be employed.

I thank the Senator from Massachusetts.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. CONNALLY. I wish to ask the Senator from New York how labor is to be given any guarantee of a yearly income. The Senator from New York is supposed to be an expert on labor legislation. Has the Senator any scheme worked out whereby he can give building labor a yearly income over the whole year?

Mr. WAGNER. I have not.

Mr. CONNALLY. I do not think that is any answer to the Senator's proposal.

Mr. WAGNER. I may say to the Senator that a number of agreements have already been made by labor organizations when there has been assurance of a long period of employment—which may not be for an entire year, but on a project taking a long time to complete. Recently in New York, because of the assurance of a long period of employment, the building laborers agreed to a reduction of wage per hour upon a certain type of work.

Mr. CONNALLY. Does the Senator from New York favor the reduction of wages of labor anywhere, anyhow, at this time?

Mr. WAGNER. I do not favor the reduction of wages, except that I say a worker is better off to have long-term employment, which, in the aggregate, means a greater annual income, though it may mean a lower hourly wage, than to have employment for only 3 or 4 months of the year at a higher hourly rate but a lower annual wage in the aggregate.

I think we ought to permit the labor representatives and the labor organizations to work that out with the employers without any interference on our part. I will say that wherever labor is organized, through their organization they will make their collective-bargaining agreements. They make them now. Nothing that we do should interfere with their freedom to contract according to what they deem is to their best interests, by the process of collective bargaining.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

Mr. LODGE. I yield.

Mr. CONNALLY. If what the Senator from New York says is true, then there was no use passing the National Labor Relations Act. The Senator from New York says the unions do not need any legislation; that they are able to take care of themselves; that they do not need any help. Let me ask the Senator from New York, Why pass the Labor Relations Act? Why do anything else if labor is perfectly able to take care of itself?

Mr. WAGNER. The Labor Relations Act was passed for the purpose of giving the workers an opportunity to organize and through their organization to control the price which is to be paid for their services. That was a fundamental change in our law and an emancipation of the workers.

The slum-clearance bill—and the Senator from Texas voted against the bill—contains a provision for the prevailing rate of wage, because the money provided is public money, for a public project. That is quite a different thing from the purely private enterprise with which we are concerned here.

Mr. CONNALLY. Mr. President, if the Senator will yield for one further question, then I will subside.

Mr. LODGE. I yield for a question.

Mr. CONNALLY. Yes; I voted against giving $500,000,000 to New York and Chicago and collecting most of the money from the taxpayers in other parts of the United States. I voted for the National Labor Relations Act because the Senator from New York and other Senators told me it was necessary to pass that kind of legislation in order to protect the laborers of the United States.

Mr. WAGNER. It is.

Mr. CONNALLY. Now the Senator from New York is on the floor fighting the laborers of the United States.

Mr. WAGNER. That is not correct.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. WAGNER. I wanted to raise a point of order.

Mr. LODGE. Mr. President, I should like to be heard on my amendment.

Mr. SCHWELLENBACH. Will the Senator yield for a question?

Mr. LODGE. I yield for a question, but I would rather be heard on my amendment.

Mr. SCHWELLENBACH. I merely want to make an inquiry. Is the provision in the motion the Senator has now made with reference to the prevailing wage the same as the amendment which was adopted by the Senate?

Mr. LODGE. It is; and it is the one which has been endorsed by organized labor. It is substantially the same as the provision in existing Federal law, which provision was supported by many of the Senators who have spoken today.

The PRESIDENT pro tempore. The Senator cannot be interrupted for a point of order. The point of order must be made upon the termination of his address.

Mr. LODGE. Mr. President, I have listened with a great deal of interest to the remarks that have been made here today, and I have listened with particular interest to the three communications that have been read to the Senate, one coming from the Federal Housing Administrator, the second being an unsigned memorandum from Miss Perkins, and the third being a legal opinion from the Attorney General's office.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. McNARY. The plea from the Solicitor is not from the Solicitor of the Department of Justice but is from the Solicitor of the Department of Labor.

Mr. LODGE. The Solicitor of the Department of Labor?

Mr. DAVIS. It is from Mr. Gerard D. Reilly, Solicitor of the Department of Labor.

Mr. LODGE. I appreciate the correction. What impressed me when I listened to the dissertation on the legal phases of the amendment was that, of course, there is no law in the world that cannot be interpreted and twisted to mean something entirely different from what its sponsors intended. I appreciate that. If the Government lawyers want to construe that provision so as to make it mean something entirely different, I do not doubt that they have the ability to do it.

In connection with the criticism of the Federal Housing Administrator, I should like to say that if his contention—that my amendment destroys the existing benefits that have been provided under the existing Housing Act—is correct, it is a very simple matter to amend my amendment so that it shall apply only to new building from the date of the enactment of the proposed law. In other words, if there were a real desire to protect and safeguard labor standards, there would not be any of these arguments directed at details and at various theoretical phases of the bill.

Mr. President, I should like to review briefly the history of this subject.

On December 21 of last year, during the special session, I offered this amendment. It was adopted by a vote of 50 to 17. That is almost 3 to 1. The amendment seemed to me so self-explanatory that I said nothing about it. There was not any need for me to speak in its defense, because nobody attacked it. All the Senators who are now opposed to it were here at that time. They have had much more experience with legislation than I have had; but nobody attacked the amendment, and it was adopted by a majority of 3 to 1.

Then the amendment went to conference, and I am reliably informed that among the six Senate conferees it was defeated by a vote of 4 to 2. I understand that the two Senators who voted in favor of retaining my amendment were the senior Senator from Delaware [Mr. TOWNSEND] and the junior Senator from Oregon [Mr. STEIWER], and that those voting against my amendment included the Senator from Kentucky [Mr. BARKLEY], the Senator from Ohio [Mr. BULKLEY], who, I am told, had the vote of the Senator from New York [Mr. WAGNER], who was sick at that time, and the Senator from South Dakota [Mr. HITCHCOCK].

To my mind, Mr. President, that is one of the things that shake confidence in democratic government. When the United States Senate, or the House of Representatives, or any other body goes emphatically on record in favor of a proposition that is not even attacked on the floor, and then it goes to conference, and behind closed doors a few men get together and throw it out, that is a complete misrepresentation of the will of the elected representatives of the people. That is the kind of thing that enables the foes of democracy to criticize our system of government. To me, that is a travesty on any kind of representative system of government.

It is interesting to note, for example, that the Senator from New York [Mr. WAGNER] has been in favor of this principle. The Senator from New York voted in favor of the prevailing-rate-of-wage amendment that is now in our Emergency Relief Act.

I shall read what the Senator from New York said of February 19, 1935. He said it much better than I can say it, with a much greater degree of eloquence, and with a much more profound understanding. I admit that. He has a remarkable record in connection with this type of legislation.

The Senator from New York said on February 19, 1935:

> Bitter experience has taught us that wages seek the lowest level, and that even those who recognize the wisdom and the justice of fair play cannot withstand the unfair competition of the private exploiter. How much less able will they be to withstand the depressive tactics of the largest employer in the country in the person of their Government itself?

We find him voting in favor of the provision, and we find the Senator from Kentucky [Mr. BARKLEY] and the Senator from Ohio [Mr. BULKLEY] voting for what is substantially the same provision on March 15, 1935. I took the language of my amendment from the language that is now in the law, which, so far as I know, has worked admirably.

I should like to know, and I am sure the country would like to know, how it is possible for Senators to feel that way about a principle and to express themselves in favor of the principle on the 21st of December, and then suddenly drop the principle and throw it overboard. It is a principle that we have in many other pieces of Federal legislation. As the Senator from New York himself said, we have it in the United States Housing Authority law.

We come next to the words of the President of the United States:

> I have said so frequently—and I do not say more clearly and unequivocally than I have already said—that I am opposed to wage reductions.
>
> I am opposed to wage reductions because the markets of American industry depend on the purchasing power of our working population. And if we want to restore prosperity we must increase, not decrease, that purchasing power.

Then he goes on to the part which has attracted special attention this morning:

> There may be a special hourly wage situation in some building trades in some localities which, so far as the total yearly earnings are concerned, may call for different treatment; but even there our primary purpose is to increase and not decrease the total of the annual pay of the workers.

No one would disagree with the second proposition, provided annual work is guaranteed; but to go ahead and effect a cut without guaranteeing the carpenter and the plumber annual work leaves them, obviously, worse off than they were before.

I contend that the laborer is worthy of his hire, and that that is a proposition to which we can all subscribe. I cannot see the justice of permitting a state of affairs to exist in which a private individual or a contractor building a house at his own risk in the usual way must pay the prevailing wages, but a contractor operating with the Government, on an insured loan, may be allowed to "chisel" and pay below the standard. I do not see any justice in that proposition.

Mr. SCWELLENBACH. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. SCHWELLENBACH. What is the requirement that makes the difference? The Senator says that the contractor operating on a house with private capital must pay the prevailing wage, but that one using money which has been furnished by the Federal Housing Administration does not have to pay it. What is there which says that the contractor operating alone on a house, the money for which has been provided by private capital, must pay the prevailing wage?

Mr. LODGE. I am very glad the Senator brought that question up. It brings me to a point which I was going to cover a little later, but I shall be glad to take it up now. I may say frankly that I cannot prove anything about this particular phase of the matter. I do not believe anybody can. But Mr. Stewart McDonald, Federal Housing Administrator, when he was testifying before the Banking and Currency Committee, made a very interesting statement, and I should like to quote part of it, because it has a bearing on the question which was asked by the Senator from Washington.

Mr. McDonald said:

> It goes back again to the formation of a large mortgage association which can stimulate building by large operators. If they can be assured of their financing on a large operation, either for rental housing or for sale, we have had some very encouraging interviews with some large operators who, in turn, have been in touch with their local labor people.

That, as I understand, is what is done in England. Houses are put up not by small contractors but by a few large operators.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. BARKLEY. Was not the administrator at that time talking about the desirability of creating large mortgage associations and not about the average activities of the Housing Administration with respect to the construction of houses either by owners or by builders intending to sell them to owners?

Mr. LODGE. I do not think so. I think, if the Senator will permit me to read a little further, he will realize that my position is correct. I read further from the hearings:

> If they can be assured of their financing on a large operation, either for rental housing or for sale, we have had some very encouraging interviews with some large operators who, in turn, have been in touch with their local labor people. They believe something can be done in the way of making a uniform wage which will be a com-

promise and entirely satisfactory to the wage earners and also to the contractors, and will be below the daily scale for intermittent labor.

I think that some progress can be made along that line, and we are very hopeful. I have one case in Philadelphia right now, and another in St. Louis, where these men want to go ahead with projects of around a million and a half apiece. They are considering them, and have had negotiations with labor leaders and are talking something less than 20 percent under the present scale to give them employment all winter long.

There is the thing that is troubling to me. Wages are cut 20 percent and the workers are not guaranteed a yearly wage.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. LODGE. I yield with pleasure.

Mr. SCHWELLENBACH. Does the Senator contend that as a result of the adoption of his amendment it would be impossible to create a situation whereby we could furnish year-wide employment to workers in the building trades?

Mr. LODGE. No; I do not contend that at all. I do not think my amendment makes yearly employment possible, but I also say that the bill, as it stands, does not do anything to guarantee yearly employment.

Mr. SCHWELLENBACH. If it is necessary in order to get year-wide employment to make these arrangements so that as a result of them the employee will get more for the year by taking a lower hourly wage, does it not naturally follow that the adoption of the Senator's amendment would make that utterly impossible?

Mr. LODGE. Not at all. The adoption of my amendment would prevent the worker from being victimized; and, as I have tried to show from the hearings, there is a definite idea in the back of the heads of some people to cut the wage 20 percent and not give the worker yearly employment.

I wish I could take the time to go into this question of wages. Dr. Isador Lubin, of the Department of Labor, appeared before the committee and gave very extensive testimony to show that wages are not high at all. In spite of all the talk we hear the man who is employed in the building trades is not overpaid.

I should like also to bring out the fact that organized labor, as represented by all its responsible spokesmen, has recorded itself in favor of my amendment. I should like to read one or two telegrams, and then I will ask that the remainder be printed in the RECORD as part of my remarks.

Here is a telegram from the executive council of the Massachusetts State Federation of Labor:

BOSTON, MASS., *January 29, 1938.*

Hon. HENRY CABOT LODGE, JR.,
Senate Office Building:

Executive council of Massachusetts State Federation of Labor extends commendations for your attitude regarding prevailing wage amendment to housing bill. Trust you will continue your vigorous fight to have this amendment made a part of the bill before it is adopted.

MASSACHUSETTS STATE FEDERATION OF LABOR,
KENNETH I. TAYLOR, *Secretary.*

Here is one from the other side of the Nation, from California:

LOS ANGELES, CALIF., *January 25, 1938.*

Hon. HENRY CABOT LODGE, JR.,
United States Senate, Washington, D. C.:

Congratulations on your attempt to insert prevailing-wage clause in present Federal Housing legislation. Trust that you will not abandon your attempts before United States Senate, and urge that you continue attempts to have enacted your justifiable amendment and thereby protect the standards of the building tradesmen throughout this country and avoid their destruction.

C. J. HAGGERTY,
President, California State Federation of Labor.

I am told the sender of this telegram, Mr. C. J. Haggerty, president of the California State Federation of Labor, is a responsible man and well known in all the States on the Pacific coast.

I have one from Miami, Fla., from Harry C. Bates, president of the Bricklayers, Masons, and Plasterers' International Union, who appeared before the committee and requested that this amendment be inserted in the first place:

MIAMI, FLA., *January 28, 1938.*

Senator HENRY LODGE, JR.:

I respectfully request that you continue your fight to have your prevailing-wage amendment made a part of the housing bill, and suggest you force, if possible, a roll-call vote on this question.

HARRY C. BATES,
President, Bricklayers, Masons, and Plasterers' International Union of America.

I will not burden the Senate with many of these telegrams, but here is one from Joseph A. McInerney, president, and Herbert Rivers, secretary-treasurer, Building and Construction Trades, Department of the A. F. of L.; and I have one here signed by William Green, which I will read. It is as follows:

MIAMI, FLA., *January 29, 1938.*

Hon. HENRY CABOT LODGE,
United States Senate Building, Washington, D. C.:

The following telegram was sent to Senator WAGNER by direction of executive council, American Federation of Labor: "The executive council of the American Federation of Labor, now meeting in this city, directed me to protest against elimination by House and Senate conferees of the prevailing rate of wage section in the Housing Act, which was adopted by the Senate. We urge that the conference report be rejected and the Senate insist upon adoption of the Senate bill with prevailing rate of wage section included. In behalf of the executive council I am calling upon friends of labor in the Senate to respond to labor's plea for the adoption of prevailing rate of wage section in any housing bill adopted by Congress.

WILLIAM GREEN.

I have a telegram which comes from one of the Members of this body, a man who has taken a very prominent part in the fight for prevailing rate of wage legislation, but who cannot be here today. I refer to the Senator from Nevada [Mr. MCCARRAN], who is out of town—I think at his home—but who sent the following telegram to his secretary, and I take the liberty of reading it:

JANUARY 26, 1938.

Miss H. D. SMITH,
Secretary, Senator McCarran, Senate Office Building, Washington, D. C.:

When Federal housing bill comes back from conference to the Senate be sure to have me paired and recorded for the retention of the prevailing-wage amendment put in by LODGE. Please advise LODGE. If you can't get pair, then have me recorded as voting to retain the amendment or voting to reject the conference report if amendment is out. Important.

PAT MCCARRAN.

Reference has been made to the fact that I voted against the bill as a whole. That is perfectly true. I contend, however, and have contended during the brief years that I have been privileged to be in public office that a good legislator is one who tries to perfect a bill even if he is opposed to it. If he thinks the bill is going through, if he thinks it is going to be written on the statute books of his country, it is his duty to try to make it better. So I do not see that any odium whatever attaches to me because I tried to amend a bill to which I was opposed.

Why am I opposed to this bill? I should like briefly to give my reasons. I do not feel that this bill will help the small man who wants to build a home and for whom it is intended. I think it will tend to be an empty gesture and that it will raise many false hopes. I believe that the bill is based on a fundamentally false reason. I do not believe that a building boom causes a business boom; I believe that a building boom follows a business boom. We had evidence submitted to the committee as to homes that were for sale, homes which were very attractively built and obtainable on a very low deposit but which could not be sold. The builders could not get people to go into them at all. The trouble was not with the financing terms, which were attractive; the trouble was not that the cost of labor was too high; the trouble was there were not a sufficient number of people who had enough money to become home owners.

I should like to point out that people in sections of this country which are highly built up will get comparatively little benefit from this bill but that their credit will be pledged just as much as if they were going to get benefit from it.

I should like also to call attention to the class of our citizens who do not receive much mention on this floor. When

this bill was debated in the House of Representatives one of the Members of that body, who, I am sure, is well known and respected by every Member of this body who has served in the coordinate branch, Representative ROBERT LUCE, of Massachusetts, made a statement in which he pointed out that this bill sets up competition with legitimate business, thereby involving the 10,000,000 members of building and loan associations, the savings-bank depositors in this country, of whom there are 3,000,000 in Massachusetts alone, the 63,000,000 holders of life-insurance policies, and the 83,000,000 holders of industrial policies who pay 10, 15, or 25 cents a week, and all of whom have their welfare tied up in real estate. I think those people, the people who pay, are entitled to some consideration.

It is noteworthy also that the British who have had a very extensive experience in housing do not guarantee loans in the manner proposed by this bill.

I should like to point out that this bill creates a new class of tax-exempt securities. Expert witnesses who appeared before the committee doubted whether that was necessary. They thought that the debentures to be issued under this bill would sell very well even if they were not made tax-exempt. But they are made tax-exempt, and, in spite of all the protestations which we hear—and with which I frankly sympathize—against tax evasion, and tax avoidance, we, by this bill, are creating a new class of tax-exempt securities with no limit whatever placed on the amount which one individual may hold. That is something which I think the Senate ought to consider.

I believe that this bill will tend to demoralize the real-estate market.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield with great pleasure.

Mr. BARKLEY. That was a matter, of course, that was dealt with in both House and Senate bill, but the Senator from Massachusetts raised no objection to it on the floor of the Senate when the bill was under consideration. It was not in conference; it is not one of the matters in disagreement between the two Houses.

Mr. LODGE. That is quite true, and I am not proposing any amendment whatever to reach that situation, for I realize that, under the rules, that may not be done. But the Senator from New York mentioned the fact that I had opposed this bill and it seemed to me that it was pertinent, legitimate, and proper for me to say why I am against the bill and that I have a right as a Member of this body to do so.

Mr. SMATHERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. LODGE. I yield with pleasure.

Mr. SMATHERS. Does the Senator believe that it is the duty of a good legislator to propose to a bill, to which he is opposed, an amendment which would destroy the effect of the original bill?

Mr. LODGE. I am glad the Senator from New Jersey brought that up, because he has had considerable experience as a legislator and we have regard for his views. I think, as I said before, it is the duty of a good legislator to try and improve a bill. The Senator's idea of what is an improvement and my idea as to what would improve it may be entirely different, but the amendment is my idea of how to improve this bill.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LODGE. I yield with pleasure.

Mr. McKELLAR. I am very much in favor of this bill, and the amendment which the Senator from Massachusetts has offered to the bill seems to me to be a very wise one.

Mr. LODGE. I thank the Senator.

Mr. McKELLAR. I cannot understand why it was left out in conference. However, the question I want to ask is, If the Government in its housing program were to reduce the price of labor to less than the prevailing wage would not that have a very bad effect on the price of labor throughout the country?

Mr. LODGE. I think the Senator from Tennessee has raised a fundamental question, and I am very much obliged to him for doing so. In connection with the point he raises I should like to read a letter, which is very brief, which I have received from a man whom I do not know at all, but the idea which he sets forth is sufficiently good to carry along upon its own merits. This is what he says:

> The conference report accompanying H. R. 8730 states that the conference agreement "omits the labor provisos with respect to rates of pay and labor standards." I trust the Senate will insist upon the reinstatement of these essential requirements.
>
> The President rightfully states that wages must not be reduced if we are to restore the prosperity of the Nation.

And this is what the Senator from Tennessee referred to:

> There is no doubt, however, that unless safeguards are provided chiseling contractors will, because of the vast army of unemployed, beat down prevailing wage rates and labor standards in the scramble for employment.
>
> Large building projects under the United States Housing Authority and under Federal Housing Administration will soon begin. Both types will be constructed under Government supervision. The United States Housing Authority definitely protects labor wages and standards. See section 16 attached. Federal Housing Administration (unless Congress incorporates the amendment) will operate without these provisions. You cannot make fish of one and chaos. Probably the Federal Housing Administration contractor will go broke. Federal Housing Administtration will have to take over and finish the job; net result, loss to the Treasury and further unbalancing the Budget. Prevention of such deplorable and uneconomic conditions rests with Congress.
>
> The lending institution will be fully protected. The Government inspectors on the job will certify the correctness of wage and labor standards when approving payments under the mortgage.
>
> Established sound wage rates and working conditions make for tranquillity and security in the community, to the benefit of the banker and employer, as well as the workers.
>
> I have presumed to give you my views because I believe my experience for the better part of 35 years as a contractor, mostly on Government work, gives me some knowledge of the construction industry.

This letter is from a man whose name is Fred H. Schomburg, and I think it is pertinent, in view of what the Senator from Tennessee has said.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield at that point?

Mr. LODGE. With pleasure.

Mr. SCHWELLENBACH. The Senator realizes that the Federal Housing Administration was established in 1934, does he not?

Mr. LODGE. I did not know that as a fact; but if the Senator from Washington says so, I believe it.

Mr. SCHWELLENBACH. And the Senator realizes that it has operated under a law which has not had in it a prevailing-wage provision?

Mr. LODGE. That is correct.

Mr. SCHWELLENBACH. The Senator may believe that some of the terrible conditions he has described, or which were described in the letter he read, have existed in this country since 1934. I do not know as to that.

Mr. LODGE. I think the conditions in this country have been pretty bad for the wage earner for the past 2 or 3 years.

Mr. SCHWELLENBACH. The Senator does not for a minute contend to the Senate, however, that the existence in this country since 1934 of the Federal Housing Administration has brought about any reduction of wages to the wage earners of the country, or has brought about any strikes in the country, does he?

Mr. LODGE. The fact is that the existence of the Federal Housing Administration up to this time has brought about practically nothing, because the law has been very ineffective; and the whole purpose of the pending measure is to make it more effective. That is why this amendment has been put into the bill. If the law were effective today, we should not have amendments proposed as are here before us now.

Mr. SCHWELLENBACH. If the contention made by the Senator in reading the letter had had the slightest element of basis, the conditions described by the letter would have been created by the Federal Housing Administration during its existence since 1934.

Mr. LODGE. That is not a correct statement, because the Federal Housing Administration up to date has not been a major factor.

The Senator from Washington may be in favor of pay cuts. He may think it makes no difference at all what kind of example the Government sets; but I believe the example which is set by the Government is something that is noted, if not followed, by every private employer in the land, and I do not want to have the Government set this example in this bill.

Mr. SCHWELLENBACH. Mr. President, will the Senator further yield?

Mr. LODGE. Yes.

Mr. SCHWELLENBACH. Let me say to the Senator from Massachusetts that I was supporting organized labor a long time ago in its efforts to raise wages in this country. I voted for a prevailing-wage amendment here in 1935, when it was pretty tough to vote for a prevailing-wage amendment. I believe in the principle of high wages; but I am not willing to agree to an amendment which would completely destroy and nullify the whole Federal Housing Administration.

Mr. LODGE. I am glad to have the Senator's opinion, and if I have done him any injustice I regret it. His position intellectually is very respectable. He has been opposed to my amendment from the beginning. He has not been in favor of it in one place and opposed to it in another place. I am sorry if I have done him an injustice. I did not mean to do it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LODGE. Yes.

Mr. BARKLEY. The Senator from Washington has not been any more opposed to the amendment of the Senator from Massachusetts than the Senator from Massachusetts has been opposed to the whole bill.

Mr. LODGE. That is true. I am opposed to the bill. Make no mistake about that. I have been opposed to it from the beginning, and I have said so to everybody, and I am just in the course of giving my reasons. One was with regard to the tax-exempt securities that we are issuing, with no limit placed on the amount that an individual may have, which is a remarkable thing to do when just a few months ago—I think in July—we passed a bill to close loopholes in the tax laws; and now we are passing a bill opening a large number of new loopholes. I am against that kind of legislation; I always have been and I always shall be.

There is no deterrent in this bill against improvident lending. That is a question that I asked. I have been criticized for not bringing out all these points in the committee, but this is a point that I did bring out in the committee. I asked witnesses for days and days and days, "What deterrent is there in this bill against improvident and reckless lending? What language is there in the bill which would prevent what is done under it from becoming a hand-out to monopolistic corporations and an encouragement to careless banking?" There is not anything in the bill which would prevent that.

I say that without in any way desiring to reflect on the Federal Housing Administrator, whom I like. I think he is a very attractive man and a good citizen; but I think it is bad legislation to draw bills in which there is no deterrent whatever against improvident lending—no deterrent to the extent of $3,000,000,000. That is a tremendous amount of money.

I am against this kind of legislation for those reasons.

Another reason why I am against it is because of my conviction, to which the Senator from New York referred, that housing is one of the few subjects left which can better be handled by the States than by the Federal Government. That is a debatable question, I admit; but I have always believed that the Federal Government should handle only subjects which the States cannot handle. The number of subjects which the States cannot handle increases all the time. I am one of those who believe that the States cannot successfully handle labor legislation by themselves alone, and that is why I voted for the wage and hour bill; but I can see no reason at all why the States cannot set up a housing program.

It seems to me that if we have a Federal housing program of any kind, we shall have specifications drawn up by a Chicago architect for a building to be put up in Boston; and every time the east wind blows off Massachusetts Bay the fog and water will come through the walls, because specifications which are good in Chicago do not go in Boston; and I do not see any advantage at all in doing this thing on a Federal basis.

Senators may disagree with me in that regard. The Senator from Kentucky [Mr. BARKLEY] aptly points out that that matter is not involved in my amendment; but that is another one of my reasons for being opposed to this type of legislation.

I present a letter and a large number of telegrams I have received from every corner of the United States, and ask to have them printed in the RECORD as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LODGE. I sincerely hope my motion will be agreed to, and that the report will be rejected, and the conferees instructed as stated in my motion.

The letter and telegrams submitted by Mr. LODGE are as follows:

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
East Sparta, Ohio, January 26, 1938.

Senator LODGE,
Senate Office Building, Washington, D. C.

DEAR SIR: Carpenters Local 143, of Canton, Ohio, has been informed that you are the sponsor of the prevailing wage-rate clause in the Wagner-Steagall housing bill and that now the conference committee has removed it.

I have written to the legislators of the Sixteenth Congressional District of Ohio urging them to help replace this clause. The information we would like to have is: Who are the parties wanting to remove it and for what reason?

Respectfully yours,

WILLIAM NEISS,
Recording Secretary.

WASHINGTON, D. C., *January 27, 1938.*

Senator HENRY CABOT LODGE, Jr.,
Senate Office Building, Washington, D. C.:

The executive council of Building and Construction Trades Department, American Federation of Labor, now in session urge you to see that amendment 211 of housing bill 8730, relating to rules and regulations and prevailing rates of pay, be retained in the bill for the protection of workers and their standards of wages and hours in the construction industry.

JOSEPH A. MCINERNEY,
President.

HERBERT RIVERS,
Secretary-Treasurer, Building and Construction Trades, Department of American Federation of Labor.

QUINCY, MASS., *January 22, 1938.*

Senator LODGE,
Capitol Building:

Your amendment for prevailing wages is good; fight for it.

MARY GAMACHE.

ROXBURY, MASS.

Hon. Senator HENRY CABOT LODGE, Jr.

DEAR SIR: I deeply appreciate your recent hard work and vote for the "prevailing wage," as was set forth in the housing bill.

Yours truly,

MORRIS BERKOWITZ,
Member, Executive Board, Electrical Workers Union 103, I. B. E. W.

SPRINGFIELD, MASS., *January 26, 1938.*

HENRY CABOT LODGE,
Washington, D. C.:

We, the Sheet Metal Workers Local Union, No. 63, of western Massachusetts, commend and endorse your brilliant stand on the prevailing wage bill of the Federal Housing Act.

SAMUEL FLETCHER,
Recording Secretary.

LONG BEACH, CALIF., *January 30, 1938.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

One hundred and thirty officers and members of the Operative Plasterers' Local Union, No. 343, A. F. of L., respectively request you to use your every effort to have the Federal housing bill carry the prevailing-wage clause.

W. R. MOORE, *Business Representative.*

NORTHAMPTON, MASS., *January 30, 1938.*

Senator HENRY CABOT LODGE,
Washington, D. C.

DEAR SIR: We urge you to give your full support in maintaining the prevailing-wage clause in the Federal housing bill.

HARRY HERSH,
Northampton Building Trades Council.

SALEM, MASS., *January 29, 1938.*

Hon. HENRY CABOT LODGE,
Washington. D. C.

DEAR SENATOR: At a recent meeting of the North Shore Master Builders' Association held at the Hotel Hawthorne, Salem, Mass., the members endorsed unanimously your fight to insert a wage clause into the new housing bill now before Congress.

We believe that your wage clause will eliminate a lot of unfair competition which is now so prevalent in the building industry. It will also help to protect the public being exploited by unscrupulous Hermes who have no right to be in the building business.

Very truly yours,

NORTH SHORE MASTER BUILDERS' ASSOCIATION,
WM. F. ABBOTT, *Secretary.*

MARLBORO, MASS., *January 27, 1938.*

Hon. HENRY CABOT LODGE,
United States Senator, Washington, D. C.:

Marlboro, Mass., Building Trades Council urges you to see that the prevailing-wage clause is maintained in the housing bill.

FRANK F. KELLEHER, *Secretary.*

PITTSFIELD, MASS., *January 27, 1938.*

Senator HENRY CABOT LODGE, JR.,
Congress of the United States, Washington, D. C.:

Your constituents in this district urgently request you to maintain the prevailing-wage clause in the housing bill.

JOHN E. COUGHLIN,
Secretary, Pittsfield Building and Construction Trade Council.

SPRINGFIELD, MASS., *January 28, 1938.*

Senator HENRY CABOT LODGE,
Washington, D. C.:

Please vote to have the prevailing-rate clause maintained in the housing bill.

BERT P. THIBODEAU,
R. S. Local 96, Carpenters.

LYNN, MASS., *January 27, 1938.*

Senator HENRY CABOT LODGE,
Senate Building:

Lynn building trades urge maintenance of prevailing-wage clause in housing bill.

ABE GARDNER, *Secretary.*

LAWRENCE, MASS., *January 27, 1938.*

Senator HENRY CABOT LODGE:

We urge your support for the prevailing-wage clause to be maintained in the housing bill.

BUILDING TRADES COUNCIL.

SPRINGFIELD, MASS., *January 27, 1938.*

Hon. HENRY CABOT LODGE,
Senate:

Members wish to express their appreciation for your stand on prevailing-rate clause in housing bill. Hope you are successful.

PATRICK T. GARVEY,
Recording Secretary, Carpenters' Union No. 177.

SPRINGFIELD, MASS., *January 27, 1938.*

Hon. HENRY CABOT LODGE,
Senate:

Want to commend you on your efforts to keep prevailing-rate clause in housing bill. Keep up the good work.

HARRY P. HOGAN,
Business Agent, Carpenters' District Council of Springfield.

WORCESTER, MASS., *January 27, 1938.*

Hon. HENRY CABOT LODGE, JR.,
Senator:

Organized labor of Worcester County urge prevailing-wage clause retained in housing bill.

SAMUEL J. DONNELLY,
Secretary, Building Trades Council.

QUINCY, MASS., *January 27, 1938.*

Senator HENRY CABOT LODGE,
Washington, D. C.:

We urgently request your support of the prevailing-wage clause in the housing bill.

QUINCY (MASS.) BUILDING AND
CONSTRUCTION TRADES COUNCIL.

SPRINGFIELD, MASS., *January 28, 1938.*

Hon. HENRY CABOT LODGE,
United States Senator:

Allied building trades council would consider it a favor if you could advocate and vote to keep the prevailing rate of wage in the Federal housing bill.

M. J. SCANLON,
Secretary-Treasurer.

SPRINGFIELD, MASS., *January 28, 1938.*

Hon. HENRY CABOT LODGE,
Senate Chambers:

Steamfitters' Local Union 603, of Springfield, commend your efforts in behalf of prevailing rate of wages in housing bill.

GEORGE EMEAGHER, *Secretary.*

SPRINGFIELD, MASS., *January 28, 1938.*

Hon. HENRY CABOT LODGE,
Senate Chambers:

Plumbers' Local Union 89, of Springfield, commend your efforts in behalf of prevailing rate of wages in housing bill.

DAVID A. GOGGIN,
Secretary, Plumbers' Union.

SPRINGFIELD, MASS., *January 28, 1938.*

Hon. HENRY C. LODGE,
United States Senate:

Commendations. Bricklayers' Union No. 1 mass for stand in prevailing-rate clause in housing bill.

P. W. HARRIGAN,
Business Representative.

FALL RIVER, MASS., *January 28, 1938.*

Senator HENRY CABOT LODGE,
Senate Building:

Fall River Building Trades Council appreciate your efforts to maintain prevailing-wage clause in housing bill. We urge you to continue your efforts.

RAYMOND DOOLEY, *Secretary.*

NATICK, MASS., *January 31, 1938.*

HENRY CABOT LODGE:

Building and Construction Trade Council of Newton and vicinity urge you to maintain the prevailing-wage clause in the housing bill.

GEORGE SOBIESKI, *Secretary-Treasurer.*

SPRINGFIELD, MASS., *January 28, 1938.*

HENRY CABOT LODGE, JR.,
Senate Chambers, Washington, D. C.

DEAR SIR: I have been instructed to inform you that Local Union 257 of Painters and Decorators of Springfield are in favor of the prevailing rate of wages and hours bill on Federal housing, which is being sponsored at present, and wish you to vote accordingly.

ROY J. SUPRENANT,
Business Agent, Local 257.

FALL RIVER, MASS., *January 28, 1938.*

Senator HENRY CABOT LODGE, JR.,
Senate Building, Washington, D. C.:

I, as a businessman in Fall River, Mass., like to bid you carry on your noble fight for your amendment on the prevailing wage.

JOSE SILVA.

Mr. BARKLEY. Mr. President, as I understand, the Senator from New York [Mr. WAGNER] made a point of order against the motion of the Senator from Massachusetts [Mr. LODGE].

The PRESIDENT pro tempore. The Chair is not advised as to that. Did the Senator from New York make a point of order against the motion?

Mr. BARKLEY. If he did not, I desire to do so.

Mr. WAGNER. I intended to make the point of order. I shall be glad to have the Senator from Kentucky make it.

Mr. BARKLEY. No; I was inquiring if the Senator from New York had made it.

Mr. WAGNER. I gave notice that I should raise the point of order that the motion of the Senator from Massachusetts is out of order.

Mr. BARKLEY. I merely wished to say that if the Senator had made the point, I wanted to discuss it. If he had not made it, and did not intend to make it, it was my intention to make it.

Mr. WAGNER. I intended to make the point of order against the motion.

The PRESIDENT pro tempore. The Chair would like to know what is the point of order that is made? Has either the Senator from New York or the Senator from Kentucky made any point of order?

Mr. WAGNER. I make the point of order that the motion of the Senator from Massachusetts is out of order. There is nothing before the Senate except either the adoption or the rejection of the conference report.

The PRESIDENT pro tempore. The Chair is ready to rule on the question, unless some Senator desires to speak on the subject.

Mr. McNARY. Mr. President, I have not the least idea what the ruling of the Chair will be. I entertain, however, a very confident hope that the point of order will be overruled.

The distinguished Senator from Massachusetts [Mr. LODGE], who has made an eloquent plea in behalf of his amendment, asks that the Senate conferees be instructed further to insist upon the amendment which was adopted here by a vote of 3 to 1.

So far as I have been able to ascertain, there is nothing in the rules of the Senate which prohibits the procedure adopted by the Senator from Massachusetts. While it is true that the usual course of procedure is to vote a conference report either up or down, when a conference report comes to the Senate and we find that a vital and substantive amendment has been omitted I contend that it is proper for a Senator who believes in the amendment, and who supported it, to ask that the report be returned to the conferees with instructions to the Senate conferees further to insist upon its inclusion in the bill.

The present situation is different from the usual one. This amendment was not incorporated in the House bill. It was voted into the bill on the floor of the Senate by an overwhelming vote. The bill went to conference, and the majority of the Senate conferees yielded to the House conferees. Under those circumstances there are only two remedies. I frankly concede that rejection of the report is one form of remedy; but the direct and specific remedy is to point out and ask for insistence upon the amendment on which the recession was made by those entrusted with the faithful performance of the duty to adhere to its adoption.

I repeat, by way of emphasis, that the basis of this motion, which I discussed at the time with my colleague from Massachusetts, is because the Senate conferees receded in the face of the Senate's instructions by a vote of 3 to 1, in order that the able Senator from Massachusetts may, under the practice, move that the bill be returned to the conferees with instructions that the conferees on the part of the Senate do what? Follow out the first instructions given them by a large vote; and that is the purpose of the motion of the Senator from Massachusetts.

Mr. President, there is another way in which this matter could have been handled. If the four conferees named by the Senator from Massachusetts—namely, my distinguished friend from Kentucky, the able leader of the Democratic Party in the Senate [Mr. BARKLEY], the able Senator from New York [Mr. WAGNER], the capable Senator from Ohio [Mr. BULKLEY], and the able Senator from South Dakota [Mr. HITCHCOCK]—felt it proper to recede from this amendment in the face of the vote of the Senate, they had a right to come back here and ask for further instructions. That, I think, is the course which they should have pursued. They were armed with the Senate's vote, which meant an instruction to adhere to the amendment. If they themselves thought it was proper to recede from the amendment, they should have come back here and asked the Senate for further instructions, which is part of the practice of this body. They not having done that, the only remedy left for the Senator from Massachusetts is to point out that situation by a motion either that the report be rejected or that the bill be returned to conference and that the Senate conferees be instructed further to insist upon the amendment.

There is nothing on the subject in the precedents and not much in the practice of the Senate. The rules are wholly void of any particular reference to a situation like this.

Mr. President, I am sure I have made myself clear. I desire always to be brief and direct. Under the circumstances, the motion of the Senator from Massachusetts is a proper one. It is the only way for the Senate definitely and explicitly to express itself on the disregard of a substantive amendment by the majority of the Senate conferees. I submit that the point of order should not be sustained.

Mr. BARKLEY. Mr. President, I do not wish to take the time of the Senate or of the Chair, but not knowing how the Chair's mind leans in this matter I wish to say just this. It makes no difference whether the amendment was adopted on the floor of the Senate or whether it came out of the committee, it was a matter in disagreement between the two Houses. When proposed legislation goes to conference, with important differences between the two Houses indicated, there must be a yielding in order for the two Houses to arrive at legislation, and my observation is, and I think the record will show, that not once out of a hundred times do the conferees bring back a Senate amendment to the Senate and ask for further instructions on it. The very object of having a conference is to have the two Houses come together, and in that process both Houses have to make concessions, and both have to yield upon differences which otherwise would be irreconcilable.

In the pending matter the Senate conferees yielded. It is not necessary to say what transpired in the conference, but the Senate conferees found the House conferees objecting to the amendment and declining to agree to it, and we yielded.

The House has agreed to the conference report and has discharged the conferees, and there is now no conference committee. The only thing that can be done by the Senate, therefore, is to vote the conference report up or down. It is not in order to move that it be referred to the conference committee, because there is no such committee in existence.

The PRESIDENT pro tempore. The Senate Manual, on page 214, states, with regard to conference reports:

> A conference committee is practically two distinct committees, each of which acts by a majority. Conference reports must be signed by a majority of the managers on the part of each House. They are made in duplicate for the managers to present to their respective Houses, the signatures of the managers of each House appearing first on the report that is to be presented to the House they represent.

A message has been received from the House of Representatives notifying the Senate that the House has acted on the conference report, adopting it completely. It follows from that act that the conferees on behalf of the House have been discharged. There is no conference committee to which this matter could be referred.

The Manual further provides:

> It is in order to instruct conferees, and the resolution of instruction should be offered after the House has voted to insist and ask a conference and before the conferees have been appointed.

If the Senate desires to instruct its conferees it may do so just prior to their actual appointment, and after the motion to ask a conference has been agreed to. In this case the conference has ceased to exist, of which we have notice from the House of Representatives, that body having adopted the report in full and discharged its conferees, and it is not in order at this time to instruct conferees, in view of the rule heretofore quoted.

If the Senate is not satisfied with a conference report, usually it refuses to adopt the report, and asks for a further conference with the House of Representatives; and at this stage it is proper to appoint conferees and to instruct them, if the Senate so desires. A motion to disagree to a conference report is a negative motion, as against the affirmative motion to agree to it. The determination of the Senate can be arrived at by either motion, but the affirmative motion is first in order.

There are numerous precedents back of the ruling the Chair has just made that when either House acts finally on a conference report, the conference is ended. The point of order is sustained.

Mr. McNARY. Mr. President, I do not desire to file a petition for a rehearing, and shall accept the ruling of the Chair, but I must make one observation. The fact that the conferees on the part of the House of Representatives have been discharged does not in any way affect the parliamentary situation. If the Senate shall vote down the conference report, the House will have to bring about a new conference by the appointment of new conferees, just as though the motion of the Senator from Massachusetts were sustained. So there can be no point in the Chair basing his decision upon the fact that the House conferees have been discharged. There will be a new conference if the Senate votes down the report, as has been correctly stated by the Chair.

The PRESIDENT pro tempore. Then the only remedy is for the Senate to ask for another conference.

Mr. McNARY. Mr. President, I stated that I would not file a petition for a rehearing. Nor shall I take an appeal, because we have a remedy, in voting up or down the conference report. I wish to say for the RECORD, however, and for future rulings, that the decision made by the Chair, based, as it was, upon the fact that the House conferees have been discharged, is not supported, because the moment the Senate votes down the conference report, then the House will have to appoint additional conferees, which is done over and over again.

Mr. President, with this observation I shall close. Later, when the proper time arrives, I shall ask for a quorum and a roll call, at which time we will determine whether or not conferees on the part of the Senate may disregard a vote of the Senate, as was the fact in this case.

Mr. MINTON. Mr. President, I was strangely unmoved by the eloquence of the Senator from Massachusetts; and he was eloquent. There is no question about his eloquence, but his eloquence was aimed in the wrong direction. I recognize the position of the Senator from Massachusetts today for just what it was on December 21, namely, an attempt to sabotage the housing bill. I voted against his amendment then, and I propose to vote against him today.

What the Senator from Massachusetts is interested in is not the people who work. He might have a vicarious interest in people who work, he might have an academic interest in people who work, but his interest, as he said time and again in his speech this afternoon, and stated in response to the Senator from Oregon, is in opposing the bill, and if he is against the bill, he wants to "knife" the bill, and if one wants to "knife" the bill, he wants to put something into it which will take the very vitals out of it.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Indiana yield to the Senator from Montana?

Mr. MINTON. I yield.

Mr. WHEELER. Why would the insertion of an amendment providing for the prevailing wage scale take the vitals out of it? The same argument was used on the floor of the Senate when I voted for the McCarran amendment to include the prevailing wage scale in the work-relief bill. I remind the Senator that, notwithstanding the fact that the attempt was defeated at that time, the provision was afterward put into effect all over the country by the administration. I do not think it is fair for the Senator to say that those of us who wish to write into the bill a provision for the prevailing wage scale desire to "knife" the bill. I want to see the bill passed, notwithstanding the fact that we know there will not be any money spent outside of New York City and——

Mr. MINTON. I hope the Senator will make his speech in his own time.

Mr. WHEELER. Will the Senator tell me why he thinks the inclusion of the prevailing wage scale will "knife" the bill?

Mr. MINTON. I will tell the Senator—perhaps the explanation will not satisfy the Senator from Montana, but it will satisfy me, and I think it will satisfy others. I base my statement on the opinion rendered by the Department of Labor and the Housing Authority that this is not a proposition solely of the Federal Government, in which we are spending the Federal Government's money. As the distinguished Senator who now presides over the Senate pointed out, it is the money of others that is being spent, and the Government is merely guaranteeing the mortgages. We have no right, under such circumstances, when private capital is lending its money in this kind of an undertaking, to say to them what the wages and hours shall be on the projects involved. They are not Federal projects, and the Senator from Massachusetts knew that, and he knew that if he wanted to sabotage the bill, if he could have included a provision of this kind, which would attempt to dictate to people who were going to lend the money the terms upon which they were to lend it, he could cut the vitals out of the bill.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BULKLEY. I suggest that the difficulty runs even deeper than that. The contract of the Federal Housing Administration is with the mortgagee, who is not the party who undertakes the construction and has no control over what wages are to be paid, and yet the mortgagee's consent to advance the money is essential before an operation starts at all. If the mortgagee is afraid of the validity of the mortgage, there will simply not be any operation, and that is what we are afraid some of those who want to insert this amendment are driving at; that they do not want to have any operation under the bill.

Mr. MINTON. I thank the Senator from Ohio, who has put his finger on the proposition much more accurately than I could have. He has been on the committee; he understands the bill; and I am willing to follow his leadership. I think he knows what is in the woodpile, and the Senator from Massachusetts knows what is in the woodpile, because he put it there.

Mr. LODGE. The Senator from Ohio [Mr. BULKLEY] voted for my amendment.

Mr. MINTON. I did not vote for the Senator's amendment.

Mr. BULKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. MINTON. I yield.

Mr. BULKLEY. I do not think there ought to be any mystery about that. The prevailing-wage amendment was not suggested or discussed in the House of Representatives. It was not discussed before the committee which reported the bill to the Senate. It was not discussed on the Senate floor. Naturally I am in favor of prevailing wages. I voted with the Senator from Montana [Mr. WHEELER] and others when it was difficult to vote for a prevailing wage on the W. P. A., and I stood by it, and I never have apologized for it.

Mr. WHEELER. And the leaders stood back of it.

Mr. BULKLEY. They did.

Mr. WHEELER. They had to.

Mr. BULKLEY. I think so. This was a proposition that might have been developed in conference and, of course, I voted for the amendment when it was before the Senate, at which time it was not discussed, in the hope that an amendment could be developed in conference which would provide a satisfactory, workable arrangement in the interest of labor. But that was not developed in conference. On the contrary we had overwhelming evidence brought before the conferees that the amendment would be totally unworkable, and no change in it was suggested which anyone even would pretend would make it workable.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. LODGE. I understood the Senator from Ohio [Mr. BULKLEY] to say—and if I am wrong I should like to be corrected—that this matter was not brought before the committee. I should like to read from the hearings at page 252 the testimony of Harry C. Bates, chairman of the housing committee of the American Federation of Labor, in which he says:

> I want to call the particular attention of this committee to one phase of the proposed program which labor considers of crucial importance. As you know, the proposed legislation contains no provision whatsoever which would safeguard labor standards on residential construction contemplated under this program. I am confident that I express the desire of every mechanic and laborer in the building industry when I say that it is essential to incorporate a provision protecting standards of wages, hours, and other conditions of employment in this bill. I am asking this committee, therefore, to incorporate a new section into the bill which would require the payment of prevailing wages and the maintenance of adequate labor standards.

I contend it was before the committee.

Mr. BULKLEY. That did not move the Senator from Massachusetts or any other member of the committee to propose the amendment, and it was not considered.

Mr. LODGE. It was before the committee.

Mr. MINTON. Yes; it was before the committee, but the Senator from Massachusetts never brought it before the committee. He sat through the hearings, as I understand, as a member of the subcommittee, and he never brought it before the subcommittee. He never opened his mouth about it before the subcommittee. It came before the full committee, and the Senator, whose heart now bleeds for the men who toil, never mentioned it before the full committee.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. LODGE. Why do we have the floor of the United States Senate if it is not the place on which to offer amendments and to make speeches? If that is not what it is for, what is it for?

Mr. MINTON. Why do we have committees if it is not before the committees that bills should be worked out?

Mr. LODGE. I took my oath to be in the Senate and not to be in committees.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BARKLEY. One difference is that there is no gallery in committees. [Laughter.]

Mr. MINTON. Yes; that may have something to do with it, especially when the committee is in executive session. But that is just the point. The Senator from Massachusetts says that the conduct of the Senate conferees upon this conference would shake confidence in democracy. I say to the Senate that the conduct which the Senator from Massachusetts has pursued in this case would shake confidence in the processes of democracy. He goes before his committee having in mind a provision which he thinks is vital, a provision which is close to his heart, and keeps his mouth shut before the subcommittee, and keeps his mouth shut before the full committee, and then, when the bill reaches the floor of the United States Senate, he comes forward with this thing that burns and sears his soul for the people who work and offers his amendment, and never says a word about it on the floor of the United States Senate—this place which is supposed to be the forum which the Senator wants to use. He did not use it on December 21, when he brought in his amendment and offered it and requested the yeas and nays.

Mr. LODGE. I did not have to, because no one criticized it.

Mr. MINTON. The Senator did not give anyone a chance to criticize it.

Mr. LODGE. Since when has the Senator from Massachusetts been in control of the procedure here? Since when could the Senator from Massachusetts stop anyone from criticizing?

Mr. MINTON. No one was stopped from criticizing, but the Senator from Massachusetts never gave anyone a chance to criticize.

Mr. LODGE. The Senator from Massachusetts offered this amendment. That is what the Senator from Indiana is criticizing now.

Mr. MINTON. The Senator offered the amendment on the floor of the United States Senate and demanded a roll call, and the Senator from Oregon [Mr. MCNARY] finally was instrumental in obtaining one for him.

Mr. LODGE. I thought the Senator from Indiana was criticizing my amendment now.

Mr. MINTON. I am criticizing the Senator's amendment, because I think the Senator was trying to do on December 21 just what he is trying to do today—that is, sabotage the bill. Put the amendment in the bill and the bill is sabotaged. Keep it out and the Senators who keep it out are sabotaged. That is thought to be all right. It is smart politics on the part of the Senator from Massachusetts. But let us consider it for what it is. Make no mistake about it that that is why the amendment was put in the bill. It was not put in it in order to help the bill at all. It was put in the bill to hurt the bill. If it is kept out it is kept out in order to try to hurt someone who keeps it out.

Mr. President, for my part I am willing to follow the Senator from Ohio [Mr. BULKLEY] and the Senator from New York [Mr. WAGNER]. They have made records here during long years in the United States Senate for the people who toil, and I am willing to cast my lot with the Senator from New York and the Senator from Ohio in voting for the people who work in this country.

Mr. MCNARY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. MCNARY. I am happy that the Senator has leaders whom he follows. From the record given by the able Senator from Massachusetts, it appears that both the Senator from New York and the Senator from Ohio voted for this amendment. Why does not the Senator from Indiana follow them?

Mr. MINTON. Why does he not follow them? They are not voting for it now.

Mr. MCNARY. No; they are not voting for it now, but they voted for it when it was here on a previous occasion and before it went into conference.

Mr. MINTON. And this is the first time it has been discussed on the floor of the United States Senate and the first time anyone has had a chance to take a position on it except by a vote; and now the Senator from New York comes here and says that he is against the amendment, and the Senator from Ohio says he is against it.

Mr. MCNARY. Mr. President, will the Senator yield further?

Mr. MINTON. Yes; I yield.

Mr. MCNARY. The Senator wants to be fair, and he usually is, but he is not so in that statement. When the amendment was offered by the distinguished Senator from Massachusetts it was read at the desk by the clerk and was simple and self-explanatory. It followed the form of the amendment offered by the Senator from Nevada [Mr. MCCARRAN] and the Senator from Georgia [Mr. RUSSELL], both of which were adopted. It was in precisely the same language as those two amendments. It was read by the clerk. Who wanted speeches made? Those who opposed it could have been heard, but when the roll was called two-thirds of them, including the two leaders in charge of the bill, voted for the amendment.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BULKLEY. The Senator from Oregon, of course, wants to be fair to us also.

Mr. MCNARY. I certainly do.

Mr. BULKLEY. I tried to make clear that I voted for the amendment, realizing that if it were rejected that would be the end of it; and that if it were adopted it could be further considered in conference, as it had not been considered either in the House or in the committee or on the floor of the Senate.

Mr. McNARY. I am willing to accept the Senator's explanation as an appendix to my remarks. [Laughter.]

Mr. BARKLEY. I hope the appendix will not be removed. [Laughter.]

Mr. MINTON. I think it is a perfectly healthy appendix. It probably will remain in.

As long as I have been in the Senate—and it has not been long—I have never seen the cart put before the horse in the manner that is attempted to be done in this case. An amendment is offered and voted on, and then it is debated when it comes back in connection with the conference report.

Let us see how eloquent the Senator from Massachusetts was when this matter came before the Senate on December 21:

> Mr. LODGE. Mr. President, I offer the amendment which I send to the desk and ask to have stated.
>
> The VICE PRESIDENT. The amendment offered by the Senator from Massachusetts will be stated.
>
> The amendment was read by the clerk.
>
> The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. LODGE] to the amendment reported by the committee.
>
> Mr. LODGE. I call for the yeas and nays.

Such eloquence! How the Senator from Massachusetts must have been bleeding inwardly for the working people at that time, but he never opened his mouth about it.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. LODGE. It seems to me that the amendment was so simple and so self-explanatory that it would appeal to the humanitarian instincts of every Senator, and that it was not necessary at that late date to debate it; and I was right, because the majority of the Senate voted for it.

Mr. MINTON. The fact remains that the Senator did not talk. And the amendment went into the bill, and then Senators woke up to find out that an amendment had been placed in the bill which all the friends of the bill felt was going to cut the vitals out of the bill.

So when the conferees went into the conference they readily took out the amendment of the Senator from Massachusetts, and sent the bill back to the Senate in the condition in which the Senate would have adopted it if the Senator from Massachusetts had not offered his amendment.

So I say that the Senator from Massachusetts is against the bill. That is his privilege. That is perfectly all right. He got up here and cloaked it with a great deal of camouflage about doing something for the people who work, when after all, his purpose was to do something to the bill to make it nonworkable.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. LODGE. I did not notice that the Senator from Indiana spoke about my amendment when it was before the Senate on December 21.

Mr. MINTON. All I got a chance to do was to vote on something with respect to which I did not even have a chance to advise myself.

Mr. LODGE. The Senator from Indiana has a right to rise up and express himself.

Mr. MINTON. Yes; but I am not on the committee. I was not on the subcommittee. The Senator from Massachusetts was on the subcommittee, and had the facts and the benefit of all the hearings. I was not on the full committee as was the Senator from Massachusetts. I had not had that matter under special consideration as had the Senator from Massachusetts. Then he comes in here and springs his amendment, and asks the Senate to vote on it immediately. If I had been in possession of the facts as the Senator from Massachusetts was in possession of them, and so much concerned about the people I wanted to serve, as the Senator professes to be, and been so much concerned about the working of democratic processes as he professes to be, then I should have given the Senate the benefit of my superior vantage point and judgment about this bill and discussed it with Senators on the floor of the Senate at that time.

But the Senator from Massachusetts did not see fit to do that. He let it go by the board at that time. Then, after the bill was on the floor of the Senate, when it was under consideration by the Senate and he had an opportunity to inform the Senate, he did not inform the Senate; but when the matter again arises on a simple question of voting on a conference report, he comes in to make an eloquent speech.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. LODGE. I know the Senator is very fair, and would not want to put me in a false position. The Senate had notice that this matter would be taken up. The Senator from New York very courteously gave notice at Friday's session, and there was not any question of surprise tactics on my part.

Mr. MINTON. I did not intend to say that the Senator was surprising anybody today—not at all—least of all me. I was not surprised by his maneuver on December 21. As I said in the beginning, I recognized it then for what I recognize it now to be—a very clever maneuver on the part of the Senator from Massachusetts, either to sabotage the bill or sabotage the people who are not for his amendment.

So, Mr. President, as I said a while ago, I am willing to follow, on matters involving the workers of this country, the leadership of the Senator from New York [Mr. WAGNER] and the Senator from Ohio [Mr. BULKLEY].

Mr. BARKLEY. Mr. President, I was one of the conferees on this measure, and I was a member of the subcommittee of the Committee on Banking and Currency which held the hearings and brought the bill to the attention of the full committee. I was also a member of the full committee that brought the bill here.

I do not wish to discuss whether anybody was fair or unfair in waiting until the last moment, when everybody in the Senate was anxious to get action on the housing bill, to offer an amendment which nobody had thought about or discussed. The Members of this body, just as are the members of all legislative bodies, are the keepers of their own consciences. I am not the keeper of their consciences, thank Heaven. All I can do is to keep mine.

It is a fact that the Senator from Massachusetts was opposed to this bill from the very beginning. In my judgment, he lent no aid in its improvement when it was under consideration in the subcommittee or in the full committee. That was his right. I am not criticizing him for lending no aid to the theory of the bill, but I am merely calling attention to it.

Extensive hearings were held on the bill before the House committee and before the Senate committee. Among those who testified in behalf of the bill before the Senate committee was the president of the American Federation of Labor, Mr. William Green, who endorsed the bill as it was before us and made no suggestion or hint with respect to an amendment of this sort before the subcommittee or the full committee. Mr. Green was a very able, intelligent, and broad-minded witness. He testified before the committee that one of the troubles in this country was the break-down of heavy industry and the loss of employment among the building trades. We all know that to be the fact. Mr. Green testified that this measure, while it would not perform any miracle, would be helpful in encouraging the investment of private capital in the housing industry. That is all this bill attempts to do. Not a dollar of Government money will go into any house under this proposed legislation. Not a dollar of Government money went into any house or any improvement under the Housing Act as it was originally passed.

The bill is designed to encourage the investment of private capital in the housing of our country, not only in order to give employment, not only in order to encourage the heavy industries, but in order to create improvement in the social conditions of our country by reason of better housing.

One of the reasons why we and the Housing Administration felt it was necessary and desirable to do that was that it would bring about a lower rate of interest.

Another reason was that raising the limitation from 80 to 90 percent would encourage thousands of our people, who could put up one-tenth as a down payment but could not put up one-fifth as a down payment, to believe that they might become home owners.

I do not believe any careful student of sociology or social conditions in this country can deny the fact that it is to the interest of our country—politically, morally, economically, socially, and patriotically—that as large a proportion as possible of our people shall be encouraged to own their own homes. The man who is compelled to wander over the face of the earth, with no place to lay his head, is naturally not as devoted to the interests of his country as he would be if he owned a little share of the earth's surface and had his own vine and fig tree. This bill provided, therefore, for a smaller payment, which of course presupposed a larger loan.

The Federal Housing Administration does not deal with the contractor or with the builder. The Federal Housing Administration does not deal with the carpenter, the plumber, or the bricklayer.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LODGE. Is it not true that the Federal Housing Administrator has the right and the duty to have a force of architects, engineers, and inspectors not under civil service, whose duties are to see that the building is properly constructed?

Mr. BARKLEY. Of course, the Federal Housing Administration must inspect a building to determine whether it will insure the mortgage on it. It would be guilty of inexcusable negligence if it did not do so. But what I am saying is that the Federal Housing Administration has no direct contact with the builder, the carpenter, the plumber, the brickmason, or anybody else engaged in the construction of the house. The duty of the Federal Housing Administration is performed when, by its own inspection officers, it determines whether the building is of such character as will justify the Government of the United States in insuring the mortgage which has been made upon it by a bank, an insurance company, a building and loan association, or some other lending agency.

Let us consider the situation we have here. I voted for this amendment when it was voted on in the Senate very largely for the reason given by the Senator from Ohio [Mr. BULKLEY]. Looking back on it now, I think it would have been infinitely wiser to have discussed it at the time and to have pointed out what the effect would be upon this legislation. I sincerely believe that the inclusion of this amendment will mean that no lending agency—whether it be an insurance company, a bank, a building and loan association, or other lending agency—will ever make any loan upon a house upon which the mortgage may never be insured, where the lending agency has no voice in the fixing of the terms upon which the house shall be built, no voice in determining the wages, and no voice in determining the contract entered into between the builder and his workingmen, or between the private owner—if it happens to be a private owner—and the contractor whom he employs to build his house.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHEELER. I am frank to say to the Senator that I am not entirely familiar with the provisions of this bill. The Government guarantees up to 90 percent, as I understand it.

Mr. BARKLEY. The Government guarantees against loss on the mortgage up to 90 percent. Under the old law it was up to 80 percent.

Mr. WHEELER. Banks and insurance companies lend money on buildings today. They lend money on houses today, notwithstanding the fact that they know, when a man is building a house, that he has to pay the prevailing wage scale of that particular community. I have heard the argument that no bank, or no insurance company will lend money on that mortgage, even though it is guaranteed to the extent of 90 percent, if it feels that the borrower is going to have to pay the prevailing wage scale in that community. Such a statement does not seem logical to me. I live in a community that is very highly unionized. The banks in my community lend money for the building of houses and other structures, when they know that the prevailing wage scale must be paid.

Mr. BARKLEY. The Senator realizes that the banking institutions in this country have not been in the habit of making long-term loans covering a period of 20 years, repaid in small monthly payments, in order to build houses. It has not been the practice of banks, either National or State, to do that. In order to induce them to do so it was necessary for the Federal Housing Administration, at the very beginning, to go out and seek the cooperation of such lending institutions. To use a common phrase, it was necessary to "sell them" the idea. The most potent factor in selling the idea to them was that the Government of the United States guaranteed up to 80 percent of the loan.

Mr. BULKLEY. Will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BULKLEY. I want to say just a word, because I think the Senator from Montana has not clearly understood the force of the objection to this amendment. He seems to think that the bankers would be afraid to lend because the prevailing rate of wages would have to be paid. We do not think so at all. The prevailing wages are paid on most of such projects now. The prevailing rates of wages will be paid on most of the projects that will be built under the proposed act. Only in rare exceptions will anyone pay less than the prevailing wage. But the difficulty is that the party who has been guaranteed, the mortgagee, has no way of assuring himself that that will be done. It might invalidate the guaranty, with no dereliction on his own part, and consequently it would be a deterrent to the mortgagee in making the loan in the first place, and so serious a deterrent that we do not believe any loans would be made.

Mr. WHEELER. I may be obtuse, but I do not just understand. At the present time the Federal Housing Administration is making loans in my State, and the prevailing wages are being paid. Does this amendment propose to change that law?

Mr. BULKLEY. It is not proposed to change the law in the least. If we leave the amendment out, the law will remain exactly as it has been.

Mr. WHEELER. There is only one reason why it was desired to have it left out. The reason why it was desired to leave it out was because it was said with the provision for the prevailing wage scale in the bill houses will not be built. Is not that the idea?

Mr. BULKLEY. That the lenders will be afraid to lend, because the lenders do not have control of what rate of wages will be paid.

Mr. WHEELER. Why should they be afraid any more than they are at the present time?

Mr. BULKLEY. Because of this provision which might invalidate the insurance. The insurance might be invalidated with no dereliction on the part of the lenders.

Mr. BARKLEY. Mr. President, suppose I, a small workingman, want to build a house for myself and family, under the provisions of the F. H. A. I go to a banker and say, "I want to build a five- or six-thousand-dollar house; I have entered into a contract or I have discussed a contract with a contractor with respect to the construction of the house. I want to know, Mr. Banker, whether you will lend me the money with which to build this home for myself and my family." The banker says, "I think ordinarily I would be willing to make a loan; I am in a position to make it, and one of the inducements for making it is that up to 90 percent or 80 percent of the amount is guaranteed against loss; but I want to know, before I commit myself on the proposition of making the loan, whether the prevailing wage is to be paid in the construction of the house." That raises the question, What is the prevailing wage in that community? Suppose the prospective builder and contractor both say, "We are willing to agree that we will pay the prevailing wage"; and they make the contract, and build the house, but later it turns out that the prevailing wage has not been paid.

Then the banker cannot have that mortgage guaranteed or insured under the Government of the United States, or under the law as it will be enacted; and it makes it necessary for the lender, who is not a party to the building contract but only agrees in advance to insure the loan, either to turn it down entirely or stand there like a cat at a rat hole and see that every day every man who works upon that project is paid the prevailing wage.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield to me at that point?

Mr. BARKLEY. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. Is it not further true, I wish to suggest to the Senator from Montana, that there is a very great possibility that the question would not arise to be determined by anybody until, perhaps, 5 years afterwards, when the mortgagor fails in his payments. Then when the savings and loan association says to the Federal Housing Administration, "You have guaranteed it, you pay it;" the Federal Housing Administration replies, "Well the Comptroller General in Washington says we cannot pay it because we have not the proper proof that the prevailing wage was paid."

Mr. WHEELER. It seems to me that that could be obviated very easily by having determined at the time what was the prevailing wage scale. It could be settled at the time. I do not see the reason for that objection.

Mr. BARKLEY. Mr. President, in his testimony before the committee, Mr. Green stated that the question of wages and conditions in the building trades was not a matter for any national action, that it was up to each local community, and that each local union in the community can enter into any sort of contract it sees fit to enter into with a builder for the construction of houses. Now let us take a town of fifty or a hundred thousand people where, we will say, labor is half unionized and half nonunion; what is the prevailing wage there? Who is to determine what is the prevailing wage? Suppose a contractor enters into a contract to build a house or a group of houses with the carpenters' union, the plumbers' union, and the bricklayers' union at wages which they agree upon, and some other contractor enters into a contract to build another house or another set of houses at a different rate; which is the prevailing rate of wages in that instance? It is not put up to the Department of Labor here to determine and fix the standard of wages in the various communities; it is not subject to national action; it is a question for the unions themselves.

Mr. WHEELER. The prevailing wage scale, if I understand it correctly—and I think I do, for we have had to consider a great many matters relating to the prevailing wage scale in connection with W. P. A. and P. W. A. work——

Mr. BARKLEY. Of course, in those cases the money is all being furnished by the Government; the Government fixes the wage and fixes the conditions of labor, and there is no third party who enters into the transaction as a lender of money to be guaranteed by the Government.

Mr. WHEELER. I understand that, but the P. W. A does not pay all the cost; it pays only 30 percent of it.

Mr. BARKLEY. The amount varies somewhat.

Mr. WHEELER. In this case the Government puts up or guarantees 80 or 90 percent, whereas under the P. W. A. it puts up only 30 percent and fixes what is the prevailing wage scale in the community. It determines what kind of lumber shall be used. The same principle could be used in connection with this bill.

Mr. BARKLEY. If the Senator were a banker——

Mr. WHEELER. Thank God, I am not.

Mr. BARKLEY. Would he agree to make a loan in advance on a house not as yet constructed if he would thereby run the risk 5 years later of having the validity of his contract attacked in court because someone over whom he had no control had not complied with the law?

Mr. WHEELER. I do not think that is necessary at all; I think that is an entirely erroneous conclusion to come to, because in every community where buildings are erected an agreement is had upon the prevailing wage scale. So the prevailing wage scale could be fixed and determined before the building was ever erected. For instance, in Butte, Mont., everybody knows what the prevailing wage scale is with reference to carpenters; everybody knows what it is with reference to plumbers; everybody knows what it is with reference to every single branch of labor. As an illustration, when I erected a building in the city of Butte, I wrote into the contract that the prevailing wage scale should be paid. The banker loaned me the money, but, as I recall, after the building was started there was an increase in wages upon the building. I had borrowed the money, but I had to pay the prevailing wage scale.

Quite candidly, I cannot for the life of me see why there should be all this fear about the prevailing wage scale, unless, as has been said, there is an attempt on the part of some to give to labor a yearly wage. If it could be worked out, I would agree that if the plumber and the carpenter and others engaged in the building trades could be provided a yearly wage, it would be much better for the carpenter, better for the plumber, and for all the other building-trades workers than to have a few days' work. I am afraid, quite candidly, that if that were attempted, say, in the city of St. Louis or New York City or in my home city, it would have a tendency to bring down the wage scale in the particular communities.

Mr. BARKLEY. Let me answer the Senator. I do not suppose I will be able to satisfy the Senator from Montana on that point, and it is my fault, because I cannot explain it sufficiently clearly to make him see it as I do.

Mr. WHEELER. That is not at all the case.

Mr. BARKLEY. But I say to the Senator that nobody here wants to beat down wages, and there is nothing in this bill as it passed either the House or the Senate that remotely hints at or squints at beating down wages or reducing wages. That is all a matter of contract between the builder and the worker, and there is nobody else who has any influence over it.

Mr. WHEELER. Let me say to the Senator that I see his position. I did not understand it at the outset, but he has made it perfectly clear. I do not see, however, that it will have the effect that he thinks it will have. I know that the Senator from Kentucky does not want to beat down wages; I know there is not a Member of the Senate who would fight harder or longer against beating down wages than would the Senator from Kentucky, because he has been for labor, but when a Senator rises upon the floor of the Senate and says that when we seek to write in the prevailing wage scale we are trying to sabotage the bill, though two-thirds of the Members of the Senate voted for it, of course, that is not fair to the Members of the Senate who are fighting for the prevailing wage scale. It is just like saying to Bill Green and the other labor leaders who have asked that the prevailing wage scale provision be put in the bill and remain in the bill that they are trying to sabotage the bill.

Mr. BARKLEY. Nobody is accusing the Senator from Montana of attempting to do that.

Mr. WHEELER. The Senator from Indiana [Mr. MINTON] made the statement.

Mr. BARKLEY. He was referring to the amendment as it was offered by the Senator from Massachusetts [Mr. LODGE]. His use of the word "sabotage," I think, applied to the Senator from Massachusetts who was opposed to the bill and is still opposed to the bill. Certainly it did not apply to the Senator from Montana or to anybody else who, in good faith, desires to vote for the amendment or anybody who voted for it on the 21st day of December, one of whom I was which. [Laughter.]

Mr. WHEELER. If the Senator will permit me to interrupt him, I should like to call attention to what the Senator from Nebraska [Mr. NORRIS] said in discussing this matter when the bill was before the Senate. I read from the RECORD of December 21, 1937:

Mr. NORRIS. Mr. President, I do not desire to take the time of the Senate in discussing the amendment, but I should like to inquire of the Senator from New York or the Senator from Ohio

what the objection to the amendment is. The amendment strikes me as containing a very good proposal. If there is any reason why it should not be put into the bill, I should like to hear it.

Mr. WAGNER. The Senator did not understand me to make any objection to it. I made no objection. I propose to vote for the amendment if there is a roll call.

That was what the Senator from New York [Mr. WAGNER] said when the bill was here on the floor of the Senate.

Mr. BARKLEY. That undoubtedly transpired.

Mr. BULKLEY. Mr. President, if the Senator will yield again I should like to repeat what I said before, that the Senator from New York——

Mr. McNARY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. I do not see how three Senators can be addressing the Senate at one time.

The PRESIDING OFFICER. The Chair will request Senators when they desire to ask the Senator having the floor for time please to address the Chair.

Mr. BULKLEY. I understood the Senator from Kentucky had yielded to me.

Mr. BARKLEY. I had yielded to the Senator from Ohio.

Mr. BULKLEY. I should like to repeat that both the Senator from New York and I favor prevailing wages, as the Senator from Montana well knows. We thought that the amendment, while not perfect, might be worked out in conference to a practical conclusion. It had not been discussed; it had not been gone over; we had not considered the objections to it at the time the amendment came up here on the floor. We put it into conference, which could not have been done if it had been defeated on the floor. We voted to put it into conference. We considered it carefully in conference and at great length, and came to the earnest and honest conclusion that it was an entirely unworkable amendment.

Mr. WHEELER. Mr. President, if the Senator will pardon me——

Mr. BARKLEY. I yield to the Senator from Montana.

Mr. WHEELER. I have not any doubt that the Senator came to that conclusion, and I am not finding any fault with the Senator's conclusion, but I do not like the idea of somebody standing on the floor of the Senate and saying that everybody who disagrees with the Senator's views in trying to work out the matter is trying to sabotage the bill.

Mr. BULKLEY. I did not know anybody had said that, and I certainly did not say it.

Mr. WHEELER. I knew the Senator would not say it.

Mr. BARKLEY. Mr. President, I think my interpretation of the remark of the Senator from Indiana [Mr. MINTON] is the correct one—that he had in mind a member of the Banking Committee who had fought this bill from beginning to end, who never offered the amendment or suggested it or brought it up in the committee, but at the last minute offered it here, and then, after it was agreed to, voted against the bill. I think the Senator from Indiana was referring only to the author of the amendment.

Mr. MINTON. Mr. President——

Mr. BARKLEY. I yield to the Senator from Indiana.

Mr. MINTON. I desire to say to the Senator from Montana that the Senator from Kentucky exactly expresses my view. What I was trying to say was that I thought the Senator from Massachusetts [Mr. LODGE] was doing, or attempting to do, a very neat job; that is all.

Mr. BARKLEY. Of course the word "sabotage" is a bad word to use, and nobody likes to have it applied to him.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Idaho?

Mr. BARKLEY. I yield to the Senator from Idaho.

Mr. BORAH. I have no doubt that the Senators who voted for this amendment in the first instance, and who have changed their position since that time, changed it because they thought it was an unwise amendment when they finally considered it; but it does seem to me most extraordinary that the Senator who offered the amendment, and who was supported by 51 of the able Members of this body, should be accused of bad faith. He has not changed his position. There is no reason why it should be said that the Senator from Massachusetts is trying to sabotage the bill because of an amendment which was voted for by 51 Senators, including the able Senator from New York [Mr. WAGNER], the able Senator from Ohio [Mr. BULKLEY], and other well-known friends of labor.

Mr. BARKLEY. I have not accused the Senator from Massachusetts of bad faith.

Mr. BORAH. I think he has been accused of bad faith all this afternoon.

Mr. BARKLEY. I am trying to interpret the remark made by the Senator from Indiana [Mr. MINTON] with respect to that, to which exception seems to have been taken by other Senators to whom it undoubtedly did not apply. I said in the very outset that the Senator from Massachusetts had a perfect right to keep this amendment up his sleeve all during the committee's hearings, when it was considering the bill, and bring it in here at the last minute, when it was voted upon, as we all know, at a time when everyone was anxious to get away and to get the bill passed; but that does not offer any excuse for any Senator voting on the amendment as he did; and, furthermore, it does not offer any real excuse for the Senate not taking up the subject at that time and discussing it, as it should have done. I think everyone now realizes that if the amendment had been discussed on its merits at the time the result might have been different, and many votes that were cast for it, even in order to get the amendment into conference, might not have been cast that way. We know how easy it is to vote for something just to get it into conference and throw it off on the shoulders of somebody else and at the same time keep records straight.

As a matter of fact, however, the question now is whether this amendment is wise or unwise, regardless of what happened heretofore. That is the only question which is now before the Senate. This is not governmental money—not a dollar of it. We are trying to induce private capital to put its money into building in order to give millions of our people employment, in order to revive a sick industry—the building industry and the heavy industries, as we call them—and in order to give them an opportunity to expand. In my honest judgment very few loans will be made by any lender who must take upon himself the responsibility of determining whether the prevailing wage is being paid in order that his loan may be validated and may not be successfully attacked in the courts 4 or 5 or 10 years after the loan has been made, because the question may never arise until there is a default in payment.

The only contingency under which the Government will ever have to make good the guaranty is that some man who has bought or built a small home under this legislation will fail to make the payments, and default; and then the bank or the insurance company, or whoever made the loan, will apply to the United States Government to pay the loss sustained by reason of the default.

As a matter of fact, in my judgment, that is the only inducement for bankers to enter upon this program of long-time loans to build small houses. We all know that as a rule the success of a bank depends upon its short-term paper, upon the turn-over of its money in 3 months or 6 months, certainly never longer than a year. Prior to the enactment of this law virtually none of the banks of our country had engaged in the long-time loaning of money to build houses, payable back in 20 years in small installments; and it was the inducement of this guaranty that got them into this field.

Mr. BORAH. Mr. President——

Mr. BARKLEY. I yield to the Senator from Idaho.

Mr. BORAH. As I understand the debate, both the Senator from Kentucky and the Senator from Ohio anticipate that the prevailing wage will, as a practical fact, be paid.

Mr. BARKLEY. I do. I certainly hope so.

Mr. BORAH. The objection the Senator from Kentucky has to the amendment is that it will cause the man who is

to make the loan to hesitate, not knowing whether or not the prevailing wage has been paid.

Mr. BARKLEY. That is my contention—that it will be a deterrent to making the loan, and that he has no control over the wage.

Mr. BORAH. But, as a practical proposition, it is the belief of the Senator that in all probability the prevailing wage will prevail with reference to these buildings?

Mr. BARKLEY. Yes, absolutely; and I think it would be unfortunate if there were any program in this country to pay less than the prevailing wage.

Mr. BORAH. That is what I had in mind; because, if less than the prevailing wage is to be paid in this enterprise and the enterprise amounts to anything, it is bound to have its effect in reducing wages in other lines.

Mr. BARKLEY. Undoubtedly so. Of course, we must remember that this is private money, and it has been loaned in the past largely by bankers. Some other institutions have gone into the field and made loans under this act; but the great bulk of the loaning has been done by banking institutions which theretofore had not been engaged in this field. Whatever keeps them from making loans of this kind will prevent anybody from getting any wage, a prevailing wage or any other kind of wage, because the construction of a house has to be begun before a carpenter or a plumber or a brickmason can be employed.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Washington?

Mr. BARKLEY. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. A question has been raised here about the relationship between this provision and the prevailing-wage amendment of 1935, which was commonly known as the McCarran amendment. I should like to ask the Senator from Kentucky if there is not this very definite distinction between the two:

In 1935 the Government itself was proposing to go throughout the country, into the various communities and cities, and hire persons to work, and to pay them a certain wage. The argument which attracted me and caused me to vote for that amendment on both occasions was that, if the Government itself went throughout the country and set a certain standard of wages, necessarily all wages within those communities which might be higher would be brought down to the Government standard; and it was necessary for the Government to keep its standard up to the prevailing wage if we were not to destroy the wage structure of this country.

There is no analogy between the provision of the bill now before us and the McCarran amendment to that bill, because there is no proposal upon the part of the Government in this bill to set any standard of wages at all. The loans will be made by private institutions. They will be guaranteed by the Government, and the wages within the communities will be the wages which the people within the communities are able to obtain. If they are unionized, if they have the protection of organization, the wages will be high. If they are not unionized, the wages will not be so high; but in this instance the Government is not going to go out and hire persons and set any standard of wages, or cut down the standard of wages in any community in the country.

Mr. BARKLEY. The Senator is right about that. Of course, without this amendment the procedure would be just as it has been heretofore, whether it is a large operation or a small one, whether some builder wants to build 10 houses or some humble workman wants to build 1 house. They go to a bank. They make arrangements with the bank for a loan. The loan is agreed to, and the terms of it are agreed to, and the banker does not have to inquire what the wages of the employee may be. But if this amendment is incorporated in the bill, the banker himself must take an interest in that matter, because what the employee obtains as a wage may determine whether the loan is valid or whether the guaranty is worthless.

Mr. SCHWELLENBACH and Mr. LEWIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kentucky yield; and if so, to whom?

Mr. BARKLEY. I yield first to the Senator from Washington.

Mr. SCHWELLENBACH. Mr. President, is it not true that fundamentally this very system has been in effect since 1934?

Mr. BARKLEY. Yes.

Mr. SCHWELLENBACH. This bill is an amendment of the act of 1934, increasing the amount that may be loaned, increasing the period of amortization, and reducing the interest; but fundamentally the act has been in effect for the past 3 years, and under the act there has been no destruction of the wage structure of the country. So far as I know, nobody has ever complained that the Federal Housing Administration has brought down the wage structure of the United States.

Mr. BARKLEY. That is true, and there was no justification for such a complaint, because the Federal Housing Administration not only has not done that but wherever it had any moral influence it has encouraged the payment of adequate wages to all those engaged in the building industry under this act.

We agree that one of the reasons why this amendment to that act is here is that we want to enlarge building operations under the present act. The Federal Housing Administration has already insured more than a billion dollars worth of loans, and $500,000,000 worth of repairs were made under title I of the present act, which expired by its terms and which now is to be revived. But I am willing to venture the statement that if any such amendment as this had been in the present act from the very beginning, not half the money that has been loaned would have been loaned either for repairs and renovations or for the guarantee or insurance of loans made for permanent improvements, because men having money to loan inevitably will not take the chance of risking, not their money but the money of their depositors, on a loan which years later may be nullified because of some technicality or failure to comply with the requirements of this amendment.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Montana.

Mr. WHEELER. I wish I could agree with the Senator about bankers being so careful about loaning the money of other people, because experience has not shown that to be the case.

Mr. BARKLEY. I wish so, too.

Mr. WHEELER. As I understand the Senator, he states that the fear is that if this provision were included, 5 or 10 years after the contract was made, or at some other time, someone would come in and say, "You did not pay the prevailing wage scale," and that the loan would be knocked out. If the committee had taken up the question, they could very easily have framed an amendment to the Lodge amendment providing that the prevailing wage scale should apply, and they could likewise have inserted an amendment to the effect that when it was determined by some board, or the Department of Labor, what the prevailing wage scale was, that should be the guide in the making of any loan, and that that would settle it so far as the banker was concerned. So that if the object is only to protect the banker, it could very easily have been worked out by a provision to secure the banks.

Mr. BARKLEY. Mr. President, it would be a physical impossibility for the Department of Labor to determine the prevailing wage in every little community in the United States where a house or group of houses might be built. It would be impossible for the American Federation of Labor to determine that question. Mr. Green in his testimony before the committee stated that the American Federation of Labor had no jurisdiction over local wages; that they have no authority whatever over them; that every community fixes its own standard of wages by private agreement between the builders and employees. If the Department of Labor or the American Federation of Labor, or both of them together, undertook to investigate and fix the standard for every community in the United States, the law would expire before any housing would be completed.

Mr. WHEELER. I agree with the Senator that there are some communities where there is not a prevailing wage scale definitely fixed; but where labor is organized in a community there is a definite and positive prevailing wage scale fixed for carpenters and laborers of all kinds.

Mr. BARKLEY. I agree with the Senator that whenever labor in any community is unionized, of course, the scale of wages existing among the union employees should be regarded as the prevailing scale of wages; but there are many communities where houses are needed and where there are no labor unions of any kind and never have been, where a house built under the proposed act might be insured by the Government in order to induce the lending agency to advance the money, in which case there would be no standard whatever, because there is no labor organization in the community and there is no fixed wage. Whatever is agreed to between a carpenter and a contractor is the prevailing wage, and it would be utterly impossible for a lender ever to know in the future whether his loan was valid or his insurance valid, because he could not tell what the prevailing wage might be.

Mr. WHEELER. If the committee had wanted to work it out so as to protect organized labor, they could very easily have protected it and left out the communities where there was no prevailing wage scale.

Mr. BARKLEY. Does the Senator mean that this building program should not apply over the country at large, whether there is a prevailing wage scale or not? Suppose a farmer wanted to build a house, and there was no prevailing wage in his neighborhood for carpenters, for instance. The Senator would not bar him from the benefit of the law?

Mr. WHEELER. Not at all; on the contrary, I stated that if the committee and the Senate wanted to work the matter out they could provide that the prevailing wage scale should be paid in the communities where there is organized labor, and could leave out the other communities, because that would not affect organized labor. If the desire was to protect the bankers, the committee could have very easily worked out an amendment so as to protect the dear little bankers who are so careful of other people's money.

Mr. BARKLEY. The Senator seems to think it would be very easy to do that. We worked for a whole week on this subject, with the conferees of the House, but even with all the assistance we were able to obtain, we were unable to work out a practicable amendment, or substitute for the amendment in the bill, and there is nothing in the bill without the Lodge amendment which in any way does an injustice to organized labor. They will go on just as they have been proceeding, they will work out wages just as they have been working them out, and there will be no cloud on any agreement that is made in order to induce lending agencies to put money into the private enterprise of building houses.

Mr. WHEELER. The Senator says nothing will be done to organized labor. I think most people recall that when the housing bill was passed and when the amendment was adopted, there was a hue and cry that it would not work because it meant that the laborers would obtain high wages, and consequently the law would not amount to anything. The facility proposed to be afforded may be used, although I do not believe it will be. I do not believe that if this amendment were in the law it would affect the lenders, but, in my judgment, it would have a tendency to protect organized labor, because if any considerable amount of money is to be expended the bankers will be found putting pressure on the man who wants to erect a building, and saying, "We will lend you the money provided you can get the mortgage insured," and there will be pressure put on labor organizations also.

Mr. BARKLEY. Mr. President, while the amendment under discussion may, according to the Senator's belief, protect the laboring man in theory, it will deny him work in fact. I do not believe any houses would be built, at least to any worth-while extent; I do not believe any lending agency would take the chance; and it is an entirely different situation which would exist if the Government of the United States were putting up the money. We are holding out an inducement for private funds to be brought into the building industry, and, unless they are brought in, all this is a futile gesture, and we will get nowhere, either in building houses, or furnishing employment, or reviving the building trades in heavy industries which are suffering from depression.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. LEWIS. I desire to ask a question of the able leader from Kentucky, since I voted for the amendment. I am anxious now to know upon what basis he concludes that if the amendment is in the law it will be used as a basis by any banker who has loaned money upon a contract to have his contract nullified. Is it not understood that he really lends the money because he has the Government underwrite the contract and his loan? In what way could he nullify the contract?

Mr. BARKLEY. If the Senator will permit, I would probably better read the amendment, so that we will all understand what it is we are talking about. Section 2 of the bill provides:

> The Administrator is authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this title.

That is, title II, providing for the insured loans. I realize how odious the term "banker" seems to be to some Senators in this discussion, but, after all, we have to use it because the great bulk of these loans are made by banking institutions, and they have been made largely on the guaranty of the Government that the mortgage which the bankers take will be insured against loss up to 80 percent, or, under the pending bill, up to 90 percent. The amendment now under discussion provides:

> *Provided*, That the rates of pay for persons employed upon the construction of property covered by a mortgage insured under this title shall be not less than prevailing rates of pay for work of a similar nature in the same locality as determined by the Department of Labor, with the approval of the President: *Provided further*, That adequate labor standards shall be maintained on all construction of property covered by a mortgage insured under this title.

My contention is that the insertion of that provision in the bill will deter lending agencies from making these loans, which are to be insured by the Government, because if later on it turns out that the prevailing wage has not been paid, then the mortgage and the insurance of the mortgage is subject to attack because of invalidity, and therefore, because of that fear, the lending agencies will not lend money for the construction of houses.

Mr. LEWIS. I am unable to see, I may say to my able friend, who I know is a good lawyer, in what way the fact that there was a contract to maintain the prevailing wage would offer a basis for assailing a contract on the ground that it was invalid.

Mr. BARKLEY. Here there is a provision that the Housing Administration shall see that every mortgage that is insured under the law shall be based upon a contract that guarantees the prevailing wage in the community. Suppose it does not do that. Suppose they do not pay the prevailing wage. Then the conditions under which the Government insurance was granted have fallen, and therefore the mortgage and the insurance are subject to attack.

Mr. LEWIS. I am unable to see how the contract could be attacked by anyone.

Mr. BARKLEY. I regret that I am unable to convince the Senator.

Mr. LEWIS. I do not see how it could be the basis of an attack on the ground that the contract is invalid. That is what I am unable to see.

Mr. BARKLEY. If our contention is not correct, then, of course, the amendment offered does nothing for the laboring man, because if employers can proceed anyway to pay less than the prevailing wage and still carry out the insurance, no harm has been done and no good has been done. My contention is that no man who is a trustee of funds

which have been deposited with him by other people will make a loan for 20 years, to be repaid in small monthly installments, if there is any question about the validity of the loan, or the insurance, or the guarantee by the Government, and I contend that this provision does put a cloud on the title of every insured mortgage taken by any institution in the United States.

Mr. LEWIS. I cannot agree with the Senator.

Mr. BARKLEY. I always have the greatest respect for the opinion of the Senator from Illinois, but I think that if this amendment is included in the law he will find that in the future the operation of the law will be very seriously if not completely undermined.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BORAH. How could anyone attack the kind of a contract referred to? Who could claim that it was fraudulent? Who could go into court and attack that kind of a contract?

Mr. BARKLEY. Suppose these insured bonds got out, as they might, into the hands of people all over the country. They are held here, there, and everywhere. No one can ever predict or foresee or prophesy who may come into court and attack the validity of any instrument. I would not be able to undertake to prophesy in advance who might come in and attack them, but if there is any cloud on their validity, certainly the Congress of the United States ought not to take the chance of jeopardizing this great program which is included in the law.

I have taken more time than I had intended to take. I believe that the inclusion of the amendment will jeopardize the success of this program. I believe it will deny to millions of our people the opportunity for employment, and that it will present a condition which will not help the laboring man but may in the long run infinitely damage him in the carrying out of this great program.

Therefore I hope the conference report will be agreed to as presented by the conferees.

Mr. WAGNER. Mr. President, I desire to read briefly from the testimony of Mr. Green before our committee:

Senator BANKHEAD. I should like to ask you a question: Do you think that this bill is sufficient to accomplish the objective for which it is intended?

Mr. GREEN. That is a pretty large order.

Senator BANKHEAD. That is the whole thing we are trying to find out here.

Mr. GREEN. My opinion is that it will very largely accomplish it—perhaps not completely, but very largely.

Senator BANKHEAD. You fully approve of this bill?

Mr. GREEN. Yes; as I have stated.

Senator BANKHEAD. And you have no definite suggestions as to additions to or subtractions from it?

Mr. GREEN. No; only as I have suggested.

There was no suggestion of a prevailing rate of wage amendment at that time.

Mr. BARKLEY. No. I will say in that connection that a colloquy occurred between Mr. Green and myself in that committee, and the point under discussion was that looking toward the enlargement of building operations in many communities there might well be a negotiation or agreement among builders and employees in any community looking toward more work and a slight readjustment of the wage scale based upon the possibility and probability, if not the certainty, that the operation of the act would so increase building operations as to give labor employment over a large portion of the year rather than a few weeks or months.

Mr. WAGNER. Mr. President, will the Senator yield to me for another question?

Mr. BARKLEY. I yield.

Mr. WAGNER. I recall that discussion between the Senator from Kentucky and Mr. Green. It was with reference to the question of annual wage. As I recall definitely, Mr. GREEN said that it was impossible, in his opinion, to fix an annual wage on a national scale or by national action, but that that must be left to each community where labor organizations would make their agreements with the building operators.

Mr. BARKLEY. He not only said it was impossible to fix an annual wage by national agreement, but he emphasized the fact that even local wages, adjustable, temporary, and flexible, could only be adjusted by local communities and not by any national headquarters, and he disclaimed any authority, so far as his organization was concerned, over the fixing of any of these wages.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WAGNER. There was other testimony before the Senate committee that labor organizations, because of the assurance of work over a period of time, had agreed upon lower per-hour wages. One of them was in Long Island, N. Y., and another one in Port Chester, with reference to which there were such negotiations. Mr. Woolley testified that there was negotiation between the labor organization and the builders of certain types of construction, and an agreement was reached for a lower per-hour wage because of the assurance of a long-term wage. Those agreements, without which the workers would have gotten no employment, because the construction would not have gone forward, could not be made if we had the restriction which is provided for by this amendment. So the labor organizations would not be at liberty, and there would not be sufficient flexibility to make agreements depending on the circumstances at the time.

Mr. BARKLEY. I also want to call attention to the fact that the Congress passed the Federal Deposit Insurance Corporation Act, guaranteeing and insuring the deposits in the banks of this country. There is no such prevailing-wage provision put in that act, that this insurance shall be valid or invalid, depending on whether those who borrowed the money from these insured banks pay the prevailing wage upon whatever activity they are engaged in.

The same thing is true in the Federal Savings and Loan Insurance Corporation, which operates in somewhat the same field as is contemplated by the enactment of this legislation. And the laws governing real-estate lending by national banks and by Federal savings and loan associations, and the laws governing the advances by Federal Reserve banks and Federal home-loan banks against the security of real-estate loans all over the United States contain no such provision as this. There is a similar contemporary activity on the part of all these agencies that have been set up by the Federal Government, in none of which have we attempted to say to the borrowers from any of these agencies what they shall pay in wages, or the terms of the contracts of their operation.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. BARKLEY. I will yield to the Senator from Massachusetts, and then I shall yield the floor.

Mr. LODGE. The Senator from New York [Mr. WAGNER] made reference to the position taken by Mr. William Green, and I think it is pertinent to read a brief excerpt from the hearings from Mr. Green's testimony, at the bottom of page 242, as follows:

Mr. GREEN. Third. The application of the annual wage formula will aggravate rather than relieve unemployment, thereby defeating the very purpose of the housing program.

I read that, and then I would also like to read, regardless of what Mr. Green felt right then, a telegram expressing how he feels now.

Mr. BARKLEY. I agree with what the Senator has said, and Mr. Green had reference to a rigid, ironclad wage formula, which no one is advocating here. What we have been talking about is the possibility of more work over the period of the year by reason of the increase in building, and not by reason of a rigid formula regarding annual pay.

Mr. LODGE. Regardless of what Mr. Green thought then—I do not place that same interpretation on it—here is what he thinks now, as stated in a telegram which I received from him and which I read.

Mr. BARKLEY. The Senator has already read that. He has put it in his own speech. I am perfectly willing now that he put it in my speech.

Mr. LODGE. The Senator did not seem to hear it.

Mr. BARKLEY. Yes; I heard the Senator read it.

Mr. LODGE. Mr. Green said he was in favor of my amendment.

Mr. BARKLEY. Yes.

Mr. LODGE. That is what I wanted to know—whether the Senator heard that.

Mr. BARKLEY. He did not say that when he was before the committee; and when asked if he had any further suggestion, he said he did not have any. I can well understand the position of Mr. Green as well as the position of the Senator from Massachusetts.

Mr. LODGE. Mr. Bates, chairman of the housing committee of the American Federation of Labor, appeared before the committee, and he specifically requested this amendment.

Mr. BARKLEY. Is the Senator speaking of Mr. Green?

Mr. LODGE. No; I am speaking of Mr. Bates, who represented the American Federation of Labor.

Mr. BARKLEY. Mr. Bates spoke in behalf of the housing committee of the American Federation of Labor, but Mr. Green, speaking for all of labor, did not suggest it, and the Senator from Massachusetts did not ask him about it.

Mr. LODGE. Does the Senator from Kentucky allege that Mr. Bates misrepresents the American Federation of Labor?

Mr. BARKLEY. I do not.

Mr. LODGE. He came out in favor of the amendment.

Mr. BARKLEY. But the Senator from Massachusetts realizes the fact, of course, and I think it is absolutely true, that many of these organizations over the country misunderstood the application of this measure. Many of them, in my judgment, feel that this is, in part at least, Government money that is going into the building operations, and it is perfectly easy to misunderstand that, because the Government has been putting money into so many activities during the last few years. But I do not believe many people realize that this is not a Government proposition except to induce and encourage private capital to enter this field.

Mr. DAVIS. Will the Senator yield for a question?

Mr. BARKLEY. I yield.

Mr. DAVIS. Did the conferees discuss the annual wage for the building trade?

Mr. BARKLEY. The conferees discussed every phase of the proposal presented by this amendment.

Mr. DAVIS. Did they discuss how they would bring about this annual wage?

Mr. BARKLEY. No one agreed that there could ever be a guaranty of a fixed annual wage in the building industry or in any other particular industry, because so much depends upon the amount of work, and many other factors enter into it. We did discuss that. We discussed it in the committee, and it was agreed generally that, while it is desirable that there shall be sufficient work stimulated in order to give each man more work for a longer part of the year, no one was wise enough to work out any plan by which there could be a guaranteed number of days in any year for a carpenter, a plumber, a bricklayer, or a coal miner, or anyone else.

Mr. DAVIS. The Senator knows also that the building industry is well organized, and, if it was proposed to discuss an annual wage and to work out a plan, there would be no trouble whatever in getting them together to agree on a prevailing wage, even though it were reduced somewhat.

Mr. BARKLEY. There would be no difficulty, if there would be enough building for everyone to work all during the year. I think it is fair to say that Mr. Green made plain in his testimony that it would be an easy matter for the builders and employees in a community to get together and adjust their wage scale based on the certainty of all-year-round work instead of based on 3 or 4 months out of the year.

Mr. DAVIS. What effect would it have on the wage structure of this country today if we were to reject this prevailing-wage amendment?

Mr. BARKLEY. I do not think it would have any effect on wages, if this prevailing-wage amendment were eliminated from the bill. Since 1934, nearly 4 years, the housing law has been in operation without any such provision, and it has not had any effect anywhere to reduce wages. On the contrary, it has given thousands of men employment they would not have had except for this law.

I yield the floor, and hope the conference report will be adopted.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BULKLEY. I suggest at this point that Mr. Green himself in his testimony before the committee made so excellent a statement summarizing the whole position about the annual wage, that it might be worth a couple of minutes of the Senate's time to hear what he said. I read from his testimony before the committee on page 243, as follows:

> An annual wage formula for building construction mechanics may seem to be feasible in theory but is impractical in operation. As a matter of actual day-to-day practice, building mechanics' wages are determined locally and are governed by local conditions. Those conditions vary widely from one community to another and in different regions. Among such variable factors are: (a) The size of the community, (b) its geographic location, (c) the supply of building labor available, (d) the amount of construction work going on at a given time, (e) climatic conditions and the resultant number of days and weeks in which work can be performed, (f) cost of living.
>
> The officers and members of the American Federation of Labor unions will, of course, cooperate in every way to make the housing program in the particular community a success. But the form in which such cooperation can be achieved must be worked out by the contractors and labor in the particular community on the basis of local conditions which prevail.

That is to say, there can be no formula applicable to the entire United States, but formulas may be worked out with respect to individual communities. The bill, without the amendment, leaves freedom to do that if in any particular community it may be practicable to work it out.

Mr. BARKLEY. In that connection, the more work there is to be done in any community, the more likelihood there is of the community being able to work out its own formula for wages and conditions.

Mr. BULKLEY. Of course.

Mr. McKELLAR. Mr. President, as I expect to vote against the conference report, I feel that I should make a statement.

I am heartily in favor of the housing bill. I am very anxious to see it passed. I voted for the first housing bill, and I think the pending bill is a very wise one, with the exception that the conferees did not include the amendment offered by the Senator from Massachusetts [Mr. LODGE].

I wish very briefly to state my reasons. The matter of the prevailing wage first arose, it will be remembered, in the very large relief bill in 1934. The Senate committee, as I remember, was equally divided on the amendment offered by the Senator from Nevada [Mr. McCARRAN], and days were spent in trying to reach a conclusion about it. It was finally left out of the bill in 1934. A number of reasons were offered, but it was not long after the bill was passed before the Administration itself came to the conclusion that the prevailing wage must be allowed, and it was allowed.

In June 1937 another relief bill was passed. I invite special attention to section 2 of the Public Works Administration Extension Act of 1937:

> SEC. 2. In carrying out the purposes of the foregoing appropriation the President is authorized (a) to prescribe such rules and regulations as may be necessary and to utilize agencies within the Government and to empower such agencies to prescribe rules and regulations to carry out the functions delegated thereto by the President: *Provided*, That the rates of pay for persons engaged upon projects under the foregoing appropriation shall be not less than the prevailing rates of pay for work of a similar nature in the same locality as determined by the Works Progress Administration with the approval of the President.

The right was given to the W. P. A. to determine the prevailing wage in each community. The amendment under consideration does substantially the same thing.

It is said that this is a housing bill in connection with which private capital will be used. That is true; but the Government guarantees it to the extent of 90 percent. In connection with the W. P. A., 100 percent was paid by the Government; but under the bill before us the Government

is guaranteeing 90 percent of the amount invested in housing projects.

Mr. CONNALLY. Will the Senator yield?

Mr. McKELLAR. In just a moment. The Government guarantees the loan to the extent of 90 percent, so we all know that this is a Government project. The result of leaving the amendment out of this bill is that the Government reserves to itself the right not to pay the prevailing wages in one of its divisions of business activity.

I do not think such a provision ought to be left out of the bill. We left it out in February 1935 after a vigorous and hot contest. Later we had to put in a prevailing-wage provision, and the Government had to use it. We ought to have put it in the first bill. It is in the present law and it ought to go in the pending bill.

It is for these reasons that I expect to vote against the conference report. I think the conference report ought to go back to the committee. If there are any inequities about the matter, they ought to be ironed out by the committee and a provision substantially similar to the provision in the W. P. A. Act ought to go in this bill.

I now yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, the Senator mentioned the claim that the Government was not furnishing its money. Let me ask the Senator if it is not true that the Government is going to furnish all the money that is furnished. The banker will require the borrower to put up 10 percent.

Mr. McKELLAR. Yes.

Mr. CONNALLY. Then the Government guarantees the other 90 percent.

Mr. McKELLAR. Yes.

Mr. CONNALLY. The banker takes no risk.

Mr. McKELLAR. We give him back every dime he puts in it, of course.

Mr. CONNALLY. The man who works on the house has no assurance that he is going to receive the prevailing wage.

Mr. McKELLAR. The proposed housing is a Government activity, a Government proposal. It all depends upon this bill; and, of course, the prevailing wage should be paid in connection with the proposed activity, just as it is in all other activities of a similar nature.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield to the Senator from Ohio in a moment. I cannot understand why we should make an exception of the housing measure. The Government furnishes 90 percent through the guaranty. The Government is just as much behind that as it is behind the W. P. A., and even more so, because the States and various communities furnish more than 10 percent of the money in connection with the various W. P. A. projects.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BULKLEY. Of course, the Senator knows that the Government does not put up any money.

Mr. McKELLAR. The Government does not put up any money, but it puts up its credit, and the Government is going to carry on the project.

Mr. BULKLEY. Of course, the Senator knows that in many cases the Government lends money directly through the agency of the Reconstruction Finance Corporation.

Mr. McKELLAR. Of course it does.

Mr. BULKLEY. Did the Senator ever suggest that the Reconstruction Finance Corporation should require its borrowers to pay the prevailing wages?

Mr. McKELLAR. No. That, however, is a wholly different matter. Of course I did not do it.

Mr. BULKLEY. It is a little different, but it is the same sort of thing. The Government guarantees deposits through the Federal Deposit Insurance Corporation. Did the Senator ever suggest that the banks should require their borrowers or depositors to pay the prevailing wages in order to get the benefit of the Government guarantee of their deposits?

Mr. McKELLAR. No.

Mr. BULKLEY. Did the Senator ever suggest——

Mr. McKELLAR. The Senator cannot keep on asking questions and expecting me to answer them categorically. The Senator is going entirely too fast. Just give me an opportunity to answer them. I have not suggested it, but I think there ought to be a provision of this kind in the W. P. A. law, or in any other law under which the Government backs an activity.

Mr. BULKLEY. The Senator did suggest that an exception is being made against labor in this bill. The fact is that it would be an exception entirely the other way around if the amendment were incorporated in the bill.

Mr. McKELLAR. I do not agree with the Senator at all. The proposed amendment is taken from another act. The Government is already requiring the prevailing rate of wages.

Something has been said about the quickness with which the vote was taken previously. Does the Senate realize that the vote was 51 to 17, or just 3 to 1?

Mr. LEWIS. On a roll call.

Mr. McKELLAR. On a roll call. My distinguished friend [Mr. LEWIS], who happened not to be present, was paired in favor of the amendment, as I recall.

I do not see why we should want to single out this particular activity, where the Government guarantees the loan to the extent of 90 percent of the value, and not have the prevailing wage. I think it is unfair and unjust.

I have stated the reasons why I am going to vote against the conference report. I should like to vote for the conference report, or for any conference report that comes in, because I have been in so many conferences that I know how much trouble the conferees have. I am not belittling anybody; I am not criticizing anybody; but in view of the fixed opinions that I have about this kind of an activity, and what kind of wages ought to be paid, I am going to vote against the conference report.

Mr. GILLETTE. Mr. President, I wish to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GILLETTE. I understand that the House conferees have been discharged. If the Senate now rejects the conference report, will that action automatically operate as a recommitment to a new conference?

The PRESIDING OFFICER (Mr. MILLER in the chair). It will not under the rules, because the House having agreed to the report, if the Senate rejects the report it must ask for another conference.

Mr. GILLETTE. Steps would be taken to have a new conference?

The PRESIDING OFFICER. Yes; that would follow.

Mr. GILLETTE. I desire to submit a further parliamentary inquiry. If that were done, would it be in accordance with the usage and custom of the Senate to appoint the same conferees who acted in the prior conference?

The PRESIDING OFFICER. It is usually done, but it is not necessary that the same conferees be reappointed.

Mr. RUSSELL. Mr. President, inasmuch as it seems to be in order this afternoon to explain the reasons which prompt Senators to take positions which are somewhat inconsistent with former votes and to change the position which they have heretofore taken, I shall address myself for a few moments to the pending matter.

I endeavored to secure information from the Senator in charge of the bill, the Senator from New York [Mr. WAGNER], during the course of his explanation, but the Senator, as was his right, declined to yield to me for other than a brief question; and I am therefore compelled to vote on this question without information which I should like to have.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. RUSSELL. No; I do not yield to the Senator from New York. He permitted me to ask him one question as to matter that was contained in the message from the President and was referred to the Senator's committee. He refused to heed my repeated requests to yield for a further brief question.

Mr. WAGNER. I have no recollection of the Senator asking me to yield further.

Mr. RUSSELL. The Senator declined to answer the first question and requested the Senator from Ohio [Mr. BULKLEY] to answer it, and then left me standing on my feet requesting him to yield half a dozen times while he yielded to other Senators all over the Chamber. I do not yield to the Senator from New York.

Mr. WAGNER. Will the Senator permit me to make a statement?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New York?

Mr. RUSSELL. No; I do not yield. The Senator from New York kept me walking around trying to get recognition in order to ask him a question for 10 minutes, but yielded to three other Senators in the meantime. I decline to yield.

Mr. WAGNER. This is the first time I have been aware of that fact. I certainly could not decline to yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia refuses to yield.

Mr. RUSSELL. The Senator did. I merely wished to ask a very simple question. I had asked first in regard to the contents of the message from the President of the United States on the subject of this bill, and the Senator from New York declined to answer the question, and asked the Senator from Ohio to answer it, though the Senator from New York was chairman of the committee to which the message was referred. Then I desired to ask a further question as to how strenuously and vigorously the Senate conferees fought for the position taken by the Senate in this matter when the Senate had adopted the Lodge amendment by a vote of 3 to 1 on this floor. I repeatedly sought recognition for that purpose. I asked the Senator from New York to permit me to ask him the question, but the Senator was apparently oblivious to the fact that I was on the floor, though in the meantime he yielded to the Senator from Massachusetts [Mr. WALSH]; he yielded to the Senator from Maryland [Mr. TYDINGS]; he yielded to the Senator from New Hampshire [Mr. BRIDGES]; all of whom sought to question him after I had risen to my feet and was requesting recognition and requested the Senator to yield.

Mr. President, when this matter was submitted to the Senate by the Senator from Massachusetts [Mr. LODGE] I was one of the 17 Senators who voted in opposition to this amendment. I did so because I had heard read the message of the President of the United States; and I ask here to have read a few paragraphs from the President's message that pertain to the prevailing-wage question.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

> The success of such a program as this, however, cannot be assured by governmental action alone. It will depend mainly on the willingness of industry and labor to cooperate in producing housing at costs that are within the reach of the mass of our people. The goal at which both industry and labor should aim is sustained large-scale production at lower costs to the consumer. This will mean a larger annual wage for labor because of the larger amount of employment than is possible at high hourly rates with long periods of unemployment. It will mean a larger annual income for industry because of the larger volume of production than is possible at high unit prices with greatly restricted output.
>
> Because this was not the goal of industry and labor during the past construction year, the result soon proved injurious not only to the building industry and its workers, but to business and employment generally. The sharp rise of wage rates and prices in this industry, just before the last building season, reduced by 100,000 to 150,000 the number of new dwelling units that competent authorities had estimated were in prospect for 1937.
>
> It is now clear that we cannot have a strong revival of housing construction on the terms that were exacted by industry and labor last spring. The rise in hourly wage rates and in material prices was too rapid and too great for the consumer to bear. A similar rise in costs likewise checked production and buying in other industries as well. In emphasizing these facts, I am not seeking to apportion blame, for manifestly no industrial or labor groups would deliberately adopt a policy that would react to their own disadvantage. I am simply pointing out what did occur and what the consequences were.
>
> In the budget of the great mass of our families the point is quickly reached where increased costs mean reduced consumption. Reduced consumption, in turn, means a decline in someone's business and someone's employment. The essential problem of the construction industry and its workers, then, is to find a reasonable way, through continuity of production and employment, to adjust the costs of housing to the consumer's means.
>
> To help attain this end, it is my intention to initiate a series of conferences with representatives of industry, labor, and finance, with a view to giving housing construction a fresh start in the coming building year and averting a recurrence of the conditions that brought about the reverses of the present year. If these groups will cooperate in this effort, as I believe they will, the result cannot but work to the advantage of our whole national economy.
>
> Comparatively simple changes in and additions to existing laws will make this start possible.

Mr. RUSSELL. Mr. President, that message from the President of the United States, well stating most of the argument that was made on this floor by the Senator from New York as to the reasons for the Senate conferees receding from the position the Senate had adopted by a record vote of 3 to 1, was in the possession of the Senate at the time the amendment offered by the Senator from Massachusetts was adopted. This message was on the desks of Members of the Senate at the time.

I did not support the amendment offered by the Senator from Massachusetts because I assumed that when the President of the United States submitted this message to the Congress of the United States he had possession of facts which he regarded as being sufficiently significant to cause him to point out the dangers of such an amendment. I say that it is a specious argument, it is no reason at all to reject this amendment now on account of a report from the Labor Department and from the Housing Administration or from other agencies of the Government that merely supplements what the President of the United States had told the Congress before this amendment was ever submitted to the Senate for a vote when these statements were made after the vote was taken and after the President's message.

Mr. President, I have noticed for sometime in this body a tendency for conferees, representatives of the Senate, to surrender very quickly on some matters of this kind when they go to a conference. I have been unable to find just how much effort was made by the Senate conferees to have the principle embodied in this amendment embraced in the bill. For that reason I shall vote against the conference report, though the report is in accord with my position, because I say that the dignity of the Senate of the United States should require that when the Senate has voted for a proposition on a yea-and-nay vote by a majority of 3 to 1 the House conferees should take that proposition back to the House and have it voted on on the floor of the House. The Senate having voted for it by such an overwhelming majority the House conferees should at least show some consideration for the Senate, as a coordinate branch, and take the proposition back to the House and have the House vote on it before the Senate yields and abandons entirely a clean-cut issue of this kind. So far as we are informed, after the Senate had on a roll-call vote solemnly voted 3 to 1 for this amendment, the agents of the Senate to the conference who had also voted for the proposition, rushed into conference bearing a white flag and surrendered without a struggle. Such a proceeding does not uphold the dignity of the Senate or reflect credit on this body.

I am not here now, Mr. President, to defend the Senator from Massachusetts or his amendment; he needs no defense at my hands; I owe him no defense and he expects none from me; but I wish to show how fallacious is the argument that because the Senator from Massachusetts did not speak on this proposition when it was submitted, that affords the reason it was abandoned in conference. I have been a Member of the Senate for 5 years, and I have never seen a Senator rise and make a long address on an amendment when the Senators in charge of the bill to which the amendment was offered rushed out to embrace the amendment and were glad to have an opportunity to have it written into the measure, as happened in this case. When this amendment was offered by the Senator from Massachusetts, there was

a parliamentary question raised, and then the distinguished Senator from Nebraska [Mr. NORRIS] rose and addressed the Chair and said:

> Mr. President, I do not desire to take the time of the Senate in discussing the amendment, but I should like to inquire of the Senator from New York or the Senator from Ohio what the objection to the amendment is. The amendment strikes me as containing a very good proposal. If there is any reason why it should not be put into the bill, I should like to hear it.

Of course, the Senator from Nebraska did not expect the Senator from Massachusetts to advance any reasons as to why his own amendment that he was offering on the floor should be rejected. Then the Senator from New York [Mr. WAGNER], in charge of the bill, addressed the Chair, and here is what he said:

> The Senator did not understand me to make any objection to it. I made no objection. I propose to vote for the amendment if there is a roll call.

Of course the Senator from New York did not say, "I propose to vote for it if there is not a roll call," but there he was accepting the amendment on the floor of the Senate when it was offered by the Senator from Massachusetts, and that is given as a reason for striking it in conference. I have never seen any Senator take the floor and speak for an amendment at great length, when the Senators in charge of the bill adopt and embrace the amendment and say that they are perfectly willing to have it go into the bill, and that they intend to vote for the amendment; and that is especially true in the closing hours of a session when we are trying to adjourn sine die to go home for Christmas.

I regret, Mr. President, that I feel impelled to vote against the conference report in order that the position of the Senate on this matter may be further explored, in order that we may maintain the dignity of the Senate as a legislative body, and in order that we may provide some guide in the future to the conferees dealing with problems of this kind. I regret that this conference report has been so long delayed, because I am for this bill, and I intend to support it whether the prevailing-wage amendment is put in the bill or whether it is eliminated.

I do not agree with the Senator from Massachusetts that the Federal Housing Administration has been in any degree a failure. I think it has done a great deal of good. I am a great admirer of the man in charge of that Administration, Hon. Stewart McDonald. I think he is one of the most efficient men in Washington at the present time who are directing the activities of any of the departments.

But certainly those of us who think that this question should be further examined by the conferees cannot be charged with delaying this bill. The conferees reported the bill to the House of Representatives on January 20. Today is January 31. It is a privileged matter and could have been brought up here any day from the 21st day of January until today. It could have been sent back to the conferees, this matter could have been adjusted, and the bill could have gone to the White House for the President's approval if the Senator in charge of the conference report had seen fit to bring it up. Of course it began to look like we would have to adopt a resolution instructing the Secretary of the Senate to bring some kind of action in trover or replevin or to sue out some kind of warrant to get the papers in the custody of the Senate where we could take any action on them at all. This part of the President's program has at last been brought before the Senate. The papers are here now, and I think, Mr. President, that we should have the will of the Senate, as expressed on this amendment, at the very least, go to the floor of the House of Representatives and see what the Members of the House will do.

If the House votes down this amendment after it has been submitted on the floor of the House, of course, the Senate may gracefully recede and say that it has done all it could do for the proposition.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Kentucky.

Mr. BARKLEY. The House could have done what the Senator is asking the Senate to do if it had rejected the conference report; but it did not do so.

Mr. RUSSELL. Of course, the House could have rejected the conference report, but I understood it was the duty of Senate conferees and not the duty of Members of the House to defend the position of the Senate. This is the first time I ever heard the doctrine announced here that the Senate conferees ought to defend the position of the House. The House had eliminated this proposition. It was not in the bill as it came here from the House. The House owed no duty in the premises but the Senate conferees did.

Mr. BARKLEY. If the Senate conferees had to stand forever for the position of the Senate on every amendment, there never would be any agreement, and there never would be any legislation. The Senate conferees discussed this matter for nearly a week, and in order to get an agreement the Senate conferees yielded.

Mr. RUSSELL. I am glad to have that statement from the Senator from Kentucky. That is the information I desired to elicit from the Senator from New York [Mr. WAGNER] today. I stayed on the floor for minute after minute to ask the Senator from New York how long this matter was under consideration by the conference committee, and what measures the Senate conferees took in order to see that the Senate's position on this matter was protected. I could not know what took place in the conference. When the bill was under consideration I sat here on the floor of the Senate, where the eyes of the whole world could see, and saw this amendment voted into the bill with the aid of the conferees; but I had no way of knowing what happened in the conference, because conferences usually are held in committee rooms somewhere, without the presence of newspapermen and without the presence of anyone except the members of the conference committee; and I therefore did not know what position had been taken on the part of the Senate conferees. I went to the place that I thought was the proper place to get the information, to the Senator in charge of the bill, but was treated with disdain.

Mr. BARKLEY. Mr. President, if the Senator will yield further——

Mr. RUSSELL. I yield.

Mr. BARKLEY. The conference committee was in session for about 10 days. There were only a few important matters in disagreement between the House and the Senate, and this was one of them. I will not say how many hours or how many days were spent on this particular amendment, but the whole conference report was gone into in every detail, and the conferees took about 10 days to reach an agreement, which was much longer than anybody thought would be required. We gave every consideration to this matter; and in view of the condition which existed in the conference, and the opinion of the House conferees on this and all other matters as to which we had to give and take, and each House had to yield something, we felt that under the circumstances we were justified in yielding to the House conferees, who were opposed to this amendment.

Mr. RUSSELL. I am glad to receive that information from the Senator from Kentucky. The bill passed the Senate some time in December, about the last day we were in session—December 21 or December 22—so evidently there was some delay in taking up the matter in conference. The facts at least have been brought out here now.

We at least have been able to resume some consideration of the program of President Roosevelt. We at least have been able to bring to the floor of the Senate and discuss a matter which has been suggested by the President of the United States as being part of a program of legislation which he thinks the Senate of the United States should consider.

Mr. President, it is unfortunate that the Senator from Kentucky did not make that statement earlier. I did not take the position that in every case the House should be required to vote on matters that have been inserted in bills in the Senate. Of course, we all realize that in the case of

lengthy bills, in which there are many amendments, that would consume a great deal of time, and doubtless would delay legislation; but in this case, as I see it, the greatest difference between the two bodies was on the prevailing-wage amendment; and the Senate of the United States, on a record vote, by a vote of 3 to 1, said that the amendment should go into the bill.

Representing as the amendment does the issue which was most in disagreement between the House and the Senate, I think, with all deference to the leader of the majority, that the Senate conferees should have requested and insisted that the House conferees take the amendment back and have it voted on by the House.

Of course, it may be that after the bill was amended by the adoption of the proposal of the Senator from Massachusetts, some matter came to the attention of the conferees which caused those of the Senate conferees who had voted for the amendment to change their minds; but the Senator from Massachusetts has not changed his mind, and other supporters of the amendment have not changed their minds.

I therefore shall vote to send the bill back to conference, in order that the subject may be further explored and examined by the conferees, and that the conferees on the part of the Senate may insist that the House vote on this proposition. I believe that some measure can be evolved which will represent the views of the majority of the Members of the Senate who voted for the bill. I have heard a great many arguments made here as to why this amendment should not go into the bill. My only reason for voting against it was because of the message of the President of the United States.

Mr. CONNALLY. Mr. President, will the Senator yield for a question

Mr. RUSSELL. I yield to the Senator from Texas.

Mr. CONNALLY. If the conferees felt in the conference committee as they argued here today, I do not see how they could have insisted at all on the retention of the amendment. All their arguments have been against the amendment; and if they felt that way in the original conference I do not see any use in sending the bill back to conference, because they are not going to vote against their convictions, and their convictions are that the amendment ought to be thrown out.

Mr. RUSSELL. The conferees naturally defend the conference report. I have been placed in the position on one or two occasions where I have had to defend a conference report with which I perhaps did not wholly agree, because all legislation is the result of the game of give and take; all of it is of necessity the result of compromise.

Both sides have to make concessions. Neither body can have its way absolutely.

Mr. BULKLEY. Mr. President——

Mr. RUSSELL. I yield to the Senator from Ohio.

Mr. BULKLEY. I should like to have the Senator from Georgia be sure that he understands the situation.

As the Senator well knows, the amendment was adopted on the floor of the Senate without consideration by the House, by the committee, or by the Senate itself. I take no stock in the argument that the Senator from Massachusetts did not make a long speech in behalf of the amendment. I agree with the Senator about that so far as it is material, but the fact is that the amendment was a new proposition here, and if it had been voted down it would not have been open for any further consideration at all in any place. Therefore, I voted to put it in the bill so that it might have fair consideration in conference, and I do not doubt that many Senators who constituted the majority that voted for the amendment were motivated by a similar consideration.

In conference, and after very careful consideration and exhaustive argument, I became convinced that the amendment was not a practical one, and I will say frankly to the Senator that we were convinced on that subject largely by the arguments of the Administrator and his assistants.

Mr. RUSSELL. As I see the matter, that is not any cogent reason for the Senator having yielded the position of the Senate, because the same argument which was made by the Administrator and his assistant had been made theretofore by the President of the United States, and I certainly think that any argument submitted by the President of the United States should be heeded as much as any argument which might be made by the Administrator of the Housing Administration, although I have a very high respect for Mr. McDonald.

Mr. BULKLEY. I think probably the amendment is very contrary to the views of the President of the United States, but I do not think he expressed his view on this point so clearly and so directly as to conclude him in regard to it.

Mr. RUSSELL. I know the Senator thought that, or he would not have voted for the Lodge amendment in the first place.

Mr. BULKLEY. I think so all the more now, after further consideration. I am frank to say to the Senator, as I have said two or three times before this afternoon, that I had not fully considered this amendment all the way through before it was voted on, because I had not seen it, and did not know it was to be presented, until it was actually sent to the desk. Consequently, I did not think of all the bearing of what the President said in his message; but I think now that the Senator is quite right that it would be contrary to the views of the President.

Mr. RUSSELL. I thank the Senator.

Mr. BULKLEY. On all of these points I fully believe that it is an unwise amendment; and, responding to what the Senator from Texas [Mr. CONNALLY] said, I think it is quite true that the conferees who participated in the conference believed that way, and I say for my part that I am not supporting this conference report pro forma or under any compulsion. I am supporting it because I believe it is right; and I shall ask to be relieved from any further service on the conference committee if the conferees are required to insist further on this amendment, which I think is unwise and destructive of the bill; and I believe that everybody who votes against this conference report will be voting against the enactment of the bill.

Mr. RUSSELL. Mr. President, of course that may be the opinion of the Senator from Ohio; but there are others here who will vote to send the bill to conference who are just as sincere in their support of the bill as is the Senator from Ohio. I am anxious to see the bill passed, and I regret the long delay in bringing up the report for consideration.

Mr. NORRIS obtained the floor.

Mr. WAGNER. Mr. President, will the Senator from Nebraska permit me to make a very brief statement—not a discussion of the bill?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield the floor, Mr. President.

Mr. WAGNER. I desire only to make a very brief statement.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. WAGNER. Mr. President, I am sorry the Senator from Georgia [Mr. RUSSELL] entertains the thought that I purposely disregarded him when he asked me to yield. As a matter of fact, I yielded to him for two questions, and Senators were asking me to yield all over the floor. I did not see the Senator from Georgia again, and did not know that he asked me to yield further. I would not be discourteous to him or any other Senator for anything. I have the highest regard and respect for every Senator, and would not intentionally be discourteous to them, whatever their views about me may be.

Mr. RUSSELL. Mr. President, I accept every word that the Senator from New York says at its full value; but I am sure that if the reporters have in the RECORD the numerous times I sought to interrupt the Senator from New York earlier in the day in order that I might propound a very simple query, the RECORD will show that I addressed myself to him no less than six or eight times in an effort to submit one brief question.

Mr. NORRIS. Mr. President, it occurs to me that we ought to remember, to start with, that we are considering

a conference report, and not a bill. We ought to realize, also, that from its very nature, a conference report is a compromise between the two branches of Congress. I am supporting the pending conference report on that ground. I favored the Lodge amendment when it was offered. I would still be in favor of it if it were properly before us. It is not, however, before us directly.

That the amendment was adopted by an overwhelming vote is immaterial, although that fact is entitled to consideration, I concede. We cannot ask the House of Representatives to agree as a matter of course to a measure passed by the Senate, even though it is passed through the Senate by unanimous vote, which has been the case with a great many pieces of legislation which have been passed through the Senate. We must give the House proper consideration. We must agree always to compromise, if it is within the bounds of possibility to compromise, and it seems to me, from what I have learned, that the conferees did the very best they could do in regard to the amendment now under discussion. They could not ask the House conferees to reject all the proposals of the House and agree to everything the Senate did. So, it seems to me, that we are confronted with a situation similar to one we always meet when we have a conference report to consider.

We must all realize that in a conference we must agree to yield some of our contentions, even though we are very earnestly in favor of them. I concede very frankly that if a Senator is confronted with the elimination by action of the conferees of an amendment, which is of vast importance to him, which he thinks is vital, and the elimination of which he thinks would be destructive of the object sought to be attained by the legislation, he has a right, it is his duty, to oppose the conference report.

As I see it, we are not presented with such a dilemma in this case. While I think the Lodge amendment was proper, and I would vote for it again if it were presented under the same circumstances, I realize I cannot always have my way, I do not want to take any chance of jeopardizing this very important piece of legislation. It might be that if the conference report were rejected a better report would be presented; we do not know what the result might be. We do know, however, that rejecting a conference report means discarding the entire work of the conference committee, and that if the bill goes back to conference, the conferees will have to start their work all over.

Mr. President, I do not believe now, and never have believed, that the amendment offered by the Senator from Massachusetts is vital to the legislation. I think it would be helpful; I think it is a good amendment. Other Senators who are just as anxious to protect labor as am I think the amendment would do labor an injury, rather than be of benefit. I do not agree with that. I still differ as to that, even after listening to all the able arguments which have been made by various Senators this afternoon.

In my opinion, whether the amendment is in or out of the legislation, the prevailing wage will be followed in the administration of the law. That seems to me to be a natural result. We have had some experience with the matter in the administration of the law of which the pending bill is an amendment, and which it will supersede. In that law although such a provision does not appear, yet the prevailing wage, so far as I know without a single exception, has been put into force in the administration of the law.

I think that will be the case hereafter. It seems to me it will naturally follow. I voted for the amendment with the idea of making "assurance doubly sure"; but I am satisfied that if we agree to the conference report the prevailing wage will be the one adopted in every case.

I realize that it is a very difficult matter to handle. It is difficult to be sure what the prevailing wage is, because it differs in various parts of the country, and even in a particular locality it is often, though not always, an extremely difficult thing to determine what is the prevailing wage, a thing so difficult that honest men, with sincere intentions, will disagree as to what it is.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. LEWIS. The Senator having stated we have had previous experience with similar legislation, if this report were adopted, would there be anything to prevent a special act being passed by Congress in the form of a direction to the administrator of the law to carry out the desire of Congress in this regard?

Mr. NORRIS. No; there would not. As I see it, we could easily do that if we found that in the administration of the law the prevailing wage was not paid.

Mr. LEWIS. Such is my hope.

Mr. NORRIS. I do not want to take the risk of rejecting a conference report, although it may be that we would take no risk in the end. We must agree to conference reports if they are anywhere within reason. We cannot always have our way.

It has been said in the discussion that the amendment was offered by a Senator opposed to the legislation. That is no reason why I would not vote for the amendment if I thought it was a good one. I did not know, and do not know now, really, whether or not the Senator who offered the amendment is opposed to the bill. I do not think that is any serious objection to the amendment, although I believe it is to be considered, because a person who is opposed to a measure may offer amendments in which he does not himself believe in order to put the measure in such shape that it will not work if enacted. I do not think that has occurred in this case. I have no reason to think for a moment, no matter what the Senator who offered the amendment thought, that the amendment would work any such injury. In fact, I think it would be beneficial to have it in the law. But, after all, the Senator who offered the amendment was clearly within his rights, whether he is opposed to the legislation or not. He did not have to present the amendment to the committee. He might have deemed it the part of strategy to wait until the bill came on the floor of the Senate, and if he thought so, he had a perfect right to wait, if he wanted to do so. I, myself, have many times followed that course in regard to amendments I have offered. There is no reason why a Senator who is opposed to a particular piece of legislation should not offer amendments in a bona fide effort to improve it, to get it in as good shape as possible from his viewpoint, to be helpful, and it seems to me we ought to presume that Senators are all acting in good faith in offering amendments, unless the contrary appears, and even those who are opposed to legislation should take the position that if legislation must come, it should be put in as good shape as possible. So it seems to me that, after all, we are presented with a very simple proposition, similar to which we meet nearly every time we have a conference report to consider. This report has taken its regular course, the Senate acted in good faith, the House acted in good faith, the conferees, after long and tedious labor, acted in perfect good faith.

We have before us a compromise. I am willing to accept the compromise and vote for the conference report, because, under all the circumstances, I believe that is the proper course for us to pursue.

Mr. BULKLEY. Mr. President, I move that the Senate agree to the conference report.

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bulow	Frazier	Hughes
Andrews	Byrd	George	Johnson, Calif.
Ashurst	Byrnes	Gerry	Johnson, Colo.
Austin	Capper	Gillette	King
Bailey	Caraway	Glass	La Follette
Bankhead	Chavez	Guffey	Lee
Barkley	Clark	Hale	Lewis
Bilbo	Connally	Harrison	Lodge
Bone	Copeland	Hatch	Logan
Borah	Davis	Hayden	Lonergan
Bridges	Dieterich	Herring	Lundeen
Brown, Mich.	Donahey	Hill	McAdoo
Brown, N. H.	Duffy	Hitchcock	McGill
Bulkley	Ellender	Holt	McKellar

McNary	O'Mahoney	Schwellenbach	Tydings
Maloney	Overton	Sheppard	Vandenberg
Miller	Pittman	Smathers	Van Nuys
Minton	Pope	Smith	Wagner
Murray	Radcliffe	Steiwer	Walsh
Neely	Reynolds	Thomas, Okla.	Wheeler
Norris	Russell	Thomas, Utah	
Nye	Schwartz	Townsend	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

The question is on agreeing to the conference report.

Mr. DAVIS. Mr. President, I do not agree with the statement made by the senior Senator from Ohio [Mr. BULKLEY] that those who voted for the prevailing-wage amendment were against the bill. I voted for the amendment. I believe I probably had more to do with the establishment of the prevailing wage in governmental expenditures in the early days than had any other man who theretofore had taken up that question. I helped to establish the prevailing wage in governmental expenditures in the building industry, and on work on the rivers and harbors of the country; and, from that experience, I believe that if the prevailing-wage amendment is omitted from the law about to be enacted it will do more to disturb labor conditions in the building industry than anything else that could happen at this time.

We hear much and have heard much on the floor of the Senate about an annual wage. Of course, we are all for the annual wage, but I ask, How are we going to provide an annual wage in the building industry unless we adopt fascism and control all contracts in the building industry?

We hear much said as to how things are done in England. I have visited every governmental building operation in England. Wales is not larger than the State of Connecticut. The area of all the British Isles is less than that of the State of New Mexico. Today in the British Isles the largest building programs are in London, and there this particular kind of work can probably be best carried on.

We do not have a small country; we have a continent. We must consider the size of the country in connection with this subject. If before we depart from this Chamber today the Senate shall have adopted the conference report without giving the Members of this body an opportunity to pass upon the prevailing-wage amendment, and without giving the Members of the House of Representatives their opportunity to say whether the amendment should be a part of the bill, it will mean in effect that those Senators who vote to reject the amendment do not believe in the prevailing wage.

I am for the housing bill. I was for the first housing bill. I served on the committee with that very distinguished Senator who was chairman of the Committee on Education and Labor [Mr. WAGNER], and who is thoroughly familiar with the part all of us played, and especially our part in connection with the first housing bill, and I do not believe it is fair for the senior Senator from Ohio [Mr. BULKLEY] to say those who may vote against this conference report want to defeat the bill.

Mr. President, the strength of organized labor varies in different localities and trades. The union rate quoted is equivalent to the prevailing rate in communities where practically all the workers of a particular trade belong to the local union. When this is not the case there is often considerable difficulty in ascertaining the status of the prevailing wage. Attention should be called to the fact that the prevailing wage is one thing and the prevailing rate something different. The rate in some localities may appear to be higher than in others, but when conditions relating to hours of employment, living costs, and days of employment provided throughout the year are taken into consideration, these inequalities are often explained. If only a few of the craftsmen belong to the union, the union rate may not be the actual prevailing rate. As yet no authoritative figures are available showing what proportion of all the workers in each occupation, in each city, are members of their respective unions.

The index of union wage rates in the building trades advanced steadily from 1907 to 1931, with one exception—the year 1922—according to a study made in 1936 by Florence Peterson and C. F. Rauth, of the United States Bureau of Labor Statistics, which has an excellent reputation for factual accuracy. From 1907 through 1917 the index rose almost uniformly by one or two points each year. With rising prices attendant upon our entry into the World War, the index of wage rates increased almost 11 percent between 1917 and 1918, almost 15 percent in 1919, and 35 percent in 1920. The postwar depression led to a drop of about 6 percent in 1922, but the following year the index rose more than 10 percent. From 1923 the index steadily advanced until 1931, when the peak was reached, the index then being 104.5 based on 1929 as 100. The wage rates declined during the next 2 years, dropping to an index of 86.8 in 1933. Since then there has been a steady rise, reaching an index of 91.6 in 1936.

D. W. Ellsworth, writing in the Annalist for January 21, 1938, makes a striking statement concerning the similarity of present conditions with those of the decade beginning in 1921. He says:

> The only comparison which seems to have any validity at present is the obvious one with the 1921 depression, and as to that we have previously pointed out that recovery thence was fairly prompt. The worst of the decline occurred in the short space of 7 months, whence recovery was practically continuous until the spring of 1923. At the same time it is important to observe that the beginning of the recovery was slow; that business dragged along close to the bottom for about a year; that there was profound discouragement at the time over the slowness with which recovery seemed to be proceeding. It is also important to observe that this was so despite the fact that wage rates were reduced promptly and in some cases drastically, and despite a deflation of the price structure, which for severity has never in modern times been equaled before or since. There was far greater flexibility in the economic system then than now; business executives were comparatively free to perform unpleasant but essential operations, but, even so, it took a year before recovery got under way.

The hours per week provided for in union agreements have steadily decreased since 1907. The rate of decline has been much greater during recent years. The index of hour scales decreased 9 percent during the 22-year period from 1907 to 1929, but declined more than 10 percent during the 7-year period from 1929 to 1936.

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point in my remarks a scale of wages and hours in the building trades from 1907 to 1936, which I have obtained from the Monthly Labor Review for December 1936.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Indexes of union scales of hourly wage rates and weekly hours in the building trades, 1907–36

Year	Index numbers (1929=100.0)					
	All building trades		Journeymen		Helpers and laborers	
	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours
1907	31.5	110.0	31.7	109.3	30.7	113.1
1908	33.5	108.3	33.8	107.7	32.1	110.8
1909	35.1	106.8	35.5	106.4	33.2	108.5
1910	36.5	105.5	37.0	105.2	34.3	106.6
1911	37.1	105.1	37.6	104.8	34.5	106.4
1912	37.9	104.8	38.5	104.5	34.8	106.1
1913	38.8	104.6	39.4	104.2	35.8	106.1
1914	39.6	104.2	40.3	103.9	36.2	105.5
1915	39.9	104.1	40.6	103.8	36.3	105.4
1916	41.2	103.7	42.0	103.4	37.7	105.1
1917	43.8	103.5	44.3	103.2	41.4	104.7
1918	48.6	102.9	49.0	102.6	48.0	104.3
1919	55.7	102.4	56.0	102.2	55.5	103.3
1920	75.2	101.9	74.9	101.7	80.5	102.7
1921	76.6	101.8	76.3	101.6	81.3	102.7
1922	71.8	101.8	71.9	101.7	74.0	102.4
1923	79.4	101.9	79.2	101.8	78.5	102.6
1924	85.7	101.9	85.6	101.8	84.9	102.6
1925	89.0	101.9	88.8	101.8	87.7	102.4
1926	94.8	101.7	94.7	101.6	95.6	102.2
1927	98.1	101.5	97.9	101.4	97.3	102.2
1928	98.7	100.9	98.7	100.7	98.3	102.1
1929	100.0	100.0	100.0	100.0	100.0	100.0
1930	104.2	97.2	104.1	97.1	105.1	97.8
1931	104.5	96.0	104.5	95.8	104.5	97.0
1932	89.3	94.3	89.3	94.1	89.2	94.8
1933	86.8	94.0	86.9	93.8	85.2	94.4
1934	87.4	90.5	87.4	90.3	87.7	91.4
1935	88.4	89.8	88.4	89.7	88.2	90.8
1936	91.6	89.8	91.4	89.6	93.4	91.0

Mr. DAVIS. Mr. President, in none of the union agreements of the building trades in some 70 cities recently studied were the hours in excess of 8 in any one day. Shorter workdays occurred in 23 of the cities, the largest proportion being in cities west of the Mississippi River. Nearly all the building-trades workers in Denver had agreements providing for a 7-hour day, and in Seattle for a 6-hour day. Working days per week in the building trades are usually limited to 5, though variations are more frequent than in the case of hours per day. There are still a few instances of working days restricted to 3 or 4 per week—a continuation from the depression, when hours were drastically cut in order to spread work. Most of the variations of the 5-day rule, however, provide for a 5½- or 6-day week with the latter predominating. Most of the longer workweeks occur in southern cities. Overtime work in the building trades is almost invariably compensated at a higher rate than the regular pay. Occasionally as little as time and a third or as much as two and one-half times the regular rate is paid, but the usual overtime rates are time and a half or double time.

Partially disabled and older workers are permitted to work for less than the regular scale of wages. In order to protect the union scale, however, the conditions surrounding lower-paid work are usually regulated by the union. In some cases a lower rate is specified in the agreement or in working rules. More frequently the union, through its representatives, assumes responsibility for negotiating a rate for each case.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table of indexes of union scales of wages and hours in each building trade from 1907 to 1936, including asbestos workers, bricklayers, carpenters, cement finishers, electricians, elevator constructors, engineers, glaziers, granite cutters, lathers, marble setters, mosaic workers, painters, plasterers, plumbers and gas fitters, roofers, sheet-metal workers, sign painters, and steam and sprinkler fitters. These statistics show that only one trade—the portable hoisting engineers—had a higher wage-rate index in 1936 than in 1929.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Indexes of union scales of wages and hours in each building trade, 1907 to 1936

[1929=100]

Year	Asbestos workers		Bricklayers		Carpenters		Cement finishers		Electricians (inside wiremen)	
	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours
1907			37.9	112.0	32.0	107.2	38.5	109.1	31.3	110.5
1908			38.9	109.6	34.0	105.6	38.4	108.1	34.2	109.3
1909			39.7	107.3	35.9	104.4	39.6	108.9	35.3	108.8
1910			40.4	105.3	37.6	103.1	40.0	108.7	36.3	108.2
1911			40.4	104.9	38.1	102.6	41.5	107.7	36.7	108.0
1912			41.6	104.9	38.9	102.5	41.5	107.7	37.1	107.6
1913			41.7	104.7	39.5	102.4	42.5	106.5	37.9	107.2
1914			42.8	104.2	40.1	102.0	42.9	105.8	39.1	106.8
1915			42.9	104.1	40.6	102.0	43.3	105.8	39.9	106.2
1916	40.0	103.0	43.3	103.9	41.8	102.0	43.7	104.2	40.7	105.3
1917	42.1	102.6	44.8	103.6	45.5	102.0	46.2	103.0	43.3	104.9
1918	47.1	102.0	48.1	103.6	50.5	100.9	51.0	102.5	48.2	104.2
1919	57.3	101.0	53.4	103.4	58.2	100.3	57.2	101.7	55.2	103.3
1920	74.5	100.9	72.8	103.3	77.8	100.4	77.7	101.2	72.8	103.0
1921	75.5	101.1	72.3	103.3	78.4	100.3	80.3	101.2	75.4	103.0
1922	70.3	101.1	70.4	103.3	72.7	100.4	74.5	101.1	71.1	103.0
1923	72.9	100.9	79.7	103.3	81.0	100.7	81.5	101.1	73.8	103.0
1924	81.4	101.0	84.3	103.2	86.7	100.6	90.1	101.1	82.4	102.9
1925	84.6	101.0	89.2	103.1	88.5	100.6	90.6	100.8	86.7	102.9
1926	90.5	101.0	94.7	103.2	95.0	100.6	96.7	100.8	91.3	102.9
1927	95.0	100.9	97.0	102.7	98.1	100.6	101.0	100.5	95.1	102.9
1928	95.6	100.9	97.8	102.7	98.4	100.0	100.0	99.9	96.0	102.4
1929	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1930	105.8	96.3	102.4	97.6	104.0	96.9	106.6	96.1	101.8	97.6
1931	100.8	94.0	102.2	96.1	104.2	95.4	107.0	95.0	103.2	96.6
1932	89.0	92.8	87.5	93.9	85.4	93.0	93.4	93.9	98.5	94.3
1933	88.7	91.8	85.2	94.9	85.2	91.6	91.2	95.7	89.9	94.3
1934	83.6	91.7	84.5	93.3	86.7	90.8	92.1	92.2	90.1	88.7
1935	89.8	91.0	84.2	93.2	87.8	90.4	92.6	92.0	94.4	85.1
1936	93.5	91.3	84.7	93.2	92.4	90.5	95.1	91.6	96.9	85.1

Indexes of union scales of wages and hours in each building trade, 1907 to 1936—Continued

Year	Elevator constructors		Engineers (portable and hoisting)		Glaziers		Granite cutters		Lathers	
	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours
1907							36.6	102.5		
1908							36.8	102.3		
1909							37.4	102.3		
1910							37.6	101.9		
1911							37.7	101.6		
1912			41.8	105.6			38.1	101.2	39.4	104.0
1913			43.0	104.1			40.1	100.0	40.3	104.0
1914	41.8	102.7	43.6	104.0			40.3	100.4	41.0	104.0
1915	42.1	102.2	43.6	103.5			40.5	100.4	41.5	103.5
1916	43.1	102.1	44.1	103.1			42.2	100.3	42.7	103.5
1917	46.2	101.6	46.5	102.4			43.8	100.3	44.4	103.0
1918	49.2	101.6	53.2	100.8	45.9	101.6	52.2	100.3	47.9	103.0
1919	57.3	100.9	58.3	100.3	49.1	101.6	61.7	100.3	53.3	102.7
1920	73.6	100.8	75.5	99.8	71.0	101.2	76.0	100.3	76.0	102.1
1921	77.4	100.7	76.7	99.4	72.2	101.6	83.7	100.1	77.2	101.9
1922	72.4	100.4	72.2	99.1	72.4	101.7	83.5	99.3	72.5	102.0
1923	76.9	100.5	79.8	98.7	76.7	101.2	85.1	99.9	80.1	102.3
1924	86.3	100.5	84.8	98.7	80.9	101.2	85.8	100.2	86.4	102.1
1925	90.5	100.4	88.5	99.0	90.0	100.8	86.8	100.3	94.2	101.8
1926	95.3	100.4	93.4	99.2	91.2	101.2	97.7	100.1	96.6	101.5
1927	98.8	100.4	96.4	100.8	97.4	101.5	97.1	100.3	100.5	101.0
1928	99.8	100.4	100.4	99.7	98.5	101.1	98.2	100.3	100.8	100.5
1929	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1930	104.7	96.8	107.7	95.1	104.6	96.8	105.1	95.2	104.3	94.3
1931	105.2	95.0	107.7	93.7	105.3	95.1	105.2	94.4	103.7	93.8
1932	97.9	95.0	100.7	92.6	88.2	92.9	94.2	94.8	93.1	93.3
1933	91.0	93.0	99.6	91.7	88.0	92.9	90.7	93.6	89.7	92.9
1934	91.2	92.2	101.4	89.7	93.2	88.1	90.6	92.1	92.1	87.5
1935	91.3	91.9	103.1	89.2	94.1	87.5	90.5	92.1	93.1	87.4
1936	92.4	92.6	104.2	89.7	95.5	87.8	90.5	91.5	95.5	86.5

Year	Marble setters		Mosaic and terrazzo workers		Painters		Plasterers		Plumbers and gas fitters	
	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours
1907	38.4	102.6			27.5	114.1	39.9	108.8	37.8	104.7
1908	38.8	102.6			30.5	112.3	39.8	108.3	38.2	104.8
1909	39.0	101.5			32.6	110.7	40.1	108.3	38.8	104.8
1910	39.5	101.3			34.6	109.3	40.5	108.2	39.1	104.6
1911	39.9	100.9			35.3	108.6	40.8	108.8	41.4	104.3
1912	40.1	100.9			35.7	108.5	41.6	107.5	41.6	103.5
1913	42.7	100.9			37.3	107.9	42.0	107.5	43.0	103.5
1914	43.2	100.7			38.5	107.6	42.2	107.4	43.6	103.1
1915	43.6	100.7			38.7	107.6	42.4	106.9	43.9	103.1
1916	43.8	100.5	37.7	103.9	42.3	106.9	43.9	105.8	44.3	102.6
1917	43.8	100.4	39.7	103.9	43.6	106.8	45.2	105.7	45.8	102.5
1918	46.1	100.4	42.9	100.2	48.1	106.3	47.6	105.4	50.6	101.6
1919	51.2	100.0	46.1	100.2	56.3	106.1	54.9	105.4	57.2	101.3
1920	67.7	100.0	68.2	100.2	76.7	103.0	71.7	105.2	74.0	101.3
1921	68.8	100.1	69.4	100.2	78.9	103.1	75.6	104.9	77.4	101.1
1922	67.4	100.1	67.4	100.2	73.8	103.9	72.7	105.0	71.9	101.1
1923	76.2	100.1	69.0	100.2	81.0	103.6	81.0	105.5	79.4	101.1
1924	79.7	100.1	81.5	100.3	85.3	103.5	90.6	105.6	86.6	101.1
1925	81.4	100.1	85.7	100.2	90.0	103.8	92.1	105.3	88.4	101.1
1926	91.0	100.1	87.5	100.2	95.4	103.4	98.9	102.2	95.2	101.1
1927	92.9	100.0	91.1	99.9	98.6	103.0	101.0	101.8	97.2	100.9
1928	93.4	100.0	95.3	99.9	100.2	100.3	101.2	100.9	99.2	99.9
1929	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1930	100.3	94.7	104.7	94.5	105.6	98.9	105.0	97.7	103.9	95.4
1931	100.8	93.0	105.6	93.6	103.1	98.0	104.7	97.0	105.1	94.1
1932	92.3	92.0	97.2	89.8	89.6	97.9	87.1	95.2	91.4	93.7
1933	89.2	91.9	89.5	91.0	87.8	97.7	83.7	97.2	90.6	93.3
1934	88.8	90.9	90.8	90.9	86.4	85.6	84.6	93.1	91.4	92.4
1935	89.4	90.9	90.8	90.3	86.6	85.5	85.6	91.6	92.8	91.8
1936	90.0	90.8	91.1	89.4	91.0	85.6	86.1	90.1	95.2	90.6

Year	Roofers—composition		Roofers—slate and tile		Sheet-metal workers		Sign painters		Steam and sprinkler fitters	
	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours
1907					33.8	105.4			33.8	105.9
1908					34.5	105.3			34.2	105.9
1909					34.7	105.3			38.9	105.6
1910					35.7	105.3			36.1	105.0
1911					36.8	105.0			37.3	104.9
1912					37.6	103.7			37.9	104.2
1913					39.3	103.5	39.9	106.7	39.3	103.8

Indexes of union scales of wages and hours in each building trade, 1907 to 1936—Continued

Year	Roofers—composition		Roofers—slate and tile		Sheet-metal workers		Sign painters		Steam and sprinkler fitters	
	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours
1914	36.2	103.7	37.0	104.0	40.7	103.4	40.1	106.3	40.0	102.5
1915	37.1	103.7	38.4	104.0	41.3	103.2	40.1	106.0	40.9	102.5
1916	37.4	103.7	39.5	103.6	42.0	102.8	40.9	106.1	41.7	102.2
1917	39.5	103.0	42.1	101.8	43.8	102.7	42.7	105.6	43.3	102.1
1918	44.8	102.5	46.1	101.8	51.3	101.6	46.7	105.5	47.3	101.1
1919	49.8	102.5	52.5	101.5	56.6	101.2	56.1	105.4	53.2	101.0
1920	70.8	102.5	67.9	101.5	75.9	100.8	75.7	105.3	70.2	100.9
1921	74.2	100.6	73.9	101.4	78.7	100.8	78.5	105.4	71.1	100.8
1922	71.6	100.6	70.7	101.3	73.0	100.7	77.8	105.4	69.5	100.8
1923	71.9	100.6	78.8	101.6	78.6	100.7	84.0	103.4	72.9	100.8
1924	83.3	100.6	87.3	101.2	86.3	100.7	95.7	101.6	83.6	100.8
1925	85.8	100.6	91.3	101.2	89.2	100.7	96.7	101.6	88.0	100.8
1926	93.3	100.6	94.3	101.2	95.3	100.7	96.2	103.7	95.3	100.7
1927	95.9	100.6	98.8	101.2	98.2	100.4	98.9	101.8	98.0	103.5
1928	98.1	100.5	99.0	101.2	96.3	100.1	99.0	101.7	99.4	100.5
1929	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1930	106.0	96.1	103.1	95.7	104.6	96.3	99.9	99.1	104.9	95.5
1931	106.7	94.9	103.5	94.1	106.2	94.7	99.8	98.1	105.5	94.5
1932	93.2	93.9	89.9	94.1	92.1	93.3	90.1	97.6	90.9	93.6
1933	91.2	95.1	87.7	94.1	89.4	93.2	83.2	97.8	88.2	93.1
1934	93.0	92.6	87.2	93.8	89.7	91.9	82.9	95.1	89.2	92.5
1935	95.6	92.5	89.5	92.6	90.4	92.0	85.6	93.1	90.7	92.2
1936	96.2	93.1	90.2	93.4	92.2	91.9	87.6	92.9	93.7	92.4

Year	Stonecutters		Stonemasons		Structural-iron workers		Tile layers		Building laborers		Hod carriers (masons' tenders)	
	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours
1907	38.1	101.2	34.7	106.8	31.8	108.1	.....	.....	35.0	108.5	33.1	110.5
1908	38.2	101.2	35.2	106.8	34.7	105.9	.....	.....	35.2	108.5	33.2	110.5
1909	38.2	101.2	35.3	106.8	37.2	104.5	.....	.....	35.3	108.1	33.3	110.1
1910	38.4	101.2	35.6	105.2	39.5	103.4	.....	.....	36.7	105.5	33.8	109.2
1911	38.5	101.2	36.0	104.5	40.5	103.2	.....	.....	36.8	105.5	34.1	108.6
1912	38.6	100.9	36.4	104.5	41.2	102.1	42.7	102.8	37.2	105.5	34.3	107.8
1913	39.6	100.8	37.6	104.4	42.5	101.7	44.8	102.3	38.8	105.5	34.8	107.8
1914	41.1	100.8	38.7	104.4	43.3	101.5	45.0	102.3	39.2	105.2	35.2	106.4
1915	41.4	100.8	39.1	104.3	43.3	101.5	45.3	101.9	39.4	105.2	35.4	106.4
1916	41.8	100.4	39.7	104.1	44.0	101.2	45.9	101.4	41.2	104.6	36.5	106.4
1917	43.8	100.3	41.2	104.0	46.6	101.0	48.2	101.1	45.5	103.5	40.7	106.3
1918	46.7	100.3	45.2	104.0	53.4	100.7	49.6	101.1	53.4	103.0	47.5	106.3
1919	55.5	100.3	50.7	103.4	60.1	100.5	54.1	100.7	60.5	101.1	55.6	105.9
1920	72.7	100.2	70.7	103.4	76.2	100.5	72.8	100.4	87.7	100.0	80.8	105.7
1921	74.7	100.2	72.4	103.5	77.6	100.5	72.2	100.5	88.2	100.0	81.2	105.7
1922	71.7	100.2	67.4	103.4	70.5	100.6	71.0	100.3	82.8	99.3	67.3	105.9
1923	78.2	100.1	79.7	103.4	75.1	100.5	77.6	100.6	84.4	100.0	73.5	105.9
1924	84.0	100.1	84.5	103.1	85.0	100.5	88.1	100.6	93.9	97.7	76.8	105.8
1925	87.5	100.3	86.1	103.1	85.9	100.2	90.2	100.6	89.7	99.8	85.8	105.7
1926	95.4	100.1	94.9	103.3	92.4	100.5	94.6	100.6	98.7	100.0	93.5	105.8
1927	95.1	100.1	96.1	103.1	99.0	100.5	99.0	100.5	99.1	100.2	95.7	105.8
1928	95.5	100.2	97.3	103.0	99.2	100.4	98.9	100.2	99.5	100.1	95.8	105.8
1929	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1930	100.7	96.9	101.5	96.6	105.5	96.9	104.5	94.8	105.5	98.1	103.8	99.3
1931	101.0	96.4	102.0	94.9	106.5	95.8	105.6	93.6	103.9	97.0	103.5	98.8
1932	93.7	94.3	90.5	94.5	92.3	93.4	91.1	92.6	89.4	93.6	85.8	96.6
1933	84.7	94.3	84.5	93.8	91.3	93.1	88.3	92.4	84.2	93.2	84.7	96.1
1934	85.1	93.0	84.4	93.4	92.5	91.8	88.3	86.2	87.3	89.1	90.3	94.3
1935	85.1	92.7	84.2	93.3	93.2	90.7	89.0	86.2	88.6	89.0	87.4	94.2
1936	85.3	92.8	85.2	93.3	95.6	90.6	90.7	86.1	96.2	89.5	92.1	94.0

Year	Plasterers' laborers		Elevator constructors' helpers		Marble setters' helpers		Steam and sprinkler fitters' helpers		Tile layers' helpers	
	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours
1907	34.1	106.6	.....	.....	.....	.....	26.4	103.1	.....	.....
1908	35.6	106.2	.....	.....	.....	.....	26.8	103.0	.....	.....
1909	36.0	105.9	.....	.....	.....	.....	26.9	102.8	.....	.....
1910	36.2	105.9	.....	.....	.....	.....	29.1	101.8	.....	.....
1911	36.2	105.8	.....	.....	.....	.....	29.3	101.7	.....	.....
1912	36.6	105.3	.....	.....	35.8	100.5	30.2	101.6	36.1	103.6
1913	37.5	105.3	.....	.....	37.9	100.5	31.0	101.3	35.8	102.5
1914	38.3	105.4	37.5	102.9	38.1	100.1	31.6	102.9	37.1	102.5
1915	38.4	105.4	37.8	102.2	38.1	100.1	32.5	102.0	38.4	100.9
1916	39.4	104.4	38.8	102.2	38.1	100.1	33.0	101.7	39.8	100.6
1917	42.1	104.2	40.9	101.7	40.6	100.1	35.1	101.7	40.8	99.8
1918	48.5	104.2	43.6	101.7	42.5	100.1	40.5	100.3	42.1	99.8
1919	55.3	103.8	52.9	100.9	48.6	100.0	48.6	100.2	51.0	99.5
1920	80.1	103.8	74.1	100.7	82.0	100.0	70.4	100.2	83.5	99.5
1921	82.7	103.4	77.5	100.5	81.9	100.2	72.2	100.2	84.4	99.6
1922	72.6	103.4	73.8	100.6	76.2	100.2	74.1	100.3	79.3	99.6
1923	80.0	103.5	77.3	100.6	82.3	100.2	78.7	100.3	81.1	100.5
1924	86.0	103.4	85.2	100.6	89.2	100.2	87.2	00.3	88.3	100.5

Indexes of union scales of wages and hours in each building trade, 1907 to 1936—Continued

Year	Plasterers' laborers		Elevator constructors' helpers		Marble setters' helpers		Steam and sprinkler fitters' helpers		Tile layers' helpers	
	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours	Wage rate	Hours
1925	91.7	103.3	89.2	100.5	84.6	100.2	89.7	100.3	90.8	100.5
1926	97.1	99.9	96.1	100.5	93.9	100.2	95.0	100.2	98.4	100.5
1927	98.0	99.8	99.0	100.5	93.3	100.0	99.3	100.4	99.5	100.5
1928	99.6	100.1	100.9	100.5	94.3	100.1	101.4	100.0	101.5	100.5
1929	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1930	106.0	97.4	105.4	96.2	101.7	95.9	109.3	92.1	108.5	93.0
1931	105.6	96.6	105.7	94.7	101.8	94.2	109.3	91.8	108.5	92.6
1932	87.6	96.3	96.9	94.7	93.2	93.8	94.3	91.7	95.8	91.4
1933	82.5	94.7	88.9	92.5	90.7	94.0	91.6	91.6	91.4	91.5
1934	84.8	94.8	88.4	91.8	90.9	92.3	91.9	91.1	91.5	87.6
1935	86.2	96.7	88.6	91.5	91.5	92.3	93.0	91.1	94.6	76.3
1936	88.2	89.2	89.5	92.1	91.6	92.2	93.2	91.5	95.9	76.3

Mr. DAVIS. Mr. President, with all my heart I supported the two housing measures despite great protests coming from my own State. No tragedy is darker than that of slums and palatial mansions within a stone's throw of each other, with the muck of poverty in the midst of plenty and unwanted surpluses. Pittsburgh has such a problem. Of a present population in Pittsburgh of over 700,000, approximately one-seventh is living in areas where housing standards are far below the minimum for health and safety. In the strip lying between the Allegheny River and the hill district, 89.9 percent of the housing has no bathtub, 68.9 has no indoor toilet, 91.3 has no central heating plant, and almost 60 percent of the homes are in bad condition. From this district annually 155 children go to juvenile court. Here infant mortality is the highest in the city. We can take no pride in such conditions. They should be a cause of shame to us all, for all of us, in one way or another, are responsible. Definitely, we are our brother's keeper.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a letter from Mr. Earl R. Sams, constable of the fifth ward, who made an inspection of the fifth ward of Pittsburgh for me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PITTSBURGH, PA., *November 15, 1937.*

MEMORANDUM

From: Mr. Earl R. Sams, constable of fifth ward, 820 Bryn Mawr Road, Pittsburgh, Pa.

To: Hon. JAMES J. DAVIS, Senate Office Building, Washington, D. C.

Subject: Housing and living conditions in the fifth ward.

MY DEAR SENATOR: In regard to our conversation, Sunday, November 14, I am herewith making a partial report of an investigation of the living conditions of the hill district, which are deplorable. Not only are there a number of shacks that are dangerous to the tenants, but on account of high cost of living, small or no wages, and most of the people on welfare, they are compelled to place in from three to four rooms, 6, 8 and 10 adults. Some of these happen to have jobs that cause them to work in the daytime and they sleep at night in the same bed that is used by the fellow who sleeps in the daytime.

This condition is not only a crowded situation for the family, but is very unsanitary to any community or home. There are not 10 percent of the houses in the hill district that has any heat system other than gas, and the plumbing conditions also are deplorable. The above-mentioned conditions have caused and will cause increased crime and vice, especially surrounded by as many as five or six beer gardens in each block. At least 50 percent of the patronage in these saloons are young boys and girls of high-school ages ranging from 16 to 20 years.

We hardly know to what extent the extra session of Congress will go in these affairs, but if there are such things as new projects set up in the Government, we pray that relief will come to these places—that these buildings will be torn down and modern homes be built in order that an opportunity may be given to these people so that they might rear their children as respectable citizens in these communities.

Cordially yours,

EARL R. SAMS,
Constable of Fifth Ward.

Mr. DAVIS. Mr. President, damp, unventilated cellar rooms are the homes of dozens of families. Rubbish-filled

courts and alleys are the only playgrounds for many children. Yet rents are the highest in the most congested and extensive slum areas where, regardless of condition of structure, the total environment is not conducive to comfort or socially desirable family life. Poor housing is expensive. It is always expensive socially, economically, and governmentally. Slum areas are not good tax risks.

Everywhere I go, the sharp tug of misery and human need confronts me. The thought of thousands of my fellow citizens in dire distress in Pennsylvania made it impossible for me to enter wholeheartedly into the fun and frolic of the Christmas season. I devoted most of the holidays to a tour of the industrial communities of Pennsylvania to see at first-hand the conditions of desolation and need which prevail there. No one who has visited the homes of the unemployed in the industrial areas of Pennsylvania in this depression time can forget the tragedy of it all. The unpainted houses, the bare floors, the empty kitchens, the wan and cheerless faces of the children, and the pinched and hungry look of parents leave an indelible impression on my mind. Coming as I do from these people, I know the pride with which they turn from relief and charity. Their one great desire is work at fair wages.

One of the encouraging aspects of the growing public demand for better housing is the stress now being placed on ascertaining what families regard as essential to good housing. Recent findings indicate that the sentiment of women as to what is essential is about equally divided among those who would prefer a single house to an apartment, in spite of the additional work which would thus be entailed. Adequate kitchens are regarded as of especial importance, the kitchen being the room which is heated in winter, where the older children often like to study, and where a majority of women prefer to serve meals. A closet opening from each bedroom is considered essential. Interviews with representatives of the Women's City Club of New York recently resulted in summarizing the essentials of good housing as follows: All rooms to have outside windows, one toilet for every family, hot water, a bath for every family, central heat, and adequate closets.

Mr. President, changes in hours and wage rates are basically important and controversial because they directly affect the costs of production borne by competing employers, the prices paid by consumers, and the aggregate income of the workers. Shorter hours and higher rates are likely to be viewed by the individual employer as adding to his cost of production, curtailing his competitive power, and reducing employment by the impairment of profits from hiring labor. At the same time, wage earners also are consumers; and in an industrialized country such as ours, wages are a vitally important proportion of income used directly and immediately for maintaining demand for industrial goods. Mr. Witt Bowden, of the Bureau of Labor Statistics, estimates that, as a rule, in 1936 the average weekly hours were longer in the manufacturing industries which produce durable goods than in those which produce nondurable goods. In the group classified by the Bureau of Labor Statistics as "iron and steel and their products, not including machinery," the only industries with average weekly hours less than 40 were three comparatively small industries—cast-iron pipe, plumbers' supplies, and tin cans and other tinware. In most of the industries in the other durable-goods groups, average hours were above 40 per week. Notable exceptions were electrical machinery, apparatus and supplies, and automobiles.

It is generally agreed that, other things being equal, wages are lower and hours longer in the South. However, living costs in the South are about 10 percent below those in the Middle Atlantic States, if cities be taken as the basis of comparison. Unquestionably, over an extended period of time there is need for an increase in real wages. Care must be exercised, however, during the present emergency, lest juggling with wages and prices in an arbitrary way lead to increased industrial instability, which is what we now must avoid in every possible way. In terms of minimum subsistence for a family of four, $1,300 a year is the very least that is required. This amount includes only basic maintenance, with little beyond food, housing, fuel, utilities, and crude clothing. It leaves nothing for savings, taxes, recreation, toys, newspapers, or insurance, and therefore is not sufficient. The family on this level has no automobile, and renews its hats and coats only once in 3 years. The man wears overalls, and has only three work shirts and two better shirts. Yet, meager as this subsistence is, it represents a degree of luxury for many of the miners in Pennsylvania coal fields. Only the more fortunate of these have employment today.

Mr. President, the situation is desperately bad for many Pennsylvania families. They need not only relief during emergency days but an opportunity to work out an independent existence. They need the right to work. As a people, we have clearly reached the saturation point of leisure-time possibilities. A majority of our citizens have more leisure than they know how to use acceptably. Our greatest safety, morally and economically, lies in more work for more people and not less. We have spent many billion dollars in the so-called recovery program, but we have many of the same problems of unemployment and unbalanced consumption which oppressed the Nation before the spending program was begun. I predict that we shall continue to have these evils with us if we do not place a far stronger emphasis upon the constructive benefits which the free flow of industry alone can bring.

Mr. President, I have often recorded my protest to the industrial leaders of the past who sought to operate business on the "master and man" policy. On this theory of industrial relationship the employer was the "boss" in the worst sense of that term. He did what he thought was best for his own interests, without consulting with others. He paid such wages as he wanted to pay, without reference to the collective-bargaining rights of his employees. He compelled his workers to labor as long hours as he demanded, without regard to national standards or human rights. He wanted to own the wills, minds, and souls, as well as the time and labor, of his employees. He wanted to oppress and to hold down those who sought to rise in the world. There have always been a few such men in industry who have insisted on outraging our public sense of decency by holding to these pagan views of life; but they have been in the minority, and with the coming of the depression of 1929 their view was thoroughly discredited. The great majority of the workers have better conditions of life than they had 25 or 30 years ago. Our problem is to lift the others to higher levels of productive living. This is the problem of the maintenance of the prevailing wage.

Confronted by the present disastrous slack in the purchasing power of the Nation, and consequent increased unemployment, we must inquire if the Government itself has not sought to substitute its control over the worker for that of the industrial tyrant of yesterday. If this be true, the Nation has gained nothing but heavier chains. The people looked to the Government in recent years, asking for more liberty and not for political serfdom. If the Government trafficks with their economic liberties through the subterfuge of legal processes and in the name of the law, their resentment will not be restrained once they become aware of the new hand of oppression.

I am going to conclude now, Mr. President, by saying that I shall vote against the conference report. I shall vote against it because all my life I have been associated with labor, and I am not going to go out of the Senate today with the thought upon my mind that I voted against labor, because that is what I believe I would do if I should vote to adopt the conference report. By voting to adopt the conference report, I believe I would be voting to help destroy the prevailing wage in the building industry of America.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Mississippi?

Mr. DAVIS. I do.

Mr. HARRISON. When the Senator speaks in the cause of labor, of course, his utterances have great weight in the country. I was very much interested in the figures the Senator produced with reference to the index of wage increases through the years. Did I correctly understand that the Senator cited the fact that there was a 6-percent reduction in wages during the period when he was Secretary of Labor?

Mr. DAVIS. Yes; there was some reduction in wages in the years 1920 and 1921, after the war.

Mr. HARRISON. I am not talking about the war. I am asking the question because I know the Senator does not want his speech to contain that statement unless it be true. I was somewhat startled when the Senator cited the fact that during the period when he was Secretary of Labor there had been a decrease in wages.

Mr. DAVIS. That is correct. The reduction began in 1920, because wages were advanced during the war, and prices went sky high; and if it had not been for the labor unions of America the reduction of wages might have gone further, although at that time the President issued a statement saying that there ought not to be any reduction of wages.

Mr. HARRISON. But I understood the Senator to say that the reduction started in 1921.

Mr. DAVIS. The reduction started in 1920, immediately after the war, while the party of the Senator from Mississippi was in power. The reductions were stopped during the time I was Secretary of Labor; but I happened to be Secretary of Labor immediately after the war.

Mr. HARRISON. It is difficult to reconcile the figures the Senator gave with the statement he has just made. As I understood the figures, there was a constant increase in wages up to 1920, and in 1921 wages began to go down.

Mr. DAVIS. Oh, no; beginning in 1920 they started to go down.

Mr. HARRISON. They started to go down in 1920?

Mr. DAVIS. That is correct.

Mr. HARRISON. After the Senator retired as Secretary of Labor, wages began to go up again?

Mr. DAVIS. No; about a year after I became Secretary of Labor they started to go up again. I could not help it, Mr. President, if, when the Senator's party was in power, wages began to go down, because a short time after the Republicans came in they began to go up.

Mr. McNARY. Mr. President, the motion made by the able Senator from Ohio [Mr. BULKLEY] is not in order. The question is on agreeing to the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. McNARY. If the conference report shall be rejected, I will move that the conferees be instructed further to insist on the incorporation in their report of the prevailing-wage amendment, so that the matter will be squarely before the Senate.

I ask for the yeas and nays on the adoption of the conference report.

The yeas and nays were ordered.

Mr. COPELAND obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield? Does the Senator wish to discuss the conference report?

Mr. COPELAND. I desire to discuss it for a few minutes.

Mr. BARKLEY. I have given Senators to understand that the Senate would not remain in session longer than 5 o'clock. If there is to be any further discussion, I think we might as well let the conference report go over until tomorrow.

Mr. COPELAND. Very well.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nominations of sundry officers for promotion in the Foreign Service.

He also, from the same committee, reported favorably, without reservation, the following convention and treaty and submitted reports thereon:

Executive A (75th Cong., 3d sess.), a convention between the United States of America and Switzerland, signed at Bern on November 11, 1937, regulating the military obligations of certain individuals possessing both American and Swiss nationality (Ex. Rept. No. 2); and

Executive B (75th Cong., 3d sess.), a treaty between the United States of America and Lithuania, signed at Kaunas on October 18, 1937, defining in certain cases the liability for military service or any other act of allegiance of nationals of either country who have been or shall become naturalized in the territory of the other country, as well as certain classes of persons born with double nationality (Ex. Rept. No. 1).

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Navy.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. MILLER in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees the clerk will state in their order the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of William R. Smith, Jr., to be United States attorney for the western district of Texas.

Mr. CONNALLY. I ask to have the nomination passed over.

The PRESIDING OFFICER. The nomination will be passed over.

The legislative clerk read the nomination of George A. Meffan to be United States marshal for the district of Idaho.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the Executive Calendar may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 6 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, February 1, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 31 (legislative day of January 5), 1938

UNITED STATES MARSHAL

George A. Meffan to be United States marshal for the district of Idaho.

POSTMASTERS

COLORADO

Willard A. Teller, Littleton.

GEORGIA

William Roy Conine, Hapeville.
Clarence B. Cooley, Sandersville.

OHIO

John A. Drew, Lyndhurst.
Wilbur H. Sutliff, Wellington.

SOUTH CAROLINA

Fore J. Watson, Kingstree.

TENNESSEE

Lillian Gladys Stone, Leoma.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 31, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, strong to save, bountiful in mercy, let the word of our Savior dwell in us in all wisdom; grant that His peace may rule in all our hearts. Thou who art the fount of all truth, so guide and uphold us by Thy grace, by Thy loving care, and by Thy counsel that we may avoid anything that would lead us to think ourselves better than others. May we love men; be brave enough to strive for them and strong enough to reach them. Subduing all fear, blessed Lord, may we put aside restless, anxious care and allow the restful and unselfish to live in our thoughts. As forbearance and self-restraint are virtues so essential, may they be mutually helpful among us. Oh, may these immortal souls of ours be broad in their sympathies and deep in their convictions. Lord God of Hosts, these chosen Representatives of the people, upon them has been laid tremendous tasks. Oh, be with our President, our Speaker, and the Congress; may all their problems be handled superbly and thus triumph over difficulties. Through Christ. Amen.

The Journal of the proceedings of Friday, January 28, 1938, was read and approved.

FORMER REPRESENTATIVE FREDERICK G. FLEETWOOD

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to make an announcement.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, at 3 o'clock this afternoon at Morrisville, Vt., the people of Vermont will assemble to pay tribute to the memory of the late Frederick G. Fleetwood, who died at Morrisville on January 28 after an illness of 10 days.

Frederick G. Fleetwood was a Member of the Sixty-eighth Congress from the First District of Vermont, serving one term and not being a candidate for renomination.

His lifetime friend, former Lt. Gov. Frank E. Howe, of the Bennington Banner, pays him the following well-deserved tribute:

Frederick G. Fleetwood, one of the finest and most lovable public men of Vermont, has crossed the Great Divide and will no longer serve the State he loved. Mr. Fleetwood at one time and another held many public offices but did not enjoy them very much and escaped from the thralldom as soon as possible. He went to Congress one term and could have been reelected but refused to be a candidate. He served as secretary of state and declined reelection. He was willing to aid any good cause, but was not willing to ride on the band wagon to undergo either the cheers or the jeers of attendant bystanders. His greatest delight was to shop around Vermont for beauty, interest, and service. Possibly sometimes he did not take life seriously enough, but was the more companionable on that account. In 1914 he was a candidate for Governor before the convention which nominated Charles W. Gates, of Franklin, and long before the end of the campaign Mr. Fleetwood looked forward with pleasure to the certainty that Gates would win. His friends were legion. He had no enemies.

And the editor of the Burlington Free Press said of him editorially:

FREDERICK FLEETWOOD

Frederick G. Fleetwood, who died yesterday at his home in Morrisville, aged 69, spent the greater part of his life in public service, completing his public career by serving one term as Representative from Vermont in Congress, 1923 to 1925. He was one of the very few Members whom Vermont has sent to Washington who seemed to find life at the National Capital distasteful and who retired voluntarily after one term in office.

Mr. Fleetwood was a native of St. Johnsbury, but became a resident of Morrisville at the age of 18 years. He attended St. Johnsbury Academy, the University of Vermont, and Harvard Law School, from which he graduated in 1891, then came back to his native State to practice law. He was a dynamic speaker and was much in demand for public gatherings.

Beginning his public life as town clerk of Morrisville from 1896 to 1900, he served as State's attorney of Lamoille County from 1896 to 1898, and went to the legislature as representative from Morrisville in 1900. In the same year he was chosen as a Presidential elector. He was secretary of state from 1902 until 1908 and again from September 1917 to January 1919. His second term in that office was by appointment to succeed Guy W. Bailey, who resigned to become comptroller at the University of Vermont.

Mr. Fleetwood had many admirable qualities and the natural ability to make friends, of whom he had a large number throughout his life. He was a loyal worker for the State of Vermont and for the town of Morrisville, where he kept his home from the time he moved there in 1886. Always a stanch Republican in politics, he did a large amount of work for the strengthening of the party in Vermont.

At a later date I intend to extend these remarks, for my association with Frederick G. Fleetwood covers a period which goes back as far as 1894; and he was my friend.

EXTENSION OF REMARKS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that my colleague [Mr. TREADWAY] be allowed to extend his remarks in the RECORD by printing a radio address he made last night.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DEMUTH. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a radio address I delivered last night.

The SPEAKER. Is there objection?

There was no objection.

Mr. FORD of Mississippi. Mr. Speaker, I ask unanimous consent that my colleague [Mr. COLMER] may have unanimous consent to extend his own remarks in the RECORD and to include therein an address he delivered at Alexandria, Va., January 19, 1938.

The SPEAKER. Is there objection?

There was no objection.

Mr. FORD of Mississippi. Mr. Speaker, also I ask unanimous consent that my colleague [Mr. COLMER] may extend his own remarks on the subject of antilynching.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, last week I made some remarks in reference to the pottery industry of the United States. Since that time there has come to my desk a short article with reference to that industry, and I ask unanimous consent to extend my remarks in the RECORD and to include that article. It is very short.

The SPEAKER. Is there objection?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address I delivered over KDKA on January 30.

The SPEAKER. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

Mr. COLLINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9181) making appropriations for the government of

the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes. Pending that I ask unanimous consent that general debate upon the bill be concluded within an hour and a quarter.

Mr. ENGEL. Mr. Speaker, I suggest we continue the arrangement of the time to be equally divided as heretofore, as I had more than enough time on Friday to make up what the gentleman from Mississippi will take today.

The SPEAKER. Pending the motion the gentleman from Mississippi asks unanimous consent that the time for general debate continue for one hour and a quarter to be equally divided as heretofore. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Mississippi.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9181, the District of Columbia appropriation bill, with Mr. DRIVER in the chair.

The Clerk read the title of the bill.

Mr. COLLINS. Mr. Chairman, I yield 15 minutes to the gentleman from Maryland [Mr. PALMISANO].

Mr. PALMISANO. Mr. Chairman, I asked this time to call the attention of the members of the committee to a proposed amendment which I expect to offer at the proper time, increasing the appropriation of the Federal Government toward the expenses of the District government from $5,000,000 to $7,000,000. In doing so I expect to show to the Members of the House that when I became a Member of the House, when the Republicans had control, they allowed the District government $9,000,000. We have reduced the $9,000,000 under Democratic rule to $5,000,000, notwithstanding the fact that the assessable basis by reason of the Federal Government obtaining property for public buildings has been reduced here by over $75,000,000, which at a rate of $1.75 per hundred amounts to almost $2,000,000. All I intend to do is to ask this Committee and the Members of the House to give back the $2,000,000 which the Government has taken away from the District by virtue of taking up property in the District.

I do not think that it is fair to the people of the District, who are compelled to pay the expenses for the District, when you take into consideration that the Government owns approximately 28 percent of the land of the District, which is not taxable, and that Congress from time to time has exempted various pieces of property which are owned by private organizations representing some national society.

For an example we have now before the committee a bill exempting the property of the Society of the Cincinnati. Last year they exempted taxes on property belonging to the organization of the Spanish-American War Veterans, and the property of the Daughters of the American Revolution has been exempted from taxation.

After all the exemptions are made there is left approximately 45 percent of the land in this District that is taxable. Just think of it! Fifty-five percent of the land in the District of Columbia is exempt.

Besides, Congress compels the District to educate the children of the United States Army, the Navy, and the Marine Corps, and the children of the employees of the United States stationed outside of the District of Columbia without paying tuition. Since 1932, by the various Government improvements, tax assessment on the land value has been reduced from $554,072,879 to $479,495,264, a difference of $74,577,615; at a $1.75 rate, actual tax receipts have been reduced over $1,300,000.

I might say that the argument in Congress has always been that, while the Government has taken property and has somewhat reduced the assessable basic tax, on the other hand, it has increased the assessable basic tax by better improvements. The figures do not show this to be true. For an illustration, in 1932 the assessment on improvements was $672,619,069 where today the assessment on improvements is $664,961,889, a reduction of $7,675,180. It seems to me that an increase of $2,000,000 in the Federal contribution is only reimbursing the District government for the decrease in taxes of the District government caused by the acquisition of the Federal Government of property in the District.

Mr. Chairman, I am not asking the House to give back to the District the $4,000,000 that the Democrats have seen fit to take from the lump sum allowance; but I do think that in all fairness we ought to reimburse the District for the loss of taxes caused by the enormous building program of the Federal Government in the District. Those who are against an increased Federal contribution point to the increased number of employees and the steadier employment afforded by the Government in this city. This may be true, but the overcrowding of the District by Federal employees is a benefit to Maryland and Virginia; and those very Federal employees place an additional burden on the people of the District in that because they are on the pay roll of the Federal Government they are permitted to send their children to the schools of the District at the expense of the people of the District.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. PALMISANO. I yield.

Mr. DONDERO. What is the tax rate in the District of Columbia?

Mr. PALMISANO. One dollar and seventy-five cents.

Mr. DONDERO. How does that compare with the tax rate in the gentleman's district?

Mr. PALMISANO. The tax rate in Baltimore City is lower than it is in the District of Columbia. Let me explain: The area of the District of Columbia is 70 square miles. The area of the city of Baltimore is 92 square miles. The Budget Bureau estimates for the District of Columbia this year was $47,300,000 some odd. The cost of running Baltimore City is $47,400,000, in round figures. Baltimore City has a sinking fund, a debt-servicing fund of $12,500,000. In other words, the operating expenses of the city of Baltimore with its 22 square miles greater area and 230,000 greater population is approximately $35,000,000; whereas, under this bill the operating expenses of the District of Columbia are $45,000,000. So the figure that counts is the actual operating expense.

Mr. DONDERO. What I am getting at is whether the taxpayer in the gentleman's city pays more per $1,000 than is paid in the District of Columbia.

Mr. PALMISANO. With the sinking fund included I think the rate is $2.56.

Mr. DONDERO. In other words about $25.60 as against $17.50?

Mr. PALMISANO. Yes; but there is a sinking fund that must be taken into consideration in the Baltimore figures. In the District of Columbia there is no debt-retirement service. In other words you can liken it to a person having two homes, one larger than the other, with the larger home costing less to operate than the smaller.

Mr. DONDERO. Is there a sales tax in Baltimore?

Mr. PALMISANO. No; there is no sales tax. We have no more taxes there than the people have here. We do not even have any gross-receipts tax such as they have here, part of which is paid by people of the gentleman's State. If we allow this increase of $2,000,000 in the Federal contribution we will do away with the so-called business-privilege tax that the people throughout the country are compelled to pay.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. PALMISANO. I yield.

Mr. BOILEAU. How long has this sinking fund been in operation in the city of Baltimore?

Mr. PALMISANO. As long as I can remember.

Mr. BOILEAU. How much has the debt been reduced during that period of time?

Mr. PALMISANO. I think under the present administration, in the last 5 years, it has been reduced $16,000,000.

Mr. BOILEAU. But over the period of years the sinking fund has not wiped out the debt in Baltimore; rather, the

debt has increased. There being this constant burden of debt, it is but fair to include the sinking fund as part of the cost of running the city of Baltimore, especially when the gentleman is using it to compare with the cost of running the city of Washington.

Mr. PALMISANO. The question involved is what it costs to operate the government of the District of Columbia, and that is about $46,000,000.

Mr. BOILEAU. But on the point of the sinking fund, it should properly be considered as part of the cost of operating the city of Baltimore so long as over the period of years it has not liquidated the debt.

That is, I do not think the gentleman should make a distinction there.

Mr. PALMISANO. When you figure the tax rate I do not think you ought to figure it in that way. The question involved is, How much does it cost to operate the city of Baltimore? And I say to you with all due respect it costs us approximately $35,000,000. We have 230,000 more population and we have 22 square miles more territory, which means additional police, firemen, schools, school teachers, and more underground work.

Mr. BOILEAU. I just questioned the justice of the gentleman excluding the amount paid for the sinking fund in ascertaining the amount to be paid in the form of taxes, when, as a matter of fact, he states they have had the sinking fund as long as he can remember. You do not actually retire debt. You may retire one debt, but at the same time you are putting on another debt.

Mr. PALMISANO. But the question is, Why is it not cheaper to operate the District government than the Baltimore government? I say when you figure operating expenses it is not. The reason you have the overhead cost is because of exemption of property. We tax all the property in the city of Baltimore with the exception of one or two buildings belonging to the Federal Government, whereas in the District 28 percent of the property belongs to the Federal Government. That property is patrolled in the same way that other property in the District is patrolled. Of course, there are some Federal policemen in these buildings, but nevertheless the Metropolitan Police department is required to patrol this territory. More firemen are required to take care of these buildings in case of a fire or emergency. So the expense of the District government in patrolling and taking care of Federal property is not compensated by the $5,000,000 given by the Federal Government.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, it is not pleasing to me to find myself in opposition to the views of my distinguished chairman, who has just spoken to you on the increase of the Federal contribution to the cost of the District of Columbia government. For a great many years there has been a law on the books which provides that the Federal Government shall pay 40 percent of the cost of the District government and the District government 60 percent of that cost. Long since has the Bureau of the Budget and the Committee on Appropriations of this House disregarded that provision, and wisely so, because at the time that law was placed on the books no one could foresee that the District of Columbia budget would have items totaling some $47,000,000.

There can be just one or two excuses for the Federal Government contributing one cent to the cost of the District government. Let us see what they are: First, it is suggested by some that the Federal Government pay to the District government a sum of money equal to that sum which the Federal Government would pay in taxes for the support of the District government if Federal buildings were not tax-exempt. I am frank to admit that at one time I thought that was a very fine yardstick. At the moment there is no yardstick, by the way. Therefore I had an expert make a survey and report to a subcommittee of which I was chairman with reference to how much money the Government would have to pay if the Government paid a like sum that it would have to pay in taxes. They placed a valuation upon the Government property equal to a valuation that that property would bear if the property were used for business purposes. That expert reported it would take slightly in excess of $4,000,000 annually to pay a sum equal to the taxes that it would have to pay if the property was not tax-exempt.

That is one yardstick. I do not think it is a good one, because if we were to exempt the property in the District of Columbia, then we would be compelled in fairness to the rest of the United States to pay a sum to every city in the United States that had Federal buildings therein. We have mints in Denver and Philadelphia, post offices in every one of the districts and cities, as well as Federal buildings and all the rest. Where would we end finally? No. That is not a good yardstick.

There is just one. The District government renders services to the Federal Government. It costs the District government money to render those services. The Federal Government renders services to the District government. It costs the Federal Government money to render those services to the District government. Now then, whichever one of those Governments rendered the most valuable service, the other Government should pay for the excess cost of the services rendered. That can be the only fair yardstick.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield to the gentleman 5 additional minutes.

Mr. NICHOLS. Mr. Chairman, upon that basis last year the Jacobs report, which was made after a survey was conducted by a board of experts appointed by the President of the United States, found that the difference in the cost of services rendered to the District by the Federal Government and to the Federal Government by the District government, was $2,500,000.

Now, are the citizens of the District of Columbia being punished? No; because we now pay a Federal contribution of twice that amount. This bill includes $5,000,000 as the Federal Government's contribution for the support of the District government. My distinguished chairman says we should do this because the public-school system of the District of Columbia has to support, without being paid for it, pupils and students who come in here to those schools from Maryland and Virginia. That is right. The gentleman reminds me of the Army and Navy and other Federal employees. That is right. But are they and should they be a burden on the Federal Government? Certainly not.

Let us write taxes for the District of Columbia which will compel those people when they come in and do business in the District of Columbia to pay a tax which will contribute to the support of the schools, the police department, the fire department, and the other functions that are furnished by the District Government for them. Have we attempted to do that?

My distinguished chairman had something to say about the so-called business privilege tax which we passed for the District of Columbia last year.

It is his purpose to increase the Federal contribution to $9,000,000, and do away with the necessity for the business privilege tax, but he defeats his very purpose. The business privilege tax makes the businessman of the District of Columbia pay a tax for the privilege of doing business here. What does he do with this tax? I need not tell you what he does with it. He passes it on to the consumer, of course. The consumer in the end is the Federal employees and their children, the people in the Army and Navy, and the residents of Virginia and Maryland who come here to do business. Each of these persons contributes his share to the cost of supporting the District Government, as he should, when he pays the business privilege tax.

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the distinguished gentleman from Maryland.

Mr. PALMISANO. Will the gentleman list to the members of the committee other cities and States which have a business privilege tax similar to the one we have in the District?

Mr. NICHOLS. There are many of them. The great city of New York, for one, now has a business privilege tax.

Mr. PALMISANO. That is all.

Mr. NICHOLS. And there are others.

Despite the fact that 45 percent of the land in the District of Columbia is tax exempt, the property taxes in the District are the lowest of any city in the United States. It is not a very good yardstick to say the rate is $1.50 per $100 or $2.50 per $100, or some other figure. The proper way is to figure the per capita cost to the citizens on real-estate tax and you will find there are only six cities in the United States which have a lower per capita cost of real-estate taxation than has the District of Columbia, so the taxpayers of the District are not in bad shape.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. Will the gentleman give the Members of the Committee a list of the tax rates in various comparable cities in the United States, cities which are about the size of the District of Columbia?

Mr. NICHOLS. Of course, I do not have such figures with me.

Mr. ZIMMERMAN. Could the gentleman get them for the members of the committee?

Mr. NICHOLS. I could do so, and will be very happy to place them in my extension of remarks. However, I may say to the gentleman that the gap between a tax rate of $1.75 per $100 and the next lowest tax rate in a city of comparable size is tremendously wide. They are way below.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I am very happy to yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is it not true it was developed before our committee last year that a number of people were entirely escaping taxes in the District? I recall several instances, but one concern in particular was doing a business of $750,000 per year in the District, although paying only the tangibles tax on its office furniture and fixtures. Is it not a further fact there are a number of concerns which by reason of the Federal Government being located here get certain privileges, but pay no tax whatever for them?

Mr. NICHOLS. The gentleman is correct.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, my remarks will be confined to a discussion of the items in this appropriation bill. At the outset let me say that in the 1938 bill the amount of $45,465,000 was appropriated. The Budget estimate for the fiscal year 1939 is $47,344,000. The amount carried in this bill is $45,827,000, which is $1,517,000 below the Budget estimate.

District appropriations are divided into three categories, the general fund appropriations, the gasoline and motor tax appropriations, and water rentals. Appropriations from the gasoline and motor tax fund are $71,600 above the Budget. In other words, they must be appropriated for certain given objects, and therefore there is no particular reason why they should not be expended. Appropriations from the water rentals are $207,200 below the Budget estimates, and appropriations from the general fund are $1,381,000 below the Budget estimates. Thus the appropriations are a total of $1,517,000 below the Budget estimates.

I may say to each and every one of you that not a single institution in the entire District of Columbia will be hurt one iota as a result of these reductions. I believe the auditor of the District of Columbia is one of the wisest and most conscientious men to appear before any committee of the Congress, and I heard him say that in his opinion not a single District activity would be injured in the least because of these reductions.

Permit me to discuss some of the major changes in the bill, starting with inspections. For the first time there has been a consolidation of all the inspection activities in the District of Columbia, so the changes you note there have been the result of such consolidations, for approximately the same amount of money is carried in this bill as was appropriated for these functions in the bill for the fiscal year 1938.

The same is true with reference to the upkeep of District buildings. About a year ago the custodial services in the courts were transferred to the District Commissioners. Because of this transfer the custodial appropriations have been transferred to one activity, so whatever increases you see under that item are because of this transfer, and comparable reductions have been made elsewhere in the bill.

There is a slight increase in the appropriation for the corporation counsel's office, and this is principally to bring his law library up to date. Heretofore his office staff has had to go on the outside to find the lawbooks that are necessary in their work. Then there are certain small increases in the corporation counsel's force to take care of the necessary stenographic help he should have in order to run his office efficiently. For instance, he has four or five men down at the police court, but they have no stenographer there.

Weights and measures has been slightly increased because it is thought by the committee there should be an inspection of gasoline in the District. The principal increase in this bureau has been to provide such a gasoline inspection. All of the testing will be done at the Bureau of Standards.

The Public Utilities Commission has been left as it is, with the exception that the office of people's counsel has been restored.

In printing and binding you will find a slight increase, due to the fact it is thought we should have printed a building code, health regulations, an electrical code, and a police manual, as no copies of these codes and manuals are available.

In the library you will find certain increases. The first increase is in the purchase of books. Fifty-four thousand dollars has been carried in years past, but three branch libraries have been built, and it is impossible for these branch libraries to keep current with books unless the appropriation is slightly raised, and the appropriation has been increased by about $16,000.

In addition to this change you will find another one which I think is a forward-looking step. The main library building has become so small it is difficult for it to function.

The District owns a block of ground down on Pennsylvania Avenue across the street from the Triangle Building. It cost about $2,000,000, and the District does not expect to use it. Sixty thousand dollars is appropriated in this bill for making plans for a new building. Everyone who has spoken or testified before the committee is of the opinion it is only a short time before, of necessity, we will have to have a new library building. It may come 5 years from now, it may come 10 years from now, but at any rate plans are being made for this contingency when it arises.

For sewers about the same amount is appropriated as was appropriated for 1938, except the committee has taken advantage of reductions in cost of materials, for there has been a decline in their cost during the last 12 months.

On collection and disposal of garbage the same amount, identically, is appropriated in this bill as was appropriated for 1938.

In this connection, let me say the 40-hour-week law prevails in the District of Columbia. A day laborer works 40 hours a week and, in addition, is given his 111 days of holiday. Of course, the 40-hour week is a Federal statute applicable to the District of Columbia. So the time is not far away when collection and disposal of garbage is going to be a very difficult problem to finance in the District of Columbia.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. COLLINS. Yes.

Mr. TAYLOR of Tennessee. How is the maximum-wage and minimum-hour law enforced in the District?

Mr. COLLINS. By the same authority that enforces it elsewhere.

Mr. TAYLOR of Tennessee. By a board?

Mr. COLLINS. They have a board here that does that.

The appropriation for public playgrounds is identical with last year, except as to those playgrounds that are in charge of schools part of the day and in charge of playground activities the rest of the day. This bill undertakes to put in charge of those playgrounds school authorities throughout the day, and this is the only change of consequence in the item.

A power survey is provided in order to bring the Rau report, which was made 5 or 6 years ago, up to date.

The public-school item is one of the more important items in the bill, and I want you to bear with me while I discuss this subject at somewhat greater length than I have the ones that have gone before.

For the fiscal year 1938 the sum of $12,800,000 was appropriated for the schools. The bare figures in the bill before you indicate that $12,692,000 will be appropriated, or an apparent reduction of $108,000 under appropriations for the fiscal year 1938. This figure appears to be a reduction when, as a matter of fact, they have had an increase in the appropriation for maintenance rather than a decrease. For instance, the amount appropriated for buildings in 1938 was $1,782,500. In the bill before you the amount for buildings is $1,564,650, or a decrease of $217,850. For the first year the District of Columbia is securing funds from the George-Deen Vocational Education Act. This amounts to $88,386. A reduction is made in fuel of $25,000 because it was testified by an expert from the Civil Service Commission that the engineers and assistant engineers, or many of them, in the school system actually do not know how to fire a boiler and that they are wasting fuel, with the result that $25,000 was taken off because of this waste in the past. Also, a provision is carried in the bill to require the distribution of this appropriation through the fiscal year so there will be no deficiency in the appropriation.

The item of furniture and equipment shows a reduction of $36,000.

There is a reduction in the total of $236,000 more of nonrecurring items in the 1938 bill than in the one before you and deducting the difference between the two of $108,000 indicates very definitely that for schools there is $257,581 appropriated for maintenance, administration, teachers, and so forth, more than was appropriated for the fiscal year 1938.

Now, with reference to the teachers in the schools, it is always indicated to the committee that there is always a shortage of teachers in the District of Columbia, and every year there is a great hue and cry for more teachers and still more teachers. The reductions you will find in this item are as follows:

Under the Vocational Education Act the Federal appropriation amounts to $74,000 for teachers.

The committee took off $18,800 for teachers that were asked for the Banneker School, which will not be finished until September 1939, and we will have ample time in the 1940 bill, which ought to be passed before the first of July of that fiscal year to give them teachers for that school.

Then there have been additional teachers asked for to supplement those they have now for existing classrooms—in one instance of $29,000, and in another instance of $38,000, and in another instance of $17,000. As a matter of truth, what actually happened was this: The committee gave them funds for every teacher they have had in the past, and, in addition to this, gave them new teachers for every new classroom that will be opened during the fiscal year 1939.

Looking at it from another standpoint, if you will take appropriations for the fiscal year 1938 and add to them the figures I have given for that year, you will find that teachers are receiving $145,896 more money for the fiscal year 1939 than they received for the fiscal year 1938. Let us look at the teacher item from another standpoint. There are 3,079 teachers in the schools of the District of Columbia. Plus the 14 new ones provided for in the bill, plus the 196 administrative officials, all of whom are teachers, it gives us 3,289 teachers in the District of Columbia. That, divided into the school population in the District, will give you a teacher for every 22 children in the schools of the District, which in my opinion is a very liberal allowance, because it is generally recognized in the educational world that a teacher for every 40 pupils is the number that should be provided. As a matter of truth they are using teachers in the District of Columbia, as clerks, or in statistical work, I. Q. tests that are never used, and so on.

It may be said that there are more children in the District of Columbia going to school today than there were in the past. Those of you who keep up with the local newspapers will remember that Dr. Ballou stated that when the schools began this year there were fewer school children in the District of Columbia than there were last year. Let me give you some figures. The number of children in the District belonging in 1937 and 1936 was 110,000. The number belonging at the present time is around 95,000.

If you have looked at the tables in the hearings on the average enrollment, you will note that the superintendent of schools gives the average enrollment not since the first of September, when the schools opened, but the average enrollment for the last 6 weeks, which is a certain period, and during the time when the average enrollment would be higher than it would if the entire period were taken into consideration. The number of relief cases that have gone away from the District among the colored people is responsible to a considerable extent for the reduction in the number of children attending the schools in the District. All in all I assure you that each and every member of this committee is interested in the schools in the District of Columbia and wish to provide them with all the help that is necessary for the education of the youth of the Capital of our country, and we have been exceedingly liberal in providing funds for the schools of this District.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. TAYLOR of Tennessee. How many students from Maryland and Virginia are attending the District schools?

Mr. COLLINS. There are slightly over 3,000 and the cost amounts to about $216,000.

The next item in the bill provides for the Metropolitan Police force. A new building is provided in the municipal center and $650,000 is appropriated to begin construction of it. The old police-court building is being transferred to the women's bureau. The police have been very anxious to have old No. 2 precinct, which is in the heart of the colored section, reopened, and that is provided for. A larger contingent fund is provided for the superintendent of police. That is his undercover fund. A similar item is carried in all appropriations where departments maintain what might be termed a secret-service department.

The fire department is in excellent shape. It is testified that there are only five pieces of apparatus in the District of Columbia that are obsolete or out of date. Ample appropriations have been made in the last 2 years to bring the fire department up to date.

The health department is very well provided. Two million two hundred and thirteen thousand dollars was appropriated for the health department in the 1938 bill, and $2,316,000 is provided for in this bill, or an increase of $103,000. Someone may say, "But you have reduced the Budget by $87,000 for the health department." That is true, but the reduction is not a real reduction but an imaginary one, for $85,000 was set up in the Budget for the reopening of the Upshur Street Tuberculosis Hospital, to be used as a convalescent home. The people in that neighborhood were 100 percent against it. They did not want a colored hospital or a convalescent home in that neighborhood, and that was eliminated. Then there was another elimination because we found we did not have to buy land for a new health center but could use land owned by the District, and that accounted for a $35,000 reduction,

so that if you eliminate the Upshur Street hospital, which has been eliminated in this bill, and the $35,000 that will not be used to buy land, you will find that the actual appropriations for the health department over the Budget were more than $30,000. In addition to that, so as to show you where the increased appropriations have gone, the bill provides for a business manager for the health department; provides for 5 directors of departments at Gallinger Hospital, something that has been seriously needed; 21 new positions at the tuberculosis sanitoria for children and adults; 17 new positions at Gallinger Hospital; increases the Children's Hospital appropriations by $26,000, so that the children at Gallinger can be taken out of the old, dilapidated building there and transferred to a good, safe place; increases the appropriations for Casualty Hospital by $5,000; and provides for the purchase of the Homeopathic Hospital in the District of Columbia, where convalescents can be treated. The basement of the building, or the ground floor, will be used for a health center.

In addition to that the bill provides for a new health center in the southwest section of the District, so that, all in all, the appropriations for the health department are, in my opinion, satisfactory even to them.

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. PALMISANO. Was anything said in reference to a building the District government has in Providence Hospital to take care of overcrowded conditions there?

Mr. COLLINS. With the elimination of the children and the use of a convalescent home there will be no overcrowding at Gallinger Hospital. Nothing was said about Providence Hospital that I remember.

There was no change in the courts except as I have already indicated with regard to custodial employees.

The first item under welfare is the receiving home. Children below 17 years of age stay in the receiving home for an average of about 48 hours, according to my recollection. If children are arrested by the police they are taken to the receiving home. The committee visited the receiving home last year and found circumstances that we could not believe could happen anywhere. We found little tots on the same floor, in the same rooms, using the same playrooms, the same toilet facilities with older children; whites and blacks intermingled; the well and the sick huddled together, some of them sick with social diseases. They said they were not using the same toilets, but the most convenient toilets that I found there were the ones that they advised me were used by those with social diseases, and these toilets were accessible to all. It seemed to me to be a fine place for a little tot to pick up a social disease. We undertook to eliminate it last year, but the item was restored by the Senate. This year it is taken out, because the police-court building is being turned over to the women's bureau. We have 23 policewomen, and in addition to that there are 23 civilian employees.

It is proposed to set aside a part of that building for these children under 17 years of age that are arrested. They can be kept there under excellent supervision until the average period of 48 hours has elapsed, when they are placed in homes and institutions. So if you would go into the subject as the committee has you would be fully convinced that it would be to the advantage of these children rather than to their disadvantage to have the change.

Mrs. O'DAY. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mrs. O'DAY. Does the gentleman know that the League of Women Voters, and in fact all of the women's organizations in Washington, are very much opposed to the closing of that receiving home? They admit that it is inadequate. They claim they have been trying to get appropriations to work out a better plan, but that they have not been able to get the appropriation.

Mr. COLLINS. I may say to the gentlewoman from New York that I do not think these women know what is being proposed in this bill. I am very sorry they are not more familiar with it, for I feel that if they were they would be in favor of it.

Mrs. O'DAY. These are women who have worked with these subjects and with these people for a long time.

Mr. COLLINS. Yes; they testified; but they were in favor of the present home, I may say to the gentlewoman. I doubt if any of them ever visited the place.

Mrs. O'DAY. I surely think the gentleman is mistaken.

Mr. COLLINS. The next change in welfare is the National Training School for Girls. We have industrial home schools for colored children at Blue Plains, in a very excellent place. Only boys are there now, but there is no legal reason—as a matter of fact the law provides for both boys and girls—there is not any reason whatever why these girls at the National Training School should not be transferred to Blue Plains. As it is there are only a few of them there now. It may interest you to know that the cost is about $2,200 per inmate per year. In addition to that, if you will look at the testimony, it is indicated that most of them have had at least two kinds of social diseases. So, it is my deliberate judgment that they would be better off if they were transferred to Blue Plains than they are where they are now located.

The next item in the bill to which I direct your attention is public assistance, which is divided into three types of cases: General relief, aid to dependent children, and home care. Aid to dependent children gets the major part of this appropriation, and every child falling in this category in the District of Columbia has funds allotted to him or to her, as the case may be, by the District government and also an amount allotted to him or to her by the Federal Government. To the first child in a dependent family the Government allows $6 per month, and for each child thereafter $4. That is the Federal contribution. The District contribution is much larger.

Let us review the appropriations for public assistance division, because I think that each and every one of us is anxious to do the right thing in this regard. The total District and Federal appropriations for relief in the District of Columbia for this type of relief, these three types of cases—of course, the third case is general relief of the unemployables—home care, aid to dependent children, and general relief for unemployables; the total sum appropriated by the District government and provided under social security by the Federal Government for these three types of relief in the District of Columbia for this year—1938—is $2,280,000. I am reading you the Budget figures made up by Mr. Cady, of the Budget Bureau.

The total carried in the District bill amounted to $2,280,000, identically the same figure. Somebody may say, "You appropriated a little over a million dollars in the District appropriation bill last year and you only appropriate $900,000 this year." The difference is made up by Federal appropriations through the Social Security Act, because every A. D. C. case receives funds from the Social Security. Remember that every dime you increase this appropriation you increase the Federal appropriation in most instances by an equal amount. Identically the same money is carried in this bill that was appropriated in the bill for the fiscal year 1938 and, mind you, the figure I have just given you of $2,280,000 does not carry administrative expenses. When the administrative expenses are considered the aggregate amounts to $2,667,000, of which $859,000 is contributed by the Federal Government.

Let us look at the statement from another standpoint and see if the figures I have given you are correct. The witness I shall bring forward to testify as to the accuracy of them is the lady in charge of these activities in the District of Columbia, Miss Hill. Here is what she says:

Mr. COLLINS. All told, you would have as much money to spend if these estimated amounts are appropriated in 1939 as you had in 1938?

Miss HILL. They are much the same thing. They are not very different.

Mr. VOORHIS. Will the gentleman yield?

Mr. COLLINS. I am very sorry. I must finish this statement. If the gentleman will save his question, I will answer it under the 5-minute rule.

Miss Hill corroborates the Budget Bureau figures. Let us find out how many have been securing funds and see if the load is larger. I shall read now from the Public Assistance Division, Board of Public Welfare. These are their own publications. This is the December 1937 issue, the latest:

Total relief cases during December receiving relief or grants, 2,661; general relief: 912 A. D. C. cases; 279 home-care cases.

Those are the figures for December. What were they in July? In July they had 556 more of these cases than they had in January, according to the July table What about April? In April they had 1,221 more cases than they had in December, and, mind you, those are the summer months, whereas December is a winter month. With the same amount of money available for expenditures, they will have fewer cases than they have had. It is reasonable to assume there will be a continued drop in these cases. This budget does not go into effect until July 1 of this year. If by July 1, when this appropriation becomes available, there is a continued drop, there will be still fewer cases in July than there are at the present time.

If you will figure those cases at the prevailing rates they are paying now, you will find that the $900,000 allocated for this purpose to general relief, A. D. C. cases, and so forth, will be more than enough to take care of the cases at the prevailing rate that is being paid. Mind you, the $900,000 does not take into consideration the appropriation that the Federal Government makes in these matters. As a matter of truth, therefore, this appropriation could be reduced and everybody in the District that comes under these categories could be served, and served well, by the relief authorities of the District of Columbia.

Mr. Chairman, I want to call attention to a statement that came to me this morning. You have reports going around that there are a thousand cases turned away here and a thousand cases turned away there, and so on. I called upon Mr. Cass, head of the W. P. A. in the District, to come to see me and he called on me early this morning. I asked Mr. Cass if he had any figures on the subject. He stated he had, and told me that there were 8,891 cases to whom he was furnishing relief at the present time in the District of Columbia. I asked him if he had the number he carried this time last year, and he told me he had—that there were 12,351 at that time, or a reduction of 3,460 cases, or 25 percent, this year below last year.

Mr. Chairman, let us look at this from another standpoint so as to bring ourselves down to date on the subject of relief de luxe in the District of Columbia. Mr. Cass said he had been keeping records since the 15th of December. Mind you, they all go to him because he is the head of the W. P. A. He said that since the 15th of December he had had a total of 563 cases, and that 52 of them were not eligible, which brings the total down to 511. He told me that 400 of these had been put to work, leaving only 111 in the District of Columbia who are out of work and eligible. Mind you, these are not unemployables; they are employables.

Mr. BOILEAU. Will the gentleman yield?

Mr. COLLINS. I cannot yield at this time.

What do they receive in the District of Columbia? According to the testimony of Miss Hill, a husband, wife, and three children receive $93.50. The prevailing W. P. A. wage in the District of Columbia is $45. These include syphilitics and those suffering from social diseases, because they are all carried under one heading. It also includes illegitimates, which amounts to about 30 percent, cases where a mother of a 15-year-old child is getting aid and the 15-year-old child is getting aid because she has a child. If they have a boarder, the boarder ranks as a child. They receive $93.50 per family. The result is they are seeking aid through this fund rather than going to the W. P. A. and receiving $45 a month.

Mr. Chairman, Washington is the gateway to the North from the South. This is a bottle-neck they go through. They come here first because they can get three times as much relief as they can get by staying at home and working. Those who live here seek aid in this way because they get twice as much, as I have indicated, as they would get if they remained on W. P. A.

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1939, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $5,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1938, and all of the remainder out of the combined revenues of the District of Columbia, namely:

Mr. PALMISANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PALMISANO: On page 2, line 6, after the word "addition", strike out "$5,000,000" and insert in lieu thereof "$7,000,000."

Mr. PALMISANO. Mr. Chairman, as I have explained before, what I am endeavoring to do is reimburse the District government in the amount of $2,000,000 for the reduction of taxes in the sum of approximately $2,000,000 that has been caused by the Federal Government taking from the assessable basis approximately $83,000,000 worth of property between 1932 and 1937. The argument has been made at times that property value has been increased thereby, but the record does not show this. For instance, the property along Pennsylvania Avenue and Constitution Avenue has been taken from the assessable basis of the District of Columbia.

Only 45 percent of the land in the District of Columbia is taxable. Twenty-eight percent of the land is owned by the Federal Government, and a considerable amount of property has been exempted by the Congress because it belongs to certain national organizations or societies. In the last 5 years the lump-sum appropriation has been cut from $9,000,000 to $5,000,000, or a reduction of $4,000,000. I say in all fairness, keep the $4,000,000 out of the appropriation, but reimburse the District for the assessable basis it has lost because of the property taken by the Federal Government, which at the rate of $1.75 per $100 would yield a tax of over $1,500,000. I believe it is only just that we do something to reimburse the District, because if we continue taking property for Government use the District of Columbia will have no taxable base.

Mr. ENGEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have heard a great deal on the floor today and heretofore regarding the amount of property the Federal Government owns. In the hearings we held last year and also in the Jacobs report we find that 28.7 percent of the land area, not including the water area, is owned by the Federal Government, but of that 28 percent, amounting to 11,212 acres, 5,660 acres are used for Government purposes, occupied by buildings or adjacent to building sites, and 5,354.91 acres are used for parks, reservations, and parcels without buildings. Parks and property owned by the Federal Government but used by the people of the District of Columbia are included in this so-called assessment.

Further, there are 197.83 acres used by the District government but owned by the Federal Government. In other words, out of the 28.7 percent, 14.2 percent is actually used by the District government for buildings, parks, and so forth. Let us get the record straight.

It is stated that 45 percent of the land area is taxable. Of the remainder, 1,038 acres are owned by the District of Columbia and 19 percent of the acreage is streets. When we talk about 28 or 29 percent of the land of the District of

Columbia being tax exempt because the Federal Government owns it, let us remember the District of Columbia is using half this land without cost or charge for park and other purposes.

Something has been said about embassies. Here is the record. Five hundred acres are used for education, or 1.3 percent, 0.8 percent for churches, and smaller amounts for cemeteries and hospitals. Only one-tenth of 1 percent is used for embassies, while for all other purposes the percentage is 1.1.

I did not agree with the Jacobs report in many phases, but the Jacobs report contains a great deal of valuable information. This report took the services the District of Columbia renders the Federal Government and offset against them the services the Federal Government renders the District of Columbia, and on that basis fixes the sum the Federal Government should pay at $2,500,000. Are you going to tax the Washington Monument? Nobody contends that. When you deduct the amount of land owned by the Federal Government, used for District purposes, and assess the remainder of the land used for purely governmental purposes, you will find the Federal Government contribution amounts to less than $5,000,000, or between $4,000,000 and $4,500,000.

I believe this committee went into the matter very carefully last year. We went into the question of the Federal contribution. Some of us thought we ought to go below $5,000,000, but none of us thought the contribution should be above $5,000,000. When we got all through we decided last year to leave the contribution where it had been the year before and consider the question settled.

I have reached a point in considering this question of taking District property for the use of the Federal Government where I am wondering whether when we erect the War Department building or the Social Security building, the Federal Government ought not to go into Maryland and Virginia and buy a section of land on which to erect future buildings. This would settle forever this question of the Federal Government taking District land for Federal purposes. We can go to Maryland or Virginia and buy a section of land which will be tax exempt. I am sure the people of Virginia or Maryland, the home of my friend across the aisle, would welcome the erection of new buildings so they could have a part of the $240,000,000 pay roll we have here. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. PALMISANO].

The amendment was rejected.

The Clerk read as follows:

CARE OF THE DISTRICT BUILDINGS

For personal services, including temporary labor, and service of cleaners as necessary at not to exceed 48 cents per hour, $129,000: *Provided*, That no other appropriation made in this act shall be available for the employment of additional assistant engineers or watchmen for the care of the District buildings.

Mr. HARLAN. Mr. Chairman, I wish to make a point of order against the proviso in this paragraph, but first I wish to raise a point of order as to the entire paragraph.

This paragraph is a provision transferring to the Commissioners the funds that had originally been under the disposition of the judges of the courts in the District.

At the last session of Congress there was a provision in the appropriation bill endeavoring to make this same disposition, and this provision was stricken out in the House on a point of order. The bill was carried to the other legislative body and the same provision was stricken out in the Senate. Then in conference, in another section of the bill, a clause was inserted transferring control of this fund from the judges of the District courts to the Commissioners, a provision that had been disagreed to in both the House and Senate. The conference report came before the House in a late session and the matter was passed by the House in the conference report after it had been rejected by both the House and Senate.

The point I am raising is that this is an attempt to make an appropriation in conformity with existing law when the existing law was passed in direct violation of the rules of this House.

On page 521 of our Manual we find this paragraph of a decision by former Congressman Garrett, who was then in the chair:

The Chair is of the opinion that the Committee on Appropriations may not, under the rule, bring in as an integral part of any appropriation bill substantive legislation that, if introduced in the ordinary way in the House—that is, by a bill or joint resolution presented by a Member—would go to another standing committee of the House for consideration and action; nor does the Chair think that any Member of the House may offer from his place on the floor any amendment carrying such substantive legislation, even though that legislation would retrench expenditures, unless that Member offer it as the report of a committee or as a member of a joint commission which would have jurisdiction of the subject matter under the rules of the House.

In this particular case this is an appropriation under a prior authorization which has never been before an appropriate committee of the House. The authorization was introduced into the law by a conference committee.

If the Chair will refer to Hinds' Precedents, section 6180, 6181, 6182, the Chair will find it repeatedly held there that a conference committee has no authority to introduce into a conference report or to change legislation which has been before the House any measure that was not approved at least by one of the two Houses. They cannot inject law into an appropriation provision, and for that reason this authorization under such unauthorized law is out of order.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard?

Mr. COLLINS. Mr. Chairman, in the last year's appropriation the District buildings in the District of Columbia were transferred to the District Commissioners, the language reading that—

All buildings belonging to the District of Columbia shall be under the jurisdiction and control of said District.

The General Accounting Office has held, in an opinion to the Commissioners, that this is permanent law and the control or jurisdiction of these buildings is permanently under control of the Commissioners.

So this appropriation is carried in this bill in conformity with existing law which the General Accounting Office has held is permanent legislation.

The proviso in this paragraph merely recites that no other appropriation in the act shall be available for the employment of additional assistant engineers or watchmen for the care of said buildings. In other words, it was the idea of the committee that other appropriations should not be carried in other items, but should be grouped here in conformity with the law as it exists on the statute books. So I submit there is nothing to the point of order that has been raised.

Mr. NICHOLS. Mr. Chairman, I would like to be heard in support of the point of order.

The CHAIRMAN. The Chair will be pleased to hear the gentleman.

Mr. NICHOLS. At the time this question, Mr. Chairman, was up last year as a legislative rider on the appropriation bill on a point of order made by myself it was stricken from the appropriation bill for the reason that it changed existing law.

The bill went to the Senate in that form and the Senate did not take action in the matter. In the conference, however, this language was added:

Provided, That all buildings belonging to the District of Columbia shall be under the jurisdiction and control of the Commissioners of the District.

And that proviso, which was put in in conference, and not, by the way, as a proviso to that portion of the bill from which it had been stricken, but as a proviso to the health department portion of the bill, and the report I have in my hand is the report on that bill, and will so show, I think, there are precedents which state that the fact that existing law was changed by a legislative rider to an appropriation bill will not bar the making and sustaining of a point of order to a later appropriation bill carrying the same proviso.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. LANHAM. If permanent legislation could be enacted in this manner under the circumstances the gentleman has recited, there would be very little need, would there, for our regular standing committees of the House?

Mr. NICHOLS. The gentleman is right.

Mr. LANHAM. And may I ask this also: Is the Comptroller General the final arbiter of what is permanent law enacted by the House and Senate?

Mr. NICHOLS. I say to my friend that only within recent months has it come to my attention that it is a practice of some Members of the House of Representatives to deem rulings of the Comptroller General as the controlling opinion as to the effect of law passed by the legislative branch. I have never seen it done before. I, of course, do not think that that is proper.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. CALDWELL. I wonder if the gentleman has ever seen the validity of an act passed by a former session of this Congress attacked in the manner in which this is being attacked?

Mr. NICHOLS. I do not know that I know what the gentleman means.

Mr. CALDWELL. As I understand the argument in respect to the point of order, the question is whether the validity of an act passed in a former session of this Congress may be attacked by a point of order to this bill.

Mr. NICHOLS. I am sorry, but I still do not understand. I think that the test is, if this were not subject to a point of order, in order to change existing law that change must be made by a committee of Congress that would have had jurisdiction of the subject matter of the change in its original inception in Congress. In other words, this is a matter for a legislative committee of this House, and you cannot permanently change existing law and not leave it subject to a point of order unless that change is made by a legislative committee of this House. So that, although it might be argued that it is existing law, it is only existing law because of a legislative rider passed during the last session in violation of the rules, to make it permanent law, and it is my contention that you cannot make permanent legislation in that manner, and therefore this point of order should be sustained.

The CHAIRMAN. The Chair is ready to rule. In the pending appropriation bill this proviso is found on page 4, line 15, with respect to the care of District buildings:

Provided, That no other appropriation made in this act shall be available for the employment of additional assistant engineers or watchmen for the care of the District Building.

To that proviso the gentleman from Ohio [Mr. HARLAN] directs a point of order upon the ground that the proviso is in the nature of legislation which is not authorized by law.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALDWELL. May I ask whether the point of order was not later changed from the particular language referred to to the entire section?

The CHAIRMAN. The Chair will reach that in a moment. The Chair is now directing his attention to the proviso because the gentleman from Ohio [Mr. HARLAN], the gentleman from Mississippi [Mr. COLLINS], and the gentleman from Oklahoma [Mr. NICHOLS] directed their arguments largely to that proviso.

The authority for making appropriations for the care of District buildings is found in Fiftieth Statutes at Large, page 377, in this language:

Provided, That all buildings belonging to the District of Columbia shall be under the jurisdiction and control of the Commissioners of the District.

This proviso does not in any manner seek to take from the District Commissioners their authority as custodians of the buildings under their duties and responsibilities as Commissioners of the District. This proviso in no manner contravenes the language of this positive law. It is more in the nature of a limitation upon the appropriation than a contravention or change of existing law.

Mr. NICHOLS. Mr. Chairman, will the Chair permit an interruption?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. NICHOLS. The point is, Mr. Chairman, that before this proviso the existing law was that all of the buildings in the District of Columbia should be under the control of the Commissioners of the District, except certain buildings included in which was the court building by specific provision. That was under the control of the judges of the courts. This proviso wipes out the control of the judges over this court building and places the control in the Commissioners of the District of Columbia. To this extent the proviso does change existing law.

The CHAIRMAN. The Chair will state to the gentleman from Oklahoma that the feature to which the Chair is especially addressing the ruling is whether this is a change of existing law. The gentleman from Ohio bases his point of order on the ground that this is a change of the law affecting the custody of the building according to the statute the Chair just quoted. The proviso under consideration in no manner changes existing law but is merely a limitation on an appropriation. The Chair so holding must necessarily overrule the point of order.

The gentleman from Ohio also directed the point of order against the paragraph the first portion of which includes this language:

For personal services, including temporary labor, and service of cleaners as necessary at not to exceed 48 cents per hour, $129,000.

Standing alone, as a matter of course, this language is immune from a point of order because it is solely an appropriation for personal services, and so forth. If, therefore, the argument directed to the proviso goes down, necessarily the point of order against the paragraph as a whole must go down.

The Chair overrules the point of order directed against the paragraph.

Mr. HARLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARLAN: Page 4, line 15, after the semicolon, strike out the words and figures down to and including the word "buildings" in line 18.

Mr. HARLAN. Mr. Chairman, the Chair has already ruled on a point of order directed against this section, and it has been decided that we cannot attack it on the ground that it is legislation on an appropriation bill; but for the sake of the dignity of this House, for the sake of orderly parliamentary procedure, and to protect the privileges of this House, this proviso ought to be stricken out.

The substantive law that was inserted in the original District appropriation bill was put there through nothing less than a trick. It was put in there without the authorization of any committee of this House authorized to approve such legislation. As the gentleman from Texas [Mr. LANHAM] said just a moment ago, if we by our subsequent acts are to approve such tactics, what is the use of having committees at all; why not turn the whole thing over to conference committees and let them write into these appropriation bills anything they want? You know how these conference reports come in. I am told that this one came in during the closing days of the session, and it probably was about 11 o'clock at night—many of them come in like that. It is a very easy thing by sharp practice, by trickery, by slick proceedings, to put things over this House of Representatives. If we do not stand up and protest once in a while, this practice is going to continue; and it is my humble suggestion, Mr. Chairman, that this is a good time to act.

I do not know whether the judges should have control of the disbursement of this money, or whether it should be given to the Commissioners; I am not arguing that point just now. Some committee that is authorized to investigate ought to report to this House on that proposition. It has been the law since 1870 that the judges control their own appointees. They want to appoint the janitors who keep

their courtrooms clean, they want to appoint the engineer who keeps them warm, they want to appoint all the personnel in the courthouse that operates around their courts. They have been doing that ever since 1870; yet here a conference committee comes in without any apparent investigation, without submitting it to any House committee, and slips this thing across after it has been stricken out of the bill, both in the House and the Senate. If we ever want to act, now is the time.

Mr. COLLINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the situation which confronted the committee last year was—so that you may have all the facts—that we had just built a new police court building which had about twice as much space in it as the judges admitted they needed. The District did not want to pay a lot of rent for outside space. This provision was inserted in the bill so that other agencies of the District government might avail themselves of the unused space in the building, which would be put into use in a very short while. There was no way to reach it except by this method.

Let me call your attention also to one or two other facts that I think you should know in considering this matter. All custodial employees under the Commissioners take a civil-service examination. In this way we get competent men as engineers, as assistant engineers, as custodial employees.

It was found in the District schools that a man by the name of McQueeny had about 50 relatives employed as custodial employees in the school system. No examination had been taken by these employees to hold these custodial positions. In addition to that, we also discovered that the boilers in certain school buildings had become dangerous because the custodial employees and the engineers apparently did not know how to take care of the boilers. At least, they did not take care of the boilers. In this bill $40,000 is appropriated to replace boilers that ought to be as good as they were the day they were installed, but these boilers have become dangerous because the custodial employees in the schools not only did not know how to take care of them but did not even know how to fire them.

This places them all under the civil service. The objectionable paragraph my friend is complaining about merely provides that no other agency than this agency shall employ custodial employees.

Mr. PALMISANO. Will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Maryland.

Mr. PALMISANO. Will the gentleman explain to the Committee whether or not this provision was stricken out on a point of order made in the last Congress and put back by the conferees in violation of the rules of the House and Senate?

Mr. COLLINS. No; the proviso was not in the last bill.

Mr. PALMISANO. I mean the transfer.

Mr. COLLINS. This paragraph provides for the employment of custodial employees and the proviso to which my friend is objecting provides that no other agency can spend money for custodial employees. In other words, it prevents duplication.

Mr. NICHOLS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this comes down to one proposition. Here is a building which was built in the District of Columbia for a court building. When it was built it was provided that the judges of the various courts forming a board should control the building, its space, and who was employed for custodial service throughout the building. Their reasons, in my opinion, were good. They did not care to have the vacant space in the building filled and put to every use that the District may desire. This being a judicial building, they wanted the space filled with functions of the District government that bore some relation to the courts. In other words, they did not want the sewer department or a branch of the sewer department to be given space in the judicial building.

Their request was not unreasonable. We have built courthouses in your jurisdiction and in my jurisdiction and we provide a lot of excess space. We let certain agencies of the Government use space in the courthouses, but we make it have some relation to the business for which the building was built.

Mr. CALDWELL. Will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Florida.

Mr. CALDWELL. Does not the board of county commissioners or the county board of supervisors in each county have complete and absolute control of the courthouses?

Mr. NICHOLS. Absolutely, and that is all right. All these gentlemen, the judges down there, want to do is to have control of the matter, and they were granted that privilege by law.

As to the custodial employees, my distinguished friend from Mississippi says he wants to put the custodians under the civil service in order to increase their efficiency. Of course, my position on that is well known. If you want to destroy a man's efficiency and put a cloak of protection around him that will render him absolutely useless to public society, just put him under the civil service. [Applause.]

I do not want them protected by the civil service. I want these custodians to be accountable to somebody for the manner in which they carry on the custody over that building. If any trouble exists in the boilers and the manner in which these custodians are caring for either the boilers or the building, then the proper place to have brought that matter was the legislative committee on the District of Columbia. I have been a member of that committee for 3 years, and I never heard a single murmur about the situation.

This was put on by the conferees in conference between the two Houses. Nothing has ever been submitted to a single committee. A point of order had been sustained against that portion of the bill on the floor of the House, and I think in fairness to the judicial system of the District of Columbia those gentlemen should be permitted, as they were granted authority to do in existing law, to control their own building.

Mr. McCORMACK. Will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. My recollection is, I made the point of order last year.

Mr. NICHOLS. I believe the gentleman did.

Mr. McCORMACK. And the point of order was sustained. Then, when the conference report came back to us, none of us assumed that the conferees would put that in.

Mr. NICHOLS. It was changed to a different part of the bill. They put the proviso in the health department, not where it was originally.

Mr. McCORMACK. Of course, none of us assumed that the conferees would do that, and I make that statement in no criticism. Most of us were tremendously amazed when we found out afterward that had been done.

Mr. NICHOLS. The gentleman is correct. The Senate did not even act on it.

Something has been said about someone in the school system having 52 relatives on the pay roll. Of course, that should not be charged up to the judicial department. However, the civil service is no guaranty against putting relatives on the pay roll. Through the interdepartmental petty politics and practices by civil-service employees, in which they tell their brothers, sisters, uncles, aunts, and cousins of how to get jobs under civil service by evading the accepted rules, they have gotten on the pay roll and under the protection of the civil-service relatives to the tenth degree removed. [Applause.]

[Here the gavel fell.]

Mr. PALMISANO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the question involved here is whether or not when a point of order is made to a provision under the rules of the House, and sustained, and the other branch of Congress does not insert the objectionable feature, we are

going to sanction a violation of the rules of both Houses of Congress by permitting conferees to inject new matters in a bill, whether it be an appropriation bill or any other bill. I do not think it is fair to the Members of the House that conferees shall inject new matter. When we call this to the attention of the House I say, with all due respect to the conferees, that the Members of the House should say once and for all that conferees shall not act in violation of the rules.

The Members knew nothing about this, therefore it should be stricken out, and I hope the Members of the House will strike out this provision to stop that practice in the future.

[Here the gavel fell.]

Mr. CALDWELL. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, the only purpose the proviso serves is to prevent a duplication of services. It does not make a particle of difference whether the proviso is in there or not, except that with the proviso in the bill additional funds may not be used for this purpose.

With regard to the merits of the amendment, which was injected into the bill at the last session, I do not believe it is worth while to direct any thought to it at this time. The amendment is substantive law now. If this proviso is stricken out and the appropriation is stricken, any amendment seeking to set up funds to be disbursed by the court in accordance with previous law would be subject to a point of order and the custodial service could not be supplied.

With respect to whether or not the District Commissioners ought to control this space, I may say there is no more reason for the District courts to control the space in the District Building than there is for the Department of Justice to control the space in the Department of Justice Building. None of the space in the Department of Justice Building is controlled by that Department; it is all controlled by the Department of the Interior. None of the space in the Federal buildings throughout the country is controlled by the courts; it is all controlled by the Post Office Department. None of the space in the county courthouses over this country is controlled by the courts; it is all controlled by the appropriate boards of county commissioners or supervisors, or whatever they happen to be.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. I am pleased to yield to the gentleman from Ohio.

Mr. HARLAN. What reason can the gentleman give the Committee with respect to why these arguments ought not to have been presented to the proper committee of the House and a proper measure reported after hearing? If the remarks of the gentleman from Mississippi about 50 members of a family being in the service are true, that would be a pertinent thing for investigation by a House committee.

Mr. CALDWELL. I may say I believe that argument is immaterial now, because the law has been passed and is a part of the permanent legal structure of the country. We have here the sole, practical question of money to be appropriated. This is the only appropriation that can be made in accordance with existing law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HARLAN].

The question was taken; and on a division (demanded by Mr. HARLAN) there were—ayes 16, noes 19.

Mr. NICHOLS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The Clerk read as follows:

AUDITOR'S OFFICE

For personal services, $131,700, of which $2,000 shall be available without reference to the Classification Act of 1923, as amended, and civil-service requirements for the employment of a real-estate expert, to be immediately available; and the compensation of the present incumbent of the position of disbursing officer of the District of Columbia shall be exclusive of his compensation as United States property and disbursing officer for the National Guard of the District of Columbia.

Mr. PALMISANO. Mr. Chairman, I make the point of order that this is legislation upon an appropriation bill. The point of order is directed to page 5, line 8, after the words "as amended", "and civil-service requirements for the employment of a real-estate expert, to be immediately available; and the compensation of the present incumbent of the position." This is legislation.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. Is this point of order made only as to the language "and civil-service requirements for the employment of a real-estate expert, to be immediately available"? Is that the end of it?

Mr. PALMISANO. It is in line 8, "civil-service requirements."

Mr. COLLINS. I am trying to find out what the gentleman is objecting to—"civil-service requirements"?

Mr. PALMISANO. Beginning at the paragraph, yes.

Mr. COLLINS. I have no comment to make on those words, Mr. Chairman.

The CHAIRMAN. The language to which the point of order is directed is very clearly legislation, and therefore, the point of order is sustained.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed out of order for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Chairman, on Saturday last, in Topeka, Kans., Dr. Glenn Frank, the chairman of the National Republican program committee, which is comprised of about 150 members, and whose purpose is to try to regenerate the Republican Party, made a speech, during which he said in part:

> The awakening of the millions to this threat to democracy cannot be achieved by feverish diatribes and ugly vilification of the motives of the leaders in power.

He then proceeded to engage in vilification and feverish diatribes against the present administration, blowing hot and cold at the same time, and coming and going at the same time. During his remarks, after saying there should not be "any ugly vilification directed at any leader in power," he talked about "the threat to democracy," and further stated:

> More faithfully expressive of the American spirit—
>
> By the Republican Party—
>
> than the Fascist program of the New Deal with which deluded liberalism threatens to Hitlerize what was once democratic self-government.

On one hand he condemns the use of ugly vilification and on the other he makes the remark I have just quoted. It seems to me Dr. Frank is rather inconsistent, to say the least, when in one breath he states that the Republican Party should not engage in ugly vilification against the leader in power, and in the next breath makes the statement I have just quoted.

Mr. MICHENER. Mr. Chairman, will the gentleman yield for a question?

Mr. McCORMACK. I will yield a little later.

I call to the attention of my Democratic colleagues, particularly those coming from close districts or districts which in the past have been Republican, that the remarks of Dr. Frank are the best campaign literature we will have next fall. The remarks of Dr. Frank, who was once a liberal, shows what reactionary influences can do to the mind of a man who has been suddenly elevated to the position he now occupies in the Republican Party.

During his speech Dr. Frank admitted that every objective of the Democratic Party under the leadership of President Roosevelt was desirable and necessary for the best interests of the American people. Then in the next breath he said, "I disagree with the methods employed."

On February 28 this unofficial committee meets in Chicago. I wonder how the other members of the committee feel as they must realize, after this emotional speech of Dr.

Frank, that he has apparently committed them to such a policy in advance, without consulting them. A policy of emotional and not rational thought and expression.

Dr. Frank's speech is a campaign document for the Democratic Party. It admits that when the Republican Party was in control of the Government it did not respond to the wishes of the people. His speech is also a campaign document because it admits the necessity of attaining in the interest of the American people every objective for which the Democratic Party stands. He admits the farmer should be given legislative consideration, but he disagrees with the method employed. The next question naturally follows, What did the Republican Party do for the farmer when it was in control of the Government? He admits the laborer, the workingman, is entitled to consideration, but he disagrees with the method employed. The natural question is, When the Republican Party was in power, what did it do for the workingman?

He admits that a wage and hour bill should become law, but he disagrees with the method. He admits that every objective the President and the Democratic Party stand for is a proper and necessary objective, but disagrees with the method without in any way indicating any substitute of his own. He then makes a general criticism of the present administration of the last 5 years.

The answer to this is very simple and very clear. The answer is that in 1933 we were faced with chaos, while today confidence exists in the minds of the American people. In 1933 millions of people were faced with starvation, while during the last 5 years under the leadership of Franklin D. Roosevelt the powers and the influence of the Federal Government have been used as extensively as possible to minimize the human distress and suffering that existed. During the past 5 years our banks containing deposits of over 20,000,000 of our people have been saved. Legislation has been passed to control the abuses in connection with the sale of fictitious stocks, and fraud legislation has been enacted along various lines, all in the interest of the American people. The Republican Party while they were in control of the Government failed to recognize the problems of the day and failed to meet these problems in the interest of the American people.

However, there is one good thing that has come from Dr. Frank's statement. He has closed the door to the Republican Party in the future in its vicious effort as in the past to accuse the present administration of being communistic in its direction.

Dr. Frank now claims that the New Deal legislation is Fascist in its character and in its operation. President Roosevelt has been accused of being communistic in his legislative inclinations, and now he is accused by this self-styled new leader of the Republican Party with being Fascist in his legislative inclinations. A man cannot be both at the same time and cannot very well be both at different times. Such unjust accusations are the best evidence that President Roosevelt is what his record shows him to be—a real lover of and fighter for democratic processes of government.

Now, let us analyze this ridiculous statement for a few minutes with respect to not only being Fascist but trying to Hitlerize the people of America. Freedom of speech for any person has not been impaired, and this is the first thing that a dictator attempts. Freedom of the press has not been impaired, and this is another of the first things that a dictator attempts to do. Political parties exist in America, as they have always existed, while a dictator tries to destroy all political opposition and establish, like in Russia, Germany, and Italy, only one political party. There is no such thing as governmental persecution in the United States of religious or racial minorities, such as exists in Russia, Germany, and in the dictator-controlled countries of the world. Religious liberty is just as strong in the United States as it has ever been.

Personal liberty is a right in America just as much today as it has been at any time during the constitutional history of our country. In fact, it is stronger today than in 1931 and 1932 because greater confidence, due to the leadership of President Roosevelt, exists in the minds of the people today than when the Republican Party was in control of the Federal Government. No matter what type of dictatorship exists, personal liberty is destroyed; and when Dr. Frank, with his profound knowledge, and respecting him as I do not only personally but as a scholar and a student, makes statements of the kind that he did recently, he speaks unwisely, illogically, and erroneously, making emotional utterances that ill become a man of his ability and standing.

The American people have confidence in President Roosevelt. He has earned that confidence by the sincere and courageous leadership he has evidenced, producing results for the best interests and general welfare of our people. Our people are aware of the unfair motives which prompt some to characterize him such as Dr. Frank has. They realize that he receives such attacks because he is fighting the battle of the average person. Such expressions benefit President Roosevelt and injure the person making the attack. Nevertheless, every decent person dislikes to see any President unfairly attacked and erroneously and with vicious intent improperly characterized. They condemn such persons. Dr. Frank has placed himself by his intemperate expressions in such a position.

I have taken these few minutes not only to condemn such utterances but to call to the attention of my Democratic colleagues the fact that Dr. Frank's speech should be read and kept. It is the best piece of campaign literature we will have during the election next fall. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHENER. Mr. Chairman, the gentleman from Massachusetts seems to be much concerned. Am I correct in saying it is the wounded bird that flutters? [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC UTILITIES COMMISSION

For two commissioners, people's counsel, and for other personal services, $76,000, of which amount $1,620 shall be available for the employment of a secretary to the people's counsel, and not to exceed $5,000 may be used for the employment of expert services by contract or otherwise and without reference to the Classification Act of 1923, as amended.

Mr. PALMISANO. Mr. Chairman, I make a point of order against the language on page 7, line 3, after "$76,000", beginning with the words "of which" and ending with the word "amended."

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. I may say to the gentleman that this is language that has been carried in this bill ever since the creation of the Public Utilities Commission, and it is my understanding that under existing law appropriations can be made for the employment of expert services. This is not the language of the committee, but the language of the Budget, and it is money that is necessary to be appropriated in order that the Commission may be able to function, and without which I doubt seriously that they can function.

The CHAIRMAN. In the opinion of the Chair, very clearly this is an attempt to impose legislation on an appropriation bill, and the point of order is therefore sustained.

The Clerk read as follows:

For miscellaneous and contingent expenses, telephone bills, printing, contract statistical services, typewriters, photostat paper, and supplies, including laboratory coats and photographic developing-room equipment, towels, towel service, window washing, street-car tokens, furniture and equipment and repairs thereto, and purchase of books of reference, law books, and periodicals, $13,120.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word. I offer this pro forma amendment for the purpose of bringing to the attention of the Committee on Appropriations a matter which I have discussed in former sessions of Congress, and which has been referred to by other Members.

It is not directed at this particular paragraph, because I feel sure that the provision with reference to printing in this paragraph is wise and necessary; but at this time, when we are seeking in every way possible to reduce governmental expenditures and to balance the Budget, there is one item of expenditure which it seems to me, and I think must seem to every other Member of this body, can be very materially reduced. I think I speak the common experience of all of us when I say that hardly a day passes but that we receive in our offices a vast assortment of printed matter from these various departments and agencies of the Government in much of which we could not possibly have any personal or direct interest. If we devoted our time merely to reading this printed material that comes to us in this manner, we should have no opportunity to give attention to pending legislation or to the matters affecting our respective districts. This printing does not help the printing trade in this country because it is done either in the departments or in the Government Printing Office, and furthermore, it causes an accumulation of work in the Post Office Department in its delivery that must be burdensome.

We could call for such of these various printed documents as may be necessary if we desired them, or if they had for us or our constituents any particular interest; but there seems to be no selection with reference to what is sent, and accordingly each of us receives a great deal of heterogeneous material in which we have no special interest and which does not affect us in our work on the various committees on which we serve. It seems to me that the Committee on Appropriations should make it a point to take this matter up very carefully with those who appear before them from these governmental departments and agencies and save the Government this unnecessary and useless expense, which, as I say, is not benefiting us and which is placing additional financial burdens upon the people of this country and upon the Post Office Department in the delivery of so much useless mail. I, for one, wish again to bring this to the attention of the Committee on Appropriations because every other Member must have had the same experience I have had in having to take a part of his time each morning in looking through this material and then relegating most of it to the wastebasket, which time might very well be consumed in looking after matters of importance that have to do with our districts and our Nation and with the pending bills before the committees of which we are members. I think we can save quite a bit of money from our governmental expenditures by proper attention to this on the part of the Committee on Appropriations in cross-examining those who come before them seeking these enormous sums for a useless purpose.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, $9,000: *Provided*, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law.

Mr. PALMISANO. Mr. Chairman, I make a point of order against the proviso on page 12, line 7, down to and including the word "law" in line 10, which is a limitation on legislation and a change of existing law.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard?

Mr. COLLINS. Mr. Chairman, I do not. This merely provides for advertising.

The CHAIRMAN. The point of order is sustained.

Mr. PHILLIPS. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. PHILLIPS: On page 11, line 13, after the period, insert two new paragraphs, as follows:

"For the employment of a secretary to the People's Counsel before the public utilities commission, $1,620.

"For the employment of expert aid to the People's Counsel, $5,000."

Mr. PALMISANO. Mr. Chairman, I make a point of order to the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. PALMISANO. From what I could hear it seems to me it is an amendment to put back the very thing that the Chair sustained the point of order to a moment ago.

Mr. PHILLIPS. May I be heard on the point of order?

Mr. PALMISANO. I reserve the point of order.

The CHAIRMAN. The gentleman from Maryland reserves the point of order and the gentleman is recognized for 5 minutes.

Mr. PHILLIPS. And may I then be heard in opposition to the point of order?

The CHAIRMAN. Certainly.

Mr. PHILLIPS. Mr. Chairman and members of the Committee, as I understand the point of order made by the gentleman from Maryland—and I must say that my knowledge of the District government is slimmer than I would like to have it—his point of order in effect has stricken out the employment of a secretary to the People's Counsel representing the people of the District before the Public Utilities Commission. That is to say, his point of order has taken away a secretary to the People's Counsel, who protects the people of this city before the Public Utilities Commission. and also, as I see it, this point of order has taken away $5,000 to aid the people of the District through their counsel in employing experts to help them, let us say, in a fight against the public utilities of this District. When I get all through, if I am wrong, I want the gentleman to correct me. I am sorry I cannot yield to a question now until I conclude.

As I say, if I am wrong, I want to be corrected; but I believe I interpret this right. I certainly feel that the item for the salary of the secretary to the People's Counsel should be left in the bill as well as the item for the employment of experts. The purpose of my amendment is to restore these items to the bill, because, as I understand it, the gentleman from Maryland, by his point of order, has stricken them out.

I now yield to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. And the gentleman's amendment does not cost the District of Columbia one penny.

Mr. PHILLIPS. It does not, as I understand it, cost the District of Columbia one penny more.

Mr. PALMISANO. Mr. Chairman, I insist on the point of order.

Mr. PHILLIPS. Mr. Chairman, may I be heard in opposition to the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. PHILLIPS. Speaking in opposition to the point of order, Mr. Chairman, my amendment is not legislation, nor does it contain the wording stricken out on the point of order previously made by the gentleman from Maryland.

The CHAIRMAN. Does the gentleman from Maryland desire to be heard on the point of order?

Mr. PALMISANO. Only to state the additional ground that the amendment comes too late, for we have passed the section.

Mr. PHILLIPS. Mr. Chairman, speaking in opposition, I feel that it is germane under the discussion in which we are now engaged.

The CHAIRMAN. Will the gentleman from Maryland restate his point of order?

Mr. PALMISANO. Mr. Chairman, I made a point of order against the language on page 7, line 13, after the figures "$76,000" to the end of the paragraph, which point of order was sustained on the ground that it was legislation in an appropriation bill. The amendment offered by the gentleman from Connecticut would restore the language that was stricken out on the point of order; not only that, but we have passed that particular section and the amendment comes too late.

Mr. PHILLIPS. Mr. Chairman, may I be heard in opposition?

The CHAIRMAN. The gentleman from Connecticut has been heard in opposition. The Chair was merely asking the

gentleman from Maryland to restate the point of order for the benefit of the Chair.

Mr. NICHOLS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. NICHOLS. Mr. Chairman, the amendment offered by the gentleman from Connecticut is to language on page 7 under the head of general expenses. We have already passed the subject of general expenses and are now considering contingent and miscellaneous expenses. Furthermore, since we passed the heading of general expenses a point of order has been sustained by the Chair.

Mr. PHILLIPS. Mr. Chairman, may I be heard?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. PHILLIPS. Mr. Chairman, may I point out that in my opinion irrespective of where the amendment is offered it is germane, either under the head of general expenses or contingent and miscellaneous expenses. Furthermore, to the best of my limited ability, I very carefully worded the amendment so it would come within the point of order raised by the gentleman from Maryland.

The CHAIRMAN (Mr. DRIVER). The gentleman from Maryland bases his point of order on two grounds. The first ground, that the amendment is not authorized by law, the Chair will be forced to overrule, because in section 121 of the Public Utilities Act of the District of Columbia under the District Code this language is found:

The Commission shall have the power in each instance to employ and to prescribe the duties of such officers, clerks, stenographers, typewriters, inspectors, experts, and employees as it may deem necessary to carry out the provisions of this act.

The Chair finds, therefore, that the amendment does seek to provide funds for a purpose authorized by law.

The second ground raised by the gentleman from Maryland, that the amendment comes too late, and the point of order raised by the gentleman from Oklahoma, that the amendment is not germane to the paragraph offered, the Chair will be forced to sustain.

The Chair sustains the point of order that the amendment is not germane to the paragraph offered.

Mr. PHILLIPS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PHILLIPS. Will the Chair be kind enough to inform the gentleman from Connecticut the place in the bill to which this amendment would be germane.

The CHAIRMAN. That is not within the province of the Chair.

The Clerk read as follows:

For printing and binding, $55,600: *Provided*, That no part of the appropriations contained in this act shall be available for expenditure for printing and binding unless the need for such expenditure shall have been specifically approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor for the District of Columbia acting for such Commissioners.

Mr. KENNEDY of Maryland. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Maryland: Page 13, line 2, after the period, insert a new paragraph, as follows:

"For the use of the House District of Columbia Committee to employ such clerical help as will be necessary to make a complete study of the various surveys previously made of the government of the District of Columbia for the express purpose of forming such legislation as will effect a more efficient and economic handling of the government affairs of the District of Columbia, $5,000."

Mr. COLLINS. Mr. Chairman, the committee has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. KENNEDY].

The amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: Page 13, line 2, after the amendment offered by Mr. KENNEDY, insert a new paragraph, as follows:

"For a complete investigation of the administration of public relief in the District of Columbia, to be made under the supervision and direction of the Commissioners, including the employment of personal services without reference to the Classification Act of 1923, as amended, and civil-service requirements, $5,000."

Mr. CALDWELL. Mr. Chairman, the object of the amendment I have just offered is to authorize the District Commissioners of the District of Columbia to conduct an investigation into the matter of relief. There has been a great deal of controversy over relief. A great many questions have been raised and not settled. I noticed in a recent edition of the Washington Herald that the director of public welfare welcomes the investigation. However, I do not think the burden of this investigation should be placed upon a legislative committee or upon a committee of the Congress. The District Commissioners can do this very well and very economically, and it can be done for $5,000. I am sure such investigation will serve a very useful purpose.

Mr. NICHOLS. Will the gentleman yield?

Mr. CALDWELL. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Did I understand the gentleman to say that this is to authorize an investigation of the conditions making relief necessary or is it an investigation of the agency which has been administering relief?

Mr. CALDWELL. The purpose of the amendment is to authorize a complete investigation of the administration of public relief within the District of Columbia.

Mr. NICHOLS. Then it is an investigation of the method by which relief funds have been expended by those in charge of the spending of those relief funds?

Mr. CALDWELL. That would be included within the term "administration."

Mr. RANDOLPH. Will the gentleman yield?

Mr. CALDWELL. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. What is the real need for such investigation in the District of Columbia?

Mr. CALDWELL. There have been charges and counter charges made and a great many facts have become beclouded and befogged. I think an investigation of this kind would serve a very useful purpose.

Mr. BOILEAU. Will the gentleman yield?

Mr. CALDWELL. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. This will be an investigation of the Commissioners and their administration of relief? In other words, do I understand they are going to investigate themselves?

Mr. CALDWELL. No. The Commissioners do not administer the relief.

Mr. BOILEAU. They have the responsibility, do they not?

Mr. CALDWELL. Perhaps they do, but the director of public welfare is the actual head.

Mr. BOILEAU. Who appoints the director of public welfare?

Mr. CALDWELL. Mr. Street.

Mr. BOILEAU. Who appoints him?

Mr. COLLINS. They are appointed by the Board of Public Welfare.

Mr. BOILEAU. Have not the Commissioners the direct responsibility for the conduct of the relief administrator?

Mr. COLLINS. No.

Mr. BOILEAU. They have no jurisdiction over him and have nothing to do with him at all?

Mr. COLLINS. No, indeed.

Mr. BOILEAU. I understood that the relief funds expended in the District of Columbia are all spent under the jurisdiction of the Commissioners.

Mr. COLLINS. No. The funds are spent under the jurisdiction of the director of public welfare.

Mr. BOILEAU. And the Commissioners have no control over that?

Mr. COLLINS. No.

Mr. FULLER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida [Mr. CALDWELL].

Mr. Chairman, there is no question in my mind but what the amendment offered by the gentleman is subject to a point of order, but as debate has been had it is too late to raise a point of order. I think the amendment is a bad one. It simply gives the Commissioners authority to go out and make an investigation and recommendation as to what relief should be given within the District of Columbia. If they are entitled to do that every other city in the United States is entitled to an appropriation for clerk hire for the very same purpose.

Mr. TABER. Will the gentleman yield?

Mr. FULLER. I yield to the gentleman from New York.

Mr. TABER. Have not the District Commissioners now the authority to make such investigation?

Mr. FULLER. Absolutely. There are more useless employees here than any place else in the United States.

Mr. RANDOLPH. Will the gentleman yield?

Mr. FULLER. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Such an investigation as this in the District of Columbia would call for a similar investigation in every city and every district within every State?

Mr. FULLER. Yes. Let us consider our present attitude. I am somewhat surprised that a member of the committee would offer such an amendment. These Commissioners are coming in here and advocating more appropriations all the time for every conceivable thing on God's green earth. As to whether we are doing them justice or not, I do not know, but I think we are giving them plenty of money. It would be left to their discretion, under this amendment, to select men to make an investigation and recommendations in order to back up a theory which the Commissioners have and which they have advocated not only before the Appropriations Committee but in the newspapers day in and day out. They want more money for the District of Columbia.

Mr. Chairman, may I tell you another thing? In all the history of the District of Columbia it has never been on a better financial basis than it is today. The question of a panic or recession in business has never bothered the District of Columbia as it has other parts of the country. Thousands upon multiplied thousands and hundreds of thousands of people have been brought here to labor in the District, and they have filled the rooming houses until rents have increased all the time instead of decreased. If we are going to appropriate money now and give the District all it wants, there never will be a time of prosperity in the United States when the District of Columbia will not want more than any other part of the country. We can never hope to quit paying out money for relief if the country is in even as good a condition as the District of Columbia is today. What hope is there for us to quit relief when we find the conditions which exist in Washington today are better than they have ever been in the entire history of this Government.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. FULLER. I yield to the gentleman from Florida.

Mr. CALDWELL. May I say to the gentleman I am inclined very strongly to agree with his viewpoint, and this feeling motivates the introduction of the amendment. I think the gentleman is laboring under a misapprehension as to the purpose behind the amendment.

Mr. FULLER. If you are going to appropriate this money at all, it ought not to be for the people who are coming in here all the time and asking for it. Where are the people and where are the Congressmen going to have any voice in this matter?

Mr. CALDWELL. Let me say the Commissioners of the District of Columbia have nothing to do with the expenditure of the relief fund, and they are not requesting additional funds.

Mr. FULLER. The amendment states it shall be up to the Commissioners of the District of Columbia to supervise this investigation.

Mr. CALDWELL. The expenditure of the $5,000.

Mr. FULLER. They are not entitled to any investigation. We know what the conditions are, and they are better here than anywhere else in the United States.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. FULLER. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. As long as the government of the District of Columbia operates under the jurisdiction of Congress, is not the legislative committee of the District of Columbia the proper place to have such an investigation carried on, through the Members of Congress who have such matters in charge?

Mr. FULLER. I believe so; yes.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FULLER. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. To whom does the gentleman refer when he says they are better off than any other people in the United States—to people on relief?

Mr. FULLER. No. The financial condition prevailing all over Washington of every kind and character of people is better than any other place in the United States. Washington is better off financially, from a business viewpoint, than any other city in the world today, and the gentleman cannot deny it and nobody else can deny it; yet they want more for relief than we get anywhere else.

Mr. KENNEDY of Maryland. The gentleman understands also the condition here in Washington we are trying to investigate is brought about by the fact people come from other parts of the country and go on the relief rolls in Washington, to such an extent that we have a very heavy relief load in Washington.

Mr. FULLER. I have heard of that old argument, but I do not believe in it.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if I understand this amendment, I believe I will support it. There has been considerable complaint through the newspapers of the District and through other agencies that relief in the District of Columbia is costing too much money. Of course, if this amendment proposes to have the District of Columbia investigate expenditures under W. P. A., I am against the amendment, because W. P. A. is administered in the District of Columbia by the Commissioners of the District of Columbia. May I ask the chairman of the Committee on Appropriations for the District of Columbia whether or not this amendment will enable an investigation of W. P. A.?

Mr. COLLINS. It will not.

Mr. NICHOLS. Then I take it these funds will be expended, first, in finding out whether or not general relief in the District of Columbia is costing too much money, and, second, whether or not the money that is being expended for relief is actually going to the people who need relief.

Mr. COLLINS. The gentleman is exactly right.

Mr. NICHOLS. This being the case, I believe it is a good amendment.

May I point out to the members of the committee now that the $5,000 is not coming out of the pockets of the taxpayers of the United States? The $5,000 will come out of the pockets of the taxpayers of the District of Columbia, and of them alone. When you get above the $5,000,000 which the Federal Government contributes to the support of the District government, the balance of the $47,000,000 must be raised by taxation of the citizens of the District of Columbia, so this simply means that the citizens themselves would pay the $5,000 to investigate relief within their own local jurisdiction. This procedure would be comparable with a State legislature appropriating $5,000 of the State's own money to investigate relief within that State, so this $5,000 will not cost the Federal taxpayers or the rest of the United States a penny.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Arkansas.

Mr. FULLER. This amendment provides for a complete investigation of the administration of public relief in the District of Columbia, to be made under the supervision and direction of the Commissioners. Do they not investigate themselves, then?

Mr. NICHOLS. I may say to the gentleman from Arkansas I agree with him to the extent that probably the amendment would be much better if it were made a little more specific, and this is why I have asked the questions. Of course, if the Commissioners are going to investigate the portion of relief they administer, the amendment is preposterous and ridiculous.

Mr. FULLER. It is public relief.

Mr. NICHOLS. However, I am advised by the chairman of the Subcommittee on Appropriations for the District of Columbia and by the proponent of the amendment that this is not the purpose of the amendment. If the language needs refining, I believe it would be a fine thing to do so.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Mississippi.

Mr. COLLINS. I may say to the gentleman if this investigation is carried on it will actually save money to the Treasury of the United States, because most of the relief appropriations are matched by the Federal Government.

Mr. NICHOLS. Exactly.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield so I may ask a question of the chairman of the subcommittee?

Mr. NICHOLS. I yield to the gentleman from West Virginia for that purpose.

Mr. RANDOLPH. I believe the chairman of the Subcommittee on Appropriations for the District of Columbia stated the Commissioners had nothing to do with relief in the District.

Mr. COLLINS. There are certain types of cases, for instance, such as aid to dependent children, old-age assistance, home care, and so on, which this proposal undertakes to investigate.

Mr. RANDOLPH. Who appoints Mr. Street?

Mr. COLLINS. This is to investigate the activities of relief under Mr. Street.

Mr. RANDOLPH. Who appoints him?

Mr. COLLINS. He is appointed by the Board of Public Welfare.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I move to strike out the last two words, and I would like to have the attention of the chairman of the subcommittee.

I do this because I want to clarify the matter the gentleman from West Virginia has been talking about. I do not claim to know of my own knowledge, but the gentleman from Mississippi states that Mr. Street is not appointed by the Commissioners. Another very distinguished gentleman, the gentleman from Illinois, who has had very much experience in District affairs, assures me that the Commissioners have appointed Mr. Street and the gentleman from West Virginia [Mr. RANDOLPH] also assures me that the Commissioners appoint Mr. Street. The gentleman from Illinois states that during the debate he has checked up the matter with the corporation counsel, who assures him also that the Commissioners have appointed Mr. Street.

I assume the gentleman from Mississippi is willing to stand by his own statement, but in view of the very distinguished gentlemen who disagree with him I would like to have the matter made clear. I am sure the gentlemen to whom I have referred are not trying to give any misinformation, but I think we ought to have the matter clarified because I am sure none of the gentlemen would deliberately make any misstatement.

Mr. COLLINS. I call the attention of the gentleman to title VIII of the Code of the District of Columbia, which states that this Board, which is to deal with eleemosynary institutions, hospitals, asylums, and so on, shall consist of nine members, who shall be appointed by the Commissioners of the District of Columbia for a term of 6 years, provided that the first appointments made under this chapter shall be for the following terms, and so on. The provision then goes on and speaks of organization and states how this Board of Public Welfare shall administer relief in the District of Columbia.

Mr. BOILEAU. As I understood the gentleman, earlier in the discussion the gentleman stated that the Commissioners do not appoint the members of the Board of Public Welfare.

Mr. COLLINS. I may be in error, but it is my understanding that the Board of Public Welfare recommends and appoints the director of welfare in the District; at any rate, welfare in the District is administered by the Board of Public Welfare.

Mr. BOILEAU. The gentleman said a short while ago that the Commissioners do not appoint the Board of Public Welfare.

Mr. COLLINS. No; I did not say they did not appoint the Board of Public Welfare. The Board of Public Welfare is appointed by the Commissioners.

Mr. BOILEAU. I understood the gentleman to say that the Commissioners did not appoint the members of the Board.

Mr. COLLINS. The gentleman misunderstood me.

Mr. BOILEAU. Yes; because I thought the gentleman stated that the Commissioners do not appoint the members of the Board of Public Welfare.

Now, we have this very unusual situation. We have Commissioners appointing the Board of Public Welfare, and then the Board of Public Welfare appoints the administrator, and now the suggestion is made that perhaps something is not what it should be in connection with this Board and therefore we are appropriating $5,000 here to have the Commissioners investigate their own servants. What a ridiculous situation. I do not want to be put in the position of claiming there is any necessity for such an investigation. I do not know one way or the other, but I do know if we are going to have an investigation or if an investigation is needed, and I would not say that it is needed, because I do not know, but if there is any need of an investigation, certainly, you should not have the Commissioners given $5,000 to investigate one of their own organizations. This does not seem to me to make sense. It looks like whitewashing to me.

Mr. BATES. Mr. Chairman, will the gentleman yield so that I may ask the chairman of the subcommittee a question?

Mr. BOILEAU. I yield.

Mr. BATES. Will the chairman tell the Members of the House whether or not the Commissioners have ample funds to conduct such an investigation on their own accord?

Mr. COLLINS. I would not think so.

Mr. BATES. What makes the gentleman say he does not think so? Have they not an emergency fund or a contingent fund from which they could draw funds to carry on any kind of investigation that may be needed?

Mr. COLLINS. The fund is not sufficient to do that.

Mr. BATES. How much money would it require to carry on an investigation through the regular channels of the District?

Mr. COLLINS. I imagine they would use their own employees and then would probably employ some outside persons who are familiar with the administration of relief to investigate these cases.

Mr. BATES. One thousand dollars would be ample if they conducted the investigation in that way.

Mr. COLLINS. No; I do not think so.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOILEAU. It seems strange to me that we have to appropriate money for the Commissioners to investigate one of their own organizations. I do not see any justification for it. If they think there is something wrong, why do they

not go ahead and correct it? If they think everything is all right, then an investigation will not amount to anything.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Arkansas.

Mr. FULLER. In view of the fact that the Commissioner of Relief, Harry Hopkins, is here in Washington and within a couple of blocks of the District government, if the Commissioners were to go to him and tell him that there were grave and important matters that ought to be investigated, has the gentleman any doubt about Mr. Hopkins being willing to see that the matter was properly investigated?

Mr. BOILEAU. I think Mr. Hopkins would, so far as Federal funds are concerned, but I understand this applies only to District funds.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. KENNEDY of Maryland. As I understand it, we are undertaking to investigate relief conditions here and not the work of any particular officer.

Mr. BOILEAU. As I understand, it is to investigate the administration of relief here, and I thought the gentleman from Florida [Mr. CALDWELL] made it very clear that the investigation was not into conditions among the recipients of relief. We are letting that go entirely. I would spend $50,000 to investigate conditions of that sort, because I think the country ought to have the information; but this money is to investigate the administration of relief, the personnel that handle this problem. This is the information the gentleman from Florida gave, and it was very clear, and I think the gentleman from Oklahoma also understood that.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. CALDWELL. Let me say to the gentleman that I made the point that the language of the amendment is broad enough and is also designed to include the administration of relief and was not so restricted as to exclude relief needs.

Mr. BOILEAU. I think we ought to have an understanding about this matter. I thought that was all clarified by the questions propounded by the gentleman from Oklahoma; and I would like to ask the gentleman from Oklahoma if my views are not similar to his in this respect.

Mr. NICHOLS. Yes.

Mr. BOILEAU. There seems to be an unusual situation here, and it looks as if we do not know just what we are doing.

[Here the gavel fell.]

Mr. CALDWELL. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL to the amendment pending: After the word "relief" in the proposed amendment, insert "not including the activities of the Works Progress Administration."

Mr. FULLER. Mr. Chairman, I make the point of order against the amendment for the reason that it is legislation on an appropriation bill and, furthermore, that it seeks to make an appropriation for an item not authorized by law.

Mr. CALDWELL. Mr. Chairman, I make the point of order that the point of order comes too late.

Mr. FULLER. Oh, no; it does not come too late. It came too late a little while ago, but it does not come too late now.

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from Florida. Does the gentleman from Florida care to be heard upon the point of order made by the gentleman from Arkansas? If not, the Chair is ready to rule.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry. What is the point of order?

The CHAIRMAN. The point of order is that the amendment to the amendment is legislation on an appropriation bill.

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent of the House to withdraw the amendment to the amendment.

Mr. FULLER. Mr. Chairman, I object.

Mr. SACKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Chair is ready to rule. The gentleman from Florida offers an amendment to the pending amendment in the following language:

After the word "relief" in the proposed amendment, insert "not including the activities of the Works Progress Administration."

That is the amendment to the amendment offered and to which the gentleman from Arkansas addresses his point of order. The original amendment proposed legislation on an appropriation bill, but no point of order was raised against it. That being so, an amendment that would contain an exception would be germane and in order, certainly. Therefore, the point of order that the gentleman directs to the amendment to the amendment must be overruled.

Mr. FULLER. I make the point of order against both amendments. I was too late in making the point of order to the amendment, but in offering this amendment to the amendment it goes back to the original amendment, and by doing so they waived their right. I was too late to raise the point of order because they had started debate but clearly when they come in and offer an amendment to the amendment, then I have the right to make the point of order to the amendment to the amendment and also to the amendment, and I make the point of order on both of them.

The CHAIRMAN. The Chair differs very markedly with the gentleman from Arkansas on the matter of procedure. The gentleman is too late in offering his point of order to the original amendment because debate has been had on it. That being then a proper amendment for consideration and, this being an amendment to the amendment which the Chair has held to be in order on the ground that a proposition containing legislation in a general appropriation bill, being permitted to remain by general consent, may be perfected by germane amendments the Chair overrules the point of order.

Mr. TABER. Mr. Chairman, I ask recognition in opposition to the amendment. I frankly do not see how this amendment can possibly give the Commissioners any authority which they do not already have. In making up the elements for their budget for submission to the Bureau of the Budget itself and in preparing to come before the Committee on Appropriations to testify, the District Commissioners certainly are authorized to go ahead and go into the question of the needs for relief. It would seem to me that it is their duty to do so. I do not believe that they need an appropriation of $5,000 to investigate the situation, but that a little effort on their part could accomplish it. I can see no occasion for spending $5,000 to do something that ought to be the duty of the Commissioners anyway, nor can I see any occasion for legislation which provides for authority to do something that they must have authority to do automatically.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. RANDOLPH. Is it not a fact also that the Commissioners have a contingent fund of some $33,000, and that the language carrying that fund is broad enough for general expenses and purposes to cover any investigation, as the gentleman has said?

Mr. TABER. I think that is true. I think there is no doubt that the responsibility is on them to do it, and I have no doubt in my own mind as a result of the situation that is presented here that a proper investigation and proper control over that relief situation has not been exercised. I do not believe that this is the way to accomplish this, nor do I believe that the appropriation of an additional $5,000 would accomplish it.

Mr. COLLINS. Mr. Chairman, I rise in opposition to the pro forma amendment. I think this is a very much more serious matter than some of the Members of the House seem to think. Mr. Sweet, the Director of Public Welfare in

the District in this morning's Herald has this to say, speaking of an editorial:

It had many excellent suggestions, but the best of them all I think was your statement "that a comprehensive, detached and truth-seeking analysis of Washington's welfare program is absolutely necessary."

If the membership of this House wil read Miss Hill's testimony I think they will profit by doing so.

It will be apparent that a family of five, father, mother, and three children can get $93.50 a month as relief even though the father is a drunkard, even though the father is suffering from venereal disease and does not want to get himself cured. In addition, if they have a boarder they can draw an amount additional as a child for that boarder, as testified before the committee. In addition, beginning the 1st of October of this year, it is testified by this lady they have been sending out supplemental checks to these reliefers in addition to the $93.50 a month. In addition to that it is testified that they blanketed in all social-security cases without an investigation. In addition to that it is testified that they got $1,500,000 worth of food furnished to them by the Surplus Commodities Corporation, and more than $95,000 of clothing. Relief has gotten to be a racket in the District of Columbia.

I want to give you an illustration of a finding that this committee made to show you that an independent investigation like this is necessary.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Let me complete my statement; then I will yield to the gentleman.

The committee noticed that in the set-up of old-age assistance they were incorporating $30 a month. They testified they were not going to pay these old-age beneficiaries but $25 a month. They set up $30 because with $30 they would get $15 to be paid by the Federal Government instead of $12.50 if it were set up at $25.

So the time has come that an investigation should be made. Now, mind you, the Commissioners are not in sympathy with this. If the Commissioners investigate public welfare in the District, it will be a good investigation, because they are not in sympathy with this proposal of giving wholesale relief to each and every person in the District.

I talked this morning to Mr. Cass, who is director of W. P. A. in the District. He told me that a man with a wife and three children, a man who could not work, would get more than twice as much as if he were on W. P. A.

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, I was very much interested in the remarks of the gentleman from Wisconsin and his statement that this amendment would, as I understood it, allow the relief agency to investigate itself. Some of the other speakers have stated that no relief agency investigates themselves. I agree with the gentleman from Wisconsin that there has been too much of this business of relief officials investigating themselves. Custom, of course, makes law, and it has been the custom of relief officials, not only in the District of Columbia, but throughout the United States, to investigate themselves and whitewash their own skirts. If this amendment provides for the regular thing that has been done it should be voted down and an amendment adopted that would be absolutely foolproof, providing an investigation by an independent agency.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield.

Mr. BOILEAU. Does not the gentleman believe that we would be better off if we had the House Committee on the District of Columbia investigate relief conditions and granted them this $5,000 to carry on the investigation?

Mr. HOOK. I certainly do.

Mr. BOILEAU. We would have an investigation then in which we would all have confidence. I hope the gentleman from Florida will accept such a modification of his amendment.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield.

Mr. NICHOLS. Would the gentleman from Florida agree to a substitute for his amendment which would authorize this investigation to be made by the Committee on the District of Columbia of the House of Represenatives?

Mr. BOILEAU. I certainly think that if any investigation is to be made it should be made by an agency of this House. I should be pleased to support such a substitute.

Mr. HOOK. So would I.

Mr. NICHOLS. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Florida.

The Clerk read as follows:

Substitute amendment offered by Mr. NICHOLS for the amendment offered by Mr. CALDWELL: Amend the Caldwell amendment to read as follows: Add a new paragraph, as follows:

"That a complete investigation of the administration of public welfare in the District of Columbia be made under the supervision and direction of the Committee on the District of Columbia of the House of Representatives, including the employment of personal services without reference to the Classification Act of 1923, as amended, and the civil-service requirements, $5,000."

Mr. CALDWELL. Mr. Chairman, I rise to suggest that the amendment offered by the gentleman from Oklahoma is entirely agreeable to me. The question involved is an important one and ought to be carefully investigated. I have every confidence in the District Commissioners, but I have even greater confidence in the Committee on the District of Columbia. I am quite sure that if this investigation is conducted by this committee that it will be fair and impartial, and it will mean the saving of funds to the District.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Florida.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. Did I understand the Chair to state that the vote recurs now upon the amendement to the amendment offered by the gentleman from Florida before a vote is taken on my substitute amendment?

The CHAIRMAN. Necessarily so, because the gentleman's amendment is in the nature of a substitute for the original amendment. An amendment is pending that must be disposed of first and before the gentleman's amendment in the nature of a substitute may be presented to the Committee.

Mr. NICHOLS. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. In the event the amendment to the amendment offered by the gentleman from Florida is adopted, then will a vote be had upon my substitute amendment?

The CHAIRMAN. Yes.

Mr. NICHOLS. And if it is defeated, will there be a vote upon my substitute amendment?

The CHAIRMAN. There will be a vote upon the amendment as amended.

Mr. NICHOLS. But will a vote be had upon my substitute amendment?

The CHAIRMAN. A vote will be had upon the gentleman's substitute amendment immediately after we dispose of the amendment to the amendment.

The question is on the amendment to the amendment offered by the gentleman from Florida.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Oklahoma [Mr. NICHOLS] to the amendment offered by the gentleman from Florida [Mr. CALDWELL].

The substitute amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended by the substitute.

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 38, noes 6.

So the amendment as amended by the substitute was agreed to.

The Clerk read as follows:

For the preparation of plans and specifications for a new main library building to be constructed on square 491 in the District of Columbia, $60,000.

Mr. NICHOLS. Mr. Chairman, I make a point of order against the language found on page 18, beginning in line 14, and including all of the language in lines 14, 15, and 16, because it is legislation on an appropriation bill and is without authority of existing law.

I may say, Mr. Chairman, that the purpose for making this point of order is that there is now pending before the Committee on the District of Columbia a bill which proposes to authorize an appropriation of two and one-half million dollars for the construction of a library in the District of Coumbia. The committee before which the bill is pending has had hearings in the past and will no doubt hold hearings in the future in order to determine whether or not there is a need in the District of Columbia for the construction of this library building. Mr. Chairman, until that committee does decide such a building is necessary, and until that committee authorizes an appropriation for the construction of the building, certainly there is no need for the expenditure of $60,000 to prepare the plans for a building, the authorization of which could only be made by the District of Columbia Committee. I may say there has been no authorization by the District of Columbia Committee for an appropriation of $60,000 for this purpose.

The CHAIRMAN. Does the gentleman from Mississippi [Mr. COLLINS] desire to be heard?

Mr. COLLINS. Mr. Chairman, I do not care to be heard.

The CHAIRMAN. The point of order made by the gentleman from Oklahoma [Mr. NICHOLS] is sustained, and accordingly the provision will be stricken.

Mr. COLLINS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 18, after line 13, after the period, insert a new paragraph, as follows:
"For the preparation of plans and specifications for a branch library building to be constructed on square 491 in the District of Columbia, $60,000."

Mr. NICHOLS. Mr. Chairman, I desire to make a point of order against the amendment, but will reserve it if the gentleman from Mississippi desires to speak.

The CHAIRMAN. What is the point of order?

Mr. NICHOLS. The point of order is the same point of order that was lodged against the other language. That is, the appropriation is not authorized by law.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. NICHOLS] contend there is no authorization by law for the construction of a branch library building?

Mr. NICHOLS. Mr. Chairman, I do not say that, because I do not know. I do say, however, the Chair has sustained a point of order to this identical language, the only difference being that the word "main" library is used instead of "branch" library.

The Appropriations Committee simply by changing the word "main" to "branch" cannot bring itself within the provisions of a law existing some place else. Mr. Chairman, if they had wanted to build a branch library in square 491, they would have stated "branch library" in the first place, because the committee knew that that authority was theirs, if it was theirs, and they knew they did not have authority to build a main library.

I submit to the Chair the appropriation is identical and that the building will be used for the same purpose. I submit further it will be a main library building when constructed, as originally planned in this bill. This is simply getting around a point of order by such a thin subterfuge I do not think the Chair should hesitate to sustain the point of order.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard?

Mr. COLLINS. Mr. Chairman, section 1421 of the Code of the District of Columbia provides in part:

A free public library is hereby established and shall be maintained in the District of Columbia. It shall be the property of the said District to supplement the public educational system of said District. Said library shall consist of a central library and such number of branch libraries so located and so supported as to furnish books and other printed matter and information services convenient to the homes and offices of all residents of the said District—

And so forth. The Chair will note from that language that there is ample authority to establish a central library and such number of branches as the District sees fit to establish.

Certainly the Congress under that law has the right to make appropriations in pursuance of the plain letter of the law.

Mr. PALMISANO. Mr. Chairman, I should like to be heard on the point of order.

Mr. Chairman, the amendment now offered is legislation as applied to the question of this particular land. This land belongs to the District of Columbia. Unless this land is purchased for the construction of an additional library under the legislation already passed, this appropriation of $60,000 is legislation on an appropriation bill. The Commissioners may have a right to construct an additional library, but they have no right under this amendment to pick out for that purpose particular property the District owns, unless such property is purchased for the erection of a library.

I insist, Mr. Chairman, the point of order ought to be sustained.

The CHAIRMAN. The Chair is ready to rule.

To a clause in the pending appropriation bill to be found beginning on line 14 on page 18, in the following language—

For the preparation of plans and specifications for a new main library building to be constructed on square 491 in the District of Columbia, $60,000—

the gentleman from Oklahoma [Mr. NICHOLS] directed a point of order which was sustained by virtue of the language found in section 1421 of the Code of Laws of the District of Columbia, which provided for the construction of a central library and branch libraries. The word "central" as found in this particular law necessarily precludes any legislation for the construction of another main library, as we can well consider it to be the act and intent of Congress to provide for such only in the form of one library. Within this definition and direction of the law the Chair necessarily sustained the point of order.

The gentleman from Mississippi then offered an amendment which provides for the preparation of plans and specifications for the construction of a branch library. The Chair turns again to section 1421 of the code and finds this language:

Said library shall consist of a central library and such number of branch libraries so located and so supported as to furnish books and other printed matter and information service convenient to the homes and offices of all residents of the said District.

Clearly, this amendment, providing for the plans and specifications for a branch library, comes squarely within the authority of the law the Chair has just read and, therefore, the point of order is overruled.

The question is on the amendment offered by the gentleman from Mississippi [Mr. COLLINS].

The question was taken; and on a division (demanded by Mr. PALMISANO) there were—ayes 31, noes 16.

So the amendment was agreed to.

The Clerk read as follows:

For general maintenance, including labor, repairs and improvements, equipment, supplies, incidental and contingent expenses of playgrounds, $40,800.

Mr. PALMISANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PALMISANO: On page 21, after line 16, insert a new paragraph, as follows:
"For the maintenance and contingent expenses of keeping open during the summer months the public-school playgrounds, under the direction and supervision of the Commissioners; for special and temporary services, directors, assistants, and janitor service during the summer vacation, and, in the larger yards, daily after school hours during the school term, $29,700."

Mr. PALMISANO. Mr. Chairman, I am trying by this amendment to place jurisdiction over these activities again in the playground association. On page 26 the school commissioners are given an appropriation of $25,000 in this

connection. I expect at the time that provision is reached to make the point of order that it is legislation on an appropriation bill, transferring jurisdiction over playgrounds. In order that we may have the proper appropriation, I ask that this amendment be adopted. Otherwise, if the point of order to the provision on page 26 is sustained, the jurisdiction will be placed nowhere. This amendment gives back to the playground association the authority they have today. At that later point, I shall ask that the other provision be stricken out.

Mr. COLLINS. Will not the gentleman wait until he gets to that provision, and then offer the amendment?

Mr. PALMISANO. No; because then two jurisdictions will have control. If we give authority here, later on we will strike out the other provision. Otherwise, if this amendment is not adopted, the result will be they have no jurisdiction.

Mr. COLLINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in order that the Members may understand what is proposed here, this appropriation deals with school playgrounds, which are under the jurisdiction of the schools in the daytime. The gentleman from Maryland wants to put these school playgrounds which are under the jurisdiction of the schools during the daytime under the jurisdiction of another agency of the Government during the time after school is out, and this is the purpose of his amendment.

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Maryland.

Mr. PALMISANO. Does not this provision in the bill take power away from the playground association?

Mr. COLLINS. Not at all. These are school playgrounds. The language of the bill so states. The committee merely undertook to keep the playgrounds that are now under the jurisdictiton of the schools still under the jurisdiction of the schools after school is out. If the amendment offered by the gentleman from Maryland prevails, these playgrounds will change hands as soon as the bell rings and go under another jurisdiction.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Many of us are interested in having the playgrounds kept open, but do not care very much under whose jurisdiction they are. However, we want to be sure we will not find ourselves in a position where we will have no playgrounds.

Mr. COLLINS. Oh, no.

Mr. BOILEAU. Will the gentleman give us the assurance that in his judgment the language he now has in the bill is not subject to a point of order?

Mr. COLLINS. No; it is not subject to a point of order.

Mr. BOILEAU. If we vote down this amendment, has the gentleman considered whether or not the point of order of the gentleman from Maryland may be sustained, and can he give us any reasonable assurance on that question?

Mr. COLLINS. Under existing law, all schools have playgrounds, and the very authority of law to establish a school is authority for the establishment of a playground in the yard.

Mr. BOILEAU. As I understand, the amendment offered by the gentleman from Maryland makes the same amount of money available?

Mr. COLLINS. Yes; the money will be available.

Mr. BOILEAU. The same amount is available under the provision in the bill as under the amendment of the gentleman from Maryland?

Mr. COLLINS. Absolutely.

Mr. BOILEAU. It is just a question of jurisdiction.

Mr. COLLINS. The only thing the gentleman undertakes to do is change the jurisdiction over playgrounds that are adjacent to schools after school is out.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Without knowing a great deal about the proposal of my colleague, the gentleman from Maryland [Mr. PALMISANO], I may say people interested in playgrounds in the District have approached me and complained about this provision as it has come from the Committee on Appropriations. They are interested purely in having playgrounds established. They complain of a condition like this, and say if we refuse to transfer this authority, it will create a condition like this.

In 1930 there was a piece of property purchased at a cost of some $30,000, I believe, and it could have been converted into a playground. However, nothing was done until 1936, when, with an expenditure of $75,000 of W. P. A. money, we still do not have a playground. I am perfectly willing to accept the information given me by people who are interested in a proper kind of playground, and I believe the authority for the amendment of my colleague is the statement of people who are interested in playgrounds in the District of Columbia.

Mr. COLLINS. I will say to the gentleman, in addition to what I have already said, that everybody, without a single exception, who testified wanted the playgrounds as much under the jurisdiction of the schools as possible. They state we had a dual school system and that a colored child would go to his school and know he had a right there, or a white child would go to his school and know he had a right there. I may say, with regard to recreation in the District, that you have four different agencies in charge of recreation here when you ought to have only one, but it does not seem evident that you are ever going to get this, and as long as this is the case, certainly these playgrounds that are adjacent to the schools should continue under the school directors of play after school is out instead of transferring a new crowd into the school, and this proposal considers only a few of them. I am sure if the gentleman understood the situation he would be in favor of this plan.

The amendment was rejected.

The Clerk read as follows:

For the maintenance and contingent expenses of keeping open during the summer months the public-school playgrounds; for special and temporary services, directors, assistants, and janitor service during the summer vacation, and, in the larger yards, daily after school hours during the school term, $25,000.

Mr. PALMISANO. Mr. Chairman, I make a point of order against the paragraph on page 26, beginning with line 1, ending with "$25,000", in line 6, that this is legislation on an appropriation bill and a change of the authority in charge.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. I would like for the gentleman to point out the law that is changed. I may say to the Chair that this paragraph does not change existing law.

The CHAIRMAN. The Chair will ask the gentleman from Maryland in what manner this language changes existing law?

Mr. PALMISANO. At the present time authority over these grounds during the summer months is in the public playgrounds association, and this language changes it to the school authority.

The CHAIRMAN. Just where is there any language we are dealing with that changes existing law with respect to jurisdiction?

Mr. PALMISANO. Under existing law today the authority is not in the community center but in the public playgrounds association, and this appropriation intends to change this to the community center.

Mr. SMITH of Virginia. Mr. Chairman, I desire to make the further point of order that there is no authorization of law for this appropriation or for the conduct of these playgrounds.

The CHAIRMAN. Where does the gentleman look for authority for the maintenance of these institutions? The language is for the maintenance and contingent expenses necessary to the maintenance of public-school institutions, and I would be very pleased if the gentleman from Virginia

would point out the authority for the statement that there is no authority for maintenance and incidental expenses in connection with the maintenance of the public-school institutions in the District of Columbia.

Mr. SMITH of Virginia. If the Chair would hear me a little more at length on the subject, as I understand the situation, the same attempt was made by the Appropriations Committee last year in the appropriation bill to remove the jurisdiction and the operation of the playgrounds from the playground authority where it has always been to the school authority. The gentleman from Mississippi not having been able to accomplish this purpose without legislation last year, as I understand the situation, the Appropriations Committee this year undertakes to do the same thing in a different manner, namely, by leaving out entirely the appropriation for the operation of these playgrounds. This is entirely left out and was sought to be put in by the gentleman from Maryland at another page of the bill and in another appropriation.

That provision being cut out, this language on page 26 undoubtedly is offered for the same purpose, and the point I make is that whatever may be said about it the obvious purpose of the new language on page 26 is to provide operating funds for the purpose of operating the playgrounds under the jurisdiction of the school board, which heretofore, under authority of existing law, have been operated and appropriated for under the playground authorities. So there is no authority in the world, so far as I know, for the appropriation of money for the operation of these playgrounds, and that is exactly what this $25,000 is for—to take the place of the sum which the gentleman from Maryland undertook to put in at the customary place where it has been carried heretofore in the District of Columbia bill, and, if I may say so, without meaning any offense to my good friend from Mississippi, I think he will, perhaps, concede that the purpose in drafting the bill as it is drafted this year is to avoid the point of order which was made against it last year.

Mr. COLLINS. I will say to the gentleman from Virginia that the incorporation of the item of $25,000 at this particular point is in conformity with existing law, which places the playgrounds of the schools under the control of the Board of Education.

Mr. SMITH of Virginia. Then has Congress been making a mistake all these years in appropriating it to the playground authority when there was no authority for it?

Mr. COLLINS. I think if the appropriation has been made, it has been made in violation of existing law, because the language of section 171 of the code is:

> The control of the public schools in the District of Columbia by the Board of Education shall extend to, include, and comprise the use of the public-school buildings and grounds by pupils of the public schools, other children, and adults—

And so forth. Also:

> Civic meetings for the free discussion of public questions, social centers, centers of recreation, playgrounds, etc.

So there is full and complete authority.

Mr. SMITH of Virginia. Has the gentleman found any authority for the operation of these playgrounds during vacation or the summer months? It is not in that law. I do not think the gentleman can point it out. The times that these playgrounds are useful and the time the playground authority operates them is during the vacation period when the schools are not in session. If the gentleman has any authority in law for that, I would like to have him point it out.

Mr. COLLINS. The language that I read does not carry any limitation of time at all.

Mr. PALMISANO. But the law creating the playground association gives specific authority to the playground association to have charge over the school grounds during the summer months.

The CHAIRMAN. Will the gentleman point out to the Chair where this proposed language makes a change in that jurisdiction?

Mr. PALMISANO. Mr. Chairman, I am unable to point out the specific act at this particular time, but there is no question in my mind that when the playground association was created, it was given specific authority over these particular playgrounds in the summer months. Schools in the summer months are not operated, but the playground association is operating. I assume that it gave that authority to the playground association for that particular purpose, and now this provision is for the purpose of taking that authority from the playground association. If there is no particular law giving authority to the playground association, why has it had authority all these years?

The CHAIRMAN. The Chair is ready to rule. On page 26, beginning on line 1, the following language appears in the pending bill:

> For the maintenance and contingent expenses of keeping open during the summer months the public-school playgrounds; for special and temporary services, directors, assistants, and janitor service during the summer vacation, and, in the larger yards, daily after school hours during the school term, $25,000.

To this paragraph the gentleman from Maryland addresses a point of order upon the ground that there is no authority under the law justifying the appropriation, and that it is an effort to change by law the jurisdiction of the agency in charge of the particular activities dealt with under this paragraph. The Chair must confess that he is unable to find in this language any change whatever in the jurisdiction over the property of the school institutions of the District and the Chair must necessarily presume that any money appropriated will go into the regular channels the law directs it should follow and be expended by the agency charged under the law with jurisdiction over these grounds. The Chair, therefore, is compelled to reach the conclusion that the point of order is not well taken, and it is therefore overruled.

The gentleman from Virginia [Mr. SMITH] also stresses the point of order that is directed to the matter contained in the point raised by the gentleman from Maryland, with this further point, that there is no specific law authorizing an appropriation with respect to the maintenance of the school grounds during the vacation period. The Chair is compelled to reach the conclusion that when jurisdiction is placed for the operation of these institutions, necessarily the agency that is created and given control over the institution continues it at all seasons of the year and therefore the language that authorizes these institutions necessarily is broad enough to cover every activity that the language in this particular paragraph here indicates as the purpose of the appropriation. Again, the Chair is compelled to overrule the point of order made by the gentleman from Virginia.

The Clerk will read.

The Clerk read as follows:

> For contingent expenses, including United States flags, furniture and repairs of same, stationery, ice, paper towels, and other necessary items not otherwise provided for, and including not exceeding $10,500 for books of reference and periodicals, of which $1,500 shall be available for the purchase of such books for the Wilson Teachers College, not exceeding $1,500 for replacement of pianos at an average cost of not to exceed $300 each, not exceeding $6,800 for labor; in all, $131,600, to be immediately available, of which not to exceed $3,000 may be expended for tabulating school census cards either by contract or by day labor as the Commissioners may determine: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

Mr. ANDERSON of Missouri. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed for 5 minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Chairman, at this time I wish to call to the attention of the House a matter of grave concern to every American. I desire to be heard briefly on the subject of the National Labor Relations Board.

Mr. Chairman, I am not opposed to the National Labor Relations Board, but I am amazed at the conduct of the

Board in the hearing against the St. Louis branch of the Ford Motor Co., now being held in St. Louis, Mo.

It is distressing to note, Mr. Chairman, the conduct of the staff of the National Labor Relations Board regional office in St. Louis, for telling four workers of the St. Louis plant who went there seeking advice about forming a labor union of the employees of the plant, that they would incriminate themselves and their employer by so doing and were told they should join the United Automobile Workers of the C. I. O., and described the C. I. O. as the best thing that ever happened to the workingman.

I cannot find any justification, Mr. Chairman, for the conduct of Trial Examiner Dudley of the National Labor Relations Board, who is conducting the hearing against the St. Louis branch of the Ford Motor Co., for refusing to permit Ford workers to testify about their dealings with the St. Louis office of the National Labor Relations Board, although he did permit counsel for the National Labor Relations Board to go into details of conversations between Labor Board witnesses and members of the staff of the St. Louis regional office of the National Labor Relations Board.

I have urged the Labor Board, Mr. Chairman, and have made my request in writing upon the Chairman of the National Labor Relations Board for a definite statement of policy of the Board.

I have asked of the National Labor Relations Board, in writing, for a definite statement as to whether it is the policy of the Board or its members, either officially or unofficially, to instruct employees of the general office or the regional offices of the Board to tell workers they would be incriminating themselves and their employers by organizing a union other than a C. I. O. affiliate when they seek advice about forming a union in competition to the C. I. O.

I have also demanded a statement of whether it is the policy of the Board or its members, either officially or unofficially, to instruct these same employees that the C. I. O., or any other particular or specific labor organization, is the best thing that ever happened to the workingman and instructing and advising them to join any specific labor organization.

I have requested from the Board a definite statement of whether it is the policy of the Board or its members to instruct the trial examiners of the Board, either officially or unofficially, that they are to exclude from defense testimony, while not excluding it from testimony presented by the Board counsel, that which has reference to conversations with Labor Board staff members or officials, or their acts or conduct.

Mr. Chairman, I hold no brief for the St. Louis branch of the Ford Motor or any other company. Nor am I opposed to the C. I. O. or any responsible labor union or activity. But the people of my district believe in the theory that there must be more than one side to a controversy and that all be permitted without favoritism the opportunity of presenting their side of the story.

I have just completed reading some 6,000 typewritten pages of the official transcript of the hearing conducted by the National Labor Relations Board against the St. Louis branch of the Ford Motor Co., and I want to say that in all my experience as a lawyer and my experience as a prosecutor, I have never heard nor read of such judicial unfairness, prejudice, and official persecution as in this case.

The following citations are glaring examples of the judicial unfairness and official persecution. Pages 128 to 140 of the official transcript, Trial Examiner Dudley permits witnesses for the National Labor Relations Board to testify (hearsay) as to conversations with members of the National Labor Relations Board staff and their own union associates relative to the arrangement of a meeting between union and Ford officials. Pages 6037 to 6070, Trial Examiner Dudley refused to admit testimony for Ford workers relative to a meeting with and conversation with National Labor Relations Board staff members in the new Federal building in St. Louis, where these witnesses had gone to seek advice from the Board upon the procedure to be followed in the organization of a union.

These witnesses were not permitted to testify as to their conversations with officials of the National Labor Relations Board. I believe the situation in both instances above cited is identical. I have sought every conceivable way to find a reason why the aforementioned testimony should be permitted to enter the record as competent on the one hand and rejected on the other as incompetent. I can find no justification for the ruling of Trial Examiner Dudley.

The inescapable conclusion of an impartial observer is that Trial Examiner Dudley has no greater sense of fairness than the officials of the St. Louis office of the National Labor Relations Board, who made the unfair and intimidating statements referred to on page 6043 of the official transcript.

An impartial review of the instances aforementioned leads to two definite conclusions: First, that this trial has been biased and unfair to a degree that is unprecedented and almost unbelievable. Second, prompt action should be taken to determine whether the members of the staff of the St. Louis office have been acting as indicated on page 6043 of the official report.

I am serving notice, Mr. Chairman, that unless some definite statement of policy is made in answer to my request upon the National Labor Relations Board, I will call for a complete and thorough investigation of the activities and conduct, official and unofficial, of the National Labor Relations Board and its regional offices.

Mr. MERRITT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. MERRITT. Mr. Chairman, I ask unanimous consent to proceed out of order.

Mr. BACON. Mr. Chairman, reserving the right to object, and I shall not, will the chairman of the subcommittee indicate when he intends to have the Committee rise this afternoon?

Mr. COLLINS. We are going along until about 6:30.

Mr. BACON. I think about 5 o'clock I shall make a point of no quorum.

Mr. COLLINS. We wanted to run as long as we could.

Mr. TABER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. TABER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that he may proceed out of order?

There was no objection.

NATIONAL HELEN KELLER DAY, MARCH 3, 1938

Mr. MERRITT. Mr. Chairman, when Mark Twain was asked to pick an outstanding character of the nineteenth century he gave the name of a young American woman who had already achieved world fame for her patient and courageous victory over hitherto insurmountable physical handicaps. Her name was Helen Keller. From that victory Helen Keller has gone from strength to strength. She has used the extraordinary abilities which the genius of her teacher, the late Anne Sullivan Macy, released for the services of her fellow handicapped, not only in this country but throughout the world.

On March 3 next will be celebrated the fiftieth anniversary of the meeting of Helen Keller and this teacher liberator—a meeting that has been fraught with so much blessing to mankind. From it, for instance, has sprung the American Foundation for the Blind, the only organization which deals on a national scale with the problems of the blind. It is through this organization that Helen Keller works in the effort to make less rough the pathway of life for the 130,000 sightless Americans who must tread it in the dark. As Mark Twain's selection shows, Miss Keller made a profound impression on his generation. As we, her contemporaries, know, her courage and perseverance have made a profound impression on ours. In order that the oncoming generation may have the inspiration of her example set before them it is highly important that this fiftieth anniversary of the day which Miss Keller refers to as her "spiritual birthday" be

singled out for national observance in schools, colleges, churches, and in the homes throughout the land.

It is from characters such as hers, which illustrate that individual perseverance can overcome seemingly insurmountable personal barriers, and examples such as hers which demonstrate the unselfish use of great talents in the service of handicapped humanity that our youth can be shown the practical application of those ideals of initiative, courage, and service which we proudly claim as American. In order that we do our own part as representatives of the American people in drawing public attention to the unselfish service of this great American, I have this day requested the Postmaster General to authorize the use of a stamp cancelation to be inscribed with the words "Helen Keller Tribute Day, March 3, American Foundation for the Blind."

I have also presented a resolution asking that the President of the United States set aside, for this year only, Thursday, March 3, 1938, as National Helen Keller Day. [Applause.]

Mr. COLLINS. Mr. Chairman, I serve notice now that I shall object to further requests to speak out of order.

The Clerk read as follows:

In all, $1,494,650, to be immediately available and to be disbursed and accounted for as "Buildings and grounds, public schools," and for that purpose shall constitute one fund and remain available until expended: *Provided*, That no part of this appropriation shall be used for or on account of any school building not herein specified: *Provided further*, That no part of any appropriation contained in this or any other act for the purchase of land which is to be paid for by the District of Columbia shall be expended for such purposes without the approval of the Commissioners of the District of Columbia, but this limitation shall not apply to obligations entered into prior to the date of the enactment of this act, nor to any land to be acquired for the direct use of activities of the Federal Government in such district.

Mrs. JENCKES of Indiana. Mr. Chairman, a point of order.

The CHAIRMAN. The gentlewoman will state it.

Mrs. JENCKES of Indiana. Mr. Chairman, I make the point of order that the language beginning with the word "*Provided*," in line 20, page 32, and continuing through line 3 on page 33, is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. No; I have no comment.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

The school buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward, and each of said buildings having in excess of eight rooms shall have at least four exits. Appropriations carried in this act shall not be used for the maintenance of school in any building unless all outside doors thereto used as exits or entrances shall open outward and be kept unlocked every school day from one-half hour before until one-half hour after school hours.

Mr. PHILLIPS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PHILLIPS: On page 35, line 19, after the word "hours", insert a new section entitled "Expert Services", reading as follows:

"For the employment of experts to aid the People's Counsel before the Public Utilities Commission of the District of Columbia, $5,000."

Mr. NICHOLS. Mr. Chairman, I make the point of order against the amendment that it is not germane to the paragraph to which it is offered, and that it is legislation on an appropriation bill.

Mr. PHILLIPS. Mr. Chairman, will the gentleman reserve his point of order?

Mr. NICHOLS. Mr. Chairman, I reserve the point of order to permit the gentleman to make a statement.

Mr. PHILLIPS. Mr. Chairman, this amendment in effect appropriates $5,000 through the use of which experts may be hired to aid the People's Counsel before the Public Utilities Commission. In last year's appropriation bill for the District of Columbia this amount was carried and for the purpose stated, so far as I can ascertain in the short time that I have had this afternoon to study the matter.

Earlier this afternoon a similar amendment of mine was stricken out of the bill on a point of order. I have endeavored to reword this amendment so that a point of order cannot be held against it, in order that this money may be made available to the people of the District of Columbia to carry on a fight, if necessary, before the Public Utilities Commission against local public utilities. A similar amount for this purpose was carried in the bill last year.

Mr. NICHOLS. Mr. Chairman, I now make the point of order.

The CHAIRMAN. Does the gentleman from Connecticut desire to be heard on the point of order?

Mr. PHILLIPS. If the Chair please.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. PHILLIPS. Mr. Chairman, this amendment adds no additional cost. A point of order on that ground cannot be sustained. Nor does the amendment in effect change existing law in any way. I maintain, therefore, that the point of order is not well taken.

The CHAIRMAN. The Chair is constrained to hold that the amendment is not germane, and therefore sustains the point of order.

The Clerk read as follows:

METROPOLITAN POLICE

SALARIES

For the pay and allowances of officers and members of the Metropolitan Police force, in accordance with the act entitled "An act to fix the salaries of the Metropolitan Police force, the United States Park Police force, and the fire department of the District of Columbia" (43 Stat. 174–175), as amended by the act of July 1, 1930 (46 Stat. 839–841), $2,878,720.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 36, line 4, strike out "$2,878,720" and insert in lieu thereof "$2,944,170."

Mr. DIRKSEN. Mr. Chairman, we have seen a lot in the newspapers lately about the crime wave in Washington. My own opinion is that there is no crime wave here. Crime is no more aggravated in Washington than it has been since I first landed in this man's town some 5 or 6 years ago. I think the essential point is that we are beginning to learn what actually is going on in the District of Columbia with respect to crime. Heretofore it has not been published, but now that it is dragged into the light by a species of pitiless publicity, the whole country is pointing its finger at Washington, D. C., stating that here is a crime center; and it is not far from the truth when you start to examine the figures.

The Commissioners wanted some extra police. The major of police wanted extra men, but both of these recommendations apparently have been denied by the subcommittee. I think if we were to go to a competent and authoritative source for information as to whether there are enough police officers, certainly the fine-spirited superintendent of police in the city of Washington, Maj. Ernest Brown, is the source to which we should go.

He stood in a public place, in a forum here last week, and he indicated he ought to have some additional officers. The same matter was referred to a subcommittee of the House District Committee some years ago. My friends the gentleman from Indiana, Mr. SCHULTE, Mr. REED of Illinois, and Mr. CARPENTER, of Kansas, constituted a special committee to inquire into traffic conditions, and that committee unearthed a good many of these things. I served on a crime committee several years ago and we unearthed a good many things. At that time there were 1,341 policemen. At the present time there are 1,391.

But while these investigations were going on Congress instituted annual leave for police officers aggregating 26 days a year, and when we strike this time off the active service for an officer, you really have to make replacements to maintain efficiency.

I go further than that. The $65,000 that I suggest we ought to put into this bill will take care of 1 captain, 2

lieutenants, 3 sergeants, and 25 privates. I do not believe that is too much.

We charge the superintendent of police in this city with the responsibility of driving out criminals, racketeers, and getting after these petty offenders. If he comes to us and says he thinks he ought to have more policemen, or if he states in the public print or in a public place that we ought to be generous and give him a few more policemen, then the responsibility becomes ours. Certainly it is not asking too much to add 31 men to the force at this time, aggregating $65,000.

In the first instance, the superintendent of police asked for a great many more than that. This represents the figures that were probably submitted to the Budget by the Commissioners of the District. In view of the very unsavory publicity that has been directed against the Nation's Capital, it seems to me we ought to amend this bill and say to the superintendent of police, "We will give you 31 more—then we will expect results. If we do not get results we will have to call you on the carpet and have an accounting."

Instead of doing that, there is an increase put into this bill of $8,000. For what purpose? For the purpose of paying that sum of money to stool pigeons. It used to be $2,000, but in this bill it has been raised to $10,000. That is expected to do the trick, and improve conditions but, in my judgment, it will not do the trick.

There are many officers being assigned to embassies and functions. That is a natural matter and, of course, it is required. There are many officers taken away from active duty to look after receptions and functions of one kind or another. When you make these withdrawals you leave an ineffective force. Therefore, this amendment should be adopted, which provides for an additional $65,000 out of the general fund which the people of this city will have to pay out of their pockets in the form of taxes. It is not dipping into the Federal Treasury at all.

Mr. SACKS. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Pennsylvania.

Mr. SACKS. Did I understand the gentleman to say that these stool pigeons are geing increased to sort of watch the police instead of increasing the policemen to watch the racketeers?

Mr. DIRKSEN. No. I think it was done in good faith, and perhaps there is some need for that sort of thing. If there is, well and good, but that does not answer the argument that there is a need for additional officers at the present time. I suggest that the Committee adopt the amendment, which provides for 31 more policemen at a total additional cost of $65,000.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

Mr. Chairman, Major Brown, as well as the Commissioners of the District of Columbia, appeared before our subcommittee. The Commissioners did not ask for additional police, neither did Major Brown ask for additional police. As a matter of truth, this bill carries an increase of about seven persons in the Metropolitan Police Department, by taking policemen that were performing strictly clerical duties and employing civilians to do the work that had heretofore been done by policemen.

Everything that was asked for by the police department has been granted, including a new building, the reopening of No. 2 precinct, which they wanted most of all, transfer of jurisdiction of the old Police Court Building to the Women's Bureau, and, as a matter of fact, everything the police department wanted was granted.

Let us see what the situation is with reference to the police department of Washington, D. C. I make the deliberate statement that Washington has more police in comparison to its population than any city in the United States. My authority for the statement is Mr. Hoover's department. If you will glance at page 278 of the hearings you will find that Buffalo, N. Y., has 1,292 policemen; Cincinnati, 675; Indianapolis, 547; Memphis, Tenn., 280; Milwaukee, 1,218; Minneapolis, 502; Newark, N. J., 1,272; New Orleans, 846; Pittsburgh, 1,122; San Francisco, 1,354; Seattle, 571; and Washington, D. C., 1,462.

Washington has more policemen than Newark, N. J. In comparison to population it is three policemen per thousand inhabitants. In Seattle it is 1.5, San Francisco 2.1, Pittsburgh 1.7, New Orleans 1.8, Newark 2.8, Buffalo 2.2, Cincinnati 1.5, Indianapolis 1.5, Memphis 1.1, Milwaukee 2.2, and Minneapolis 1.1.

Taking merely the Metropolitan Police Department, Washington has a larger number in comparison to population than anywhere else in the United States. That does not include the Capitol Police. It does not include the Park Police. It does not include the White House Police. It does not include the Bureau of Investigation. There is not any rhyme or reason for the addition of any more police to the Metropolitan Police force unless you want them for ornamental purposes.

Mr. DIRKSEN. Will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Is it not true that Boston and Jersey City, the two best policed towns in the country, with the lowest crime rate, have more policemen than Washington?

Mr. COLLINS. Not at the present time, because the figures the gentleman used were figures for last year. The police department in Washington has had added to it more than 30 policemen since that time.

Mr. DIRKSEN. Will the gentleman yield for another question?

Mr. COLLINS. I do not yield for a speech.

Therefore, today Washington is the best-policed city in the United States, and the figures to which the gentleman refers do not include the Park Police, the Capitol Police, the White House Police, or the Bureau of Investigation.

[Here the gavel fell.]

Mr. SHORT. Mr. Chairman, I move to strike out the last word in order to ask the distinguished gentleman from Mississippi a question. I should like to know why the cities of Boston and Jersey City were left out of the table which the gentleman from Mississippi has just quoted.

Mr. COLLINS. I merely put into the RECORD the table given me by the Bureau of Investigation of the Department of Justice.

Mr. SHORT. It is rather strange and peculiar that these two cities should be omitted from a table submitted by the Federal Bureau of Investigation.

Mr. COLLINS. I cannot comment on any imputation the gentleman may make, as I merely used the figures the Department of Justice gave me.

Mr. SHORT. The comparison the gentleman from Mississippi has given us is really based upon the permanent population of the city of Washington or the District of Columbia, and does not take into account the large floating population we have here, which is much greater than in any other city of comparable size in the United States.

Mr. COLLINS. This table compares cities of size comparable with Washington.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield to the gentleman from Illinois.

Mr. DIRKSEN. May I say that Maj. W. H. Drane Lester, who is the administrative assistant of the F. B. I., lectured at Georgetown University this week. He states the police force is out of balance because its problems are aggravated by the floating population of a million which comes into Washington. The figures which have been put in the RECORD are based on a static population of 627,000 and do not include the floaters, so do not be misled by figures. Mark Twain once said there were three kinds—lies, damn lies, and statistics—so you can make anything you want out of them; and that happens to be the fact. A basis of 627,000 population will give you those figures, but what about the floating population that comes in? I suggest we take a little tip

from the major of police here, who has stated publicly, and it has appeared in the prints of the city, that he ought to have more policemen. Let us give them to him—and here is an opportunity—and then hold him responsible for the crime situation, such as it is.

Mr. SHORT. That is particularly true because of the large number of functions we have in the District of Columbia that do not prevail in any other city.

Mr. DIRKSEN. Yes, indeed.

Mr. PALMISANO. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I am surprised the chairman of the subcommittee said there was no request by the authorities for an increase in the police force. The press has been full of articles to the effect that more policemen are required. On page 210 of the hearings a question was asked by the gentleman from Michigan [Mr. ENGEL], a member of the subcommittee, of Mr. Hazen, and I quote:

Mr. ENGEL. What would be the additional cost for personnel?—

Speaking of the police department—

Mr. HAZEN. The bill provides for 25 new police officers; and if they are allowed, there would not be any more required.

It seems to me if the citizens of the District, the Commissioners in charge, and the police officials believe they need more policemen due to the fact a number of policemen in the District are diverted from their regular beats on account of the public functions held in this District, Congress should not complain as long as the people of the District are willing to pay for the increase. This is not a question of asking the Federal Government to pay the cost. The people of the District are willing to pay; and if that is the case, I believe the members of the committee should support this amendment.

Mr. CALDWELL. Mr. Chairman, will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from Florida.

Mr. CALDWELL. May I call to the attention of the gentleman that no responsible person appeared before the subcommittee and requested additional policemen.

Mr. PALMISANO. Does not the gentleman consider the chairman of the Commissioners a responsible person? He said at page 210 of the hearings that the bill provides for 25 additional men. If he is not a responsible individual, of course, I agree with the gentleman.

Mr. CALDWELL. May I say to the gentleman he cannot take the hearings and show that gentleman requested a single additional policeman.

Mr. PALMISANO. He said the bill provides for 25 new police officers. He asked for 25 additional men.

Mr. KENNEDY of Maryland. If the gentleman will yield, that was mostly in promotions for the new precinct No. 2.

Mr. COLLINS. The major did not ask for any additional policemen at precinct No. 2. He stated all he needed at No. 2 was a captain and two lieutenants, and that he would promote them from the regular force.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, may I call the attention of the Committee to the fact that the gentleman from Michigan [Mr. ENGEL] asked this question of the chairman of the Commissioners:

Mr. ENGEL. What would be the additional cost for personnel?

Mr. HAZEN. The bill provides for 25 new police officers, and if they are allowed, there would not be any more required.

Mr. COLLINS. In other words, you would promote the men that are already in the service?

Mr. HAZEN. Yes, sir; they will be promoted in the service.

The pro forma amendments were withdrawn.

Mr. COLLINS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. SCHULTE. I object, Mr. Chairman.

Mr. COLLINS. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 27, noes 14.

Mr. DIRKSEN. Mr. Chairman, I object to the vote on the ground a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present.

Mr. COLLINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DRIVER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the District of Columbia appropriation bill, 1939 (H. R. 9181), had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address delivered by me.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCLELLAN. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a speech delivered before the Highway Users' Conference in the State of Delaware.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a letter I have written on the subject of reorganization.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech delivered before the Pennsylvania Society by the Honorable Robert V. Bolger, judge of the Orphans Court of Philadelphia.

The SPEAKER. Is there objection to the request of the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EICHER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting an address entitled "Little Americanism," delivered by Robert H. Jackson, Assistant Attorney General of the United States, before the New York Press Association last Friday evening.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. STARNES. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Illinois [Mr. LUCAS] may be permitted to extend his own remarks in the RECORD and include therein a letter from the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACON. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, the gentleman from Massachusetts [Mr. McCORMACK] today made a speech in which he very grossly misinterpreted the speech delivered on last Saturday by Mr. Glenn Frank.

In fairness to Mr. Frank, I ask unanimous consent that his speech may be inserted in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article written by me for the magazine Dynamic America. America.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a speech I made before the Rivers and Harbors Congress.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein an address made over the radio by the gentleman from Kentucky [Mr. FRED M. VINSON] on last evening.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COFFEE of Washington asked and was granted leave to extend his own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that after the legislative program of tomorrow is completed, the gentleman from Texas [Mr. SUMNERS] may address the House for 30 minutes.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, and, of course, I shall not object, I understand that on tomorrow we will consider the Private Calendar, followed by consideration of the District of Columbia appropriation bill?

Mr. RAYBURN. Yes; and the request is to address the House following the legislative program of the day.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ENROLLED JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 571. Joint resolution making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 571. Joint resolution making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans.

ADJOURNMENT

Mr. COLLINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until tomorrow, February 1, 1938, at 12 o'clock.

COMMITTEE HEARINGS

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Tuesday, February 1, 1938, at 10 a. m.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. MCGEHEE's Subcommittee on Judiciary of the District of Columbia Committee will meet at 10:30 a. m., Tuesday, February 1, 1938, in room 345, House Office Building, to consider S. 1835.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeing of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, February 1, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Railroad interests will be heard.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Tuesday, February 1, 1938, at 11 a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m., on the following bills:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels; and

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

COMMITTEE ON FOREIGN AFFAIRS

There will be a meeting of the Committee on Foreign Affairs in the Capitol Building, Tuesday, February 1, 1938, at 10:30 a. m., for the consideration of the following: House Resolution 409, Jews in Rumania; and House Joint Resolution 567, Ninth Congress International Seed Testing Association.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting, Tuesday, February 1, 1938, at 10:30 a. m., for the consideration of building program for the Navy. Very important.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:15 a. m., Tuesday, February 1, 1938, to resume hearings on H. R. 9016, Washington Airport bill. Caucus room, House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m., Wednesday, February 2, 1938, in room 445, House Office Building, for the public consideration of H. R. 7780.

COMMITTEE ON CLAIMS

A special subcommittee of the Committee on Claims will reconsider at an open meeting at 2 p. m., Wednesday, February 2, 1938, in room 327, House Office Building, the following claims which were objected to in the House on May 4 and June 1, 1937, and recommitted to the committee, for the purpose of determining whether they merit inclusion in an omnibus bill:

H. R. 733. For the relief of George E. Titter (by Mr. GOLDSBOROUGH).

H. R. 736. For the relief of Mallery Toy (by Mr. GOLDSBOROUGH).

H. R. 841. For the relief of Ida A. Gunderson (by Mr. WHITE of Idaho).

H. R. 858. For the relief of the estate of Dr. David O. Clemens (by Mr. BLAND).

H. R. 1861. For the relief of Schmidt, Garden & Martin (by Mr. MCANDREWS).

H. R. 2149. For the relief of Capt. Guy L. Hartman (by Mr. PETERSON of Florida).

H. R. 3115. For the relief of Sachs Mercantile Co. (by Mr. SOMERS of New York).

H. R. 3655. For the relief of Clarence D. Schiffman (by Mr. RAMSPECK).

H. R. 4830. For the relief of Mrs. D. O. Benson (by Mr. RAMSPECK).

H. R. 5450. For the relief of William C. Reese (by Mr. PATRICK).

S. 1307. For the relief of W. F. Lueders (by Senator SHEPPARD).

COMMITTEE ON THE POST OFFICE AND POST ROADS

A meeting of subcommittee No. 10 of the House Committee on the Post Office and Post Roads will be held Thursday morning, February 3, 1938, at 10 a. m., to consider Postal Service matters relative to conditions complained of on floor of House when post office appropriation bill was under consideration.

COMMITTEE ON PATENTS

The Committee on Patents will hold public hearings February 7, 8, 9, 10, and 11, 1938, in the caucus room of the House Office Building, at 10 a. m., each morning on House Joint Resolution 79, providing for the establishment of a Department of Science, Art, and Literature.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 3 of the Committee on the Judiciary at 10:30 a. m. Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill H. R. 8339, providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1051. A letter from the president, Washington Gas Light Co., transmitting a detailed statement of the business of the Washington Gas Light Co., together with a list of stockholders, for the year ended December 31, 1937; to the Committee on the District of Columbia.

1052. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the withdrawal and reservation of mail tracts of the public domain in Alaska for schools, hospitals, and other purposes; to the Committee on Indian Affairs.

1053. A letter from the president, Capital Transit Co., transmitting a report covering the operations of the Capital Transit Co. for the calendar year 1937, with balance sheet as of December 31, 1937; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1739. Report on the disposition of executive papers in the Department of Justice. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1740. Report on the disposition of executive papers in the Veterans' Administration. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1741. Report on the disposition of executive papers in the Tariff Commission. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1742. Report on the disposition of records in the Department of the Interior. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1743. Report on the disposition of executive papers in the Treasury Department. Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report No. 1744. Report on the disposition of executive papers in the Department of Agriculture. Ordered to be printed.

Mr. KING: Committee on Immigration and Naturalization. H. R. 7369. A bill to validate certain certificates of naturalization granted by the United States District Court for the District of Hawaii; without amendment (Rept. No. 1745). Referred to the House Calendar.

Mr. HILL: Committee on the Public Lands. H. R. 7874. A bill to provide for the leasing of State, county, and privately owned lands for the purpose of furthering the orderly use, improvement, and development of grazing districts; with amendment (Rept. No. 1746). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 7689. A bill to authorize the addition of certain lands to the Shasta and Klamath National Forests, Calif.; with amendment (Rept. No. 1747). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 7688. A bill to authorize the addition of certain lands to the Modoc, Shasta, and Lassen National Forests, Calif.; with amendment (Rept. No. 1748). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 7690. A bill to authorize the addition of certain lands to the Plumas, Tahoe, and Lassen National Forests, Calif.; with amendment (Rept. No. 1750). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DEROUEN: Committee on the Public Lands. H. R. 8487. A bill confirming to Louis Labeaume, or his legal representatives, title to a certain tract of land located in St. Charles County, in the State of Missouri; with amendment (Rept. No. 1749). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2231) for the relief of Charles E. Black; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9009) for the relief of Willard Twitchell; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8860) for the relief of Jesse Stokes Bowling, Jr.; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GASQUE: A bill (H. R. 9252) granting pensions to widows of Spanish-American War veterans; to the Committee on Pensions.

By Mr. DORSEY: A bill (H. R. 9253) to authorize the erection of a United States Veterans' Administration hospital for the Philadelphia, Pa., area; to the Committee on World War Veterans' Legislation.

By Mr. LUCKEY of Nebraska: A bill (H. R. 9254) to authorize the Secretary of the Interior to place certain records of Indian tribes with State historical societies under rules and regulations to be prescribed by him; to the Committee on Indian Affairs.

By Mr. O'BRIEN of Michigan: A bill (H. R. 9255) to issue currency for the inactive gold in the United States Treasury; to the Committee on Banking and Currency.

By Mr. VOORHIS: A bill (H. R. 9256) to amend the Social Security Act to provide for aid to States for care of transients; to the Committee on Ways and Means.

By Mr. WOLCOTT: A bill (H. R. 9257) to extend the time for completing the construction of a bridge across the St. Clair River at or near Port Huron, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. KRAMER: A bill (H. R. 9258) to authorize the Secretary of the Navy to accept on behalf of the United States certain land in the city of Los Angeles, Calif., with improvements thereon; to the Committee on Naval Affairs.

By Mr. McFARLANE: A bill (H. R. 9259) to provide for compulsory licensing of patents to the Committee on Patents.

By Mr. GRAY of Indiana: A bill (H. R. 9260) to provide that United States notes be used for current expenditures of the United States Government, to maintain the stability of the purchasing power of money, and for other purposes; to the Committee on Banking and Currency.

By Mr. SCRUGHAM: A bill (H. R. 9261) to validate and confirm a certain conveyance heretofore made by the Central Pacific Railway Co. and its lessee, Southern Pacific Co., to Consolidated Warehouse Co., involving a portion of the right-of-way acquired by the Central Pacific Railroad Co. of California under act of Congress approved July 1, 1862 (12 Stat. 489); to the Committee on the Public Lands.

Also, a bill (H. R. 9262) for the emergency construction of roads in Nevada to increase employment quickly; to the Committee on Appropriations.

By Mr. MAY (by request): A bill (H. R. 9263) to authorize certain payments to the American War Mothers, Inc.; to the Committee on Military Affairs.

By Mr. BARTON: A bill (H. R. 9264) to liquidate the United States Housing Corporation, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. HAINES: A bill (H. R. 9265) to authorize an appropriation to aid in defraying the expenses of Civil War veterans attending the observance of the seventy-fifth anniversary of the Battle of Gettysburg to be held at Gettysburg, Adams County, Pa., from June 29 to July 4, 1938, and for other purposes; to the Committee on Military Affairs.

By Mr. MERRITT: Joint resolution (H. J. Res. 580) requesting the President to proclaim Thursday, March 3, 1938, as National Helen Keller Day; to the Committee on the Judiciary.

By Mr. MAVERICK: Joint resolution (H. J. Res. 581) to create a Joint Congressional Committee on Monopoly; to the Committee on Rules.

By Mr. SECREST: Joint resolution (H. J. Res. 582) supplementing and amending the act for the incorporation of Washington College of Law, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; to the Committee on the District of Columbia.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Ohio, memorializing the President and the Congress of the United States to consider their House Resolution No. 135, dated January 20, 1938, with reference to wages and hours; to the Committee on Labor.

Also, memorial of the Legislature of the State of Ohio, memorializing the President and the Congress of the United States to consider their House Resolution No. 133, dated January 20, 1938, with reference to House bill 6704, concerning peace; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Idaho: A bill (H. R. 9266) for the relief of John B. Weise; to the Committee on Claims.

By Mr. CLAYPOOL: A bill (H. R. 9267) granting a pension to Mamie G. Poindexter; to the Committee on Pensions.

By Mr. COLDEN: A bill (H. R. 9268) for the relief of Violet Dewey; to the Committee on Claims.

By Mr. CRAVENS: A bill (H. R. 9269) authorizing the President to present a Distinguished Service Medal to Harold R. Wood; to the Committee on Naval Affairs.

By Mr. DEMPSEY: A bill (H. R. 9270) for the relief of Sigmund Lindauer; to the Committee on Claims.

By Mr. DIES: A bill (H. R. 9271) for the relief of Julia Lee Frugia, a minor; to the Committee on Claims.

By Mr. DISNEY: A bill (H. R. 9272) for the relief of Marion S. Williams; to the Committee on Military Affairs.

By Mr. KRAMER: A bill (H. R. 9273) for the relief of Isaac Surmany; to the Committee on Immigration and Naturalization.

By Mr. McGROARTY: A bill (H. R. 9274) for the relief of Loyal E. Troxell; to the Committee on Naval Affairs.

By Mr. MAY: A bill (H. R. 9275) for the relief of the heirs of the late Lawrence Conley; to the Committee on Claims.

Also, a bill (H. R. 9276) granting a pension to Lillie Patrick; to the Committee on Invalid Pensions.

By Mr. RAMSPECK: A bill (H. R. 9277) for the relief of James M. Wright; to the Committee on Claims.

By Mr. REECE of Tennessee: A bill (H. R. 9278) for the relief of James A. Mills; to the Committee on Claims.

Also, a bill (H. R. 9279) for the relief of Herbert M. Garland; to the Committee on Claims.

By Mr. SATTERFIELD: A bill (H. R. 9280) for the relief of Wilbur W. Baker; to the Committee on Claims.

Also, a bill (H. R. 9281) extending the time for filing a claim for reimbursement for the funeral expenses of Harold P. Straus; to the Committee on Claims.

Also, a bill (H. R. 9282) for the relief of the estate of D. B. Carter of Richmond, Va.; to the Committee on Claims.

Also, a bill (H. R. 9283) for the relief of Mary B. Wilkerson; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3912. By Mr. ASHBROOK: Resolution adopted by the Ohio Legislature, favoring the Universal Service Act, and also memoralizing Congress to enact a uniform wages-and-hours law; to the Committee on Labor.

3913. By Mr. CULKIN: Petition of the Military Order of the Purple Heart, Chicago, Ill., requesting that the Military Order of the Purple Heart be given consideration in the distribution of the Stars and Stripes fund, provided for in Senate bill 1516; to the Committee on Military Affairs.

3914. Also, petition of employees of the A. E. Staley Manufacturing Co., Decatur, Ill., urging that a tariff be placed on the importation of tapioca to give greater security to producers of corn in the United States and to those employed in the manufacture of corn products; to the Committee on Ways and Means.

3915. Also, petition of the United States Flood Control Federation, meeting in Washington, D. C., January 19, 1938, opposing any Federal legislation which would deprive the United States engineers of authority now vested in them with respect to flood-control measures; to the Committee on Flood Control.

3916. By Mr. COFFEE of Washington: Resolution of the Plywood Veneer and Box Shook Council, District No. 9, of Olympia, Wash., pointing out that Japanese plywood is being regularly imported into the United States for use in American furniture factories; that such plywood is processed in Japan through the employment of starvation labor, and its importation is throwing thousands of American well-paid working men out of employment; pointing out further that the military aggression of Japan makes the practice all the more aggravating, and concluding that the membership of the organization will not handle any material made or processed in Japan after the present supplies are exhausted; to the Committee on Ways and Means.

3917. By Mr. DIXON: Senate Resolution No. 118 of the Ninety-second General Assembly, Ohio, memorializing the Veterans' Bureau to discontinue the transfer of tuberculosis patients from the Veterans' Administration hospital at the National Military Home at Dayton, Ohio; to the Committee on Military Affairs.

3918. By Mr. KRAMER: Resolution of the Musicians' Union, American Federation of Musicians, relative to recession, and so forth; to the Committee on the Judiciary.

3919. Also, resolution of the Southern California Federation of Women's Democratic Clubs, relative to successfully carrying out the President's program, etc.; to the Committee on the Judiciary.

3920. By Mr. LANHAM: Petition of the Men's Brotherhood of Broadway Methodist Episcopal Church, of Fort Worth, Tex., regarding peace; to the Committee on the Judiciary.

3921. By Mr. LAMNECK: Petition of the board of directors of the Columbus Fruit and Vegetable Cooperative Association, Inc., Columbus, Ohio, an organization representing many truck gardeners in the Twelfth Congressional District, protesting against the passage of Senate bill 69, the train-length bill, because they feel that it is highly discriminating to agriculture and will work a tremendous hardship on the railroad companies; to the Committee on Interstate and Foreign Commerce.

3922. By Mr. MERRITT: Resolution of the Amsterdam Post, No. 55, of the Veterans of Foreign Wars, endorsing House bills 2904, 8690, and 8729; to the Committee on War Claims.

3923. Also, resolution of the Alamo Community Club, of Queens County, N. Y., unanimously protesting against the proposed shift of the Bureau of Naturalization from Queens to Brooklyn; to the Committee on Immigration and Naturalization.

SENATE

TUESDAY, FEBRUARY 1, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, January 31, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. As there seems to be the absence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Holt	Nye
Andrews	Clark	Hughes	O'Mahoney
Ashurst	Connally	Johnson, Calif.	Pittman
Austin	Copeland	Johnson, Colo.	Pope
Bailey	Davis	King	Radcliffe
Bankhead	Dieterich	La Follette	Reynolds
Barkley	Donahey	Lewis	Russell
Berry	Duffy	Lodge	Schwartz
Bilbo	Ellender	Logan	Schwellenbach
Bone	Frazier	Lonergan	Sheppard
Borah	Gerry	Lundeen	Smathers
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Tydings
Burke	Hatch	Milton	Vandenberg
Byrd	Hayden	Minton	Van Nuys
Byrnes	Herring	Murray	Wagner
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	Wheeler

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] is absent because of illness.

The Senator from Oklahoma [Mr. LEE] and the Senator from Louisiana [Mr. OVERTON] are absent because of colds.

The Senator from Georgia [Mr. GEORGE] is unavoidably detained from the Senate.

The Senator from Florida [Mr. PEPPER] and the Senator from Missouri [Mr. TRUMAN] are absent on important public business.

The Senator from Nevada [Mr. MCCARRAN] is detained in his State on official business.

The Senator from California [Mr. MCADOO] is detained in one of the departments on matters pertaining to the State of California.

I ask that this announcement stand of record for the day.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

SUPPLEMENTAL ESTIMATE—NEW BUILDING FOR THE WAR DEPARTMENT (S. DOC. NO. 136)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department, fiscal year 1939, for site and construction of building or buildings for the War Department in the District of Columbia, amounting to $3,000,000 (within a total limit of cost of $26,000,000), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INTERIM REPORT OF UNITED STATES HOUSING AUTHORITY

The VICE PRESIDENT laid before the Senate a letter from the Administrator of the United States Housing Authority, transmitting, pursuant to law, an interim report on the work of the Authority for the period from its inception through December 31, 1937, which, with the accompanying report, was referred to the Committee on Banking and Currency.

REPORT OF POTOMAC ELECTRIC POWER CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Potomac Electric Power Co., transmitting, pursuant to law, the report of the company for the year ended December 31, 1937, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORT OF WASHINGTON RAILWAY & ELECTRIC CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Washington Railway & Electric Co., transmitting, pursuant to law, the report of the company for the year ended December 31, 1937, which, with the accompanying report, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a memorial from the L. & L. Auto Delivery & Trucking Co., Inc., of New York City, N. Y., signed by Morris Liebowitz, president, remonstrating against the pick-up-and-delivery freight service maintained by railroads on account of its alleged excessive cost to railroad companies, which was referred to the Committee on Interstate Commerce.

Mr. CAPPER presented a resolution adopted by Earl C. Gormley Post, No. 45, American Legion, of Junction City, Kans., favoring the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which was referred to the Committee on Finance.

Mr. WALSH presented a resolution adopted by the Northbridge Taxpayers' Association, Inc., Whitinsville, Mass., favoring reduction of taxes and the balancing of the Budget through retrenchment rather than by the imposition of further taxation, which was referred to the Committee on Appropriations.

Mr. HOLT presented papers in the nature of petitions from members of the Polish National Alliance Group, No. 1504; the Sheet Mill Unit of the Weirton Steel Employees' Security League; and the Dodecanisian League of America, all of Weirton, W. Va., praying for an investigation of the National Labor Relations Board, especially with a view to determining whether the Board has violated that portion of the Constitution known as the Bill of Rights, which were referred to the Committee on Education and Labor.

NEGOTIATION OF TRADE AGREEMENT WITH GREAT BRITAIN—DUTY ON LEAD

Mr. ASHURST. Mr. President, for many years I was an inveterate sinner in the matter of having printed in the RECORD various documents and letters. I have reformed during the last few years, as the Senate will note, but I believe that resolutions adopted by the legislature of a State or official communications from the Governor of a State should have a place in the CONGRESSIONAL RECORD. I therefore ask unanimous consent that there be read at the desk a tele-

gram I have received from the Governor of the State of Arizona.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the telegram will be read.

The Chief Clerk read the telegram, as follows:

PHOENIX, ARIZ., *January 31, 1938.*

Hon. HENRY F. ASHURST,
United States Senator, Washington, D. C.:

It has been called to my attention that a proposal to decrease or eliminate the duty on lead will be discussed in negotiating the reciprocal trade treaty with Great Britain. You realize that lowering of the tariff rate with Great Britain would lower it with other nations with which we have a favored-nation treaty. Such an act would ruin the Arizona lead-mining industry. Arizona produced more than 25,000,000 pounds of lead last year. Lead production under the present tariff regulation or a higher regulation will be one of the important future resources of the State. I wish to protest any move which will endanger the Arizona small mining operator. I ask that you enter this protest with the Department of State and that you watch the situation so that Arizona's lead industry and associated mining activity may be protected. May I have copies of your future correspondence on this matter, please? Best regards.

GOV. R. C. STANFORD.

Mr. ASHURST. Mr. President, I take this opportunity to say that I agree with the Governor of Arizona in his conclusions as to the baleful effects it would have upon the State of Arizona if any such reciprocal trade agreement were entered into. It is unnecessary for me to say that I am in favor of high protective tariffs, particularly at this time; and in due course I shall lodge with the Secretary of State a protest against the negotiation of any reciprocal trade agreement which might have the effect of lowering tariffs on lead.

Mr. KING. Mr. President, let me assure my dear friend from Arizona that I think the alarm expressed by the Governor of Arizona in the telegram is unwarranted. I have had several conversations on this subject with the State Department; and I think the lead miners—and my State is a lead State, as well as is Arizona—need have no concern.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 3356) to amend section 78 of chapter 231, Thirty-sixth United States Statutes at Large (36 Stat. L., sec. 1109), relating to one judicial district to be known as the District of Idaho, and dividing it into four divisions, to be known as the northern, central, southern, and eastern divisions, defining the territory embraced in said divisions, fixing the terms of district court for said divisions, requiring the clerk of the court to maintain an office in charge of himself or deputy at Coeur d'Alene City, Idaho, Moscow, Idaho, Boise City, Idaho, and Pocatello, Idaho, and to authorize the United States District Court for the District of Idaho, by rule or order, to make such changes in the description or names to conform to such changes of description or names of counties in said divisions as the Legislature of Idaho may hereafter make; to the Committee on the Judiciary.

By Mr. LOGAN:

A bill (S. 3357) to regulate the hours of duty in the Federal service, and for other purposes; to the Committee on Civil Service.

A bill (S. 3358) to provide for the appointment and promotion of substitute postal employees, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. TYDINGS:

A bill (S. 3359) for the relief of the Fidelity Trust Co., of Baltimore, Md., and others; to the Committee on Claims.

By Mr. WALSH (by request):

A bill (S. 3360) for the relief of George A. G. Dearborn; to the Committee on Naval Affairs.

By Mr. KING:

A bill (S. 3361) providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAYDEN:

A bill (S. 3362) to revise the boundary of the Grand Canyon National Park in the State of Arizona, to abolish the Grand Canyon National Monument, to restore certain lands to the public domain, and for other purposes; to the Committee on Public Lands and Surveys.

THE LAW ON RADIO PROGRAMS (S. DOC. 137)

Mr. BONE. Mr. President, I ask unanimous consent to have printed as a Senate document the articles I send to the desk, which were published in The George Washington Law Review, issue of January 1937. They relate to the broadcasting of radio programs in the public interest, convenience, and necessity, and also cover the general question of libel on the radio. I think the articles will be intensely interesting to every Member of the Senate and probably to 99 percent of the lawyers of the country. They are well documented and thoroughly annotated. The articles were prepared by Andrew G. Haley, senior counsel of the Federal Communications Commission.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MERCHANT MARINE AND LABOR—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. COPELAND asked and obtained leave to have printed in the RECORD a radio address delivered by Senator THOMAS of Utah on Monday, January 31, 1938, on the subject The Merchant Marine and Labor, which appears in the Appendix.]

FOREIGN POLICY OF THE UNITED STATES—ARTICLE BY JAMES MORGAN

[Mr. WALSH asked and obtained leave to have printed in the RECORD an article by James Morgan, entitled "Why We Have No Foreign Policy in America," published in the Boston (Mass.) Sunday Globe of January 16, 1938, which appears in the Appendix.]

LITTLE AMERICANISM—ADDRESS BY ROBERT H. JACKSON

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an address on the subject of Little Americanism, delivered by Robert H. Jackson, Assistant Attorney General of the United States, before the New York Press Association at Syracuse, N. Y., January 28, 1938.]

OPINIONS OF UNITED STATES SUPREME COURT IN LABOR BOARD CASES

[Mr. WAGNER asked and obtained leave to have printed in the RECORD the opinions of the Supreme Court of the United States in the cases of *Myers et al.* v. *Bethlehem Shipbuilding Corp., Ltd.*; *Myers et al.*, v. *Charles MacKenzie et al.*; and *Newport News Shipbuilding & Drydock Co.* v. *Bennett F. Schauffler*.]

NATIONAL HOUSING PROGRAM—CONFERENCE REPORT

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) to amend the National Housing Act, and for other purposes.

The VICE PRESIDENT. Last evening, when the Senate took a recess, the Senator from New York [Mr. COPELAND] had the floor. The Chair thinks he should recognize the Senator from New York this morning.

FOREIGN POLICY OF THE UNITED STATES

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nevada?

Mr. COPELAND. I yield to the Senator from Nevada.

Mr. PITTMAN. I was occupying the chair yesterday at the request of the Vice President when the distinguished Senator from California [Mr. JOHNSON] made certain remarks in regard to our foreign policy.

In advance, I wish to say that there is no Senator in this body for whom I have a higher regard than I have for the Senator from California; and I am quite in accord with him with regard to his observation to the effect that the Senate should be constantly advised with regard to foreign matters of a serious nature. I think our Government has a

very distinct foreign policy, however, and I know of no recent divergence from that policy. I should be very much disappointed if there were any divergence from it.

When the President of the United States first entered office he announced what I consider the fundamental foreign policy of our Government—noninterference and nonintervention in the affairs of other governments. I know of no instance so far of that policy being violated.

I realize that occasionally expressions from statesmen of foreign governments, attempting to lead our Government into a different policy, have caused uneasiness in the minds of some of our public men in this country. Recently a statement was made by a distinguished statesman of Europe who has visited our country and who has possibly a semi-official position among certain governments that might cause very serious consideration and concern.

However, I call attention to the fact that the Secretary of State gave public expression to his views with regard to the matter which, in my opinion, are quite reassuring. I wish to take issue with the statement that our Government has no foreign policy. I think the foreign policy which has been announced, that our Government will not interfere or intervene in the domestic relations of any other government, is absolutely fundamental, and I believe that so far everyone speaking authoritatively for our Government has kept within that line.

That is all I desire to say on the subject.

Mr. JOHNSON of California. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I yield.

Mr. JOHNSON of California. I thank the Senator from Nevada for so clearly defining the foreign policy of the United States. After listening to him no man can be in doubt as to the foreign policy of the United States, and of the President, and of the Secretary of State. He has made crystal clear that policy. But let me ask him whether the policy he suggests is the policy of the speech at Chicago of the President of the United States or whether it is the policy of which this morning the Senator speaks.

The Senator says the policy of the Secretary of State has continuously been noninterference with any country under any circumstances. What does it mean when the President speaks at Chicago and says that nations that are inhuman or brutal should be "quarantined"—"quarantined!"—and the press at the time stated that the office of the Secretary of State was at work for a week finding the appropriate word for use by the Commander in Chief? The appropriate word was found to be "quarantined"—"quarantined!"—and when that word was used by the responsible head of the Nation, what was meant? Only one thing could be meant. And then, pursuing that firm policy, that determination by which we would make it clear to every Nation that was not doing right that we would "quarantine" it if it did wrong under any circumstances, we sent our peripatetic Ambassador over to Belgium, there to meet with various other gentlemen, and there to do—ah! to do or die! They sat there at Belgium, and they made clear to the world just exactly what was the foreign policy of the United States and the foreign policy of the world, and when they got through, with no substantial answer and no word of any sort or any kind or any character, we were in the pusillanimous position of having threatened a country and not carrying the threat into effect.

I asked yesterday—and I ask today—what is the foreign policy of the United States? I ask it because I am gravely concerned over some events that are happening today in this country, and I am concerned over what may happen in the future; and because of that concern, solely because of this country and this country's fate, I ask today, as I asked yesterday, what is the foreign policy of the United States?

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nevada?

Mr. COPELAND. I think perhaps I had better yield the floor if this debate is to continue.

The VICE PRESIDENT. The Senator may retain the floor if he desires to do so. The Senator from New York realizes, however, as other Senators do, that we are back to normalcy now in the Senate, and he may yield and still keep the floor. [Laughter.]

Mr. COPELAND. Very well; I yield.

Mr. PITTMAN. Mr. President, I am sorry the Senator from California had just left the Chamber and was temporarily absent when I started to speak. I wish again to assure him that I have the highest admiration for him, and in no sense was criticizing what he said yesterday. The discussion arose on a different matter entirely.

I agree with the Senator from California that the Senate has a function to perform in respect to foreign affairs, and it is well that it be advised with regard to them in advance of required action. I took issue with the statement often made on the floor—and repeated by the distinguished Senator from California—that our Government has no foreign policy.

Mr. President, I do not think a foreign policy may be determined by an attempted analysis of one word. All of us I think sometimes in haste use a word that is subject to a different interpretation than that intended by the speaker. That is why we sometimes correct our remarks in the RECORD.

I am not dealing with the word "quarantine," or the word "ostracism," which I used in an interview. I am dealing with the actions of our Government. The President in 1933 definitely laid down what the policy of this Government would be under his administration when he announced the policy of noninterference and nonintervention in the local affairs of other governments. Without regard to statements which have been made, I assert that that policy has been maintained absolutely and scrupulously by our Government.

The affair which called forth the remarks of the President in Chicago, to which the Senator from California has alluded, was a very painful matter to all of the people of our country. I know what the sentiment of the people of this country was and is with regard to violation of the treaties to which the President referred. I know the sentiment of the world condemned the violation of those treaties. The natural instinct of our people and of our Government would have been to resent it; but the Government did not resent it, because if it had, that would have been a violation of our policy of nonintervention, of noninterference. It would have been a violation of the policy of this Government established by the Congress of the United States and approved by the President in the so-called Neutrality Act.

There is a distinction between what a government may do diplomatically and what a people may do with propriety. The government of a country cannot aid one of two warring powers, or resist one of the warring powers, without being guilty of an unfriendly and unneutral act and thereby becoming involved, and involved to an unlimited extent; but the people of a country may express their resentment and condemnation in any legal way they choose to adopt, and therefore our people may ostracize a criminal violator of a treaty to which this country is a party and quarantine the sale of his goods in our country. "Quarantine" is a medical term, which might have been used and successfully explained by the Senator from New York [Mr. COPELAND], who is a distinguished physician. I did not make use of the term "quarantine." The old term "ostracism" is better understood by me. I am informed, however, that "quarantine" has many degrees of definition and is not synonymous with "blockade."

I wish to say now that I approve every act our Government has taken in its foreign policy. I am not endorsing language, I am not endorsing words, because language and words are the feeble expression of our thoughts and sentiments.

I wish we could be perfectly fair and clear in our statements with regard to the foreign policy of this Government. I do not think it is well to play on words. We have not entered into any combination with any foreign country looking to any kind of defense of this country, any kind of defense of any other country, or any military aid to any other

country. There is no act of any authoritative officer of our Government indicating such action.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. PITTMAN. With pleasure.

Mr. JOHNSON of California. Does the Senator speak by the book in saying that?

Mr. PITTMAN. I do not know what the Senator means by the expression "by the book."

Mr. JOHNSON of California. I mean, does the Senator speak with authority?

Mr. PITTMAN. I speak for myself, as the Senator from California speaks for himself. If the Senator means to ask whether I am authorized to speak for anyone except myself, I admit that I am not.

Mr. JOHNSON of California. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I yield.

Mr. JOHNSON of California. The Senator from Nevada and I will have no personal quarrel, of course, over a matter of this sort. I think both of us feel the same. Each of us feels that in a crisis such as that confronting the world today, and particularly our country, the Senate of the United States, the Committee on Foreign Relations, if you please, is entitled to know what plan is being pursued, if any plan is being pursued.

I cannot follow the Senator when he says that no attention will be paid to words which are used. If the responsible head of a nation says in certain words that he will do a certain thing, we cannot lightly pass those words over and say they are mere words that are spoken by some individual to which no attention should be paid. Remember, it was the responsible head of our Nation who talked of "quarantining" another nation. Whether he was right or whether he was wrong does not enter into the question, but when he was willing to "quarantine" another nation he should have been willing to go through with that "quarantine," for no man should utter a threat unless he is willing to carry it out. One of the things I learned earliest in life was never to threaten, and one of the things the head of any nation should learn early in his career is never to threaten another nation; but if he threatens, he should go through with it, and if he cannot go through with it, then, of course, he should explain to his people why the mistake was made and the circumstances under which it was made.

If the President says he will "quarantine" any nation which does wrong or is an aggressor, then he must go through, I insist, and if he does not go through, he leaves us in a position which permits any man to inquire, What is the foreign policy of the United States?

Mr. LEWIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Illinois?

Mr. COPELAND. I yield.

Mr. LEWIS. I intrude myself at this moment to invite attention to the fact that the Senator from Nevada [Mr. PITTMAN], the eminent chairman of the Committee on Foreign Relations of the Senate, and my excellent fellow member of that committee, the distinguished senior Senator from California [Mr. JOHNSON], are both right within the sphere of their construction, but I make bold here in this assemblage to say that the reason for all of this confusion has not arisen from any expression of the President of our country, or, to use the words of the able chairman of the Committee on Foreign Relations, of the people. It has arisen because there are certain officials of foreign nations who for years have seemed to feel it was a duty they owed to civilization to interpret the expressions of the United States, then to define them, not from the point of view from which they should be rightfully understood, but as such would seem to bear a support of the undertaking of those foreign governments and their presumed policy on some specific subject then pending.

Let me illustrate in a word. When the question arose as to sanctions to be applied to Italy in entering Ethiopia, in other words, the question of refusing to furnish Italy with any form of supplies as punishment, then rose eminent seers and philosophers, who came to our aid by giving intelligence to our blunted expressions, and announced that the United States was in "sympathy"—I use the exact words uttered by the spokesman at the time in behalf of a foreign government—that the United States was in sympathy with the policy of the sanctions. This was reannounced by voices from the League of Nations. The eminent official making the declaration stated he had made this observation upon some form of authority.

This clearly, it can be seen, would force us at once into an unneutral position, violative of the policy which the chairman of the Foreign Relations Committee has assumed and asserted was and is now that of the President.

There was never at any time emanating from this Government any statement to justify that voluntary intrusion of an audacious expression on the part of this eminent leader of a foreign country. But it awakened, in the meantime, let me add, sir, something of a feeling, and in many cases something of an expression of resentment, by Italy, and on the part of Italian-American citizens in the United States.

The able Senator from California now makes an allusion to someone to whom he refers as assuming to act for the United States somewhere, somehow. Shall we not recall that someone who did assume to act for the United States stated in a public place in Europe that if any country became involved in a conflict with another we would enter at once into consultation in respect to the conduct of those nations, and thus we would invite what was called a consultive pact, and we would decide who was aggressor? From that time on we were held up by these eminent officials in Europe, and those who sought to interpret our views as they gave them their construction, as being prepared, at the invitation of foreign nations, to join into a consultation with them to adopt a conclusion as to how we should act as advised by them.

Finally the Senator from California makes an appropriate allusion, in my judgment, to what transpired at Brussels. I may be pardoned for saying that at that time I was serving a governmental mission at Berlin, around the corner from Brussels. In all Europe there arose suddenly the deliberate charge from foreign officials, because of certain statements made and given to the public, that we had entered into an understanding to go to Brussels and sit there to punish a certain nation. It was charged that after we had called the nations to sit down at a peace table we would assume, said this eminent representative of the foreign nation, first to convict the individual or the nation, and then summon that individual or nation to judgment under the name of a conference for peace and equality.

It was very natural, Mr. President, I assert to my eminent colleagues, that there should have arisen some confusion everywhere, anywhere, as to what would be the policy of this Government if in the execution of that policy we were to be dictated to by foreign powers to serve their particular interests in a particular occasion which might arise.

For this reason, sir, I join with my eminent colleagues in saying that the foreign policy of our country is well to be stated when it can be stated by our officials, but we deny the right of the officials of any other foreign government to interpret the policy of this Government in their behalf and to their service, without the consent of America.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. Mr. President, I know this matter is of keen interest, and believing that it should be discussed fully, I am entirely satisfied to yield until the completion of the debate on this subject.

Mr. BORAH. Mr. President, knowing as I do the relationship of the chairman of the Foreign Relations Committee to the administration, and particularly to the State Department, I heard his statement with very keen gratification.

But we are being placed in an attitude toward the other nations of the world which seems to me to need clarification. We are being charged throughout the world with having formed an alliance or alliances.

The Secretary for Foreign Affairs of Great Britain, speaking in the House of Commons a short time ago, and discussing the relationship of Great Britain to the United States, stated, in substance that we—that is, Great Britain—have no actual treaty with the United States, but we have an understanding or relationship, and daily we are in consultation with reference to our foreign policy; and when asked what was that relationship, he stated that he could not reveal it. I do not quote his exact language, but I quote it in substance sufficiently to be entirely correct as to its import.

Mr. President, I regard that statement as most unfortunate. It gave the world to understand that the United States and Great Britain had a working alliance or working relationship with reference to the eastern question particularly, and that it was of such a nature that it must be kept a secret.

Preceding that statement Great Britain had announced a great naval building policy. Succeeding the statement the United States announced a great naval building policy. And, taking the statement in connection with what had preceded and what followed, the nations of the world, practically without an exception, reached the conclusion that the United States and Great Britain are in tacit alliance and are building navies in accordance with that foreign policy. I venture the opinion that view is generally entertained upon the part of all the leading nations. I say it was a most unfortunate statement, and it ought not to be permitted to remain unanswered.

I recall also that last summer the late distinguished ambassador to Great Britain, Mr. Bingham, stated in a public speech that in the next conflict Great Britain and the United States would have man for man and ship for ship fighting side by side.

Mr. President, such statements inevitably cause the other nations of the world to understand that we have a foreign policy based upon a particular relationship with the British Nation, and when they look about and see that we are building a Navy the like of which has never been known in time of peace, they reach but one conclusion. What is the result? Since these announcements have been made every naval nation in the world has set about to increase its navy, building for preparation, as they say, in defense of themselves. What is the result? The world has practically gone mad over the proposition that these powerful nations are building for a specific purpose.

Mr. President, I must make another reference. Lately we had visitors from Great Britain. It is a most extraordinary thing, it seems to me, for prominent people from the British Empire to come to the United States and spread their propaganda to the effect that there can be no such thing as peace in the world except through a combination and a complete working alliance and understanding between Great Britain and the United States.

I do not at this time discuss the reasons why that alliance is desired or if it cannot be had why it is desired upon the part of Great Britain to have it appear that such alliance exists. That must be apparent to all who are familiar with the conditions in Europe and in the Orient. But we want no alliance, open or secret, written or oral, and furthermore we do not want the world to think we have any such alliance.

All these things cannot be whistled down the wind. They are what make foreign policy. They are the things which put nations into action. They are the very things that brought on the World War; one nation putting forth its program, and another nation putting forth a program to meet that program; and very soon we are in the midst of war by reason of these misunderstandings.

I do not for a moment challenge the statement of the able Senator from Nevada that our policy is what he said is in the mind of the Government, but I say that if these things are permitted to continue, and public opinion throughout the world is organized upon that basis, our policy will be affected by it, in spite of anything that we may do.

Mr. PITTMAN. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield to the Senator from Nevada.

Mr. PITTMAN. The Senator from Idaho has brought to bear upon the subject of our foreign policy another act of our Government, and that is the preparation for defense. In his own mind he connects it with the preparation for defense in Great Britain. In my mind I see no such relation whatsoever.

The statement to which the Senator from Idaho referred, was made by a foreign statesman only recently with regard to a specific incident in China in which both the United States and Great Britain had suffered similar outrages. I know that the defense policy of Great Britain was started 2 years ago. I know that our enlarged Navy policy has developed only in the last few months. If we are to be in alliance with Great Britain or any other great naval power, then our defense requirements are that much less. But the very fact of our policy, not only well established by our Government but by the people of this country, that we will enter into no military alliances either for offense or defense makes the necessity for our own defense the greater.

Even Great Britain was tardy in starting its naval program. Already Japan, Italy, Germany, and other governments had been building feverishly to their financial and physical limits—yes, beyond their financial limits.

We have no financial limits in the same sense.

There is today no naval power in the world strong enough to defend its possessions against several other great naval powers in the world. There is today no naval power which can move its naval forces 3,000 miles and conduct a successful naval engagement against any one of several other naval powers. There are two naval powers which, without enlarging their naval forces, could defeat any other naval power anywhere in the world; and the very fact that we are not relying on such a naval alliance necessitates that we prepare without alliance, without assistance from anywhere in the world, to defend ourselves.

We are constantly hearing that we can make plowshares into swords. As a matter of fact, we have the longest coast line in the world, both on the Atlantic and on the Pacific. Modern invention and science, including transportation through the air, have made 3,000 miles but a short distance. These things are known. It is possible to destroy great cities and thousands of men, women, and children in a few hours by means of airplanes, bombs, and poison gas. The time has passed when 3,000 miles of Atlantic and 7,000 miles of Pacific are an impassable barrier. The things to which I refer are scientific facts. The only defense we have, outside of that provided by ourselves, is the morality, the humanity, and the honesty of people who might destroy us. Is there anything in modern times to encourage us to believe in the morality, the humanity, and the honesty of other peoples?

There have never been more than two methods of protection. One is self-protection. The other is through treaties of peace, relying upon the honesty, the morality, and the humanity of the nations with whom we enter into treaties. But have those treaties been respected? Every material treaty has been absolutely violated and wiped out. They mean nothing.

We are hardly at liberty here to discuss the brutality of the wars that are going on in the world today. We are hardly at liberty to discuss the violent, immoral, inhuman disregard of sacred promises under treaties. I do not believe there is a man or woman in this country who, understanding the world situation, will trust to the humanity and honesty of any foreign people to protect the lives of his loved ones. He must be prepared to destroy them if they attempt to destroy him and his family.

My experience through life has taught me to believe that the coward or the bully never attacks anyone he believes will eventually conquer or kill him. I think the cheapest thing this country can do for the sake of our civilization,

for the sake of humanity, and for the sake of the lives of our people is to spend a few billion dollars to warn the world that we alone, without alliance and without assistance from any other country, will destroy any government that attacks us.

NATIONAL HOUSING PROGRAM—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) to amend the National Housing Act, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report. The Senator from New York [Mr. COPELAND] has the floor.

Mr. COPELAND. Mr. President, I am glad, indeed, that we have had the debate to which we just listened. As I said a moment ago, I think the country is keenly interested in knowing what is the naval policy and what is the foreign policy of the United States. The little speech I am about to make is of such small importance in comparison with those questions that I am happy I could yield to my able colleagues to debate them.

As I understand, the matter before us is the conference report on the housing bill. It was said on the floor of the Senate yesterday that everybody who votes against this conference report will be voting against the enactment of the bill. I assume that to mean that the purpose of any vote against the conference report is a deliberate attempt to defeat the bill.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BULKLEY. The Senator seems to quote my language. I therefore wish to disclaim the intent which he attributes to it. What I said was that I think a vote against the conference report, in effect, is a vote against the bill, regardless of the intent of anyone who so votes.

Mr. COPELAND. So far as intent is concerned, there are 96 competent witnesses here in the Senate. Each Senator can testify as to his own convictions and intentions. I take second place to no Member of the Senate in the desire to have the housing bill passed. I am not a "Latter-Day Saint" when it comes to the matter of housing and its importance. Twenty years ago I was leading a movement in my city to improve housing conditions in a community in great need of better housing. I have had a more or less active part in every measure seeking to promote housing which has come before the Senate during my term of service. I am for this bill. I want to see it passed.

The particular matter at issue is the question of the prevailing rate of wages for labor. I read in the press this morning a statement to the effect that a group of labor men in Washington had stated, in formal declaration, that I am the enemy of maritime labor.

There could be no more untruthful statement made by any man on the face of the earth. I am the friend of maritime labor. I am the friend of labor in every walk of life. I have said for years that if I were a laboring man I should occupy a front seat at the union deliberations and do my part to bring about collective bargaining; I should be active in all other union activities which make for better living conditions and better wage conditions for American labor.

I am utterly opposed, however, to any leadership of union activity which is devoted to subversive doctrines. I do not care whether they are fascistic or communistic or what not; so long as they are un-American, I am opposed to that sort of leadership. If there are maritime "leaders" so indoctrinated I am distinctly unfriendly to them. As a loyal American I take this stand.

The only way a man who works with his hands can have any of the "gravy" of life is by dealing collectively with his fellows. He must do this to achieve better wage conditions and better living conditions.

We had before us this bill and by an overwhelming vote approved an amendment providing for the prevailing wage. What is wrong about that? What can possibly be wrong about that? Is this bill merely to be in the interest of the banker and the monopolist, the man who has a corner on building supplies? Is it to be a bill merely to promote the welfare of those groups? Or is it a bill to help labor also? I contend that the latter is the purpose; that it is to be of benefit to labor as well as to the banker and monopolist.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. If there were any specific conditions existing anywhere in the country calling for any affirmative action on the part of Congress with respect to this matter, there might be some reason for insisting upon the retention of this amendment. But the present Housing Act has been in operation for nearly 4 years, nearly $2,000,000,000 of private funds have been expended in the repair and construction of houses under the Federal Housing Act, and in no single instance that has ever been brought to our attention has there been any controversy growing out of the administration of the act with respect to wages paid to those who have performed the labor that has been necessary to construct houses and make repairs.

Mr. COPELAND. I am glad to hear that. There can be no harm, therefore, in including the amendment in the bill.

Mr. BARKLEY. Will the Senator yield there?

Mr. COPELAND. I yield.

Mr. BARKLEY. Harm will come of any restrictive proposal or amendment that makes it more difficult to induce people with money to put their money into construction. We have no power over money; we cannot pass a law here to conscript it in time of peace, at least, though I favor a law that will put all Americans on the same equal basis in time of war with respect to their lives and their property. But we have no power to conscript money with which to build houses or to compel those who have money to invest in the building of houses. We are trying to create such a situation that they will be induced to do so, in order to give employment to people, and any restrictive proposal that would cause them to hesitate or to refuse to invest their money in building would certainly be of no benefit to labor.

Mr. COPELAND. Mr. President, I do not follow my leader in his statement. There will not be any trouble in getting money in this day and generation when investments are the most uncertain things in the world, when no man knows when he awakes in the morning whether by nightfall he will be a pauper. If he can find an investment which is going to be guaranteed, if the banker knows when he loans the money that Uncle Sam is back of the loan, there will not be any trouble getting the money.

Mr. BULKLEY. Mr. President, the difficulty is that if the amendment remains in the bill he will never know whether or not Uncle Sam is back of the loan.

Mr. COPELAND. I heard that argument yesterday. I would not think much of the able conferees—and I do think a great deal of them—if they could not rewrite this amendment in such form as to make certain that the terms of the contract would be carried out.

I heard yesterday that 5 years from now or 10 years from now when there is a foreclosure, the guaranty might be destroyed because the prevailing wage had not been paid. As I read this bill itself, there is a provision to guard against such a contingency. There would not be the slightest trouble in any county in my State to ascertain what is the prevailing rate of wages. Though the prevailing rate of wages is a varying thing—very much lower now, I am sorry to say, in some parts of the country than it has been—there are ways of finding out what the prevailing wage is. I know, too, from my conversation with the bankers of my State, that there will be no trouble in getting money for this particular enterprise if this bill shall be enacted into law.

The Senator from Ohio was somewhat sensitive when I quoted what he thought to be his words. I think others uttered them. He was sensitive about it and made the statement, in effect, that if this conference report is defeated

the bill is defeated. Why is it defeated, Mr. President? Time and time again I myself have been in conferences where the question arose as to the attitude of the House and where a particular amendment was sent to the House for consideration. That can be arranged in this instance. If there is a desire on the part of the Congress to pass this bill and to encourage housing, there can be found a way to ascertain the attitude of the House on the prevailing wage amendment.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield further to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. The Senate has no power to control the procedure of the other House. This bill went back to the House with this amendment in it. They might have demanded a vote on it at the time, but they did not do so. It went to conference, and the amendment was there eliminated, after long deliberation; the conference report went back to the House, and they could have rejected it for the same reason if they had desired. They did not do so, but by an overwhelming vote adopted the conference report, indicating on two occasions that the House was not worked up over the matter and was not demanding that it be allowed to vote separately on the amendment put in the bill by the Senate.

Mr. COPELAND. Ah, Mr. President, I am familiar with "overwhelming" votes in the House; usually they are the votes of 79 to 8 or some such number as that. But if this matter is placed before the House, I have such respect for the Members of that body and such a hearty belief in their desire to enact a proper housing bill as to believe if the matter is presented to them on its merits and explained to them, that the majority of the House will say, "All right; let us take the amendment." If it should happen that the House rejects the amendment, and then the matter should come back to this floor, so far as I am concerned, I am going to vote for the bill, even if the amendment is defeated. But I want the wage earners, the laborers of this country, to have a chance to have their rights preserved in the law, exactly as the rights of the bankers and those who deal in construction materials will be protected.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BARKLEY. In addition to what I have just said about the action of the House when the bill went back there with the amendment and its action on the conference report when it adopted it, I may state that the House had this bill under consideration for some days, both in committee and on the floor of the House; and I do not attribute to the House such an inferiority below the Senate as to assume that if they had wanted such an amendment in the bill they could not have provided for it when the bill was before the House. But they did not do so. It was not even offered, not even discussed, and now we are asked to reject this conference report in order that the House may have a fourth chance to pass on the question whether it wants this amendment in the bill.

Mr. COPELAND. Mr. President, I do not propose to let any implication of words put into my speech or my mind be any reflection upon the House or an indication of any feeling on my part that there is inferiority on the part of the House. I have great respect for the House. My one regret about my congressional life is that I did not serve first in the House of Representatives. I wish I might have had that great privilege. Those men in the Senate, including my leader, who had the benefit of the experience in the House, have a great advantage over the others of us. But even though I have never been a Member of that great body, I speak of it in the highest terms and am sincere in my expression of regret that I did not have an opportunity to serve over there.

So, Mr. President, what I am arguing is that with, of course, no reflection upon the House—that is not the point—I want this matter presented to the House and explanation made to the House why we wish to protect labor; why we wish to protect the man who is an electrician or a plumber or a carpenter or a bricklayer or a plasterer. Let it be explained to the House that we are seeking not to promote a monopoly or to erect buildings which are unworthy of the financial support of the Government, but buildings erected by men of training and skill, so that when the loans are endorsed by the United States they will be worthy and worthwhile mortgages.

Mr. President, I have seen too many hastily built houses. I have seen apartment houses put up in the case of which you could almost throw a cat through the cracks in the wall. They were hastily built, improperly built, built by unskilled persons. That is not the kind of buildings we want. It will be a long time before the payments on these mortgages we provide for are completed, and we want the buildings to be still in existence when the mortgages are finally paid.

Mr. McNARY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Oregon?

Mr. COPELAND. I do.

Mr. McNARY. I desire to propound a question to the Senator from New York because of the long years of experience he has had in connection with conference reports.

Is it not the usual practice, almost the unbroken practice, that when the Senate, after a vote, places in a bill an amendment which has not been adopted by the House, and the bill goes to conference, the Senate conferees disagree with the House conferees, and the amendment is taken to the House for a vote, so that an expression regarding it may be had from each branch of the Congress?

Mr. COPELAND. The Senator from Oregon is entirely right. His experience is much longer than mine. He knows, as I know, that that has happened a hundred times in his experience.

Mr. McNARY. Mr. President, I have not been a conferee a hundred times; but, if the Senator will bear with me, I recall one illustration which is typical of many.

In 1929 it was my lot to share here with others the control of what was called the Agricultural Marketing Act of 1929. On the floor of the Senate, against my protest, the so-called debenture plan was inserted in the bill as an amendment. I was chairman of the conferees on the part of the Senate and was opposed to the amendment; but we went into conference and we stayed with the amendment and forced the House conferees to take the amendment to the House and have a vote on it there.

That is what I think ought to be the attitude of a conferee who represents this body and represents it in good faith. The result was, after the vote in the House, that the debenture amendment was defeated and we yielded, and that ended the controversy over the debenture. That is the practice, however, and it is the honorable practice which ought to be pursued by conferees representing this body.

Mr. COPELAND. Mr. President, I fully agree with the Senator from Oregon. I remember very well a conference committee upon which I served as a member of the Appropriations Committee. There was not a member of the Senate conferees who believed in a given amendment—not one. All were opposed to it. The amendment had been presented to the Senate and passed upon, however, and had been included in the bill, and we sat in the conference day after day, until finally the amendment was submitted to the House, and favorable action was taken upon it.

That is what I want to see done here, but I desire to make it as clear as words can be chosen to make a statement clear that I want this bill to pass, with or without this amendment. I want it to pass, but I do not wish to have it enacted into law until the other House has had the opportunity we have had to give the matter debate and consideration. Then if the House, in its wisdom, shall decide that it will not accept this amendment, very well; let the bill come back, and we will pass it, and I believe by an almost unanimous vote of the Senate.

Mr. President, when we are setting up machinery to protect the lender of money, to protect the man who is to sell the materials, to protect the real-estate man who is to sell the land, to protect all others involved in the transaction, it is my solemn conviction that labor, the men who work with their hands, should be entitled to the same consideration and the same protection.

Therefore, so far as I am concerned, I shall vote against the conference report.

Mr. MILLER obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. MILLER. I yield.

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Holt	Nye
Andrews	Clark	Hughes	O'Mahoney
Ashurst	Connally	Johnson, Calif.	Pittman
Austin	Copeland	Johnson, Colo.	Pope
Bailey	Davis	King	Radcliffe
Bankhead	Dieterich	La Follette	Reynolds
Barkley	Donahey	Lewis	Russell
Berry	Duffy	Lodge	Schwartz
Bilbo	Ellender	Logan	Schwellenbach
Bone	Frazier	Lonergan	Sheppard
Borah	Gerry	Lundeen	Smathers
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Tydings
Burke	Hatch	Milton	Vandenberg
Byrd	Hayden	Minton	Van Nuys
Byrnes	Herring	Murray	Wagner
Capper	Hill	Neely	Walsh
Carawny	Hitchcock	Norris	Wheeler

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

Mr. MILLER. Mr. President, I shall not impose myself upon the Senate except for a very few moments, but during that time I should like to discuss the pending matter from the standpoint of orderly procedure in the Senate.

The question before the Senate is the adoption of the conference report on the housing bill. The question which has been debated is whether or not the conferees appointed under the rules of the Senate have carried out the wishes of the Senate or have correctly represented the Senate in the conference and in bringing back a report eliminating a certain amendment which was offered in the Senate by the Senator from Massachusetts [Mr. LODGE].

I think that if ever any evidence were needed to sustain the custom of the Senate to debate thoroughly questions presented, we have it today in the consideration of the amendment which has caused a debate for a day already upon the conference report. When the amendment was proposed by the Senator from Massachusetts, it was disposed of on December 21, as we remember, after a consideration by the Senate of probably not over 15 minutes. Then the bill was sent to conference, and I should like to call the attention of the Senate to the attitude of the conferees and the labor they have performed as indicated in the report they have made. The report may not suit us all. Very few conference reports are wholly acceptable. But we are faced with a practical situation if we are to legislate. Legislation is a matter of compromise. I do not suppose any legislation ever was enacted which suited anyone in all points. If so, I have never heard of it.

As I remember, all the conferees representing the Senate in the conference except one voted for the amendment when it was before the Senate, indicating their favorable attitude toward the amendment. Evidently they went into the conference favoring the amendment. I know they went into the conference true to the trust reposed in them by the Senate and made an effort to carry out the wishes of the Senate.

There must have been some impelling reason which causes those Senators—men of experience, men of ability, men who had committed themselves to the amendment—to bring back a report with the amendment eliminated from the bill. The debate yesterday revealed the motives which prompted the Senators to take that action. I think, unless we have more proof than we have now, that we owe it to the conferees, in the interest of orderly legislation, to adopt the report, and to approve the labors of the conferees.

Suppose the report shall be rejected; in what position will we then be? Certainly we will ask for another conference, under the rules of the Senate, and other conferees will be appointed. Under rule LI we do not instruct conferees.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. MILLER. I yield.

Mr. McNARY. The Senator is fair in his statement, but if the conference report shall be rejected by a vote of the Senate, it will then be within the rule and the practice to instruct the conferees, and it could be done in the fashion I have suggested, further to insist upon the inclusion of the amendment in the conference report. That is in accordance with the rule of the Senate.

Mr. MILLER. Certainly, a motion is in order.

Mr. McNARY. Exactly.

Mr. MILLER. But without a motion, we merely ask for another conference.

Mr. McNARY. Yes; but the motion will be made. I gave notice that it would be made, and that point will be covered.

Mr. MILLER. Mr. President, as a new Member of the Senate it is not for me to advise the Senate, and I am not undertaking to do so; but we should lodge in our conferees, and I for one am willing to lodge in the men who represent this body in conference, the responsibility of performing the task that is delegated to them by the Senate when they undertake to represent us.

Mr. McNARY. Mr. President, will the Senator yield further?

Mr. MILLER. I yield.

Mr. McNARY. I understand the Senator voted against the amendment, and he now assumes that the conference report is a sacred document, that it should not be touched or modified. If I should assume that to be a correct position, I would favor a change in the rules of the Senate so as to let the conferees write bills. A conference is appointed to bring back a report which can be studied, and that has been done in this case. Frequently reports are sent back for further consideration, because the conferees are only agents of the Senate. Why should the Senator say that, because he does not like this amendment, he wants this report to stand? That is the position and the attitude of my very eminent and lovable friend from Arkansas. I would assume that if he were for the amendment at heart he would be in favor of the report being returned to the conferees for further consideration. It makes a good deal of difference which way one is looking.

Mr. MILLER. Mr. President, I assumed some Senator would raise the question that I voted against the amendment in the beginning. I voted against the amendment because I did not believe it had any proper place in the bill, but, after having heard the debate yesterday, I am more convinced than ever before that my judgment was right in the first place. So far as the merits of the amendment are concerned, I am not at all sure that the able Senator from Oregon would be willing to insert this amendment after a free and full debate upon it, inasmuch as the proposal is that private money shall be loaned, and that a governmental regulation shall be imposed upon its lending.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. McNARY. I have no illusions about my state of mind. This matter was before us nearly 3 years ago. It was then labeled the McCarran amendment and later the Russell amendment. I supported it wholeheartedly. So it is an old subject to me, a subject with which I am very familiar, and a proposal I embraced with a good deal of feeling.

Mr. MILLER. I know the able Senator from Oregon has always been an advocate of adequate wages, and I think every Senator realizes the importance of providing adequate wages for laboring men when it is possible, and when it is proper to legislate along that line. We all know that we cannot have a continuing prosperity in this country unless we maintain buying power; we know the importance of that factor. But aside from that question, the point I am trying to emphasize is orderly procedure in the Senate. It is true, as I have stated, that I did not vote for the amendment. I might vote for the amendment after proper debate if it were inserted in a proper bill. I doubt whether there is any Member of the Senate who will go any further than I will go in the enactment of a proper wage and hour bill, or who will do more to protect labor than I will, notwithstanding the fact that some persons have said that the South is opposed to the payment of adequate wages. So far as I know, there is no such attitude of mind in the South. We are ready to meet that question at any time.

In this instance an amendment is superimposed upon a housing bill which contemplates that the money to carry into effect its provisions shall come from private individuals. Do Senators suppose that lending agencies and the communities where the work is to be performed are not interested in their fellow men? Is it the belief of Senators that the prevailing wage will not be paid? Certainly it will be paid. I am unwilling, however, to say that a man cannot undertake to build a thousand- or twelve-hundred-dollar house without having to comply with some regulation announced by the Secretary of Labor in Washington.

If it is desired that the merits of the amendment be debated, I shall be ready to do so. However, I do not care about that particular matter. I think we on this side of the aisle ought to determine now, once and for all, whether or not we are going to conduct the business of the Senate as it ought to be conducted, with orderly procedure, or whether we are going to yield to every influence which may be exerted by pressure groups.

Mr. GILLETTE. Mr. President, will the Senator yield for a question?

Mr. MILLER. I yield.

Mr. GILLETTE. The Senator has referred to orderly procedure. He has also referred to the unquestioned sincerity of the conferees. I should like to ask him if in his opinion it makes for orderly procedure for Senate conferees, as agents of the Senate, to go to a conference with House conferees on a question upon which we have voted favorably 3 to 1, a question on which the House has had no opportunity to vote, the Senate meanwhile assuming its conferees will reject the amendment and come back, after having surrendered the Senate's rights, and ask the Senate to reverse its position?

Mr. MILLER. Mr. President, I do, particularly in a case of this kind, not because this is a labor amendment, not because of the nature of the amendment, but we must remember that the amendment was not presented to the committee which had charge of formulating the bill, that it was offered on the floor of the Senate and was considered for probably 10 or 15 minutes, and was adopted. I know that Senators heard it said, "Adopt it and send it to conference." It went to conference. We have heard the statements of the Senate conferees, including the leader on this side. The conferees have disclosed to the Senate freely the motives which prompted them to bring back this report without the amendment. For my part, I am willing to accept it.

I do not take much stock in the argument which may be made that the Senate conferees did not uphold the dignity of the Senate. When I was in the House I served on conference committees with a number of Senators. I thought they did an excellent job of upholding the dignity of the Senate. I believe that never have I met quite so many obstinate men as the Senators I met in conferences. I am confident from those experiences that the conferees representing the Senate on the Housing bill did the best they could.

We hear much said about everyone desiring the passage of this housing bill. I voted for the bill when it was originally before the Senate; I expect to vote for it now; I shall vote for the bill if the Lodge amendment is retained in it; but I cannot see why, in the first place, the amendment ought to be in it, and, in the second place, I cannot see why Senators on this side of the Chamber should fail to adopt the conference report, and by their action in failing so to do, say that the conferees did not give the matter consideration. We must admit that the amendment was not considered by the Senate on the floor at the time it was adopted. At that time it was not debated.

Mr. President, that is all I have to say. In the interest of orderly procedure, in the interest of disposing of matters of great importance, of vital concern such as is the housing bill, I think the conference report ought to be adopted, and I for one intend to vote for it.

Mr. VANDENBERG. Mr. President, I desire to submit one brief observation. I am constantly impressed with the statement that the opponents of the prevailing-wage amendment anticipate that the prevailing wage will be paid on the projects undertaken under this bill even though the prevailing-wage mandate is not in the law. I am totally unable to share that view in the face of the fact that the President's message which introduced this legislation to the Senate specifically asserted that costs are too high, and specifically identified labor as one of the elements of cost. In the face, then, of the fact, in addition, that an order to pay prevailing wages has been deliberately rejected by the conferees, it seems to me that the net result of the defeat of the Lodge amendment is actually to invite the destruction of prevailing wages in any degree that the situation may satisfy the contractors and those who are at work upon the problem in the field.

Mr. President, it seems to me, furthermore, that if wages come down in construction work on Government-guaranteed projects, one of two things must happen: Either wages then go down on all other similar construction projects, or all such construction, other than Government-guaranteed projects, will cease.

We have to take one horn of the dilemma or the other. If less than prevailing wages are to be paid upon Government-guaranteed projects, then inevitably less than prevailing wages must be paid upon other projects, or all other projects must cease. So that it seems to me that fundamentally the question is whether wages are to stay up as a whole or whether wages are to go down as a whole. If we want to confront that problem, well and good.

The President of the United States has said in one message that wages must stay up. He says in the message, insofar as it relates to the particular problem we have at hand, that wages may come down. If we approve the conference report as it now confronts us, in my judgment we are agreeing with the message of November 29, which indicates that hourly wages may come down, and we are disagreeing with the subsequent Presidential statement that wages ought to stay up.

So far as I am concerned, interested as I am in this bill, expecting as I do to vote for it ultimately, I assert that it is to the best welfare of the problem to which it is addressed to have another conference assembled to see whether a rule of reason may not be applied to this particular essential factor in the economy of the country.

The PRESIDENT pro tempore. The question is on the adoption of the conference report.

Mr. LODGE obtained the floor.

Mr. McNARY. Mr. President, will the Senator yield to me?

Mr. LODGE. I yield.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Holt	Nye
Andrews	Clark	Hughes	O'Mahoney
Ashurst	Connally	Johnson, Calif.	Pittman
Austin	Copeland	Johnson, Colo.	Pope
Bailey	Davis	King	Radcliffe
Bankhead	Dieterich	La Follette	Reynolds
Barkley	Donahey	Lewis	Russell
Berry	Duffy	Lodge	Schwartz
Bilbo	Ellender	Logan	Schwellenbach
Bone	Frazier	Lonergan	Sheppard
Borah	Gerry	Lundeen	Smathers
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Thomas, Utah
Brown, N. H.	Guffey	McNary	Townsend
Bulkley	Hale	Maloney	Tydings
Bulow	Harrison	Miller	Vandenberg
Burke	Hatch	Milton	Van Nuys
Byrd	Hayden	Minton	Wagner
Byrnes	Herring	Murray	Walsh
Capper	Hill	Neely	Wheeler
Caraway	Hitchcock	Norris	

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

Mr. LODGE. Mr. President, a few minutes before the session began today I received a telegram which I desire to read to the Senate:

MIAMI, FLA., *February 1, 1938.*

Hon. HENRY CABOT LODGE, JR.,
United States Senate:

Have called upon Legislative Agent Husing to appeal to Members of Senate to reject conference report and insist upon appointment of new committee with instructions to retain prevailing wage rate clause in Housing Act. Urge you read my telegram to Senator WAGNER to Members of Senate. Thanks for your assistance.

WILLIAM GREEN.

I ask unanimous consent to have several other telegrams in the same connection printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

BOSTON, MASS., *February 1, 1938.*

Senator HENRY CABOT LODGE, JR.:

Congratulations on your Federal housing amendment bill; best regards.

Councilman VERNON C. NEWMAN,
Malden, Mass.

PORTCHESTER, N. Y., *January 31, 1938.*

Hon. Senator LODGE,
Washington, D. C.:

Our organization admires your firm stand on your amendment for the prevailing rate of wages on any Government insured building under construction. We urge that you keep up the good work and may God bless you. Is there any way we can help you?

BRICKLAYERS, MASONS, AND PLASTERERS I. U. OF A.,
WESTCHESTER COUNTY EXECUTIVE COMMITTEE,
AMERIGO J. DECHIARA, *Secretary.*

WOOD, WIRE, AND METAL LATHERS' INTERNATIONAL UNION,
Long Beach, Calif., January 30, 1938.

Senator HENRY CABOT LODGE,
United States Senate, Washington, D. C.

HONORABLE SIR: We, the members and officers of Lathers' Local Union, No. 172, respectively request you to use your every effort to have the new Federal housing bill carry the prevailing-wage clause.

Yours respectfully,

W. R. MOORE,
Secretary, 1231 Locust Avenue, Box No. 9.

WEYMOUTH, MASS., *February 1, 1938.*

Senator HENRY CABOT LODGE, JR.:

Am wage earner, home owner, vice president Cooperative Bank, carry life and other insurance; experienced in building, am 62, long practice of sound, sane, honest, doctrines, prompts hearty endorsement of your act. Federal housing bill, which as presented is either unsound, insane, or dishonest; maybe all three. Keep fighting.

JAMES MCLEOD.

PORTLAND, MAINE, *February 1, 1938.*

Senator HENRY CABOT LODGE, JR.:

More power to you. I view your fight to force the Government to compete on an equal basis with private industry, if at all, as the greatest thing since the landing of the Pilgrims. Would like to see you carry this idea over into the utility industry.

JOHN M. KIMPALL.

PAXTON, MASS., *February 1, 1938.*

Senator HENRY CABOT LODGE, JR.:

Good work on the housing bill; kill it, repeal outright taxes on corporation surpluses; business will then expand with confidence relieving unemployment and needed housing will automatically take care of itself in a healthy manner. Congressmen and Senators should be the leading thinkers of our country; why can't they see these remedies or are they paving the way to buy the election this fall by blocking business recovery and having an excuse to continue W. P. A.?

MARY M. DANIHER.

Mr. SCHWELLENBACH. Mr. President, I wish very briefly to discuss the conference report.

I am rather astonished that a telegram should be sent from the president of the American Federation of Labor asking the Senate of the United States, on behalf of the American Federation of Labor, to remove the Senator from New York [Mr. WAGNER] from representation on a conference committee in connection with a question involving organized labor. If there is one man in public life in this country who has proved his friendship to the cause of organized labor, it is the junior Senator from New York.

Mr. LEWIS. Mr. President, is there such a telegram?

Mr. SCHWELLENBACH. The telegram has just been read by the junior Senator from Massachusetts.

Mr. LEWIS. Mr. President, it cannot be possible that any person not a Member of this body has really sent a telegram demanding that any Senator be removed by the Senate from a particular position of duty, and someone substituted according to the election of that particular person. I did not so understand the telegram. I should regret to hear that such a communication was brought on this floor, and all the more regret that we should sit silently by and not condemn it. If this is Mr. William Green, I can assure the Senate he is a gentleman of too much intelligence and sense of fitness to do such a thing. There must be a mistake in the reading.

Mr. McNARY. Mr. President, there is no reason for feeling to be displayed by the Senator from Illinois. I listened to the reading of the telegram. It asked that the Members of the Senate vote to return the report to conference, that a new committee be appointed, and that the Senator from New York [Mr. WAGNER] be informed. What is wrong about that? That is just what would happen if the report were returned to the conferees.

Mr. LEWIS. If such is the telegram, it is not along the line of the construction that has been given—through misapprehension, I fancy—by the Senator from Washington.

Mr. SCHWELLENBACH. Mr. President, I will read the telegram. There can be no other construction but that Mr. Green asks for the removal of the Senator from New York from the conference committee.

The telegram says:

Have called upon legislative agent Husing to appeal to Members of Senate to reject conference report and insist upon appointment of new committee with instructions to retain prevailing wage rate clause in housing act. Urge you read my telegram to Senator WAGNER to Members of Senate. Thanks for your assistance.

Mr. WHEELER. Mr. President, I must say it does not seem to me to be fair to the Senator from New York to put on the telegram the construction suggested by the Senator from Washington, nor is it fair to the other members of the conference committee.

Mr. SCHWELLENBACH. The Senator from Montana may put whatever construction he desires on the telegram; but the fact is that the Senator from New York is a member of the conference committee, and Mr. Green demands a new committee.

Mr. WHEELER. But he does not ask for the removal of the Senator from New York or anybody else.

Mr. SCHWELLENBACH. He asks for the removal of the Senator from New York and the other members of the conference committee.

Mr. WHEELER. He suggests that a new conference committee be appointed. That is not an unusual thing. It

seems to me the Senator from Washington is doing the Senator from New York an injustice when he says that the president of the American Federation of Labor picks out the Senator from New York and asks that he be removed.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. HARRISON. Unless it is a secret, who are the other conferees that Mr. Green seeks to remove?

Mr. SCHWELLENBACH. The other Democratic members are the Senator from Ohio [Mr. BULKLEY], the Senator from Kentucky [Mr. BARKLEY], and the Senator from South Dakota [Mr. HITCHCOCK].

Mr. BULKLEY. Mr. President, I presume the sender of the telegram might include the Republican members of the conference committee, although that is doubtful. The Republican members were the Senator from Delaware [Mr. TOWNSEND] and the ex-Senator from Oregon, Mr. Steiwer.

Mr. HARRISON. He asks for the removal of all the conferees, and asks that new Senate conferees be appointed.

Mr. SCHWELLENBACH. That new Senate conferees be appointed. He says "insist upon appointment of new committee."

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. O'MAHONEY. It is my recollection that when the Chair ruled a few days ago upon the point of order, he held that there was no longer any conference committee representing the House.

Mr. SCHWELLENBACH. That is my understanding. The Chair ruled that there was no longer any conference committee representing the House.

Mr. O'MAHONEY. Is it not conceivable that what Mr. Green meant was not any criticism of the Senate members of the conference committee, but merely to suggest that since there had been a formal ruling that at least a part of the conference committee has ceased to exist, a new committee be appointed, regardless of the membership? I should not interpret the telegram as being a criticism in any degree whatsoever of any member of the committee.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. BRIDGES. The Senator rather objected to the telegram from Mr. Green referring to the distinguished Senator from New York. The Senator does not seem to object to the other members of the committee being removed, but does object with respect to the Senator from New York. I wondered if there was anything sacred about the Senator from New York being on this committee.

Mr. SCHWELLENBACH. I will answer the Senator by saying that I had started to discuss the various members of the committee whose removal was insisted upon by Mr. Green. Before I had concluded referring to the Senator from New York there were a dozen or more interruptions. I have the same feeling toward the insistence upon removal from the conference committee of any member of the committee. I think the Senate conferees through the years have demonstrated their friendship to the cause of organized labor, and have demonstrated their friendship to the American Federation of Labor. I have not the slightest objection to Mr. Green instructing, by telegraph, his legislative representatives to urge us to vote one way or the other; that is his right; but I do object to Mr. Green insisting that we change our conference committee merely because of the fact that they have made a decision with which he does not agree.

Getting down, Mr. President, to the merits of this discussion, in 1934, as a part of the recovery program of the present administration, the Congress enacted the Federal housing law. We have operated under that act since 1934; we have guaranteed loans of millions upon millions of dollars from one end of the country to the other, and the act under which we have operated during the last 3 years did not contain a prevailing-wage provision.

I think it is a complete answer to those who contend that the failure to include the prevailing-wage provision in the pending bill would result in the destruction of the wage structure of the country to remind them that we have had a housing law in operation for 3 years, and no one, from one end of the country to the other, has ever contended that there has been any destruction of the wage structure because of the lack of a prevailing-wage provision.

I advocate the prevailing-wage idea; I voted for the prevailing-wage provision in the 1935 Relief Act; I voted for it despite, as Members of the Senate will recall, tremendous pressure to vote against it. Under the appropriation contained in that act, the Government fixed wage standards throughout the country; it fixed them by paying a certain wage to a very large number of our people. I thought at that time, as I still feel—and the administration recognized it after the act was passed—that it was necessary to have in that act a provision which would make it impossible for the Government to undermine the wage standards of the various localities of the country. But this is an entirely different situation, and, with all due respect to the leaders of organized labor, I feel that they have a complete misconception and that the inclusion of this amendment in the bill would do more to hurt their members than anything we could possibly do in reference to the bill. After all, the purpose of this bill is to create such a situation that money will be loaned for housing in order that labor may be provided, in order that we may again start the wheels of industry. If we put into this measure a provision which will make it difficult, if not impossible, to operate under the Housing Act, then we are going to deprive members of organized labor in whom Mr. Green is interested, members of organized labor who belong to his organization, and all other laborers in this country of an opportunity to derive any benefit as the result of the passage of the bill.

Why is it necessary for the Government to guarantee the loans in order to have houses built? Bankers and savings and loan associations have the money with which to make the loans. A Government guaranty is not needed. They can make the loans upon the basis of the security of the houses. Through the years they have made loans upon such a basis. But, day in and day out, we are being told, particularly those of us who believe in the efforts of the present administration, that the financial interests of this country have a fear, and that the reason why it is necessary to adopt and expand the housing program, the reason why it is necessary to increase the percentage the Government will guarantee, the reason why it is necessary to increase the length of time for amortization, is that financial institutions, without this act, are not making loans because they are afraid of the security of their investments. Since we are proposing to pass an act for the specific purpose of removing that fear by giving to those financial institutions a guaranty, do we want to inject into the method by which we make the guaranty a new provision which will create a new fear? I do not sympathize with much of the fear that is prevalent in the country; I think it is unfounded; I think it has no basis whatsoever; but we must recognize the fact that it does exist, and the efforts of the administration, through this bill, have been to allay it to a certain extent.

How do we add a new fear? Lawyers in this body are familiar with the frailties and the tenuousness of a guaranteed contract. They know how easy it is for a guarantor to avoid the payment of his contract if there has been any change in the situation so far as the person who made the loan is concerned. This amendment says that the banker who makes the loan when he receives a guaranty from the Government will not receive an outright guaranty, will not receive a bond which must be paid, but he will receive a guaranty which will be good if it is proved that in the construction of the houses the prevailing wage was paid.

Immediately there arises the difficulty of finding out what the prevailing wage is. I agree with what was said yesterday that that question may be determined, but there arises also the difficulty of having proof as to whether or not a particular contractor paid the prevailing wage. Then there is the difficulty that when foreclosure upon the mortgage

occurs and the man who has made the loan turns to his guarantor, the United States Government, the disbursing officer of the United States Government then must furnish proof which will satisfy those who audit the accounts that the prevailing wage was paid. Furthermore, there remains always in the minds of those for whom we are writing this law in order that we may give them protection, in order that we may induce them to loan the money, the fact that it may be possible 4 years, 5 years, or 10 years from now for some auditor auditing the accounts of the Federal Housing Administration to insist that certain standards of proof be met, and that the guaranty will not be carried out. The whole purpose of this bill is to induce bankers and savings and loan associations to enter into a housing program and to furnish money, and yet it is sought to put into the proposed act a provision which will destroy the confidence which we try to instill in them by the passage of the measure.

The Senator from Michigan [Mr. VANDENBERG] a few moments ago talked about the message of the President and about lowering wages. I do not think a true analysis or consideration of that message to the slightest degree means that the President wants a lowering of wages. We must come to a realization in this country that there is such a thing as a real wage and that is the thing for which those who are interested in the cause of labor must work. It does not do any good to have a high wage for 3 months out of the year and no work the remainder of the year, and if by having a high wage for 3 months out of the year we would make it impossible for a man to work the remaining 9 months of the year, we would be doing him no good.

I realize what pressure has been brought upon this bill; I have been deluged with telegrams from my own State, but there are times when those who are in charge of legislative programs on the outside simply do not appreciate what is good for their members; they do not realize the effect of that for which they ask, and if there ever was a time when organized labor has come before Congress and asked for something which would definitely strike at the benefits and desires of their own members it is the effort upon the part of the American Federation of Labor to insist upon this amendment.

If we are going to have a housing program, we must have it as the result of the confidence which we create by the fact that the Government guarantees the loans. I see no value, but I see a positive disservice that we can do to those interested in it by at the same time creating a fear that the Government years from now may find itself in a position where it cannot, because of the rules and regulations written as the result of this amendment, carry out its guaranty. In that event we would have a failure of the housing program.

Mr. WHEELER. Mr. President, with some of the statements the Senator from Washington has just uttered, I entirely agree. I agree, for instance, that it is the real wage that counts. But there is no assurance, of course, in this bill that there will be any real wage.

First of all, I wish to call attention to the fact that when the original housing law was passed we were anxious to get the bankers of the country to take an interest in it, and so the Government agreed to guarantee the loans up to 80 percent. In this bill we go further and guarantee them up to 90 percent.

The interest fixed in the original law, as I recall, was 5 percent, and there was no provision in that measure which would permit the banker to charge more than 5 percent. But in the administration of the law the Housing Administration permitted the banker to charge 1½ percent as a service charge, notwithstanding the fact that there was no provision in the law permitting that to be done. In other words, the bankers were permitted to get 1½ percent above the 5 percent. I think I am correct about that.

Mr. BULKLEY. Mr. President——

Mr. WHEELER. I yield.

Mr. BULKLEY. Referring to the statement of figures made by the Senator, let me say that the service charge was one-half percent, not 1½ percent; and it was justified as an exception contained in the legislation, which allowed the Administrator, under exceptional circumstances, to permit a higher interest rate than 5 percent.

Mr. WHEELER. I may be wrong, but my understanding was—and I was so informed by very reliable sources not later than this morning—that, as a matter of fact, they were permitted in some places to make a service charge of 1½ percent.

Mr. BULKLEY. That cannot possibly be true.

Mr. WHEELER. I am glad to have the Senator correct me, because the information given me this morning was to that effect.

Mr. BULKLEY. I think someone has made a mistake. The original legislation permitted 1 percent more than 5 percent in exceptional cases, and the Administrator allowed a rate of one-half of 1 percent to cover what was called a service charge, although there was not anything about a service charge in the legislation at all.

Mr. WHEELER. But the intention of the administration, the intention of the President, was to have 5 percent charged, and in some instances 6½ percent was charged; was it not?

Mr. BULKLEY. No, Mr. President. The intention of the legislation was to have 5 percent charged, except in certain special circumstances. Instead of confining it to special circumstances, the Administrator made a general rate of 5½ percent; but he could not have made it 6½ percent, because the limit of his authority was 6 percent, and I am not advised of any case where he permitted more than 5½ percent to be charged.

Mr. WHEELER. I may be wrong about it.

Mr. BULKLEY. I am sure the Senator is wrong to some extent.

Mr. WHEELER. I will check up on it; but I repeat that I was told this morning that in some circumstances 6½ percent is charged. It does not seem to me that the information could be incorrect, although I shall recheck it.

Mr. BULKLEY. I can assure the Senator that it is incorrect. Somebody might say that inasmuch as there are other charges, such as title-search fees, and so forth, in effect the total charge amounts to 6½ percent; but there could not be an interest charge of 6½ percent.

Mr. WHEELER. No; but the statement was that there was a service charge of 1½ percent.

Mr. BULKLEY. That must be an error.

Mr. WHEELER. Not that the interest was 6½ percent, but that the interest was 5 percent, and the authorities permitted the bankers to charge 1½ percent as a service charge.

Mr. BULKLEY. That must be an error.

Mr. WHEELER. If the Senator will check it up I think he will find that it is not an error. However, I rose, not to cover that particular matter, but rather to discuss the prevailing-wage amendment.

I can understand why the representatives of organized labor in this country at this particular time are more fearful with reference to wage cuts than they were when the bill was passed by the Senate. If Senators will read the morning newspapers, they will see that some of the mills in the State of Maine have cut wages 12½ percent. We know that the steel people are laying off employees; and the effect of practices is wage reductions.

Everyone who knows anything about the present situation in this country knows that there is a tendency on the part of employers to cut wages. In addition to that, everyone knows that if this bill is passed without the prevailing-wage-scale provision in it, a drive will be made on the part of those who will loan money for the purpose of constructing houses to cut wages on these projects. In other words, they will say, "We will not loan the money unless the wages paid in the case of this particular group of houses come down." Senators may refer to what has taken place in the past, but what will take place in the future? All of those connected with the American Federation of Labor realize perfectly well the drive that will be made.

We provide in this bill that the Housing Administration may say what kind of brick shall be used, what kind of lumber shall be used, what kind of metal shall be used, but without this amendment it cannot say how much shall be paid for labor. When a provision is put in the bill with reference to the prevailing wage, what does it mean? It simply means that in communities where there is a prevailing wage scale, the prevailing wage scale shall be paid. In some farming and other communities where there is no prevailing wage scale the provision will not apply. That is what has occurred with reference to the W. P. A., and it is what has occurred with reference to the P. W. A.

In my own home State, in some instances, provision has been made by law or municipal regulation for the payment of the prevailing wage scale. In the city of Great Falls, the city of Butte, the city of Billings, the city of Missoula, and other communities where there is a prevailing wage scale, builders have to pay the prevailing wage scale according to the wages prescribed by agreement between organized labor and the people who use their services. Outside of that, however, in smaller communities, where there is no prevailing wage and no organization of labor, builders do not pay the prevailing wage scale, for the reason that there is no such scale.

Mr. MINTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WHEELER. I do.

Mr. MINTON. Did I correctly understand the Senator to say that the pending bill provides what kind of material shall be used in the buildings?

Mr. WHEELER. No; I do not say the pending bill provides what kind of material shall be used, but the Administrator can say to those constructing the buildings what kind of materials shall be used, and he has said so to them under the existing act.

Mr. MINTON. Does the Senator mean he can say that under the authority of this bill?

Mr. WHEELER. Under the authority of this bill.

Mr. MINTON. What section of the bill?

Mr. WHEELER. I am not familiar with the numbers of the sections, but I do know that the Administrator has said to persons constructing buildings under the existing act whether they should use brick, or lumber, or cement, or something else. That has been the custom, and the Senator should know it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I am asking the Senator from Montana to state the provision to which he refers.

Mr. WHEELER. I cannot state to the Senator from Indiana the number of the section.

I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, of course the representatives of the Federal Housing Administration, in the performance of their duty have inspected the material that has been used, and approved the kind of material and the kind of structure, in order that they might not be negligent in the performance of their duty to pass upon whether or not a building should be insured.

Mr. WHEELER. Certainly.

Mr. BARKLEY. But the Federal Housing Administration has not arrogated to itself the authority to prescribe what types of lumber or other material shall be used, always, of course, being interested in seeing that good material shall be used.

Mr. WHEELER. They have gone further, and have said that brick should be used in the construction of a particular set of buildings, or that wood should be used in others. They have not specified the particular kind of brick or wood, but they have said, "You will have to use wood," or "You will have to use brick," or "You will have to use something else."

Mr. BONE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield to the Senator from Washington.

Mr. BONE. I take it that the Senator from Montana is familiar with the provisions frequently found in city charters all over the country, requiring contractors on public works to pay the prevailing scale of wages in the particular community.

Mr. WHEELER. I am.

Mr. BONE. The contractor bids with full knowledge of the prevailing scale, and makes his bid accordingly. That is correct; is it not?

Mr. WHEELER. That is correct. I think there is such a provision in the case of my home city.

Mr. BONE. Such provisions exist in the case of hundreds of cities.

Mr. WHEELER. In my home city of Butte, as a matter of fact, the prevailing wage must be paid. A building cannot be constructed in the city of Butte unless the prevailing wage is paid.

With reference to the mortgage and the contract, there is not any reason why there cannot be written into this bill a provision that an inspector for the Housing Administration shall say what the prevailing wage scale is in a particular community, and it can be designated in the contract, so that a person who loans money will know precisely what he will have to pay and what the prevailing-wage scale is in the community.

Wherever there are labor organizations in the United States, there is not any question as to the prevailing wage at the time the contract is entered into. Everybody in the community knows it. If there is not a drive to reduce wages, if pressure is not going to be brought to bear to drive down wages before the loans are made, I cannot understand how there can be any possible objection to having a provision in this bill to safeguard the matter as it can be safeguarded; and it can be written into the bill in conference.

I have just had a memorandum sent to me which says that the 6½-percent rate is correct; that it includes 5-percent interest, one-half of 1 percent service charge, and 1 percent for a so-called premium charge on the insurance.

Mr. BULKLEY. Mr. President, that is exactly the suggestion I made to the Senator; that the interest rate is 5 percent and the service charge—which is a thing unknown to the law, but is included in interest—is one-half of 1 percent, and the memorandum confirms exactly what I said. I told the Senator there must be some other outside charge, which the Senator thought could not be so, and I dare say now that the 1 percent is a charge once for all and not an annual rate of interest.

Mr. WHEELER. But the Senator will agree that there is not any provision in the law permitting a service charge of even one-half of 1 percent to be made.

Mr. BULKLEY. I know just what provision there is in the law—5 percent for interest, except if the Administrator determines that there are exceptional circumstances, in which case he may permit up to 6 percent to be charged.

Under that authority the Administrator made a general order permitting one-half of 1 percent to be charged as what was designated as a service charge; but the term "service charge" was not used in the law at all.

Mr. WHEELER. Mr. President, with reference to the telegram sent by Mr. Green, I can see no reason for getting excited about it, for the reason, as has been pointed out, that it referred not to any individual but to whether or not a new conference committee should be appointed. Whether or not that is wise, the fact is that the Senate conferees were committed to work for this provision because of the fact that two-thirds of the Members of the United States Senate voted to have this provision inserted in the bill. The House would not accede to it, and they have discharged their conferees. The Senator from Tennessee [Mr. McKELLAR] calls my attention to the fact that three-fourths of the Members of the Senate who voted on this question were in favor of the amendment. The vote was 51 to 17 for the amendment. Consequently the Senate conferees were duty bound to work to the end that this amendment be retained in the bill. The House conferees apparently were opposed to it and felt they could not accede.

There is nothing wrong in anyone sending a letter to the Senate and saying, "In view of the fact that the conferees

could not agree, new conferees ought to be appointed." Some of the members of the conference committee have suggested that they did not want to serve if the bill were to be sent back to conference.

Mr. President, I hope that under the circumstances the bill will be sent back to conference. I hope the conferees will insert in the bill a provision for payment of the prevailing wage. I do not make the suggestion because I am opposed to the housing bill, notwithstanding the fact that I appreciate that none of the money will be spent in my State. I know that it will be spent in New York, Chicago, Philadelphia, and other large cities, but I think the housing bill is a good measure and should be enacted. I know something should be done to clear up the slum districts in New York, in Chicago, in Pittsburgh, and in Philadelphia. Thank the Lord, there are no such slum conditions in Montana.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. WHEELER. I yield.

Mr. CONNALLY. Is there any basis for the charge that if we send the bill back to conference we will be killing the bill, or that it will be an indication that we are against the bill? Can it not go back to conference and cannot the conferees work out a new amendment? The bill will not be dead, will it?

Mr. WHEELER. Of course not.

Mr. CONNALLY. The Senator from New York [Mr. WAGNER] threw some light on the action of at least one of the conferees on December 21, when the bill was voted on in the Senate. The Senator from Nebraska [Mr. NORRIS] indicated that he thought the Lodge amendment was all right. The Senator from New York said this—and this is the RECORD—I am not quoting from memory, but this is what the RECORD shows:

> Mr. WAGNER. The Senator did not understand me to make any objection to it.
>
> He was referring to the Lodge amendment.
>
> I propose to vote for the amendment if there is a roll call.

"If there is a roll call," the implication being that he was not for it, and if he could vote against it in the dark, he would do so, but "if there is a roll call I will vote for it." There was a roll call, and the Senator from New York voted for it. Then he goes into the conference and comes back without it. Does the Senator from Montana imagine a very gallant or stubborn fight was made for the amendment, at least by the Senator from New York?

Mr. WHEELER. Of course, I do not know what the Senator did in conference.

Mr. CONNALLY. This is the RECORD. I should like to have the Senator from Montana verify what the Senator from Texas has said.

Mr. WHEELER. I read this yesterday, I believe. Answering the Senator's question with reference to the bill being killed if it goes back to conference, of course, on the face of it that is absurd, because on many occasions the Senate has sent bills back to conference. We all know how stubborn the House conferees are at times about concurring in amendments inserted by the Senate. If the bill goes back to conference I have no doubt that the amendment can be included in the bill and that the bill will not be killed. I hope the bill will go back to conference.

Mr. MINTON. Mr. President, I should like to ask the Senator from Montana a question. The last part of the amendment reads as follows:

> *Provided further*, That adequate labor standards shall be maintained on all construction of property covered by a mortgage insured under this title.

Who would be the judge of the adequate labor standards, under the amendment?

Mr. WHEELER. I presume it would be the Administrator.

Mr. MINTON. The Administrator would have to have a supervisor out on each and every job where the Government proposed to insure in order to see that the standards were maintained on the job, would he not?

Mr. WHEELER. They do have inspectors now.

Mr. BARKLEY. Mr. President, they do not have them on the job all the time. They make an inspection at the beginning of the work, and make an inspection on the completion of the work to see whether it has been completed according to the contract and according to the specifications and the advance agreement as to insurance, but they do not keep an inspector on the job all the time.

Mr. WHEELER. I did not mean to say they kept them on the job all the time, and they would not have to keep them there all the time under this proviso. It reads:

> *Provided further*, That adequate labor standards shall be maintained on all construction of property covered by a mortgage insured under this title.

If the Senator has ever engaged in a building enterprise, he knows that the labor organizations, where the laborers are organized, have men to watch the job very carefully, to report in the event the standards are not maintained. There would not be an inspector on the job all the time, but I suppose an inspector would go there, just as they do now, to check up on the building. There is nothing in this amendment, however, that would require them to do any more than they do at the present time with reference to inspections.

Mr. MINTON. Does not the Senator think that if they did not police the job all the time there would be a chiseling, a lowering of the standards, and a failure to pay the prevailing wage?

Mr. WHEELER. No; because where buildings are being erected, and I believe it is particularly true where the Government is interested, labor unions are constantly alert to see that the standard wage scale is observed. They are also alert to see that no one but union men are employed. They are alert to see that everything is done in accordance with the contract. They police the work. The minute the employers import laborers from elsewhere, even though enough laborers cannot be secured where the work is being done, the men will object. The unions now force the employers to keep up the standards and to pay the prevailing wage, and the men go on strike, if necessary to maintain the employer's observance of proper labor standards. The Senator need never worry about the policing or about chiseling, because the walking delegates of labor organizations will keep constantly in touch with working conditions and if there is any violation, they will immediately report it to the Administrator.

Mr. MINTON. Would they not have to police for other matters than the maintenance of the wage scale? Would they not have to police to see that all labor standards were maintained?

Mr. WHEELER. They do that all the time. A walking delegate will visit a building to see to it that the labor standards are maintained. That is one thing they do. If they do not make such inspections they are soon out as walking delegates for the union.

Mr. GLASS. Mr. President, before I leave for a meeting of the Committee on Appropriations I wish to say just one word.

I do not believe the Government of the United States was ever set up to go into the real-estate business, and for that reason I voted against the housing bill, and recently in the Committee on Banking and Currency I voted against reporting it, and I am against it now.

The Senator from Ohio [Mr. BULKLEY] gave me a good reason, momentarily, for voting against the conference report when he said a vote against it meant a vote to kill the bill. Acting upon that assumption, if I could vote—and I do not know whether or not I can obtain a transfer of my pair—I would vote against the conference report. But immediately a Senator on the other side of the Chamber rises and says that if the matter is referred back to the conference they will attach the Lodge amendment to the measure. I do not like to see the bill referred back if the amendment is to be inserted, and I am rather disposed to observe my pair and not vote at all.

I desire to have it understood that I am against the whole proposal because I do not believe the Government of the United States was ever set up to go into the real-estate business. The people who have experience in that business often make mistakes, and a bureau set up here in Washington will be bound to make mistakes all the time, as the bureau now functioning in that matter has been making mistakes.

Mr. HARRISON. Mr. President, a telegram from Mr. William Green was read a few minutes ago by the Senator from Massachusetts [Mr. LODGE], and it seemed to cause some stir and to create the impression that Mr. Green was advocating the employment of a new set of conferees in the event the conference report should be rejected. I got that impression from the first reading of the telegram.

Mr. President, I feel quite sure that Mr. Green did not intend to give such an impression. Let me read the telegram:

Have called upon legislative agent Husing to appeal to Members of the Senate to reject conference report and insist upon appointment of new committee with instructions.

There are no conferees now. The House has adopted the conference report and it is before the Senate, and when the Senate conferees made their report the work of the conference was finished. It is up to the Senate now to take action, and if the report should be rejected the matter would have to go back to a new conference. Either the old conferees could be appointed or a new set of conferees could be appointed. I am sure that is what Mr. Green had in mind, even though the language may be somewhat ambiguous.

I am sure Mr. Green intended no reflection on the Senator from New York [Mr. WAGNER], the Senator from Ohio [Mr. BULKLEY], the Senator from Kentucky [Mr. BARKLEY], and the other Senators who served on the conference. Some Senators may feel that if the report should go back the Senator from New York would put it in his hip pocket and keep it there, as he has been doing in the past. I am sure that the gentleman who sent this telegram, Mr. Green, meant no reflection upon the very able and distinguished and illustrious conferees. That is why I make the statement.

The VICE PRESIDENT. The question is on agreeing to the conference report. The clerk will call the roll.

Mr. McNARY. Mr. President, yesterday I requested the yeas and nays, and the yeas and nays were ordered. Is the clerk about to call the roll for a yea-and-nay vote or for the purpose of ascertaining whether a quorum is present?

The VICE PRESIDENT. The yeas and nays have been ordered; the clerk will call the roll under the order.

The Chief Clerk proceeded to call the roll.

Mr. BULOW (when his name was called). I have a pair with the junior Senator from Vermont [Mr. GIBSON], who is necessarily absent. I transfer that pair to the junior Senator from Rhode Island [Mr. GREEN] and vote. I vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD], who is absent. I find that I cannot get a transfer. I do not know exactly how to vote. I should like to vote some way that would kill the bill. [Laughter.]

The roll call was concluded.

Mr. LODGE. As I stated yesterday, the Senator from Nevada [Mr. MCCARRAN] is absent, but, if present and at liberty to vote on this question, he would vote "nay."

Mr. CLARK. My colleague [Mr. TRUMAN] is unavoidably detained. He is paired with the Senator from Nevada [Mr. MCCARRAN]. I am informed that if my colleague [Mr. TRUMAN] were present and at liberty to vote, he would vote "yea," and if the Senator from Nevada were present and at liberty to vote he would vote "nay."

Mr. HATCH. I have just been informed that the Senator from Oklahoma [Mr. LEE] is ill and confined to a hospital at this time. On this question I do not know how he would vote if he were present.

Mr. AUSTIN. I repeat that my colleague [Mr. GIBSON] is necessarily absent. If present and at liberty to vote on this question, he would vote "nay."

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] is detained from the Senate because of illness.

The Senator from Louisiana [Mr. OVERTON] is absent because of a cold

The Senator from Georgia [Mr. GEORGE] is unavoidably detained.

The Senator from California [Mr. MCADOO] is detained in one of the Government departments on matters pertaining to the State of California.

The Senator from Nevada [Mr. MCCARRAN] is absent on official business in his home State.

The Senator from Florida [Mr. PEPPER] is detained on important public business.

The Senator from Oklahoma [Mr. THOMAS] is detained in a meeting of the Committee on Appropriations.

The result was announced—yeas 42, nays 40, as follows:

YEAS—42

Andrews	Clark	King	Pope
Ashurst	Dieterich	Lewis	Radcliffe
Bailey	Duffy	Logan	Schwartz
Bankhead	Ellender	Miller	Schwellenbach
Barkley	Guffey	Milton	Sheppard
Brown, Mich.	Harrison	Minton	Smathers
Brown, N. H.	Hatch	Murray	Smith
Bulkley	Hayden	Neely	Thomas, Utah
Bulow	Herring	Norris	Wagner
Burke	Hitchcock	O'Mahoney	
Byrnes	Hughes	Pittman	

NAYS—40

Adams	Chavez	Holt	Maloney
Austin	Connally	Johnson, Calif.	Nye
Berry	Copeland	Johnson, Colo.	Reynolds
Bilbo	Davis	La Follette	Russell
Bone	Donahey	Lodge	Townsend
Borah	Frazier	Lonergan	Tydings
Bridges	Gerry	Lundeen	Vandenberg
Byrd	Gillette	McGill	Van Nuys
Capper	Hale	McKellar	Walsh
Caraway	Hill	McNary	Wheeler

NOT VOTING—13

George	Lee	Overton	Thomas, Okla.
Gibson	McAdoo	Pepper	Truman
Glass	McCarran	Shipstead	White
Green			

So the report was agreed to.

Mr. McNARY. Mr. President, we have heard much about prevailing wage rates in the last 2 days. It seems appropriate to call attention to the fact that the senior Senator from Pennsylvania [Mr. DAVIS], who spoke so vigorously in defense of this principle on the floor of the Senate yesterday, is the author of the act bearing his name—S. 5904—which in 1931 passed the House and the Senate and was signed by the President, providing that the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia shall be determined in accordance with prevailing rates of wages for work of a similar nature wherever constructed. During the time the Senator from Pennsylvania was Secretary of Labor he advocated this principle, and when he first came to the Senate he introduced this legislation. Thus it seems clear that in construction projects to which the Government is a party prevailing wage rates are maintained by law, whereas by the vote taken today this same right is denied labor in private construction projects.

I ask unanimous consent to have printed in the RECORD the act to which I refer and the report which accompanied the bill when it was reported by the Senator from Pennsylvania from the Committee on Manufactures of the Senate, which may serve at some future time as a model of wage and labor standards which have proven their value through practical experience.

The matter referred to is as follows:

[Public, No. 798, 71st Cong.]

S. 5904

An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes

Be it enacted, etc., That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any

public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there, and a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature applicable to the contract which cannot be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labor for determination and his decision thereon shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

SEC. 2. This act shall take effect 30 days after its passage but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act.

Approved, March 3, 1931.

S. 5904—Relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes.

Mr. DAVIS; Committee on Manufactures, CONGRESSIONAL RECORD, 3252.—Reported back (S. Rept. 1445), CONGRESSIONAL RECORD, 3833.—Passed Senate, CONGRESSIONAL RECORD, 3918.—Debated in House, CONGRESSIONAL RECORD, 6504, 6519.—Passed House (in lieu of H. R. 16619), CONGRESSIONAL RECORD, 6521.—Examined and signed, CONGRESSIONAL RECORD, 6640, 6800.—Presented to the President, CONGRESSIONAL RECORD, 6705.—Approved [Public, No. 798], CONGRESSIONAL RECORD, 6906.

[Senate Report No. 1445, 71st Cong., 3d sess.]

Mr. DAVIS, from the Committee on Manufactures, submitted the following report (to accompany S. 5904):

The Committee on Manufactures, to whom was referred the bill (S. 5904) relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia, by contractors and subcontractors, and for other purposes, having considered the same, report it to the Senate with the recommendation that it do pass.

The purpose of this measure is to require contractors and subcontractors engaged in constructing, altering, or repairing any public building of the United States or of the District of Columbia situated within the geographic limits of the United States to pay their employees the prevailing wage rates when such wage rates have been established by private industry. In the event the contracting officer is unable to adjust any dispute as to the prevailing wage rates, this bill provides that the matter shall be referred to the Secretary of Labor for determination and that the Secretary's decision as to the wage rates shall be conclusive on all parties to the contract.

The Federal Government has entered upon an extensive public building program throughout the United States and in the District of Columbia. This program will continue for a period of 8 or 10 years and will result in the expenditure of approximately a half a billion dollars for the construction, alteration, and repair of Federal buildings. It was intended that this vast sum of money should be expended not only to properly house Federal offices in their own buildings, but also to benefit the United States at large through distribution of construction throughout the communities of the country without favoring any particular section.

The Federal Government must, under the law, award its contracts to the lowest responsible bidder. This has prevented representatives of the departments involved from requiring successful bidders to pay wages to their employees comparable to the wages paid for similar labor by private industry in the vicinity of the building projects under construction. Though the officials awarding contracts have faithfully endeavored to persuade contractors to pay local prevailing wage scales, some successful bidders have selfishly imported labor from distant localities and have exploited this labor at wages far below local wage rates.

This practice, which the Federal Government is now powerless to stop, has resulted in a very unhealthy situation. Local artisans and mechanics, many of whom are family men owning their own homes, and whose standards of living have long been adjusted to local wage scales, cannot hope to compete with this migratory labor. Not only are local workmen affected, but qualified contractors residing and doing business in the section of the country to which Federal buildings are allocated find it impossible to compete with the outside contractors, who base their estimates for labor upon the low wages they can pay to unattached, migratory workmen imported from a distance and for whom the contractors have in some cases provided housing facilities and food in flimsy, temporary quarters adjacent to the project under construction.

The question of having contractors who have been awarded Government building contracts pay fair wage scales has been passed on by the Senate in the form of an amendment introduced by Senator Couzens, of Michigan, and attached to the appropriation bill. The Federal departments have endeavored to correct the situation without the aid of legislation, but have been unable to do so. This committee has held extensive hearings on the subject and has arrived at the conclusion that this measure will alleviate present unsatisfactory conditions and will carry out the intent of the Federal public-building policy. This legislation will provide a more equable distribution of employment, especially in the present time of depression, and will generally benefit the country at large by requiring that those who have been awarded public-building contracts pay their employees wages comparable to the prevailing wage scales where they are employed.

The Secretary of Labor and representatives of the Treasury and War Departments have appeared before this committee and have advised this committee that the bill has their unqualified approval. Representatives of labor have appeared before the committee and have indorsed the measure as it stands. Builders throughout the country have advised the committee that they favor the principle involved in this bill.

This measure does not require the Government to establish any new wage scales in any portion of the country. It merely gives the Government the power to require its contractors to pay their employees the prevailing wage scales in the vicinity of the building projects. This is only fair and just to the employees, the contractors, and the Government alike. It gives a square deal to all.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment, as modified, of the Senator from Illinois [Mr. LEWIS]. The Senator from Mississippi [Mr. BILBO] has the floor.

Mr. BILBO. Mr. President, I wish to repeat that in my judgment there is only one solution of the problem involved in the pending measure, and all other questions affecting the relationship betwixt the two races which now dwell in America. The solution to which I have reference—to use a more euphonious term than deportation—is the repatriation of the 12,000,000 Negroes who live in America at the present time.

In offering the solution, I repeat that it is not wild; it is not fanciful; it is not fantastic; it is not visionary; but it is really the cream of the judgment and statesmanship of all great men who have gone before.

The solution I am offering does not imply that I entertain a dislike or hatred for the Negro race. No man in public life has a better record of friendship and kindness for the Negro in every official act than I have exemplified as Governor of my State for 8 years. I offer the solution as the permanent and lasting solution that is sure to come to this and all other kindred problems. I offer it not only as the best remedy for the white man of America, but I offer it as the best solution for all the discriminations, abuses, and hardships that the black man complains of in this country.

It may be, for a season, that the black man will claim that he gets better treatment after he leaves the sunny South and crosses the Mason and Dixon's line; but I want to sound a note of warning to him that in years to come he will find that, on the whole, he has received and will receive better treatment from the men and women south of the Mason and Dixon's line than from any others.

It is impossible, as the history of more than 10,000 years will show, for the 12,000,000 black men and women of this country to live alongside the 120,000,000 whites without amalgamation resulting.

I know that some Senators will feel safe in denying the statement I have just made; but in the denial of it they place themselves on record as denying the truth of what has happened wherever the two races have attempted to live side by side. It has been tried repeatedly in Africa. It has been tried in Europe. It has been tried in Asia. It has been tried in South America. It has been tried on some of the islands surrounding the North American continent, and we are just now beginning to experiment with the matter in the United States.

How can anyone doubt that certain amalgamation will take place in the United States when, in a short period of 150 years, there are evidences of such amalgamation on every side? The amalgamation is going on now. It does not consist of the intermixing of the races in a legitimate

way. The thing that is bringing on the trouble is that hour by hour, day by day, and year by year, the illegitimate interbreeding of the races is taking place all over the country.

If one walks on the streets of Washington, what does he see? He sees a city of 600,000 souls, one-third of them belonging to the Negro race, and one-half of that one-third showing evidence of this amalgamation of which I am speaking.

If one goes to New York and makes a visit to the famous Cotton Club, or drives down the streets of Harlem, he will see certain unmistakable evidences of the process of amalgamation betwixt the races. If he goes to Chicago and spends a while in the Black Belt, on every hand he sees evidence of the amalgamation that has taken place within the last century. It can be observed all over the United States.

The genuine, pure, undefiled, and unamalgamated Negro from Africa was brought to this country at the beginning of the settlement of America, with his skin as black as the ace of spades, as dark as Egypt itself. After a period of 150 years at least a third of those who are today classed as Negroes show evidence of this certain interbreeding, intermixing, and amalgamation. If what I have described can take place in 150 years, pray tell me what will be the situation in the United States 200, 500, or 1,000 years from now?

History shows that the Negro is a more prolific breeder than is the white man. The Negro population is increasing in this country in a greater ratio than is the white population. Today we have 12,000,000 Negroes. There were about 150,000 when the importation of slaves into this country was prohibited in 1808. If in this short time the black race has increased until today there are 12,000,000 of them in the United States, in the next 100 years we may have 50,000,000 or 75,000,000.

When we speak of the life of a government, of the life of a republic, we speak in terms of 500, 1,000, 2,000, or 3,000 years.

If in a short period of 150 years we find half the Negroes of the United States already with the white man's blood coursing through their veins, pray, tell me, what will we find 500, 1,000, or 2,000 years from now.

The history of the last 10,000 years shows that wherever the blood of the Negro has been intermingled with that of the white man, the civilization of the white man always has suffered. Such intermingling will drag down the civilization of the Caucasian race in America.

So we may take our choice. Whether it is pleasant or not, or whether we accept it today or not, makes no difference. We will accept it, or our children's children will. We can either accept a solution that will mean the absolute separation of the two races, or we can continue to let them live side by side and take the other alternative, which is amalgamation.

At this juncture I wish to read into the RECORD from the Everyman Encyclopedia, volume 9, page 480, a true description of the Negro. If any Negrophilist or Negro lover should feel disposed to become incensed at anything I am going to say, let him read the words taken from a standard encyclopedia and heap his abuse upon those who essay to give to the reading world an encyclopedia. These are not my words, but they are the words of this encyclopedia and are backed up by authorities numbering about 20 in the recital. I say, in justice to the many Negroes in this country, who temporarily have been improved by the injection of the white man's blood, that this description may not apply to them altogether, but this is a description of the Negro as he is without adulteration, without amalgamation; this is the pure Negro; this is the original stock from which all Negroes are supposed to have originated.

Negroes form one of the four great classes of the human race. In their purest form they are probably found along the Guinea coast, in the Gaboon, the basins of the Shari and Benua, and the lower Zambesi, but the Sudan is considered the home of the race.

Of course, all Senators know where the Sudan is.

It is possible that they peopled Schlater's "Lemuria," a continent covering a large portion of the Indian Ocean, and became divided on the subsidence of the region in early and middle Tertiary times. The term is now generally restricted to the western or African branch, those of the eastern region, of South India, Malay, New Guinea, etc., being Papuans or Malaysians. The former present various mixed types due to Caucasian migration, the latter have been affected mostly by Mongolian movement.

The Negro characteristics—

This is the part to which I desire to call special attention—

The Negro characteristics are deep brown, almost black skin—

One can look at the skin and see whether or not there has been any amalgamation—

cool, velvety, and emitting a peculiar odor—

That is the surest test known of the Negro race—the odor of his skin—

short, black, woolly hair of elliptical section; short, flat, broad, snub nose with depressed base and dilated nostrils; black eye, black iris, and yellow sclerotic coat; prognathic jaws, facial angle 70°; thick lips, protruding and showing the inner red; high and prominent cheek bones; very thick skull, dolicocephalic (index 70°); cranial capacity, 35 (average European, 45); long arms, weak legs; flat, broad foot with low instep, and "lark heel"; yellowish palms and soles; height (average 5 feet 10 inches) above the average. A marked feature is the early closing of the cranial sutures, a premature ossification appearing to prevent a full development of the brain.

Here I wish to observe that those of us who know the real Negro know that the Negro child is very bright; he learns easily and quickly, but after he reaches a certain age he ceases to learn and becomes childish and set, and here is the reason for it:

A marked feature is the early closing of the cranial sutures, a premature ossification appearing to prevent a full development of the brain. The children are described as sharp, vivacious, and intelligent, but deterioration commences at puberty and the full grown Negro remains childlike, unprogressive, lethargic, without initiation.

In the arts, that is, building, spinning, weaving, pottery, agriculture, the working of metals they are moderately advanced, but have probably learned these under Semitic influences and have certainly shown no development of their own. Their religion was very debased and cruel, fetishism, cannibalism, and slavery being the chief characteristics and outcomes, but they are now largely becoming Mohammedan.

There is a reason why the Negro would rather have the Mohammedan religion than the Christian religion. I will discuss that before I finish.

In the United States of America and South Africa, where they are largely Christianized, their acceptance is childish in nature, and their moral status appears unable to rise to the Christian ideal. They have been described as nonmoral, rather than immoral, which aptly expresses their undoubted lower stage of development. They are childishly gay and passionate, with childish rapidity in change of mood; thievish, unreliable, indolent, yet with a childish subordination to authority, and marked faithfulness, yet subject to sudden failure. These points of character united to a marked sensuousness render them a serious social problem in the more progressive and civilized [illegible]ds, particularly in America. Their Republic, Haiti, has always had an evil name. The Negroid race is estimated at some 200,000,000. In the United States there are about 9,000,000, forming about one-ninth of the population, and they are more prolific than the whites.

In this short essay on the Negro, in the attempt to describe his real characteristics, the writer is talking about the Negro as he is found in his primeval haunts, in the jungles of Africa, and he elaborates on what happens to the Negro when he is brought from the jungles and comes under the influence of Caucasian culture and civilization.

They are childishly gay and passionate, with childish rapidity in change of mood; thievish, unreliable, indolent, yet with a childish subordination to authority, and marked faithfulness, yet subject to sudden failure.

They are sensual in their nature; they are passionate. That explains to some degree why we have such unthinkable, unbelievable outbursts in the acts of the Negro race which have been charged as being the cause for the lynchings which this bill attempts to correct in the South. I picked up the Washington Post of February 1, this morning, and I read on the front page this story:

VIRGINIA GIRL ATTACKED—ESCORT SHOT DEAD BY COLORED MAN

PORTSMOUTH, VA., January 31.—Norfolk County and city police were engaged in an intensive search for a colored man who shot to death Cecil V. Sivills, 30, a navy-yard worker, of this city, and criminally attacked—

That is, raped—

his girl companion near Glenshellah on the outskirts of the city late last night.

Sivills was instantly killed, a bullet entering the left side of his body and passing through his abdomen.

The girl made her way to a residence in Glenshellah where she reported the affair. The girl was sent to a local hospital. She suffered bruises on her limbs and body.

To the normal mind it is unthinkable that any human being in a civilized country could go out on a highway and allow his animal instincts, his animal passions, to become so thoroughly aroused as to kill a young man and then proceed to assault and rape his companion, the girl, whom the young white man had in his care. Such things are difficult to understand until the real nature of the real Negro and the instincts of the Negro are realized.

I am sure all of you have read some of the novels by Alexander Dumas. It would be interesting in this connection briefly to review his life.

I think Alexander Dumas is the outstanding Negro of the world. Some of you may have thought he was a Frenchman, but he was a Negro. His grandmother was a slave, a full-blooded Negress from a sugar plantation in the West India Islands. He was a quadroon. I am sure you were delighted when you read his Three Musketeers and some of his wonderful plays.

It is said that Alexander Dumas wrote 1,200 books. He wrote over 100 plays. He fought 20 duels with pistols and bowie knives. He accumulated from his writings a fortune of over $5,000,000, and he boasted of the fact that he was the father of 500 illegitimate children. He spent his time gallivanting around over Europe with his $5,000,000, being entertained by the lords and princes of the European courts because of his intellectual accomplishments as evidenced in his plays and novels. He never smoked a cigar. He never drank any whisky. He was a temperate man in those respects; but history tells us that Alexander Dumas spent his fortune of five and a half million dollars in entertaining the girls of Paris. If it had not been for his son, he would have died from starvation. As a matter of fact, he died a pauper.

To understand why Alexander Dumas led such a life, you must remember that he was a quadroon. One-fourth of Alexander Dumas was Negro; and that injection of the Negro blood easily accounts for the wild and reckless and immoral life he lived, for his being the father of 500 illegitimate children.

In making these references, I do not undertake to say, and I would not want anyone to believe, that I am charging all of the Negro race with immorality; but as you study the Negroes you find that while many of them have been improved by their contacts with the white man, his culture and his civilization, when they are left alone and have an opportunity to give absolutely free rein to their instincts and their wills, even the Christian religion, as has been shown wherever they have had the opportunity, has had very little restraining influence. That has been demonstrated especially in southern Africa, where the English missionary societies flooded the country with missionaries teaching not only political equality but social equality; and conditions became so bad that England saw the mistake she was making and put a stop to it. The fight went on there for years to protect the womanhood of the colonials in South Africa, until finally, in order to escape the conditions by which the colonials were surrounded, they left their native country and moved farther into the interior of Africa to establish a country that would be exclusively white, with no Negroes at all. There is only one continent in the world that is making an adequate effort to solve this problem and save itself and its civilization, and that is Australia. They have a law that no Negro may live in the great continent of Australia.

In announcing that repatriation of the Negro to his fatherland is the only solution of this problem, I insist that the Negro himself should accept my proposition. I repeat what I told you the other day—and I am glad to make this statement—that a very considerable element of the Negroes appreciate the fact that the Negro's native fatherland is the place for him to go, because when the panic started, be it remembered, and we made our first appropriations for relief, W. P. A. money, over 1,000,000 Negroes signed the petition which is now on file in the White House begging President Roosevelt to finance their transportation back to their fatherland, Liberia, Africa, and their colonization there.

I want to recommend Liberia to my colored friends. It is a wonderful country. Liberia has an area of 45,000 square miles, being practically the same size as the State of Mississippi.

We have 46,000 square miles. The population of Liberia at the present time is about 2,000,000, and they are all Negroes. There are no whites there. The capital of Liberia is Monrovia. The capital city has a population of over 10,000.

The present President of Liberia is Edwin J. Barclay, who was elected in May 1931, for a 4-year term, and reelected on May 7, 1935, for an 8-year term, his present term ending in 1943.

Liberia as perhaps Senators know, lies on the southwest (Guinea) coast of Africa, between Sierra Leone (British) on the west and the French colony of the Ivory Coast on the east, with a coast line on the South Atlantic Ocean of about 350 miles. It extends inland from 75 to 150 miles. Most of the country is covered with tropical forests, rich in timber, and oil nuts, but lacking in transportation.

In 1937 there were estimated to be 10,000,000 rubber trees in Liberia. There is one motor road in the country. The population is entirely composed of the African race. About 100,000 of the dwellers along the coast may be considered civilized.

The number of American Negroes who live in Liberia is estimated at 20,000. Liberia was founded in 1822 by the American Freedmen's Society. The Abolitionists and the good Christian women of this country organized the society in 1822, and through the help of Henry Clay and other leaders of that time Liberia was established as the home for all the Negroes in the United States, especially those who had been slaves, and had been freed by their masters in the South and in the North.

Liberia was declared a republic on July 26, 1847. I want Senators to keep up with this information. There is a striking statement in the description I am giving you. In other words, in 1847 Liberia became an independent nation, a republic just like our republic. Its constitution is modeled on that of the United States. Electors must be of Negro blood.

I have heard a great deal said in this discussion about political equality between the whites and the blacks in this country. The Negro has insisted upon his political rights in all the States of this Republic. He has insisted that he is entitled to the right to vote, and that he is entitled to participate in all the political affairs of the Republic; and after he is given that, he wants all sorts of civil rights. When he gets all sorts of civil rights, he wants all sorts of social rights; and the end of the social rights means the day of the perfect functioning of the process of amalgamation in this country. Yet here in Liberia is a republic, here is a government with a constitution based upon the Constitution of the United States, inaugurated, enacted, and passed by the Negro in action, when no white man interfered; and what does the Negro say? In order to vote in Liberia, a man must have Negro blood.

Then why can the Negro race object if we, who own this white man's country—it is ours because we took it away from the Indians—say, "This is a white man's country, and no man shall vote here unless he is a white"?—that he cannot vote if he has Negro blood in his veins? When they established a republic they said, "No man can vote in our country unless he is of Negro blood."

The government rests with a president elected for 8 years, and a senate of eight. They have only eight senators in the Republic of Liberia, and they seem to be getting along all right. The lower house consists of 15 members. Eight senators are elected for 6 years, and the members of the lower house are elected for 4 years. That is the only variation between their scheme and ours.

Coffee, rubber, oil nuts, raffia, ivory, and ginger are the chief exports of Liberia, and textiles, hardware, glass,

earthenware, tobacco, spirits, rice, and foodstuffs are the principal imports into Liberia.

In 1935 the revenues of the country amounted to $632,386, the expenditures amounted to $515,650. It seems that Liberia is getting along better with their finances and their budget than the United States is, because they took in $632,000 and spent but $515,000. I do not think we can present any such record in the United States.

For 1934 the imports amounted to $1,180,601, and the exports to $571,793. In their trade with the United States in 1936 they imported from this country $554,639 worth of goods, and they exported to the United States $505,339 worth.

Briefly, that is a recent account of this wonderful African territory which was selected by the good, philanthropic abolitionist women of America in 1822 as the future home for the Negro race then residing in the United States, and they proceeded to transport year by year the Negroes who had been freed in this country, until today there are over 20,000 American Negroes colonized in Liberia.

Someone may say that if they already have 2,000,000 people in Liberia and it is a territory of only 45,000 square miles, there would not be room for the 12,000,000 Negroes in the United States. I have a suggestion to offer in this connection. On one side of Liberia the French Nation owns practically all of Africa along the coast line. On the other side of Liberia England owns all of the country. This part of Africa is a wonderful territory. The temperature ranges from 68° to as high as 98°. They are able to plant sweetpotatoes every month in the year. They can grow crops the year round. The land is very fertile. This is true of practically all of this great country which is owned by France on the one side and England on the other side.

For quite a number of years since the World War we have been trying to convince the French people and the English people of their moral obligation to pay their World War debts owing to the United States. They owe us billions of dollars, and they own in Africa some wonderful territory. I suggest that if I could persuade the Senator from New York and the Senator from Indiana to join me in the scheme of repatriation of the Negro from America to Africa, through our splendid Secretary of State we might conclude a bargain by which we could enable the French people and the English people to pay a part, at least, of their war debts by trading to the United States the English territory and the French territory in Africa, and thus give us a great wilderness, a great country almost as large as the United States, in which we might be able to colonize and to repatriate the unfortunate Negro whom we find in our midst.

I repeat, Mr. President, the Negro race as a whole is not happy in the United States, and the more the Negro is educated the more unhappy he will become, because he will then feel more keenly the certain discrimination which he will find in every State in the American Union, and as our population increases and as the competition between the men who labor in this country becomes more and more intense the discrimination will become keener as the years go by. That being true, the Negro is not going to be able to stand up under the competition of the white man, and he will become more and more dissatisfied.

If the United States can offer to the Negro a country in the wilds of Africa as large as the United States, rich in oil and minerals, in timber, in fertility; rich in everything we possess; if we can offer him such a home in his fatherland, then why should we not seek to place him where he can work out his own salvation, where there will be no discrimination? If the Negro has any sense, if he will use good judgment, he will appreciate that I am trying to be his friend, that I am trying to help him. I do not mean that we should deport the Negro; I do not mean to convey that idea. I mean that we should repatriate him, by which I mean that we are to take him as a friend, carry him back to his homeland, and there colonize him.

We could very well afford to buy every dollar's worth of property the Negro owns in the United States today. It amounts to only about $3,000,000,000, and we spend more than that in 1 year for relief. We can afford to buy every dollar of property the Negro has in the United States and then spend $2,000,000,000 on top of that in buying the country for him and standing the initial expense of his colonization, starting him off, and giving him the supervision he will need at the hands of the white man's Government, just as we did with our friends in Cuba after the Spanish-American War, just as we did with our friends in the Philippine Islands; give them direction and supervision until they become thoroughly organized and thoroughly colonized and thoroughly ensconced upon their native heath.

There will be no discrimination, and no white man can come in and take the rights away from the Negroes, because the constitution of Liberia provides that the white man cannot vote in Liberia.

Someone will say, "Your proposition is nothing but nonsense. You know we cannot move the Negro to Africa." I did not say we should drive him, I did not say we should force him. I said we should prepare to purchase the land. Liberia is all ready to receive the Negro, and a part of Liberia has been set aside and dedicated by the Republic of Liberia as a home for American Negroes. They are waiting for them. I did not say we should drive the Negro, I did not say we should force him. I said we should purchase the land and agree to bear the expense of transportation and the expense of colonization, and let the Negro go of his own accord; and if he has good sense, he will go.

Why does the Negro want to stay in the United States? Just as surely as the sun shines in the heavens conditions are going to become worse for the Negro, until possibly 500 or 1,000 years from now, when the Negroes shall have been thoroughly amalgamated with the white people, we will all go down together, because the record of 10,000 years shows that the Caucasian culture and civilization always goes down when there results an amalgamation of the white with the colored race.

Some outstanding stars can be pointed to among the Negroes—those who are black and those who are mulattoes. Of course, it is true that there are exceptions, but I am speaking of the status quo of the great majority; of 95 percent of the Negro race.

I now desire to read into the RECORD the words of a man who has given his life to the study of the race problem. I wish to read the findings of this man, who has traveled in every country of the world studying this very difficult question. He says:

> Let us repeat that "the color problem" is not a problem of color but of mentality. The difference between the white man, who has produced all civilizations, and the Negro, who has few cultural possessions save those which he has received from the white man, is not a color difference merely. Pigmentation affects the skin only, while civilized culture is the product of the mind's mastery over things material and spiritual. It so happens that white skin accompanies the culturally capable, while black skin accompanies the culturally deficient.
>
> If the Negro had proved himself the master of things and the Caucasian had proved himself dependent upon the Negro's progress, we should readily concede superiority to the Negro. But as the history of civilization shows the white man to be the master of things and the colored races merely the beneficiaries of the white man's progress, we cannot deny superiority to the white man. Such conclusion is not a sentimental arrogation of the white man. He who would construct a race sociology will seek the facts of race history from which to induce generalizations. The sentimentalist will ignore the facts. The just man will see, in the white man's age-long dominion over things, undeniable implication of the white man's custodianship of creative genius. The negrophilist—

That is the Negro lover—

> will ignore the white race as the sole cultural factor in progressive civilization and glibly descant upon the attainments of mankind. The negrophilist will attribute to the human race those achievements that have been attained by a particular subspecies of humanity. The negrophilist has not the vision of the scientist and cannot have, for he is color blind.

I have found a few white people in this country who could not tell the difference between a white man and a Negro. Such people are color blind.

> White sentimentalists and the Negroid writers of America will trace to the institution of slavery the American Negro's cultural incapacity. Unmindful of the truth known to ethnology—that

the cultural status of the American Negro has antecedents in Africa—they ignore the fact "that in his own country the centuries have rolled away, finding him always in the same condition of dense ignorance and unalleviated savagery," and that "the Caucasian race has been for centuries, in one or another capacity, the superior guiding or controlling force in human history, and its records contain the epitomy of human achievement. During the same period, on the contrary, the Negro has occupied in every relation of life a subordinate position, whether as a savage awaiting the touch of civilization or as a servile people, existing under the control and direction of the more highly civilized race."

Slavery in America left the Negro in an infinitely better condition than it found him, but "the institution of slavery has loomed so large on our horizon that it has completely overshadowed that which went before it in African history. At every mention of Negro inefficiency, improvidence, or immorality it sufficed to recall slavery, and the characteristic was explained."

Slavery not only left the American Negro more advanced culturally than the African members of his race but did this, notwithstanding the fact that the American slaves were recruited from the "sweepings of the Sudanese Plateau," where the inferior tribes "had been crowded to the impassable barrier of the ocean." Slavery found the Negro an animist and left him a Christian. Slavery found him a cannibal and provided him with the meat of domestic animals. It found him a naked savage and left him clothed and civilized. The apologists of the Negro ignore the fact that the Negro's aptitudes as exemplified in America are a product of race as well as environment.

The institution of Negro slavery resulted in greater harm to the white race than to the black. The Negro has profited through contact with the white, the white has suffered loss through contact with the Negro. Contact with the white man has affected the Negro through environment; it could not and cannot affect his heredity, save that as the institution of slavery has a tendency to place a premium upon the type of Negro best suited to servitude. In this respect slavery did influence Negro heredity, inasmuch as the slave owner often resorted to selective breeding.

"The endowment of each generation at birth is dictated by heredity, but all that it acquires subsequently is the gift of environment." Mental characteristics are subject to the laws governing heredity as well as are physical characteristics. With regard to race, heredity, and environment, Robert R. Marett, reader of social anthropology in the University of Oxford, says in his Anthropology, "Nor is it enough to take note simply of physical feature—the shape of the skull, the color of the skin, the tint and texture of the hair, and so on. There are likewise mental characteristics that seem to be bound up closely with the organism and to follow the breed."

Right here let me make an observation about this organism of the brain. Wherever in 10,000 years of authentic history the Caucasian race has been found anywhere on the face of the earth, that little something, that germ in the brain, has given forth inventive genius and a creative faculty that has built up a culture, a civilization, the glory and crowning achievement of the human race. But, on the other hand, wherever we find the Negro, he is minus the creative faculty, and if partially civilized by an imposed culture he drifts back into savagery and reverts to his original type.

I continue to read from this book.

For race, let it not be forgotten, presumably extends to mind as well as to body. It is not merely skin deep and circumstances can unmake, but of themselves they never yet made man, nor any other form of life.

Most of us are characters of environment. We sometimes wonder at the mentality, the intellectuality, of human beings that we find living under unfavorable conditions. They raise themselves out of their own environment. They make their way in the world. They dream, they plan, they scheme, they accomplish, they do things, and we wonder why.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BILBO. I yield.

Mr. CONNALLY. I should like to ask the Senator from Mississippi a question, in view of the ruling of the Chair, which is that if the Senator from Mississippi should yield to the Senator from Texas in order that he might demand a quorum call, the Senator from Mississippi would lose the floor. I ask the Senator from Mississippi if there are any other Senators now present on the Senate floor, except the Senator from New Mexico [Mr. CHAVEZ], the Senator from Kentucky [Mr. BARKLEY], the Senator from Virginia [Mr. BYRD], the Senator from Texas, myself, and the Presiding Officer, the Senator from Minnesota [Mr. LUNDEEN]?

Mr. BILBO. I am signally honored by the presence of four distinguished Senators seeking information on the very important pending measure.

Mr. CONNALLY. Mr. President, will the Senator yield for another question?

Mr. BILBO. I shall be glad to yield.

Mr. CONNALLY. Does not the Senator think that Senators who insist on our remaining here and discussing this bill should also remain in the Chamber and hear the discussion? Is it not true that by their absence they evidence their determined view that this bill is to be voted on without their listening to debate or listening to discussion, but purely on considerations of either prejudice or politics, or something besides real discussion and real debate?

Mr. BILBO. I think the observation of the Senator from Texas is well founded; and I have consoled myself with the fact that 99 percent of the Senators exemplify the character spoken of in the Bible, wherein something was said about Ephraim being joined to idols. They are set in their ways. Having ears, they hear not; having eyes, they see not; and having minds, they do not use them.

Environment has placed the Negro in America above the Negro in Africa, but environment cannot, save as a factor in evolution acting over a great stretch of time, affect the Negro race traits and instincts.

When some of our good, philanthropic, Christian-hearted statesmen and members of organizations of the North get in their minds the idea that by treatment, training, and influence they can change the racial traits and instincts of the Negro, I wish to say to them, in all frankness, that they have just begun to learn their A B C's about the Negro. Such a result cannot be brought about. Suddenly released from the white man's restraining influence, the Negro would retrograde to African conditions.

I referred a while ago to the history of Liberia. In 1822 certain good Christian women of America organized the Freedmen's Society, and made arrangements to purchase the territory now known as Liberia, and began to send the freed slaves there. In 1847 there was established the Republic of Liberia, which today has a population of 2,000,000 Negroes; and yet in over 100 years those who were behind the movement have not been able to civilize, to Christianize those people, or to inculcate in them the cultural ideas of the Negroes who were sent there from the United States. In over 100 years they have been able to touch only 100,000 out of 2,000,000, or 1 out of 20.

If Negro professors, Negro editors, and Negro leaders are so thoroughly enthusiastic about the improvement of their own race, if they are so filled with a desire to go out and do something for the great cause of humanity among the Negroes that they will spend unlimited sums of money in haunting the Halls of the American Congress trying to pass this damnable piece of legislation in their mad desire to protect members of their own race, as they say, south of the Mason and Dixon's line, why do they not accept my proposition? Why do not those Negroes who pretend to be leaders in this country get behind the movement which I have suggested, help to finance it, and help to create a condition or atmosphere that will compel the Congress to make definite arrangements to permit the Negroes to go to Liberia, where there are now 1,900,000 Negroes in savagery, waiting for the touch of the white man's culture, and carry that culture to them. There is a field for the Negro missionaries.

My scheme is feasible. It is not visionary. It can be accomplished, because if I could persuade the Negroes north of the Mason and Dixon's line to become interested in the colonization of their 12,000,000 brethren in the United States in a country in Africa possessing greater natural possibilities than the United States, all they would have to do would be to communicate that fact to Mr. White, of New York, president of the Association for the Advancement of the Colored Race, and pass the word along to the distinguished Senator from New York [Mr. WAGNER] and the distinguished Senator from Indiana [Mr. VAN NUYS] that if they did not vote for a constitutional amendment giving Congress the power to finance the transportation and colonization of the Negro race in its native land in Africa, and to carry through the repatriation of every Negro in America, the Senators would not receive the support of the Negro leaders when they run

for office, and such a proposal would immediately pass on the floor of the United States Senate.

The supporters of the pending bill claim a majority in favor of the bill when and if a roll call is had. But, thanks to the Senators who did not want to invoke the cloture rule and destroy freedom of speech on the floor of the Senate, and the right of unlimited discussion of the great problems and questions affecting the welfare of this Nation, there will be no roll call on the pending measure, because we have made arrangements to educate the American people on the race question, on the legislation that should be passed, and on the legislation that should not be passed, ostensibly affecting the Negro in this country. I have accumulated material which I propose to give to the American people through the CONGRESSIONAL RECORD. I have estimated that it will take exactly 60 days to deliver that material. This is the beginning of the first 30-day period in the discussion of this question.

If we are to solve the American Negro problem, we must forever be done with the conception prevailing among not a few whites, that the Negro is such as he is by reason of his subjection to the Caucasian. Until we do this, it is impossible to approach the problem on a rational basis. Those who were familiar with the condition of the slave at his introduction into America realized that his coming hither was to result in distinct advantage to him in every respect, spiritually as well as materially. We have seen that such consciousness caused colonial divines to meet the slave vessels, kneel and pray, thanking God that He had sent the benighted African to a Christian environment.

In other words, the Negro in his primitive condition was so cannibalistic, so savage, and so far from civilization that the ministers of the gospel of this country would meet the slave ships as they came to America in the days of slavery and there kneel on the shore and pray to God, thanking God that these human souls had been snatched from the wilds of the jungle and brought to a land where there was a possibility of their recovery and salvation by coming in contact with the culture and civilization of the white man and with his Christian religion.

Then, too, we must be "done with the folly of saying that the Negro has had but three decades of opportunity for self-culture, when, as a matter of fact, he has had an equal chance with the rest of mankind since the dawn of creation.

The negrophilists who undertake to defend the Negro should remember that the Negro race, as a race, has had the same opportunity and the same length of time as the white race to make progress, to develop a civilization, a culture, and all that goes with civilization. If the Negro race has not done it, if it has failed everywhere, then why should the negrophilists have in their minds the idea that the Negro possesses in his brain that inexplicable something that makes it possible for him to think, to create, to dream dreams, and to do things that will uplift the human race? It is just not in him.

It is well known, as I read from the encyclopedia, that the human skull consists of bones united by sutures.

By the time the Negro reaches puberty those sutures, instead of remaining as such, enabling the skull to expand and the brain to grow, close in and solidify, so that the brain cannot expand. That is why the Negro child can learn early, but between the ages of 15 and 20 years he ceases to learn. Of course, if he has a little white blood in him he may go on a little further; but I am speaking of the real Negro.

Nor shall we say that the Negro is a "child race"—

That is the euphonic way some of our negrophilists put it—

for he is not, but a fully constituted, adult race, as much so as the Caucasian and the Mongolian. Also, away with the ignorance shown in the belief that "each dog will have his day" as applied to the races. When shall the Bushman, the Hottentot, and the Pygmy assume world sovereignty? When the red Indian, the Aino, and the Eskimo? The "races" that have had their day were white. And let us dismiss the unwarranted assumption that environment will directly and immediately affect heredity.

Many negrophilists think that environment will affect heredity in the Negro. In other words, give him social opportunities, give him the advantage of education, give him the advantage of the cultured life, give him all the finer things that go with the cultured life, and after a while the Negro will be just as smart and creative and as much a genius as is the white man. Try it and see what the outcome will be. When you get through you have the same Negro you started with.

Heredity may be affected in but one way—congenitally. You may breed a superior type of Negro by selective mating, just as you may breed a superior type of Caucasian by the same process; but no amount of imitation will instill a creative instinct or capacity into the Negro, nor will education or sympathetic aid of any kind.

In other words, all intelligent people know that we can improve our race physically. We can by the proper breeding develop a race of tall men, broad men, and strong men, of vigorous and virile men; that may be done, and I do not know but that it ought to be encouraged. So, by proper mating and proper breeding, Negroes can be developed of larger physique, stronger, taller, broader in the shoulders, with larger feet, larger hands, and longer legs. That can all be done by interbreeding, but it cannot effect something in the cranium that is responsible for the creation of the civilization that blesses and uplifts the human race to better things in this world. Let the negrophilists get such things out of their systems.

In dealing with the Negro problem we must accept the Negro as a Negro—

And I am telling the Senate all the time that I do not dislike the Negro; I like him perhaps better than some of those who would vote for this bill. I am trying to be his friend; I am offering a solution—

And adapt our program accordingly. Six thousand years of history are sufficient to enable us to gage his abilities and his probabilities. He has abided at a low cultural level during this period, and we should not endanger our future by attributing capacities to the Negro above his proven worth. Nor are we to take the Negro's estimate of his own value. English writers tell us that when the European carries civilization to the backward races, these latter look upon the white men as gods and their culture as the handiwork of the gods. But a generation of them grow up amidst this culture and look upon it as their own. They claim a share in its control and end by asserting that they are superior to the white man. This is so in South Africa, and is equally so in the United States, where the gravity of the situation is further accentuated for the reason that the ignorant and credulous freed men have no adequate conception of their shortcomings. Devoid of discernment and sober judgment, they pose as the peers of their immediate fellow citizens, such is their colossal conceit, and are imbued with the belief that the people of the North stand ready to support and defend them in these pretensions.

From the standpoint of our civilization, and we should not be affected by any other consideration, the Negro problem is that of daily contact with a race that has no high material history, and whose spiritual history is not in harmony with our own, not merely the enforced contact with this race, but with its increasing millions. We are bequeathing to posterity the greatest burden that civilization may know—millions upon millions of an alien race whose increase will spread over the United States.

I appreciate the fact that a great many of our tenderhearted, sympathetic white fellow citizens will rebel at the suggestion that we buy the property of the Negroes of this country and make arrangements for them to be repatriated to their native land in Africa. They may say that would be such a hardship that it is too cruel to talk about. Well, why should they become so sympathetic and so humane at the suggestion? Their fathers and grandfathers cleared this country of the red man. They did not ask the Indian whether he wanted to move from Mississippi to Indian Territory; they did not ask the Indian whether he wanted to move from Tennessee out to the West; they did not ask the Indian whether he should be moved from Iowa on to the Dakotas. As a white man's government, they proceeded to pick the Indian up and move him by force. They did not try to persuade him. They said to him, "Come in and make a treaty and sign the terms, because it is moving day for you." They cleared the Indians out of the country. If we are now enjoying a country as the result of our fathers' and our grandfathers' action in moving the Indian, who had been here long before Christopher Columbus ever saw Amer-

ica, if we are enjoying the blessings of this country because our fathers and grandfathers were ruthless enough to protect us and our loved ones by giving us the country without fear of molestation or having to live side by side with another colored race, then why should objection be made when I now suggest that, in a peaceful way, in a humane way, in a sympathetic way, we provide the terms upon which and the money with which this unfortunate race shall be moved or repatriated to their fatherland? I repeat—and I wish every newspaper in America would carry the statement—we can take our choice; we must either repatriate the Negro to his fatherland, or this country will suffer amalgamation, and we will have a race of mongrels in the years to come. Whether we like it or not, it is true, and all history proves it to be true.

Oh, but some people are so ready to be satisfied with conditions as they obtain now. Oh, it will not happen in my lifetime or your lifetime, Mr. President. No; we will get by; we will be safe. But is that wisdom; is that foresight; is that statesmanship? We are supposed to establish policies; we are supposed to inaugurate movements in the Government that will affect the welfare of our kind and our children and our children's children on down through the years, and if we fail to do what we should do when we can do it, then we are criminally responsible, and if we do not know what to do, it is our business to find out what to do. There is only one lamp for us to be guided by to give us the light, and that is the lamp of experience, and the experience of 10,000 years demonstrates that the statement I make is true, a thousand times true.

We would do no violence to our Negro friends. We really would do them a kindness. We would give them a chance to work out their own salvation; we would free them from discrimination; we would free them from all abuses, even the abuse complained of by this very bill that is now pending before the Senate. Oh, no; some newspapers and some public men will pooh-pooh the idea, and say it will not do, it is foolishness, because they are afraid it might hurt their business, financial, political; certainly not social.

Let us analyze this burden. We will not overlook the fact that the Negro in his future millions will, by his numbers alone, limit the possibility of the increase of just so many whites, nor will we overlook the further fact that his presence is to Africanize American activities and ideals, even if the races remain separate, though we know that they will not. But here in this instance we shall consider the Negro as a depressing influence and actual burden upon the Nation in the struggle for advancement in all lines, political, economic, and social.

I remember, the other day, when my distinguished friend and colleague from Louisiana [Mr. ELLENDER] was discussing this question, he laid great emphasis upon the fact that the progress and development of the South had been retarded because of the presence of the Negro; and that is true. I agree with him, because the Negro has been an hindering influence in the industrial and material development of the entire South.

Sociologists tell us that human desires fall under one or another of six grand divisions. They designate these divisions as "the interests." They say that "an interest is an unsatisfied capacity, corresponding to an unrealized condition, and it is predisposition to such rearrangement as would tend to realize the indicated condition." The six interests which cover all the desires and aims of mankind are asserted to be those of health, wealth, sociability, knowledge, beauty, and rightness.

I want to repeat those interests:

The six interests which cover all the desires and aims of mankind are asserted to be those of health, wealth, sociability, knowledge, beauty, and rightness. Three of these may call for definition. "Sociability" is that interest utilized in harmonizing human relations, in escaping social friction. "Beauty" is understood when it is learned that this interest applies to the development of the fine arts. "Rightness" applies to the securing of justice and includes the religious interest as well. The degree of national progress is conditioned upon the degree of realization of "the interests"—

Which I have enumerated. In other words, we make progress, we reach higher levels of development of civilization, as we seek and attain these great interests—health, wealth, sociability, knowledge, beauty, and rightness. There is no such thing as perfection here on earth; but we can struggle toward the attainment of the ideals, and in doing that we become more and more cultured and civilized.

In this connection, I desire to emphasize the fact that we are striving, especially at this time, to attain that high degree of rightness, of righteousness. Sometimes the future looks dark and gloomy. We are today confronted, in reading every daily newspaper, with records of crime throughout this great Christian, civilized country of ours. I do not look upon crime as a great many of my associates and fellows do. I have always believed that we could contribute to the decrease of crime if we knew how properly to treat crime. I believe that anywhere from 50 to 75 percent of the crime which is committed in this country could be prevented if we knew how to treat the criminal or the individual charged with crime. In other words, from 50 to 75 percent of the crime is due to the abnormal condition of the man or woman who commits the crime. It is due to a mental disturbance, or to a nervous trouble, or to a physical ailment; and before I leave my office as United States Senator I plan to introduce in Congress a bill for the establishment of a national sanitorium, laboratory, institution, or whatever it may be called, where there shall be gathered together the great psychiatrists, the great criminologists, the great psychologists of the Nation, who there shall experiment with and treat men who are addicted to repeating crime, because I believe that from 50 to 75 percent of the crime committed in this country is committed because of nervous, mental, or physical ailments. Some day, when we become more civilized, when we become more cultured, when we achieve a higher degree of the six interests I have outlined to you, instead of sending a man who has committed a crime to the penitentiary or to jail, we shall send him to a hospital for treatment. We ourselves are not civilized. We have just started to become civilized. We are in our infancy. We have not yet begun to reach the great heights of culture and the attainment of the six interests I have outlined.

I repeat that some day we shall look back upon this age, and our present method of treating crime, as almost barbarous and the men who are operating the courts of justice in trying to deal with crime will be looked upon almost as savages, because of our ignorance of the proper method of treating those who are guilty of committing crime; for I repeat that no civilized, normal human being is going to commit crime. A man has to be unbalanced in order to be a criminal.

The trouble with the Negro who is guilty of the unthinkable crimes that are sometimes committed is that he is abnormal. He is not normal. He has no reason for committing crime. The sutures of the skull have ossified, and the brain has stopped growing and expanding, and the passionate animal instincts are developed to such a high point that they overcome what little reason the childlike member of the Negro race has, and he commits the awful crimes in retribution for which the white man, in his desire to sustain white supremacy and protect his womankind, sometimes does things that he ought not to do; namely, destroys the perpetrator of crime.

We present here the interests as given in General Sociology (Albion W. Small), with arbitrary selections from their subdivisions. Comment upon the Conspectus of the Social Situation will be superfluous, for our purpose is but to show that the Negro is not and cannot be a factor in national progress.

He is an obstacle; he is in the way; he retards progress; and as the Negroes multiply and become more and more numerous, they will more and more drag down our progress and our civilization to lower levels.

With regard to the inauguration of new institutions, the Negro's influence will be nil. The inquiry for the reader, then, is not what will the Negro contribute to social progress, but how much burden will be upon the Caucasian in the latter's struggle to progress? The degree in which the Negro lags behind the Caucasian in creating and applying the material and spiritual agencies of progress will constitute the white man's burden—a burden which is to forever thwart the Nation in the attainment of those cultural heights warranted by Caucasian capacity and purpose.

In other words, the Negro has not only been a burden and a drawback to the development of the South in every particular, but he now is and he will increasingly become, as his population increases in the North, an obstacle to the development of our friends in the North. Wherever he is, he operates as an influence slowing down progress, delaying the day when we shall reach the great heights of culture and civilization that some of us dream about but which we are still a long way from attaining; when we shall reach those great interests that I have just been talking to you about, interests that are necessary before we shall attain that great day when our civilization will be the crowning work of the human race.

We are told that the Negro is with us to stay, that the Negro problem will solve itself, that if the white man be quiescent, God will solve the "race question."

Mr. President, that seems to be the attitude of some of my distinguished colleagues. They think that God Almighty is going to solve the race question for them. Some of them may think that if they can pass the pending bill they will be reelected, and that will be about the limit of God's assistance in their particular cases. I doubt whether God will have anything to do with that. In other words, there are some people who want to let things drift on

We would expect the quiescent platitudinarians, who lull the creative element in American civilization to sleep while the noncreative element is increasing by millions, to add one more platitude and tell us that "God helps those who help themselves," but they do not. Such would be the only sensible platitude they have uttered, but it would defeat their purpose.

Yes, there is an old saying that "God helps those who help themselves." I believe in that. God will help those who help themselves, and here we are face to face with this great burden, which is already retarding the progress and slowing down the development of our own civilization, just as it has slowed down the progress of the Congress for all these weeks, as we spend the people's money in fighting this monstrous proposition. But as a matter of fact we, the so-called filibusterers, are rendering a distinct service to the majority on the floor of the Senate. Of course, our Negro friends must not be let in on that. We are saving our friends from a vote which they do not want to cast, for I do not hesitate to say, and I am willing to put it in the RECORD, and I will tell it to the country, that if we would call this bill up tomorrow morning, with 96 Senators on the floor, and take a secret ballot, so that no constituent back home, octoroon, quadroon, mulatto, or mongrel, would ever know how a Senator voted, I do not hesitate to say that this damnable, undemocratic, un-American, unspeakable, pusillanimous, outrageous bill would not get 10 votes on the floor of the Senate. So we, the Southern minority, so-called raiders, Ku Kluxers, filibusterers, are really rendering an acceptable service to our colleagues, on the other side of this proposition.

They know it is unconstitutional, they know it is un-American, they know it is un-democratic, they know it is in violation of our great scheme of government. They know it is a direct invasion of States' rights, they know it is an entering wedge that will break down and destroy State lines, and which will more and more put the centralized concentrated government in Washington in control of local domestic affairs in the 48 States of this Union. They know all that, and they are happy we are saving them from having to cast a vote which they do not want to cast. They know that we are right in our contention. Our knowledge that we are right is our reason for keeping up the fight. I said I would fight for 30 days; I did not mean that, I meant 60 days.

The late A. H. Keane, foremost among British ethnologists, in reviewing the publication of Dr. R. W. Shufeldt, The Negro, said of those Americans whose Negro policy would sacrifice the white race and its civilization in preference to separating the races: "On this aspect of the question I read almost with terror the warning note raised by Dr. Shufeldt, who tells us that 'there are plenty of people in this country of ours who would far rather see the entire white race here rotted by heroic injections into their veins of all the savagery and criminality there is in the Negro than have any number of the latter in any way inconvenienced by their being returned to the country from which their ancestors came.' Such fanatical regard for the susceptibilities of a race which, after all, is entitled to scant respect, becomes a crime against humanity and, if persisted in, would end in national suicide. Surely they cannot shut their eyes to the deadly result of miscegenation in Latin America.

In other words, as Dr. Shufeldt says, there are some people in this country, controlled either by a desire for political advantage or controlled by desire for financial advantage or controlled by misguided information which comes through the teachings of some negrophilist in this country, who would be willing to see the civilization and the welfare of the white man in America destroyed eternally and forever rather than be bold enough and courageous enough to speak out to the world their convictions and help do the thing that would avert this great catastrophe to the American people and to our civilization.

Dr. Shufeldt is a northern man, a former member of the Medical Corps of the United States Army, and a naturalist of profound learning. His experience with the Negro has extended to all the Southern States and to the West Indies. During the 50 years of his scientific observation of the Negro, he has accumulated a knowledge of that race second to none other. His publication, America's Greatest Problem—the Negro—contains the epitome of the results of his years of investigation.

It might be profitable if some of these negrophilists and profiteers upon the Negro, both politically and financially, would get that book and read it.

He makes it clear to us that if the Negro remains in the United States the future American is to be a mongrel and the future civilization reduced to the level of the mongrel.

There are some distinguished Senators on this floor, some who would pose as statesmen, as leaders, in this great white man's country, who are so much concerned about their immediate success, their immediate progress politically, that they do not give a continental dried-apple damn what becomes of the American people and the American civilization just so long as they are saved during their lifetime. They would not do anything to save our civilization, to save our culture, to save our race, if they thought it would in any way jeopardize their welfare. There are many people in this country of that kind.

Let us compare the solutions offered by our time-serving or ignorant demagogues with those of our greatest statesmen, men whose statesmanship and prophetic vision have withstood the test of time and events.

There is quite a difference between a politician and a statesman. A politician will say anything, will do most anything, for the benefit of immediate success. That is all he can see; that is as far as he can see; that is as far as his interests will extend. On the other hand, a man who is a real leader and real statesman cares not for the immediate effect upon himself if he is once convinced that a course is right and will result in good to his country.

In company with these great Americans, let us visualize the future. If we cannot peer into the years before us and see the burden upon our children and our children's children, we are not qualified to deal with the Negro problem. Men die; man lives on. We must look to the future. This visualization is essential at the present time, for a race problem is of such insidious nature as to be realized by the mass at such late date as to render its effective solution an impossibility.

If we waited until 100 years from now, and should then suggest the repatriation of the Negro race in Africa, and offer to carry the Negroes back to their native land, it might be impossible, because by that time there will be so many mongrels in this country, there will be so much amalgamation, there will be so much intermarriage, there will be so much illegitimate breeding, that it might materially affect the population of this country if we were to transport to Africa all those who had a drop of Negro blood in them.

Jefferson, the most far-seeing of our statesmen, foretold that we awaited separation of the races or their amalgamation.

It is amusing to me to hear some of my Democratic friends at Democratic dinners make their Democratic speeches,

and quote Thomas Jefferson, the father of the Democratic Party, how they bear down upon his wisdom, his vision, and his statesmanship; yet they pass over with very little consideration Jefferson's most positive declaration, that thing about which he was most vehement, which was that we must have separation, that there should be a repatriation of the Negro, or the result would be complete amalgamation. They pass that over with very little consideration and really do not have anything to do with it.

We have seen how his analysis is true; that it agrees with every instance in the contact of races during the 60 centuries of written history. When the Negro numbered but 1,000,000, the fathers of the Republic had already foreseen the gravity of the race problem, and they knew that not the problem of slavery but that of the Negro—his physical presence—whether slave or free, was a menace to our race and institutions.

That was the problem. The fathers of the Republic were not talking about slavery, but they were talking about the fact that the Negro is of a different race; but, whether in slavery or in freedom, he was living here side by side with the white race. That was the problem.

I notice some of my Republican friends on the other side of the Chamber look upon Abraham Lincoln as the great leader of the Republican Party, the father of it, in a way. They quote from Abraham Lincoln with great gusto; they quote from his Emancipation Proclamation; yet when they come down to this serious problem of what we shall do in solving the race problem in this country they pass over all that Lincoln had to say as though his words were not worth anything at all, and they question his wisdom. Why? Because selfish interest steps in. They are not free to speak up and declare their conviction to the people whom they are attempting to lead. I say again that a leadership which does not lead is not worthy of its name. The leader who does not live up to his convictions, who does not follow the course laid out by his convictions, because he is afraid that to do so will not strike a popular chord, will sooner or later be relegated to the background—he will be forgotten—because he does not have the courage of his convictions.

Many leaders will follow the crowd because it is a crowd when he knows in his heart that what he is doing is wrong, and when the crowd finds out that he is wrong they will condemn him. They will say, "You aspired to lead. Why did you not lead right?"

I continue to read from White America.

Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. Jefferson repeatedly pointed out that the problem of Negro slavery was but a phase of the Negro problem; that if the slaves were freed, the freedmen would remain. Jefferson believed that separation was possible and imperative.

Henry Clay—

I wonder which one of the States Henry Clay came from and if there are left in that State any of his kind—

Henry Clay was a lifelong advocate of the necessity of removing the Negro from America. He, like Madison, Monroe, and numerous other foremost Americans, from both North and South, became an active supporter of the American Colonization Society, the purpose of which was to return the freed Negro to Africa and which succeeded in founding the Republic of Liberia, the ruling class of which is of American origin.

Twenty thousand workers were sent over to Liberia even before slavery was abolished in this country.

Thank God for the day it was abolished. Listen to what Daniel Webster said:

Webster came to the point when he said, "If any gentlemen from the South shall propose a scheme to be carried on by this Government upon a large scale, for their (the Negroes') transportation to any colony or to any place in the world, I should be quite disposed to incur almost any expense to accomplish that object."

That is a statement Daniel Webster made in a speech delivered March 20, 1850. If Daniel Webster, who hailed from New England—dear old Boston—back yonder in 1850, was ready to shake hands with the South and say that if any scheme could be evolved by which the Negro could be repatriated to his fatherland, he would gladly concur in it, then why cannot those who have come after him, who aspire to be leaders, and who aspire to have the reputation of trying to conserve and preserve American ideals, institutions, culture, and civilization—why cannot they join hands with the South and say, "We are ready to enact whatever legislation, constitutional or statutory, is necessary to do the Negro the real kindness of repatriating him. We will buy half of Africa if necessary, and give him plenty of country in which to work out his own salvation."

Lincoln, in response to a question by Stephen A. Douglas, with whom he was having a debate, used these words:

I will say, then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and the black races—that I am not, nor ever have been, in favor of making voters or jurors of the Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this, that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality.

Those are the words of Abraham Lincoln in a speech delivered September 18, 1858. Those were Abraham Lincoln's convictions then, and after he became President of the United States he never retracted these declarations.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. BILBO. I yield.

Mr. CONNALLY. Is it the purpose of the Senator to conclude his remarks this afternoon, or does he intend to go on tomorrow.

Mr. BILBO. I am ready to speak for 30 days. However, if the Senate desires to recess at this time I shall be glad to have a recess taken if by unanimous consent I shall be permitted to continue my remarks tomorrow.

Mr. BARKLEY. Will the Senator continue for a few minutes?

Mr. CONNALLY. At this stage why does not the Senator from Mississippi ask unanimous consent that when the recess is taken it shall be done with the understanding that the Senator has not lost the floor?

Mr. BILBO. I ask unanimous consent that when the Senate takes a recess today I shall continue to have the floor in order that I may continue my remarks tomorrow.

Mr. CONNALLY. That the recess be taken without the Senator being taken off the floor.

Mr. BILBO. Yes. I make the unanimous-consent request that if a recess is taken I shall be regarded as holding the floor.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). Is there objection to the unanimous-consent request of the Senator from Mississippi? The Chair hears none.

Mr. BILBO. I am indeed gratified and happy over the attitude of the Senate.

Mr. BARKLEY. Mr. President, I had waited a few minutes to see if the housing measure would come back from the House to be signed. It is impossible to get it back at this time, so if the Senator from Mississippi will suspend at this point I will move an executive session.

Mr. BILBO. I shall be glad to do so.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, reported favorably the nomination of Edward W. Griffin, of Alaska, to be secretary of the Territory of Alaska.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the same committee, reported adversely the nomination of Mahlon F. Drake to be postmaster at Highlands, N. J., in place of J. P. Adair.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Chaplain (First Lt.) Morris Eugene Day, Chaplains' Reserve, to be chaplain in the Regular Army with rank from date of appointment.

He also, from the same committee, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

Mr. PITTMAN, from the Committee on the Judiciary, reported favorably the following nominations:

Lawrence S. Camp, of Georgia, to be United States attorney for the northern district of Georgia; and

George J. Keinath, of Ohio, to be United States marshal for the northern district of Ohio.

Mr. O'MAHONEY, from the Committee on the Judiciary, reported favorably the following nominations:

Benjamin B. Mozee, of Alaska, to be United States marshal for the second division, district of Alaska; and

Albert A. Sanders, of Wyoming, to be United States marshal for the district of Wyoming.

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the nomination of Charles R. Price, of North Carolina, to be United States marshal for the western district of North Carolina.

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the nomination of Marcus Erwin, of North Carolina, to be United States attorney for the western district of North Carolina.

Mr. NEELY, from the Committee on the Judiciary, reported favorably the nomination of Joe V. Gibson, Esq., to be United States attorney for the northern district of West Virginia, vice Howard L. Robinson, resigned.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in order the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of William R. Smith, Jr., to be United States Attorney for the western district of Texas.

Mr. BARKLEY. I ask to have the nomination passed over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Diplomatic and Foreign Service are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters on the Executive Calendar may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations for promotions in the Navy.

Mr. BARKLEY. I ask unanimous consent that the nominations for promotions in the Navy may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations for promotions in the Navy are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 49 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, February 2, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 1 (legislative day of January 5), 1938

PROMOTIONS IN THE DIPLOMATIC AND FOREIGN SERVICE

TO BE FOREIGN SERVICE OFFICERS OF CLASS 2

Maynard B. Barnes
William C. Burdett
Nathaniel P. Davis
John G. Erhardt
Carol H. Foster
Charles Bridgham Hosmer
Paul R. Josselyn
Joseph F. McGurk
Robert D. Murphy
Myrl S. Myers
Harold H. Tittmann, Jr.
Avra M. Warren
Orme Wilson

TO BE FOREIGN SERVICE OFFICERS OF CLASS 3

Willard L. Beaulac
William P. Blocker
Howard Bucknell, Jr.
Richard P. Butrick
Cecil M. P. Cross
Hugh S. Fullerton
Edward M. Groth
George D. Hopper
H. Freeman Matthews
Rudolf E. Schoenfeld
George P. Shaw
Howard K. Travers

TO BE FOREIGN SERVICE OFFICERS OF CLASS 4

Hiram A. Boucher
Herbert S. Bursley
Curtis T. Everett
Raymond H. Geist
Stuart E. Grummon
Loy W. Henderson
Laurence E. Salisbury
Lester L. Schnare
Edwin F. Stanton
Fletcher Warren
Samuel H. Wiley

TO BE FOREIGN SERVICE OFFICERS OF CLASS 5

John H. Bruins
Selden Chapin
Herndon W. Goforth
George F. Kennan
Marcel E. Malige
Samuel Reber
Frederik van den Arend
Angus I. Ward

PROMOTIONS IN THE NAVY

Forde A. Todd to be rear admiral.
Franklin Van Valkenburgh to be captain.
Vance D. Chapline to be captain.
Frank A. Braisted to be captain.
Mark C. Bowman to be captain.
John J. Ballentine to be commander.
John R. Sullivan to be commander.
John D. Alvis to be commander.
Clifton A. F. Sprague to be commander.
Harold Biesemeier to be commander.
Franklin O. Johnson to be lieutenant commander.
Woodson V. Michaux to be lieutenant commander.
George E. Nold to be lieutenant commander.
William F. Jennings to be lieutenant commander.
Jesse R. Wallace to be lieutenant commander.
Bradford Bartlett to be lieutenant commander.
Frank R. Walker to be lieutenant commander.
John J. O'Donnell, Jr., to be lieutenant commander.
Henry F. Ripley to be lieutenant.
William J. Galbraith to be lieutenant.
Augustus R. St. Angelo to be lieutenant.
Charles F. Phillips to be lieutenant.
James A. Adkins to be lieutenant.
Harvey P. Burden to be lieutenant.
Gilbert C. Carpenter to be lieutenant.
Frank B. Miller to be lieutenant.
Joseph L. LaCombe to be lieutenant (junior grade).
Denis H. Biwerse to be lieutenant (junior grade).
Charles R. Ware to be lieutenant (junior grade).
John F. Luten, to be surgeon.
Murphy K. Cureton to be passed assistant surgeon.
Richard S. Silvis to be passed assistant surgeon.
Charles L. Strain to be civil engineer.
Robert H. Meade to be civil engineer.
Lewis C. Coxe to be assistant civil engineer.
William C. G. Church to be assistant civil engineer.

Richard L. Mann to be assistant civil engineer.
Albert E. Stone to be chaplain.
Cecil E. Dowling (and not Dawling) to be chief boatswain.
Wilbur D. Platt to be chief boatswain.
Harvey M. Anderson to be chief boatswain.
Frank Guthrie to be chief boatswain.
Francis P. Moran to be chief boatswain.
John J. O'Brien to be chief boatswain.
Jack Seward to be chief carpenter.
Samuel W. McGovern to be chief gunner.

POSTMASTERS

CALIFORNIA

John E. White, Banning.
Dina M. Tobin, Cutler.
Chester W. Seely, Hamilton Field.
Charles D. South, Jr., Santa Clara.
Robert H. Frost, Sausalito.
John E. Johnson, Weott.

ILLINOIS

Oscar E. Bantz, Fithian.

LOUISIANA

Joseph M. Blache, Sr., Hammond.
Charles W. Carson, Pitkin.

MISSISSIPPI

Annie K. Mauldin, Water Valley.

NEBRASKA

Louis F. Kreizinger, Bellwood.

NEW YORK

Eva Purcell, Barryville.
Grace S. G. Davies, Lake Kushaqua.
Clarence T. Cahill, Palisades.
Edward G. Watts, Silver Bay.

UTAH

Telma I. Sorrell, Fort Douglas.
Paul G. Johnson, Grantsville.

WEST VIRGINIA

Mabel M. Messinger, Branchland.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 1, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty and most merciful Father, whereby are given unto us exceeding, great, and precious promises, inspire us to give them all diligence, adding to our faith virtue and to our virtue knowledge. O Lord God, how beautiful are all Thy works. In wisdom Thou hast made them all. The earth is full of Thy riches. May we hallow Thy name with praise and gratitude. Speak words of loving cheer. Leave no opportunity unimproved to serve others. Stand close beside us, Heavenly Father. Today let duty have no uncertain flame, but in its performance may our country look and find merit. Oh, fill us with the spirit of the Master, as we remember what the Lord hath done. In His holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EAT-MORE-MEAT CAMPAIGN

Mr. NELSON. Mr. Speaker, I ask unanimous consent to address the House for a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. NELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. NELSON. Mr. Speaker, today in Chicago there is being held a meeting for the purpose of promoting increased interest in livestock production for the benefit of stockmen and farmers. Every Member of Congress ought to feel that he has a stake in this meeting—and I mean no play on words—whether representing a country or a city district. All business depends to a great degree upon agriculture. Permanent agriculture depends upon soil fertility, and without livestock we cannot maintain the fertility of the soil.

The Chicago meeting, then, has no narrow or selfish objective. Its benefits will not be confined to a few. It is not just for the producers, processors, and marketers of meat. In fact, it fits perfectly into the important and far-reaching conservation program of our great President. Advance information as to the meeting indicated that among those in attendance would be heads of more than a score of railroads, editors of farm papers, president of the National Association of Manufacturers, representatives of hotel and restaurant associations, wholesale and retail meat dealers, officers of agricultural associations, and many others interested in the livestock industry.

I say that all of us ought to feel a real personal interest in this meeting, for there is not a congressional district in the United States where meat is not produced or eaten. To one unfamiliar with the livestock and meat business the figures are so big as to be almost unbelievable. Year in and year out the people of the United States eat about 16,000,000,000 pounds of meat annually.

In eight States meat packing is the largest manufacturing industry. These States are Illinois, Iowa, Minnesota, Kansas, Nebraska, Missouri, Colorado, and South Dakota. In 1935, the last year for which I have been able to secure Government figures, the meat-packing industry turned out products valued at more than two and a third billion dollars.

Of all the tillable land in the United States, more than two-thirds of it is given over to the production of livestock or in growing feed for animals bred and fed on the farms. About 25 percent of the farm income is derived from meat animals. Almost five and one-half million farms out of a national total of nearly 7,000,000 were reported by the census as having some cattle, with approximately one and one-half million farms producing beef cattle. Hogs were grown on nearly 4,000,000 farms, and sheep on nearly two-thirds of a million.

Nearly one-sixth of the 900,000 people engaged in manufacturing foods and kindred products in 1925 were employees of meat-packing plants. In addition, it is estimated that some 240,000 persons are engaged in selling meat. Then, there are the many engaged in railroad work, trucking, at the stockyards, and in commission houses. Nor should we forget those who supply the salt and sugar and much else that enters into the sale of meat. Just here I would remind you that when we buy meat we get meat for every cent of our money, not one fraction of which goes for fancy packages or containers.

Somebody asks, "Why an eat-more-meat campaign? Why interest ourselves in the livestock farmer when prices for hogs, sheep, and cattle are so very much higher, in many instances more than double, than before the beginning of the present administration?" I am glad to answer that question. While on yesterday in Chicago top hogs were $9 per hundredweight, cattle the same, and top lambs $8, the cost of producing these meat animals, owing to the high price of corn, due to devastating drouths, has been unusually high.

A few months ago, when cattle, for instance, were selling at a little profit to the producers and when meat prices were not out of proportion, a lot of folks in the big cities proposed a boycott, as foolish and unjustified a movement as one could imagine. It was not the first time that a boycott had been proposed. Some 20 years ago, when I was assistant secretary of agriculture for Missouri, meat boycotts were proposed in a number of large cities, the agitators perhaps being the fathers and mothers of some of those who are today, without complaint, paying more than the price of

a pound of the best steak merely to gratify some whim or fancy. What I said at that time, and from which I quote, is as true today:

While prices for farm produce are high, the cost of production, due to decreased acre yields and other influences over which the farmer has no control, is also high. Were it not for the somewhat higher prices now prevailing, prices which in most instances do not cover the increased cost of production, every pound of beef or pork, every pound of butter, every quart of milk, and every dozen of eggs sold would represent a loss. In view of the proposed boycotts on many food products, due to lack of understanding or to conditions for which the farmer is in no way responsible, there is grave danger lest farmers, fearing for the future, dispose of much of their breeding stock and curtail operations generally. This they may do instead of engaging more extensively in livestock farming, dairying, poultry raising, and kindred activities. These are facts worthy of the most thoughtful consideration.

Commenting on my boycott observations, the Kansas City Daily Drovers Telegram of December 23, 1916, said:

After reading this succinct statement of the position of farmers in the present food situation, every farmer and every urbanite who understands farm conditions will be led to hope that some means will be devised to enable all food consumers to gain knowledge of the facts contained in Mr. NELSON'S outline of the dangers of the food-boycott agitations. There is, of course, more or less selfishness in a majority of urbanites who buy food, but it seems that the facts presented by Mr. NELSON should convince even the most selfish food boycotters that they will lose instead of profit from their present campaigns.

The farmer is not being injured seriously by the unintelligent agitators who are starting food boycotts, but it is not pleasant to the producer of any class of food to be embarrassed by insinuations against them and their agents. And it is not desirable that farmers would be put in a position of doubting the willingness of those who need their food to buy it in open and fair competition. When a drought and other factors for which the farmer is not responsible advance food, the farmer rightfully expects the consumer to pay the higher price which results. If the consumer shows signs of attempting to depress what the farmer sells, while getting high prices for what the farmer buys, the production of farms will diminish and the consumer will suffer. The consumer must therefor be enlightened.

This leads me to speak of meat prices in Washington today. I quote:

Round steak, 30 cents per pound; porterhouse, 37 cents; chuck roast, 19 cents; leg of lamb, 21 cents; shoulder of lamb, 15 cents; select pork chops, 27 cents; bacon, 29 cents; and fresh shoulder, 20 cents.

What do these prices, much lower than a short time ago, mean? Briefly, they mean that of all food there is no better buy than meat—clean, good, nutritious meat, fine for all the family.

Scientifically speaking, what of meat in the diet? I answer that meat is such an outstanding food that the Council on Foods of the American Medical Association has approved the statement that "meat contains a combination of highly desirable and necessary food elements and provides various food values which your diet should have." Dr. F. V. McCollum, the noted nutrition expert, includes meat among the most valuable supplementary or insurance foods. Dr. Campbell, of the Department of Medicine at the University of Toronto, has called attention to the dangers that might result from diets too low in protein. Dr. Irving S. Cutter, of the Northwestern University School of Medicine, another distinguished authority, points out that nothing is so certain to result unsatisfactorily as a diet from which meat or some other essential food has been eliminated.

It is a pleasure to quote eminent authorities on meat as a food, and especially so because of sensational and too often selfish, derogatory statements to the contrary. Not only did nature provide meat animals as a source of good food, but careful handling and strict Federal inspection keeps this finest of food so. It is safe to eat more meat. It is sensible. It makes for good health. It is good business.

I say it is good business to eat more meat—good business for the farmer and good business for the man in town. I say it, I mean it, and being "from Missouri," I want to show you.

I go back to what I said in the beginning. The farm is the basis of all permanent national prosperity. High prices for stocks will not do the job. There must be decent prices for stock, for livestock—cattle, hogs, and sheep.

When the country cannot buy, the city can no longer sell. And remember that it is not merely the price received by the livestock farmer, but the purchasing power of the profit, which determines ability to pay. No profit, no purchasing power. Keep this in mind, society matrons, wives of merchant princes, if you please, before protesting meat prices.

A Corn Belt feed lot or farm may be a very small affair, but the output of all put together means something pretty big, big enough to influence favorably or adversely the business of the biggest city. Do not forget the feed trough and the fattening pen. Yes; and keep in mind prices, which, if ruinously low, must mean scarcity and higher prices for the future.

But let us get back to that eat-more-meat campaign inaugurated—"campaign" and "inaugurated" ought to be appealing words to you, my colleagues—in Chicago today. What of it? What can you and I do about it? Collectively speaking, we might ask the management of the House of Representatives restaurant here in the Capitol to see that daily until the end of this session meat be given a prominent place on the bill of fare. Wherever we eat our morning or evening meals we can order meat—and what is better than crisp breakfast bacon?

You and I may ask, "What can I do back in my district?" I answer that I can ask, and knowing the people of Missouri's Second Congressional District as I do, I feel sure that I will receive the active help of farm organizations, chambers of commerce, business and professional women's organizations, homemakers' clubs, domestic science groups, 4–H clubs, Future Farmers of America, Rotary, Lions, Kiwanis, and similar clubs—in fact, of practically every organization—in this worthy and so worth-while eat-more-meat movement.

Yes; I like this eat-more-meat movement. I like it because it proposes self-help and promises mutual benefits without asking a dollar in the form of Federal aid. It is sound. It will help everybody. It represents commendable cooperation. It will help both city and country.

INDIAN AFFAIRS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to ask the majority leader a question regarding the program tomorrow.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN. Can the majority leader tell us what legislation will be called up tomorrow?

Mr. RAYBURN. No; I cannot, except that the Committee on the Public Lands will have the call.

Mr. COCHRAN. Will the Public Lands Committee take up the entire day?

Mr. RAYBURN. That is their thought. They think it will take them all day to get through.

Mr. COCHRAN. I am very much interested in some bills that will probably be called up by the Indian Affairs Committee. That committee is going to have the call following the Public Lands Committee and I want to know what bills will be called up by the Indian Affairs Committee. If the chairman of the Indian Affairs Committee will give me this information he will save time, because if I do not get that information I propose to have some quorum calls to give me time to get my facts together. I intend to oppose some of the legislation that committee has reported.

Mr. RAYBURN. It is the intention to call only one committee tomorrow.

Mr. COCHRAN. I hope the chairman of the Indian Affairs Committee will advise the House, or the majority leader, a day in advance of the date his committee is called, of the bills he proposes to call up. I have no desire to delay consideration of the committee's bills, and if I am forced to have quorum calls it will be because I will need time to assemble facts in reference to bills. I have explained how that can be avoided.

RECEIPT AND DISTRIBUTION OF FUNDS BY VARIOUS GOVERNMENT AGENCIES

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Speaker, I send to the desk a resolution which it is my purpose to introduce, and ask that the Clerk read it in my time.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Resolved, That pursuant to the authority contained in the act of June 10, 1921 (U. S. C., title 31, par. 53 (B) directing the Comptroller General of the United States to make such investigations and reports as shall be ordered by either House of Congress, the Comptroller General of the United States is hereby ordered to investigate and report to the House of Representatives at the earliest practicable date full and complete information showing the receipt, disbursement, and application of funds of each and every agency, board, establishment, and corporation created by act of Congress or by Executive Order of the President since March 4, 1929, either as a separate entity or within the jurisdiction of an executive department, and the sources from which such sums were derived, whether by specific authorization, allotment, or allocation. Such report shall also show the several amounts recovered from time to time by agencies, boards, establishments, and corporations authorized by law or by Executive Order, to loan public funds, whether applied to the reduction of the public debt, the several sums so applied, if any, or whether deposited in the general fund of Treasury as receipts, and if so whether expended, the objects and purposes for which expended, and the authority of law for such expenditures.

The Comptroller General shall also investigate and report to the House of Representatives the method of bookkeeping and accounting in the Treasury Department and whether the so-called daily Treasury statement reflects adequately, accurately, and effectively the true condition of receipts and expenditures, and of the assets and liabilities of the United States, together with his recommendations of such changes in said method and in said daily Treasury statement as, in his judgment, he may deem necessary and desirable in the interest of greater economy and efficiency in public expenditures and of more accurate information for the use of Congress and the public.

Mr. GIFFORD. Mr. Speaker, this resolution has been offered not at the instigation or with the knowledge of the Comptroller General. It is simply following out the ideas that I have often expressed on this floor, namely, that we may get a proper evaluation of the securities owned by the United States Government. In a letter from the Budget Director of the United States, he states that no attempt is made by the Treasury to evaluate the securities they own. The capital stock of these various corporate devices, together with the allocation of the now dissipated R. F. C., should be evaluated that a true picture of recoverables shall be presented to the American people.

EXTENSION OF REMARKS

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter from the Virginia State director of the National Youth Administration on the program in that State.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a letter I have written to one of my constituents expressing my views on farm legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD relative to a campaign being conducted at the present time to create a better understanding among the workers of this Nation with American business methods and also to include certain comments made by one or two editors from my State.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGLAS. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein an article I have written on the unemployment census.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I was very much interested in the statement made by the gentleman from Missouri in reference to eating more meat. May I say to the Members of the House of Representatives that if the Department of Agriculture would pay the farmers of this country for raising more produce, for producing more meat so that the prices of agricultural commodities could be at a level at which American citizens could afford to purchase them, the people of this country not only would eat more meat but they would eat more of all foods. The trouble is that we are trying to pay the farmers of this country for not producing commodities; and this makes it difficult for those of moderate means to purchase them. People in industry had their wages increased in 1937 over 1936 from 20 to 30 percent, but the cost of living increased faster than the wages—so tell me how they could afford to consume more meat at the high prices. How can they buy more bread, more potatoes, more vegetables? It is terrible to think this country has put a premium on idleness; to think that men are paid to do nothing; paid if they left their lands vacant; paid if they raise less beef, less pork, less wheat, and so forth. We should pay the farmers and workers of this country for raising foodstuffs, so all will have plenty to eat and plenty to wear. Let us have a land of plenty instead of a land of scarcity. A land of happiness instead of a land of discontent. Why does this administration continue the policy of scarcity?

Will it ever see the light of day and realize that we want America to be a land of plenty, a country where people can get all the food and clothing they want, where no one may want for the necessities of life? Let us pay for producing more, if that must be. We want work, and producing more will produce jobs and pay. Thus one can live by the "sweat of his brow" and not on a Government dole at high living costs.

[Here the gavel fell.]

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

JUDSON M. GRIMMET

The Clerk called the first bill on the Private Calendar, S. 2773, to authorize the issuance of an unrestricted patent to Judson M. Grimmet.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior shall issue an unrestricted patent for lot 7, section 14, township 18 north, range 14 west, Louisiana meridian, to Judson M. Grimmet, of Caddo Parish, La., if in his opinion such lands are neither mineral in character nor valuable for deposits of oil or gas: *Provided*, That said Judson M. Grimmet shall show to the satisfaction of the Secretary of the Interior that he has acquired all the rights which passed in said land to Riley Hamilton under patent 763165.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORD O. GOTHAM AND JAMES M'CUMBER

The Clerk called the next bill, H. R. 344, for the relief of Ford O. Gotham.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, I object.

There being no further objections, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ford O. Gotham the sum of $5,000 in full settlement of his claim against the United States for injuries received on colliding with a United States Army truck at or near the village of Black River, N. Y., on the 26th day of August 1932.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ford O. Gotham, of Watertown, N. Y., the sum of $2,000, and to James McCumber, of Watertown, N. Y., the sum of $3,000, in full settlement of their claims against the United States for personal injuries sustained when the vehicle in which they were riding collided with an Army truck, August 26, 1932, on New York State Highway No. 3, near Black River, N. Y.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Ford O. Gotham and James McCumber."

E. A. CAYLOR

The Clerk called the next bill, H. R. 592, for the relief of E. A. Caylor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to E. A. Caylor, out of any money in the Treasury not otherwise appropriated, the sum of $100, representing an unpaid balance on account of a horse which was killed as the result of a collision with a truck being negligently driven by an employee of the United States Forest Service.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. A. Caylor, of Udell, Iowa, the sum of $150, in full satisfaction of his claim against the United States for the death of a horse from injuries sustained September 5, 1934, while in use by employees of the Forest Service, Department of Agriculture, under a verbal agreement, in connection with the construction of erosion dams on farms in Appanoose County, Iowa: *Provided*, That the Comptroller General of the United States is hereby authorized and directed to credit $50 of the amount herein appropriated to the account of W. H. Kasten, finance officer, United States Army, symbol 229123, for payment in that amount during August 1935 on voucher No. 1068 to E. A. Caylor on account of said loss, which payment has been disallowed, or to otherwise effect a set-off for the $50 so received by E. A. Caylor: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAUL BRINZA

The Clerk called the next bill, H. R. 2316, for the relief of Paul Brinza.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full settlement of all claims against the Government of the United States, to Paul Brinza, the father of the late Anton Brinza, who was killed on July 7, 1934, by a truck that was operated by the Civilian Conservation Camp located in the city of Cudahy, Wis.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, start with the words "the sum" in line 5 and strike out all of the bill through line 9 and insert in lieu thereof "to Paul Brinza of Cudahy, Wis., the sum of $2,500, in full settlement of all claims against the United States for the death of his minor son, Anton Brinza, who was killed on July 7, 1934, when struck by a Civilian Conservation Corps truck in."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

R. L. SCOTT

The Clerk called the next bill, H. R. 3179, for the relief of R. L. Scott.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

BENJAMIN WEISENBERG

The Clerk called the next bill, H. R. 3389, for the relief of Benjamin Weisenberg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Benjamin Weisenberg, the sum of $2,500 in full settlement of all claims against the United States Government by reason of being struck and permanently injured by a Government automobile which was driven by an employee of the Department of Agriculture: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, after the name "Weisenberg", insert "of Brooklyn, N. Y.,".

Page 1, line 6, also, strike out the figures "$2,500" and insert "$1,000".

Page 1, lines 7, 8, and 9, strike out the words "Government by reason of being struck and permanently injured by a Government automobile which was driven by an employee" and insert "for personal injury sustained on July 2, 1935, at Ellenville, N. Y., when he was struck by a truck".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

WILLIAM R. HERRICK

The Clerk called the next bill, H. R. 4020, for the relief of William R. Herrick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William R. Herrick, of Leominster, Mass., the sum of $32.25. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said William R. Herrick as the result of personal property destroyed in the fire in the barracks occupied by Company D, Fifth Regiment United States Infantry, at Camp Devens, Mass., on June 21, 1926.

With the following committee amendments:

In line 6, strike out the name "Leominster" and insert "Fitchburg."

In line 6, also, strike out the figures "$32.25" and insert "$28.40", and strike out the words "Such sum shall be", in lines 6 and 7.

In lines 8 and 9, strike out the words "damages sustained by the said William R. Herrick as the result of" and insert "loss of his."

At the end of the bill add: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EVA C. NETZLEY ET AL.

The Clerk called the next bill, H. R. 4251, for the relief of Eva C. Netzley; William G. Stuff; Lois Greenawalt Stuff; William G. Stuff, administrator of the estate of Sarah C. Stuff, deceased; Eva C. Netzley, Clyde M. Netzley, and Dolores Netzley, widow and children and sole heirs at law of Clyde C. Netzley, deceased; and Harry E. Ridley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eva C. Netzley, of Naperville, Ill., William G. Stuff, of Mercersburg, Pa., and Lois Greenawalt Stuff, of Mercersburg, Pa., the sums of $1,000, $25,000, and $25,000, respectively, in full settlement of all claims for bodily injuries sustained by them on August 24, 1935, as the result of negligence on the part of an employee of the United States Government, which said negligence caused a collision between an automobile in which they, the said Eva C. Netzley, William G Stuff, and Lois Greenawalt Stuff, were riding and a Civilian Conservation Corps truck at or near the intersection of Tristate Highway, route No. 54, and Thirty-first Street near Hinsdale, Ill.; and that the said Secretary of the Treasury be, and he is hereby, further authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William G. Stuff, of Mercersburg, Pa., administrator of the estate of Sarah C. Stuff, deceased, the sum of $2,000, and to Eva C. Netzley, Clyde M. Netzley, and Dolores Netzley, all of the city of Naperville, Ill., widow and children, respectively, and sole heirs at law of Clyde C. Netzley, deceased, the total sum of $25,000, in full payment of all damages sustained as the result of the death of the said Sarah C. Stuff and Clyde C. Netzley from injuries sustained as the result of negligence on the part of an employee of the United States Government which caused a collision between an automobile in which the said Sarah C. Stuff and Clyde C. Netzley were riding and a Civilian Conservation Corps truck at or near the intersection of Tristate Highway No. 54, and Thirty-first Street near Hinsdale, Ill., on August 24, 1935; and that the said Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry E. Ridley, of the city of Naperville, Ill., the sum of $776.85, in full payment for all damage to property sustained by him as the result of negligence on the part of an employee of the United States Government which negligence caused a collision between a car owned by the said Harry E. Ridley and a Civilian Conservation Corps truck at or near the intersection of Tristate Highway, route No. 54, and Thirty-first Street near Hinsdale, Ill., on August 24, 1935.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eva C. Netzley, of Naperville, Ill., the sum of $1,000; to the administrator of the estate of Clyde C. Netzley, deceased, late of Naperville, Ill., the sum of $5,000; to William G. Stuff, of Mercersburg, Pa., the sum of $1,000; to William G. Stuff, as administrator of the estate of Sarah C. Stuff, deceased, late of Mercersburg, Pa., the sum of $2,000; to Lois Stuff, nee Greenawalt, of Mercersburg, Pa., the sum of $3,500; and to Harry E. Ridley, of Naperville, Ill., the sum of $168.85; in all, $12,668.85, in full settlement of all claims against the United States for personal injuries, death, and property damage sustained in a collision with a National Park Service truck, operated in connection with the Civilian Conservation Corps, on August 24, 1935, at the intersection of Thirty-first Street with Illinois State Highway No. 54, near Hinsdale, Du Page County, Ill.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Eva C. Netzley, William G. Stuff, Lois Stuff, and Harry E. Ridley; and the estates of Clyde C. Netzley and Sarah C. Stuff."

HUGH RAY

The Clerk called the next bill, H. R. 4921, for the relief of Hugh Ray.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hugh Ray, Hodgenville, Ky., the sum of $5,000 in full satisfaction of all claims against the United States for injury received while acting as deputy prohibition agent, county of Larue, Ky., and driving car for prohibition agents making raids on stills.

With the following committee amendments:

Page 1, line 5, strike out "Hodgenville" and insert "Greensburg."

Page 1, line 6, strike out "$5,000" and insert "$1,500."

Page 1, line 8, strike out "acting as deputy prohibition agent, county of Larue, Ky., and driving car for prohibition agents making raids on stills" and insert "deputized by and assisting a United States prohibition agent in raiding illicit stills near Hibernia, Taylor County, Ky., on August 16, 1921: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN M. FRALEY

The Clerk called the next bill, H. R. 5149, for the relief of John M. Fraley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the limitations of time in sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of John M. Fraley, postmaster at Farmers, Rowan County, Ky., and the Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, his claim for disability from rupture alleged to have been incurred in line of duty on or about July 1, 1926, while serving as such postmaster: *Provided*, That claim hereunder shall be filed within 6 months from the approval of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN W. WATSON

The Clerk called the next bill, H. R. 6397, for the relief of John W. Watson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John W. Watson, of Wilmington, Del., the sum of $159.50. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by said John W. Watson on account of personal injury suffered when he was struck by a United States Army truck in the wareroom of the Delaware Hardware Co., Wilmington, Del., on November 27, 1935.

With the following committee amendments:

Page 1, line 6, after the words "the sum of", strike out "$159.50. The payment of such sum shall be" and insert "$75."

Page 1, line 9, strike out "said John W. Watson" and insert "him."

Page 2, line 1, after "November 27, 1935", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RALPH J. NEIKIRK

The Clerk called the next bill, H. R. 6471, for the relief of Ralph J. Neikirk.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ralph J. Neikirk, of Lakeland, Fla., out of any money in the Treasury not otherwise appropriated, the sum of $680 in full settlement of all claims against the Government of the United States representing remission of liquidated damages in connection with the drilling of wells on Blackbeard Island, covered by contract No. ALS 9994, Bureau of Biological Survey: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$680" and insert "$75."

Page 1, line 8, strike out the word "representing" and insert "for delays caused by the Government and/or."

Page 1, line 10, after the word "island", insert "near Sapeloe, Ga."

Page 1, line 11, strike out "ALS 9994" and insert "Als-9994, dated August 20, 1934, with the."

Page 2, line 2, after the word "survey", insert "Department of Agriculture."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES T. ROGERS

The Clerk called the next bill, H. R. 7173, for the relief of James T. Rogers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James T. Rogers, of the Alcohol Tax Unit, Federal Building, Birmingham, Ala., the sum of $——— to cover a judgment of $300 secured against the said James T. Rogers on account of an automobile accident in which he was involved while performing his duty.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. D. Thornhill, of Birmingham, Ala., the sum of $300, in full satisfaction of his claim against the United States, or any employee thereof, for the amount of a judgment obtained March 11, 1937, against James T. Rogers in the United States District Court for the Northern District of Alabama on account of personal injury and damage sustained by him when his automobile overturned as the alleged result of attempting to avoid a collision with an automobile owned by the Government and operated by said James T. Rogers, an investigator, Alcohol Tax Unit, Bureau of Internal Revenue, Treasury Department, in performing his official duties, on the Warrior River Road near Rock Creek, Jefferson County, Ala., May 18, 1936: *Provided*, That the clerk of the United States District Court for the Northern District of Alabama is hereby authorized and directed, upon notification of payment by the Secretary of the Treasury as herein provided, to satisfy of record the said judgment obtained by G. D. Thornhill against James T. Rogers in said court: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of G. D. Thornhill and James T. Rogers."

CARL DEMENT WEAVER

The Clerk called the next bill, H. R. 7678, for the relief of Carl Dement Weaver.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carl Dement Weaver, machinist's mate, first-class, United States Navy, the sum of $50.70, in full satisfaction of his claim against the United States for the value of personal effects lost at Paducah, Ky., during the Ohio Valley flood in January 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, after line 6, insert the following: "and to Donald W. Supernois, fireman, first class, United States Navy, the sum of $20.25."

Page 1, line 8, strike out "is" and insert "their."

Page 1, line 10, strike out "at Paducah, Ky." and insert "while engaged in emergency relief work."

Page 1, at the end of line 11, insert "and February."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Carl Dement Weaver and Donald W. Supernois."

GEORGE YUHAS

The Clerk called the next bill, S. 2602, for the relief of George Yuhas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to George Yuhas the sum of $52 in full and final settlement of any and all claims against the Government for personal injuries resulting when the automobile in which he was riding was struck by a truck belonging to the Government and operated by a member of the Civilian Conservation Corps, Camp Riley Creek, Fifield, Wis.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "Treasury", strike out "allocated by the President for the maintenance and operation of the Civilian Conservation Corps" and insert "not otherwise appropriated."

Page 2, line 2, after the word "Wisconsin", insert "on October 4, 1933, near Phillips, Wis."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEO L. HARRISON

The Clerk called the next bill, S. 2768, authorizing the Comptroller General to adjust and settle the claim of Leo L. Harrison.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of Leo L. Harrison for blood furnished February 19, 1937, for transfusion to George L. Oertel, a patient in a Government hospital, and to allow in full and final settlement of said claim an amount not in excess of $25, under the appropriation of the Veterans' Administration available for payment for blood transfusion: *Provided*, That no part of the amount in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IRVIN H. JOHNSON

The Clerk called the next bill, S. 2769, authorizing the Comptroller General to adjust and settle the claim of Irvin H. Johnson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of Irvin H. Johnson for blood furnished January 26, 1937, for transfusion to Nellie L. Ruble, a patient in a Government hospital, and to allow in full and final settlement of said claim an amount not in excess of $25, under the appropriation of the Veterans' Administration available for payment for blood transfusion: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK PASHLEY AND BROWN GARRETT

The Clerk called the next bill, S. 2832, authorizing the adjustment of the claims of Frank Pashley and Brown Garrett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claims of Frank Pashley for blood furnished February 24 and 27, 1937, for transfusion to Llewelyn T. McKee, a patient in a Government hospital, and to allow in full and final settlement of said claims an amount not in excess of $15 and $10, a total of $25; also to adjust and settle the claim of Brown Garrett for blood furnished February 11, 1937, for transfusion to Albert King, a patient in a Government hospital, and to allow in full settlement of said claim an amount not in excess of $25, all under the appropriation of the Veterans' Administration available for payment for blood transfusion: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM R. KELLOGG

The Clerk called the next bill, S. 371, for the relief of William R. Kellogg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William R. Kellogg, of Jamestown, N. Dak., out of any money in the Treasury not otherwise appropriated, the sum of $1,000, in full settlement of all claims against the United States for damages caused to him by the failure of post-office officials of the United States Government to furnish to said William R. Kellogg a lease to lots 8 and 9, block 33, city of Jamestown, N. Dak., in accordance with the inducements and oral agreements whereby said William R. Kellogg was induced to erect a building and purchase fixtures for the use of the United States as a post-office building for the city of Jamestown, N. Dak. Said building being erected and fixtures being purchased in good faith upon the promise of officials of the Post Office Department that a 10-year interminable lease would be entered into by the United States, and not until after the building was fully erected and the fixtures bought was the said William R. Kellogg advised that such a lease would not be furnished to him: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$1,000" and insert in lieu thereof "$675."

Page 1, strike out all of lines 8 to 12, inclusive, and on page 2, beginning with line 1, strike out all down to and including "him" in line 9, and insert in lieu thereof "3 months' rent of his building, situate on lots 8 and 9, block 33, city of Jamestown, N. Dak., and used as a post office in that city, in lieu of 3 months' notice of cancelation which he was entitled to receive under a lease to such property, dated March 30, 1926."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEINRICH SCHMIDT, G. M. B. H., OF FLENSBURG, GERMANY

The Clerk called the next bill, S. 676, for the relief of Heinrich Schmidt, G. m. b. H., of Flensburg, Germany.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Heinrich Schmidt, G. m. b. H., of Flensburg, Germany, owner of the steamship *Pollux* of Germany registry, the sum of $1,151 in full satisfaction of all claims of such Heinrich Schmidt, G. m. b. H., against the United States resulting from the levy and collection by the United States of certain taxes, pursuant to sections 4219 and 4225 of the Revised Statutes, on the tonnage of such steamship *Pollux*, at the port of Baltimore, Md., on March 9, 1920, similar taxes having subsequently been held in the cases of *The Sophie Rickmers* (45 F. (2d) 413) and *Flensburger Dampfercampagnie* (73 Ct. Cls. 646) to be invalid as to ships of such registry: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. C. WILLIAMS

The Clerk called the next bill, S. 1043, for the relief of A. C. Williams.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. C. Williams, of Sentinel, Okla., the sum of $2,962.63 in full settlement of any and all claims against the Government on account of personal injuries and property damage sustained by him in an automobile collision with a truck owned by the United States Government and driven by Charles Cordell, agent and employee of the Government, in the service of the Works Progress Administration, near Socorro, N. Mex., on July 31, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 8, after the word "damage", strike out "sustained by him in an automobile" and insert in lieu thereof "to himself, and personal injuries resulting in the death of his wife, Julia F. Williams, sustained in a."

Page 2, line 1, after the word "by", strike out "Charles Cordell, agent and employee of the Government, in the service" and insert in lieu thereof "an employee."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAROLD GARR ET AL.

The Clerk called the next bill, S. 1255, for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel,

K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Harold Garr the sum of $922.31, to Chester H. Peters the sum of $93.91, to Harry B. Swift the sum of $890.56, to Dr. Abraham A. Mills the sum of $470.44, to Charles L. Harris the sum of $161.97, to O. W. Morgan the sum of $94.20, to F. G. E. Carlson the sum of $371.52, to Harold S. Fraine the sum of $564.27, to Owen E. Steele the sum of $218.87, to W. C. Mudge, Jr., the sum of $398.80, to George F. Poutasse the sum of $157.54, to Paul P. Pickle the sum of $217.82, to W. D. Hiltbrand the sum of $582.04, to Arthur P. LeBel the sum of $217.75, to K. E. Hill the sum of $63, to Annie McGowan the sum of $154.98, to Ralph Thompson the sum of $112.12, and to Rosamond M. MacDonald the sum of $105.15, in full and final settlement of all claims against the Government for loss of personal property in a fire which destroyed the officers' and foresters' quarters of the Eleven Hundred and Seventieth Company, Civilian Conservation Corps, at Milton, Mass., on December 22, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, after the word "Treasury", strike out the remainder of line 5 and all of line 6 and insert in lieu thereof "not otherwise appropriated."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN PROSSER

The Clerk called the next bill, S. 2418, for the relief of John Prosser.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Prosser, of Turtle Lake, Wis., the sum of $400 in full satisfaction of all his claims against the United States for injuries received by him while participating in the arrest of two known post-office burglars: *Provided*, That no part of the amount appropriated in this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 7, after the word "him", insert "on October 30, 1930."

Line 8, after the word "two", strike out "known post-office burglars" and insert in lieu thereof "criminals who confessed to burglary of the post office at Fontanet, Ind., but were prosecuted, convicted, and imprisoned for offenses against the State of Indiana, said sum to be in lieu of the Federal reward to which said John Prosser would have been entitled had the criminals been prosecuted and convicted of the post-office burglary."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

The Clerk called the next bill, S. 2606, for the relief of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Chicago, Milwaukee, St. Paul & Pacific Railroad Co., the sum of $798 in full satisfaction of its claims against the United States for damages to its transmission lines resulting from blasting operations of a Forest Service road-construction crew engaged in construction on St. Joe River Road Project No. 456, in the St. Joe National Forest, State of Idaho: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VIRGIL O. POWELL AND OTHERS

The Clerk called the next bill, H. R. 2841, for the relief of Virgil O. Powell and others.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Virgil O. Powell, his wife, Mrs. Virgil O. Powell, and minor son, William Powell, of Knoxville, Tenn., for personal injuries sustained by them as a result of being struck by a Government truck being recklessly operated by an employee of the United States Government, said injury occurring on March 15, 1935.

With the following committee amendments:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Virgil O. Powell, of Knoxville, Tenn., jointly, the sum of $2,000, in full settlement of all claims against the United States for personal injuries suffered by themselves and their minor son, William Powell, and for property damage, when the automobile driven by Virgil O. Powell was struck by a National Park Service truck operated by an enrollee of the Civilian Conservation Corps on March 15, 1935, near Sevierville, Tenn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mr. and Mrs. Virgil O. Powell, and William Powell, a minor."

S. T. ROEBUCK

The Clerk called the next bill, H. R. 6708, for the relief of S. T. Roebuck.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. T. Roebuck, of Newton, Miss., an employee of the Federal Housing Administration, the sum of $325 in full satisfaction of all his claims against the United States for damages to his automobile which were sustained as a result of an unavoidable accident on United States-Mississippi Highway No. 80, between Morton, Miss., and Pelahatchie, Miss., on December 1, 1934, while using his own car, traveling under orders of his superior on Government business.

With the following committee amendments:

Page 1, in line 6, after the word "Mississippi", strike out the remainder of the line and the word "Administration" in line 7.

Page 2, after the word "business", in line 1, add the following: "as an employee of the Federal Housing Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MATTIE L. CARVER

The Clerk called the next bill, H. R. 6844, to confer jurisdiction upon the United States District Court for the District of Kansas to determine the claim of Mattie L. Carver.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is conferred upon the United States District Court for the District of Kansas to hear and determine, and to render judgment, as if the United States were suable in tort, on the claim of Mrs. Mattie L. Carver, of Wichita, Kans., to recover damages for injuries sustained as a result of an accident involving an Army motorcycle at Wichita, Kans., on October 13, 1936, if such suit is brought within 1 year after the date of enactment of this act.

SEC. 2. The United States district attorney for the district of Kansas is hereby charged with the duty of defending the United States in any suit instituted under the authority of section 1 of this act.

SEC. 3. There is hereby authorized to be appropriated a sum sufficient to pay the judgment rendered against the United States, if any, as a result of suit hereunder.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mattie L. Carver, of Wichita, Kans., the sum of $4,000, in full satisfaction of her claim against the United States for personal injuries sustained on October 13, 1936, when she was struck by an Army motorcycle while walking along Laclede Avenue, Wichita, Kans.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mattie L. Carver."

Mr. COSTELLO. Mr. Speaker, I move to dispense with further proceedings under the call of the Private Calendar.

The motion was agreed to.

RIGHTS OF THE JEWS IN RUMANIA

Mr. SHANLEY. Mr. Speaker, I call up a privileged resolution of inquiry (H. Res. 409).

The Clerk read as follows:

House Resolution 409

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives—

(1) What facts, if any, are in possession of the State Department showing that the economic, civil, or religious rights of the Jews in Rumania have been seriously impaired or denied;

(2) What information, if any, is in possession of the State Department that proscriptive edicts have been issued or recently enforced against the Jews in Rumania;

(3) Whether the Department of State is in possession of any facts that establish a Rumanian policy of repression and persecution of the Jews of such character as to have caused the Department to take action looking to amelioration or reversal of such policy;

(4) Whether the Department has been advised that the Jews of Rumania have been ordered to leave that country; and

(5) If the Department of State is in possession of the facts or information before mentioned, has the Department taken any action, and, if so, the form thereof, protesting against such repression and persecution of Jews in and their banishment from Rumania.

With the following committee report:

Mr. MCREYNOLDS, from the Committee on Foreign Affairs, submitted the following adverse report [to accompany H. Res. 409]:

The Committee on Foreign Affairs, to whom was referred the resolution (H. Res. 409) requesting the President of the United States to furnish certain information, if not incompatible with the public interest, regarding the economic, civil, or religious rights of the Jews in Rumania, having considered the same, submit the following report thereon with the recommendation that it do not pass:

The action of the committee is based on the following letter from the Secretary of State dated January 29, 1938. The letter is as follows:

DEPARTMENT OF STATE,
Washington, January 29, 1938.

MR. I. R. BARNES,
Clerk, Committee on Foreign Affairs,
Capital Building, Gallery Floor, House of Representatives.

MY DEAR MR. BARNES: I have received your communication of January 26, 1938, enclosing a copy of a resolution submitted in the House of Representatives on January 25, which called on the President for information, if not incompatible with the public interest, concerning the situation of Jews in Rumania. In this letter you ask for a report on the resolution.

The Department has, of course, been in close touch with the American Minister in Bucharest, and from a study of his communications it would appear that there has been some misunderstanding or confusion outside of Rumania with respect to measures directed against the Jews which were said to have been considered by the Rumanian Government, and those which actually have been taken.

The Minister has had several conversations with prominent officials of the Rumanian Government who have assured him that the Government itself will take no official steps that might be illegal, or contrary to the Rumanian constitution. It was understood by the Minister that a commission was to be set up to deal with the Jewish question, and that the Government would proceed most cautiously in this matter.

With respect to the third point in the resolution, I wish to point out that any action taken by the Rumanian Government concerning the peoples within its borders is a matter which lies within the jurisdiction of that Government. The American Government, in the absence of treaty provisions, cannot intervene in the domestic affairs of another country, except in special circumstances where American citizens or interests are involved. Reference has been made in the press to the treaty between the principal Allied and Associated Powers and Rumania, signed at Paris on December 9, 1919, and known as the minorities treaty, which provides for guaranties of civil and political rights to all inhabitants of Rumania without distinction of birth, nationality, language, race, or religion. Although the treaty was signed on behalf of the United States it was not ratified by this Government, and consequently the United States is not a party to the treaty.

Nevertheless, the Department of State is not unmindful of the solicitude in the United States concerning the lot of Jews in Rumania, and it is following the course of events in Rumania with sympathetic consideration.

Sincerely yours,

CORDELL HULL.

Mr. SHANLEY. Mr. Speaker, I move that the resolution be tabled and ask unanimous consent that the report be printed in the RECORD.

Mr. FISH. Mr. Speaker, if the gentleman will withhold the motion for a moment, will the gentleman include the letter of the Secretary of State in reply to this resolution?

Mr. SHANLEY. I have asked that the report be printed in the RECORD, and this will include the letter referred to by the gentleman.

Mr. FISH. As I understand, the letter of the Secretary will then go in the CONGRESSIONAL RECORD?

Mr. SHANLEY. Yes; it is in the report.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut that the report be printed in the RECORD?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Connecticut to table the resolution.

The motion was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) entitled "An act to amend the National Housing Act, and for other purposes."

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

Mr. COLLINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the

further consideration of the bill H. R. 9181, the District of Columbia appropriation bill, with Mr. DRIVER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. At the conclusion of the session yesterday a motion was pending made by the gentleman from Mississippi that all debate on the paragraph and the pending amendment and all amendments thereto close in 10 minutes.

The question is on the motion of the gentleman from Mississippi.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. DIRKSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIRKSEN. Since that paragraph has been read, I believe the understanding is there is to be 10 more minutes of the debate on the amendment.

Mr. COLLINS. The gentleman is right, and I shall yield to the gentleman from Illinois.

Mr. DIRKSEN. Mr. Chairman, I think the understanding was at the conclusion of the session yesterday that the 10 minutes of debate allowed under the motion of the chairman of the subcommittee was to be directed to the amendment now pending.

The CHAIRMAN. The gentleman is correct.

Mr. DIRKSEN. Mr. Chairman, at the conclusion of the session yesterday there was pending an amendment which I offered to the item for salaries for the Metropolitan Police Department, increasing the number of officers and men by 31, amounting to a total of $65,450.

This amendment would provide for an increase of 1 captain, 2 lieutenants, 3 sergeants, and 25 privates.

I think it must be apparent to all members of the Committee, after reading the press accounts during the past week, that there has been a crime situation here, that it has existed for a long time and has, finally, come to the consciousness of the people here. I am satisfied the superintendent of police would like to have this increase. He has so stated. While he has not stated so before the subcommittee, he has made the statement before the public, and I believe from the facts and the evidence we adduced here yesterday in support of the amendment, this increase ought to be granted in the hope that this crime career in Washington may be checked.

In addition to what I said yesterday, let me offer one further supporting fact. This is a fact which I verified just a little while ago by Lieutenant Varney of the Metropolitan Police of Washington, that the day force which goes on duty at 8 o'clock in the morning and comes off at 4 o'clock in the afternoon comes back for an additional tour of duty at night. This has had a salutary effect, but I submit to you whether it is fair to take one-third of the police department of Washington, or at least that portion engaged in foot patrol work, and make them perform 2 tours of duty in the same 24 hours.

Certainly, to some extent this condition will be ameliorated if we will add 31 members to the force, and this is all that is provided in the pending amendment.

I think after the figures I submitted yesterday, including the statement of Major Lester, of the Federal Bureau of Investigation, it is evident that you have a tremendous floating population in Washington that unbalances the police department, and this fact should nullify the effect of all the figures that have been inserted in the RECORD; and if he could be asked the very direct question as to whether or not there should be such an increase, I am satisfied he would unhesitatingly answer in the affirmative.

I am therefore going to ask that the Committee support this amendment and provide 31 extra policemen. Now, what have they given the police department? They are going to give them a new building. This is fine, and Major Brown has had his heart set on this project for a long time. They are going to reopen precinct No. 2, which is a splendid idea. I am satisfied Major Brown did not care to jeopardize these two very desirable projects that are close to his heart by going out too far when he was before the committee; but the fact remains—and it is a public fact, publicly stated—they would like to have more policemen. So we can do nothing better than to go to the superintendent of police and say to him, "If you ask for it, we will give it to you, and then we will hold you responsible for the crime condition that may hereafter exist in the city of Washington."

I could elaborate further and say that since 1928, it runs through my mind, that we have either 28 or 30 less motorcycle officers than we had at that time, yet automobile registrations have been increasing year after year, and the number of traffic deaths, which is astounding, to say the least, speaks for itself. There is every reason why the members of this Committee ought to support the amendment now pending for 31 additional police officers, for an aggregate amount of $65,450, to be paid for out of the pockets of the taxpayers of the District of Columbia and not out of the Federal Treasury. If they want it, let us give it to them. [Applause.]

Mr. SCHULTE Mr. Chairman, I rise in opposition to the amendment. The gentleman from Illinois [Mr. DIRKSEN] has made a most eloquent plea for the addition of 31 police officers to the force in the District of Columbia. I served as a member of the Crime Investigating Committee here 2 years ago, and this matter came up. We went through this in its entirety as to the shortage of police in the District. This is part of the condition that we found existed and I am very much opposed to the increase in the police force because, as our chairman stated yesterday, we are overpoliced. If we will just take the police and make them do police work and the duty they are hired to do there will be plenty of police. There are 12 precincts in the District of Columbia. Each one of these precincts has three policemen in it doing work that clerks should be doing, who could be employed for $125 a month. But they have policemen doing this work, taking down the names of prisoners and their addresses and what they happen to be charged with. These policemen get $200 a month for doing that. Twelve times three gives us 36 men who could be relieved and placed on the streets in the District. In addition to that we have 15 hack inspectors—15 policemen receiving an aggregate of between $180 and $200 a month, looking into taxicabs, seeing that there is leather upholstery in place of cloth, seeing that the taxis are clean; work that any kid could do. Those policemen are getting $200 a month; 15 of them. That makes an aggregate of 51 policemen.

Then we have in the police department 8 or 10 men doing work that can be done by clerks, which makes a total of 74 policemen in the District who are doing the work that clerks should do. We have enough policemen if we will just stop them from being clerks and make them do police work. One of the captains in the District told me no later than this morning that there are enough policemen but that there is not enough regulation and that too many policemen are doing the work that clerks should do, and I have the highest regard for this man's ability. He is a good officer, and we have good officers in the District—just as good as you will find anywhere.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. Yes.

Mr. DIRKSEN. That condition has existed ever since I came to Washington some years ago, and there is every reason to believe that it will continue to exist. Meanwhile your criminals are going to run at large.

Mr. SCHULTE. And I say they will, so long as we allow it to continue, but it is within the scope of Congress to see that clerks take the place of these policemen, and that 74 policemen are put on the streets doing the work that they were hired to do.

Mr. COLLINS. Mr. Chairman, I called the attention of the House yesterday to the fact that Washington has a larger number of policemen in proportion to its population than any other city in the United States. The statement was made that Boston had a larger number than Washington. Since

that time I have taken the matter up with the Department of Justice and find that the Washington policemen are in the proportion of 3.1 per thousand, while in Boston they are 3. So we find that Washington is the most overpoliced city in the entire country, and in some cities the percentage runs down to as low as one to the thousand. I see no sense whatever in merely adding an additional number of policemen simply because we have the authority to do it, and I ask that this amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 18, noes 41.

So the amendment was rejected.

The Clerk read as follows:

For miscellaneous and contingent expenses, including rewards for fugitives, purchase of gas equipment and firearms, maintenance of card system, stationery, city directories, books of reference, periodicals, newspapers, telegraphing, telephoning, photographs, rental and maintenance of teletype system and labor-saving devices, telephone service charges, purchase, maintenance, and servicing of radio broadcasting systems, purchase of equipment, gas, ice, washing, meals for prisoners, medals of award, not to exceed $300 for car tickets, furniture and repair thereto, beds and bed clothing, insignia of office, police equipments and repairs to same, and mounted equipment, flags and halyards, storage and hauling of stolen or abandoned property, and traveling and other expenses incurred in prevention and detection of crime and other necessary expenses, including expenses of harbor patrol, $76,375, of which amount not exceeding $10,000 shall be immediately available and may be expended by the major and superintendent of police for prevention and detection of crime, under his certificate, approved by the Commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

Mr. SCHULTE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SCHULTE: Page 37, line 2, strike out "$76,375" and insert in lieu thereof "$66,375", and strike out the comma after the figures and the language down to the period in line 8.

Mr. SCHULTE. Mr. Chairman, this is the $10,000 that I spoke about the other day on the floor of the House. Ten thousand dollars in this bill is allotted to the major of police to pay stool pigeons, the most despicable type of all humanity. Yet they seek to take $10,000 and use that for a stool-pigeon fund. We have been reliably informed that there is no need for stool pigeons whatsoever. If the police in the District will do the work allotted to them, they do not need the assistance of this type of person. A stool pigeon, I have always been informed, is a man who is in most cases an ex-convict or one who has been arrested for some major crime and who is in close contact with the underworld, a man none of us would want in our homes. Yet they seek to take $10,000 and hand it to that type of individual to do the work the police should be doing. We have in the District of Columbia a great many hungry school children. The newspapers carry articles to the effect that there is a shortage of $32,000 in a fund that would give sandwiches and soups to the little tots that go to school here, so let us give the $10,000 to them. I hope that the Members will stand by me in voting for this amendment to cut off the so-called stool-pigeon fund and do away with this type of man.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, the item to which my good friend objects is the confidential fund of the police department used in the detection of crime. The reason that the item was increased this year over last year was because the gentleman from Florida [Mr. CALDWELL], a member of the committee, thought perhaps some increase in the detective force of the police department might be needed. As a result, the superintendent of police and his chief of detectives were brought before the subcommittee. Major Brown said that he would rather not have the type of detectives we had in mind but would prefer an increase in the confidential fund, all of which, as you know, is audited by the auditor of the District of Columbia. In consequence, this fund was increased.

This fund is for the employment of men for 30 or 60 days, not for long periods of time, as would be necessary if we added additional men to the force. There is nothing new about this kind of fund. In the Post Office Department a fund of $20,000 is carried for a similar purpose. The Internal Revenue Intelligence Unit has a fund of $100,000 for this purpose. The Bureau of Investigation of the Department of Justice has a large sum of money; and the Secret Service of the Treasury Department likewise has a large sum of money. Language is carried in the bill appropriating funds to the Bureau of Narcotics which permits them to use their entire fund of $1,200,000 for this purpose if they see fit. The Bureau of Immigration and Naturalization has a large similar fund, as has the Division of Investigation of the Interior Department. Those of us who have held assignments on the Army and Navy subcommittees of the Appropriations Committee know that Military and Naval Intelligence each has for this purpose a fund of several hundred thousand dollars per year.

It is nothing new in this bill; it has been carried year after year. If you expect crime to be decreased in the District of Columbia, I do not know of any way that such a decrease can be had except through the expenditure of money as is contemplated in this provision.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Gladly.

Mr. SCHULTE. Is it not true that the fund last year was but $2,000, and it has been increased to $10,000?

Mr. COLLINS. That is right.

Mr. SCHULTE. Is it not also true that the men employed in this type of work are usually pickpockets and thieves?

Mr. COLLINS. No, indeed.

Mr. SCHULTE. And that they are squealing on somebody else?

Mr. COLLINS. No, indeed. These men are frequently carried before the courts as witnesses. More frequently they are not used as witnesses but give to the police department information with reference to the detection of crime upon which the police act and upon which they make arrests and secure convictions.

If this fund is eliminated, crime is going to be rampant in this District to a larger extent than ever before.

I ask that the amendment be voted down.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. SCHULTE) there were—ayes 9, noes 34.

So the amendment was rejected.

The Clerk read as follows:

HOUSE OF DETENTION

For maintenance of a suitable place for the reception and detention of girls and women, and of boys under 17 years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise, or committed to the guardianship of the Board of Public Welfare, including transportation, clinic supplies, food, clothing, upkeep and repair of buildings, fuel, gas, ice, laundry, supplies and equipment, electricity, and other necessary expenses, $18,500; for personal services, $9,240; in all, $27,740.

Mr. BIGELOW. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BIGELOW. May I make a point of order against this section, but reserve it in order to offer an amendment?

The CHAIRMAN. Under the rules of the House the gentleman does not have that right.

Mr. BIGELOW. Then, Mr. Chairman, I make a point of order against the section.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BIGELOW. Mr. Chairman, I make the point of order that the language beginning in line 19 on page 37, and ending at the end of line 4 on page 38, is legislation in an appropriation bill.

In 1929, Public Law 804, Seventieth Congress, provided that children picked up from the streets and held for disposition

by the courts should be separated from adult prisoners; and it provided a receiving home of their own. Throughout all the years intervening this receiving home has been maintained and is now in operation, some 40 or 50 children being residents of the home, held there for a period of a day, a week, or a month, or until they are otherwise disposed of.

Conditions at the receiving home admittedly are bad, and something should be done about it; but what should be done is, it seems to me, a matter for the consideration of the legislative committee and not for an appropriations subcommittee. I, therefore, make the point of order against the language in this section and ask that the language be stricken from the bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order? And in this connection the Chair will ask the gentleman from Mississippi to indicate the authority for the appropriation to maintain the house of detention.

Mr. COLLINS. Mr. Chairman, I would like to know the grounds of the gentleman's point of order. The house of detention is merely a police precinct.

The CHAIRMAN. The gentleman interposes a point of order on the ground that it is an appropriation without authority of law.

Mr. COLLINS. The house of detention is a police precinct owned by the District of Columbia.

We may not have specific statutory authority to appropriate for this particular precinct and, as a matter of fact, we may not have specific statutory authority to appropriate for any particular police precinct.

The fact remains, however, that the house of detention has existed since 1901 and appropriations have been made for that purpose since that time. The section against which the point of order is directed proposes appropriations for maintenance of an existing institution. It is a going concern, and under the rule laid down in section 1280 of Cannon's Precedents the Congress has the power to appropriate for the maintenance thereof.

Mr. PALMISANO. Mr. Chairman, I should like to be heard on the point of order.

As I understand it, the point of order is to the effect that under the appropriation they are merging, under the act of 1929, as the gentleman stated, the detention home for children into a prison. The children will be placed in a prison.

Merging the two is legislation in an appropriation bill and if they are merging the two in violation of the act of 1929 then I say the appropriation should be taken out. I think that is what my colleague is contending.

Mr. CALDWELL. Mr. Chairman, may I speak briefly on the point of order?

The provision complained of here is not legislation in the sense it creates some new activity which is required to be authorized by law. Perhaps it expands one already created. This activity, however, has been on the statute books and has been appropriated for during the past 30 years or more.

Mr. BIGELOW. Mr. Chairman, I am not challenging the statement that it may be proper for the Appropriations Committee to appropriate funds for the repair of the detention home. But what that committee is doing by this paragraph is abolishing the receiving home for children. It is abolishing an institution that was established by law for the purpose of segregating children from adult prisoners and I submit it is clearly legislation. If the point of order is sustained I have an amendment that will cure the situation.

The CHAIRMAN. The Chair is ready to rule.

To the paragraph found on page 37 of the bill, beginning with line 19, the gentleman from Ohio [Mr. BIGELOW] directs a point of order on the ground it is legislation in an appropriation bill and attempts to appropriate without legislative authority. The gentleman from Ohio concedes the fact that there is authority under the provisions of an act of 1929 and therefore this is an appropriation based on the authority of that statute. The matter is further clarified for the Chair by the gentleman from Maryland, who states that his fear is the purpose of the paragraph is to eliminate the use of certain quarters or to merge two of the activities conducted with reference to matters dealt with in this paragraph.

There is nothing in the paragraph to indicate that there is the purpose of either abandoning or merging and, of course, the Chair is bound by the language and is unable to indulge in a presumption that there is any such underlying purpose. Furthermore, the purpose of this appropriation in express terms is maintenance, and by maintenance I mean the maintenance of an existing institution or institutions; therefore it would come clearly within the rules to appropriate for that purpose.

The point of order made by the gentleman from Ohio [Mr. BIGELOW] is overruled.

Mr. BIGELOW. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendments offered by Mr. BIGELOW: Page 37, in line 2, strike out all except the words "and detention of women."
In line 21, strike out all before the word "arrested."
In line 24, strike out all after the word "otherwise."
In line 25, strike out all before the word "including."
Page 38, line 3, strike out "$18,500" and insert "$8,500."
In line 4, strike out "$27,740" and insert "$17,740.'

Mr. BIGELOW. Mr. Chairman, what this section does as it stands, and without my amendment, is to appropriate money for the repair of what is known as the house of detention. In addition to that, it takes all of the children out of the receiving home and dumps them into this detention house.

If my amendments are agreed to, the detention house will be repaired as proposed where they are going to move the adult women, who are under the charge of a woman police captain. If my amendments are adopted, it will leave the receiving home where it is and the children in this receiving home. Then there will have to be an appropriation for a continuation of the receiving home for the children.

Admittedly the receiving home is unsatisfactory, but it certainly is a questionable policy to take these children out of this home and put them down with grown criminals. There should be a uniting of minds in the District as to how best to solve this problem. Various agencies should be called in before a legislative committee and a bill prepared and presented correcting the situation. It does not seem to me it should be corrected in this way.

I am therefore urging the adoption of the amendments, and if they are agreed to, I will then offer an amendment to have the receiving home put back where it is, with the expectation that we will proceed promptly to consider the matter before a proper legislative committee and let the various people of the District be heard.

Mr. VOORHIS. Will the gentleman yield?

Mr. BIGELOW. I yield to the gentleman from California.

Mr. VOORHIS. Does the gentleman know of a single person interested in improvement of the administration of law and punishment who is not in agreement that one of the basic principles that needs to be followed is separation of the young people and juveniles from other persons who have been convicted of crime? Is that not a basic principle? Certainly in the National Capital it should be followed.

Mr. BIGELOW. I think the gentleman is absolutely correct.

Mr. COLLINS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. BIGELOW].

Mr. Chairman, the house of detention is a police precinct where women and children are first taken. In order to avoid what my friend from California has just stated, there is provided a house of detention as a place where women and children are incarcerated pending disposition by the courts.

All of these people are arrested by policewomen or policemen and are taken to this house of detention. The provision under discussion merely provides for the maintenance

of this place and keeping these women and children there pending an order which will send them to a home or to some correctional institution.

Near the court building is located the old Police Court Building, which is splendidly equipped, so that there will be a seperation not only of race but a separation of children from adults. All of the employees are women, which includes 23 civilians and 23 policewomen. I cannot imagine a better set-up. There is not any mention of a receiving home, as has been alleged by my friend.

Each child who is taken to the receiving home stays there on an average 48 hours, and this is what they would do if they were in this particular place.

Furthermore, I may say to the members of the Committee, if the amendment which the gentleman from Ohio has offered prevails, I shall be compelled to make a point of order against any proposal to appropriate for a receiving home, because there is no law for the establishment of a receiving home in the District of Columbia. The result will be you will not have any place whatever to incarcerate these young people pending an order from some court as to their disposition.

I ask, Mr. Chairman, that the amendment be voted down.

Mr. BIGELOW. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Ohio.

Mr. BIGELOW. If there is no law and it would be against the rules of the House to make such an appropriation, how was it made last year?

Mr. COLLINS. I imagine it was just one of these items that are carried in the bill from year to year, and the committee merely assumed there was a law authorizing it. However, there is no law authorizing a receiving home in the District of Columbia. We do not even own the building where it is located. Therefore, if the gentleman's amendment prevails, it means he will turn little children loose on the streets.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Of course, little children would not be turned loose on the streets unless the gentleman made a point of order against this amendment.

Mr. COLLINS. I shall be obliged to make the point of order.

Mr. BOILEAU. Then the gentleman will be turning them on the streets.

Mr. BIGELOW. Mr. Chairman, will the gentleman yield further?

Mr. COLLINS. Yes; I yield.

Mr. BIGELOW. I believe the gentleman made the statement the inmates of the receiving home were not arrested.

Mr. COLLINS. The inmates of the house of detention, and the receiving home, too, are arrested by police officers, every one of them. No child stays at either place over 48 hours on an average. This seems to me to be quibbling about tweedledee and tweedledum.

Mr. BIGELOW. There was brought into the receiving home this morning a little girl 7 years old, whose parents had deserted her. She was a little waif on the streets, and she was taken out to this home.

Mr. COLLINS. The police would arrest that child and take her to as good a place as they now have. As a matter of fact the house of detention would be a very much better place than the receiving home.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BIGELOW].

The amendment was rejected.

The Clerk read as follows:

HEALTH DEPARTMENT

Salaries: For personal services, including the employment of a business manager to supervise the business administration and operation of municipal hospitals and sanatoria and business activities of the health department, to be appointed by the Commissioners without reference to the Classification Act of 1923, as amended, and civil-service requirements, and including not exceeding $16,880 for the inspection of all public establishments and employees where food is sold or served not to exceed $6,000 for contract investigational services, $229,290.

Mr. CALDWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CALDWELL: On page 40, line 4, strike out "$229,290" and insert in lieu thereof "$229,690."

Mr. COLLINS. Mr. Chairman, I accept the amendment.

The amendment was agreed to.

The Clerk read as follows:

Nursing service: For maintaining a nursing service, including personal services, uniforms, supplies, and contingent expenses, $143,440: *Provided*, That the Commissioners may accept such volunteer services as they deem expedient in connection with the maintenance of the nursing service herein authorized: *Provided further*, That this shall not be construed to authorize the expenditure or payment of any money on account of any such volunteer service: *Provided further*, That the salary of the director of the nursing service shall be at the rate of $2,600 per annum.

Mr. BACON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACON: On page 42, line 6, strike out the proviso beginning on line 6, down to and including line 8.

Mr. BACON. Mr. Chairman, I believe the committee has done a great injustice to a very fine woman who is at the head of the District nursing service. The effect of this proviso is to reduce her salary arbitrarily from $3,800 to $2,600 a year. In 1935 the civil service classified this position as professional grade 4, with a salary range of $3,800 to $4,400. There was no one on the eligible list and an examination was held. Mrs. Prescott, a very able woman, stood No. 1 on the list, and she was appointed in 1936 as the result of the civil-service examination at the minimum of the grade, a salary of $3,800. She has served at this salary for the past year. The committee has arbitrarily cut her salary from $3,800 to $2,600, in spite of the fact that she had taken the civil-service examination, qualified at the head of the list, and been appointed at the minimum of the grade at $3,800.

Mrs. Prescott is qualified for this position. She is a graduate of Wellesley College with an A. B. degree. She has a master's degree from Columbia University. She is a graduate of the Massachusetts General Hospital School of Nursing. She has served over 6 years with the Henry Street nursing organization in New York City, and she has had other splendid experience. When she took this civil-service examination she was on the teaching staff of Columbia University. I believe you will agree she is well qualified for this position.

The committee were motivated in meting out this drastic punishment of giving her an arbitrary reduction of $1,200 a year because they were annoyed at the efforts of a voluntary committee of citizens in this District who were appointed not by Mrs. Prescott but by Dr. Ruhland. It is charged this committee of women were attempting to increase some of the appropriations. However, as this committee of women citizens of the District of Columbia served without pay, the committee could not take it out on them because they were receiving no salary, so they take it out on Mrs. Prescott, with whom these ladies worked.

The chairman of the committee, the gentleman from Mississippi [Mr. COLLINS], will read to you a letter of introduction which Mrs. Prescott sent to the heads of some of the institutions, and, to save time, I will read this letter now:

Memorandum to: Dr. Thomas Thompson, Dr. A. Barklie Counter, Dr. Ella Oppenheimer, Dr. Edgar A. Bocock.

I have enclosed the schedule for observation visits to our clinic services and to Gallinger Municipal Hospital for the members of our advisory committee on public-health nursing.

You will be interested to know that Mrs. R. G. Wagenet, chairman of the committee on child welfare, of the League of Women Voters, has also requested that members of her committee be permitted to visit the clinics and the hospital at this time and will, therefore, join us.

I shall be at the places designated to meet the group of visitors. I know that they will appreciate, in addition, any attention which you yourself can show them, as they are very anxious to learn about the needs of our services in order that they may give us more support in securing appropriations.

I shall endeavor to forward to you before the date of observation the names of those members on the two committees who are to visit your service.

Thank you very much indeed for your cooperation in this matter.

JOSEPHINE PITTMAN PRESCOTT,
Director.

It may be true that this voluntary committee has been seeking larger appropriations for the nursing service and for the hospitals of this town, and I do not know as to that. I do know that appropriations for public health in the District are too small. Mrs. Prescott may have known about their efforts, but Mrs. Prescott did not appoint this committee. The committee was appointed by Dr. Ruhland, and Mrs. Prescott herself did not in any way lobby for any increased appropriations.

I maintain it is a great injustice arbitrarily to reduce the salary of this fine woman by $1,200 a year, especially after she had qualified at the head of the list under a civil-service examination.

I hope the chairman will accept my amendment and be a little genial, warm-hearted, and kindly.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, the committee does not have very much interest in this matter, I will say to my friend, except in this respect: This lady went out and organized an association to boost her appropriations——

Mr. BACON. Oh, no.

Mr. COLLINS. And after she did this she wrote to the clinics that this committee was going to investigate, and told the heads of the clinics that the committee would be there and that she wished the heads of the clinics would show them all the attention possible because they could help her get increased appropriations.

The day after this lady was before the committee there came into the possession of the committee a letter from one of the members of this Advisory Committee on Nursing, and down in the lower left-hand corner were the dictation marks of the head of the nursing service. The committee called her back and asked her the point-blank question whether she wrote the letter, and she said she dictated it to a stenographer in her office.

This conduct, I will say to my good friend, is in violation of the letter of the law, as set out at page 420 of the hearings, which, in part, is as follows:

SEC. 6. That hereafter no part of the money appropriated by this or any other act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes; I will be pleased to yield.

Mr. BACON. I think the gentleman will admit that Dr. Ruhland appointed this committee, and it was under way before Mrs. Prescott ever took office, and she had nothing whatever to do with the appointment of the committee?

Mr. COLLINS. I understand it was with her inspiration and connivance.

Mr. BACON. No; the committee was under way before she ever took the examination or took office.

Mr. COLLINS. The committee felt that if the lady had so much time for outside political work, $2,600 was sufficient to pay her for her regular duties as director.

Mr. BACON. Mr. Chairman, will the gentleman yield further?

Mr. COLLINS. Yes.

Mr. BACON. The gentleman is not going to suggest that Mr. West's salary be reduced for any activities he may have been engaged in? [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BACON].

The amendment was agreed to.

The Clerk read as follows:

Gallinger Municipal Hospital: For personal services, including not to exceed six full-time heads of departments at $5,600 per annum each, to be appointed without reference to civil-service requirements, and including not to exceed $2,000 for temporary labor, $510,000, of which $13,000 shall be available for out-patient relief of the poor, including medical and surgical supplies, artificial limbs, and pay of physicians.

Mr. BIGELOW. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BIGELOW: Page 45, line 1, strike out "$510,000" and insert "$564,180."

Mr. BIGELOW. Mr. Chairman, there are some 56 guards, employees at the Gallinger Hospital, who work 12 hours a day. Most of them are guards in the psychopathic hospital. These men do not eat in the hospital. They are not provided with sleeping quarters. They have to report at 7 o'clock in the morning and are on duty until 7 o'clock in the evening. That means that they have to get up probably at 6 o'clock in the morning, and it will be 8 o'clock at night before they get their evening meal. I contend that a person who works 12 or 14 hours, day after day, with only one Sunday off every other week, is in no fit mental condition to care for mental patients, because if there is any job that requires self control and freshness on the job, and intelligence and patience, it is that job. These men work 12 hours a day, week in and week out, locked up behind bars with the mental patients. If this amendment is adopted there will be additional funds to change the force over from a 12-hour shift to an 8-hour shift. It is said that they cannot run the hospital on an 8-hour shift. I have talked with the superintendent of the psychopathic hospital and he tells me he would be more than delighted to have this change, that he would get better service out of these men. The United States Steel Corporation once said that it could not run successfully unless it had a 12-hour shift, but it is getting along fairly well with an 8-hour shift. I ask the Members of this House, if you were members of a city council, would you not vote to have this change made? Surely as a member of the city council of the city of Cincinnati, I would have voted to reduce these inhuman hours.

Mr. ENGEL. Mr. Chairman, I rise in opposition to the amendment. The committee last year went very carefully into the situation at Gallinger Hospital and visited that hospital, and did so again this year. Every year there appears before the committee a group of kindly but misguided women belonging to some organization, who for some reason or other make statements not based on facts which find their way into the newspapers. That has been particularly true with regard to Gallinger Hospital. When one of these ladies appeared before the committee, I asked her whether she knew how many employees or how many patients there were in Gallinger Hospital and whether she knew how many patients there were for each employee. She said that she did not know. When I asked her whether she knew how many patients there were for each attendant, graduate nurse, or student nurse, she said she did not. I then said, "If I were to tell you that Gallinger Hospital right now has one employee for every one and sixth-tenths patients, what would you say?" She replied that "it is not true." I said, "If I were to tell you that Gallinger Hospital right now, according to the testimony of Dr. Bocock, has one student nurse, graduate nurse, or attendant for every two and six-tenths patients, what would you say?" She again said that such a statement was not true. She said that I was wrong, that Dr. Bocock was wrong, and everyone else was wrong about the situation. I want to read from the testimony of Dr. Bocock on Gallinger Hospital and the employees. I want the Members of this House to base their decision, as to whether or not Gallinger Hospital needs more attendants, graduate nurses, student nurses, and employees, on these facts. I read from the testimony of Dr. Bocock:

Mr. ENGEL. I want to see if this is right: You say you have 800 patients of all kinds there.

Dr. BOCOCK. Yes, sir, as of today, but the average last year was 868.

Mr. ENGEL. This record shows that you have now 507 employees.

Dr. BOCOCK. Yes, sir.

Mr. ENGEL. That means that you have an employee for every 1.6 patients.

Dr. BOCOCK. Yes, sir.

Mr. ENGEL. Then, you will have, after the transfer, according to the record, 15 head nurses, 43 graduate nurses, 76 attendants, 22 senior pupil nurses, and 138 pupil nurses, making a total of 293 nurses and attendants.

Dr. BOCOCK. Yes, sir.

Mr. ENGEL. Those pupil nurses belong to a class of employees who wait upon and take care of patients.

Dr. BOCOCK. Yes, sir.

Mr. ENGEL. That would make 1 nurse and attendant for 2.6 patients.

Dr. BOCOCK. There are orderlies——

Mr. ENGEL (interposing). I am talking about nurses and attendants. There is 1 nurse or attendant for each 2.6 patients.

Dr. BOCOCK. Yes, sir.

I submit, Mr. Chairman, that is adequate for that purpose. If we permit the doctors and the hospital organizations themselves to set a standard as to how many people they want, we will have this city and District bankrupt.

Mr. BIGELOW. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. Yes.

Mr. BIGELOW. There may be too many employees; but if so, it is bad management. However, is that any defense for the employment of people 12 hours a day?

Mr. ENGEL. Will the gentleman get better management by increasing the amount of the appropriation? The gentleman should get at that by improving the management. He will not get anywhere by merely increasing the appropriation. I maintain that 1 employee for every 1.6 patients is adequate, and I maintain that 1 graduate nurse, attendant, or 1 pupil nurse for each 2.6 patients is adequate.

Mr. BIGELOW. Does the gentleman think it is justice to punish the employees for somebody's bad management by requiring them to work 12 hours a day?

Mr. ENGEL. They are not being punished for somebody's bad management. If there is bad management or mismanagement the District legislative committee has authority and is given the funds herein to correct such condition.

[Here the gavel fell.]

The CHAIRMAN (Mr. COOPER). The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. BIGELOW) there were—ayes 13, noes 19.

So the amendment was rejected.

The Clerk read as follows:

NATIONAL TRAINING SCHOOL FOR BOYS

For care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Public Welfare with the authorities of said National Training School for Boys, $80,000.

Mr. LUECKE of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUECKE of Michigan: Page 55, following line 2, insert a new paragraph, as follows:

"NATIONAL TRAINING SCHOOL FOR GIRLS

"Salaries: For personal services, $31,500.

"For groceries, provisions, light, fuel, clothing, shoes, forage, and farm supplies; medicine, medical service, including not to exceed $3,000 for medical and dental supplies and services; transportation, maintenance of non-passenger-carrying vehicles; equipment, fixtures, books, magazines, and other educational supplies; recreational equipment and supplies, including rental of motion-picture films; stationery, postage; repairs; and other necessary items, including not exceeding $2,500 for additional labor and services on a per diem basis; and other necessary expenses incident to securing suitable homes for paroled or discharged girls, $28,000."

Mr. LUECKE of Michigan. Mr. Chairman, the District of Columbia appropriation bill last year carried $100,000 for the maintenance of the National Training School for Girls. This year the item has been eliminated. No provision whatsoever is made for girls. It seems to me that the committee has erred in this respect, because it has made no provision whatever for these delinquent girls.

The statement is made in the report, and it has been reiterated on the floor of the House, that these girls should be sent to Lorton or to the Boys' Institute at Blue Plains. It seems to me there is a principle involved here which is forgotten: That you cannot take these juveniles—that is the thing we should not forget, that they are juveniles—and mix them with hardened criminals or with the boys at Blue Plains. They deserve and should have an institution of their own. I think that is plain, as evidenced by the fact that most of the States in the Union follow out that policy.

At the present time there are 50 inmates of the girls' home. Should this bill pass without provision being made for this National Training School for Girls what will happen? The act which creates the juvenile court contains the provision:

No child once committed to any public institution on order of the juvenile court shall be discharged or paroled therefrom or transferred to another institution without the consent and approval of said court.

In case of failure to include an item providing for this home every time a case came up involving a delinquent girl application would have to be made to the court which sentenced her for permission to send her to some institution other than the girls' home. It seems to me it is going to create a lot of confusion and that this institution should be carried as it has been in the past.

Mr. COLLINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Michigan undertakes to add a new paragraph to this bill to provide a separate place for the housing of colored girls. According to the statement I made in general debate, the committee proposes to permit the court to send these young girls to the industrial home school for colored children. Out on Wisconsin Avenue is an industrial home school for white children, and at that industrial home school are both boys and girls.

All that is proposed here is to treat the colored children of the District identically as the white children are treated who are sentenced by the Juvenile Court, and send them to an industrial home school for colored; that is all that is proposed.

I said on the floor that the statement in the report that they are to be sent to Lorton was incorrect. The court has authority to send them to Blue Plains. This industrial home school is for colored children, both boys and girls the same as the industrial school for white children is for both boys and girls. They will receive better treatment than they are receiving now, or at least treatment equally as good; so I see no reason whatever why anyone should complain.

Let me give you another aspect of the question: In 1928 there were 119 individuals at this particular place that the gentleman wants to keep open. In 1929 there were 111. In 1934 the number drops to 87, and in 1937, the last year for which we have figures, the population of this institution had dropped to 28; and it is costing in excess of $2,200 for each one of them. Certainly we ought to transfer them to a school comparable to the school that we give the white children, especially when we can give them the same consideration they are now being given and at the same time reduce the cost per person to a reasonable sum of money.

Mr. MITCHELL of Illinois. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. MITCHELL of Illinois. Is it the gentleman's understanding that these colored girls are to be sent to the home at Blue Plains for colored?

Mr. COLLINS. Yes. That is according to law. The courts have no authority whatever, I may say, to send them to Lorton.

Mr. MITCHELL of Illinois. Is it not a fact that the institution at Blue Plains is already crowded beyond capacity to take proper care of them?

Mr. COLLINS. As a matter of truth, it is the information of the committee it is not crowded. If it is crowded and we find that condition to exist, we will be delighted to give them additional aid.

Mr. LUECKE of Michigan. Will the gentleman yield?

Mr. COLLINS. There was no disposition on the part of the committee to treat these children any differently from the white children.

Mr. LUECKE of Michigan. There is no provision made in here for white girls either.

Mr. COLLINS. Oh, yes. The white girls are sent to the industrial home or school on Wisconsin Avenue. I used to live within two blocks of that school and I know that boys and girls are there and they get along admirably.

Mr. LUECKE of Michigan. The committee is getting away from the principle of providing a home for girls of this type, either white or colored.

Mr. COLLINS. They are the same type exactly at both schools.

[Here the gavel fell.]

The CHAIRMAN (Mr. COOPER). The question is on the amendment offered by the gentleman from Michigan [Mr. LUECKE].

The amendment was rejected.

The Clerk read as follows:

PUBLIC ASSISTANCE

For the purpose of affording relief to residents of the District of Columbia who are unemployed or otherwise in distress because of the existing emergency, to be expended by the Board of Public Welfare of the District of Columbia by employment and direct relief, in the discretion of the Board of Commissioners and under rules and regulations to be prescribed by the board and without regard to the provisions of any other law, payable from the revenues of the District of Columbia, $900,000, and not to exceed 7½ percent of this appropriation and of Federal grants reimbursed under this appropriation shall be expended for personal services: *Provided*, That all auditing, disbursing, and accounting for funds administered through the Public Assistance Division of the Board of Public Welfare, including all employees engaged in such work and records relating thereto, shall be under the supervision and control of the Auditor of the District of Columbia: *Provided further*, That this appropriation shall be so apportioned and distributed by the Commissioners over the fiscal year ending June 30, 1939, and shall be so administered, during such fiscal year, as to constitute the total amount that will be utilized during such fiscal year for such purposes: *Provided further*, That not more than $75 per month shall be paid therefrom to any one family.

Mr. BOILEAU. Mr. Chairman, I make a point of order against the proviso appearing on page 58, line 2, after the word "Columbia" and ending on line 7 with the word "purposes."

I make the point of order that this proviso is legislation on an appropriation bill.

The CHAIRMAN (Mr. DRIVER). Does the gentleman from Mississippi desire to be heard?

Mr. COLLINS. Mr. Chairman, the language about which the gentleman complains reads as follows:

Provided further, That this appropriation shall be so apportioned and distributed by the Commissioners over the fiscal year ending June 30, 1939, and shall be so administered during such fiscal year as to constitute the total amount that will be utilized during such fiscal year for such purposes.

Unquestionably that is a limitation upon an appropriation and therefore comes within the rules of the House. The object is to save money, and the provision shows on its face that it will save money.

The CHAIRMAN. May I ask the gentleman from Mississippi if the provision does not impose additional duties upon the Commissioners? Does not the proviso to which the point of order is directed impose additional duties and burdens upon the Commissioners?

Mr. COLLINS. They have a deficiency law now under which they operate.

The CHAIRMAN. What does the gentleman have to say about the saving of money? In what manner will that work out, and how much money will be saved under this provision of the bill?

Mr. COLLINS. It would prevent a deficiency, I may say to the Chair, if it were allocated in accordance with this provision. This is merely the reenactment of current law so that there will be no deficiency.

The CHAIRMAN. The Chair is ready to rule.

Mr. BOILEAU. Mr. Chairman, may I be heard very briefly?

The gentleman from Mississippi [Mr. COLLINS] stated there would be a saving and referred generally to the Holman rule. May I call the attention of the Chair to the fact this amendment does not provide any saving and therefore the exception of the Holman rule is not applicable in this instance.

The CHAIRMAN. To the proviso found on page 58, beginning in line 2 and following through to line 7, ending with the word "purposes", the gentleman from Wisconsin [Mr. BOILEAU] directs a point of order on the ground that this proviso seeks to impose legislation in an appropriation bill.

The Chair has examined the language employed very carefully, and if I am correct in my construction of that language, it seeks to impose an additional burden upon the Commissioners who are charged with the duty of administering the fund sought to be appropriated. In addition to that, there is nothing apparent in the language of the section that will result in a saving. The inference that we have from the statement of the chairman of the Subcommittee on Appropriations is not sufficient to bring it within the rule that a saving will be effected.

The Chair is therefore of the opinion that the point of order is well taken and so rules.

Mr. COLLINS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 58, line 2, after the colon, insert "*Provided*, That no part of this appropriation shall be expended in such a manner as to require a deficiency to supplement such appropriation."

Mr. BOILEAU. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BOILEAU] will state the point of order.

Mr. BOILEAU. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Mississippi [Mr. COLLINS] would be legislation on an appropriation bill and therefore not in order. The same argument and the same reasons would apply to this amendment as to the former proviso which was stricken. It is legislation on an appropriation bill.

The CHAIRMAN. The Chair is ready to rule.

The Chair has examined the amendment carefully and is of the opinion this is a limitation; therefore the point of order is overruled.

The question is on the amendment offered by the gentleman from Mississippi [Mr. COLLINS].

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 38, noes 12.

Mr. BOILEAU. Mr. Chairman, I demand tellers.

Tellers were refused.

Mr. BOILEAU. Mr. Chairman, I object to the vote on the ground there is not a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quroum.

So the amendment was agreed to.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 57, in line 19, strike out "$900,000" and insert in lieu thereof "$1,900,000."

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

Mr. COLLINS. Mr. Chairman, reserving the right to object——

Mr. TABER. Mr. Chairman, I make the point of order against the amendment that this increase is not authorized by law.

The CHAIRMAN. The point of order of the gentleman from New York comes too late. A request has already been presented, and there has been a reservation of objection to it.

Mr. COLLINS. Mr. Chairman, I reserved the right to object in order to ask unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. BOILEAU. I object, Mr. Chairman.

Mr. DIRKSEN. I hope the gentleman will not object to my having an additional 5 minutes. I purposely refrained

from being heard on this bill in the course of general debate, pending this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, I trust the Committee will give me its attention for a few moments, because this is a very important matter involving an increase, as proposed by this amendment, of $1,000,000 for the purpose of public assistance in the District of Columbia.

A great deal has been said about this matter, but it seems to me it is high time to skeletonize the argument and present the picture as it really exists. There has been created by statute in the Nation's Capital a Board of Public Welfare, which looks after all the welfare agencies and the institutions, and almost everything that can be considered a matter of social or public welfare. It looks after the penal institutions. That Board looks after the reformatories, and pensions for the needy blind. It looks after aid to dependent children. It looks after the homes where children are established. It looks after the institutions to which children who become wards of the juvenile court are finally committed under order of that court. In addition, it administers the social security provisions as they obtain here.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Mississippi.

Mr. COLLINS. The gentleman is mistaken about this provision being applicable to wards of the juvenile court. The provision covers other matters.

Mr. DIRKSEN. I am speaking about homes.

Mr. COLLINS. The matter to which the gentleman refers is not in the list.

Mr. DIRKSEN. I believe it is, as nearly as I know, having examined the functions of these various agencies.

Mr. COLLINS. The gentleman is mistaken.

Mr. DIRKSEN. That item is neither here nor there as far as the pending amendment is concerned. I just wanted to get into the minds of the members of the committee a picture of the over-all functions of the Board of Public Welfare.

Under the provisions of the act and coming within the purview of the Board is this matter of public assistance, for which the subcommittee has reported $900,000. I have offered an amendment to increase the amount to $1,900,000, which is a clear increase of $1,000,000. In my judgment, this additional $1,000,000 is not enough, but certainly I am satisfied, and I do not want to ask too much. I believe if we can increase the amount by $1,000,000, it will go far toward remedying the very disastrous conditions that exist in the District and will still exist when this bill goes into effect.

It has been said here, for instance, there has been a decrease in the number of requests for assistance. This does not square with the facts. The facts are that since July of 1937 the Board has been turning away people and refusing them relief because they could not grant the relief. I believe that is the essential fact, if you will go into the matter.

Bear in mind, secondly, if this amount is increased there will be, of course, a small requirement to come out of the social-security fund or out of the Federal funds, but do not let anybody persuade you that all this money is matched by the Social Security Board, because it is not. Out of the $900,000 recited in the bill at the present time, substantially only $102,000 or $103,000, providing for aid for dependent children, is matched by the Social Security Board. Insofar as the rest of the money is concerned, it comes out of the general revenues of the District of Columbia.

May I say parenthetically in that connection, it does seem singular to me that when the people of the District of Columbia through their social agencies, through their Board of Public Welfare, and through people who are prominent in public life in Washington, have repeatedly indicated there is mass starvation in the District, and that they need more money, the subcommittee should deny those recommendations and those requests. I am informed—and I received my information by telephone, by calling people up and telling them, "This is what I want to know." These people are scared to death of the Budget Bureau and will not volunteer information, but if you will call some District official and say to him, "I want some facts on this matter," he will give them to you. When I called up to find out what was asked in the first instance, before they went to the Budget Bureau, I found they asked for over $2,000,000 for this purpose, and in addition they asked $1,200,000 for the care of those who are employable. The money provided here will go to the unemployables in the District and not to those who could be employed, simply because there will not be a single dime available for able-bodied employables.

The only reason for this is that the amount is so niggardly they cannot afford to take on a load of people who have the physical ability to work because the money simply is not going to cover those who at the present time are placed in the category of unemployables.

You can write it down in the book that the people of Washington, D. C., want this increase. They would like to have more if they could get it, and they will pay for almost all of it out of their own pockets. Now, is it not singular, indeed, in view of the fact that this Chamber has resounded time and time again with the demand that we decentralize relief and put it back upon the communities, municipalities, and those who will administer it in a local fashion—is it not singular, in view of all these protestations, that the report of the subcommittee, as embodied in this bill, would seem to indicate they are not willing to go along with the desires of the people in the Nation's Capital who are willing to see themselves taxed for the purpose of carrying this load?

You noticed in the newspapers just a day or two ago that the Catholic Charities had a meeting at the Willard Hotel and there publicly they protested the niggardly treatment the distressed people of the District are getting in the matter of relief. You noticed that last Sunday the Federation of Churches commented on the subject of mass starvation here.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. In just a moment.

If they are willing to tax themselves to look after the load, is it not high time that the Congress placed its seal of approval upon this demand and said to them, "If you want to carry the load out of your own funds, if you want to be taxed so that the relief money will go into the general fund and you can look after the people who are in need," is it not high time that we amended this bill and added at least $1,000,000 for such a purpose?

Now, a lot has been said about the abuses in relief, and a lot has been said to the effect that this is a racket. They will point to certain tables in the hearings to indicate that the amount has gone up as high as $100 a family. Yet, if you go back and examine the details to find out how many times this has happened, you will find it has happened once or maybe twice, and they then argue from a single instance and build up a generalization that will not hold true. If you want to know what the average is per person here in the District of Columbia under the relief administration, it is about $26. Instead of talking about relief being a racket and talking about these extraordinary cases that are few and far between, why does not the subcommittee give us the facts and say that the average is $26, which happens to be the fact, as I have verified no later than this morning through the Bureau of Public Welfare.

I submit to the members of the Committee this is a local problem and they want to tax themselves to take care of their own.

While there has been some chiseling, and, perhaps, some malingering, you will find that in every State of the Union. That happens in my State and it happens in your State, but is that any reason why the people who are destitute and in need, who are among the unemployables and many of whom are unattached persons, should be denied a reasonable measure of relief within the very shadow of the Nation's Capitol? I say to you it is a crying shame and a crime

that such a thing should exist. It is high time that the Congress of the United States, through the agency of this committee, should approve an amendment for $1,000,000 more that will put this matter on far better ground and do justice by the people who are under a kind of mass starvation at the present time.

I now yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Does not the gentleman think that the problem in the District is increased by the very fact that the limits permitted here are higher than anywhere else in the country under the relief program?

Mr. DIRKSEN. I am not sure about that.

Mr. CASE of South Dakota. Seventy-five dollars is higher than one can get anywhere in the West.

Mr. DIRKSEN. There have been some such instances, but how can you seek to build up a generalization as a result of a few cases of that kind? Why not stick to the average which is $26, which is a far better indication and a much better criterion of what is going on?

I ask that the committee support this amendment to increase the amount for relief needs through public assistance by at least $1,000,000 as provided in the amendment pending at the desk. [Applause.]

Mr. COLLINS. Mr. Chairman, I ask unanimous consent that debate upon this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate upon this amendment and all amendments thereto close in 30 minutes. Is there objection?

There was no objection.

Mr. ENGEL. I would like to have 5 minutes.

Mr. COLLINS. I should be very glad to yield the gentleman 5 minutes.

Mr. MICHENER. Mr. Chairman, is this time in somebody's control, or is it in the control of the Chair?

The CHAIRMAN. It is in control of the Chair. The gentleman from Michigan is recognized for 5 minutes.

Mr. ENGEL. Mr. Chairman, in view of the fact that the gentleman who preceded me [Mr. DIRKSEN] took 10 minutes, and as I am a member of the committee, I ask to be permitted to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that he be permitted to speak for 5 additional minutes. Is there objection?

Mr. VOORHIS. Mr. Chairman, I reserve the right to object. Do I understand that the time is then to be limited to 35 minutes?

The CHAIRMAN. The time has been limited to 30 minutes. In accordance with the usual practice, the Chair took notice of gentlemen who were on their feet at the time that unanimous-consent request was made, and the following names appear on that list: Mr. TABER, Mr. LEWIS of Maryland, Mr. ENGEL, Mr. VOORHIS, Mr. BIGELOW, and Mr. COLLINS. The gentleman from Michigan is recognized for 5 minutes.

Mr. ENGEL. Mr. Chairman, before we proceed further let us find out how much we have spent for relief each year in the District of Columbia since 1933. For the purpose of affording relief to residents of the District of Columbia, employed or otherwise, we appropriated in 1933, $1,150,000, while the Community Chest raised $1,557,000 more. Nineteen hundred and thirty-three was the year that the banks were closed and we reached the bottom of the depression. In 1934 we appropriated $1,300,000 and the Community Chest raised $1,402,000. In 1935 we appropriated $2,000,000, while the Community Chest raised $1,448,000. In 1936 we appropriated $2,350,000 and the Community Chest raised $1,565,000; while in 1937 we appropriated $1,600,000 and the Community Chest contributed $1,605,000. Last year we appropriated $1,465,000 for the fiscal year ending June 30, 1938, and the Community Chest estimated $2,058,000, all of which has not yet been paid. In other words, we are raising more money this year from all sources than we did in 1933.

Let us see what the conditions are in the District of Columbia. There was no depression in 1929 in the District. We had the same number of Government employees here in 1929, 1930, 1931, and up to 1933—that is, 65,000 employees—while in 1937 we had 112,000 Government employees. In my district our factories are working 25 percent of the time, while these 112,000 checks go out to the highest paid labor in the world for that class of employment twice a month as sure as the sun rises and sets. The testimony further shows that for each Government employee there are 2.8 other people who come with him. All this means extra employment and extra pay roll in service stations, gas stations, in grocery stores, and so forth.

Mr. DIRKSEN. Mr. Chairman, does the gentleman care to yield?

Mr. ENGEL. No; I have only 5 minutes. We have some of the finest colored people in America here in the District of Columbia, but the testimony shows that 70,000 Negroes came here from south of the Potomac River in the last few years. The testimony shows further that the relief administration gave relief since 1933 to 5,000 more Negroes than there were Negroes in the District of Columbia in the 1930 census. When I asked the head of the Public Welfare about it he said that was not true. I then asked how many separate individual Negroes he gave relief to since 1933 and he could not answer. Every time they have a new case they give it a new number if they do not duplicate. It should be a simple matter to determine the number of new cases, yet he could not tell me. The testimony shows that 250 families got in excess of $65 per month, and as high as $100 a month, in addition to clothing and food allowances. We lowered the limitation from $100 a month to $75 a month—250 families getting in excess of what the head of the family could earn working at common labor in the District of Columbia. The W. P. A. workers here earn $45 a month. I have no criticism personally to make of Miss Hill, but she is an idealist. I asked her what she thought we ought to do with these people who are earning $65 a month and she told me that she thought that we ought to supplement the amount a family could earn at common labor with enough to bring it up to what she thought that family ought to have, which, in some cases, amounted to $115 a month.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LEWIS of Maryland. Mr. Chairman, may I ask the chairman of the subcommittee whether more than 5 minutes can be accorded to me?

Mr. COLLINS. No; I regret that it cannot be. We have fixed the time and there are six names and each will have 5 minutes.

Mr. LEWIS of Maryland. Mr. Chairman, in so brief a time I can only grasp the opportunity to give my personal reactions to the subject. It should first be borne in mind that the people of Washington are the subjects of an absentee government.

You answer, "Oh, no; we, their government, are all here and we live in the city of Washington of necessity." But it is only our physical presence they get. We are not their representatives. In the nature of things, they cannot get a real interest; and not, I hope, more delinquent than other Members of Congress, I must say that a minimum of time, a very minimum of time, is given by me, as one of their city counselors, to the affairs of the city of Washington.

In a broad way,.since they cannot speak themselves, and have no agents of their own to act for them, we are in the position of simply being asked by the proponents of this motion to give them the opportunity to discharge their high duties of charity and justice.

I know how men are approaching this subject in the United States. They, perhaps, have not looked over the oceans to see what is happening. Let me say to the Members of the House that during this depression the Nazi government has been more generous to its unemployables

and to its unemployed than a government here in the country of Washington; that, taken together, both the British Government and the German Government have expended twice as much for those purposes, in terms of their population, as we are expending here.

Who should know best about this matter, gentlemen like ourselves on the Hill or the Board of Public Welfare of Washington? What does the Board say about unemployables? It recommends $2,022,000 as the sum necessary to care for them. The committee reports only $900,000. As to aged persons the Board recommends $751,000. The committee provides but $489,000. As to the employable who cannot find employment, the Board recommends $1,250,000. How much is given in this bill? Not even a crust of bread.

Some men may be able to rest very comfortably and sleep serenely tonight, in the thought that they have done their duty when they give the taxpayer only the benefit of their doubts in their vote on this matter. I shall not do so. I cannot but reflect that during this whole depression I, myself, and my family, and you who are here, have not, perhaps, missed a juicy beefsteak during the whole term of this depression. Is this because of our superior excellence or rights before the throne of God? Not by any means. In my own humble case permit me to admit that it is a pure matter of luck that I am so well employed, or so well paid when hundreds of thousands of others have not even the work or the promise of the work to get their daily bread.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from California [Mr. VOORHIS] is recognized for 5 minutes.

Mr. VOORHIS. Mr. Chairman, this is a difficult proposition we face in connection with the District appropriation bill. The amendment offered by the gentleman from Illinois is demonstration of what happens when we as a national Congress fail to provide, as we have failed to provide, a program of useful and necessary work for unemployed people commensurate with the volume of unemployment. This is what happens when you try to dump back on local communities a lot of people who would like to work and who deserve an opportunity of work, who could increase the wealth of America if given the chance, but whom we force to take relief instead.

We are told, in effect, here, that it is impossible to permit the people of the District of Columbia to tax themselves in decent fashion so that they can prevent beggary in their own streets. I think it is a preposterous proposition.

It has been said that these people are transients. A careful study was made of 252 families needing relief. One hundred of those families were born in the District; and of the 450 people included in those families only 31 had not been in the District for over a year and a half.

I believe that the Washington Post is a conservative newspaper, but editorially on January 28 they said, regarding this $900,000:

> Perhaps even worse is the committee's endorsement of the present policy of starvation for the unemployed here. The meager allowance of $900,000 for the public assistance division will not even permit reasonable care of the unemployables, with nothing for destitute families whose breadwinner has no job. At a time when the Federal Government is properly asking local communities to take over a larger share of responsibility for their unemployed, this attitude is inexcusable.

One reason for the serious condition here in the District is that there is not money enough to open cases. I have figures from the Board of Public Welfare here to the effect that in the month of December it was necessary to refuse absolutely to open 1,038 cases, in spite of dire need existing, because there was not money enough to afford them any relief. This fully explains the chairman's claim that the number of cases on relief is now less than it was a few months ago.

Furthermore, there are 29,000 people now registered for work at the District of Columbia Employment Center without a job in sight. The W. P. A. has over 8,000 people on its rolls in the District, with 29,000 unemployed.

Mr. DIRKSEN. Will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Is the gentleman aware of the fact the unemployment census conducted by a great Republican businessman from Toledo, Ohio, showed 37,000 people totally unemployed and 12,000 partially unemployed in the District? I believe they undershot the mark. This would be a total of 50,000 either totally or partially unemployed.

Mr. VOORHIS. I thank the gentleman. As a matter of fact, the situation in the District of Columbia is a most serious one. We find, as was pointed out by the gentleman from Maryland, that the Board of Public Welfare, a responsible body, did request a total of over $2,000,000 for the care of unemployable people; that is, people who cannot be employed for one reason or another. The fact it has been impossible for many of these cases to be opened at all merely means that the appropriation of funds for this purpose is inadequate. Admitted that deep problems are involved and admitted that the Congress ought to solve these fundamental problems, nevertheless we must take matters as they now are, and in the National Capital of the United States there are some of us who declare that, if it is within our power to prevent it, we shall not condemn to absolute starvation people for whom America at present offers no employment opportunity.

May I just read briefly from this document here from the Public Welfare Board, sent at my request?—

> There is no other large city in the country of which we are aware in which there is so acute a situation of need. Other States and cities are making appropriations for relief of the employables. Here we not only can make no appropriations of our own for their relief, but are faced with completely inadequate funds for the relief of two-thirds of the unemployable needy as well.

If this amendment is not adopted it will literally be necessary to take 1,800 of these families, who are now able to get some relief, off the rolls altogether. Thousands of others have never been helped at all. I hope the amendment will be adopted.

The CHAIRMAN. The gentleman from New York [Mr. TABER] is recognized for 5 minutes.

Mr. TABER. Mr. Chairman, we have a duty to perform here in deciding whether we wish to sustain a committee which has gone into this situation thoroughly, analyzed it carefully, and brought in a report based upon sound judgment, which sound judgment appeals to the better element in the District of Columbia.

Let me read a portion of a resolution adopted by the Board of Trade of the District of Columbia:

> After consideration by the executive committee in special meeting today, the Board of Trade recommends that the House of Representatives pass the bill as reported by the Committee on Appropriations totaling $45,827,000.

The amount of funds available under this bill will be just the same as are available this year. This fact was testified to by Miss Hill as shown by page 806 of the hearings. There is a larger amount available for old-age assistance. There is a larger amount carried in the bill which will be supplemented by contributions from the Federal Government. On top of that, here in the District there is an increase in the amount recommended by the committee for work upon streets amounting to $1,000,000. This provides employment for the employables of the District. In addition to that, as against 500 apartments and houses that were under construction in 1933 there were 9,500 under construction at the time these hearings were held a few days ago. Is that not evidence of the tremendous opportunity for employment that is being offered to the working people of the District of Columbia? There is small excuse for relief.

The gentleman from Illinois stated that the average was only $26 in each case, but we all know that the people who are on relief are only on relief for a very small part of the year. They are not on relief for the whole year. These

people are on relief for only, perhaps, 3 months in the wintertime, and an average of $26 a month would permit a payment as high as $70 or $75 per month for the time they are on relief.

The committee found a great number of abuses in this matter. Large sums were allocated for relief to individual families, and the committee has tried to correct that situation.

After a fair approach to this problem by the investigators of the Public Welfare Bureau, after a fair approach to the problem from other angles, with the tremendous opportunity for employment in the District of Columbia, with 112,000 Federal employees in the District today as compared with 65,000 in 1933, with 19 times the construction work going on at the present time, is it fair to assume that we should raise funds available for relief more than double? It seems to me that we must have a sense of responsibility when we vote here. We must remember that sense of responsibility to the taxpayers who do live in the District, even if we do not live in the District. We should keep down expenses so that waste cannot take place, although ample opportunity is provided to take care of needed relief.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Ohio [Mr. BIGELOW] is recognized for 5 minutes.

Mr. BIGELOW. Mr. Chairman, the preceding speaker reports a request of the board of trade of this city that we keep the present appropriation for the District of Columbia down to the existing level. The members of the board of trade are asking for tax relief. Oh, yes; they want the undistributed-profits tax modified or repealed. Personally, I am going to vote to give business what business is asking for in the way of tax relief, but I am not going to respond to the despicable request of these businessmen who ask for tax relief for themselves and starvation relief for the poor. [Applause.]

I complained to a former city manager at Cincinnati about the inadequate relief in my city and his answer was:

Oh, we have it well in hand. Nobody is throwing bricks through windows.

That is the attitude. Drift along. Do nothing until somebody throws bricks through windows. When they do throw bricks you arrest them.

Thirty-six persons perhaps got a little too insistent in the city hall of my city the other day in demanding relief and they locked them up. I said they locked up the wrong people. They should have locked up the city council. I will have the same feeling about this Congress if this amendment is voted down.

According to the Biggers report, we have 37,500 unemployed here. The rule on which the relief department is operating is that no relief whatever is offered to women and children if there is a man in the family, one of these 37,500 who is out of a job.

A judge out west had a case before him in which the question was whether the allowance for relief was adequate. He and his wife tried to live on it themselves. He recommended that Congressmen, by living on such rations, if they tried it, he thought there would be less talk and more action here on the Hill.

Mr. Chairman, it does seem to me that there is the time for the Congress to practice a little Christianity and get something of the real spirit of religion into our Government. The function of the Government in the last analysis is the same as the function of the church. As a great churchman once said, his organization on earth existed to check the mighty and uplift the lowly.

Mr. Chairman, I believe in voting on this amendment today we have an opportunity to uplift the lowly in the District of Columbia. [Applause.]

Mr. COLLINS. Mr. Chairman, the section to which the amendment has been offered dealing with general relief and aid to dependent children, plus the next section, which deals with home care for children, and the following section, which deals with old-age security, should be considered together when you vote on this amendment. Generally we group these three appropriations together and add to them such moneys as come from the social-security fund. Doing this, we find the sum available, eliminating all administrative expense, for the fiscal year 1938 was $2,280,000, and this same amount is carried in the bill before you today.

Let me call your attention to this further fact in that connection. If you will take the reports of the Board of Public Welfare for April, July, and December, you will find the cases are fewer today by 556 than they were in July and 1,247 fewer than they were in April. This is the situation in which we find ourselves. We have more than 1,200 fewer cases than we had in April of last year, less than a year ago, and 556 fewer cases than we had in July. Month after month the number is growing less.

Furthermore, if a man is on relief today, he comes under the social-security funds, which are supplemented by the Federal Government, and necessarily this reduces the amount and makes more money available for expenditure for relief.

May I call your attention to the general relief situation in this District. Mr. Cass is the representative of W. P. A. in the District. Practically all of these cases come to him after they have been turned down by the District. The reason they go to the District first is that a husband with a wife and three children can get $100 a month, whereas if the husband is a worker he cannot get over $48 a month. Therefore, he would rather go on relief under the District than become a W. P. A. worker.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I am sorry, I do not have the time.

What is the situation with reference to W. P. A. in the District? Mr. Cass made the statement—a copy of which I hold in my hand—that he had newspaper reports to the effect that there were a large number of people deserving relief in the District who were not taken care of. He set up a department in W. P. A. known as the division of intake and certification. He stated yesterday that there had come into his office since the 15th day of December 563 cases eligible for relief. Of this number 52 were turned down because they were not eligible, leaving 511 who were eligible. Of these 511 eligibles 400 have already gone to work and Mr. Cass stated he would give the remaining 111 jobs within 10 days.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I offer a preferential motion to strike out the enacting clause.

The Clerk read as follows:

Mr. BOILEAU moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. BOILEAU. Mr. Chairman, the gentleman from Mississippi a moment ago made a statement that prompted me to take the floor now to challenge its implication. The gentleman stated the reason so many of these people are trying to get direct relief first is that a family consisting of a husband, a wife, and three children can get $100 a month on direct relief, whereas they can get only about $45 from W. P. A. This statement obviously was made for the purpose of trying to give the members of the Committee the impression that people on direct relief are being treated that way. I challenge the implication of this statement because the statement implies that all families consisting of a father, a mother, and three children receive such generous treatment.

According to the hearings, there was not on the relief pay roll in December a single family in the District, whether it had 3 children or 10 children, which received that amount. Not a single family received between $95 and $100. Between $90 and $95 there was one family. Between $85 and $90 there was one family. Between $80 and $85 there were five families. Between $75 and $80 there was one family. Between $70 and $75 there were 7 families, between $65 and $70, 11 families, and between $60 and $65, 27 families. Then as the amounts received grow smaller the number of families receiving those sums increases.

I submit to the gentleman there may be an instance where a father, a mother, and three children may be so sick and

bedridden they need that kind of help, but it is not fair to the Committee to give the impression that people on relief in the District of Columbia or elsewhere in this country are being given treatment which enables them to live in luxury. These people, I understand, have an average income of $26 a month.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. DIRKSEN. Did the gentleman hear anybody contest or controvert the statement that the average income is $26 a month?

Mr. BOILEAU. The gentleman made that statement before, and no one has denied it. It is more along the line of what is actually taking place here; and I want to say to the gentleman from Michigan, who talked about $65 being a lot of money for relief, I can very easily visualize a home in which there are 8 or 10 children and a father and mother and, perhaps, an aged mother-in-law or father-in-law; and if you say it is humane or decent to expect such a family to live on such a small amount as $65 a month, I cannot agree with you, because they must take a good big bunch of money out of that $65, which is very high in the matter of relief, for rent, and then more money for fuel and light, and if they have a large family of 10 or 12 children, they do not have enough money to buy the proper amount of milk, according to any decent standards.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. RANDOLPH. Men like the gentleman from Maryland and myself, whose districts are adjacent to or near the District of Columbia, and who have persons living here in this city, not by the hundreds but by the thousands, know the demands upon us have increased tenfold during the last 2 months.

Mr. BOILEAU. I thank the gentleman, and I may say that in my humble judgment, when the Congress of the United States restricted the expenditure of funds for W. P. A., under the provisions of the so-called Woodrum amendment, and denied the spending of W. P. A. funds for the relief of human suffering, now the same Congress which at that time argued that the larger part of this burden of relief should be placed on the local communities, the same Congress which took that position with respect to Federal appropriations for W. P. A. now states that we will not even let the municipality assume its responsibilities with respect to relief of human suffering.

I appeal to the membership of the House to support the amendment offered by the gentleman from Illinois. They do not have to spend this money, but at least we ought to put the District government in a position where it can give such relief as may be necessary for the purpose of keeping body and soul together in decency. The Lord knows that from past experience we are justified in believing they will not be any too generous.

I think we ought to adopt the amendment. [Applause.]

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I rise in opposition to the motion.

The gentleman from Wisconsin [Mr. BOILEAU] refers to the case of a husband and wife and three children, which is the illustration I gave in my speech a few minutes ago.

In the hearings, when I asked Miss Hill how much would be provided for aid where there was a husband, wife, and three children, she testified the amount would be $93.50. She also testified that since October, in about 200 cases, the amount for dependent children had been increased. Last year I called the attention of the Congress to the fact that this same lady testified that this same family last year would receive $75 per month. Now, this is the picture.

Miss Hill also testifies that she believes that persons on long-time relief should be given the maximum and that persons on short-time relief should not be considered in the same favorable light.

I maintain there are plenty of colored families and white families, too, in the District of Columbia that have a father, a mother, and three children in them, where the initial monthly check plus the supplementary check and plus food that is given them out of another fund amounting to over a million and a half dollars, and, plus clothing, that is given out of still another fund, will equal a total amount in excess of $100, and we know that the prevailing wage under W. P. A. in the District is $45 a month.

With reference to the sentiment in the District of Columbia, the gentleman from Texas [Mr. RAYBURN] handed me a letter today from the president of the Washington Board of Trade, the leading trade organization in this District, stating that the Washington Board of Trade, of over 4,000 members, is in favor of this bill as is. In addition to this I have a telegram that came to me just a few minutes ago from the Washington Taxpayers' Association, which states that they represent 100,000 residents of the District of Columbia, and in addition to this I had a telephone message from the head of the Federated Citizens' Association to the same effect.

Now, who is left favoring this increased appropriation? A few social workers in the District. The rank and file of the citizens of this District know, as does the Budget Bureau and each and every one who has gone to the bottom of this subject, that ample funds are carried in this bill for the relief of all persons who can draw relief under the terms of this provision and the next two provisions that follow.

This is the situation as it exists today, and in addition thereto we have the Community Chest, and in addition to that we have W. P. A., which has poured more than $35,000,000 into this District since 1933.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The question is on the amendment offered by the gentleman from Wisconsin to strike out the enacting clause.

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 57, line 19, strike out "$900,000" and insert in lieu thereof "$1,900,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 37, noes 67.

So the amendment was rejected.

Mr. CRAWFORD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAWFORD: Page 57, in line 19, after the word "exceeds", strike out "7½" and insert in lieu thereof "5."

Mr. CRAWFORD. Mr. Chairman, after making a few remarks I desire to ask the chairman of the subcommittee a question or two with reference to the table appearing on page 855 of the hearings. For several years we have been engaged in this business we call relief, and it seems to me it is probably time that we should get down to where we can operate this new industry along lines of reduced overhead costs as any other industry learns to operate itself at a decreased cost after it has found its operating channel.

I do not question the committee's judgment in leaving 7½ percent in the bill instead of 5 percent, but I express my personal opinion, not as an expert, simply as a Member of the House, that I think relief funds should be administered at not to exceed 5 percent. Under date of January 29 I secured

the latest unemployment figures which could be obtained through the cooperation of Mr. Roger W. Jones, assistant executive officer of the Central Statistical Board at that time; from Mr. Robert Nathan, economist of the Bureau of Foreign and Domestic Commerce; from the American Federation of Labor; and from the National Industrial Conference Board, and while we are discussing the unemployed, I submit these figures for your consideration. The National Industrial Conference Board informs us that between November and December there was an increase of 1,300,000 in the number of unemployed workers, bringing the total unemployed to 8,998,000, that since September the number of unemployed persons has increased by approximately 3,000,000.

Mr. Robert Nathan says that in November 1937, according to his figures and estimates, there were 7,400,000 unemployed as against 10,000,000 in 1934 and 1,600,000 in 1929. The American Federation of Labor indicates that in November 1937 there were 8,478,623 unemployed in this country as against 1,948,856 unemployed in 1929. So with an increase of 3,000,000 since September, and with the report that we have under discussion here today with reference to what is taking place in the District of Columbia, it appears to me that this industry which we call relief will have to continue for sometime to come, and certainly there is a bottom to the meal barrel at some place in the future.

Mr. Chairman, I ask the chairman of the subcommittee with reference to this table on page 855 of the report, where it speaks of the number of cases receiving between so many dollars and so many dollars a month, whether that refers to families?

Mr. COLLINS. That is supposed to refer to families.

Mr. CRAWFORD. In the middle section of the table, "December pay roll for aid to dependent children," giving the number of cases receiving between so many dollars and so many dollars, does that refer to individuals or families?

Mr. COLLINS. All families, as I understand.

Mr. CRAWFORD. And in the last section of that table, does that refer to families or individuals? That is for home care.

Mr. COLLINS. Home care is an old institution of the District, carried for a long number of years, where a child is cared for in the family to which it belongs. I would take it to mean that that refers to families also, but I would not be certain about that.

Mr. CRAWFORD. Then is not this the table to which the gentleman from Illinois [Mr. DIRKSEN] refers when he arrives at an average of $26 per family?

Mr. COLLINS. As I understood the hearings, that figure was higher than that on the average. Of course, in lots of these cases there is only one child to be cared for, and in that case the figure would be very low. With two children it would be about double that. A number of these cases is just one old man or one old woman. I would say that a majority of the cases all told are single cases.

Mr. CRAWFORD. Mr. Chairman, the answers to the questions which I have just propounded to the chairman of the committee are very enlightening. Referring to the table, I find that the figures show a great many cases where monthly payments are being allowed in excess of $50 per month—in fact, in many, many cases allowances in excess of $75 per month—and as I understand the committee chairman these payments are being made to individuals. If my understanding is correct, I can only observe that all this is entirely out of line with allowances made throughout the country, in my State and in other States, where entire families under relief and social security are receiving much lesser sums than are being granted here in the District. If this is true, I feel it is entirely unfair and that the practice should not have our support.

I desire to submit for the information of the Members of the House the following unemployment figures to which I referred only a few moments ago:

Mr. Nathan's figures on total unemployment

Year:	[In thousands]
1937 (November)	7,400
1936	7,100
1935	8,500
1934	10,000
1933	10,600
1932	12,000
1931	9,300
1930	5,900
1929	1,600

AMERICAN FEDERATION OF LABOR ESTIMATES

Key figures for the years 1929 and 1932, and their adjusted estimates as of the end of November 1935, 1936, and 1937:

1937 (November)	8,478,623
1936 (November)	8,286,686
1935 (November)	9,960,775
1932	13,925,102
1929	1,948,856

NATIONAL UNEMPLOYMENT CENSUS

In the January 1, 1938, report addressed to the President by Mr. John D. Biggers, Administrator, we find this interesting comment: "Thus the voluntary registration of totally unemployed, including the emergency workers, was 7,822,912, of which 5,799,814 were males and 2,023,098 females." We should keep in mind these figures were revealed by the voluntary unemployment registration, November 16 to 20, 1937, and our subsequent enumerative test census.

NATIONAL INDUSTRIAL CONFERENCE BOARD ESTIMATES

The May 24, 1937, issue of the Conference Board Bulletin, page 67, shows that according to its estimate there were unemployed:

Year:	[In thousands]
1929 (March)	1,054
1932 (March)	12,043
1933 (March)	14,948
1935 (March)	11,100
1936 (March)	9,783
1937 (March) (preliminary)	7,529
1937 (December) (information)	8,998

Let me call your attention to the close relation between the estimates of these different agencies as to the number of unemployed at the close of the year 1937. Of course there is great difficulty in getting an absolutely accurate check on this problem, perhaps it would be impossible to do so. But these figures are most valuable. Mr. Chairman, it seems to me that one of the greatest contributions that could be made to the peace of the world at this particular moment would be the creation of a situation whereby it could truthfully be reported that these idle millions had been returned to remunerative employment in private industry. If they are to remain idle, on public relief rolls, and without the chance to give expression to their lives, then I fear there are many dark hours ahead for our people and the other nations of the world. The remedy, I feel, rests with the President and this Congress. If we fail, surely this administration can be charged with political bankruptcy. The President should lead the way. It is his greatest duty and responsibility now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The Clerk read as follows:

Assistance against old-age want: To carry out the provisions of the act entitled "An act to amend the Code of Laws for the District of Columbia in relation to providing assistance against old-age want," approved August 24, 1935 (49 Stat. 747), including not to exceed $32,265 for personal services and other necessary expenses, $489,000.

Mr. VOORHIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS: On page 59, line 2, after the word "expenses", strike out "$489,000" and insert in lieu thereof "$705,000."

Mr. VOORHIS. Mr. Chairman, the Board of Public Welfare of the District requested on the basis of their experience—and they ought to know about it—$751,730 for old-age

assistance in order to enable the District to carry on under the terms of the Social Security Act its old-age-assistance program. This figure was cut to $705,000 by the Budget. The committee cut it to $489,000. My amendment restores not all that the Board of Public Welfare asks, but restores the Budget figure. As a matter of fact, there are on an average of 110 people monthly reaching the age where they are entitled under the laws of Congress to old-age-security benefits; and there are now about 3,600 old persons on the rolls.

In a letter from the Board of Public Welfare bearing on this point, they make this statement:

> The reductions in the recommended appropriations for old-age assistance and aid for the needy blind simply means either that aged and blind persons who become eligible for assistance according to act of Congress will have to be refused aid or that all grants to the aged and blind will have to be reduced below the actual needs of these people. Even with Federal grants-in-aid these recommended appropriations will be insufficient to meet the legitimate needs of the 3,500 aged persons and the 225 blind persons who we estimated would be eligible for aid in 1939.

It is evident that the Congress today is not particularly in a mood to be concerned about the needs of these people. This, however, seems to me to be a little different matter. This is a matter of persons beyond 65 years of age. Every one of us probably knows hundreds of people in this country beyond 65. If you know anybody beyond that age who is unemployed and who can get a job, you know a lot more than I do. It can be laid down definitely as a matter of fact that persons over 65 years of age, excepting those who are independently wealthy, cannot in this day and age become self-supporting.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. I yield.

Mr. DUNN. Is it not a fact that people beyond the age of 50 have the greatest difficulty in getting jobs?

Mr. VOORHIS. Above 45, as a matter of actual fact; and some day we are going to have to decide what we are going to do about that problem.

The immediate problem before us, however, is to help that group of citizens included in the Social Security Act. Either this amendment will be adopted or it will be necessary in the District virtually to nullify the effect of that act either by denying old-age assistance to a number of people entitled to it or by cutting down all in this area, one of the highest living-cost areas in the country, below the figure at which these people can possibly subsist.

Mr. Chairman, I yield back the balance of my time.

Mr. COLLINS. Mr. Chairman, I am sure that if my friend understood this situation he would withdraw his amendment.

It is just a plain question of mathematics. Testimony before the committee by the officials who handle this appropriation was to the effect that they are going to have 3,600 cases and that they expect to pay them $25 per month. The estimate submitted was on the basis of $30 per month. Twelve times $5 is $60 a year. Sixty dollars times 3,600 gives you the amount deducted by the committee from the estimate.

The gentleman's amendment provides that these 3,600 people shall be paid at the rate of $360 a year, $30 a month instead of $25 a month. There is no use appropriating that amount because according to the testimony cited, it is not going to be spent.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. VOORHIS. I would certainly not be ashamed if my amendment did provide for the payment of $30 a month to people over over 65. Surely that is not too much.

Mr. COLLINS. I am in entire sympathy with granting an old-age assistance allowance of an amount I am certain, if the gentleman is reasonable, that is as high as the gentleman would sponsor; but since we are going to pay these people in the District $25 a month, since it has been testified that they will be paid no more than that, I see no reason why we should appropriate an additional sum of money when it will just stay in the Treasury. That is all there is to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. VOORHIS) there were—ayes 11, noes 26.

So the amendment was rejected.

The Clerk read as follows:

> Pensions for needy blind persons: To carry out the provisions of the act entitled "An act to provide aid for needy blind persons of the District of Columbia and authorizing appropriations therefor", approved August 24, 1935 (49 Stat. 744), $33,250.

Mr. DUNN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. DUNN: Page 59, line 7, strike out "$33,250" and insert in lieu thereof "$36,250."

Mr. DUNN. Mr. Chairman, I desire to interrogate the chairman of the Subcommittee on Appropriations. I have been informed that the Budget presented a request for $40,000 and the Appropriations Committee reduced that sum to $33,000.

Mr. COLLINS. In this case they estimated there would be a certain number of blind persons in the District and that they would be paid less than $25 a month or less than $300 a year. The committee took the figure $300 a year and multiplied it by the total number of blind people who were going to be served, with the result that $33,250 was the figure arrived at. In other words, in this instance, we have appropriated more money per person than they stated they would use.

Mr. DUNN. May I say to the gentleman I know something about the conditions in the District so far as the blind are concerned. The money appropriated last year, $36,000, was insufficient to meet the needs. Even $40,000 would not be sufficient.

Mr. COLLINS. I may say to the gentleman his sympathy for that class of people is no greater than is the sympathy of the various members of the committee. If more money is needed for the needy blind it will be very cheerfully appropriated.

Mr. DUNN. I do not ask for $40,000, but I want it put back to $36,000.

Mr. COLLINS. This is all that will be needed.

Mr. DUNN. No. We need a lot more money. I am asking for the same appropriation that the Congress allowed last year.

Mr. COLLINS. That was estimated on the basis of $360 per year, and it was testified they were not going to spend as much as $300 per year.

Mr. DUNN. May I say to the gentleman that I do not want to tell the Members of Congress anything to mislead them, but there are many blind people in the District who do not receive any security at all from this organization.

Mr. COLLINS. This will take care of every case they anticipate during the fiscal year 1939 at an amount larger than will be paid to them.

Mr. DUNN. If that is correct, why has that organization come to me and asked me to present this amendment?

Mr. COLLINS. Mr. Chairman, I will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DUNN].

The amendment was agreed to.

The Clerk read as follows:

> Street lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, part cost of maintenance of airport and airway lights necessary for operation of the air mail, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor,

operation, maintenance, and repair of motortrucks, this sum to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia Appropriation Act for the fiscal year 1912 (36 Stat. 1008–1011, sec. 7), and with the provisions of the District of Columbia Appropriation Act for the fiscal year 1913 (37 Stat. 181–184, sec. 7), and other laws applicable thereto, $765,000: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed: *Povided, further*, That no part of this appropriation shall be available for the payment on any contract required by law to be awarded through competitive bidding, which is not awarded to the lowest responsible bidder on specifications, and such specifications shall be so drawn as to admit of fair competition.

Mr. NICHOLS. Mr. Chairman, I make a point of order against the paragraph beginning in line 21, page 68, and continuing down to and inclusive of line 19, page 69, for the reason it is legislation on an appropriation bill and contrary to existing law.

Mr. McCLELLAN. Mr. Chairman, I make the point of order there is not a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 11]

Ashbrook	Daly	Knutson	Ramsay
Beam	Deen	Lamneck	Rankin
Beiter	Dempsey	McGrath	Reilly
Bell	Dies	McGroarty	Richards
Biermann	Ditter	McMillan	Ryan
Binderup	Drewry, Va.	McSweeney	Sabath
Boehne	Flannagan	Magnuson	Seger
Boylan, N. Y.	Flannery	Mansfield	Smith, Conn.
Buckley, N. Y.	Fleger	Mason	Smith, Maine
Burdick	Ford, Calif.	Massingale	Smith, Okla.
Cannon, Wis.	Frey, Pa.	Maverick	Snell
Carlson	Gasque	Mead	Somers, N. Y.
Carter	Gavagan	Mouton	Sweeney
Celler	Goldsborough	Murdock, Utah	Swope
Champion	Harrington	Norton	Taylor, Colo.
Citron	Hartley	O'Brien, Ill.	Thurston
Clark, Idaho	Healey	O'Connell, Mont.	Treadway
Cole, Md.	Hendricks	O'Connell, R. I.	Whelchel
Colmer	Holmes	O'Connor, Mont.	White, Idaho
Cooley	Hook	O'Neal, Ky.	Wilcox
Creal	Jenkins, Ohio	O'Toole	
Culkin	Johnson, L. B.	Owen	
Crosser	Kelly, Ill.	Pfeifer	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DRIVER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the District of Columbia appropriation bill, 1939 (H. R. 9181), and finding itself without a quorum, he had directed the roll to be called, when 340 Members answered to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. NICHOLS. Mr. Chairman, my point of order was directed at the paragraph beginning on page 68, line 21, down to and inclusive of line 19 on page 69, for the reason that it is legislation on an appropriation bill, contrary to existing law, and not authorized by law.

In the interest of time, Mr. Chairman, I shall not argue this point of order at great length at this juncture. It will suffice at this time to point out to the Chair the language contained in lines 24 and 25 of page 68, and ask the Chair to remember that this paragraph proposes to charge $765,000, the cost of street lighting in the District of Columbia, to the highway fund of the District of Columbia. Surely there can be no argument but that the following language is legislation and not authorized by existing law:

> And public spaces, part cost of maintenance of airport and airway lights necessary for operation of the air mail.

This language surely is subject to the point of order, and I am sure the Chair will sustain it.

I am frank to say to the Chair it is a close question whether or not the remainder of the paragraph is subject to a point of order, and I will have more to say on that question. However, under the rule that when a point of order is sustained against any portion of a paragraph the whole paragraph must go out, at this time I wish to address myself no further to this particular point of order.

The CHAIRMAN. Does the gentleman from Mississippi wish to be heard on the point of order?

Mr. COLLINS. Mr. Chairman, I concede that the language referred to, in lines 24 and 25, is subject to the point of order.

The CHAIRMAN. The gentleman from Mississippi concedes the point of order is well taken. All of the paragraph goes out, for if any part of the paragraph is subject to a point of order necessarily the whole paragraph must be eliminated, which will be the ruling in this particular case.

Mr. COLLINS. Mr. Chairman, I offer an amendment, which is on the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. COLLINS: On page 68, line 20, after the period, insert a new paragraph, as follows:
> "Street lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor, operation, maintenance, and repair of motortrucks, this sum to be expended in accordance with the provisions of existing law, $765,000: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed."

Mr. COLLINS. Mr. Chairman, the language that is incorporated in the amendment——

Mr. NICHOLS. Mr. Chairman, I make a point of order against the amendment.

Mr. COLLINS. Eliminates the language against which the gentleman made the point of order.

Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The CHAIRMAN. The gentleman from Oklahoma makes a point of order on the amendment, and the gentleman from Mississippi makes the point of order that the point of order made by the gentleman from Oklahoma comes too late.

The point of order of the gentleman from Mississippi is sustained.

Mr. NICHOLS. Mr. Chairman, if this amendment is legislation, the only rule under which my point of order could be overruled at this time would be that the amendment had been considered without point of order, and that is not the case. A point of order was directed by me against this paragraph, and the point of order was sustained. The chairman of the Subcommittee on Appropriations now simply deletes certain language he believes cures the defects which made the paragraph subject to a point of order. There is no way the Chair can test whether or not this new paragraph which has been proposed to take the place of the paragraph that has already been deleted from the bill is subject to a point of order except to hear the point of order. The gentleman from Mississippi did not even move the adoption of his amendment. I was on my feet demanding recognition of the Chair.

The CHAIRMAN. The gentleman from Oklahoma is eminently correct in saying the only way to obtain a ruling from the Chair on this particular question is through a point of order, but the Chair is absolutely bound under the practice on the question of whether or not the point of order was in order. The rule requires a point of order to be made before any debate is had in connection with an amendment that is offered. The Chair had recognized the gentleman from Mississippi to debate his amendment.

Mr. NICHOLS. If the Chair did recognize the gentleman from Mississippi I may say the Chair recognized him while I was on my feet taking the only opportunity presented to me to address the Chair, in order that I might direct my point of order to the Chair.

The CHAIRMAN. That may be true. The Chair does not care to indulge in any controversy on that question with the gentleman from Oklahoma. The Chair is merely stating what occurred. The Chair may state furtner to the

gentleman from Oklahoma, in deference to the situation which has developed here, that if that had been true, under the rules it would have been the duty of the Chair to have recognized a member of the committee in preference to any other Member on the floor. The Chair was acting under the limitations of the rule.

Mr. NICHOLS. I trust the Chair will indulge me for one further observation.

The CHAIRMAN. The Chair will be pleased to hear further the gentleman from Oklahoma.

Mr. NICHOLS. It was in the interest of saving time, and I so stated, Mr. Chairman, that I did not take the time of the Committee to argue this close question when I first had recognition. Certainly, my stating to the Chair I would want to argue that question after the gentleman from Mississippi had offered an amendment, as I anticipated he would, should have been notice to the Committee and to the Chair that I would be on my feet asking recognition from the Chair for the purpose of interposing a further point of order.

Mr. WOLCOTT. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. Has the gentleman from Oklahoma concluded.

Mr. NICHOLS. Yes, Mr. Chairman.

The CHAIRMAN. The Chair would be pleased to hear the gentleman from Michigan.

Mr. WOLCOTT. Mr. Chairman, the rule, as I understand it, is that if any action is taken on the amendment, then the point of order is dilatory. The only action that could have been taken was recognition by the Chair of the gentleman from Mississippi to debate his amendment.

I want to call the attention of the Chair to the fact that the only manner in which the Chair can recognize a Member to be heard on this floor is to refer to the gentleman either by name or by the State from which the gentleman comes, and I call the attention of the Chair to the fact that the Chair in this particular instance did not say he recognized the gentleman from Mississippi or the gentleman [Mr. COLLINS], and for that reason there was no official proceeding and no official action taken between the time that the amendment was offered and the time the gentleman from Oklahoma made his point of order, and therefore the point of order was not dilatory.

The CHAIRMAN. The Chair desires, in all fairness, to make this statement to the Committee, as well as directly to the gentleman from Michigan. Not only was the gentleman from Mississippi recognized, but he began an explanation of his amendment, and the Chair certainly presumes that the gentleman being on the floor at the time heard that; and when that occurred, the Chair does not think the gentleman will disagree with the Chair about the fact that the Chair is required, under the rules, to rule in deference to the situation that developed. The Chair does not desire to forestall proceedings and would be pleased to hear points of order, but the Chair must act within the definition of the rule.

Mr. WOLCOTT. If the Chair will indulge me for a moment in that respect, the point I wish to make is this. The gentleman from Mississippi had no authority to address this Committee until he had been recognized by the Chair, and if the gentleman from Oklahoma made his point of order during a brief sentence by someone which had no right under the rules of this House even to be reported by the official reporter, then he cannot be estopped, under those circumstances, from making his point of order. The Chair of necessity must have recognized the gentleman from Mississippi to debate the amendment.

The offering of an amendment is not a proceeding which will estop the gentleman from Oklahoma from making his point of order. It is recognition by the Chair of another gentleman to discuss the amendment, and the gentleman could have discussed the amendment only after recognition was given.

I want respectfully to call this to the attention of the Chair in order that the Chair may correct any error which has been made or any seeming injustice to the gentleman from Oklahoma, and I respectfully submit that the Chair did not recognize the gentleman from Mississippi, and I believe the RECORD will bear this out.

Mr. FITZPATRICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FITZPATRICK. I understand the Chair has already ruled and has sustained the point of order made by the gentleman from Mississippi?

The CHAIRMAN. The gentleman is correct.

Mr. FITZPATRICK. Then what are we arguing?

Mr. NICHOLS. In that event, if the Chair has finally ruled, although, of course, the Chair could reverse himself if he saw fit to do so——

The CHAIRMAN. The Chair could not reverse himself in this instance.

Mr. NICHOLS. If the Chair has made a final ruling, I would, in the most respectful manner I know, request an appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Oklahoma appeals from the decision of the Chair on the ruling of the Chair on the point of order, as stated.

The question before the Committee is, Shall the ruling of the Chair stand as the judgment of the Committee?

The question was taken, and the Chair announced that the noes had it.

So the decision of the Chair does not stand as the judgment of the Committee.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. NICHOLS. Mr. Chairman——

Mr. KELLER. Mr. Chairman, I demand a division.

Mr. WOLCOTT. Mr. Chairman, I make the point of order that the demand for a division comes too late.

The CHAIRMAN. The gentleman from Michigan makes the point of order that the request for a division comes too late. The Chair holds that the request for a division comes too late.

The gentleman from Oklahoma is recognized on his point of order.

Mr. NICHOLS. Mr. Chairman, I make a point of order on the amendment offered by the gentleman from Mississippi, and in support of that will say it is contrary to existing law, and wish to point out to the Chair that in the last session of this Congress the Committee on the District of Columbia, which is the legislative committee for the District of Columbia, reported from its committee, which later became law, which defined what funds collected as taxes should go into and constitute the special highway fund. Then that committee went further, and the law so provides today, and stated the things for which that special fund can be expended, and I direct the Chair's attention to the language of that law, which is found in Public, No. 314, of the Seventy-fifth Congress, and more particularly to the language contained in section 1 of title III of that act, which says, in part:

> All proceeds of the taxes imposed under this act, except as otherwise provided in section 10 hereof, and all moneys collected from fees charged for the registration and titling of motor vehicles, including fees charged for the issuance of permits to operate motor vehicles, shall be deposited in a special account in the Treasury of the United States entirely to the credit of the District of Columbia, and shall be appropriated and used solely and exclusively for the following purposes:
>
> Subsection (1):
>
> For the constructon, reconstruction, improvement, and maintenance of public highways, including the necessary administrative expenses in connection therewith.

Finally in the Chair's conclusion he is going to probably stop at the word "improvements," and say that "improvements" is broad enough to incorporate street lighting, but the committee in writing this bill, sensing that, went further in

the bill and defined "highway improvements." Of course under this act it must be admitted by everyone that they would have to be improvements to highways, so that it is necessary now to consult the definition of highways, and I quote subsection (f) of section B of section 1 of the act:

The term "highways" includes the right-of-way of streets, avenues, and roads, bridges, viaducts, underpasses—

And surely there is nothing in all of that about street lighting—

drainage structures, guard rails, signs—

And so far, Mr. Chairman, there is nothing in the definition of highways that even has any semblance of referring to street lights, and I am attempting to anticipate the ruling of the Chair. Following that it says:

and protective structures in connection with highways.

The Chair might by some stretch of the imagination say that "and protective structures" could be classed as street lights, but the Chair must be governed, in my judgment, somewhat by the interpretation of this law in order to find out whether or not existing law contemplated street lights, by those men who in the end must say whether or not any of the language contained in this provision includes street lights. The Chair will remember that under the Hayden-Cartwright Act, passed in the last session of Congress in 1926, it was provided that if funds were diverted from the highway fund, the State or the jurisdiction which permitted the diversion would be penalized by not being permitted to participate in the Federal aid for roads through the Federal Government. Anticipating that this question would come up, I addressed an inquiry to Mr. CARTWRIGHT, chairman of the Committee on Roads of the House of Representatives, and asked him his opinion of existing law and received this reply:

I appreciate your calling my attention to the proposal to use $765,000 of gasoline and other motor-vehicle tax revenues to pay for street lighting in the District of Columbia during the next fiscal year.

Frankly, this puts me personally in somewhat of an embarrassing position. Last year I introduced a bill to permit the District of Columbia to share in Federal aid for highways and roads, and we were never able to get the bill out of committee, largely because of other proposals made at that time to divert these special tax funds to nonhighway purposes.

At your urgent request and the instance of officials and citizens of the District, I included a provision to extend Federal highway aid to the District in the general road bill, which I introduced early in this session of Congress. I did this because I had been assured that all motor vehicle tax revenues in the District would be used exclusively for highway purposes.

Congress has officially declared that diversion of gasoline and other special motor-vehicle taxes to other than highway purposes is "unfair and unjust," and the Federal Government, under the terms of an act which I introduced and sponsored in the House, penalizes any State which practices such diversion through withholding Federal aid for highways.

Now, if the Congress, by legislative act for the District of Columbia, itself makes and approves a diversion of gasoline and other motor vehicle tax revenues to a nonhighway use, as is now proposed, one of the foundation stones of our Federal aid highway legislation will be destroyed, and we will inevitably let down the gate for a veritable flood of diversion proposals in almost every State, just at the time when real progress is being made in an effort to stop all such diversions in all of the States. Such action would seriously disrupt the fair and orderly program we have under way for providing the Nation with adequate highways and roads and cause endless confusion and charges of inconsistency and insincerity on the part of Federal lawmakers. It would, in my opinion, almost certainly prevent the District from sharing in Federal highway aid. I regard this proposal as unsound and unwise and sincerely hope that it is not adopted.

The chairman of the Roads Committee in another body, a distinguished Senator, very briefly on the subject, said in reply to my inquiry:

I thank you for your kind letter of January 25 requesting my opinion as to the effect of a proposal to transfer $765,000 from special highway funds of the District of Columbia to pay for lighting District streets during the fiscal year ending June 30, 1939.

I am not an attorney, but as the coauthor of the Hayden-Cartwright Act of June 18, 1934, it seems clear to me that such a transfer of funds would be an illegal diversion under section 12 of that act and under the act of August 17, 1937.

I may say, in passing, that it is proposed in the pending H. R. 8838, introduced by Congressman CARTWRIGHT, that the District of Columbia should be allowed to share equally with the States in the benefits of Federal aid highway legislation. You will recall that S. 978, introduced by Senator KING, is similarly drawn, and that this measure passed the Senate on April 9, 1937, and is now pending in the House Committee on Roads. On January 24 I introduced S. 3309, which embodies the provisions of both H. R. 8838 and S. 978, but I feel that I cannot conscientiously urge the passage of my measure by Congress if we are at the same time to adopt such a diversion as that to which you refer.

I went further, Mr. Chairman, and asked an opinion from the only body in the United States Government that can finally render an opinion as to whether or not paying for street lighting out of the highway funds in the District of Columbia would be diversion, and I refer to the Chief of the Bureau of Public Roads.

I read you his letter under date of January 29, 1938:

MY DEAR MR. NICHOLS: Receipt is acknowledged of your letter of January 28, calling attention to a proposed provision in H. R. 9181 for lighting the streets of the District of Columbia with funds derived from the taxes on gasoline and motor vehicles, and inquiring whether such use of funds from those sources would be regarded by this Bureau as diversion of funds to other than highway purposes within the meaning of section 12 of the Hayden-Cartwright Act of June 18, 1934.

The question of using funds derived from a tax on gasoline and from motor-vehicle license fees for street-lighting purposes has come to this Bureau previously from some of the States in connection with administration and interpretation of section 12 of the Hayden-Cartwright Act of June 18, 1934. Where the question heretofore has arisen we have consistently held that the only use of such funds for lighting purposes which would not constitute diversion would be where the highway laws of the State empowered the highway officials to include as a part of the cost of highway construction and maintenance the erection and operation of lights at points where, in the judgment of such officials, lights may be deemed necessary in the interest of safety to traffic.

Very truly yours,

THOMAS H. MACDONALD,
Chief, Bureau of Public Roads.

Mr. Chairman, going back to my statement that the Chair can hold that this is existing law only by finding that the phrase "and protective structures" includes street lighting, what is a protective structure? Mr. Chairman, a protective structure on a highway is that stone wall that is built alongside precipitous places to protect automobiles, if you please, from dashing off the side of the road. Protective structures are the curbs along the street to keep motorists from driving into the trees and other obstacles on the parking. If one calls lights protective structures, Mr. Chairman, then the very headlight on an automobile, if you please, is a protective structure. Certainly no one would argue that the light post was a protective structure. Why, it is a hazard in itself; the very post that holds the light up is a hazard. Is the glimmer of the light that shines from above a protective structure? Let me take the chairman and members down to F Street in the city of Washington. There are decorative lights along both sides of F Street throwing out some glimmer of light, but they are not necessary, they are no protection, for lights from the very stores of the city within 6 feet of them furnish ample light for the protection of pedestrians, light from the show windows, lights from the theaters, lights from the stores. If the street lights are protective structures, then we may well include in this bill an appropriation to pay for the lighting of stores along F Street, Mr. Chairman.

In conclusion, Mr. Chairman, permit me to say there can be no question, in my opinion and in the opinion of the men who make this their life study, that to pay for street lighting out of the special highway fund is contrary to existing law. If the Chair holds this to be not true, then the District of Columbia on such ruling, unless something happens subsequently to correct it, will lose $750,000 of aid from the Federal Government.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. If the Chair please, I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. COLLINS. Mr. Chairman, a number of years ago the director of traffic, testifying before the District of Columbia

Subcommittee, stated that he regarded street lighting as more important to the regulation and control of traffic than he did traffic lights. He stated that at night the greatest protection to a motorist or a pedestrian was the light upon the streets that came from street lighting; so there is no doubt but what street lighting is of immense benefit not only to pedestrians but to motor-vehicle drivers as well.

With reference to the law under which this appropriation is made, let me call the attention of the Chair to the provisions of the District of Columbia Revenue Act of 1937. Section 2 of title III of that act contains this language:

For the expenses of the office of Director of Vehicles and Traffic incident to the regulation and control of traffic and the administration of same.

So there is ample authority for this committee to provide for the regulation and control of traffic; and as important as any other element in the regulation and control of traffic is street lighting which is of constant aid and benefit not only to the motorist but to the pedestrian as well.

So under the authority of that law, this appropriation, I submit, is in order.

Mr. NICHOLS. May I be indulged one moment further?

Mr. Chairman, I call your particular attention to the language contained in the first proviso on page 69 which reads as follows:

Provided, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt hour for current consumed.

May I point out to the Chairman that in my opinion there can be no question but what that is legislation.

Mr. COLLINS. Mr. Chairman, that is a limitation upon the amount that may be expended.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Mississippi [Mr. COLLINS] offers an amendment in the following language:

Street lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor, operation, maintenance, and repair of motortrucks, this sum to be expended in accordance with the provisions of existing law: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed.

To this amendment the gentleman from Oklahoma [Mr. NICHOLS] directs a point of order on the ground it is not an appropriation authorized under existing law. It, therefore, becomes necessary for the Chair to look for authority in existing law to justify the amendment.

The law authorizing appropriation out of the gas-tax fund and setting forth the purposes for which appropriations may be made is found in volume 50, Part I, United States Statutes at Large, at page 677, and is as follows:

For the construction, reconstruction, improvement, and maintenance of public highways, including the necessary administrative expenses in connection therewith;

(2) For the expenses of the office of the Director of Vehicles and Traffic incident to the regulation and control of traffic and the administration of the same, and

(3) For the expenses necessarily involved in police control, regulation, and administration of traffic upon the highways.

It is rather difficult to conceive that in dealing with the subject of traffic in a city of today there should not be some differentiation from the necessities where you find the traffic dense and that which occurs on the average highway of our country. When there is provided by positive law the duty and responsibility for an agency of a city government to provide the necessary conveniences in the way of highways and streets, there necessarily is involved the question of so maintaining those avenues as to make them safe for the people who utilize the same.

The very language employed with respect to street lighting necessarily leads us to the conclusion that street lighting is regarded as an essential feature necessary in order to establish such safeguards as would maintain these avenues and streets for the benefit, the convenience, and the facility of the people using the same.

The language in the section of the law which the Chair read that imposes a duty and responsibility upon the police force in connection with these highways necessarily presupposes that lighting is one of the necessary and essential features to the safety element in the use of the streets and, therefore, is an incident to and is necessarily included in the item of expense for streets, street improvement, and maintenance.

However, the Chair may say to the Committee that he is saved considerable trouble and the necessity of dealing thoroughly with this subject from the standpoint of reasoning by one of the precedents of the House. A similar question to the one now under consideration was raised during consideration of a District appropriation bill in the first session of the Seventy-fifth Congress, at which time the very distinguished gentleman from Tennessee [Mr. COOPER] was Chairman of the Committee of the Whole House on the state of the Union having under consideration that measure. In a very sound opinion, which will be found on page 3111 of the CONGRESSIONAL RECORD of April 2, 1937, I find this language was used by the then Chairman of the Committee:

The Chair has pointed out in ruling on a previous point of order that the so-called Gasoline Tax Act provides—

"That the proceeds of the tax, except as provided in section 840 of this title, shall be paid into the Treasury of the United States entirely to the credit of the District of Columbia and shall be available for appropriation by the Congress exclusively for road and street improvement and repair."

The Chair has consulted the dictionary and finds that the word "improvement" is there defined to be—

"An act or process of improving, as profitable employment or use, cultivation, development, enhancement, or increase; especially betterment"—

And so forth. The word "improvement" appears in the so-called Gasoline Tax Act, and this word is defined in the dictionary as meaning, among other things, "especially betterment." The Chair, therefore, is of the opinion that the various functions mentioned in the language of the amendment and the various things to be provided—trees, parking, curbing, guttering, etc.—certainly are proper to be included as betterment or improvement of the streets.

The word "improvement," defined to mean "betterment," makes the word broad and general enough to include all of the various activities mentioned in this amendment. They are, therefore, authorized by existing law. For this reason the Chair feels that the amendment offered by the gentleman from Mississippi is in order.

The point of order is overruled.

The Chair feels that the decision as made by the Chairman of the Committee then, in which he construed the meaning of the law and the application of the words betterment and improvement to that law is sound reasoning, and good judgment, and should be followed in construing the present law.

The Chair is of the opinion that the provision of law pertaining to appropriations from the gas-tax fund is sufficiently broad to authorize appropriations for the purposes set out in the amendment and therefore overrules the point of order.

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take much more of your time. I simply want to point out to the Committee what this amendment means. If this amendment is adopted, it means the District of Columbia, by transferring this $765,000 from the special highway fund to the general fund, will lose $750,000 of Federal aid funds, and no one can deny it. The only man who can finally give this opinion, the opinions of the General Accounting Office to the contrary notwithstanding, is the Chief of the Bureau of Public Roads. If he says it is diversion, it is diversion, and he has already stated it is diversion.

I do not believe the members of the Committee of the Whole will want to punish the District of Columbia by telling it that it must take money out of one pocket and put it in

another pocket, and by so doing lose $750,000, and this is exactly what will happen.

In ruling, I am sure under a misapprehension, the Chairman rather pointed his ruling to the fact this provision includes signal lights. May I say we included in the law of 1937 a provision that signal lights, the lights at the crossings which control traffic, should be paid for from the highway fund. The lighting referred to in this amendment does not refer to signal lights, but rather the lights on the curbs and in the parkings. Precedent after precedent has been laid down that such lighting cannot be paid for out of highway funds.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I am pleased to yield to the gentleman from Mississippi.

Mr. WHITTINGTON. From what funds has the cost of this lighting heretofore been paid?

Mr. NICHOLS. The general fund, and it is at this time.

Mr. WHITTINGTON. Not out of the special gasoline funds as here contemplated?

Mr. NICHOLS. No; not since the passage of the act of last year.

I may say for the information of the gentlemen that prior to last year the street lighting and some other services were being paid for from the special highway fund, and because of this, when the Hayden-Cartwright bill was written, the committee refused to include the District of Columbia in the provision allowing States to share in Federal aid, because, as the committees in each branch of the Congress stated, using these funds to pay for street lighting was diversion, and if such diversion was allowed the committees would not permit the District to share in Federal aid.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The diversion of funds in the District of Columbia is but an opening wedge to a situation throughout the Nation which we should not approve.

Mr. NICHOLS. The gentleman is correct. Not only that, but if the Congress should vote to make this diversion, it would reverse itself, because the Congress has already stated to the 48 States of the United States by the passage of the Hayden-Cartwright Act that they cannot do this very thing.

Mr. Chairman, I sincerely trust the Members of the Committee will vote down this amendment.

Mr. McCLELLAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the matter under consideration is of far more importance than may appear on first thought. In spite of the fact that during the past 17 years the States and the National Government have appropriated and expended $16,000,000,000 for the construction and maintenance of highways, we all know that highway construction has not kept and is not now keeping pace with the growing demands of traffic. Diversion from highway funds or from revenues raised from sources related to highway use has increased to such proportions that it is actually threatening the future program of highway construction.

This pernicious practice first began in 1916, when approximately $700,000 was diverted. By 1931 diversion had increased to $24,000,000. With the coming of the depression and the heavy demands made upon State legislators and State treasuries, larger and larger diversions were made from gasoline taxes and automobile revenues. By 1935 diversions by the several States from these funds had reached a total of $147,000,000. In 1936 this sum had risen to $169,000,000. Exact figures are not now available for 1937, but they show an increase over those of 1936.

During the past 7 years such diversion has amounted to more than $874,000,000. This is the amount which can actually be identified. It is a stupendous sum. I do not know how much more there may be that borders on diversion, or is a form of diversion of one character or another. It would run into hundreds of millions of dollars.

Let us stop for a moment and see what this diversion really amounts to. The Bureau of Public Roads tells us it costs an average of $17,000 to build a mile of ordinary improved highway and an average of $30,000 a mile to build highways of the highest type of construction. Taking the amount that has been diverted during the past 7 years from highway channels into other channels of Government expense, we find you could build over 51,000 miles of the former and more than 29,000 miles of the highest type of paving, which would be equal to nine national highways of the best type of construction extending from the east to the west coast, or it would build seven national highways from coast to coast, of the highest type of construction, and four such highways from the Canadian border to our southern border.

These illustrations represent the amount which has already been diverted. If diversion is continued, sooner or later it will be a dangerous menace to the highway program of this Nation. In the House Committee on Roads we are now considering another regular Federal-aid highway bill. Bear in mind we are going to undertake to appropriate funds to the States which do not divert their highway funds to other uses, as has been stated by the gentleman from Oklahoma [Mr. NICHOLS]. Under existing laws these States are now penalized. Shall we today by action on this amendment reverse the Federal Government's position and turn to diverting highway funds here in the District of Columbia, and by so doing let this Congress set a flagrant example of diversion? Let us stop it before it gets completely beyond control.

Everybody knows that street lighting properly comes under the category of police protection and not highway use. You can drive down the street on a dark night with your automobile lights on with just as much—yes, with far more—safety than you can drive down a lighted street, with the glare of lights on every corner striking you in the face, blinding you to approaching dangers. It is absurd to say these street lights are for the safety of motorists.

Mr. Chairman, we will act wisely to defeat this amendment which proposes a direct diversion of road moneys by the Federal Government, thereby doing the very thing it has and is penalizing States for doing. We as Members of Congress must be consistent. Let us vote the amendment down. [Applause.]

Mr. COLLINS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. NICHOLS. Mr. Chairman, reserving the right to object, I see the chairman of the Committee on Roads on his feet, and if the gentleman will include enough time so that the gentleman may be heard on this subject——

Mr. CARTWRIGHT. Mr. Chairman, I shall only want 2 or 3 minutes.

Mr. COLLINS. It was my intention to have the gentleman from Oklahoma proceed now, and I would take the other 5 minutes.

Mr. NICHOLS. I have no objection, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Chairman, I merely want to add my approval of and verify the statements made by my colleague from Oklahoma [Mr. NICHOLS] and by the efficient member of the Committee on Roads, the gentleman from Arkansas [Mr. McCLELLAN].

In section 12 of the Hayden-Cartwright Act of 1934, Congress has officially declared that—

> It is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways.

The use of special road-user taxes to pay for street lighting in the District of Columbia, as proposed, would be clearly a diversion to a nonhighway use, something which we ourselves have condemned as unfair and unjust, and sought to penalize the States for doing. If we thus put our stamp of approval on this indefensible practice we will lay ourselves open to charges of inconsistency and insincerity, and inevitably open the gate for a flood of diversion proposals in almost every State. We will destroy one of the foundation stones of our Federal-aid highway legislation, cause endless confusion, and great danger to the prospects for a stable and adequate road program throughout the Nation.

The amount involved in this amendment, while substantial, is, as I see it, of relatively little importance compared with the larger principle and policy involved.

In the new general road bill, H. R. 8838, which I introduced at this session and on which extensive hearings are now being held by the Roads Committee of the House, is a provision which would permit the District of Columbia to share, on the same basis as a State, in authorizations and allocations of Federal aid for highways and roads. This, to my mind, is more important to the District of Columbia than any seeming benefits of this amendment. But if this amendment is adopted there is, I think, little liklihood that the provision admitting the District to share in Federal aid for highways will be adopted.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. CARTWRIGHT. I yield.

Mr. WHITTINGTON. If the Congress approves of diversion for street lamps—not for traffic lights in the middle of the street—how can the Congress be heard to disapprove of such a diversion by the 48 States of the Union as well as the Territories that participate in Federal aid?

Mr. CARTWRIGHT. The gentleman is correct, we cannot consistently disapprove something which we ourselves practice and approve, and I thank him for his contribution to my statement.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CARTWRIGHT. I yield.

Mr. KENNEDY of Maryland. Is it not true it has been held by the Supreme Court that when Congress passes on matters of legislation for the District that Congress acts in the same capacity as a legislature acting for a State?

Mr. CARTWRIGHT. That is right.

Mr. COLLINS. Mr. Chairman, I want to deny emphatically that there is any diversion of funds in this instance.

When this matter was presented to the committee by the Budget Bureau, almost simultaneously we heard statements that this would be considered a diversion of public funds which would disenable the District of Columbia to receive its proportion of highway funds. So immediately the committee contacted the best authority we have in the Government service to find out what was its opinion as to the propriety of carrying this recommendation of the Budget in this bill. Accordingly a letter was addressed to the General Accounting Office, that ultimately has to pass on these questions and whose decision is final as to administrative law, asking if the incorporation of this item in the District bill would disenable the District to participate in apportionments, where it is otherwise eligible, from funds appropriated pursuant to the Highway Act. In consequence a 7-page opinion was given to the committee. It is too long to read it in full, but it emphatically denies that this is a diversion of public road funds. I will read excerpts from the letter:

> In the consideration of the question presented, it becomes necessary to ascertain whether the District of Columbia is one of the "States" within the meaning of that term as used in said section 12.

Another excerpt:

> The restriction in section 12 of the act of June 18, 1934, supra, is directed against States. The term "State," as used in Federal statutes, does not include the District of Columbia, Territories, or other possessions of the United States, unless the term be expressly defined to include the District of Columbia, etc., or unless such inclusion be required by necessary implication.

Then, in conclusion, we find this statement in this very excellent legal opinion:

> • • • the reason for the rule prescribed in said section with reference to diversion by States does not exist with respect to uses of District of Columbia funds specifically authorized or directed by Federal statute.

Mr. McCLELLAN. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I will not have the time to yield.

> Accordingly it is my view that the provisions of section 12 of the act of June 18, 1934, supra, have no application to the District of Columbia and action by the Congress to authorize or direct the use of funds in the District of Columbia fund consisting of motor-fuel tax, registration fees, etc., for purposes other than those specifically stated in the act of April 23, 1924, as amended by the act of August 17, 1937, would not operate to disenable the District of Columbia to participate in apportionments, for which it is otherwise eligible under existing law, of Federal funds for highway construction and grade-crossing work.

This is signed by R. N. Elliott, Acting Comptroller General of the United States.

In addition to this, let me call the attention of the committee to this letter from Mr. MacDonald, which my friend from Oklahoma read to the committee. The last paragraph of that letter is as follows:

> • • • which would not constitute diversion would be where the highway laws of the State empower the highway officials to include as a part of the cost of highway construction and maintenance the erection and operation of lights at points where, in the judgment of such officials, lights may be deemed necessary in the interest of safety to traffic.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I cannot yield now.

Mr. NICHOLS. I am sure the gentleman does not want to misinform the committee from my own letter.

Mr. COLLINS. I am reading the identical language, word for word, from the letter.

[Here the gavel fell.]

Mr. COLLINS. I will submit the whole letter for the RECORD.

Mr. Chairman, I ask unanimous consent to incorporate the letter in the RECORD.

The CHAIRMAN. All time has expired. The question is on the amendment.

Mr. WHITTINGTON. Mr. Chairman, I make the point of order that all time has not expired. The gentleman from Oklahoma only used 2 or 3 minutes, and 10 minutes was the time allowed; and, Mr. Chairman, if the point of order be sustained, I would like to say a word.

The CHAIRMAN. The Chair is not responsible for the failure of the gentleman from Oklahoma to use the time equally with the gentleman from Mississippi. It has been the practice, which was followed in this instance, that those who were on their feet at the time debate was limited would be recognized, and at the conclusion of their remarks debate would be closed.

Mr. COLLINS. Mr. Chairman, I ask unanimous consent to insert in the RECORD at this point the letter referred to from the Chief of the Bureau of Roads and also the opinion of the Acting Comptroller General.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The letters referred to are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., January 29, 1938.

HON. JACK NICHOLS,
Chairman, Subcommittee on Fiscal Affairs for the District of Columbia, House of Representatives.

MY DEAR MR. NICHOLS: Receipt is acknowledged of your letter of January 28 calling attention to a proposed provision in H. R. 9181 for lighting the streets of the District of Columbia with funds derived from the taxes on gasoline and motor vehicles and inquiring whether such use of funds from those sources would be regarded by

this Bureau as diversion of the funds to other than highway purposes within the meaning of section 12 of the Hayden-Cartwright Act of June 18, 1934.

The question of using funds derived from the tax on gasoline and from motor-vehicle license fees for street-lighting purposes has come to this Bureau previously from some of the States in connection with the administration and interpretation of section 12 of the Hayden-Cartwright Act of June 18, 1934. Where the question heretofore has arisen, we have consistently held that the only use of such funds for lighting purposes which would not constitute diversion would be where the highway laws of the State empower the highway officials to include as a part of the cost of highway construction and maintenance the erection and operation of lights at points where, in the judgment of such officials, lights may be deemed necessary in the interest of safety to traffic.

Very truly yours,

THOS. H. MACDONALD, *Chief of Bureau.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 24, 1938.

Hon. ROSS A. COLLINS,
Chairman, Subcommittee on District Appropriations,
House of Representatives.

MY DEAR MR. CHAIRMAN: I have your letter of January 20, 1938, as follows:

"Please advise me whether, if the Congress should enact as a part of the District of Columbia Appropriation Act for the fiscal year 1939 a provision authorizing the use of funds in the gasoline-tax fund of the District of Columbia for purposes other than those expressly stated in section 1 of the act of April 23, 1924 (43 Stat. 106), as amended by the act of August 17, 1937 (Public, No. 314, 75th Cong.), the District of Columbia will be disenabled to participate in apportionments, for which it is otherwise eligible, of funds appropriated pursuant to the Federal Highway Act, as amended and supplemented, and apportionments of funds from emergency relief appropriations for highway construction and grade-crossing work. In connection with this question particular reference is made to section 12 of the Hayden-Cartwright Act of June 18, 1934 (48 Stat. 993)."

Section 1 of the act of April 23, 1924 (43 Stat. 106), providing for the collection of a tax on all motor-vehicle fuels sold within the District of Columbia, was amended by section 1 of title III of the act of August 17, 1937 (50 Stat. 676, 677), to read in pertinent part as follows:

"All proceeds of the taxes imposed under this act, except as otherwise provided in section 10 hereof, and all moneys collected from fees charged for the registration and titling of motor vehicles, including fees charged for the issuance of permits to operate motor vehicles, shall be deposited in a special account in the Treasury of the United States entirely to the credit of the District of Columbia, and shall be appropriated and used solely and exclusively for the following purposes:

"'(1) For the construction, reconstruction, improvement, and maintenance of public highways, including the necessary administrative expenses in connection therewith;

"'(2) For the expenses of the office of the director of vehicles and traffic incident to the regulation and control of traffic and the administration of the same; and

"'(3) For the expenses necessarily involved in the police control, regulation, and administration of traffic upon the highways: *Provided, however,* That the total amount to be expended under this item shall not exceed 15 percent of the total amount appropriated for pay and allowances of officers and members of the Metropolitan Police force. For the fiscal year 1938 all moneys appropriated for the construction, reconstruction, improvement, and maintenance of highways and administrative expenses in connection therewith, all moneys appropriated for the department of vehicles and traffic, and 15 percent of all moneys appropriated for pay and allowances of officers and members of the Metropolitan Police force shall be paid from and chargeable against the fund hereby created.'"

Section 3 (a) (b) and (c) of title IV of the said act of August 17, 1937 (50 Stat. 681, 682), relates to the imposition and collection of registration fees upon motor vehicles operated within the District of Columbia and, with regard to the disposition of such fees, it is provided by subsection (d) of the same section as follows:

"(d) All proceeds from fees payable under this title and all moneys collected from the motor-vehicle fuel tax, and fees charged for the titling of motor vehicles, including fees charged for the issuance of permits to operate motor vehicles, shall be deposited in a special account in the Treasury of the United States entirely to the credit of the District of Columbia and shall be appropriated and used solely and exclusively for the following purposes:

"(1) For construction, reconstruction, improvement, and maintenance of public highways, including the necessary administrative expenses in connection therewith;

"(2) For the expenses of the office of the director of vehicles and traffic incident to the regulation and control of traffic and the administration of the same; and

"(3) For the expenses necessarily involved in the police control, regulation, and administration of traffic upon the highways: *Provided, however,* That the total amount to be expended under this item shall not exceed 15 percent of the total amount appropriated for pay and allowances of officers and members of the Metropolitan Police force.

"For the fiscal year 1938 all moneys appropriated for the construction, reconstruction, improvement, and maintenance of highways and administrative expenses in connection therewith, all moneys appropriated for the department of vehicles and traffic, and 15 percent of all moneys appropriated for pay and allowances for officers and members of the Metropolitan Police force shall be paid from and chargeable against the fund hereby created."

The terms "highways," "construction," "reconstruction," and "maintenance," as used in the statutory provisions, supra, are defined, respectively, in section 2 (B) of the 1937 act (50 Stat. 677), as follows:

"(f) The term 'highways' includes the right-of-way of streets, avenues, and roads, bridges, viaducts, underpasses, drainage structures, guard rails, signs, signals, and protective structures in connection with highways.

"(g) The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, including the acquisition of the necessary rights-of-way.

"(h) The term 'reconstruction' means a widening or a rebuilding of the highway or any portion thereof and of sufficient width and strength to care adequately for traffic needs, including all expenses incidental to the reconstruction of a highway and the acquisition of the necessary rights-of-way.

"(i) The term 'maintenance' means the constant making of needed repairs to preserve the highway."

The statute thus makes clear the purposes for which the motor fuel tax and the registration fees may be used. Your question, therefore, is as to what effect, if any, the enactment of a provision authorizing or directing the use of a part of such fund for a purpose or purposes other than those specifically mentioned in the statute, supra, would have upon the District of Columbia with respect to any assistance to which it may be entitled under the Federal Highway Act, having in view the provisions of section 12 of the act of June 18, 1934 (48 Stat. 995), as follows:

"Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts now provided by law for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Agriculture shall promulgate from time to time: *Provided,* That in no case shall the provisions of this section operate to deprive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made."

In the consideration of the question presented, it becomes necessary to ascertain whether the District of Columbia is one of the "States" within the meaning of that term as used in said section 12.

The basic Highway Act of July 11, 1916 (39 Stat. 355), is entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes." Nowhere in said act is any express mention made of the District of Columbia as a beneficiary thereof. The act has at various times been amended and supplemented, but in none of these later acts has the District of Columbia been expressly brought under the basic provisions of the Federal Highway Act. While the District of Columbia has participated in certain Federal-aid grants for highway construction and the elimination of hazards at railroad grade crossings, such aid has not been upon the basis that the District of Columbia was constituted a beneficiary under the general provisions of the basic Federal Highway Act, but pursuant to the specific reference to the District of Columbia in the acts relating to such grants, such as the reference in section 204 (b) of the act of June 16, 1933 (48 Stat. 203), and the reference in section 8 of the act of June 16, 1936 (49 Stat. 1521).

It is particularly significant to note that while Federal road aid under the Federal Highway Act has been expressly extended to Hawaii and Puerto Rico by the act of March 10, 1924 (43 Stat. 17), and by the act of June 23, 1936 (49 Stat. 1891), respectively, no statute has been found expressly extending such aid to the District of Columbia.

The restriction in section 12 of the act of June 18, 1934, supra, is directed against "States." The term "State" as used in Federal statutes does not include the District of Columbia, Territories, or other possessions of the United States, unless the term be expressly defined to include the District of Columbia, etc., or unless such inclusion be required by necessary implication. I have been informally advised that the Secretary of Agriculture, the officer who has jurisdiction to allot funds under the Federal Highway Act, has never made an allotment of funds to the District of Columbia by virtue of the provisions of the basic Federal Highway Act. The fact that the Federal Highway Act has been expressly extended to include Hawaii and Puerto Rico, as heretofore stated, but does not appear to have been so extended to include the District of Columbia, except for specific purposes, such as in section 204 of the act of June 16, 1933, and section 8 of the act of June 16, 1936, hereinbefore mentioned, tends to show that the District of Columbia was not intended to be embraced as a beneficiary of the Federal Highway Act within the purview of the said section 12 of the

act of June 18, 1934. It is a general rule of statutory construction—expressed in the maxim, expressio unius est exclusio alterius—that the express mention of one person, thing, or consequence is tantamount to an express exclusion of all others. Furthermore, the reason for the rule prescribed in said section with reference to diversion by States does not exist with respect to uses of District of Columbia funds specifically authorized or directed by Federal statute.

Accordingly, it is my view that the provisions of section 12 of the act of June 18, 1934, supra, have no application to the District of Columbia, and action by the Congress to authorize or direct the use of funds in the District of Columbia fund consisting of motor-fuel tax, registration fees, etc., for purposes other than those specifically stated in the act of April 23, 1924, as amended by the act of August 17, 1937, would not operate to disenable the District of Columbia to participate in apportionments, for which it is otherwise eligible under existing law, of Federal funds for highway-construction and grade-crossing work.

Sincerely yours,

R. N. ELLIOTT,
Acting Comptroller General of the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 22, noes 69.

Mr. COLLINS. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Mississippi demands tellers. All those in favor of taking the vote by tellers will rise and stand until counted. [After counting.] Seventeen Members have risen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

For construction, maintenance, operation, and repair of bridges, $80,000, of which amount $30,000 shall be available for repairs and improvements to the Pennsylvania Avenue Bridge over the Anacostia River.

Mr. GAMBRILL of Maryland. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GAMBRILL of Maryland: On page 74 strike out lines 9, 10, 11, and 12, both inclusive, words and figures contained therein, and substitute in lieu thereof the following:

"For construction, maintenance, operation, and repair of bridges, $50,000; and for the construction of a bridge to replace the bridge in line of Pennsylvania Avenue over the Anacostia River in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia, including construction of and changes in water and sewer mains, travel expenses in connection with the inspection of material at the point of manufacture, employment of engineering or other professional services, by contract or otherwise, and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5) or the Classification Act of 1923, as amended, and engineering and incidental expenses, $650,000; and the Commissioners are authorized to enter into contract or contracts for the completion of said bridge at a cost not to exceed $2,000,000; in all, a total of $700,000."

Mr. COLLINS. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Maryland desire to be heard upon the point of order?

Mr. GAMBRILL of Maryland. Mr. Chairman, I am not prepared to argue the point of order beyond saying that the language I have taken from the Budget Director's recommendation, assuming that it is in order.

The CHAIRMAN. The Chair has examined the amendment offered by the gentleman from Maryland and finds among other things the following language contained in it:

And without reference to section 3709 of the Revised Statutes (41 U. S. C. 5) or the Classification Act of 1923 as amended.

This language is clearly subject to a point of order.

The point of order is sustained.

The Clerk read as follows:

For the construction of an underpass at Dupont Circle in line of Connecticut Avenue in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia including necessary changes, construction, and reconstruction of roadways, sidewalks, and curbing, and construction of and changes in sewer and water mains, street and traffic lights, fire-alarm and police-patrol boxes in the vicinity of the circle, construction of and such changes in walkways, landscaping, and so forth, of the Dupont Circle Park Reservation as may be approved by the said Commissioners, travel expenses in connection with the inspection of material at the point of manufacture, employment of engineering and other professional services, by contract or otherwise and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5) or the Classification Act of 1923, as amended, and engineering and incidental expenses, $480,000: *Provided*, That the cost of the necessary changes, removal, construction, and reconstruction of the street-railway tracks and appurtenances, to be performed by the street-railway company, including paving within the streetcar track area, shall be borne by the street-railway company owning or operating over the existing tracks: *Provided further*, That the funds herein appropriated shall be available for construction, at time of roadway paving, of suitable streetcar-loading platforms, and the street-railway company shall, at its own expense, furnish and install approved lighting equipment, signs, and so forth, in accordance with plans to be approved by the Public Utilities Commission and shall, at its own expense, operate and maintain such equipment.

Mr. PALMISANO. Mr. Chairman, I make the point of order to the proviso on page 76, line 7, down to and including the word "equipment" in line 20. It is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order.

Mr. COLLINS. Mr. Chairman, I hope the gentleman will reserve the point of order so that I can ask him a question.

Mr. PALMISANO. I reserve the point of order.

Mr. COLLINS. Mr. Chairman, the provision to which the gentleman makes the point of order imposes upon the street-railway company a part of the expense of carrying on this work, and with the elimination of the language that the gentleman seeks to eliminate it means that the cost of the whole work will be imposed upon the District of Columbia. I am certain that the gentleman does not want to do that, because the streetcar company will be benefited by this underpass.

Mr. PALMISANO. Mr. Chairman, the gentleman clearly admits that it is legislation on an appropriation bill. I am not protecting the traction company, but if we accept the argument of the gentleman from Mississippi, then the Appropriations Committee can come in here and by a provision in an appropriation bill put a tunnel under the whole District of Columbia and make the railway pay for the construction of it and so completely put that corporation out of business, because it would not be able to exist.

So if the gentleman from Mississippi and the Appropriations Committee want to consider an underpass, it seems to me it is a matter that should be reported by the Legislative Committee on the District of Columbia. The Commissioners, the traction company, and all people concerned should be heard on the question of the arrangement and location of the underpasses. If I had my way, I would have an underpass at the Union Station. I think that is the most dangerous place in the city; but the gentleman from Mississippi has picked other locations.

It seems to me this is legislation and ought to be stopped at this time.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. PALMISANO. I yield.

Mr. KENNEDY of Maryland. As I understand the position of my colleague from Maryland, as chairman of the Committee on the District of Columbia he is merely carrying out instructions given to him by the committee that the committee would not permit legislation on any appropriation bill. We are not finding fault with the Appropriations Committee, nor are we trying to help the traction company; we are simply saying to the Commissioners and other officials of the District of Columbia that if they want legislation they should come to the legislative committee. Is not this correct?

Mr. PALMISANO. The gentleman is correct.

Mr. COLLINS. Mr. Chairman, since the gentleman will not withdraw his point of order, it is my opinion that this language is not subject to the point of order which the gentleman has made, because the very language to which the gentleman objects is in order under the Holman rule; for it is plainly evident from a reading of the language that it is a limitation upon an appropriation as it imposes upon the street railway company its fair share of the cost of work

done in connection with the underpass. On its very face it saves money to the District of Columbia; and under that well known rule, the point of order, in my opinion, should not be sustained.

Mr. PALMISANO. But, if the Chair will permit, the gentleman himself in his report admits that it is legislation.

The CHAIRMAN. The Chair has examined carefully the language of the bill to which the point of order is directed. The Holman rule could not possibly apply in this case because the language does not retrench expenditures in one of the methods set forth in the rule, but is legislative in character and, therefore, prohibited in an appropriation bill.

The Chair sustains the point of order.

The Clerk read as follows:

For the construction of an underpass at Thomas Circle in the line of Massachusetts Avenue in accordance with plan and profile to be approved by the Commissioners of the District of Columbia, including necessary changes, construction, and reconstruction of roadways, sidewalks, and curbing, construction of and changes in sewer and water mains, street and traffic lights, fire-alarm and police-patrol boxes in the vicinity of the circle, construction of and such changes in walkways, landscaping, etc., of the Thomas Circle Park reservation as may be approved by said Commissioners, travel expenses in connection with the inspection of material at the point of manufacture, employment of engineering and other professional services by contract or otherwise and without reference to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) or the Classification Act of 1923, as amended, and engineering and incidental expenses, $530,000: *Provided*, That the cost of the necessary changes, removal, construction, and reconstruction of the street-railway tracks and appurtenances to be performed by the street-railway company, including paving within the streetcar track area, shall be borne by the street railway company owning or operating over the existing tracks: *Provided further*, That the funds herein appropriated shall be available for construction, at time of roadway paving, of suitable streetcar-loading platforms, and the street-railway company shall, at its own expense, furnish and install approved lighting equipment, signs, etc., in accordance with plans to be approved by the Public Utilities Commission and shall, at its own expense, operate and maintain such equipment.

Mr. PALMISANO. Mr. Chairman, I make a point of order, on the grounds alleged in the last point of order, against the language beginning on page 78 with the proviso in line 5 and ending with the word "equipment" in line 18.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. Mr. Chairman, it is the same question that was involved in the last point of order.

The CHAIRMAN. Precisely the same question, and the same ruling will be followed.

The point of order is sustained for the reason set out in the decision of the Chair in sustaining the last point of order.

The Clerk concluded the reading the of the bill.

Mr. COLLINS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DRIVER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 9181, the District of Columbia appropriation bill, 1939, directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLLINS. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DALY, indefinitely, on account of illness.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DIRKSEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DIRKSEN. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DIRKSEN moves to recommit the bill to the Committee on Appropriations with the instruction that the committee report the bill back forthwith with the following amendment: On page 57, line 19, strike out "$900,000" and insert in lieu thereof "$1,900,000."

Mr. COLLINS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 10, noes 81.

Mr. DIRKSEN. Mr. Speaker, I object to the vote on the ground there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifteen Members are present, not a quorum.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until tomorrow, Wednesday, February 2, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Wednesday, February 2, 1938, at 10 a. m.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Wednesday, February 2, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Railroad interests will be heard.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, February 2, 1938, at 10 a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m., on the following bills:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels; and

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Wednesday, February 2, 1938, at 10: 30 a. m., for the consideration of the building program for the Navy. Very important.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:15 a. m. Wednesday, February 2, 1938, to resume hearings on H. R. 9016, Washington Airport bill. Caucus room, House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m. Wednesday, February 2,

1938, in room 445, House Office Building, for the public consideration of H. R. 7780.

COMMITTEE ON CLAIMS

A special subcommittee of the Committee on Claims will reconsider at an open meeting at 2 p. m. Wednesday, February 2, 1938, in room 327, House Office Building, the following claims which were objected to in the House on May 4 and June 1, 1937, and recommitted to the committee, for the purpose of determining whether they merit inclusion in an omnibus bill:

H. R. 733. For the relief of George E. Titter (by Mr. GOLDSBOROUGH).

H. R. 736. For the relief of Mallery Toy (by Mr. GOLDSBOROUGH).

H. R. 841. For the relief of Ida A. Gunderson (by Mr. WHITE of Idaho).

H. R. 858. For the relief of the estate of Dr. David O. Clemens (by Mr. BLAND).

H. R. 1861. For the relief of Schmidt, Garden & Martin (by Mr. MCANDREWS).

H. R. 2149. For the relief of Capt. Guy L. Hartman (by Mr. PETERSON of Florida).

H. R. 3115. For the relief of Sachs Mercantile Co. (by Mr. SOMERS of New York).

H. R. 3655. For the relief of Clarence D. Schiffman (by Mr. RAMSPECK).

H. R. 4830. For the relief of Mrs. D. O. Benson (by Mr. RAMSPECK).

H. R. 5450. For the relief of William C. Reese (by Mr. PATRICK).

S. 1307. For the relief of W. F. Lueders (by Senator SHEPPARD).

COMMITTEE ON THE POST OFFICE AND POST ROADS

A meeting of subcommittee No. 10 of the House Committee on the Post Office and Post Roads will be held Thursday morning, February 3, 1938, at 10 a. m., to consider Postal Service matters relative to conditions complained of on floor of House when Post Office appropriation bill was under consideration.

COMMITTEE ON PATENTS

The Committee on Patents will hold public hearings February 7, 8, 9, 10, and 11, 1938, in the caucus room of the House Office Building at 10 a. m. each morning on House Joint Resolution 79, providing for the establishment of a Department of Science, Art, and Literature.

COMMITTEE ON THE JUDICIARY

There will be a hearing before subcommittee No. 3 of the Committee on the Judiciary at 10:30 a. m. Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill H. R. 8339, providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1054. A letter from the Archivist of the United States, transmitting the accompanying lists of papers, consisting of 217 items, among the archives and records of the Department of the Navy which the Department has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

1055. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1938, amounting to $110,700, together with drafts of proposed provisions pertaining to existing appropriations (H. Doc. No. 513); to the Committee on Appropriations and ordered to be printed.

1056. A letter from the Secretary of War, transmitting the draft of proposed legislation to amend section 30 of the National Defense Act of June 8, 1916, as amended, for the consideration of the Congress with a view to its enactment into law; to the Committee on Military Affairs.

1057. A letter from the president, Board of Commissioners of the District of Columbia, transmitting the draft of a proposed bill entitled "An act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures, and of the uses of land in the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

1058. A letter from the president, Washington Railway & Electric Co., transmitting the report of the Washington Railway & Electric Co. for the year ended December 31, 1937; to the Committee on the District of Columbia.

1059. A letter from the Administrator, United States Housing Authority, transmitting a copy of the interim report of the United States Housing Authority (H. Doc. No. 514); to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MCREYNOLDS: Committee on Foreign Affairs. House Joint Resolution 567. Joint resolution to authorize and request the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940 and to invite foreign countries to participate in that congress; and also to provide for participation by the United States in that congress; without amendment (Rept. No. 1753). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BEITER: Committee on War Claims. H. R. 9284. A bill for the relief of sundry claimants, and for other purposes; without amendment (Rept. No. 1752). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. MCREYNOLDS: Committee on Foreign Affairs. House Resolution 409. Resolution requesting the President of the United States to furnish certain information, if not incompatible with the public interest, regarding the economic, civil, or religious rights of the Jews in Rumania (Rept. No. 1751). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GASQUE: A bill (H. R. 9285) granting a pension to widows and dependent children of World War veterans; to the Committee on Pensions.

By Mr. KELLER: A bill (H. R. 9286) to extend the time for completing the construction of a bridge across the Ohio River at on near Cairo, Ill.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9287) to authorize the Cairo Bridge Commission, or the successors of said commission, to acquire by purchase, and to improve, maintain, and operate a toll bridge across the Mississippi River at or near Cairo, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Washington: A bill (H. R. 9288) to authorize a preliminary examination and survey of lands below and contiguous to Vancouver Lake area in Clark County, Wash., with a view to providing flood protection for lowlands along Columbia River between Whipple Creek and mouth of Lake and/or Lewis Rivers; to the Committee on Flood Control.

Also, a bill (H. R. 9289) to authorize a preliminary examination and survey of Willapa River in Pacific County, Wash.,

with a view to providing flood protection for the Willapa River Valley; to the Committee on Flood Control.

By Mr. HILDEBRANDT: A bill (H. R. 9290) to provide for the classification of star routes, the employment and compensation of star-route mail carriers, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. KOPPLEMAN: A bill (H. R. 9291) to provide for the creation of an Intermediate Credit Corporation for commerce and industry, to aid in financing small and medium-sized commercial and industrial establishments, and for other purposes; to the Committee on Banking and Currency.

By Mr. GIFFORD: Resolution (H. Res. 413) ordering the Comptroller General to report certain expenditures and other information to the House of Representatives; to the Committee on Expenditures in the Executive Departments.

By Mr. SMITH of Virginia: Resolution (H. Res. 414) for the relief of Sophia Drewry; to the Committee on Accounts.

By Mr. DINGELL: Joint resolution (H. J. Res. 583) authorizing the issuance of a special postage stamp in honor of Gen. Wladimir Krzyzanowski; to the Committee on the Post Office and Post Roads.

By Mr. SCOTT: Joint resolution (H. J. Res. 584) to prohibit the exportation of arms, ammunition, and implements of war from the United States to Germany and Italy; to the Committee on Foreign Affairs.

By Mr. WITHROW: Joint resolution (H. J. Res. 585) to protect against profiteering in arms, ammunition, and implements of war; to the Committee on Military Affairs.

By Mr. COLLINS: Joint resolution (H. J. Res. 586) authorizing the President of the United States to proclaim the first week in June 1938 Gen. Sam Dale's memorial week for the observance and commemoration of the death of Gen. Sam Dale; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 9292) for the relief of Frederick Northup; to the Committee on Ways and Means.

By Mr. BUCKLER of Minnesota: A bill (H. R. 9293) for the relief of Mrs. C. G. Eidnes; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 9294) for the relief of the Fulwiler Motor Co.; to the Committee on Claims.

By Mr. GAMBRILL of Maryland: A bill (H. R. 9295) conferring jurisdiction upon the Court of Claims of the United States to hear, examine, adjudicate, and render judgment on the claim of the legal representative of the estate of Rexford M. Smith; to the Committee on Claims.

By Mr. GWYNNE: A bill (H. R. 9296) granting a pension to Ada M. Huffman; to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 9297) for the relief of Dr. Samuel A. Riddick; to the Committee on Claims.

By Mr. McGEHEE: A bill (H. R. 9298) for the relief of George D. McElwee; to the Committee on Claims.

By Mr. MAAS: A bill (H. R. 9299) for the relief of Henry J. Wise; to the Committee on Claims.

By Mr. MOTT: A bill (H. R. 9300) for the relief of Mina Rust; to the Committee on Claims.

By Mr. RICH: A bill (H. R. 9301) for the relief of the West Branch Bank & Trust Co. of Williamsport, Pa., executors of the estate of James Walton Bowman; to the Committee on Claims.

By Mr. RIGNEY: A bill (H. R. 9302) granting a pension to Grace A. Good; to the Committee on Invalid Pensions.

By Mr. WENE: A bill (H. R. 9303) for the relief of Walter C. Holmes; to the Committee on Claims.

Also, a bill (H. R. 9304) for the relief of Harry Thomas; to the Committee on Claims.

By Mr. WHITE of Idaho: A bill (H. R. 9305) directing the payment to William H. Carter of travel allowances from Manila, P. I., to San Francisco, Calif.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3924. By Mr. BOYLAN of New York: Letter from the Allied Printing Trades Council of Greater New York, N. Y., urging the Joint Committee on Printing to take no action which would remove from the Government Printing Office any work now being done by the printing-trades workers employed in the Government Printing Office; to the Committee on Printing.

3925. Also, resolution adopted by the Military Order of the Purple Heart, Department of New York, providing that the Military Order of the Purple Heart be given the recognition that it so rightly deserves under Senate bill 1516, etc.; to the Committee on the Judiciary.

3926. By Mr. COLDEN: Resolution adopted by the Labor's Non-Partisan League of California, Los Angeles, Calif., protesting against organized opposition to labor organizations, and appealing to the President of the United States and the Civil Liberties Committee of the United States Senate to institute an investigation of such antiunion activities; to the Committee on Labor.

3927. Also, resolution adopted by the board of supervisors of the county of Los Angeles, State of California, recommending legislation empowering the Forest Service to use certain revenues for purchase of privately owned lands needed for proper management and protection of the watershed areas; to the Committee on Public Buildings and Grounds.

3928. Also, resolution adopted by the American Legion, seventeenth district, Department of California, urging the strengthening and strict enforcement of the navigation and immigration laws, and the appointment of additional inspectors and staff in the local offices for the purpose of more efficient enforcement; to the Committee on Immigration and Naturalization.

3929. Also, resolution adopted by the seventeenth district of the American Legion, Department of California, on the 21st day of January 1938, urging favorable action on Senate bill 25 and House bill 6704, known as the Universal Draft Act; to the Committee on Military Affairs.

3930. By Mr. LAMNECK: Petition of Frank E. Noyes, secretary, Ohio Bakers Association, and 700 citizens of Columbus, Ohio, protesting against new processing taxes on wheat; to the Committee on Ways and Means.

3931. By Mr. O'NEILL of New Jersey: Petition of Crane & MacMahon, Inc., concerning family corporations tax; to the Committee on Ways and Means.

3932. Also, petition of the New Jersey conference, A. A. A., automobile clubs, concerning the gasoline tax; to the Committee on Ways and Means.

3933. Also, petition of the department of agriculture, State of New Jersey, protesting against the cut in appropriation for Bang's disease program; to the Committee on Appropriations.

3934. Also, petition of Bernard Hember, East Orange, N. J., protesting against any legislation to reorganize utility companies; to the Committee on the Judiciary.

3935. Also, petition of the Chamber of Commerce of the city of Newark proposing amendments to the Social Security Act; to the Committee on Ways and Means.

3936. By Mr. RICH: Petition of citizens of McKean County, Pa., favoring the Neely-Pettengill bill (S. 153 and H. R. 1669); to the Committee on Interstate and Foreign Commerce.

3937. By the SPEAKER: Petition of the Regular Veterans Association, Washington, D. C., petitioning consideration of their resolution passed by the Abraham Lincoln Post, No. 52, with reference to pay of enlisted men; to the Committee on Military Affairs.

SENATE

WEDNESDAY, FEBRUARY 2, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, February 1, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Calif.	Pittman
Andrews	Connally	Johnson, Colo.	Pope
Ashurst	Copeland	King	Radcliffe
Austin	Davis	La Follette	Reynolds
Bailey	Donahey	Lewis	Russell
Bankhead	Duffy	Lodge	Schwartz
Barkley	Ellender	Logan	Schwellenbach
Berry	Frazier	Lonergan	Sheppard
Bilbo	George	Lundeen	Smathers
Bone	Gerry	McAdoo	Smith
Borah	Gibson	McGill	Thomas, Okla.
Bridges	Gillette	McKellar	Thomas, Utah
Brown, Mich.	Glass	McNary	Townsend
Brown, N. H.	Guffey	Maloney	Tydings
Bulkley	Hale	Miller	Vandenberg
Bulow	Harrison	Milton	Van Nuys
Burke	Hatch	Minton	Wagner
Byrd	Hayden	Murray	Walsh
Byrnes	Herring	Neely	Wheeler
Capper	Hill	Norris	
Caraway	Holt	Nye	
Chavez	Hughes	O'Mahoney	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Oklahoma [Mr. LEE], and the Senator from Louisiana [Mr. OVERTON] are absent because of illness.

My colleague the junior Senator from Illinois [Mr. DIETERICH], the Senator from South Dakota [Mr. HITCHCOCK], the Senator from Florida [Mr. PEPPER], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from Nevada [Mr. MCCARRAN] is detained on official business in his State.

I ask that this announcement stand of record for the day.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 676. An act for the relief of Heinrich Schmidt, G. m. b. H., of Flensburg, Germany;

S. 2606. An act for the relief of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

S. 2768. An act authorizing the Comptroller General to adjust and settle the claim of Leo L. Harrison;

S. 2769. An act authorizing the Comptroller General to adjust and settle the claim of Irvin H. Johnson;

S. 2773. An act to authorize the issuance of an unrestricted patent to Judson M. Grimmet; and

S. 2832. An act authorizing the adjustment of the claims of Frank Pashley and Brown Garrett.

The message also announced that the House had passed the bill (S. 1255) for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel, K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate severally, with amendments, in which it requested the concurrence of the Senate:

S. 371. An act for the relief of William R. Kellogg;

S. 1043. An act for the relief of A. C. Williams;

S. 2418. An act for the relief of John Prosser; and

S. 2602. An act for the relief of George Yuhas.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 344. An act for the relief of Ford O. Gotham and James McCumber;

H. R. 592. An act for the relief of E. A. Caylor;

H. R. 2316. An act for the relief of Paul Brinza;

H. R. 2841. An act for the relief of Mr. and Mrs. Virgil O. Powell and William Powell, a minor;

H. R. 3389. An act for the relief of Benjamin Weisenberg;

H. R. 4020. An act for the relief of William R. Herrick;

H. R. 4251. An act for the relief of Eva C. Netzley, William G. Stuff, Lois Stuff, and Harry E. Ridley, and the estates of Clyde C. Netzley and Sarah C. Stuff;

H. R. 4921. An act for the relief of Hugh Ray;

H. R. 5149. An act for the relief of John M. Fraley;

H. R. 6397. An act for the relief of John W. Watson;

H. R. 6471. An act for the relief of Ralph J. Neikirk;

H. R. 6708. An act for the relief of S. T. Roebuck;

H. R. 6844. An act for the relief of Mattie L. Carver;

H. R. 7173. An act for the relief of G. D. Thornhill and James T. Rogers; and

H. R. 7678. An act for the relief of Carl Dement Weaver and Donald W. Supernois.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 8730) to amend the National Housing Act, and for other purposes, and it was signed by the Vice President.

BOARD OF VISITORS TO THE NAVAL ACADEMY

The VICE PRESIDENT. The Chair appoints the Senator from Pennsylvania [Mr. DAVIS] a member on the part of the Senate of the Board of Visitors to the United States Naval Academy, to fill the vacancy caused by the resignation from the Senate of Hon. Frederick Steiwer.

SPECIAL COMMITTEE TO INVESTIGATE PRODUCTION, TRANSPORTATION, AND MARKETING OF WOOL

The VICE PRESIDENT. The Chair appoints the Senator from North Dakota [Mr. FRAZIER] a member of the Special Committee on Investigation of the Production, Transportation, and Marketing of Wool, created by Senate Resolution No. 160 (74th Cong.), to fill the vacancy caused by the resignation from the senate of Hon. Frederick Steiwer.

REPORT OF RAILROAD RETIREMENT BOARD

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board for the fiscal year ended June 30, 1937, with supplementary data for the period July 1, 1937, to November 30, 1937, which, with the accompanying report, was referred to the Committee on Interstate Commerce.

TRANSACTION OF ROUTINE MORNING BUSINESS

The VICE PRESIDENT. With the permission of the Senator from Mississippi [Mr. BILBO], who, under the arrangement made last evening at the time the Senate took a recess, is entitled to the floor, the Chair would like to recognize other Senators for the purpose of introducing bills, submitting reports of committees, or having matters printed in the RECORD, with the distinct understanding, however, that the Senator from Mississippi will have the floor when such temporary matters shall have been concluded.

Mr. BILBO. That is agreeable to me.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by Abraham Lincoln Post, No. 52, Regular Veterans' Association, in the State of Tennessee, favoring the enactment of legislation for the benefit of the enlisted personnel, disabled enlisted men, and dependents of the regular armed forces of the United States, which was referred to the Committee on Military Affairs.

He also laid before the Senate a resolution adopted by the San Juan Wool Growers' Association, at Aztec, N. Mex., protesting against the enactment of legislation to transfer the Forest Service, the Biological Survey, and similar agencies from the Department of Agriculture to another Department of the Government, which was referred to the Select Committee on Government Organization.

Mr. WALSH presented the following resolutions of the General Court of Massachusetts, which were ordered to lie on the table:

Resolutions memorializing Congress for the enactment of Federal legislation regulating certain minimum wages and maximum hours of labor

Whereas there are pending before the Congress of the United States certain measures known as hour and wage bills; and

Whereas the General Court of Massachusetts deems it a vital necessity for the immediate preservation of the public health and convenience of the people of this Commonwealth to have such a measure enacted into law at the earliest possible date in order to eliminate unfair practices by certain unscrupulous employers, to provide better working conditions and suitable minimum wages, commensurate with the American standard of living, for employees throughout the country, and to promote industry in this Commonwealth: Therefore be it

Resolved, That the General Court of Massachusetts hereby memorializes the Congress of the United States to enact at the earliest possible date a bill for the proper regulation of minimum wages and maximum hours of employment, without differentials, that will provide for elimination of labor for hire of children under 16 years of age, and will provide for the administration of its provisions by the United States Department of Labor, and the enforcement thereof by the Federal courts; and be it further

Resolved, That a copy of these resolutions be forwarded by the Secretary of the Commonwealth forthwith to the presiding officers of both branches of Congress and to each member of Congress from this Commonwealth.

Mr. LODGE presented a petition of sundry citizens of Springfield, Mass., praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted and to restore the congressional function of coining and issuing money, and regulating the value thereof, which was referred to the Committee on Banking and Currency.

He also presented resolutions adopted by the General Court of Massachusetts, favoring the enactment of legislation regulating certain minimum wages and maximum hours of labor, which were ordered to lie on the table.

(See resolutions printed in full when presented today by Mr. WALSH.)

AIRSHIP BASE AT LAKEHURST, N. J.—RESOLUTION OF NEW JERSEY LEGISLATURE

Mr. SMATHERS. Mr. President, I send to the desk and ask to have read a resolution adopted by the New Jersey State Senate and addressed to the President and the Congress.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution was read, as follows:

Whereas the spring of 1938 will undoubtedly see the resumption of airship operations over the North Atlantic, again using terminal facilities in Ocean County, N. J.; and

Whereas the State of New Jersey, at Lakehurst, has the only modern airship base for the accommodation of such operations, and the people of New Jersey have observed the successful operation of such airships and are interested in this modern mode of oceanic transportation, as evidenced by the thousands of visitors to Lakehurst; and

Whereas the United States Maritime Commission has reported to the Congress of the United States that airships have a rightful place in our foreign air commerce; and

Whereas the substantial monopoly on helium afford the United States of America domination of the world's airships using said commodity; and

Whereas the United States has too long neglected the proper development of its own helium-inflated airships: Now, therefore, be it

Resolved, That the Senate of the State of New Jersey reaffirms its belief that the Congress of the United States should use every available and practical means to develop and maintain lighter-than-air base at Lakehurst, N. J., both for the United States of America and for such other nations as desire to avail themselves of the facilities; and be it further

Resolved, That the present Congress of the United States be memorialized and requested to take the necessary steps to further the general improvement of the lighter-than-air facilities and equipment of the United States of America, particularly at Lakehurst, N. J.; and be it further

Resolved, That copies of this resolution signed by the president of the senate, attested to by the secretary, be forwarded to the President of the United States, the United States Senators from New Jersey, and the Members of the House of Representatives from New Jersey.

The VICE PRESIDENT. The resolution will lie on the table.

Mr. WALSH subsequently said: Mr. President, I inquire what disposition has been made of the resolution of the Legislature of New Jersey, which was presented by the Senator from New Jersey [Mr. SMATHERS]?

The VICE PRESIDENT. It was ordered to be read and to lie on the table.

Mr. WALSH. I desire to say, for the information of the Senator from New Jersey, that the subject matter of the resolution has been given a great deal of study and thought by the Navy Department, and has been under consideration from time to time by the Committee on Naval Affairs. The subject is a very involved one, as to which it is difficult for the Government to determine its policy, and how far it should go in the construction of lighter-than-air craft.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. What is the object of having a resolution sent to the Senate by the legislature of a State lie on the table?

The VICE PRESIDENT. The Parliamentarian advised the Chair that that was the procedure which the Senator from New Jersey desired to have followed.

Mr. SMATHERS. Mr. President, I ask that the resolution be referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution will be so referred.

It is the opinion of the Chair that when resolutions or petitions are sent to the Senate, they should be referred to the appropriate committee; but the Chair asked the Parliamentarian what procedure the Senator from New Jersey wished to have followed, and was told that the Senator from New Jersey desired to have the resolution read and to lie on the table. That is the reason why the Chair gave the answer that he did.

Without objection, resolutions from legislatures, individuals, and so forth, hereafter will be referred to the appropriate committees.

Mr. LEWIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. LEWIS. The Chair has just announced that resolutions hereafter tendered will go to the appropriate committees. In a case in which a resolution is tendered, and the Member of the body tendering it asks to have it lie on the table preparatory to addressing the Senate upon the subject on the following day, may not that be allowed without the resolution going to a committee?

The VICE PRESIDENT. The Senate may give unanimous consent to do anything except to amend the Constitution.

[Laughter.] When a Senator desires to have a resolution lie on the table and be printed in the RECORD, if the Senate gives consent, that course will be pursued.

Mr. BARKLEY. Mr. President, I should like to call attention to one exception to what can be done by unanimous consent. The Senate cannot act on a resolution which has been passed by a State legislature by having it lie on the table. That is one other thing which cannot be done by unanimous consent.

The VICE PRESIDENT. The Senator's statement is correct.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Oklahoma:

A bill (S. 3363) relating to the promotion of certain officers of the Navy, and for other purposes; to the Committee on Naval Affairs;

A bill (S. 3364) conferring jurisdiction on the district courts of the United States for the State of Oklahoma to hear and determine certain causes involving property belonging to Indians of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. BAILEY:

A bill (S. 3365) for the relief of Joseph D. Schoolfield; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 3366) to authorize the presentation of a Distinguished Service Cross to Walter B. Werner; to the Committee on Naval Affairs.

By Mr. McKELLAR:

A bill (S. 3367) to provide for the appointment of one additional district judge for the eastern and middle districts of Tennessee; to the Committee on the Judiciary.

By Mr. LUNDEEN:

A bill (S. 3368) to amend the act entitled "An act to give war-time commissioned rank to retired warrant officers and enlisted men," approved May 7, 1932; to the Committee on Military Affairs;

A bill (S. 3369) to amend subsection (a) of section 10 of the act entitled "An act to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes," approved June 16, 1936; to the Committee on Post Offices and Post Roads.

By Mr. BYRNES:

A bill (S. 3370) to amend the Social Security Act to provide for the establishment and maintenance of certain personnel standards on a merit basis, and for other purposes; to the Committee on Finance.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 344. An act for the relief of Ford O. Gotham and James McCumber;

H. R. 592. An act for the relief of E. A. Caylor;

H. R. 2316. An act for the relief of Paul Brinza;

H. R. 2841. An act for the relief of Mr. and Mrs. Virgil O. Powell, and William Powell, a minor;

H. R. 3389. An act for the relief of Benjamin Weisenberg;

H. R. 4020. An act for the relief of William R. Herrick;

H. R. 4251. An act for the relief of Eva C. Netzley, William G. Stuff, Lois Stuff, and Harry E. Ridley, and the estates of Clyde C. Netzley and Sarah C. Stuff;

H. R. 4921. An act for the relief of Hugh Ray;

H. R. 5149. An act for the relief of John M. Fraley;

H. R. 6397. An act for the relief of John W. Watson;

H. R. 6471. An act for the relief of Ralph J. Neikirk;

H. R. 6708. An act for the relief of S. T. Roebuck;

H. R. 6844. An act for the relief of Mattie L. Carver;

H. R. 7173. An act for the relief of G. D. Thornhill and James T. Rogers; and

H. R. 7678. An act for the relief of Carl Dement Weaver and Donald W. Supernois.

OPINIONS OF UNITED STATES SUPREME COURT IN LABOR BOARD CASES (S. DOC. NO. 138)

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed as a Senate document the opinions delivered by Mr. Justice Brandeis in the cases of A. Howard Myers et al., petitioners, against Bethlehem Shipbuilding Corporation, Ltd.; A. Howard Myers et al., petitioners, against Charles MacKenzie et al.; and Newport News Shipbuilding & Drydock Co., petitioners, against Bennett S. Schauffler et al. These opinions relate to the National Labor Relations Act, interpreting one of its provisions.

The VICE PRESIDENT. Is there objection?

Mr. CONNALLY. Mr. President, reserving the right to object, may I ask the Senator a question?

Mr. WAGNER. Yes.

Mr. CONNALLY. I should like to ask the Senator from New York when he is going to speak on the pending bill.

Mr. WAGNER. I hope to do so tomorrow. I had planned to speak today, but I prefer to speak tomorrow.

Mr. CONNALLY. The bill has been pending now for 4 weeks, and the Senator has not advanced any arguments or any speech at all in its favor. We have a right to reply to the remarks of the Senator from New York; and I hope that at some early date he will see fit to deliver his speech to the Senate, because several Senators wish to reply to it.

I have no objection to the request of the Senator from New York.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the opinions will be printed as a Senate document.

PEACE PROGRAM OF VETERANS OF FOREIGN WARS—ADDRESS BY SENATOR BONE

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD a radio address in support of the peace program of the Veterans of Foreign Wars delivered by Senator BONE at Washington, D. C., January 31, 1938, which appears in the Appendix.]

LEGISLATION AND PRESENT ECONOMIC CONDITIONS—ADDRESS BY SENATOR LEE

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD a radio address on the subject of Legislation and Present Economic Conditions, delivered by Senator LEE on January 27, 1938, which appears in the Appendix.]

BANG'S DISEASE CONTROL

[Mr. GIBSON asked and obtained leave to have printed in the RECORD two telegrams and a letter with reference to the control of Bang's disease, which appear in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. BILBO. Mr. President, notwithstanding the fact that I have asked unanimous consent to discuss this question for the next 29 days, I shall be happy to yield the floor or to take my seat at any time either one of the authors of the pending bill wishes to say a word in its behalf.

For several weeks the opponents of the bill have been trying to tell the Senate and the country of its unconstitutional features, its un-American and undemocratic provisions, and the futility either of its enforcement or of its accomplishing the results which they claim for it, yet neither we nor anyone in the country have been favored with a word of defense of this proposed legislation by the distinguished Senators who have been trying to pass it. I for one am willing to yield at any time when either the Senator from New York [Mr. WAGNER] or the Senator from Indiana [Mr. VAN NUYS] wishes to say a word in defense of the measure. I had announced that I should devote the entire 30 days to a discussion of the pending measure and questions pertinent to it, and I am prepared to do so. I have the necessary material on the subject itself to develop during the next 30 days.

I appreciate, however, that there is no rule of the Senate requiring me to do that.

Recently I received a letter from one of my constituents which I wish to read into the RECORD, in order to direct the attention of the Senate and of the entire Congress to a measure which I think is very important. It is as follows:

DEAR FRIEND: There is plenty being said and written about burdensome taxation, and I think justly so; but I want to call your attention to a burdensome feature of our tax system which shows that little concerns like ours are being reported to death.

The writer of this letter referred to his business. He is in the drug business.

I have a business partner. We own and operate two little drug stores in this town, and we are required to make out 104 reports to our State and Federal Governments, 80 of which cost us money. I am submitting a list below showing the 52 reports each store must make each year:

Twelve monthly State sales-tax reports.
One annual State sales-tax report.
Twelve unemployment-compensation tax reports.
Two semiannual compensation-tax reports.
One annual report for a pharmacy permit.
One annual report for a sales-tax license.
Two partnership income-tax reports.
One chain-store tax report.

That is 32 going to State authorities, and here is the list of the 20 we must send to the Federal Government:

Twelve social-security tax reports.
Four quarterly social-security tax reports.
Two partnership income-tax reports.
One narcotic report.
One Federal unemployment-tax report.

I am appealing to you to use your influence to get this situation improved. At least 80 of these 104 reports may be eliminated, in my opinion, without depriving the authorities of any information whatever. I would like to know how you feel about it.

A Senator sitting near me has asked which 80 could be eliminated. The man who writes this letter does not designate which 80 could be eliminated. He merely states the fact, and I take it that he is right in his statement.

We all know that taxation is burdensome, and it is natural for people to object to taxes of all sorts and kinds, but I think my friend and constituent is right in his contention that there is too much red tape, there are too many of these technical "brain trusters" who have been drafting a good deal of our legislation and devising many of these devious and circuitous schemes by which governments may extract taxes from the dear people until we have gone "haywire" on the question of the requirements made of the individual taxpayer in making a report, not only to his State government, but to the Federal Government. I think it preposterous for a man who has a little drug store to have to make 104 reports before he can satisfy the taxing entities of the Government.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BILBO. I yield for a question.

Mr. SCHWELLENBACH. Will the Senator tell us again the number of these reports which went to the State of Mississippi? My understanding was that there were 32 which went to the State of Mississippi.

Mr. BILBO. Thirty-two.

Mr. SCHWELLENBACH. Thirty-two to Mississippi?

Mr. BILBO. Yes; and 20 to the Federal Government.

Mr. SCHWELLENBACH. Is it not then logical to conclude, from the Senator's argument, that there are more "brain trusters" in Mississippi than there are connected with the Federal Government?

Mr. BILBO. I think that conclusion is correct, and I am not taking issue with the Senator. I myself think that, like the Federal Government, my State government has gone "hay wire" on this question of taxation.

Mr. POPE. Mr. President, will the Senator yield for a question?

Mr. BILBO. I am delighted to yield.

Mr. POPE. When were the laws passed under which these reports had to be made to the State of Mississippi?

Mr. BILBO. They have been passing them in my State since 1917.

Mr. POPE. Did they pass some of them when the Senator was Governor?

Mr. BILBO. Yes; but not as many as have been passed recently, and the red tape involved was not as great until within recent years, when the State government began to get into contact with the Federal Government, and then they started to get ideas about the various and sundry ways of extracting the golden shekels from the dear people. I think they learned most of it from Washington.

Mr. President, I have merely offered this suggestion in the hope that I might sow some seed which would result in a measure of relief to the dear people, who, after all, have to pay the bills.

I should like to call the attention of the Senate to an editorial in the Philadelphia Record of February 1, 1938. Since this discussion has been proceeding we have been trying to impress on the Senate and have been trying to impress on the country what will next be demanded if and when the antilynching bill is passed, at the request and upon the insistence of the mongrel Negro organizations of this country. I admit there are some splendid white organizations which favor Federal legislation along this line, but the insistence has come from the mongrel population, it has come from those Negroes who have the right to vote in the close States north of the Mason and Dixon's line, and one or two south. We have been telling Senators and we have been telling the country what would happen if Congress should pass this proposed legislation, which is a violation of the Constitution, in our judgment, and I think the Court will agree with us. We know it is un-American; we know it is undemocratic; we know it violates the dream of the founding fathers in the establishment of the dual system of government, State and Federal. As soon as this is granted, next will be a demand on the part of the mongrels of this country for a bill of civil rights.

In this connection I wish to read an editorial from the Philadelphia Record of February 1:

MAKE IT A CIVIL-RIGHTS ACT

Democracy took a shameful trouncing when the United States Senate shelved the antilynching bill and handed victory to the filibusterers.

A majority knuckled down to a minority. The clearly expressed will of the people was ignored. And if the dictators of Europe are not hastily preparing to make the most of this perversion of democratic process, then Il Duce and Hitler are fast asleep.

Probably the most disgusting part of it all is the picture of Republican Senators—all but one of them—lined up solidly with the southern bloc.

Eight months hence these same Republican Senators will be masquerading before the voters as the heirs of Lincoln.

Facts, however, are facts. The antilynching bill is licked.

That is good news.

The Record proposes—

This is the Philadelphia Record—

The Record proposes in its place a civil-rights bill—a bill which would extend the antilynching bill to cover all violations of civil rights in the North as well as in the South.

Just as has been done in Pennsylvania already. In other words, here is the leading Democratic paper of Philadelphia now, since the antilynching bill has been defeated, as this paper admits, advocating a civil-rights bill for the whole country in line with the civil-right bill passed by Governor Earle and his Democratic legislature in Pennsylvania, at the insistence of the Negro vote in Pennsylvania, in order to cinch that vote, in order to hold that vote, in order to stay in power, regardless of the effect upon our civilization. Now, they want to put such a law on the whole Nation, and I presume there would be some Senators who would vote for it, especially if they got an order from Walter White, of New York, that immigrant Georgia Negro.

It may be argued that the antilynching bill was tactlessly handled in the Senate; that the impression was permitted to get about that it was a sort of public spanking for the South. In that light it was easy for southern Senators to whip up public sentiment against the measure.

But a civil-rights bill—a bill which would apply to "Judge Hague" as well as "Judge Lynch"—would be a different proposition.

After all, the Chicago police, on Memorial Day, killed more people in an attack on a strike demonstration than were lynched in the entire South in all of 1937. There were nine lynchings. Ten were slain at Chicago.

Southern sheriffs may often look the other way.

And if this damnable bill shall be passed, I know they will look the other way—•

But they don't usually help pull the rope. And the Chicago killings were the work not of a mob but of the agencies of law enforcement.

We cannot comprehend the mental attitude which, even indirectly, condones lynching. But the South presents a condition and not a theory—and so does the North. If lynching has died out here, making the antilynching bill virtually inapplicable, we still have vigilantes. And experience has shown that they are capable of outrages quite as horrible as those of lynch mobs.

That's why we suggest revision of the bill to cover all violations of civil rights—North, South, East, and West—whether by lynch mobs, police, Mayor Hagues, or vigilantes.

I do not know which one of the Hagues is referred to, whether it is the New Jersey Hague or not—

When the fourteenth and fifteenth amendments to the Constitution were adopted, it was thought that they would give Federal protection to civil rights. Congress passed a civil-rights act.

But the Supreme Court said it was unconstitutional.

God bless the Supreme Court!

The Court's attitude has been that the fourteenth amendment was adopted not to protect the newly freed slave but to protect the corporation.

Congress should enact a civil-rights bill—to save its own face.

"With the Negroes"—why was that not added in the editorial?

Through its debates, its filibuster, the Senate has advertised to the world the horrors of lynching.

Through its action yesterday, the Senate advertised to the same world that it is too cowardly to do anything about it. That's a picture to jolt millions.

Yes; we'd suggest that the Senators hurry—hurry to save their faces before they have to worry about saving their necks, when they face their constituents.

Mr. President, it is the deliberate conclusion, judgment, and advice of the Philadelphia Record, the great Democratic newspaper of Pennsylvania, that if the antilynching bill cannot be passed, Congress should pass a civil-rights bill by which the States shall be invaded, and all the States' rights shall be regulated from Washington.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. BILBO. I yield for a question.

Mr. SMATHERS. In the State of New Jersey we have a civil-rights law. Does the Senator think he would be unhappy if he were to live in the State of New Jersey, which has such a law?

Mr. BILBO. Is that all of the Senator's question?

Mr. SMATHERS. Yes.

Mr. BILBO. In reply to the Senator's question, I will say I do not know what New Jersey's civil-rights law provides. Does it give to the Negro race the same rights the Pennsylvania law gives to the Negro; that is, to stay in the white man's hotels, to eat in the white man's cafeterias, to go to the white man's schools, to go to the white man's churches, and does New Jersey permit Negroes and whites to intermarry?

Mr. SMATHERS. New Jersey's civil-rights law is practically the same as the Pennsylvania civil-rights law, recognizing the Negro to be a human being, and giving him, so far as possible, equal rights and equal protection in the economic life of the community.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. BILBO. I yield for a question.

Mr. CONNALLY. Does the Senator from Mississippi know whether or not the so-called civil-rights act in New Jersey authorizing, or rather requiring, that whites and blacks shall have the right to patronize the same hotels and restaurants, is enforced on the boardwalk in Atlantic City, or is it just a dead letter with the New Jersey authorities, a law passed in order to satisfy the colored people, and New Jersey then excluding the Negro from its fashionable resorts? The Senator from New Jersey resides in Atlantic City, and I suppose he would be able to tell the Senate and the country whether those of us who want to go to Atlantic City and make use of the boardwalk would be forced to do so in company with colored folks; that when we would go in swimming on the beach we would swim in company with colored folks, and eat at the same tables wtih them, and occupy the same hotels they occupy.

Mr. BILBO. Far be it from me to charge the officialdom of New Jersey with being negligent in the performance of its duty. I should give the Senator from New Jersey and his constituents the benefit of the doubt. I presume that New Jersey not only passed a civil-rights measure in which it accorded the Negro race all the rights which the white men and women of that State enjoy, but that New Jersey's officials are so diligent and efficient that they are enforcing that law, and in enforcing that law, as I understand the Senator to admit, the Negroes are permitted to go into New Jersey's hotels and sleep in the same hotels occupied by white people.

They are permitted to go into restaurants and sit alongside of the wives and daughters of white citizens while they are eating their meals, and at public gatherings in Atlantic City, the Negroes have the same right to walk up and down the famous board walk and the same right to go into the swimming pool and swim with the wives and daughters of the white people. That is civil rights. That is what has been given the Negroes in New Jersey. If you authorize or legalize the intermarriage of the races, then you cannot object if one of the nice daughters from one of the aristocratic homes marries some "buck nigger" from Kalamazoo. If your daughter should announce in your home that she wanted to marry some Negro, you should not say one word. "All right, daughter, go ahead."

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. BILBO. Yes, I yield. I am talking about civil rights now.

Mr. SMATHERS. The Senator's approach to the question is entirely wrong. In the State of New Jersey we do not prohibit the intermarriage of a Negro with a white, but the two races themselves prohibit it, because the white man does not want to contaminate his race; nor does the Negro. So the Senator's approach to the question by reasoning that what is not prohibited will happen is erroneous, in my opinion.

Mr. BILBO. Then, if New Jersey does not want its whites to marry the blacks and the blacks to marry the whites, why does it not say by statute that there shall not be any intermarriage between the two races? If the State permits it and legalizes it, then the State cannot be heard to complain if such intermarriage takes place.

There is a law in the District of Columbia—I have introduced a bill to correct it—permitting the whites and blacks to marry. It may be said, "Oh, I do not believe it is taking place"; but I say it is taking place. I have reliable information with respect to white girls working in the departments of the Government who are living with Negro men whom they married here in Washington.

I am talking about a situation which now exists. I am talking about what New Jersey is going to have in greater degree every day the civil-rights law remains on the statute books of that State, and so long as attention is paid to the demands of the little handful of mongrel voters in the State of New Jersey.

As I have previously said on the Senate floor, it is not so much the legitimate interbreeding that we dread; it is the illegitimate interbreeding; but the legitimate interbreeding is going to be superseded by the illegitimate interbreeding so long as the races are permitted to mix socially in every way.

In view of the Senator's explanation, which I am glad to have, I am now personally ready to answer the Senator's question, which was whether I would be happy to live in New Jersey. If New Jersey is going to permit the Negroes to live with the whites and to frequent the hotels where I would sometimes want to stop with my daughters and my granddaughters, my family—if New Jersey is going to permit

the Negro to sit down at the table and eat with my family, and if when my granddaughter wanted to go to the swimming pool she would have to rub elbows with Negroes in the swimming pool and swim in the same water, my answer is, "No; I would not be happy to live in New Jersey."

I suppose that the residents of New Jersey become used to such things, as have many people elsewhere. That is the damnable feature of two races trying to live together; they will become used to it, and as they become used to it there will be intermixing; and with intermixing we will in the end have a complete mongrel race.

Yesterday I called attention to what happened in this country during a period of 150 years. The importation of slaves into this country was stopped in 1808. The importation of slaves began about 1650. See what happened in 150 years. Go over this country and see what has happened insofar as interbreeding is concerned. The amalgamation between the races is increasing day by day.

I repeat, a great cosmopolitan and nationally recognized Democratic newspaper in the great old State of Pennsylvania is now demanding, as a substitute for what it refers to as the defeated antilynching bill—I hope it is right in that respect—a universal civil-rights bill, to affect all the States of the American Union alike. In other words, it is proposed to say to the good people of Tennessee, "You can go ahead and build your swimming pools beneath the blooming magnolia trees of the sunny South, where yours daughters and your sons engage in the wholesome sport of swimming, but hereafter the Negro shall have an equal share in that swimming pool. When your daughters go out to bathe in the swimming pools in Tennesese, the pure-blooded African we have in the South—most of those in the North are of the mongrel type—will participate in swimming in the same pool. That will be the natural result. The Negro will try to attain that status. At first we will object, but perhaps after a while we will do as they do in New Jersey. We will accept it as a matter of fact, and tell the Negro, "Go on and take a plunge with our wives and daughters in the swimming pool." I say "perhaps" we will. The present generation will have to pass on the question at the scene of action.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. BILBO. I shall be glad to yield.

Mr. SMATHERS. Does the Senator agree with the first part of the editorial which he read, wherein it is stated that it is a blot on democracy when a little minority can defeat the passage of a bill with respect to which there is clearly a majority in its favor?

Mr. BILBO. I do not concede that a minority has defeated the majority. As I stated yesterday—and I am sorry the Senator was not here—we so-called filibusterers are rendering a real service to the majority of the Senate and to the majority of the country by defeating this damnable piece of un-American, unconstitutional, pusillanimous legislation. I know, as we all know, that if we were to take a secret ballot on the bill this afternoon, with every Senator in his seat, and if there were no way on earth for the news to get back to this mongrel population in New Jersey, and other States—if no octoroon, quadroon, or mulatto, or anyone with Negro blood in him, could ever find out how Senators voted—this bill would not get 10 votes on the floor of the Senate.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. BILBO. I shall be glad to yield.

Mr. SMATHERS. Does the Senator know that most of the mongrel Negro population in the State of New Jersey, to which he refers, was conceived and born in the South?

Mr. BILBO. I do not, because I have not looked into the family history of the Negro population in New Jersey.

Mr. SMATHERS. Such is the fact.

Mr. BILBO. Be that as it may, I give the mongrel credit for having sense enough to know where to go in order to enjoy equal rights with the white man. He knew very well he could not do it in the South. But the Senator will find that this same mongrel race—octoroons, quadroons, and mulattoes—which he claims came to his State from the South, will some day be a source of great trouble. I trust the Senator will live long enough to find out that they will be the source of great trouble to him and to his people, because when we give the Negroes special rights, so-called civil rights—which are tantamount to social rights, or result in social rights—they will then begin to assert themselves. They will demand more and more, and we will tolerate their demands to a greater and greater extent. It will not be many years before the Senator from New Jersey will be down here shaking hands with this little southern bloc of Ku Kluxers and begging us to help him solve the race question that has sprung up in New Jersey. We in the South will be able to control the situation for a longer time than can the people of the Senator's State. He is taking off the bridle. The Senator is inviting the day of calamity, which will soon be here. The first time this mongrel group shall be thwarted in their demands, the old saying about "hell breaking loose in Georgia" will have to be changed. It will be "hell breaking loose in New Jersey."

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BILBO. I shall be glad to yield.

Mr. SCHWELLENBACH. The Senator has discussed the question of a secret vote upon this issue and has said that under those circumstances there would be only 10 votes in favor of the bill. I am wondering if the Senator would be willing to agree to a secret vote on the bill this afternoon, say, at 4 o'clock.

Mr. BILBO. I was speaking about what we could do, but the Senator knows he is talking about an impossible thing.

Mr. SCHWELLENBACH. May I inquire why the Senator thinks it is impossible?

Mr. BILBO. It is against the rules of the Senate.

Mr. SCHWELLENBACH. Did not the Senator just hear the Vice President of the United States say that the Senate could do anything by unanimous consent except amend the Constitution of the United States?

Mr. BILBO. The Vice President made a statement that is not quite correct. There are many things that cannot be done by unanimous consent.

Mr. SCHWELLENBACH. Suppose a unanimous-consent agreement were proposed; would the Senator from Mississippi object?

Mr. BILBO. No; I should not object.

Mr. SCHWELLENBACH. I think the Senator has considerable influence among those who are opposed to this legislation.

Mr. BILBO. I am not the generalissimo of the campaign against this damnable bill. I am only a private in the ranks.

Mr. SCHWELLENBACH. The Senator has access to the generalissimo, has he not?

Mr. BILBO. I have, and I shall be glad to recommend it to him.

Mr. SCHWELLENBACH. May I suggest that at some time during the 30-day period to which the Senator has referred, the Senator take it up with the generalissimo?

Mr. BILBO. The only requirement or limitation I should put on the proposition the Senator mentions is that each Senator sign a special oath to vote his honest convictions.

Mr. SMATHERS. Under those circumstances, how does the Senator from Mississippi think the Republicans would vote?

Mr. BILBO. They would vote against the bill.

Mr. SMATHERS. Would they?

Mr. BILBO. Yes; that is, if they took the oath and lived up to it.

At this juncture I send to the desk and ask unanimous consent to have read by the clerk a resolution passed by the House of Representatives and the Senate of Mississippi on the 17th of January 1938 in refererce to this particular piece of legislation.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

Senate Joint Resolution 1

Declaring the attitude of the Legislature of the State of Mississippi on the so-called antilynch bill now pending in the Senate of these United States

Whereas there is now being debated in the Senate of the United States a bill generally known as the antilynching bill; and

Whereas this bill, if enacted into law, would be an invasion of the sovereign rights of the individual States of these United States; and

Whereas this said antilynching bill, if enacted into law, would penalize innocent parties; and

Whereas the enactment of this bill by the Congress of the United States would be an insult to the citizenship of the entire South; and

Whereas the relations between the races in Mississippi are more amicable at this time than at any time since the Civil War, and the passage of this said bill would greatly endanger this status; and

Whereas this bill is a vicious attack upon the democratic form of government and upon the theory of States' rights and is contrary to the purposes of the framers of the Constitution and the founders of our Federal Government: Now, therefore, be it

Resolved, That the Legislature of the State of Mississippi views with grave concern this attempt to foist this political legislation upon the Southern States, and urges the Senate of the United States to uphold the theory of States' rights upon which our Federal Government was founded, and submits that the passage of the said bill would be a violation of the Constitution of the United States and an insult to the Southern States and the citizens thereof; that Hon. PAT HARRISON and Hon. THEO. G. BILBO, Senators from Mississippi, and the Honorable WILLIAM E. BORAH be commended for their actions in opposing the passage of said bill; and that the contents of this resolution be immediately telegraphed to the Presiding Officer of the United States Senate. Enrolled resolution being forwarded by mail.

MISSISSIPPI STATE SENATE,
By RAIFORD WATSON, *Secretary*.

Adopted by the senate, January 17, 1938.

J. B. SNIDER,
President of the Senate.

Adopted by the house of representatives, January 17, 1938.

F. L. WRIGHT,
Speaker of the House of Representatives.

Approved by the Governor, January 19, 1938.

HUGH WHITE, *Governor*.

Mr. BILBO. Mr. President, recently a great mass meeting was held in Grenada, one of the most prominent and beautiful little cities of Mississippi. I send to the desk the resolution adopted by that mass meeting, and ask unanimous consent that it be read by the clerk as a part of my remarks.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read as follows:

We, the people of Grenada, Miss., in mass meeting assembled, hereby resolve:

First. The people of our southland condemn lynching as well as other crime and resent the implication that our sentiment is otherwise. We point with pride to the fact that crime in our section has been lessened more within recent years than elsewhere in our country and are determined that this record shall grow better.

Second. We disapprove the efforts being made in Congress to enact into law the proposed antilynching bill. We regard such proposal as unwise, unjust, and in direct violation of the constitutional rights of the States. As such it ought to be condemned by every American citizen, regardless of his locality or political affiliations.

Third. We are disappointed and aggrieved that such measure has been initiated and is being fostered by members of the Democratic Party. This procedure on their part is evidence of their disregard of our judgment, lack of appreciation of our unbroken loyalty, and a departure from the fundamental principles of the party itself. If such course is carried to a successful conclusion, it must be evident to the country that we, who remain loyal to the tenets of our party, cannot follow our mistaken brethren in their abandonment of these tenets. Divorcement, produced by their mistaken desertion, will of necessity be the result.

Fourth. We appreciate and endorse the position of our own Senators and commend their efforts to defeat the proposed legislation. We are deeply conscious of and genuinely appreciate the statesmanship, devotion to the Constitution, and unselfish regard for justice manifested by that great American, Senator BORAH. We realize, of course, and at the same time esteem most highly the fact that his position is motivated by his sense of duty, without regard to its personal or political effect.

Fifth. We regret the abolition of the two-thirds rule of our Democratic convention, and urge our leaders to seek a restoration thereof at the earliest opportunity.

Sixth. *Resolved further*, That a copy of this resolution be furnished to our two Senators in Congress and to our State senator and representatives, and that same be brought to the attention of the United States Senate and the Mississippi Legislature.

Mr. BILBO. Mr. President, I wish especially to call the attention of the Senate, of the country, and of our friends in the gallery to an editorial published in the Tuscaloosa News of January 12, 1938. I desire to read the editorial for two reasons: First, I want to prove to the country that our sheriffs in the South are doing their dead level best to prevent lynchings in the South; and that is the reason for the remarkable decrease in the commission of this crime in the South. As I have said heretofore, the good, Christian women of the South, and the right-thinking men of the South have agreed that we are going to put a stop to lynching because we do not approve it, and we have societies organized and working, preaching, generating an atmosphere, creating a sentiment against lynching and encouraging our officials to do everything in their power to prevent mobs visiting justice upon the brutes who violate the virtue of our southern women. Of course, however, if the bill now pending before the Senate becomes the law, the first thing that will happen will be that those in official life in the South will say, just as was said when the prohibition law was passed, "All right, Uncle Sam, you have undertaken the job; it is your job; you attend to it." They will step aside, and especially will the sheriff take no risk of trying to prevent mobs or to secure the custody of the victim sought by the mob, because of the penalties this bill attempts to place on him and upon his people, the taxpayers of the county.

Now, let me read the editorial.

MAKING A MOCKERY OF THE SOUTH

In Hale County a clever and courageous sheriff, Calvin Hollis, outwits a mob of 250 men and takes safely to jail in Selma a Negro suspect against whom the wrath of the entire community is directed. This Negro, or rather a Negro, had forced a prominent white woman at the point of a gun to drive him in her car to a secluded spot, and there he viciously choked her as she tried to break away from him. By a turn of luck and the quick use of her wits she finally escaped after a harrowing experience.

In the debate now taking place in the Senate—a debate which from the standpoint of the South is one of the most important in years—the gentlemen from the North who are advocating the passage of a Federal antilynching bill will not tell of this Hale County episode. They will ignore this case and numerous other cases in which the officers of the South have thwarted hotheaded mobs. They will overlook this case, too, because it brings things too close to home; the woman involved is a sister-in-law of a prominent Member of Congress.

These gentlemen from the North will tell only of the few times that the officers have neglected their duty or have failed in their courageous efforts to protect a Negro, and they will demand that the Federal Government step in. There were scores of attacks on white women in the South last year; there were dozens of mobs; but there were only 11 lynchings, the smallest number in years; yet the North insists that things have finally come to a pass where we are unable to police ourselves, and they demand the right to do it for us.

We doubt whether Calvin Hollis—

He is the sheriff—

of Hale County would have handled the problem which confronted him last Saturday night any better had the Federal antilynching bill been in force. In fact, we doubt whether Calvin Hollis would have cared to get himself so involved in the case as to run the risk of a heavy fine and a term in Federal prison should the Negro have been snatched from him. There are far more Negroes than white people in Hale County, but it has been many years since a lynching occurred there. Two or three times within the last few years there have been mob threats—but no lynchings. Always the officers have been bold enough to stand off the mob, and more than once they have been a little lucky—but would they wish to run such a huge risk as the antilynching bill inflicts upon them?

The gentlemen of the left-wing press in this country may continue to make their sneering remarks about the virtue of the South, and tell how stupid and old-fashioned we are in attempting to protect what we so naively call "the honor of southern womanhood." The northern Democrats who advocate the antilynching bill may rail against our courts while sex crimes run rampant in their own cities. The New York stage may deride us for our failure to accept and practice social equality.

But with all of this—antilynching bill or no antilynching bill, law or no law—the people of the South are not going to tolerate any such thing as that which happened in Greensboro last Saturday night. We may be wrong, but we have certain ideas of decency and respect for women so deeply ingrained in us that they cannot be snuffed out—like you might snuff out a candle—by Federal fiat.

That Greensboro Negro knew that he ran a grave risk—a risk as great as though he had murdered a man—when he laid his hands on a white woman. He was familiar with that, as all other Negroes in the South are familiar with it, yet in his brutality he ignored it. There are scores of such cases throughout the South each year—and in every one of them the Negro knows the consequences. If there are scores of Negroes who already dare to disregard the code of the South, how many will there be when the Federal antilynching bill becomes a law? Many of the more ignorant Negroes already regard it as a Federal license, issued by their protectors of the North, to attack white women—and that's a fact that cannot be denied.

If the antilynching bill passes, these attacks will increase.

That is a fact that cannot be denied.

That's not a mere conjecture; it's the logical conclusion of those who know the race, and the advocates of the antilynching bill have got to accept the blame. All decent-minded southern people want their courts to function properly; they respect law and order as no other people in the country respect law and order, but they are not willing to let the politicians of the North take over their courts. They have fought the lynching atrocity in the South for years, but they are not willing to see their code of racial relationships made a mockery.

I do not know the editor of this newspaper; but I endorse his conclusions as well as most of the sentiments he expresses in the editorial.

As I have said before, and as many others have said on the floor of the Senate, the man who tries to put this bill through the Congress is the worst enemy the Negro has, so far as the Negro in the South is concerned, because many of you do not know the status of the Negro in the South. A great many of them are uneducated, thoroughly illiterate, and naturally low in intellectual status. Their craniums became ossified at a very early age in their lives. The brains have not been permitted to expand. They are vicious in type.

If you pass this bill the word will go throughout the vicious circles of the Negroes of the South like election news: "The bridle has been taken off. License has been given to us. The white man cannot mob the Negro any more." And when you remove the deterring effect of the dread of the mob and the dread of the white man's vengeance from the vicious class of Negroes of the South, hell will break loose in the South, and you will have more rapes and more attempted rapes, which would result in more mobs and more race friction than there have been in 50 years in the South.

Some of you people who are trying to pass this measure are sincere about it. Some of these good women—God bless them—from the North have talked to me about it. They are in dead earnest about it. They think this bill will turn the trick. They think this bill will save the poor Negro rapist from the vengeance of the mob. They are sincere about it. But, my dear friends, you are the worst enemy the Negro has when you insist upon it. Let me ask some of these Christian organizations of the North, which have become so enthusiastic in their advocacy of this measure, why are you so concerned about the welfare of the Negro rapists of the South that we sometimes hang through the processes of the mob? Why do you not become concerned about the poor woman, the poor girl, the poor working girl, who is being raped in some of your cities of the north, not only by the mongrel but by the white man himself?

I think I am safe in saying, as I stated once before—the statistics show—that we are now having in this country about 50,000 rapes per annum. Fifty thousand white women in this country annually are being raped. My God! Rape is worse than murder. It is a worse crime. Instead of the distinguished Senator from New York [Mr. WAGNER] and other Senators from the larger cities of the North becoming so thoroughly aroused about what might happen to some vicious Negro rapist of the South, some Negro who has raped and killed some white woman, let me suggest that they become enthusiastic over putting a stop to the raping that is going on throughout the country to the extent of 50,000 crimes of that kind a year.

You know what afterward happens to the poor, miserable woman who loses her womanhood or her virtue as a result of being raped. It has a tendency to break down her moral resistance. It has a tendency to wreck her life. Yet it is going on, 50,000 strong, in the United States every year, and you are not doing anything about it. You are not organizing any societies and calling upon your Congressmen and your Governors and your legislatures to put a stop to this heinous, damnable crime. Yet you are getting in the newspapers, on the front pages of the newspapers, such items as "Mrs. So-and-So delivered a lecture against the awful crime of lynching in the South." You make me sick, straining at gnats and swallowing camels!

I desire to read into the RECORD a part of the inaugural address of the Governor of Mississippi, delivered in 1908. These are the words of a former Member of the Senate, the late Senator Vardaman:

I think the greatest crime that was ever committed against any people was perpetrated against the white people of the South by the adoption of the fourteenth and fifteenth amendments to the Federal Constitution.

Now, all right-thinking people of this day and generation have come to that conclusion. As was stated a while ago, the corporations took the fourteenth amendment and used it for their protection.

These iniquitous measures were conceived in a spirit of hatred and ignorance and brought forth in a spasm of venom and revenge.

They are known today throughout the length and breadth of this Republic by all white men who think honestly and correctly, to be improper and out of joint with the better interests of the country. To give the Negro the right of suffrage and place him on terms of absolute equality with the white man, was the capital crime of the ages against the white man's civilization. The effect has proven disastrous; and the perpetuation of the evil effects of the error can only work harm to both races. You cannot adjust laws suited to the government of the white man—"the heir of all the ages, in the foremost files of time"—to this low-browed, civilization-veneered savage. And it is worse than a crime to undertake it. Indeed, it is the cultivation of crime and the encouragement of lawlessness to undertake it. In 1856, in a speech delivered at Boston, Mass., Robert Toombs uttered these undying words: "I maintain that so long as the African and the Caucasian races coexist in the same society, the subordination of the African is its normal, necessary, and proper condition, and that such subordination is the condition best calculated to promote the highest interest and the greatest happiness of both races, and, consequently, of the whole society; that the white is the superior and the black the inferior, and that subordination, with or without law, will be the status of the African in this mixed society. Therefore, it is to the interest of both, and especially of the black race, that this status should be fixed, controlled, and protected by law."

Those are the words of Bob Toombs in 1856.

How faithfully he described the condition of affairs in the South today, and how completely the condition of the South vindicates the wisdom of his utterances. Unless "this status 'shall be' fixed, controlled and protected by law" it will be "fixed" without the law, and in the process of the "fixing" a spirit of lawlessness will be generated which will exterminate the Negro and well-nigh destroy the white man's civilization. Mr. Jefferson, who predicted that slavery would go out in blood unless provision was made for emancipation, saw also that the races could not live together as equals. "Nothing is more certainly written in the book of fate," he said, "than that these people are to be free; nor is it less certain that the two races equally free cannot live in the same government."

In other words, we are undertaking the impossible right now by trying to see if these two races can live together in peace and harmony to the advantage of the white man and his civilization.

"Nature, habit, opinion have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation, and in such slow degrees as that the evil will wear off insensibly and their place be filled pari passu by free white laborers. If, on the contrary, it is left to force itself on, human nature will shudder at the prospect held up."

Those are the words of Thomas Jefferson, written back before we had the Civil War and before we had emancipation.

A great many people have labored under the impression that the Civil War was a struggle on the part of the southern people to save their slaves. Abraham Lincoln said that the real purpose of the war was the preservation of the Union, not the abolition of slavery. There was no thought of abolishing slavery at the beginning of the Civil War.

The question was whether the Southern States had the right to secede and establish a government of their own, and

the question of freeing the slaves of the southern planter was not raised until the war had proceeded for many months.

Abraham Lincoln freed the slaves of that part of the Union still in rebellion in order to weaken the Confederacy. He issued his proclamation to free the slaves as a war measure.

He recognized that the Negro is and will remain inferior to the Caucasian, and sought to relieve civilization of its black burden and the Negroes themselves of their hopeless competition with the whites, by colonizing them in a foreign country. Lincoln conceived a plan for colonization during the period of the Civil War and proposed an amendment to the Federal Constitution which would authorize the Congress to carry out his segregation ideal.

It was the untimely death of Abraham Lincoln which put an end to the segregation, and other forces instituted other ideals.

After Lincoln was assassinated, then came Sumner and Thaddeus Stevens, the leaders left after Lincoln's assassination, and they had other conceptions about how to handle the slave who had been turned free in the South. They had other conceptions about how to rehabilitate the southern Confederacy, which had just been whipped.

Mr. President, this is the reason why I have repeated that the most unfortunate thing not only for the South but for the Negro was when Abraham Lincoln was assassinated. He already had his amendment to the Constitution drafted, and he was ready to make the drive to submit the amendment to the States, authorizing and empowering Congress to provide the funds for the purchase of territory in order to have a wholesale exodus of the Negro population of the United States at that time.

That was really Andrew Johnson's idea. When the gang which had charge of Congress after Lincoln's assassination, headed by Sumner and Stevens, found that they could not control Andrew Johnson, of Tennessee, who was trying to carry out the ideals and policies of Abraham Lincoln, they said, "We will get rid of you, Mr. Johnson. We will just impeach you." The House of Representatives was led to impeach him, his trial was held on the floor of the Senate, and by the skin of his teeth he was saved in that impeachment trial. There was nothing behind that except the war-crazed desire of Sumner and Stevens and their crowd to have their way in fixing the policies upon which the South should be reconstructed, and one of the main ideas in that reconstruction trouble, as announced by Abraham Lincoln and favored by Johnson, was the question of the repatriation of the Negro race.

I shall insist, as long as I remain in the Senate, that repatriation is the only way to solve the Negro question, and in taking that position I think I ought to have the sympathy and support of my Republican friends across the Chamber, because I have adopted the idea advanced by the father of their party, Abraham Lincoln. Perhaps they are taking from Lincoln only what suits them.

It was the contemptuous rejection of the provisions of the fourteenth amendment to the Federal Constitution by all the Southern and most of the Northern States which led to the Reconsruction. Unable to secure the enactment of this proposed amendment, the politicians in power instituted those measures which resulted in the "carpetbag" Negro domination of the Southern States. When the Southern States no longer represented the will of the white South, their assent was obtained and the amendment passed by the necessary majority of States. The Civil Rights Acts passed by Congress, 1866—

One of the infamous measures about which the Senator from New Jersey was talking—

1870, amended in 1871, and 1875, mark the supreme heights of American negrophilism.

That means Negro loving.

Their sole intent was to level the Saxon with the African. In this respect negrophilism in the United States equalled British negrophilism in South Africa, but there the leveling process found none to stay its triumph, while in the United States the Supreme Court intervened in behalf of civilization. Charles Sumner was the most important personality in the United States Senate. His belief in the necessity of equalizing the white with the black was not less radical than that of Dr. Philip, whose influence threatened the Caucasian supremacy in Cape Colony. Both were actuated by a profound conviction that their policies were necessary, and both believed themselves to be the agents of Providence in applying the social tenets of the Christian religion.

"These were Sumner's dying words to Hoar: 'You must take care of the civil-rights bill—my bill—the civil-rights bill—don't let it fail.'"

That was the bill about which the Senator from New Jersey was talking. I trust these will not be his dying words.

"This law had for its purpose the obliteration of the color line in the South, and to give to the Negroes the full and equal privileges of all hotels, streetcars, passenger trains, steamboats, or other public conveyances by land or water; of theaters and all other places of public amusement. It was, however, a milder law than the one sought by Sumner in that it did not attempt to obliterate the color line in churches, schools, and cemeteries." With the passage of this act, negrophilism began to wane. The "radicals" in Congress were displaced by conservative Republicans and by Democrats. While America was finding itself, and with the finding, Caucasianism has risen, decade by decade, resulting in the practical reversal of the policy of the equalizationists.

The anger caused by the war soon passed away, and that section which had preserved the Union gave unmistakable evidence that a mistaken policy arising from a mistaken theory would not be enforced upon a people who sought to remain white.

"Charles Francis Adams, writing from the bank of the upper Nile, decries the 'utter fallacy of the theoretical rights of man and philanthropical African-and-brother doctrines.'"

That is the doctrine being followed over in Pennsylvania and New Jersey.

"'In plain English vernacular they are "rot"; "rot" which I myself have indulged in to a considerable extent, and in the face of observable facts which would not down, have had to outgrow. * * * The work done by those who were in political control at the close of our Civil War was done in utter ignorance of ethnologic laws and total disregard of unalterable fact.'"

These are the words of Charles Francis Adams, in which he admits that he has preached the doctrine the negrophilists are trying to force upon the white people of this country now. He admitted that he had advocated this equality in civil rights and social rights, but after he made an investigation, after he made some study, after he had a chance to view what had happened on the banks of the River Nile, where the Nubians from the upper stretches of the River Nile invaded old Egypt, with her 3,000 years of splendid white man's civilization, and intermixed and amalgamated, and even placed on the throne of Egypt a Negro Pharaoh—after he saw his mistake, he had courage enough to admit it to the world over his own signature, and he denounced Sumner and Stevens and all the rest of the host who had control of the Government at the close of the Civil War because of their ignorance of ethnological laws, and their total disregard of unalterable facts established over a period of from 3,000 to 10,000 years of authentic history.

Mr. President, it seems strange to me that the outstanding thinkers of the Nation, the real intellectuals of the country, have repeatedly told the people of the mistake we are making and of the results that are certain to follow as established by all the incontrovertible facts of history. Yet we find the poor, weakling politician voting for and advocating putting into force laws and measures and provisions like unto the civil rights laws of Pennsylvania and New Jersey and a few other States, and now recommended by the Philadelphia Record for the whole Nation Why they will follow such a policy when they know what the ultimate results will be is a mystery.

In view of the fact that all the intellectuals of the Nation, the intellectuals of all time, and the statesmen who laid the foundation upon which has been builded the greatest nation in the world, have so thoroughly agreed with reference to this question, I do not hesitate to say that we should seriously heed what they have said. The men to whom I have referred laid the foundations of this Government. They piloted the old Ship of State through troublous waters. They are the ones who are telling us what ought to be done, what must be done, and they tell us what will be the results if we do not do it.

In addition to that comes the overwhelming and conclusive results of every historic experiment when the races have

been permitted to live side by side. Yet will someone say that my contention, my insistence, is fanciful, that it is foolish? I am advancing a proposal for an ultimate solution, not only of this question but of all race questions and race troubles of years to come. The newspapers of the country as a whole seldom mention a solution that should be recommended to the Negro race for its own good. Of course, Negro newspapers will give it all the attention possible in an effort to discourage the idea.

Jefferson affirmed that the two races, equally free, could not live together in the same government. Webster and Clay were ready to secure their separation at almost any cost. Douglas and Lincoln were one in a common purpose to keep the institutions of the white man unsullied by the influence of the black, declaring ofttimes and unequivocally the political and social equalization of white and black should not be tolerated.

We cannot go further to show that prior to 1865 the great Americans were united in opposition to the equalization of the races, and were further united in common purpose to separate the races.

President Grant, I believe, was the last President who urged repatriation of the Negro race.

From Washington to Grant the eminent statesmen of both North and South foresaw that separation of the races was the only solution of the race problem.

As a matter of fact, since the days of Grant the American politicians have quit trying to solve the race problem. They do not give it any thought. They make no investigation of the problem. They are making no effort to solve it. They have left it to God Almighty and to States and chance to solve the great problem of these two races trying to live in this country together. As friction arises here and there throughout the United States, efforts are made to ameliorate conditions, to soften conditions, to get around difficulties, to patch up troubles, by the fool civil-rights laws which are being passed here and there in a few States where the Negro vote is really a factor in the election.

Some of my Democratic friends think they have taken the Negro away from the Republicans, and they think that with this bill they will be able to hold the Negro in the Democratic Party. That is the scheme, and that is what is behind it all. But if the Negro in other States is of the same type as in my State, and I am sure he is, Senators need not bother about the matter of getting the Negro vote. Whenever they need him let them increase the appropriation for the W. P. A. and they will get him.

A program having for its object the interbreeding of the Caucasian and Negro would be the easiest way out of our difficulty.

In other words, that is what the politicians and the officeholders, in the legislatures, as Governors, and as Representatives, and as Senators, have made up their minds to do. They have said, in effect, "We are not going to try to solve this great question. We are just going to continue to give the Negro whatever he wants. We are going to give him political rights, we are going to give him social rights, we are going to let him eat in our restaurants, he can sleep in our hotels, he can come into our homes, he can swim in the swimming pools with our daughters, and if he wants to marry one of them, we cannot object, we will not object." That is the attitude taken by the politician, as reflected in all that he does and in all that he says.

The pending antilynching bill is merely one little part of the whole problem which must be met. In other words, the average man in public life has made up his mind that it does not make any difference what happens; the races can go on and mix, legally or illegally, it makes no difference. In Chicago, in the other portions of Illinois, and in Michigan, there are many thousands of married couples, whites and blacks, and there are also many such married couples here in Washington. There are several thousand such married couples in Michigan. In those places such marriages are accepted as a matter of course.

I will say to the Senator from South Carolina [Mr. SMITH] that before he entered the Chamber I was saying with respect to the fights which are being made for the protection, as is said, of the poor African, the fights made to pass civil-rights bills here, there, and everywhere through the country, the clamor for social and political rights, for the right to eat in the white man's restaurant, and sleep in his hotel, and swim in his swimming pool with his daughter, it seems that some of the men in public life have made up their minds along this line, and in effect to say, "We are not going to do anything about solving the race question. We are going to let it go. We are going to let God Almighty solve it and take care of it. It makes no difference what happens, we will put up with it." That is the conclusion they have reached. They are not going to do anything about it.

As I was saying, President Grant was the last President of the United States who attempted to do something about it. I have insisted, and I still insist, that the Negro leaders in this country themselves owe it to themselves and owe it to their race to get behind the great proposition of repatriation of the Negro back to his fatherland. We can get him all the land he needs and wants in Africa. England owns about half of it, and France owns the other half of it, and they owe us in the neighborhood of $10,000,000,000 or $12,000,000,000 in war debts, and will be glad to settle with us. We will just give them an opportunity to pay in that way. Let the Negroes themselves lead in the movement for the repatriation of the Negro, and then we will get authority from Congress to furnish the money. We are building a great merchant marine. We are going to build some more ships. We will carry the Negroes to Africa. We will colonize them, we will supervise them, we will stay with them, we will direct them until they become thoroughly colonized in their new country, in their fatherland. Then there will not be any more unemployment in America. We have about 12,000,000 unemployed. We will take out 12,000,000 Negroes, and there will be a white man and a white girl waiting for every job vacated. No more W. P. A. money will need to be spent.

Mr. President, the suggested solution is not an unusual one. Do you not remember, Mr. President, that during the present administration Mr. Tugwell, while at the head of the Resettlement Administration, had surveyed an extensive area in Alaska, had it mapped out and laid out and then parceled it out? He went into the Midwest, into the dust-bowl section, and selected the men and women he thought should be sent to start the new venture. He chartered ships and carried those people by the hundreds to Alaska to establish them in a new territory, a new country. If Rex Tugwell can take the Government's money and establish a resettlement project in Alaska, and take our white stock to settle Alaska, then why cannot we take some W. P. A. money, charter a ship, transport Negroes to Africa, and colonize our colored brothers, just as whites were colonized in Alaska?

I insist again that the Negro leaders should be the leaders in this move. I do not care how much property you may own in this country, Mr. Negro. I do not care how much elbowing you can do with the whites. I do not care how much recognition you think you have gotten. Take it from me, the time is coming when the competition is going to become so serious, and discriminations against you are going to become so galling to you, that you would wish a thousand times that you had taken the lead in returning to Africa, the land of your fathers, there to settle that great country, where gold and silver and coal and timber and fertile lands and a wonderful climate await you. The temperature never falls below 38 degrees. If I were a young man I should be tempted to go, except that in the Negro Republic of Liberia those in charge of making the laws have provided that no man, unless he has Negro blood in his veins, shall have the right to vote in that country. I should not like to live in a country where I could not vote.

Let it be considered that the men who proposed deportation of the Negroes were not fanatics. They were stern and capable. They believed that their proposed solution was possible when the Negro numbered one-fifth of the total population of the United States. They proposed such solution when the means of transit were insignificant in comparison with that at our disposal today. They seriously contemplated it when our national wealth was ludicrously little as compared to our wealth at present.

Some will say that it is vain to consider the proposal to settle forever the Negro problem by removal of the Negro to the home of his ancestors in Africa. Let us ask these wise critics if the present proposal is indicative of an impractical mind, how much more unbalanced were the minds which proposed such a remedy when our resources for its attainment were infinitely less than at present, and when the Negro was one-fifth of the national population, whereas he is now less than one-tenth.

At present the Negro represents only about one-tenth of our population. In the time of the great leaders of our country of the past, upon the foundations of whose work this Government has succeeded, the Negro population represented one-fifth of the population of the country.

If the present advocates of segregation are seeking a chimera, what were the former advocates seeking? The prospect of a white America may disturb the repose of certain Negroid professors, or the whites who profit by Negro labor, which reduces white labor to the Negro level, and the bigoted negrophilist whose program for the equalization of the races cannot but end in amalgamation of the races, but the advocates of repatriation of the American Negro to his African home are not to be influenced by such opposition.

If the ships that brought whites to our shores, most of them inferior whites from south and southeastern Europe, during the decade prior to the World War, had carried Negroes away there need not now be a Negro in the United States.

Have Senators thought about that? Let me read it again:

If the ships that brought whites to our shores, most of them inferior whites from south and southeastern Europe, during the decade prior to the World War, had carried Negroes away, there need not now be a Negro in the United States.

In other words, there were brought into this country during the 10 years before the World War, a great many undesirable whites to be settled in this country. If we had carried back a number of Negroes equal to the number of whites brought in during that short period, there would not be a Negro left in the United States today.

If it is possible for multimillions of inferior whites on their own initiative to come to America at the rate of a million per year, is it seemingly impossible for the richest and most powerful nation that time has produced to remove its inferiors of alien race, whose total numbers are but little more than the immigrants received in a decade?

I am not talking about an impossible proposition. I am talking about something that is feasible. I am advocating something that can be done in a very short time, at a very moderate expense, something that would be the greatest investment that has been made in a hundred years for the human race in the United States, for our civilization, and for the peace, happiness, and progress of this Nation.

Time-serving and timid individuals will tell you that repatriation of the American Negro is an impossibility. Ask these individuals for their solution of the problem. They have none. There can be but two solutions—segregation or amalgamation. Those who do not advocate the first are to be classed as adherents of the latter.

Every citizen of this country falls under one of the two classifications referred to. Either he is in favor of separating or repatriating the Negro in America, carrying him back to his fatherland, there to live and work out his own salvation, or he is in favor of amalgamation of the whites with the blacks, because if they stay here that certainly will happen.

The Senator from South Carolina may say, "I know that no one through whose veins my proud southern blood courses will ever agree to amalgamation." No; not in this generation nor in the next generation. But our Government has been in existence only 150 years. We have had the Negroes with us in our present form of government only 150 years. If one should go to South Carolina, or to Washington, or to New York, Harlem, or to the Black Belt of Chicago, he would see half the Negroes already amalgamated. If they keep increasing at the same rate for the next 150 years, my God, what will be the situation 500 years from now?

We should not think of a government in terms of 100 years. We should think of a government in terms of perpetuity—in terms of 500, 1,000, or 3,000 years. I believe our scheme of government will work. Of course, in comparison with the governments of the past, ours is still in an experimental stage. I believe it will work, and I entertain the fond hope that this Republic will solve in the right way the problem which I am discussing. If it does, it will be a bright and shining star among the nations of the world 3,000 years from now. That is as long as the white man's civilization lasted in Egypt. At the end of 3,000 years the Egyptian civilization fell. Why? Because it permitted just what we are now permitting. It permitted the Negro to live alongside the white Egyptian. The Egyptian Government fell, and the Egyptian civilization fell. That is the road we are taking today, and something should be done about it.

I make the charge that every citizen who knows anything about this subject is either a repatriationist or an amalgamationist. Each citizen may classify himself.

This is why the opponents of segregation have no solution to offer. If there is display of weakness by white Americans with regard to the solution of the Negro problem, is such weakness demonstrated by the separationists or by the amalgamationists; by those who work to attain a white America or by those whose influence is to result in a mulatto population and in a decadent civilization? White America, or negroid America, awaits upon the one or the other way of solving the Negro problem.

Which do we favor? Do we want a white America? Do we want our race to remain white and pure? Do we want our civilization to remain and to go on to greater heights than we have already attained; or do we want to become amalgamated with the Negro, and produce a mongrel race? Do we want to have our race and our blood dragged down to the level of the mongrel? The choice is up to us.

That the "great divide" is to dwarf into a bridgeable ditch, and the "mountains are to be made low with the valleys" in the America of the future is a law of the contact of races which is clearly discernible to the more capable mulattoes and near whites, who chafe under restrictions at present enforced, denying them full access to Caucasian circles. If the races dwell together, they will eventually amalgamate, and this the Negroes know as well as do the whites.

In what way shall the Negro problem be solved? Is the answer to be in accord with the proposed solutions of the foremost statesmen which the Nation has produced, or are we to drift on to the solution of the negrophilist? The first solution will make America white and insure the permanence of civilization. The second solution will make America negroid and its culture the expression of the mentality of the negroid.

That is the end of the story. We may take our choice. Are we going to aline ourselves with the element in this country which believes in white supremacy, which believes in a pure-blooded race, which believes in the white man's culture and wants to carry it on to greater and more glorious heights? Or do we want to join the indifferent horde which says, "Let God Almighty take care of the race problem; it will solve itself"? If we do, we shall wake up some day—not in our lifetime but in the lifetime of our children's children—to find a complete amalgamation, a conglomeration, and a mongrel race in this country.

Take your choice. Gentlemen may pooh! pooh! the idea as much as they please, but they belong either on one side of the question or the other; they are in favor of one side or the other; and one is the ultimate result of the other. They are in favor of the supremacy of the white race, they are in favor of keeping this country white and preserving and conserving its civilization, or they are in favor of the amalgamation of the races, which is inevitable.

Mr. President, the magnitude of this problem is recognized by every rational-thinking white man in America. Of course, there are a few human minnows who swim upon the surface of public thought and wholly ignorant of the depth of the water beneath them, who see nothing especially difficult in the race problem. I am going to place in the RECORD at this juncture a recent article in J. K. Vardaman's The Issue—and these words were given to the American people by a former Member of this body, the rugged, whole-souled Ben Tillman, of South Carolina.

The race problem as it relates to the Negro is of paramount importance as a feature of our national life. In the estimation of thoughtful men it overshadows every other public question, and any student of current events must realize with what fearful momentum it is rushing on to a crisis. It will be difficult to discuss even its most important phases in the limits of a magazine

article, and much that is worthy of thought must be left unsaid. I have devoted a great deal of study to the subject, and have had to deal with it most intimately from childhood. Now, with only 1 year needed to make my term three score, I am more perplexed and troubled as to what is best to be done or what can be done than at any preceding period. At the same time I am fully convinced that some things which would improve conditions are practically impossible to attain. Any settlement of it must be by national agencies. The dangers are largely in the South, and it is well nigh impossible to gain the earnest attention of the entire country to those dangers. This magazine has epitomized clearly and forcibly existing conditions in the South and given the attitude of the whites in both sections of the country. The conditions vary in the several States and in different counties of the same State, and there are more differing opinions as to the real status and the necessities of the situation than many imagine possible. A large number of people, especially in the South, think the race problem has been settled by the various laws and constitutional amendments enacted to disfranchise the Negro voters. This view, of course, is so superficial, and I may say silly, that it is hardly worth mentioning; but public opinion, as influenced by these shallow thinkers, will have its weight in any efforts toward a solution, and therefore we must take this view into account.

The South does not realize the dangers ahead of it.

In other words, many people of the South think they are resting securely, that they have solved the political dangers from the presence of so many Negroes in the South. Mr. President, the fact must be appreciated that of the 12,000,000 Negroes in the United States 8,000,000 of them are in the South, and it is my fortune to represent, in part, the one State and the only State in the American Union where the Negroes outnumber the whites. In other words, if we, the white people of Mississippi, should accord to the Negro the right of franchise or encourage him to vote, as our friends in Indiana and in many other States of the North do, we would have a Negro Governor, we would have Negro Representatives in Congress, we would have Negro Senators, we would have Negro everything, because they could outvote us.

The charge has been made that we prohibit the Negro from voting. Whatever we did to persuade the Negro not to vote in Mississippi has received the approval of the Supreme Court of the United States.

In 1890 we adopted a new constitution, and we put three little provisions in that constitution regulating the qualifications of voters. They apply equally to the white man and the Negro; there is no discrimination. First, we provided that before a man can vote in Mississippi he must live in the State for 2 years, and then he must reside or live for 1 year in the precinct or ward where he offers to vote. Of course, we knew in adopting that provision that the Negro is more or less nomadic in his habits, that he moves from one plantation to another, from one town to another, from one sawmill to another; he is eternally restless, the spirit of the wanderlust has possession of him all the time. Therefore, a great many Negroes were disqualified from voting, because they would not stay in one precinct for 12 months. However, there were a few Negroes who would stay in one place for 12 months. So we further provided in the constitution that before a man could vote in our State he had to pay all the taxes due for a 2-year period on or before the 1st of February of the year in which he offered to vote.

The Negro has never been very frugal in his habits; he has never been very saving; he never pays much attention to public life; he has not much concern about public matters; he does not pay his taxes; and even if a Negro should remain in one precinct for 12 months, long enough to vote, he would forget to pay his taxes. But there were some who would stay in one place for 12 months and pay all their taxes. So we proceeded to write a very fine constitution, a very learned document, one noted for its erudition. It was provided that before any man could register and vote he must be able to read and explain and understand the constitution of the State of Mississippi or understand it when it is read to him; and there are no Negroes who can understand our constitution in Mississippi. [Laughter.]

But we are doing a great deal for the cause of education. It may be that in years to come the Negro will become so educated, at the expense of the white man's government in Mississippi, that he will be able to understand the constitution. When and if he does, then our real trouble will start in Mississippi, and we will be glad to invite the good white people from other sections of the United States to move into Mississippi and help us to overcome our excess population of colored brethren.

The (Negro) problem is threefold: Political, industrial, and social. Every day we have pamphlets, magazine articles, books, etc., coming from the press, dealing with one or the other of these phases. This merely shows the widespread interest and deep concern with which many of our people are considering the question. The political aspect will demand attention first, because it is fundamental, and the other two rest on or grow out of it. I will condense as much as possible to make myself clearly understood.

The fourteenth and fifteenth amendments conferred upon the Negroes, then recently emancipated, all the rights of citizenship, including the franchise. The fourteenth amendment, after giving the freedmen citizenship and civil rights, provided:

"But when the right to vote in any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State."

We have never denied, legally or constitutionally, the right of the Negro to vote in our State. We have some Negroes who vote; but we have tried so to qualify the voter in Mississippi that he is an ideal elector and an ideal voter.

The alternative which was offered the South of reduced representation in the electoral college and in the House of Representatives was not considered sufficient by the political schemers, who seized control of the Government in 1868, after the attempt to impeach Andrew Johnson. Having organized the Negroes through the medium of the Union League and the Freedmen's Bureau—binding them by the most sacred oaths never to vote any other than the Republican ticket—it was boldly claimed that the fifteenth amendment was a "political necessity," because the disparity between the sections was not so great then as it is now, and it was felt that with the increased representation obtained by the South of electoral votes and Members of Congress, it was necessary to rivet the shackles, and the fifteenth amendment was proposed and pressed to its adoption, by which the States are forbidden to deny the right of any citizen of the United States to vote "on account of race, color, or previous condition of servitude."

All of you, I presume, remember the history of what took place in my State. The majority of the population was composed of Negroes; and when our northern friends came south to pay us a visit during reconstruction days, the Negroes were all qualified to vote; and these visitors of ours from the North, sometimes called "carpetbaggers," organized the Negro and voted the Negro. They elected the Mississippi Legislature. They elected a Negro as the Lieutenant Governor. They had a majority of Negroes in the legislature. They had a Negro for State superintendent of education—that was a joke—and then they proceeded to send Negroes to the other House of Congress; and they went a step farther and proceeded to elect a Negro United States Senator, and he had a seat here on the floor of this body. His name was Bruce. His picture is up yonder in the Hall. He was a Member of this body at the time of the settlement of the famous Florida case in 1877, when a President who had been duly elected had his election stolen from him. The Negro helped to pull the stunt. He was here. We had a Negro United States Senator here from Mississippi; and if we in Mississippi did not have sense enough to look after our own business, there would be two Negro United States Senators from our State here today. There would be Negroes over in the House of Representatives as Members of that body from Mississippi. There would be a Negro Governor in my State. To show you how unreliable and hopeless the Negro is when put in authority, as he was in the days of reconstruction, let me recall the fact that the Negro legislators of Mississippi floated bonds without limit. They bankrupted the State. They wasted money to an appalling extent. I am told that they paid as high as $150 apiece for cuspidors for each member of the Legislature of Mississippi to be used during the sessions—$150!

A while ago we were considering the Negro from a political standpoint. The Negro is becoming a real factor in the political life of this Nation. I have just recited to you what he would become in my State if permitted to vote without

proper qualification. He would control the State. He would hold all the offices of the State. The Communist Party in America is now busy trying to organize the Negro and to pave the way for the day when my State will be controlled by the Negro vote, because the Negroes are in the majority in Mississippi. Some of you negrophilists who live in other parts of the country at once would say, "Why, if the Negroes are in the majority, they should control." We do not agree with you, because we belong to the part of the white race in America who look upon the Negro as the inferior race, and we do not tolerate any amalgamation or any fraternizing on social terms. In the first place, we believe with Abraham Lincoln that the right to vote in this country never should have been given to the Negro. I will make the statement that strong; but the right was given to him as the result of the hatred kindled by the Civil War. That, however, is past history. We will take the situation as we find it at the present time.

The Negro today is a serious political problem in this country. It is the Negro who is causing us to spend the taxpayers' money in this filibustering fight, for if it were not for the Negro and his insistence upon this proposed legislation in the various sections of the North, the antilynching bill would not be here, and we should not be considering it. Possibly we should be trying to save the taxpayers' money by passing the reorganization bill and doing away with a great deal of the duplication and overlapping that exist in the various departments. There are too many departments of the Government. Too much money is being spent. Much of it could be saved by a businesslike organization. It is a crazy-quilt proposition. It is a patchwork. Parts have been stuck on, and other parts created, with an overlapping and crossing of jurisdictions and crossing of purposes, two departments trying to do the same thing at the same time, until there is a great waste and a great demand for reorganization. That is what we ought to be doing now, but, instead, our friends insist that they shall pass this, the entering wedge to destruction of everything that the southern man and the southern woman hold dear. It shall not pass!

We will next consider the Negro from the industrial standpoint. Looked at in this aspect, there is little of promise or hope. Again speaking from my experience and observation in South Carolina—

This is the late Senator Tillman speaking—

where the Negroes are so numerous, the situation is rapidly growing worse. There is almost a universal cry for more and better labor there, and this applies to other States as well. The number of laborers, except in the factories, is sufficient, but they are becoming so unreliable and worthless that there is threat of serious injury to agriculture and other industries of the section on account of the inferiority of the labor. The Negro race has always been characterized by thriftlessness and lack of sustained effort.

The Negro is a fine worker for a little while; but when the sun gets hot, he seeks the shade. That is the reason why he never will have his "place in the sun" in this country; he loves the shade too well.

Then there is lack of ambition, and the race characteristic of living for today while tomorrow can take care of itself, has become more and more accentuated in the last 10 years.

You know, the way in which the W. P. A. has been operated has been a greater benefaction to the Negro than to any other class of American citizens. You see, in order to scatter this W. P. A. money as far as possible, since the prevailing wage scales are in force under the W. P. A., they will give a client of the W. P. A. about 1 or 2 days' work in a week. If you give the average Negro of the South 2 days' work in a week, and pay him the W. P. A. scale of wages, he will have enough money to do business on for a whole week; and it suits him wonderfully well. Of course, the Negroes are all for Roosevelt. They are all for this administration. All this fight here to get the Negro vote is nonsense. We have them anyway. The W. P. A. is the greatest institution in the history of the world, so far as the Negro is concerned, because he can work 2 days in a week and have a devil of a time the rest of the week. The fact of the matter is that 2 days in a week is about as long as the average Negro wants to work. There are some white folk who feel the same way.

The Negro race has always been characterized by thriftlessness and lack of sustained effort. Then there is lack of ambition, and the race characteristic of living for today while tomorrow can take care of itself, has become more and more accentuated in the last 10 years. A strange feature of the existing situation is that this demoralization has come about and is coincident with a series of the most prosperous years the South has ever known. The high prices obtained for cotton have produced the same effect in the South that good prices for corn and wheat have produced in the West. Lands have doubled in value.

I am reading a magazine article written by Senator Tillman in 1908. I am reading it, not because he treats of economic conditions at that time, but because of his observations on the race question.

There is a very erroneous impression prevalent in the North that the Negroes of the South do all the work in the fields.

That is what some of the good ladies of the North have been led to believe, that the Negro is still a slave in the South, that he does all the work in the fields, and that the white man enjoys the shade and the luxuries of life.

This is absurd, and I feel absolutely certain of my ground when I say that more than half of the farm labor in the South is performed by white men, women, and children.

That is the truth.

It is well known that the most prosperous sections of the South, agriculturally speaking, are those communities in the Piedmont Belt of South Carolina and elsewhere, where the Negroes are scarce and the farms are small. Here the roads are good, the schools are good, and thrift and prosperity are evident on all sides, while the deadest and most hopeless sections of our State are in the counties where the Negroes outnumber the whites 3, 4 and 5 to 1. Here agriculture languishes and manufacturing has taken no hold because there are no white people to work in the mills.

It is idle to theorize about the benefits of industrial education, and it is useless to point to exceptional cases of individuals as illustrating the possibilities of the Negro race industrially. The old struggle of the survival of the fittest is beginning in dead earnest, and it is not saying too much to predict that the Negro must do better or "move on."

Mr. President, that is why I have been urging and insisting and pleading with the Negro professors, the Negro leaders, the Negro churchmen, that they should take the lead in the repatriation movement in this country, and bring about the speedy removal of the Negro back to his fatherland, his native land. In making that suggestion we should remember always that they would be carrying him to a country with a better climate and with more natural resources than there are in the United States. So, as Senator Tillman said in this article, the Negro must meet the competition of the white man, he must compete with his efficiency, his proficiency, his ability, and his brain, in performing the work in the industrial plants of the country where there have to be some brains. The Negro must get ready to do that, or move on, and I am suggesting that "move on" means his repatriation to his fatherland in Africa.

Whether the rapid increase of Negro emigration from the South to the North will settle the question satisfactorily remains to be seen.

Of course, some of the Negroes are going from the South to the North, but we get about as many in return as go to the North. They stay a while in the North, and find out that the northern brethren are not really at heart their friends. They do not hear anything about their equality except during election years. That is the only time they are filled with the love of the northern man for the Negro, and they return to the South, where we, as white men, understand the Negro. We understand his limitations, we understand his weaknesses. We appreciate his appetites, and have sympathy for him. We know how to handle him, and we do not have any trouble with him except when he goes amok, runs away under the impulse of his animal passions.

Then we try to attend to the case in an orderly, constitutional, governmental way. Of course, there was a time in the South when we did not wait for that orderly process

and constitutional method. We had a method more or less primeval, and we resorted to that; but we have gotten away from that, and we are handling the question in the right way now. Hence the futility of enacting such legislation as the measure before us.

We cannot expect any encouragement from northern sources for this migration, but undoubtedly conditions in the northern cities now offer the most inviting field to the Negro race of anything in sight. Whether they will multiply under those conditions or die out from the vices and diseases which city life encourages are questions for the future. The next census, if properly taken, will throw a flood of light on this and many other phases of the race problem now in the dark.

Mr. President, the prevalence of disease is one trouble the Negro is having in the congested sections of the North, in fact throughout the country, and I think something ought to be done about it in behalf of the Negro. It is largely characteristic of the race. It is working havoc with the Negro race in our country. We might just as well be frank about it; the cause is the secret venereal diseases, which the statistics show run as high in some sections as 50 to 75 percent, and, of course, that means the ultimate deterioration and extinction of the race, and something ought to be done about it.

I come next to the social features of the question and at the very threshold we meet difficulties and many queries present themselves. It is really more a sociological problem than a social one. Let me premise what I shall say along this line with the statement that no student of the subject can get any insight or clue at all without taking into consideration the question of caste. People unacquainted with the Negro or only seeing an occasional one on the streets can have no conception or idea of this important phase of the question.

This is why our well-meaning friends of the North, who are trying to help us solve our race problem in the South, make a mistake. They see a Negro only occasionally, perhaps when they pass one on the street. They do not know anything about the Negro, do not know anything about his make-up, do not know anything about his real habits, do not know anything about his inclinations and his desires. Therefore I think that in all charity and good faith and brotherly spirit the people of the North ought to leave this question with us to solve. We have made a pretty good job of it. I promise that we will do better.

I had a letter from one of the leading ladies of my State, who is the head of the Antilynching League in Mississippi. She is not in favor of the pending bill, but she was calling on me to use whatever influence I might have in helping to generate a sentiment and atmosphere against mob violence of any sort or kind.

We often hear the words "southern prejudice against the Negro." They are spoken flippantly and with sneering pity for the narrowness and bigotry of southern men and women because of their attitude toward the Negro, but caste is something besides prejudice. It is a far deeper and stronger feeling, and has its birth in racial instinct. Every human being has it in some form, and while it obtains and exerts great influence even between people of the same race, it is the most potent factor with which we have to deal where men of different races come in contact with each other.

The Aryan race tried the caste system when they took charge of India. They thought they could live with the mongrel race in India by resorting to caste, but they found, after a few hundred or a thousand years, that even caste would not save the white man's civilization. There are castes of the same race. There are a lot of them in this free American country of ours. Of course we know about the "four hundred" of New York, we know about the societies of Newport and different sections of the country, the "four hundred" of the various cities, where the line is drawn between the white people. It is very rigid. Once in a while one of the society belles will jump the fence and run away and marry a commoner, and sometimes the dearly beloved son of one of the "four hundred" families will step across the line and a marry a commoner wife, and they get things all mixed up, and resort to social ostracism. That is caste among white folk. That is caste in the same race. There is a caste of a deeper meaning and with a deeper foundation, and that is the caste that comes of race differences.

Caste is the all-powerful and controlling influence which has compelled the enactment by Congress of the Chinese exclusion laws, and causes the agitation for the exclusion of the Japanese from the San Francisco schools.

I call attention to one of the strangest things I have seen in the Senate. Some Senators from the far West begged the Congress to pass the Japanese exclusion law; they demanded that Congress pass the Chinese exclusion law. They wanted to keep the Jap children out of the white schools of the Pacific States of our Republic. Congress was very considerate, even jeopardizing the friendship of the powerful Japanese Nation of the Far East for this Nation in order to help our brethern of the Pacific coast in their race problem. Yet we find some of the representatives from this same territory trying to cram down the throats of the southern white man the very same thing they complained of, and for which they were asking help at the hands of Congress only a few years ago. "Sauce for the goose is sauce for the gander." They ought to learn something about the doctrine of reciprocity.

It is in effect nothing more than the instinct of race preservation, and will in the future as in the past be all powerful in influencing men who deal with the Negro question.

That does not apply to politicians.

The law recognizes the absolute equality of the white and black races, but all the millions of whites in the South deny this equality, and a very large majority of the whites of the North also deny it.

In other words, there are a few people in the North who are trying to solve from long distance this problem we have in the South. They think it is all right for us to do so and so, yet if it were brought home to them they would not stand for it a minute. I think the most consistent State in its treatment of the Negro is that of the Senator from Pennsylvania [Mr. GUFFEY], who now does me the honor to listen to me. That State has swallowed the whole cheese; it has given civil rights and social rights to the Negro, and the first place in America where amalgamation will be completed will be in the State of Pennsylvania.

The fourteenth and fifteenth amendments would never have been grafted on our Constitution but for the passions and animosities engendered by the Civil War.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. CONNALLY. I inquire of the Senator from Mississippi if he has any information whether in Pennsylvania, which has on its statute books a law of equality of whites and Negroes in hotels and restaurants and dance halls and a sort of shell game—that they give the Negroes the law, but do not actually enforce it? In other words, is it merely a shadow of the real rights? Has the Senator any information about that?

Mr. BILBO. I have no information about that, but I should assume that Senators who rise on the Senate floor and charge sheriffs and governors and the officialdom of the South with negligence in the execution of the laws of the Southern States would most certainly clean up their own households and see that their own officials are enforcing the laws in Pennsylvania, in New Jersey, and in other States having civil-rights laws on their statute books. So I presume they are to the letter enforcing the civil-rights laws, and that when the weather permits the daughters and wives of those officials go in swimming with the Negroes of those States.

Mr. CONNALLY. Mr. President, will the Senator yield further?

Mr. BILBO. I yield.

Mr. CONNALLY. Does the Senator think it is consistent for the authorities representing the State of Pennsylvania to fool the colored people of Pennsylvania by passing a law guaranteeing that they shall be allowed to eat with the white people and that they shall be allowed to patronize the same

hotels, and then not enforce such a law, while at the same time asking Congress to put this bill on the statute books, I suppose on the same theory as that on which they acted with respect to the State law, that as soon as they get Sambo's vote they will disregard the law and pay no more attention to it? Has the Senator any information on that subject?

Mr. BILBO. I do not know what our brethren in the North will do about this law in the event it shall be passed. I know what we are going to do about it.

Mr. CONNALLY. I should like to ask the Senator another question. If the Senator from Mississippi represented the State of Pennsylvania, and if a charge of the kind just referred to were made against his State during the course of the debate, and he were on the Senate floor at the time, would he not rise upon the floor, and obtain some time, and explain to the people of the United States and to the Senate whether or not in truth and in fact Pennsylvania enforces this law, and makes the colored people eat with the white people in Pennsylvania, and patronize white hotels? Would not the Senator from Mississippi embrace that opportunity to make a record and state the facts, or would the Senator remain silent?

Mr. BILBO. Most certainly I would defend the officials of my State, and their integrity, and their religious enforcement of the laws of my State, or I would never open my mouth to speak about negligence in any other section of the country on the part of any officials or any citizens of those States. I do not know whether the officials in Pennsylvania or New Jersey enforce the civil-rights laws. If this debate continues much longer I shall make a personal inspection to see whether they do or not.

In reference to that, I wish to say that if I were a Negro and had given my vote to the Governor of Pennsylvania, or the Governor of New Jersey, or of any other State, or to State legislators, upon the promise that I would be given equal rights, social rights, civil rights, and the right to go into the white man's hotel, eat with his daughters, and swim with them, and all such things, then, after I had been given such a law, I would see that the law was enforced. In other words, I would not only want the laws, but I would insist upon the enforcement of the laws which the Negroes are really desirous of obtaining.

I continue to read:

It is not worth while to argue the question as to whether the two races are equal or not. All history gives the lie to the preposterous assertion. If, then, it be conceded that the Negroes are the inferior race, what can result from the effort on their part to claim and assert the right to equality except hatred and resistance on the part of the whites? It is useless to theorize about this. While maudlin sentimentality among northern people has carried us very far off the straight path and sectional hatred wrought a great wrong to the South and produced a most dangerous problem for the Nation, we cannot lose sight of the fundamental elemental fact that the Caucasian—the white people of the South are of the purest and highest type of the Caucasian race in America—have never been dominated by colored people at any time or anywhere. We have not shared our birthright with any colored race, nor has the effort ever been attempted until now. The South resisted with all its might from 1868 to 1876, and in the last year the two remaining reconstructed States, South Carolina and Louisiana, threw off the carpetbag yoke.

Had we not done this the amalgamation of the races in the South would now have been far along toward the settlement of the race question and the death of our civilization.

Just as it is making progress in some of our Northern States at this time.

Amalgamation is the dream and hope of the mixed bloods of the Negro race like Booker Washington, Dubois, and others. There is no use to deceive ourselves or to ignore the real issues involved. In the Northern States intermarriage of the races is not forbidden as it is south of the Mason and Dixon's line, and amalgamation is rapidly assuming dangerous aspects. Negro men are marrying white women.

If a citizen votes for a lawmaker or a Governor who favors legalizing the marriage of whites with the blacks in his State, if he gives it his approval from a legal standpoint, then he should never complain if fate overtakes his own family. If perchance some day his daughter or his granddaughter or his niece should appear on the family threshold with a beloved, who was a Negro, he would have no right to object. He would have no right to say a word by way of objection, because he helped put in office men who enacted that law, who opened wide the gates, who issued the invitation. On the other hand, if one believes in racial purity and is not in favor of amalgamation—I care not whether he lives south of the Mason and Dixon's line or north of it; he may live in New Jersey or Pennsylvania—it is his business to begin to create an atmosphere and sentiment in favor of race purity and against amalgamation. The only solution, as I have been trying to say for 3 days, is the repatriation of the Negro, in a friendly, brotherly way, back to his fatherland. He will then have as good a country as we have, so far as natural resources are concerned.

Amalgamation in the South thus far is confined to a very small number of low white men who have lost all sense of shame and race pride and are raising families from Negro concubines.

It is true that we have cases of that sort occasionally.

This crime of miscegenation by white men with colored women has prevailed in all ages and with all races.

Its effects are visible in the North. They may be seen in Washington, where white men are raising families with Negro women to whom they are not married. The women are concubines, affinities, paramours, or whatever one chooses to call them. It is going on just the same. It goes on in any place where the races are mixed. I insist that the only way to stop it is by complete segregation and by repatriation.

It is a sad commentary on the degradation of a certain type of northern white women that they are willing to degrade their offspring. The tendency to amalgamate is much stronger in the North than it is in the South. It is unfortunate that we have no authentic data upon which to reason as to the probable future of the two races in this respect. One thing is very certain: the South's attitude on this phase of the question will be maintained at any and all hazards, and I hope to see the day when white men there will be compelled to respect the law of caste just as sacredly as the white women of the South now do.

I cannot agree with the writer. He says that that day will never come in the South. As sure as Heaven, if the two races live side by side in the South, it will come at some time; but that day will be farther removed in the South than it is in the North.

The idea of the Negroes being incorporated into the white race and disappearing in two or three centuries must be abhorrent to every student of history.

Some scientists have advanced the idea that the stronger race, the more numerous race, will absorb the weaker or inferior race, and that if the two races continue to live side by side for the next thousand, two thousand, or three thousand years, the white race will absorb the black, and there will be no evidence of the black race. The scientist who makes such a statement or advances such an idea knows nothing of the subject of race interbreeding.

We know there were Negro slaves in southern Italy when the Roman Empire fell. What became of them we do not know, but it is difficult to conceive that the Roman, tall and beautiful of form, is the sole progenitor of some of those degenerates who now inhabit the peninsula. If the northern people, now numbering 50,000,000 or more, should absorb a million or two Africans, it might not make much difference in the long run, but the South must preserve race purity or the future historian will chronicle the sad story of southern mongrelization and degradation such as we find in South America. At present we are unable to judge from the data at hand whether or not disease will cut very much figure in the settlement of this grave question. Physicians who have given the subject much study, and scientists who are gathering data as they may, are very confidently asserting that tuberculosis and syphilis are at work among the Negroes and that these agencies will in the not distant future cause the increase in the Negroes, which has been so alarming, to disappear and the question be settled in that way.

That is a drowning man catching at a straw. What a hopeless picture is held out by the author of this article!

Some characteristics of the Negro tend to corroborate this view. It is notorious that in their sexual relations they are very loose; and that they are improvident, careless, and ignorant of the laws of health goes without saying. That they are prone to gratify their appetites and passions is equally true, and applies to them as to all semibarbarous people. All these things must cause a spread

of contagious diseases among them. As I have said, the next census will throw a flood of light on various aspects of the subject. In the meantime there are certain fundamental ideas to which I would direct special attention: Giving the Negro the ballot at the time and in the way it was done was more than a mistake. It was a crime against white civilization and against the Negro himself. The Negroes were changed from barbarians to a degree of civilization under the coercive power of slavery. They were controlled in every action by their masters, were made to work, were taught to tell the truth, were taught not to steal, were given a knowledge of God and of religion. But for the restraints and compulsion of slavery this never could have been brought about.

The African in Africa has never done anything for himself.

Over 100 years ago we planted a few thousand Negroes in Liberia. There is now a Negro population of 2,000,000 in that country, and after more than a hundred years there are only about 100,000 Negroes in Liberia today who could be classified as civilized.

All of the advance made by the race in America is directly traceable to the compelling influences of slavery. The history of the effort of the blacks to govern themselves in San Domingo shows the utter futility and hopelessness of expecting the race to do anything for itself when not influenced or controlled by white men. Negroes are great imitators and many of the mixed-blood have shown great aptitude and capacity. In fact, some of these are superior to the lower types of whites. There is one striking error in the minds of many northern people to which attention ought to be directed, and that is that the pure-blooded African can be judged by the mulattoes, quadroons, and octoroons who go up and down the land talking about "my race." As a matter of fact these people can claim the Caucasian race just as truly as they can claim the African. Those who have read Booker Washington's book, Coming Up From Slavery, ought to consider the title of a book which has not yet been written, Coming Up From Barbarism Through Slavery.

That is the difference.

Speaking of handling the race question and drawing the color line between the races by the enforcement of castes, there is no race on earth that is stronger than the Negro race in its likes and dislikes. It would be amusing if Senators could know just how the color line is drawn within the ranks of the colored race. I wish some of the Senators, while they are in Washington, could visit the Marine Baptist Church. I should almost be willing to offer a premium for every black Negro who could be found in that church. Black Negroes are not permitted to join that church. Black Negroes do not attend that church. They are religiously ostracized from the Marine Baptist Church. By the way, the name "Marine" is a happy one for a Baptist church. It suggests water.

This circumstance illustrates how the "white" Negro, the octoroon, the quadroon, the mulatto, or the mongrel hates the pure-blooded Negro. In Washington the coal-black, greasy, ebony-colored Negro is not permitted to join the Marine Baptist Church. Its membership is composed of "white" Negroes.

I am reliably informed that in Negro society the yellow Negroes, the mixed race, do not like to be caught in company with the really black Negroes, the real Africans. The yellow Negroes do not like to associate with the blacks. They do not like them. Neither do the black Negroes like the "white" Negroes. There is more hatred between the different colors of Negroes than there is between the whites and blacks as races. The "white" and the black Negroes do not like each other. It is a matter of caste. The "white" Negro things he is better than the coal-black Negro, and the coal-black Negro is envious of the "white" Negro, because the Negro knows that the more white blood he has in his veins the better off he is, because the Negro admits—in his heart, certainly—that he belongs to the inferior race.

Now, Mr. President, I wish to introduce into the RECORD some excellent observations about An American Negro and Social Equality, by A. H. Airhart, which was published in The Harpoon of 1908. It is not old stuff; it is pertinent stuff, because this question will always be pertinent until it is solved and solved correctly.

Why, then, will the white man, who is aware of those conditions, contend for more education of the Negro and an enlargement of his opportunities? The sensible white man knows full well that the education of the Negro is only an attempted act of generosity, which is absolutely futile and wasteful in the end, the result of which always redounds to the undoing of the white man by increasing his own burden, and to the general harm of the Negro by misleading him. Education usually puffs a Negro's head full of windy, empty theories and unrealizable hopes.

He is still a Negro. He will always be a Negro, no matter how much educational whitewash philanthropists and sympathizing citizens may splash onto him.

Nowhere is the real attitude of the white man toward the Negro more clearly shown than in Chicago, the Negro's so much boasted home of freedom. Under the laws of the State of Illinois he is allowed every privilege and opportunity accorded the white citizen, even marrying white women. He rides in Pullman cars, day coaches, and streetcars side by side by the white man; dines at the same restaurant; attends the same religious services, and goes with him step by step from kindergarten to graduation in the university. While all these privileges are given him, which would seem at first glance, to be a spirit of kindliness extended to him by the white people of the North, yet if each white man be approached separately upon the Negro question, he will likely be found to be more ungenerous in his attitude toward the Negro than the southern white man.

That is true in Illinois.

This is because he has had less experience with the Negro than the southern white citizen has had, and therefore has less patience. A certain citizen of Chicago was heard to say recently, when being approached upon the race question and the proposition of colonizing the Negroes: "To h——l with the thought of colonization; that would cost us too much money; the Negro will make, on an average, about 135 pounds of fertilizer; shoot him and raise oranges and apples over his body."

That is the attitude of a splendid gentleman in Illinois who had some experience with the Negro and what he was doing in the Black Belt.

While the Negro, by the laws of the North, is given all the opportunities and privileges enjoyed by the white man, what do we find him doing? He fills about the same positions here in Chicago that he fills in Atlanta and New York—servant of the white man, blacking shoes, or acting the part of waiter in the hotels and restaurants. How many banking institutions do we find in the North conducted by Negroes? Where are the Negro lawyers representing the great corporations? How many aspiring and ambitious Negro men can we find in Chicago holding important positions in banks or other positions of trust? Where are the railroad presidents and superintendents, or Senators to represent us in Congress, coming from the Negro ranks? You will not find them. Why is this? To answer the question in the language of one of Chicago's prominent businessmen, it would be said: "We are not going to let those d——n people have such jobs."

That is the answer of the gentleman in Chicago. I cannot understand why the Negro has not sense enough to know that, as competition increases, his chance for an opportunity in life becomes less all the time in the North, in the South, in the West, in the East, and everywhere.

This sentiment was only too clearly shown when an influential Negro lawyer was nominated and elected by a safe majority to one of our municipal offices, by the Republicans, but before taking his seat, was counted out, because they did not want a Negro to have the job. Right here the question of the Negro holding positions of trust, resolves itself into one of two things—he is either utterly incompetent, or else the white citizen of the North takes precisely the same attitude when brought face to face with the proposition as does the white citizen of the South. The main difference between the North and the South on the race question is that the latter is more humane toward the Negro than the former. In the South the Negro is made to know from the start that he is a Negro and that he must keep in a Negro's place, and that his place is not among white people except as a servant. By means of this attitude taken by the white Southerner, the Negro keeps his place and does not aspire toward those things which he cannot hope to have. In the North, he is given practically all the privileges granted to the white man, and these swell his head and cause him to strive for the white man's prizes. Just before reaching the goal, however, he is shut out in the same manner as he is shut out in the South.

I ask unanimous consent to include in the RECORD, as a part of my remarks at this juncture, the remainder of the article without reading.

The PRESIDING OFFICER (Mr. MILTON in the chair). Without objection, the remainder of the article will be printed in the RECORD.

The remainder of the article is as follows:

In the North the white man pats the Negro on the back on election day and makes him believe that he is a jolly good fellow in order to direct his vote, but as soon as this end is accomplished he usually has no further use for the Negro. In other words, the white man makes a veritable ass of him, and it seems that the Negro will never awake to a realization of this fact. It is indisputably certain that this sort of treatment of the Negro is hypocrisy, pure and simple, and should not be practiced. Get on one side or the other; do not stand on the fence. Disfranchise the

Negro as the South is doing or else grant him every privilege and opportunity enjoyed by the white man. Be fair.

Colonization will yet prove to be the only rational basis upon which this problem can be solved. No intelligent white man has yet been found who, after having studied the matter carefully, denies that colonization is the best solution of the problem. No Negro of any sense has yet been found but who takes a contrary view.

One thing is certain—the United States is the white man's country, for in his longing for knowledge and adventure, he discovered this continent, and after conquering its savages and putting them under his feet, he reigned supreme, bidding defiance even to his mother country. The Negro did not come to America seeking knowledge, adventure, or freedom. He was brought here in a cage from the jungles of Africa, and sold to the planters of the Middle and Eastern States as a domestic chattel. He was imported into this country by the white man for money. Since he did not come of his own volition, he is no more a citizen of the United States than is an African elephant that has been domesticated and turned loose in our midst. He is no citizen, and white people do not recognize him as a citizen. It must be maintained, therefore, that he can be exported, and that the citizenship of the United States can well afford the expense.

He had no voice in his coming to America, but since he is here through a serious mistake of our forefathers, we should endeavor to show him the real condition of affairs and the white man's attitude toward him. The hopeless possibility of his development into his fullest state of manhood in the United States is clearly apparent. Let the more learned and intelligent of the black race aid in bringing about as early as possible this separation of the two races which must sooner or later be done. The question is mainly for the white citizen to solve, because he is in the majority and holds the reins of government, and is the one usually looked to for advice.

The average Negro is not in sympathy with any colonization scheme. Some inducements in the way of providing transportation to Africa and in preparing the country for their taking hold of it, will probably have to be made by Uncle Sam, but this expenditure should be had. The dislike on the part of the Negro to any plan of deportation is clearly shown by his opposition to a separation of the two races in local affairs, such as separate passenger coaches, separate schools, or separate churches. The Negro thinks his personal liberties are being greatly restrained when he cannot mingle with white people, and when he is obliged to associate with his own race.

Aside from all the differences mentioned, there is one thing for both the North and the South to think seriously over and fear, and that is the dreaded rape fiend. This cause alone is sufficient to demand colonization of the Negroes. While Negroes are but few in the North as compared to the South, yet the number of rape crimes in the North are fully equal, in proportion to the Negro population, to those committed in the South. The white man who lives near a colony of Negroes must live in the constant dread of finding upon his return home one evening his wife or daughter raped and murdered. This crime, which is the greatest and most dastardly of all crimes, has reached an alarming state and does not improve with Negro education. Prior to the freedom of the Negro, and while he was kept in ignorance and servitude, such crimes were unheard of. Two of these heinous crimes were recently perpetrated upon white women, almost in the heart of Chicago, within a less period than 48 hours apart.

Shall we allow our wives, mothers, sisters, or sweethearts to continue to be prey to these fiends, and not raise our hand? One drop of blood wrenched from the throat of a pure and lovely woman is worth more than the whole Negro race combined. This is the honest sentiment of every decent white man in the United States for the purity and innocency of American womanhood, and he stands ready to protect her, under all circumstances.

Let it be said, in justice to the Negro, if he is as intelligent as Booker T. Washington and other leaders of the colored race claim him to be, why not an opportunity be given him to develop, in the fullest sense, all his faculties? He is human, and should be recognized as such. A failure on our part to do so would be inhuman. Any suppression of his opportunities by the white citizen, therefore, is a gross injustice and should not be participated in. If he is capable of self-government and of launching great and worthy enterprises, he should have that opportunity. But, it must be plainly seen that such could not be done in the United States where he would be in direct opposition to the white man, the most aggressive and intolerant of humans. Upon the other hand, if he is capable of self-government, if he cannot acquire a practical knowledge of things generally, why keep him in America, where the purity of our Anglo-Saxon race is being dragged down to a lower level continuously by amalgamation, and where our pure and noble women are daily subjected to his fiendish brutality.

We are two separate and distinct races; the Creator has evidently designed it so. All sane arguments cry aloud for separation of the two races and for the deportation and colonization of the Negro. The dark and awful thunder clouds of racial antagonism are rolling up and are threatening to shatter the very foundations of our Republic. Something should be done. The issue is still before us. It must be solved sooner or later. The two races cannot occupy the same territory and live upon terms of peace. We must have colonization or war. Which is the more expedient course?

Mr. BILBO. Mr. President, I wish to say before yielding the floor to my friend from Utah [Mr. KING] that throughout my observations during the course of 3 days I have tried to suggest a solution not only for this bill but for many other similar bills that are coming on in the future, and a solution also for the trouble we are going to have. I am pleading with the Negroes of this country to take the lead in seeing that this solution is adopted, because it is the only hope for the Negro; it is the only hope for the white man; it is the only hope for our civilization. I repeat that, as citizens of America, we must either be in favor of the friendly, brotherly, sympathetic, and humane repatriation of the Negro to his fatherland, a land that is rich with all that the human race could want, or we must be on the other side of the question, and say, "Let the Negro stay here; let us amalgamate with him; let us become a race of mongrels in the years to come and let our boasted civilization perish because of a mongrel population." Gentlemen must be on one side of the question or the other.

A. C. WILLIAMS

During the delivery of Mr. BILBO's speech,

Mr. HATCH. Will the Senator from Mississippi yield to me for a moment in order that I may take up a privileged matter? I do not know under what rules we are proceeding at this time.

Mr. BILBO. I shall be glad to yield to the Senator from New Mexico so long as I do not lose my place. I ask unanimous consent that the Senator from New Mexico may proceed with the privileged matter to which he has reference, but that by so doing I shall not lose the floor.

The PRESIDING OFFICER (Mr. MILLER in the chair). Is there objection to the request of the Senator from Mississippi? The Chair hears none.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1043) for the relief of A. C. Williams.

Mr. HATCH. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BAILEY, Mr. BURKE, and Mr. CAPPER conferees on the part of the Senate.

HAROLD GARR AND OTHERS

During the delivery of Mr. BILBO's speech, the Presiding Officer (Mr. MILTON in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1255) for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel, K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald, which was, on page 1, line 5, to strike out all after "Treasury" down to and including "Corps", in line 6, and insert "not otherwise appropriated."

Mr. WALSH. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

After the conclusion of Mr. BILBO's speech,

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Connally	Lewis	Pope
Bilbo	Donahey	Logan	Radcliffe
Bone	Frazier	McGill	Schwellenbach
Brown, Mich.	Gibson	McNary	Townsend
Bulkley	Hale	Maloney	Vandenberg
Bulow	Hatch	Miller	Van Nuys
Byrnes	Hill	Milton	Walsh
Capper	Johnson, Calif.	Minton	
Caraway	Johnson, Colo.	Neely	
Clark	King	Norris	

The PRESIDING OFFICER. Thirty-seven Senators having answered to their names, and there being no quorum present, the clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. ADAMS, Mr. ANDREWS, Mr. ASHURST, Mr. AUSTIN, Mr. BAILEY, Mr. BANKHEAD, Mr. BERRY, Mr. BORAH, Mr. BRIDGES, Mr. BROWN of New Hampshire, Mr. BURKE, Mr. BYRD, Mr. CHAVEZ, Mr. COPELAND, Mr. DAVIS, Mr. DUFFY, Mr. ELLENDER, Mr. GEORGE, Mr. GERRY, Mr. GILLETTE, Mr. GLASS, Mr. GUFFEY, Mr. HARRISON, Mr. HAYDEN, Mr. HERRING, Mr. HOLT, Mr. HUGHES, Mr. LA FOLLETTE, Mr. LODGE, Mr. LONERGAN, Mr. LUNDEEN, Mr. MCADOO, Mr. MCKELLAR, Mr. MURRAY, Mr. NYE, Mr. O'MAHONEY, Mr. PITTMAN, Mr. REYNOLDS, Mr. RUSSELL, Mr. SCHWARTZ, Mr. SHEPPARD, Mr. SMATHERS, Mr. SMITH, Mr. THOMAS of Oklahoma, Mr. THOMAS of Utah, Mr. TYDINGS, Mr. WAGNER, and Mr. WHEELER answered to their names when called.

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

CONDITIONS IN THE ORIENT

Mr. KING. Mr. President, it had been my purpose to address the Senate this afternoon upon the pending bill—the so-called antilynching measure—and to challenge the attention of my colleagues in the Democratic Party to what I conceive to be a growing tendency in the Democratic Party, and generally throughout the country, to seek increasing power for the Federal Government and to weaken the authority of the States; but in view of the addresses yesterday by the Senator from California [Mr. JOHNSON], the Senator from Idaho [Mr. BORAH], and the Senator from Nevada [Mr. PITTMAN], I have concluded to speak upon some phases of our foreign policy, and particularly on conditions in China and our relations to it, and also to Japan's violation of treaties to which those countries and our Government are parties. That conclusion is in part due to the implied criticism of our country in its foreign policy and to the address delivered by the President of the United States in Chicago on the 5th day of last October. I shall discuss the situation in China and the course pursued by Japan in its efforts to conquer China; and also the attitude of our Government toward world peace.

Mr. President, as I interpret the statements made by the Senators from California and Idaho, in their addresses yesterday, I was led to believe that their position was that the United States ought to have but limited contacts with other nations, and that it should look, if not with approval, at least with indifference, upon violations of treaties to which the United States was a party. I am not in harmony with that view. It is my view that when treaties to which our Government is a party are violated by other signatories to the same, that our Government is and should be concerned in such violations, particularly if they result in injury to the parties to the treaty and affect the peace of the world. I do not think our Government may disregard flagrant violations of treaties which affect our interests and the interests of other nations. The violations of international obligations and treaties to which we are parties, are of concern to our Government and to the American people; and no spirit of comity which exists or should exist should prevent our Government and the American people from expressing their disapproval of treaty violations and serious breaches of international obligations.

Mr. President, the tragic conditions in the Orient not only justify but constrain the United States to take cognizance of what is happening there, and this may be done without violating that spirit of international goodwill and cooperation which should exist among nations and between this Republic and Japan. The attitude of the Government of the United States for more than three-quarters of a century furnishes substantial proof of the friendship of the United States toward Japan and her people. Long years of friendship, however, do not require nations to approve or condone practices and policies which infringe upon the rights of individuals or nations or violate treaties or accepted principles of international law. Persistent infractions of municipal law by individuals call for condemnation and, indeed, punishment. International law has been a plant of slow growth, but it has made such progress as that a code of international law may be said to have been formulated and given recognition. Under that code the rights of nations may not be violated and aggressive military operations conducted for material gain or for national aggrandizement. Municipal law protects the weak against the strong and international law is a shield of protection to weak nations against the assaults of aggressive, warlike powers, greedy for territory or for material gain. Civilized nations may not look with indifference upon the violation of solemn treaties or upon imperialistic policies which threaten the integrity of nations.

When the World War ended it was believed that a period of peace had come to the world; that war and international conflicts would not—at least for an indefinite period—disturb the peace of the world; and that the tread of marching armies would no longer affright the peoples of the world. Among the participants in the World War were Japan, China, and the United States of America. Japan and China were signatories to the Versailles Treaty. Japan, together with the other signatories to the treaty, solemnly covenanted that—

> The members of the League undertake to respect and preserve as against external aggression, the territorial integrity and existing political independence of all members of the League.

The same article of the Treaty of Versailles provided that—

> In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

It should be remembered that Japan was a signatory to that treaty, and I shall contend before I get through that she flagrantly violated that treaty as well as others.

Article XI of the treaty provides:

> Any war or threat of war, whether immediately affecting any of the members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

Article XII provides:

> The members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until 3 months after the award by the arbitrators or the report by the Council.

Article XIII further provides:

> Whenever any dispute shall arise between members of the League which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Further provisions are found in the treaty respecting the obligations resting upon the signatories to the treaty to take certain steps in order to avoid conflicts and to settle any controversy existing between members of the League.

Article XVI provides:

> Should any member of the League resort to war in disregard of its covenants under articles XII, XIII, or XV, it shall ipso facto be deemed to have committed an act of war against all other members of the League which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking state, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking state and the nationals of any other state, whether a member of the League or not.

Other important provisions are found in the treaty which, as I have indicated, were included in order to prevent disputes, or, in the event that disputes should arise, to amicably settle the same, and adjust any differences between nations.

As I have stated, Japan was a party to the treaty. It cannot be denied that Japan's assault upon China is a violation of the treaty. It must be said that Japan has withdrawn from the League of Nations and is, therefore, absolved from

the solemn obligations which she voluntarily accepted when she signed the Versailles Treaty.

I may add by way of parenthesis, however, that she made the assault upon China and took from her Manchuria, containing approximately 500,000 square miles, with 30,000,000 Chinese inhabitants and citizens, while she was a member of the League, and she has continued her invasions of Chinese territory from that day until the present, and these invasions were in violation of the Covenant of the League, and while Japan was a member of the League.

Article I of the Covenant of the League of Nations declares that a member of the League, after 2 years' notice of its intention so to do, may withdraw from the League.

> • • • provided all of its international obligations under this covenant shall have been fulfilled at the time of its withdrawal • • •.

It is manifest that Japan has not met this requirement. She has not discharged all of her international obligations, among them those imposed by the nine-power and the four-power treaties, nor has she met all obligations imposed by the Versailles Treaty. Her invasion of Manchuria was in violation of the provisions of the Covenant of the League of Nations in the Versailles Treaty, and her claims with respect to mandated territory are in contravention of the Treaty of Versailles.

I may say in passing that her assertion of ownership and sovereignty over certain islands in the Pacific over which she has only mandatory authority is in contravention of the Versailles Treaty and an understanding which she had with the United States. As I recall, the Senator from Illinois, Mr. Lewis, yesterday directed attention to that fact, and indicated in his exposition of the situation, that Japan had violated the terms of the treaty and her obligations thereunder. And, Senators, do not forget that sometime ago, there was some controversy as to the right of Japan to exercise dominion over the Island of Yap.

In passing, I may say that Italy, a party to the Versailles Treaty, has recently announced her purpose to withdraw from the great international organization, known as the League of Nations. A situation which arose in Ethiopia, concerning which I shall not comment, may have been the reason for the attitude of Italy toward the Versailles Treaty.

It is well known, as I have indicated, that the American people have manifested a most friendly feeling toward the Japanese and their government.

May I be pardoned for a personal allusion, Mr. President? For many, many years I have been a friend of Japan. When the Versailles Treaty was being considered by the Senate, Japan was assailed in many quarters and was criticized upon the floor of the Senate because of her adventure into certain territory belonging to China—namely, the Shantung Province—and Mr. Wilson was criticized because he had not insisted in the framing of the Versailles Treaty that provisions be made requiring Japan to withdraw from Shantung, I made some inquiries of Mr. Wilson, then President of the United States, whose friendship I enjoyed, and he told me that he had assurances that Japan would withdraw from Shantung, and would make no claim to sovereignty or dominion over that province.

I defended Japan upon the floor of the Senate, and stated that I believed a new day had dawned in Japan; that democratic forces were pushing back the autocracy of the past; and that within a reasonable time a liberal, democratic form of government would be the rich inheritance of the Japanese people.

When we discussed the question of Philippine independence the view was expressed that Japan would attempt to annex the Philippines and convert them to her own use and benefit. Upon several occasions I opposed that contention, and contended that democratic forces in Japan were in the ascendency, or soon would be, and that the imperialistic policies which might have animated her in the past would be abandoned, and a democratic regime would be inaugurated.

I fear I was a false prophet. Conditions since then have indicated that I misinterpreted some of the movements in Japan, which I interpreted as calculated to carry out liberal policies.

In the war between Japan and Russia it was well known that Japan had the sympathy of the American people, notwithstanding the traditional friendship between the United States and Russia, and other ties which naturally had bound them together. In the World War the relations between Japan and the United States were most cordial, and during that great struggle the two Governments actively cooperated in the common cause. The people of the United States were gratified when Japan a few years ago adopted a constitution, and manifested a purpose to adopt a more liberal form of government, and to cooperate with democratic nations in executing policies promotive of international peace and good will. Japan should not forget the genuine sympathy extended to her people by the United States and the material aid provided in the hour of her great distress, following a destructive earthquake.

In 1922 an important conference on the limitation of armaments was held in Washington. The conference was called by the President of the United States, its purpose being to limit, if not prevent, a movement which was assuming large proportions, having for its object increasing the military and naval armaments of the world. Among the nations participating in the conference were Belgium, the British Empire and its various Commonwealths, China, France, Japan, the Netherlands, Portugal, and the United States. One of the treaties agreed upon, known as the Nine Power Treaty, provided that—

> The sovereignty, the independence, and the territorial and administrative integrity of China should be respected, and that the fullest and most unembarrassed opportunity should be given to China to develop and maintain for herself an effective and stable government • • •.

The contracting parties further agreed to—

> • • • use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China • • •.

The treaty further provided that the contracting parties would—

> • • • refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly states, and from countenancing action inimical to the security of such states • • •.

The contracting parties further covenanted and agreed not to enter into any treaty, agreement, arrangement, or understanding either with one another, or individually, or collectively with any power which would infringe upon or impair the principles stated, which principles are set forth in clear and unmistakable language in article I of the treaty.

Article III of the treaty contains further provisions for the protection and development of China, which in effect apply the "open door" principle of equality of opportunity in China for the trade and industry of all nations.

The treaty further provides that none of the contracting powers will seek or support its nationals in obtaining benefits or preferences in trade or otherwise. The contracting powers also agreed not to support any agreement by their respective nationals with each other designed to create spheres of influence, or to provide for the enjoyment of mutually exclusive opportunities, in designated parts of Chinese territory.

The contracting parties solemnly agreed that whenever a situation arises which, in the opinion of any one of them, involves the application of the stipulations of the present treaty and renders desirable discussion of such application there shall be full and frank communication between the contracting parties concerned. Japan has flaunted her military power and flouted that provision and has refused to confer with parties to the treaty or to consult with them in order to amicably adjust any controversies that exist.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. KING. Only for a question. I cannot yield otherwise than for a question, because, under the rule, I might lose the floor.

Mr. DAVIS. Does not the Senator——

Mr. KING. Does the Senator wish to ask a question? I will yield only for a question. Otherwise I will not yield.

Mr. DAVIS. I ask the Senator if he is not familiar with the notice that was given by former Secretary of State Stimson asking the contracting parties to meet and discuss these matters under the Nine Power Treaty?

Mr. KING. Not only am I familiar with the statement referred to, but I shall invite attention to it before I conclude my remarks.

I had the honor of conferring at that time with that distinguished statesman in respect to the then existing controversy, and I heartily approved of the note which he sent to Great Britain and the position which he took.

I agree with my friend, the chairman of the Judiciary Committee, the Senator from Arizona [Mr. ASHURST], in the statement he made a few days ago to the effect that if Sir John Simon had followed the suggestion made by our distinguished Secretary of State, the rape of Manchuria would not have been consummated. Moreover, in my humble opinion the tragic conditions in China today would have been averted.

Japan, as I have stated, was a party to the treaty. I submit that not only are the parties to the treaty entitled to know why it has been so flagrantly violated by Japan, but the world is entitled to know. This treaty is not to be confused with the Versailles Treaty, although it contains provisions and implications analogous to those found in the latter treaty. Both treaties, so far as they relate to Japan, impose restraints upon her, as well as upon all signatories thereto, for the protection of the "sovereignty, independence, territorial and administrative integrity of China."

The latter words are quoted from the treaty.

At the Washington Conference to which I have referred, a treaty known as the Four Power Treaty was entered into. The signatories to the Four Power Treaty were the United States, the British Empire, France, and Japan. By that treaty it was solemnly agreed that each of the signatories would respect the rights of the others in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

It was further agreed that if such rights were threatened by the aggressive action of any other power, the signatories should communicate with one another fully and frankly, in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation. Japan has violated the Four Power Treaty, the Nine Power Treaty, the Briand-Kellogg Pact, and the Versailles Treaty.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. KING. I yield for a question only.

Mr. AUSTIN. Was not the treaty last referred to one which dealt with fortifications in insular possessions?

Mr. KING. I have the treaty before me, and it provides that the parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean. And further, if there should develop between them a controversy arising out of any Pacific question and involving their said rights, which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration.

Another provision of the treaty reads:

> * * * if the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

It is obvious that there is a controversy arising out of a "Pacific question," and it does involve the rights of the high contracting parties. It is also true that the controversy has not been settled satisfactorily by diplomacy, and the situation does affect the harmonious accord subsisting between the contracting parties. The treaty requires that a joint conference be held to consider any controversy and to adjust the same. Japan refuses to confer with any of the powers in regard to controversies arising in the Pacific and in relation to the interests of all the parties in the Pacific.

Mr. President, Japan is a party to another treaty which requires a line of conduct at variance with the policy which she is now pursuing in China. We are all familiar with the so-called Kellogg-Briand Pact, to which I have just adverted, to which Japan, as well as China, was a party. As Senators know, more than 60 nations—to be accurate, 64 nations—are signatories to that important treaty. It declares that the high contracting parties solemnly declare, in the names of their respective peoples, that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations, one with the other. Article II of the treaty declares that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which shall arise among them, shall never be sought except by pacific means.

China is one of the contracting parties, and Japan has solemnly agreed that the settlement of any dispute or conflict, of whatever nature or origin, which she may have with China, or with any other signatory to the treaty, shall never be sought except by pacific means. She has likewise, as I have indicated, solemnly covenanted to renounce war as an instrument of national policy. In other words, she has solemnly agreed not to make war upon China or any other signatory to the treaty.

I have here before me copy of the communication from Baron Giichi Tanaka, Minister of Foreign Affairs in Japan, in which he expresses, for his Government, approval of that treaty and the cordial adherence to it by the Japanese Government.

The communication is as follows:

> I have the honor to inform you that the Japanese Government are happy to be able to give their full concurrence to the alterations now proposed, their understanding of the original draft submitted to them in April last being, as I intimated in my note to His Excellency Mr. MacVeagh, dated the 26th of May 1928, substantially the same as that entertained by the Government of the United States. They are therefore ready to have produced instructions for the signature, on that footing, of the treaty in the form in which it is now proposed.
>
> I cannot conclude without congratulating your Government most warmly upon the rapid and general acceptance which their proposals have met with. The Imperial Government are proud to be among the first to be associated with a movement so plainly in unison with the hopes everywhere entertained, and confidently concur with the high probability of the acceptance of this simple and magnanimous treaty by the whole civilized world.

This letter was addressed to the American chargé, Neville.

I may interpolate here to say that Japan cannot escape the moral and legal obligation of the Kellogg-Briand Pact in respect to her conduct in China today by saying she is not engaged in war. What is war, if Japan is not engaged in war? She is killing people, bombing cities and towns, invading millions of square miles of territory, and bringing under her military control more than 100,000,000 Chinese nationals.

The peoples of the civilized world, in the light of the treaties to which I have referred, had reason to believe that a new era had dawned upon the world, and that international conflicts would not be settled upon the bloody battlefield, but through the instrumentalities provided in the League and in these treaties.

There are cynics in public life, and many in this and other lands, who believe that war is inevitable and that so long as there are human beings, there will be war; that we are like Sisyphus of old, the mythological character we read of in Hellenic literature, who was condemned by the gods forever to roll a stone to the top of the mountain only to

have it slip from his hands and to crash down to the levels below.

That is the view of some Christians, and of many who deny the existence of a divine power that influences mankind in the struggle from the lowlands to the summits where there is light and peace and happiness. I prefer the philosophy that recognizes the existence of a divine power, that recognizes that humanity is on the upward grade, and that there will come a day when hate will be exorcised from the hearts of men and the engines of war and destruction will be regarded as relics of barbarous days.

Unfortunately, there has been a reign of lawlessness during the past few years, and the rights of nations and peoples have been assailed by aggressive forces, motivated by a desire for territorial conquest and the subjugation of peoples who had enjoyed political independence.

The President of the United States has endeavored to promote world peace and the adoption of those policies that would prevent war. His visit to South America was a manifestation of his sincere desire for the establishment and maintenance of the most cordial and friendly relations between Latin-American States and this Republic. His addresses evoked praise, not only from the political leaders and government officials of Latin America, but from recognized leaders in all parts of the world. The President has, upon various occasions, indicated his hatred of war, and his appeals for the settlement of all controversies peaceably, in the interest of the happiness and peace of the world, have stamped him as one of the great leaders of this generation in the movement for the abolition of war and the ushering in of a reign of law and order and world peace. He has sought to pursue a policy of the good neighbor—

> The neighbor who resolutely respects himself and, because he does so, respects the rights of others. * * * The neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors.

It will be recalled that in May 1933 President Roosevelt suggested to the powers a program for the mutual reduction of armaments to the extent of 25 percent and also the possibility in some form of a consultative pact. It will also be remembered that during the same year he exhibited his interest in the London Economic Conference.

He has sent delegations to various arms conferences, advocated the enactment of neutrality laws, and has promoted reciprocal-trade agreements and also policies calculated to keep this country out of war; he aided in securing the abrogation of the so-called Platt amendment to the constitution of Cuba, agreed to the renunciation of this country's right to interfere in Panama, and approved legislation to secure independence for the Philippines. He also approved the United States securing membership in the Permanent Court of International Justice at The Hague. Numerous treaties have been approved by the President which aimed at the maintenance of peace. In his efforts to strengthen the ties of friendship among the nations and to prevent controversies among them, he has had the effective cooperation of a great Secretary of State, Hon. Cordell Hull. Secretary Hull, in his memorable address, delivered at Buenos Aires, condensed into an 11-point summary, various principles calculated to advance the cause of international peace.

They are as follows:

(1) People must be educated for peace;
(2) Each nation must make itself safe for peace;

That ought to meet the approval of some of my friends—I will not say they are belligerent—who are advocating the expenditure of perhaps a billion and a half dollars at this session of Congress for military preparation.

(3) There should be frequent conferences between representatives of nations;
(4) There must be intercourse between peoples;
(5) The consummation of five recent peace agreements will provide adequate peace machinery (the Gondra Treaty (1923), the Paris Pact, the General Convention of Inter-American Conciliation (1929), the General Treaty of Inter-American Arbitration, and the Treaty of Nonaggression and Conciliation);
(6) A common policy of neutrality for this hemisphere in the event of war;
(7) Common commercial policies for the promotion of that prosperity essential to peace;
(8) Practical international cooperation to restore many indispensable relations;
(9) The reestablishment, revitalization, and strengthening of international law;
(10) The realization that armies and navies are not permanent substitutes for the principles of international law; and
(11) The faithful observance of agreements between nations is the foundation of international order, resting upon moral law, the highest of all laws.

Later, in a statement dated July 16, 1937, Secretary Hull called attention to the effects of hostilities and international conflicts. He stated the foreign policy of our Government, which has met with approval among liberal-minded people in all parts of the world. His declaration is as follows:

> I have been receiving from many sources inquiries and suggestions arising out of disturbed situations in various parts of the world.
>
> Unquestionably there are in a number of regions tensions and strains which on their face involve only countries that are near neighbors, but which in ultimate analysis are of inevitable concern to the whole world. Any situation in which armed hostilities are in progress or are threatened, is a situation wherein rights and interests of all nations either are or may be seriously affected. There can be no serious hostilities anywhere in the world which will not in one way or another affect interests or rights or obligations of this country. I therefore feel warranted in making—in fact, I feel it a duty to make—a statement of this Government's position in regard to international problems and situations with respect to which this country feels deep concern.
>
> This country advocates:
> 1. Maintenance of peace.
> 2. National self-restraint.
> 3. International self-restraint.
> 4. Abstinence by all nations from the use of force in the pursuit of policies.
> 5. Abstinence from interference in the internal affairs of other nations.
> 6. The adjustment of problems in international relations by processes of peaceful negotiation and agreement.
> 7. The faithful observance of international agreements.
> 8. The sanctity of treaties.
> 9. When the need arises, the modification of treaties by orderly processes in the spirit of mutual helpfulness and accommodation.
> 10. The respect by all nations of the rights of others.
> 11. The performance by all nations of established obligations.
> 12. The revitalizing and strengthening of international laws.
> 13. The promotion of economic security and stability the world over.
> 14. The lowering or removing of excessive barriers in international trade.
> 15. Effective equality of commercial opportunity.
> 16. The application of the principle of equality of treatment.
> 17. The limitation and reduction of armament.
> 18. Armed forces adequate for national security.
> 19. The reduction or increase of our own armed forces in proportion to the reductions or increases of others.

I do not quite assent to that part of the declaration. I think we ought to take the lead and set an example of making even greater proportionate reductions than other nations.

> 20. The avoidance of political alliances or entangling commitments.
> 21. Cooperative effort by peaceful and practicable methods in support of the foregoing.

Mr. President, that is a program to which I subscribe, subject to the modification to which I gave utterance a moment ago.

I think I stated, Mr. President, that this statement was dated July 16, 1937; and I think it is applicable today.

The Japanese Government was 1 of 50 governments expressing approval of the statement issued by Secretary Hull under date of July 16, 1937. Its approval is stated in the following language:

> The Japanese Government wishes to express its concurrence with the principles contained in the statement made by Secretary of State Hull on the 16th of July 1937 concerning the maintenance of world peace. It is the belief of the Japanese Government that the objectives of those principles will only be attained, in their application to the Far Eastern situation, by a full recognition and practical consideration of the actual particular circumstances of that region.

There is general assent to the comprehensive statement and the pacific and statesmanlike policy announced by the

Secretary of State in the address to which I have just referred.

Mr. President, to complete this particular matter, I ask unanimous consent to have inserted in the RECORD at this point, without reading, the statement by the Secretary of State released to the newspapers on August 15, 1937, in which he states that a large number of nations had approved of the statement to which he had given utterance.

The PRESIDING OFFICER (Mr. LODGE in the chair). Without objection, it is so ordered.

The statement is as follows:

With the release today of a further group of replies to the statement of policy which I made on July 16, it will be seen that more than 50 governments have placed themselves on permanent record in support of a basic line of conduct in international relations which is the cornerstone of right dealing between nations and which points the pathway to permanent peace.

Through these replies, which have come from governments on every continent, there runs a common theme of approval of fundamental principles, which are given new strength and increased vigor when they are thus jointly reiterated and proclaimed by the great majority of governments to the peoples of the world. These utterances reveal a solidarity of attitude and aspiration which should insure renewed and increased efforts by the governments and peoples of every country in the direction of peace and a restored world order.

Today, perhaps more than at any time in the immediate past, the need is evident for cooperation among the nations of the world. During recent years there has been a serious deterioration of international relationships, with neglect or disregard of principles that should govern these relationships, which has placed heavy burdens on governments and peoples everywhere. Nations are approaching crossroads where choice will have to be made between going down the roadway to conflict and anarchy or following an alternative which offers an economic basis for preservation of peace. If peace is to be preserved and civilization to go forward, there must be created an atmosphere of confidence springing from respect for principles of justice and a spirit of mutual helpfulness. It is the duty of those in authority to keep before the minds of the nations the principles and the precepts of international justice.

The encouraging response to my statement of July 16, both by statesmen and by the press speaking for the major portion of the population of the world, not only has been gratifying but reveals a solidarity of support for a program leading toward restored world order. This program is the alternative, adequate and complete, to war. From the standpoint of peace and progress, the importance of this program, advancing basic principles of conduct, and of its affirmation, reiteration, confirmation, and application, cannot be overestimated.

Mr. KING. Mr. President, though reaffirming devotion to policies of peace and adherence to international treaties providing means for the settlement of international controversies, unfortunately a spirit of discord and unrest is prevalent in the world, and the marching tread of military forces is heard in many lands. Solemn treaties are disregarded, and billions of treasure are being expended in preparation for military conflicts.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. If I shall not be taken from the floor.

Mr. NORRIS. I have no desire to take the Senator from the floor.

Mr. KING. The Senator understands the rule. I shall be glad to yield for a question.

Mr. NORRIS. The Senator has just stated that treaties or pledges have been disregarded, or words to that effect. I desire to ask the Senator if he does not believe that the unrest of which he speaks, and which I fully agree with him is world-wide, has come about because some nations have disregarded treaties, and have paid no attention to their written word. I wish to ask the Senator if it is not true that one government whose approval of our Government's policy he has just read—namely, the Japanese Government—notwithstanding it has approved that beautiful program, is one of the foremost governments which have violated every word in it?

Mr. KING. Mr. President, having thus far in my remarks expressed some criticism of Japan, I think I might answer the question of the Senator in the affirmative, that the violation of treaties by a number of the powerful nations of the world has contributed to the unrest and has created fear in the hearts and minds of millions of people in other nations, so that they are constrained to advocate militaristic policies which they otherwise would shrink from adopting. When a fire is started in one nation it communicates itself to other nations. There is a psychology which crosses mountains and leaps oceans. When one nation arms for war, other nations are psychologically affected, through fear or otherwise, and are reluctantly constrained to engage in military preparations. It is a bad example, which will be followed by nations which desire peace and by peoples devoted to the arts of peace.

The democratic nations of the world are seeking to abate the passions and prejudices which inflame nations and to induce nations to limit their appropriations for military purposes. Unfortunately, these appeals are disregarded and the strident cries of war are heard in many lands.

In harmony with the views expressed by President Roosevelt in his memorable address delivered in Chicago, which has been the subject of animadversion by the Senator from California, in which he emphasized the importance of world peace, as well as the eloquent appeals made by the Secretary of State, to which I have referred, our Government has signified in many ways its earnest desire to cooperate with all nations in the interest of world peace and security and in the moral and material advancement and welfare of all countries.

President Roosevelt, in his address on the 5th of last October, to which I have referred, challenged attention to world problems of vital importance, and warned of dangers menacing the peace and happiness of all nations.

I think it was a great speech, an eloquent appeal for a subsidence of the passions of the world, and for a rededication of the nations and peoples to the cause of world peace and happiness. He referred to the political situation which, as he stated, had of late been growing progressively worse, so as to cause grave concern and anxiety to all the peoples and nations who wish to live in peace and amity with their neighbors. He referred to the hopes of mankind for a continuing era of international peace, which had been raised to great heights when more than sixty nations solemnly pledged themselves not to resort to arms in furtherance of their national aims and policies. He then added:

* * * it has now reached a stage where the very foundations of civilization are seriously threatened * * *.

Those words should compel us to search our hearts, and reexamine our national policies and our relations to other nations, to see whether we have in any way made contribution to this unrest and to the doubts which exist as to the progress toward higher civilization.

These solemn words of the President, whose record for peace and desire for world cooperation are well known, should command the attention of all nations, and exercise an influence to restrain the mad passions of war which now unfortunately find root in many regions. Thinking people should be impressed by his declaration that the—

* * * landmarks and traditions which have marked the progress of civilization toward a condition of law, order, and justice, are being wiped away * * *.

He refers to the fact that without a declaration and without warning or justification of any kind, civilians, including women and children, are being ruthlessly murdered with bombs from the air.

The President then states:

* * * in times of so-called peace, ships are being attacked and sunk by submarines without cause or notice. Nations are fomenting and taking sides in civil warfare in nations that have never done them any harm. Nations claiming freedom for themselves deny it to others * * *.

In a striking sentence he declares—

* * * Innocent peoples and nations are being cruelly sacrificed to a greed for power and supremacy which is devoid of all sense of justice and humane consideration. * * * If those things come to pass in other parts of the world, let no one imagine that America will escape; that it may expect mercy, that this Western Hemisphere will not be attacked, and that it will con-

tinue tranquilly and peacefully to carry on the ethics and the arts of civilization * * *.

I digress to state that it is one of the tragedies of the world that some nations which for long periods of time carried the torch of civilization and contributed to the moral and spiritual advancement of the world became the victims of barbarous nations or forces hostile to spiritual and moral forces and economic and political liberty.

The President declared that—

* * * if those days are not to come to pass—if we are to have a world in which we can breathe freely and live in amity without fear—the peace-loving nations must make a concerted effort to uphold laws and principles on which alone peace can rest secure. The peace-loving nations must make a concerted effort in opposition to those violations of treaties and those ignorings of humane instincts which today are creating a state of international anarchy and instability from which there is no escape through mere isolation or neutrality * * *.

I am sorry the Senator from California has left the Chamber. I hope he will pardon me if I refer to a statement he made yesterday. He spoke about a "peripatetic Senator" of our Government roving through Europe. He referred, as all know to one of our distinguished citizens—Norman H. Davis—who has been ambassador of peace and good will, I am glad to say, in many European countries, endeavoring to promote policies of peace and to improve world economic conditions. In my opinion, Mr. Davis has performed valuable services in behalf of our country, and I take the liberty of commending the President for utilizing the services of a man whose knowledge of world affairs is so profound and whose interest in the welfare of our country has been evinced upon many occasions.

The President said that—

* * * those who cherish their freedom and recognize and respect the equal right of their neighbors to be free and live in peace must work together for the triumph of law and moral principles in order that peace, justice, and confidence may prevail in the world * * *.

The President emphasizes, as I view his address, the evils and dangers resulting from a violation of pledges and solemn treaties. He declares:

* * * there must be a return to a belief in the pledged word, in the value of a signed treaty. There must be a recognition of the fact that national morality is as vital as private morality * * *.

The President further stated:

* * * there is a solidarity and interdependence about the modern world, both technically and morally, which makes it impossible for any nation completely to isolate itself from economic and political upheavals in the rest of the world, especially when such upheavals appear to be spreading and not declining. There can be no stability or peace either within nations or between nations except under laws and moral standards adhered to by all. International anarchy destroys every foundation for peace. It jeopardizes either the immediate or the future security of every nation, large or small * * *.

The President refers to the piling of armament on armament for purposes of aggression, and states that a very high proportion of the national income is being spent directly for armaments. He states that we are compelled to look ahead; that the peace, the freedom, and the security of 90 percent of the population of the world is being jeopardized by the remaining 10 percent who are threatening a breakdown of all international order and law. He refers to a situation which is definitely of universal concern, and adds:

* * * the questions involved relate not merely to violations of specific provisions of particular treaties; they are questions of war and of peace, of international law, and especially of principles of humanity. It is true that they involve definite violations of agreements, and especially of the covenant of the League of Nations, the Briand-Kellogg Pact, and the Nine-Power Treaty. But they also involve problems of world economy, world security, and world humanity. It is true that the moral consciousness of the world must recognize the importance of removing injustices and well-founded grievances; but at the same time it must be aroused to the cardinal necessity of honoring sanctity of treaties, of respecting the rights and liberties of others, and of putting an end to acts of international aggression. It seems to be unfortunately true that the epidemic of world lawlessness is spreading * * *.

I now come to the sentence containing the word "quarantine," referred to yesterday by the Senator from California [Mr. JOHNSON], a word which I think was apposite and properly employed in connection with the subject under discussion by the President:

* * * when an epidemic of physical disease starts to spread the community approves and joins in a quarantine of the patient in order to protect the health of the community against the spread of the disease * * *.

I think the Senator from California misinterpreted the statement just quoted. The President stated an obvious fact, based upon human experience and upon the relations and intercourse between individuals and communities. When a contagious disease affects a community the rational and proper course to pursue is to protect the health of the community against the spread of the disease by having no communications or contacts with those suffering from the disease. The purpose is not to punish the person suffering from the disease but to protect as many neighbors and the community from the spread of the disease. As I understand the statement of the Senator from California, he entertained the view that the President intended, by force or otherwise to surround Japan with quarantine regulations to be enforced by our Government by the aid of armed forces. There is a great deal of difference between establishing a military cordon around a community or State and adopting a policy of nonintercourse. Speaking for myself and not attempting to interpret the views of the President or the administration, I would not be averse to adopting a policy of nonintercourse with Japan or at least a policy which would interdict the sale to Japan of munitions and commodities of all kinds which would aid her in her military operations against China.

Mr. President, if international law is destroyed, if treaties are regarded as scraps of paper, then the foundations of world order are threatened. In my opinion nations that are bound by solemn treaties may not sit quietly by when one of the parties to the treaty violates its terms and engages in wanton and wicked war upon one or more of the parties to the treaties.

In my opinion the signatories to the Nine Power Treaty, the Kellogg-Briand Pact, and the Versailles Treaty should remonstrate against Japan's course and make it known that they cannot do otherwise than regard her as a violator of solemn treaties and a disturber of the peace of the world.

Mr. President, that is all there is in the sentence which provoked criticism. There was no threat that our Nation intends to pursue a belligerent or unfriendly course against any nation. The President does suggest that when epidemics are prevalent communities join together to quarantine the patients, those who are diseased, in order that the disease may not spread. Common sense would teach a course of that kind among States, as well as among communities.

Speaking for myself, I believe the peace-loving nations of the world should take cognizance of the lawless course of Japan and fasten upon her the charge of treaty violator. May not nations that love peace find ample ground for refusing aid and comfort to Japan in her relentless attacks upon China? May not nations which love peace find ample ground for refusing aid and comfort to nations which are seeking without reason to attack other nations?

I might add, in passing, that Japan is merely encouraged by the opportunity, apparently uninterrupted, which she enjoys, of obtaining military supplies from the United States, and in that way strengthening herself to continue hostilities against China. I read in this morning's newspapers that Japan had acquired from the United States more steel and iron than from all other nations in the world. I am not stating what we should do, but it does seem to me that the course which is being followed by other nations signatory to the treaty, in their unrestricted commercial dealings with Japan, results in aiding her in her cruel and inhuman war against China. Japan and our Nation are parties to treaties,

the obligations of which require us not to go to war without consultation and without conference.

The President, in his Chicago address, further stated:

It ought to be inconceivable that in this modern era, and in the face of experience, any nation could be so foolish and ruthless as to run the risk of plunging the whole world into war by invading and violating, in contravention of solemn treaties, the territory of other nations that have done them no real harm and which are too weak to protect themselves adequately. Yet the peace of the world and the welfare and security of every nation is today being threatened by that very thing.

Without making direct application of the words of the President to the situation in the Orient, the conclusion is inescapable that a weak nation in the Orient is being attacked by a powerful military government. China is undoubtedly too weak to offer proper defense of her borders and her people against the aggressions of Japan. It is believed by many that, if the governments who were signatories to the Nine Power Treaty and the Versailles Treaty were to decline to sell to Japan commodities essential to military activities, her efforts to conquer China would fail. Japan, it would seem, is not only willing to violate treaties but to threaten the peace of the world in her mad efforts to subdue China.

The President declared that:

No nation which refuses to exercise forbearance and to respect the freedom and rights of others can long remain strong and retain the confidence and respect of other nations. No nation ever loses its dignity or good standing by conciliating its differences, and by exercising great patience with, and consideration for, the rights of other nations.

Japan, undoubtedly, is willing to challenge the open hostility of the world, believing that if she conquers China, her violation of treaties will be forgotten. Perhaps she is fortified in that position because her former assaults upon China, from her standpoint, have not resulted in appreciable diminution of her influence among the nations of the world. However, Fate or Providence holds many weapons in its hands, and expiations will be required for wrongs committed by men and by nations.

Christian nations everywhere will approve the President's statement that—

If civilization is to survive, the principles of the Prince of Peace must be restored; shattered trust between nations must be revived.

This important address of President Roosevelt, coming at an hour when clouds of war hang over the world and so many disquieting conditions exist, should bring courage and hope to those who are seeking justice and the establishment of law and order throughout the world. These sentiments should inspire men and women everywhere to strive for peace and for world unity. They should compel us, in the language of the President, to "actively engage in the search for peace."

Notwithstanding the obligations imposed upon Japan under the Nine Power and the Versailles Treaties, Japan made war upon China and took from her Manchuria, with its millions of people. China for a number of years has been subjected to pressure from the Japanese Government and compelled to submit to humiliating concessions in her efforts to avoid war. In 1915, when Great Britain was preoccupied in the titanic conflict with Germany and Austria, Japan presented 21 demands upon China the purpose of which was to bring China economically and politically under the control of Japan. China then, as now, was unable to cope with the military forces of Japan and, under compulsion, submitted to the demands but protested then and continually thereafter against the predatory and autocratic policies of Japan. These unjust and oppressive demands were brought to the attention of the Washington conference. China's representatives insisted upon their abrogation, and Japan assented to a substantial repeal of some of them. An examination of the proceedings of the conference indicates that China was not only seeking redress for wrongs to which she had been subjected but was also attempting to guard her future interests against the invasions of foreign powers.

The powers participating in the conference were cognizant of the difficulties which China had encountered and the dangers by which she had been and was menaced, and accordingly they provided in the treaty—and I have called attention to the provision—that—

The political independence and territory and administrative integrity of China should be respected and the fullest and most unimpaired opportunities given to China to develop and maintain for herself an effective and stable government.

Japan signed the treaty, as I have shown. Other provisions in the treaty were designed to surround China with every protection against greedy or aggressive governments, whether such governments exist in the Orient or in the Occident.

Notwithstanding the terms of the treaty, and Japan's solemn promise to respect it, Japan made irritating and unjust demands upon China, and interfered in many ways with her internal affairs and development. In 1929 Japan's so-called "friendship policy" toward China, and particularly Manchuria, was abandoned and supplanted by what was known as the "positive policy," which rested upon military force. That policy was pursued by the Tanaka Ministry, which sought to treat Manchuria as distinct from the rest of China.

I shall not take time to present the evidence concerning the successful invasion of Manchuria, which culminated in Japan's setting up a puppet government which to all intents and purposes was a Japanese dependency. China appealed to the League of Nations, calling attention to the provisions of the covenant of the League, and to Japan's violation of it. Efforts were made by the League amicably to adjust the disturbed relations between China and Japan, but without avail.

A commission was finally created for the purpose of ascertaining the facts and reporting upon them.

I should have stated, Mr. President, that China indicated her willingness to accept any reasonable policy for the accommodation of the differences between the two nations, but Japan denied the right of the League of Nations to interfere or to make any suggestions. Finally, as I shall show, on the 21st of September 1931 the representative of the Chinese Government at Geneva communicated with the League of Nations, and requested the secretary to bring to the attention of the Council the dispute between China and Japan which had arisen from the events which had taken place at Mukden, and requested also that steps be taken to prevent the further development of a situation endangering the peace of nations. The Council took cognizance of the request, and held a number of sessions for the consideration of the controversy. Finally, it was determined that a "commission of inquiry" should be sent to Manchuria for the purpose of making the necessary investigation. It was agreed that five members should be appointed to study and report to the Council on any circumstances affecting the peace of nations, and threatening to disturb the peace between China and Japan. China, however, reserved all the rights and juridical positions to which she was entitled under the provisions of the covenant of the League or the treaties with Japan. She demanded the removal of the Japanese forces.

A commission was selected, one of the number being Maj. Gen. Frank R. McCoy, of the American Army. In the meantime, Japan's forces were waging a vigorous military campaign in Manchuria, which they finally brought under their control. The commission found that for a year Manchuria had been given over to strife and turmoil, and that the relations between the two governments was one of war in disguise, and that the future was one of fear and anxiety.

The commission found, after it had made investigation:

It is a fact that without a declaration of war—

And Japan is now pursuing the same course; she has made no declaration of war against China—

a large area of what was indisputably the Chinese territory has been forcibly seized and occupied by the armed forces of Japan, and has in consequence of this operation been separated from and declared independent of the rest of China. The steps by

which this was accomplished are claimed by Japan to have been consistent with the obligations of the covenant of the League of Nations, the Kellogg Pact, and the Nine Power Treaty of Washington, all of which were designed to prevent action of this kind.

Again referring to the Commission of Inquiry, I call attention to the following:

Moreover, the operation of the League was completed during the following months and is held by the Japanese Government to be consistent with the assurances given by their representatives at Geneva on September 30 and December 10. The justification in this case has been that all the military operations have been legitimate acts of self-defense, the right of which is implicit in all the multilateral treaties mentioned above, and was not taken away by any of the resolutions of the council of the League.

I may say parenthetically that the militarists in Japan now state that they are acting in self-defense in their operations in China, just as they contended when they took Manchuria, with its 30,000,000 Chinese residents and nationals. Let me repeat:

The justification in this case has been that all the military operations have been legitimate acts of self-defense, the right of which is implicit in all the multilateral treaties mentioned above, and was not taken away by any of the resolutions of the council of the League. Further, the administration which has been substituted for that of China in the three Provinces is justified on the ground that its establishment was the act of the local population who, by a spontaneous assertion of their independence, have severed all connection with China and established their own government.

The Commission further found:

It must be clear from everything that we have already said that a mere restoration of the status quo ante would be no solution. Since the present conflict arose out of the conditions prevailing before last September, to restore these conditions would merely be to invite a repetition of the trouble.

Bear in mind the fact that General McCoy, the American member of the Commission, joined in this report, and his considered judgment has found expression in the report, a part of which I have just read.

It would be to treat the whole question theoretically and to leave out of account the realities of the situation. * * * Such a solution does not appear to us compatible with the fundamental principles of existing international obligations, nor with the good understanding between the two countries upon which peace in the Far East depends. It is opposed to the interests of China. It disregards the wishes of the people of Manchuria, and it is at least questionable whether it would ultimately serve the permanent interests of Japan.

About the feelings of the people of Manchuria toward the present regime there can really be no doubt, and China would not voluntarily accept as a lasting solution the complete separation of her three eastern Provinces. * * * The millions of Chinese farmers now settled permanently on the land have made Manchuria in many respects a simple extension of China south of the wall. The three eastern Provinces have become almost as Chinese in race, culture, and national sentiment as the neighboring Provinces of Hopei and Shantung, from which most of the immigrants came.

Apart from this, past experience has shown that those who control Manchuria have exercised a considerable influence on the affairs of the rest of China—at least of North China—and possess unquestionable strategic and political advantages. To cut off these Provinces from the rest of China, either legally or actually, would be to create for the future a serious irredentist problem which would endanger peace by keeping alive the hostility of China and rendering probable the continued boycott of Japanese goods.

* * * * * * *

Apart from China and Japan, other powers of the world have also important interests to defend in this Sino-Japanese conflict. We have already referred to existing multilateral treaties, and any real and lasting solution by agreement must be compatible with the stipulations of these fundamental agreements, on which is based the peace organization of the world. The considerations which actuated the representatives of the powers at the Washington conference are still valid. It is quite as much in the interests of the powers now as it was in 1922 to assist the reconstruction of China and to maintain her sovereignty and her territorial and administrative integrity as indispensable to the maintenance of peace. Any disintegration of China might lead, perhaps rapidly, to serious international rivalries, which would become all the more bitter if they should happen to coincide with rivalries between divergent social systems. Finally, the interests of peace are the same the world over. Any loss of confidence in the application of the principles of the covenant and of the Pact of Paris in any part of the world diminishes the value and efficacy of those principles everywhere.

Japan nevertheless continued her occupation of Chinese territory, set up a puppet government, and is today ruling more than 30,000,000 Chinese residents of Manchuria.

Mr. President, I shall continue the discussion of the situation in China when the Senate meets tomorrow.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. KING. I yield.

Mr. CONNALLY. I ask the Senator if it is his purpose to continue his speech tomorrow?

Mr. KING. It is.

Mr. CONNALLY. If so, I suggest to the Senator that he ask unanimous consent to yield at the proper time for a motion to recess, without impairing his rights.

Mr. KING. Mr. President, I understand there is to be an executive session. If it is agreeable to our leader—and I always want to respect his wishes—I shall ask unanimous consent that I may resume my speech tomorrow.

The PRESIDING OFFICER (Mr. AUSTIN in the chair). Without objection, the request is granted.

Mr. BARKLEY. Mr. President, I contemplate an executive session. It is so near 5 o'clock that 1 minute will not make much difference.

Mr. KING. I shall not be able to conclude in several minutes.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kentucky?

Mr. KING. I yield to the Senator from Kentucky with the understanding which has been stated. I understand we are now to have an executive session.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Texas?

Mr. BARKLEY. I yield to the Senator.

Mr. CONNALLY. As I understand, the Senator from Utah is yielding with the understanding that he may go on tomorrow without the impairment of his rights. I desire to have that understood.

The PRESIDING OFFICER. Without objection on the part of the Senate, it is so ordered.

Mr. BARKLEY. Mr. President, in that connection I will say that the Senator from New York [Mr. WAGNER] today gave notice that he desires to address the Senate tomorrow in behalf of the pending measure. If he still has that view, I suppose the Senator from Utah will be willing to yield to the Senator from New York with the same understanding; or would the Senator prefer first to conclude his own remarks?

Mr. KING. I should prefer to conclude, but my remarks will occupy most of the day; and since the Senator from New York has not yet had an opportunity to explain his position, I feel that he ought to be given the opportunity. Therefore, if I will not lose the position I now occupy, upon request of our leader I shall yield tomorrow.

Mr. BARKLEY. We can arrange that matter tomorrow.

COMMITTEE SERVICE

On motion of Mr. BARKLEY, and by unanimous consent, it was

Ordered, That the Senator from New Jersey [Mr. SMATHERS] be assigned to service on the Committee on Immigration;

That the Senator from Alabama [Mr. HILL] be assigned to service on the Committees on Education and Labor, Interstate Commerce, and Military Affairs;

That the Senator from New Jersey [Mr. MILTON] be assigned to service on the Committees on Agriculture and Forestry, Claims, and the Library; and

That the Senator from Kentucky [Mr. BARKLEY] be assigned to service on the Committee on Foreign Relations.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. AUSTIN in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

Mr. BURKE, from the Committee on the Judiciary, reported favorably the nomination of Powless W. Lanier, of North Dakota, to be United States attorney for the district of North Dakota, which was ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state in their order the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of William R. Smith, Jr., to be United States attorney for the western district of Texas.

Mr. CONNALLY. I ask to have the nomination passed over.

The PRESIDING OFFICER. At the request of the Senator from Texas, the nomination will be passed over.

The legislative clerk read the nomination of Lawrence S. Camp to be United States attorney for the northern district of Georgia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Marcus Erwin to be United States attorney for the western district of North Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Joe V. Gibson to be United States attorney for the northern district of West Virginia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BERRY. Mr. President, I move to reconsider the vote by which the nomination of Mr. Gibson was confirmed.

Mr. NEELY. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia to lay on the table the motion of the Senator from Tennessee to reconsider the vote by which the nomination of Joe V. Gibson was confirmed.

The motion to lay on the table was agreed to.

Mr. NEELY. I now move that the President be notified of the confirmation of Mr. Gibson.

The motion was agreed to.

The legislative clerk read the nomination of Benjamin B. Mozee to be United States marshal for the second division, district of Alaska.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles R. Price to be United States marshal for the western district of North Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George J. Keinath to be United States marshal for the northern district of Ohio.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Albert A. Sanders to be United States marshal for the district of Wyoming.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

SECRETARY, TERRITORY OF ALASKA

The legislative clerk read the nomination of Edward W. Griffin, of Alaska, to be secretary of the Territory of Alaska.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk read the nomination of Mahlon F. Drake to be postmaster at Highlands, N. J.

The PRESIDING OFFICER. This nomination is adversely reported. The question is, Will the Senate advise and consent to this nomination?

The nomination was rejected.

The legislative clerk proceeded to read sundry additional nominations of postmasters which had been reported favorably.

Mr. BARKLEY. I ask unanimous consent that the remaining nominations of postmasters on the Executive Calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the remaining nominations of postmasters are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask unanimous consent that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate took a recess until tomorrow, Thursday, February 3, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 2 (legislative day of January 5), 1938

UNITED STATES ATTORNEYS

Maurice M. Milligan to be United States attorney for the western district of Missouri. (Mr. Milligan is now serving in this office under an appointment which expires February 3, 1938.)

A. Cecil Snyder to be district attorney for the district of Puerto Rico. (Mr. Snyder is now serving in this office under an appointment which expires January 19, 1938.)

PUBLIC HEALTH SERVICE

The following-named surgeons to be senior surgeons in the United States Public Health Service, to rank as such from March 18, 1938:

Marion F. Haralson
John F. Mahoney

CONFIRMATIONS

Executive nominations confirmed by the Senate February 2 (legislative day of January 5), 1938

UNITED STATES ATTORNEYS

Lawrence S. Camp to be United States attorney for the northern district of Georgia.

Marcus Erwin to be United States attorney for the western district of North Carolina.

Joe V. Gibson to be United States attorney for the northern district of West Virginia.

UNITED STATES MARSHALS

Benjamin B. Mozee to be United States marshal for the second division, district of Alaska.

Charles R. Price to be United States marshal for the western district of North Carolina.

George J. Keinath to be United States marshal for the northern district of Ohio.

Albert A. Sanders to be United States marshal for the district of Wyoming.

SECRETARY OF THE TERRITORY OF ALASKA

Edward W. Griffin to be secretary of the Territory of Alaska.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Maj. Charlie Anthony Valverde to Quartermaster Corps.

Capt. Edwin Bascum Kearns, Jr., to Quartermaster Corps.

First Lt. Harold Walmsley to Chemical Warfare Service.

Second Lt. George Robert Oglesby to Chemical Warfare Service.

Capt. Frank Richards to Finance Department.

PROMOTIONS IN THE REGULAR ARMY

James Ellis Slack to be lieutenant colonel, Cavalry.

Harry Nelson Burkhalter to be major, Infantry.

Forrest Ralph Ostrander to be lieutenant colonel, Medical Corps.

James Augustus McCloskey to be captain, Medical Corps.

Robert John Hoagland to be captain, Medical Corps.

James Leo Tobin to be captain, Medical Corps.

Allen Nelson Bracher to be captain, Medical Corps.

Carvel Clark Ellison to be captain, Dental Corps.

Thomas Hampton Reagan, U. S. Army, to be chaplain with the rank of captain.

Marvin Randolph Baer to be lieutenant colonel, Infantry.

Lewis Morrell Van Gieson to be major, Ordnance Department.

Joseph Francis Gallagher to be lieutenant colonel, Medical Corps.

John Murray Welch to be lieutenant colonel, Medical Corps.

Harry Aloysius Bishop to be lieutenant colonel, Medical Corps.

Luther Remi Moore to be lieutenant colonel, Medical Corps.

James Ogilvie Gillespie to be major, Medical Corps.

Ronald Fisher Kirk to be captain, Medical Corps.

David Fisher to be captain, Medical Corps.

Joseph Pease Russell to be captain, Medical Corps.

Elmer Deloss Gay to be captain, Medical Corps.

Erling Severre Fugelso to be captain, Medical Corps.

Paul Alexander Paden to be captain, Medical Corps.

Thomas Floyd Davis to be lieutenant colonel, Dental Corps.

John Nelson White to be lieutenant colonel, Dental Corps.

William Ferdinand Sheumann to be lieutenant colonel, Dental Corps.

Campbell Hopson Glascock to be lieutenant colonel, Dental Corps.

William Frederic Wieck to be lieutenant colonel, Dental Corps.

Arthur Julian Hemberger to be captain, Dental Corps.

Albert Leslie Evans, United States Army, to be chaplain with the rank of lieutenant colonel.

Frank Pearson MacKenzie, United States Army, to be chaplain with the rank of lieutenant colonel.

APPOINTMENT IN THE REGULAR ARMY

Morris Eugene Day to be chaplain with the rank of first lieutenant.

POSTMASTERS

HAWAII

Ralph M. Haitsuka, Kahuku.

NEW JERSEY

Robert T. Lentz, National Park.

Maurice F. Kiely, West Norwood.

Kathleen R. McCabe, West Trenton.

PENNSYLVANIA

Tena M. Neely, Baden.

William H. Heacock, Marcus Hook.

Emily V. Homsher, North Hills.

REJECTION

Executive nomination rejected by the Senate February 2 (legislative day of January 5), 1938

POSTMASTER

NEW JERSEY

Mahlon F. Drake to be postmaster at Highlands, in the State of New Jersey.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 2, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

By the memories, by the associations, and by the raptures we may feel, we wait, Holy Father, at Thy mercy seat. Thou dost fill heaven with Thy presence; we beseech Thee to descend upon us in the sweetness and purity of the realms of the Spirit. How blessed is that upper life that we may live in our best natures, so akin to the Divine. We thank Thee that we are evermore in Thy sight and that we are blest with the guardianship of Thy fatherhood. Not in our own strength, not in our wisdom nor virtue, but in the plenitude of Thy love and mercy do we live. Oh, give depth and power to the stream of experience; adapt Thy teaching to our weakness and need; kindle in all breasts a mighty conquest of faith and hope, and Thine shall be the praise and glory forever. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

FIRST DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1938

Mr. TAYLOR of Colorado, from the Committee on Appropriations, reported the bill (H. R. 9306) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes (Rept. No. 1754), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. TABER reserved all points of order on the bill.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, all Members are very much interested in the conference report on the farm bill. I am informed by the chairman of the House Committee on Agriculture, the gentleman from Texas [Mr. JONES], that this conference report cannot be acted on in the House before sometime next week.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. RAYBURN. I yield to the gentleman from New York.

Mr. TABER. My understanding is the first deficiency bill will come up tomorrow, and we shall have general debate on it tomorrow after we have disposed of the unfinished business from yesterday.

Mr. RAYBURN. I do not know what agreement will be made about general debate, but it will immediately follow the vote on the District of Columbia appropriation bill.

Mr. MARTIN of Massachusetts. Can the gentleman tell us about the program for Friday?

Mr. RAYBURN. Unless the deficiency bill goes over there will not be anything for Friday.

Mr. BOILEAU. With reference to the farm bill, will the gentleman give us the assurance that the farm bill will be available to the Members for several days before it is attempted to bring the bill up on the floor, in view of the fact

there is quite general understanding it will be practically a new bill?

Mr. RAYBURN. I do not know that I could say several days before, but there will certainly be sufficient time. I would myself insist on there being sufficient time for Members to have an opportunity to look it over.

Mr. BOILEAU. Under the rules we will have 1 day, of course, but I hope we may be given assurance that not only will the bill be given to the Members soon enough that they may study it for 2 or 3 days but there shall be a much longer time used in the consideration of the bill than is provided under the rule. I am hopeful we may have several hours, or a couple of days, for discussion of the bill after it comes up for consideration. I wonder if the gentleman is willing to give us any expression on that point?

Mr. RAYBURN. I have not discussed that question with any members of the committee of conference on the part of the House, and I should not like to make any statement on it until I discuss it with them.

Mr. BOILEAU. I appreciate that, and I offer the suggestion now so the gentleman may have it in mind.

Mr. RAYBURN. On a bill as important as this, I believe the Members should have sufficient time to look it over so they may be ready for debate.

SOPHIA DREWRY

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 414

Resolved, That there shall be paid out of the contingent fund of the House to Sophia Drewry, widow of Hunter L. Drewry, late an employee of the House, an amount equal to 6 months' salary compensation and an additional amount not to exceed $250 to defray funeral expenses of the said Hunter L. Drewry.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON CLAIMS

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the Committee on Claims may have permission to sit during the session of the House today.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

EXTENSION OF REMARKS

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in order to pay my tribute of respect to the late Honorable Horace M. Towner, former Governor of Puerto Rico.

The SPEAKER. Is there objection to the request of the Commissioner from Puerto Rico?

There was no objection.

Mr. BARRY. Mr. Speaker, I ask unanimous consent that my colleague from New York [Mr. KELLY] be given permission to extend his remarks in the RECORD and include therein a brief statement on taxation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ECKERT asked and was given permission to extend his own remarks in the RECORD.

Mr. QUINN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address on welfare.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a letter written by me to J. Warren Madden, Chairman of the National Labor Relations Board, regarding the Ford-C. I. O. hearing, together with his answer thereto.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

Mr. RAYBURN. Mr. Speaker——

Mr. RICH. Mr. Speaker, I will modify the request and ask for 1 minute.

The SPEAKER. Is there objection to the modified request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, this is ground-hog day. He has already seen his shadow and you are going to have 6 weeks of cold weather. You are also going to have a cold time in this country for the people of America if you do not stop spending money, and I want to know where you are going to get the money?

Mr. ANDERSON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. RICH. I am sorry, I only have 1 minute, a very short time.

The President of the United States in his message to Congress states his war plan, in addition to the regular Army and Navy appropriation of over $1,000,000,000, will request an additional appropriation for war of $800,000,000. We talk peace and prepare for war on a huge scale. Now the President comes out today in the papers and announces he wants to spend $26,000,000 to build a new War Department Building. He is reported to have written the Senate asking them to add that amount to the Treasury and Post Office bill for a new War Department Building. We are making every preparation for war, even to new housing. It is time we stopped this propaganda and get down to a sound, common-sense basis of Government spending. Where is the Neutrality Act we passed last year? Was it only a jest? It looks so, since the President does not put it into effect. Why does he not do it? Now I implore him and you as Members of Congress to put into effect my resolution asking Congress to discontinue all business relations with Japan. If we do so the war will stop in 6 months, I am reliably informed. Let us stop war if we can. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a brief editorial from the Union Banner, of Clanton, Ala., replying to an attack of Governor Aiken, of Vermont, on the Republicans of the South.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on House Resolution 453.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a poem by Longfellow and certain letters from the International Longfellow Society with reference to their activities.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. TEIGAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a copy of a letter of Governor Benson to the President of the United States protesting against any reduction in highway funds.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein several short tables.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a radio address I made over the C. B. S. yesterday afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

AGRICULTURE COLLEGE OF NEW MEXICO

Mr. DEROUEN (when the Committee on the Public Lands was called). Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill (H. R. 8346) authorizing the sale of certain lands to the regents of the Agriculture College of New Mexico and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

This bill was introduced by the gentleman from New Mexico [Mr. DEMPSEY] and was considered by the committee and unanimously reported. So far as I know, there is no objection whatsoever to the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman tell us, briefly, the purpose of the bill?

Mr. DEROUEN. I yield, Mr. Speaker, to the gentleman from New Mexico [Mr. DEMPSEY], who is a member of the committee and the author of the bill.

Mr. DEMPSEY. Mr. Speaker, I may say for the information of the gentleman from Massachusetts that this is a bill which permits the Department of the Interior to sell to the Agriculture College of New Mexico approximately 2,000 acres of land to be used for experimental purposes. They are to pay for the land on the basis provided by law. The bill also provides that in the event the land is ever sought to be used for any other purpose, it shall revert to the Federal Government.

Mr. HOFFMAN. Reserving the right to object, did the college buy the land on the installment plan?

Mr. DEMPSEY. No; in New Mexico we pay cash.

Mr. HOFFMAN. As the gentleman knows, in selling those $100 banquet tickets, they were sold on the installment plan; did that have the approval of the President? [Laughter.]

Mr. DEMPSEY. I cannot speak for the President, I will say to the gentleman from Michigan.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent that S. 2759, a similar Senate bill, be substituted for the House bill.

The SPEAKER. The gentleman from New Mexico asks unanimous consent that Senate bill 2759 be substituted for the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey by patent deed to the regents of the Agricultural College of New Mexico, a corporation, upon payment by such corporation of a purchase price at the rate of $1.25 per acre, the following-described lands: Sections 19, 29, and 30, the northeast quarter of section 31, the east half of the southeast quarter of section 31, T. 22 S., R. 4 E., New Mexico principal meridian. Such lands shall be used for the establishment of a recreational site and for educational purposes. The patent for such lands shall contain an express condition that if the corporation fails to use such lands for such purposes, or attempts to alienate such lands, title thereto shall revert to the United States. Any patent issued hereunder shall contain a reservation to the United States of all mineral deposits in the lands patented: *Provided*, That such minerals so reserved shall be prospected for, mined, and removed only in accordance with regulations which may be prescribed by the Secretary of the Interior.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 8346) was laid on the table.

DISPOSITION OF SURPLUS BUFFALO AND ELK

Mr. DEROUEN. Mr. Speaker, I call up the bill (H. R. 8773) to authorize the Secretary of the Interior to dispose of surplus buffalo and elk of the Wind Cave National Park herd, and for other purposes.

The SPEAKER. The gentleman from Louisiana calls up a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized, in his discretion and under regulations to be prescribed by him, to sell or otherwise dispose of the surplus buffalo and elk of the Wind Cave National Park herd.

SEC. 2. All moneys received from the sale of any such surplus animals, or products thereof, shall be deposited in the Treasury of the United States as miscellaneous receipts.

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. Will the gentleman please explain the object of the bill?

Mr. DEROUEN. Mr. Speaker, the proposed legislation, if enacted, will authorize the Secretary of the Interior to sell or otherwise dispose of surplus buffalo and elk to parks, zoos, public institutions, and areas where they may be used to good advantage. It is contemplated that most of the surplus animals will be given to needy Indians or to charitable institutions for food or for starting herds of their own, as has been done with some of the surplus animals at Yellowstone National Park. Under this proposal, animals which are not given away to the Indians, charitable institutions, zoos, or other similar institutions, will be sold and any moneys received from the sale of surplus animals will be deposited in the United States Treasury as miscellaneous receipts.

Mr. MARTIN of Massachusetts. The gentleman says that there is an actual surplus of buffalo at the present time.

Mr. DEROUEN. There is an actual surplus, and besides there are too many in the Wind Cave herd for the grazing facilities they have.

Mr. MARTIN of Massachusetts. And in what part of the country are these located?

Mr. DEROUEN. They are a part of the Wind Cave National Park herd in the State of South Dakota.

Mr. MARTIN of Massachusetts. This will not jeopardize our efforts to preserve the buffalo?

Mr. DEROUEN. No; it will not. On the contrary, it will be beneficial.

Mr. MARTIN of Massachusetts. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAHOE NATIONAL FOREST

Mr. DEROUEN. Mr. Speaker, I call up the bill (S. 2583) to provide for the acquisition of certain lands for and the

addition thereof to the Tahoe National Forest, in the State of Nevada, and the acquisition of certain other lands for the completion of the acquisition of the remaining lands within the limits of the Great Smoky Mountains National Park, in east Tennessee.

Mr. RICH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that there is no quorum. The Chair will count. [After counting.] One hundred and forty-seven Members present, not a quorum.

Mr. DEROUEN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 12]

Beam	Deen	Jones	Patrick
Bell	Drewry, Va.	Kelly, Ill.	Pettengill
Biermann	Ferguson	Kelly, N. Y.	Pfeifer
Buckley, N. Y.	Flannagan	Knutson	Phillips
Cannon, Wis.	Ford, Miss.	Lemke	Rankin
Carlson	Frey, Pa.	Lucas	Richards
Carter	Fulmer	McGroarty	Sabath
Casey, Mass.	Gasque	McKeough	Seger
Celler	Gavagan	McLaughlin	Shannon
Champion	Hancock, N. C.	McMillan	Sheppard
Clark, Idaho	Hartley, N. J.	Magnuson	Smith, Maine
Coffee, Nebr.	Hennings	Mansfield	Snell
Cole, Md.	Holmes	Mason	Wadsworth
Colmer	Jenckes, Ind.	O'Connell, Mont.	West
Creal	Jenkins, Ohio	O'Connor, Mont.	Whelchel
Crowther	Johnson, Minn.	O'Toole	Wood
Daly	Johnson, Lyndon	Owen	

The SPEAKER. Three hundred and sixty-two Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement I made on Monday to the press.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. HONEYMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address made by myself.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. BINDERUP. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address I made on January 15.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE OF ABSENCE

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Idaho, Mr. CLARK, may have an indefinite leave of absence on account of illness.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

TAHOE NATIONAL FOREST, NEV., GREAT SMOKY MOUNTAINS NATIONAL PARK, TENN.

The SPEAKER. The gentleman from Louisiana calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, several Members on this side have expressed a desire to discuss this bill. I presume the gentleman will be liberal in the matter of time.

Mr. DEROUEN. I shall be pleased to grant the gentleman all the time he desires within reason.

The SPEAKER. The Chair will state that if this request is granted the discussion will be under the 5-minute rule.

Mr. MARTIN of Massachusetts. Mr. Speaker, we have no objection to its being considered in the House as in the Committee of the Whole, but will not the gentleman from Louisiana agree to 40 minutes on a side for general debate?

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent that there may be 80 minutes' general debate on the bill, to be equally divided and controlled by the gentleman from California [Mr. ENGLEBRIGHT] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to acquire, by purchase when purchasable at prices deemed by him reasonable, or by exchange under the provisions of the act of March 20, 1922, as amended, or by condemnation under the provisions of the act of August 1, 1888, on behalf of the United States with any fund or moneys available for such purpose, any of the following-described lands in the State of Nevada now in private ownership, to wit: T. 20 N., R. 18 E., secs. 7, 8, 18, 19, 30, and 31; T. 19 N., R. 18 E., secs. 20, 22, 24, 25, 27, 28, and 32; T. 19 N., R. 19 E., sec. 32; T. 18 N., R. 18 E. secs. 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 15, 16, 18, 21, 22, 23, 24, 26, 28, 35, and 36; T. 18 N., R. 19 E., secs. 4, 5 to 10, inclusive, 14, 15 to 26, inclusive, 29 to 32, inclusive, 34, and 35; T. 18 N., R. 20 E., sec. 31; T. 17 N., R. 18 E., secs. 1, 9, 11, 13, 15, 16, 24, 25, 29, 31, 32, 33, and 35; T. 17 N., R. 19 E., secs. 1, 5, 6, 7, 8, 11, 13, 15 to 20, inclusive, 29, and 31; T. 16 N., R. 18 E., secs. 1, 2, 3, 5, 6, 8 to 18, inclusive, 21, 22, 23, 24, 25, 26, 35, and 36; T. 16 N., R. 19 E., secs. 5 to 9, inclusive, 17 to 20, inclusive, and 28 to 36, inclusive; T. 15 N., R. 18 E., secs. 1 and 2; T. 15 N., R. 19 E., secs. 4, 5, and 6; T. 14 N., R. 18 E., secs. 22 to 27, inclusive, 35, and 36; T. 14 N., R. 19 E., secs. 7, 8, 9, 18, 19, 20, 30, and 31; township 13 N., R. 18 E., secs. 1, 2, 3, 10 to 14, inclusive, 22, 23, and 24, all Mount Diablo base and meridian.

SEC. 2. When title to any of the aforesaid privately owned lands has been vested in the United States, such lands described in section 1 hereof shall be added to and become a part of the Tahoe National Forest and shall be subject to all laws and regulations applicable thereto: *Provided*, That nothing in this act shall be construed to affect any valid existing rights.

SEC. 3. The provisions of the act approved June 10, 1920, as amended, known as the Federal Water Power Act, shall not apply to any of the lands added to the Tahoe National Forest pursuant to the provisions of this act.

SEC. 4. There is hereby authorized to be appropriated the sum of $325,000, or so much thereof as may be necessary, to carry out the provisions of this act.

SEC. 5. The Secretary of the Interior is hereby authorized to acquire on behalf of the United States by purchase, at prices deemed by him to be reasonable, the lands needed to complete the Great Smoky Mountains National Park in the State of Tennessee, in accordance with the provisions of the act of Congress approved May 22, 1926 (44 Stat. 616); and the Secretary of the Interior is further authorized, when in his opinion unreasonable prices are asked for any of such lands, to acquire the same by condemnation under the provisions of the act of August 1, 1888.

SEC. 6. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $743,265.29 to complete the acquisition of lands within the limits of said park, such funds to be available until expended.

Mr. DEROUEN. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada [Mr. SCRUGHAM].

Mr. SCRUGHAM. Mr. Speaker, this bill proposes to authorize the purchase of approximately 100,000 acres in the Sierra Nevada Mountains, about 2 miles of which will front on Lake Tahoe. Between 8,000 and 10,000 people a day visit this area during the summer season, but there is not one foot of public land available on the Nevada side.

The request for authorization to purchase this land comes by reason of the fact that it can be obtained at an advantageous price from the present holders. It is one of the finest recreational areas of forest lands in the entire United States.

The land, authority to purchase which is being asked, is shown in this panoramic photograph. The area on my right

represents Lake Tahoe, some 2 miles of the shore of which is included in this proposed purchase. The area to the left is timbered mountain land in which there is a large amount of second-growth timber, but the tract also contains something like 11,000 acres of first-growth timber.

The price offered on this tract runs about $3.25 per acre, which is extremely low for land in this area. Land adjoining the lake sells around $500 for a 50-foot lot.

Mr. TARVER. Mr. Speaker, will the gentleman yield?

Mr. SCRUGHAM. I yield.

Mr. TARVER. Will the gentleman explain to the House the necessity for specific authorization for the purchase of land in one particular national forest? Does not the Forest Service have authority now, with the approval of the National Forest Reservation Commission, to buy this land if it wants it?

Mr. SCRUGHAM. Not unless there is such authorization. The land will not be held long by the present holding organizations, but will be cut up into smaller tracts and sold.

Mr. TARVER. Does not the Forest Service already have authorization to purchase this land now if it wants it?

Mr. SCRUGHAM. No, not specifically. We desire specific authority in order that this land may be held intact in the one adjacent tract.

This proposal is in accordance with the policy of the Government. It is the established practice that forest land be selected and purchased in desirable locations throughout the United States.

Mr. TABER. Will the gentleman yield?

Mr. SCRUGHAM. I yield to the gentleman from New York.

Mr. TABER. How much land is there already in this forest reservation around the lake?

Mr. SCRUGHAM. To the best of my recollection there are several hundred thousand acres, mostly all in the mountains on the California side. There is not one foot around the lake on the Nevada side now in public ownership.

Mr. TABER. The land around the lake is entirely privately owned?

Mr. SCRUGHAM. Yes; that is, on the Nevada side. There is a limited area on the California side that is held some by El Dorado County, Calif., and some is held by the Government.

Mr. TABER. How big is the lake?

Mr. SCRUGHAM. The lake consists of about 100 miles of shore line and is approximately 20 miles in diameter.

Mr. TABER. Is it used for camp sites or something of that kind?

Mr. SCRUGHAM. It is used as a summer and winter resort largely by the people from hot valleys in California, as well as by the people residing in the Nevada areas. There are usually eight to ten thousand people there continuously during week ends in the summer season.

Mr. TABER. This is to be used as a part of the forest reserve?

Mr. SCRUGHAM. Yes.

Mr. TABER. Rather than as a park?

Mr. SCRUGHAM. As a part of the forest reserve. In addition the 100,000 acres of timber land is badly needed as a watershed to protect the water supply of several Nevada communities, as well as of the people staying around the lake.

Mr. TABER. How far back from the lake will be bought and how much of the lake shore line would this purchase cover?

Mr. SCRUGHAM. It will cover 2 miles of the lake shore line.

Mr. TABER. How far back?

Mr. SCRUGHAM. Extending about 2 miles back. It is an irregular shape.

Mr. TABER. That is, back from the shore line. In what color is the land it is proposed to take as shown on there?

Mr. SCRUGHAM. I regret this map is very small. The red shows the proposed purchase. Green is the existing forest reserve.

[Here the gavel fell.]

Mr. DEROUEN. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. TABER. How is it proposed that this shall be purchased and who shall pay for it?

Mr. SCRUGHAM. It will be paid with the regular Forest Service funds to be appropriated later for the purchase of forest land in the United States.

Mr. TABER. In the agricultural bill?

Mr. SCRUGHAM. In the agricultural appropriation bill.

Mr. GREEVER. Will the gentleman yield?

Mr. SCRUGHAM. I yield to the gentleman from Wyoming.

Mr. GREEVER. As a matter of fact, the purchase of these lands is necessary to protect the forest that already exists there?

Mr. SCRUGHAM. Yes.

Mr. GREEVER. Together with the watersheds?

Mr. SCRUGHAM. That is correct.

Mr. TARVER. Will the gentleman yield?

Mr. SCRUGHAM. I yield to the gentleman from Georgia.

Mr. TARVER. I believe the total amount needed for the purchase of the land in which the gentleman is interested is about $400,000?

Mr. SCRUGHAM. Three hundred and twenty-five thousand dollars.

Mr. TARVER. The gentleman is aware of the fact that the Bureau of the Budget has submitted an estimate for only $1,000,000 for the acquisition of forest lands generally throughout the United States and that over $500,000 of that will be necessary to complete purchases already begun under the existing program. The gentleman therefore would take for this forest alone more than half of the money available for the next fiscal year for the purchase of forest lands throughout the United States?

Mr. SCRUGHAM. That is not correct.

Mr. TARVER. The gentleman is not asking for an appropriation?

Mr. SCRUGHAM. Not in this bill.

Mr. TARVER. Not for the next fiscal year?

Mr. SCRUGHAM. Not necessarily, but probably.

Mr. RICH. Will the gentleman yield?

Mr. SCRUGHAM. I yield to the gentleman from Pennsylvania.

Mr. RICH. Is this money going to be used to purchase also the body of water?

Mr. SCRUGHAM. No. It is an area of land bordering 2 miles on the lake and extending back.

Mr. RICH. Who owns the lake at the present time?

Mr. SCRUGHAM. Under the western law the actual water of the lake is public property.

Mr. CRAWFORD. Will the gentleman yield?

Mr. SCRUGHAM. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Do I understand the gentleman to say if the Forest Service purchases this land it may be used as other forest lands, or will it be preserved for park purposes only?

Mr. SCRUGHAM. It will be used as other forest land under the law; but, generally speaking, its value for recreational purposes and as a protection of the watershed is greater than if used for grazing purposes.

Mr. CRAWFORD. The gentleman means to say that the Forest Department can sell the timber off of this land at some future time?

Mr. SCRUGHAM. If it wishes to.

Mr. CRAWFORD. If it sells this high-grade timber, would that not bring back more than the cost of the land?

Mr. SCRUGHAM. It probably would.

Mr. CRAWFORD. What is the gentleman's opinion?

Mr. SCRUGHAM. Eventually it undoubtedly will. There are 90,000,000 board feet of good merchantable timber there.

Mr. CRAWFORD. The gentleman thinks this would be a real good purchase from the standpoint of timber alone?

Mr. SCRUGHAM. Yes.

Mr. TABER. Will the gentleman yield for one more question?

Mr. SCRUGHAM. I yield to the gentleman from New York.

Mr. TABER. Is it not a fact this purchase is already authorized for the Forest Service?

Mr. SCRUGHAM. Not specifically.

Mr. TABER. Is it not under the general authorization to purchase land for the Forest Service?

Mr. SCRUGHAM. I have explained the necessity for this particular authorization is to hold the land intact for the purpose of being acquired by the Forest Service. If this is not done, the land will unquestionably be sold to land speculators or for individual summer-resort use.

Mr. TABER. The gentleman means this special authorization is requested so the Department can come in with a specific appropriation rather than with a general appropriation?

Mr. SCRUGHAM. Certainly.

Mr. TABER. Will this tend to relieve the banks which are loaded up with this land?

Mr. SCRUGHAM. There are no banks loaded up with the land. There is no trouble selling this land at the proposed prices. Surrounding land was sold within the past few weeks for much larger sums.

Mr. TABER. Is most of it grazing land or forest?

Mr. SCRUGHAM. It is is practically all timber land. It is either first- or second-growth timber.

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RICH].

(Mr. RICH asked and was given permission to revise and extend his own remarks in the RECORD.)

Mr. RICH. Mr. Speaker, when I saw this bill was coming before us today asking the expenditure of over a million dollars to buy up land for the Forest Service when the land in these particular States should be owned by the States, I wondered why in the world the people in some of these States continually keep coming to the Federal Government and asking the privilege of buying lands in their own States. There is a nigger in the woodpile somewhere, and it is that the people in these States want us to buy these lands and then keep them up for the use of their own people. The Federal Government now owns more than 200,000,000 acres of land in the West and Southwest, and this is entirely too much. Why buy more? To spend more for upkeep. Are you going to saddle onto the Federal Treasury the expenditure of another million dollars here to buy up parts of these States? All you need do is look at the Federal Treasury to see in what deplorable condition it is. A national debt on January 27, according to Treasury statement, of $37,437,277,-722.02. A national debt of over $1,171 for each family in the United States. Are you going to continue in that manner? If you do, then we need a new Congress and a new President—and we need it, quick.

Let us speak about the Tahoe National Forest. We are asked to spend $325,000 to buy up lands around this lake which is next to the city of Reno in Nevada, and that is where all you fellows ought to go to have a party if you buy this land. Think of the people of this country who are now flocking out to Reno. Why do they go out there? The sponsors of this bill want to make that area a great place, so everybody can go out there with the other fellow's wife and then have a great time around Reno in this park. Think of trying to build up a park for that particular purpose! It is almost a disgrace.

Mr. SCRUGHAM. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to my distinguished colleague, the gentleman from Nevada, for whom I have the greatest respect. In fact, I like him as well as any person I know in this House.

Mr. SCRUGHAM. Has the gentleman any first-hand experience with respect to the suggestions the gentleman has just made?

Mr. RICH. No; I am just surmising that is the case, because Lake Tahoe is in close proximity to Reno, the city which has a national reputation for divorces and for marriages.

Mr. SCRUGHAM. Does the gentleman surmise on most of his statements?

Mr. RICH. Yes, in reference to divorces and marriages but no in reference to expense for this additional Government land. I take my statements from the letter of M. L. Wilson, Acting Secretary of Agriculture, dated August 3, 1937, wherein he states that under date of July 17, 1937, the Acting Director of the Bureau of the Budget advised that the proposed legislation would not be in accord with the program of the President, but that there would be no objection to the acquisition of such lands in later years.

If you believe we are helping the Treasury this year any better than we did 2 years ago, then I would like to know who has chloroformed you. It is ridiculous to believe the Treasury is in better condition, because it is getting in worse condition each year of this administration. The Treasury of the United States is in a deplorable condition. Where will you get the money?

That is enough for the Nevada proposition, because I do not want to go too strong on my colleague, the gentleman from Nevada, as he is a fine fellow. He would like to have you make this expenditure, and I do not blame him, because most Congressmen want things in their States if they can get them paid for out of the Federal Treasury. The gentleman from Nevada is no exception to this rule, and is just as good as any of the rest of you. There is too much of it going on all the time, however.

Now, let us talk about the Great Smoky Mountains National Park. There we are asked to buy 26,014 acres of land at a cost of $743,265. If the Members will read the report of the committee they will find that the Great Smoky Mountains National Park was to be given to the Federal Government by the States of Tennessee and North Carolina; these States have not fulfilled their duty and obligation. They should do it? Now these States want you to buy the land, when under the act of 1926 it was their duty to furnish the land free, and they promised to do it. If they have any moral responsibility they will do what they said they would do. I say they are shirking their responsibility.

As far as Tennessee is concerned, the President of the United States double-crossed that State a little when he gave too much money to North Carolina to buy its land and did not help Tennessee. This is the excuse offered for coming back for more money. The President of the United States had no business doing what he did in buying all the land in North Carolina and not giving the same help to Tennessee. He did not play fair with Tennessee in this respect.

Mr. MITCHELL of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Tennessee.

Mr. MITCHELL of Tennessee. Then out of a spirit of fairness does the gentleman concede the land for the Great Smoky Mountains National Park should be acquired?

Mr. RICH. In a spirit of fairness, the President of the United States did not do justice to Tennessee when he gave North Carolina their full amount of money, and only part of the amount to Tennessee. It should have been divided equally. The President of the United States has had more money in his hands than any other man in the history of the world. He has squandered it, he has spent it lavishly, he has spent it foolishly, he has spent it unjustly, and he has spent it so that the gentleman's State was not given its share in comparison with other States in this instance. Are you going to trust him to spend your money any longer? This ought to be a lesson to you. Congress, wake up. You have already spent $9,000,000 on that park down there and now want $743,265.29 more. Where will you get the money?

Mr. MITCHELL of Tennessee. If the gentleman will yield, I just want to express my appreciation for supporting a part of the bill out of a spirit of kindness.

Mr. RICH. That is meritorious, but it is not meritorious for us to go into the Treasury and dig out more money, because you have not got it in the Treasury. It means more taxes, and more taxes will be ruinous to our people at this time.

Let me call your attention to the fact that they are building now a highway between Shenandoah National Park in Virginia and the Great Smoky Mountains National Park in North Carolina and Tennessee 800 feet wide, a highway that is costing you over $60,000 a mile to construct. You are going to be asked to furnish the money. You spent a lot of money down there last year on this highway, and you are going to be asked to spend more. Where will you get it? The P. W. A., under the direction of the President, is spending money lavishly down there in building five W. P. A. recreation centers along this Doughton Highway—and I think it should be named for that fine gentleman—when you have a park at one end of the highway and a park at the other. Think of such a ridiculous expenditure of funds for five large recreational centers along this highway, a large park at either end and five parks in the middle.

Mr. BEITER. Did the gentleman say that P. W. A. is building these recreational centers?

Mr. RICH. W. P. A.—I will change that in the RECORD. P. W. A. got so reckless they had to put it under W. P. A. so they could cover up such vast expenditures as they made under P. W. A. It will not be long till they change it to A. W. P. or A. P. W.; just keep your eyes open.

The whole business is unjustifiable, and I think it is time for us to stop a lot of these Government agencies set up for lavish spending; but with all this expenditure of funds you are asked today to appropriate over $1,000,000 more here in this bill. The Department of Agriculture has been allotted funds to make purchases, but we cannot make them fast enough with the funds that you have already allotted, and they want to come in now and ask for special funds for buying lands that the States already promised to buy.

You know this is ground-hog day. You fellows have seen your own shadows; and when you get back home I hope the people of your districts will have you make an accounting for the money you have spent. I want to tell you that if they do not see your shadows when their votes are recorded with respect to the expenditure of national funds, and if they do not make you account for some of the votes that you have cast, then I think there is something wrong with your constituents. I know if my constituents wanted me to continue to come here and lavishly spend like you fellows have been spending I would never want to come back here, because I can see a national calamity ahead, a break-down of our national structure, of our form of government, if we do not stop it, and do it now.

I want to associate with you as individuals, because you are the finest bunch of fellows I have ever met in my life; but as a group, in the spending of money, you are the most lavish, radical rascals for spending money I have ever seen in all my life. [Laughter.]

[Here the gavel fell.]

Mr. DEROUEN. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I shall only take a few minutes in discussing a portion of this bill relating to the Great Smoky Mountains National Park.

I was, of course, much interested in the speech of my good friend from Pennsylvania, and it reminds me at the moment to pay a short tribute to a great Republican from Pennsylvania, Dr. Henry W. Temple, who was chairman of a committee appointed by Dr. Hubert Work, then Secretary of the Interior, another great Republican of this Nation. Through the work of this committee an investigation of available areas was made and resulted in the selection of the Great Smoky Mountains National Park, together with the great Shenandoah National Park in Virginia. I am saying this for the purpose of calling to the attention of the House the fact that this is in no sense a local enterprise. This great Secretary of the Interior, who came himself from the West, where there were already in existence 17 or 18 great national parks, conceived the idea of establishing somewhere in the great Appalachian Range a primitive, primeval area that could be taken over as a national park, where the people would have a great area for recreation, that would be a natural laboratory, and that would preserve our fast disappearing wildlife. This was due to his efforts, or at least he is the man whom I first knew as the originator of this great park.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. Yes.

Mr. TAYLOR of Tennessee. The gentleman refers to Dr. Work who was Secretary of the Interior at that time?

Mr. WEAVER. Dr. Hubert Work; yes.

Mr. Speaker, this was the genesis of this park, and we have gone along now since 1924 with the State of North Carolina and the State of Tennessee and individual citizens contributing to this great enterprise.

There is no dispute between Tennessee and North Carolina as to how the money was expended. We have conceived of it as one great, national enterprise, whether the lands were in North Carolina or Tennessee; a place where every man, woman, and child in this Nation might go with a sense of proprietorship.

I am going to give you a few figures, and then I shall quit, because other gentlemen want to speak.

North Carolina voted $2,000,000 of bonds, every cent of which was expended in the actual purchase of land; North Carolina contributed by pledges $147,000, and by expenditures direct from the State treasury some $15,000, making a total of $2,162,283 which the State of North Carolina and her citizens have expended.

Tennessee did likewise. She contributed by bond issues $1,500,000 and a tract of land which she had already acquired estimated at $500,000, making a total of $2,000,000; her citizens contributed by pledges $271,842, and from her treasury she expended another $72,000, which went into these lands.

It was impossible to buy all of them with this money, so the Rockefeller Foundation came in and said they would match the money dollar for dollar, and the Rockefeller Foundation, as a memorial to Laura Spellman Rockefeller, contributed $5,000,000 to this great enterprise, and it will stand forever as a memorial to Laura Spellman Rockefeller.

These lands are far-flung and covered with magnificent forests. We have had from the Federal Government $1,550,000, but we have expended already over $11,057,513 which has all gone into this park.

[Here the gavel fell.]

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. DEROUEN. Mr. Speaker, I yield the gentleman 2 minutes more.

Mr. WEAVER. Mr. Speaker, after we had expended this money, we find we still require about $743,000 to buy the additional land so as to complete the park and legally establish it under the act by which it was created. We feel that we are not coming here with any selfish enterprise in asking this House today to help, after we have spent something over $11,000,000, to complete it. Of course, it all belongs to the United States of America and will be administered for the whole people of the Nation. I wish I had time to tell Members about this park, and I hope every Member of the House, whether from the West, the North, the South, or the East, may at some time visit it. It is the great roof of eastern America. There are more than 50 peaks in this great area that are higher than Mount Washington. It is a wilderness area, and it still contains much of the original forest. The great masters of the forest still grow there, and on the higher reaches of these fine mountains we find the last of the great fir forests of eastern America. It is being preserved for the American people. From the standpoint of value, the park will be worth immensely more for its timber and other assets than the money which has gone into it, and we earnestly ask you to vote for this bill. I may say that the President approves of this,

because he wishes to round out this park so that it may be fully established for all the people of America. [Applause.]

Mr. ENGLEBRIGHT. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Speaker, I do not think that a bill of greater merit has ever been presented to the Congress than the bill that is before us today. I do not profess to know anything about the Tahoe project embodied in the bill, but I am familiar with the Smoky Mountains project, because a large part of it lies in the district that I have the honor to represent. As was stated a moment ago, this is by no means a local project or a local enterprise. It is a great national institution. I refer to the report which will give you some ideas of this great national park. It says that the Great Smoky Mountains National Park is one of the most picturesque and beautiful parks in the country, and is different from other great parks in its scenery. Although the park is not completed, visitors to the Great Smoky Mountains National Park in 1936 reached the enormous number of 620,222, and last year up to July 24, 458,469 people visited the park. All this notwithstanding the development of the park is just in its infancy. Evidently the park is destined to become one of the most popular and attractive recreational centers in the world. The number of visitors to the Great Smoky Mountains Park during 1937 was by far in excess of the visitors to other great national parks in this country that have been established for half a century or more.

Last year the newspapers in Knoxville took notice of the people who visited the park. People from every State in the Union, from Maine to California, visited this great laboratory of natural beauty.

The act authorizing the establishment of this park was passed in 1926 and it was contemplated then that it would be a park of 426,000 acres. The bill provided that upon the acquisition of this area the Government would accept and take charge of the park. Only 26,000 acres yet remain to be purchased. As was stated by my colleague from North Carolina [Mr. WEAVER], the two States of North Carolina and Tennessee—and the park lies about equally in the two States—were charged with the duty of acquiring the lands before the Government took charge. The depression came on, so that the two States found it difficult to raise the necessary funds to make the purchase, and representatives of the park commission went to New York and called upon the officers of the Rockefeller Foundation and secured a commitment of $5,000,000, which went into the purchase of this park, and since that $5,000,000 was contributed the Rockefeller Foundation has contributed an additional $500,000 to match the funds which the President allocated to complete the purchase in North Carolina. There can be no complaint as far as the purchasing of this park land out of Government funds is concerned, because already Government funds have been allocated and expended in the acquisition of lands sufficient to complete the park area in North Carolina.

Mr. KERR. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes.

Mr. KERR. I understand that before this park can be formally accepted by the Government this appropriation is necessary to acquire the number of acres of land for that purpose.

Mr. TAYLOR of Tennessee. The gentleman is correct. Already more than $9,000,000, exclusive of the contribution of the Government, has gone into the purchase of the park.

Mr. HAINES. It was stated by my colleague from Pennsylvania [Mr. RICH] that the State of North Carolina and the State of Tennessee broke faith with the Government in not carrying out their part of the contract. Is that correct?

Mr. TAYLOR of Tennessee. No; the gentleman is entirely inaccurate in that. The two States have contributed over $4,000,000 to the purchase of the park, and it was through the instrumentality of these States that this Rockefeller Foundation money was secured to go into the purchase.

Mr. MITCHELL of Tennessee. My colleague is familiar with the location of the park.

Mr. TAYLOR of Tennessee. Quite familiar with it, because I live in the shadow of it.

Mr. MITCHELL of Tennessee. I will ask if the gentleman feels that the price of $30 an acre for the 26,000 acres to be acquired is a reasonable and fair valuation for these lands?

Mr. TAYLOR of Tennessee. I am satisfied that if these lands were put up for private sale they would bring two or three times that amount.

Mr. MITCHELL of Tennessee. The citizens are interested in it as public-spirited men and women, and I want to help along with the project.

Mr. TAYLOR of Tennessee. Absolutely; there is no question about it.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. LEAVY. As a Member coming from the far West and one who is a real champion of the national parks, I am satisfied that the acquisition by the Federal Government of this acreage is very desirable, and I am heartily in favor of it. The number of visitors to this park last year demonstrates its national worth, but I wish the gentleman would tell me whether the Rockefeller donations carry restrictions of any kind or whether they are without restriction.

Mr. TAYLOR of Tennessee. They are absolutely without restriction. The money was contributed to the commission. The only restrictions are such restrictions as are issued by the commission itself.

Mr. MITCHELL of Tennessee. The Rockefeller gift is available provided his funds are matched.

Mr. TAYLOR of Tennessee. Yes; and we did match the funds in order to avail ourselves of the contribution.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. BOILEAU. This bill provides for the acquisition of lands in Nevada as well; it provides for two separate and distinct projects. Can the gentleman assign any reason for having these two separate and distinct projects put together in one bill?

Mr. TAYLOR of Tennessee. They were not in the bill together originally. The Great Smoky Mountains National Park project was added as a rider in the Senate.

Mr. BOILEAU. I know a number of Members feel that in view of the fact they are separate and distinct projects they should be dealt with separately. I know the gentleman has no such thought in mind, but it has been suggested that the two were put together so that one project might support the other in getting votes in the House.

Mr. TAYLOR of Tennessee. The gentleman means as a matter of logrolling?

Mr. BOILEAU. Whether it is done in the Senate or the House makes no difference. I am not one of those who admits that everything the Senate does is absolutely correct. I am making no accusation; I am asking information, because I have heard it suggested by several Members that that might be in the minds of several of those sponsoring the bill.

Mr. TAYLOR of Tennessee. There is no justification for that suspicion.

Mr. BOILEAU. It just happens they are tied up in the same bill?

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. WHITTINGTON. Both these projects are national projects, are they not?

Mr. TAYLOR of Tennessee. One is a national forest and one is a national park.

Mr. WHITTINGTON. But both are national projects?

Mr. TAYLOR of Tennessee. Yes.

Mr. BOILEAU. Are these the only national projects, either national parks or national forests, which are to be considered? Is this an omnibus bill?

Mr. TAYLOR of Tennessee. I do not know. So far as I am concerned I shall be glad to join the gentleman in the consideration of others.

Mr. BOILEAU. I have nothing to offer.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. HOOK. I notice the bill carries an authorization of $743,265. In the past has it not been the principle of the National Park Service not to buy lands for national parks?

Mr. TAYLOR of Tennessee. I can recall that at the last session of Congress a bill passed for the acquisition of certain lands in connection with the Yosemite National Park, which might be considered a precedent.

Mr. HOOK. It has not been the practice for the Government to buy lands for national parks until lately. Does not the gentleman think it is bad practice for the Federal Government to buy lands for such purpose?

Mr. TAYLOR of Tennessee. I think when private individuals have contributed as much as they have in this instance to the purchase of a great national institution that the Government could certainly contribute this small percentage.

Mr. HOOK. I just wanted to know, because I have some land in my district that might be taken over.

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Speaker, I yield 3 additional minutes to the gentleman from Tennessee.

Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. I appreciate the gentleman's courtesy; certainly I yield to him.

Mr. ENGLEBRIGHT. I may say in reference to the gentleman's statement as to the restrictions made in the Rockefeller donation of $5,000,000 that I was a member of the Public Lands Committee at the time that bill was passed. At the time it was signed by President Coolidge, as I recall, the only restriction Mr. Rockefeller placed upon his very generous public donation in connection with this park was that title be vested in the people of the United States.

Mr. TAYLOR of Tennessee. I think the gentleman is correct.

Mr. ENGLEBRIGHT. It is a very wonderful development, in my opinion. I am supporting this bill and supporting the measure with reference to the purchase of land at Lake Tahoe.

Mr. TAYLOR of Tennessee. I thank the gentleman for his contribution.

Mr. Speaker, according to geologists, the Great Smoky Mountains National Park is the oldest range of mountains in the United States. It meanders 71 miles through the park. Thirty-six miles of it are over 5,000 feet in altitude. There are 16 peaks in the park that are more than 6,000 feet high. Klingman's Dome, the highest, is 6,642 feet. There are 150 species of trees. Laurel grows in this park 82 inches in diameter and 40 feet high.

There are yellow poplar 9 feet in diameter, 1,500 varieties of higher plant life, and 3,700 varieties of plant life proper. It is a botanist's paradise. I am satisfied you who have visited the park will, with pleasure, avail yourselves today of the opportunity to vote for this bill and to you who have not visited the park, I extend an invitation to visit it in the future and when you do, if you will have voted for this bill, you will congratulate yourselves on the good judgment exercised in thus casting your vote. [Applause.]

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Speaker, I yield the gentleman from Tennessee [Mr. REECE] 10 minutes.

Mr. REECE of Tennessee. Mr. Speaker, complete justification for this authorization for the Great Smoky Mountains has been made by my able colleague [Mr. TAYLOR] who shares with me the honor of representing the area in which this great park lies.

The appropriation of money by the Federal Government to complete the acquisition of land for this great park is not an act of charity. It will prove to be an excellent investment for the Government. This park will become a priceless asset of the people and at but small expense. It is true, as was inferred by the query made a moment ago, that most of the national parks have not been acquired through the appropriation of money out of the Federal Treasury, although some of them have been at least in part; most of the national parks in the West have been created out of the public domain and they were therefore established out of assets of the Federal Government.

As has been stated, the States of Tennessee and North Carolina and the people of these two States, have contributed more than $5,000,000 toward the acquisition of the land to be in turn donated to the Federal Government. In addition to the more than $2,300,000 which the State of Tennessee has spent to acquire the land, that State after the establishment of the park was authorized spent more than $400,000 in the construction of a highway from Gatlinburg to New Found Gap on the Carolina-Tennessee line. So that amount also has gone into the establishment of the national park. The appropriation requested but little more than refunds Tennessee for what she has contributed in the development of the park itself after its authorization, which, in my opinion, establishes an additional justification for the authorization provided in the pending bill.

Mr. MITCHELL of Tennessee. Will the gentleman yield?

Mr. REECE of Tennessee. I yield to the gentleman from Tennessee.

Mr. MITCHELL of Tennessee. May I ask the gentleman if as a matter of fact the Great Smoky Mountains National Park is not located within 24 hours' ride of more than half the population of the United States, if not two-thirds?

Mr. REECE of Tennessee. That is true, and, as my colleague from Tennessee stated a few moments ago, even before this great park was actually established and before it was fully developed, in the year 1936 there were more than 600,000 visitors from every State in the Union and in 1937 up to July 24, more than 400,000 people visited the park. It has already become the most popular national park in the United States, and there are very good reasons for its popularity.

If my good friend from Pennsylvania [Mr. RICH] will only come down and spend a few weeks in the Great Smokies, drink the pure water, and breathe the air that wafts over those peaks, which are more than 6,000 feet in altitude; if he would but view the rhododendrons and the unexcelled flora of wider variety than found elsewhere on the continent, and look upon the more than 40,000 acres of virgin forest, being the only remaining area of virgin forest in the United States; if he would come down and meander along those mountain streams and cast his hook occasionally for the rainbow trout as it finds its way up those great gorges and over the falls, I am sure he would change his outlook on life; he would become less contentious and more agreeable, even though we love him with all of his infirmities.

Mr. MITCHELL of Tennessee. It would affect him more than the fountain of youth, in other words?

Mr. REECE of Tennessee. There could be no comparison in the effect it would have on him, because I am sure there is no necessity for his visiting the fountain of youth.

Mr. FORD of California. Will the gentleman yield?

Mr. REECE of Tennessee. I yield to the gentleman from California.

Mr. FORD of California. Is it not true one of the major efforts recently has been to spread purchasing power over the country.

Mr. REECE of Tennessee. Yes.

Mr. FORD of California. Why not spread recreation over the country?

Mr. REECE of Tennessee. That is just what the establishment of this park does. Dr. Work, when he first promoted the establishment of this park, and likewise the one over here in the Shenandoah Valley, recognized the necessity for having these great recreational centers in the eastern part of the United States as well as in the West.

Mr. KERR. Will the gentleman yield?

Mr. REECE of Tennessee. I yield to the gentleman from North Carolina.

Mr. KERR. In order that the matter of the cost of this proposed enterprise to secure the additional acres necessary

to fully complete the park may not be misunderstood, may I say that the Appalachian Mountains are the only mountains in the United States that grow a most valuable forest, probably the most valuable forest grown anywhere in the world. Therefore, in the purchase of this property we have to pay, of course, for the value of the forest that these men own?

Mr. REECE of Tennessee. That is quite true. In addition to the recreational value which the park has, the timber in this park, if the Federal Government wanted to sell it, would repay the Federal Government for every dollar that it puts into the park. This park is unique in this respect: There are in this area 40,000 acres of virgin forest in which the woodsman's axe has never been wielded. This constitutes sufficient reason for the establishment of the park. It is an inspiration to stand on the Chimney Tops and view these majestic trees against which the ax and the saw has never been laid.

Mr. Speaker, this is a most meritorious proposition. I had hoped there would be no opposition in the House. I sincerely trust that the bill will be agreed to by an overwhelming majority. [Applause.]

Mr. DEROUEN. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Speaker, I want to direct the attention of the House to some matters regarding the first part of this bill which relates to the Tahoe National Forest. I find myself with extreme reluctance compelled to disagree with the position of my beloved colleague the gentleman from Nevada [Mr. SCRUGHAM] We all know the acquisition of land in national forests is now controlled by general law. The National Forest Reservation Commission is authorized to set up purchase units and has done so throughout the country. The Forest Service thereafter acquires the land in these purchase units at prices approved by the National Forest Reservation Commission.

On that Commission are Members of this House and also Members of the Senate. If this proposal has been presented to the National Forest Reservation Commission and has been turned down, then we are undertaking to regulate in one particular case the judgment of the Commission. This bill would be the forerunner of many bills of similar character arising in different parts of the country. If the National Forest Reservation Commission is in accord with the bill, then it has ample authority under existing general law to set up a forest-purchase unit covering the territory described in the bill.

If the purpose of the bill is to undertake to designate this particular area for preferential treatment out of available appropriations for the next fiscal year, it ought to be a subject matter of great interest to the Members of the House who have in their own congressional districts forest units already set up in which very little or no land at all has been acquired.

There is estimated by the Bureau of the Budget as transmitted to the Congress a proposed expenditure for the next fiscal year of only $1,000,000 for the acquisition of forest lands. The subcommittee of which I am a member, handling appropriations for the Forest Service, was informed only a day or two ago that of this amount over $500,000 would be necessary to complete the existing program begun during the present fiscal year. Therefore for the next fiscal year, if the Budget estimate is not exceeded, we will have only between $400,000 and $500,000 for the purchase of additional forest lands throughout the United States.

If the purpose of this legislation is to direct specific attention to the proposition of the gentleman from Nevada, which involves, as he has stated, the expenditure of $325,000, it is intended to bring about the expenditure for this particular proposed forest unit of more than one-half of the money that will probably be available for the next fiscal year. If this is intended as a regulation of the discretion of the National Forest Reservation Commission, it is contrary to the policy which has been pursued for years and is the initiation of a precedent which, in my judgment, will rise up to plague us in the future as other bills may be proposed to set up additional forest units in other sections of the country. If this project is in accord with the judgment of the National Forest Reservation Commission and the Forest Service, then no legislation whatever is necessary, because the National Forest Reservation Commission now has all the authority it would be given by this bill to set up a unit covering these very lands and provide for their purchase.

It is not my intention to offer an amendment to strike out this portion of the bill. I have simply felt I ought to talk to the House for a few minutes with regard to these features of this proposed legislation and indicate my opinion that it is an unwise precedent which I believe should not be adopted.

Mr. SCRUGHAM. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I am pleased to yield to the gentleman from Nevada.

Mr. SCRUGHAM. I call specific attention to the fact it is not only desirable but necessary that this specific authorization be given in order that the tract may be maintained intact so it may be purchased for the low price of $3.25 an acre.

Mr. TARVER. The passage of this proposed legislation will in no way maintain the price at $3.25 an acre, or maintain the tract intact. This measure simply proposes to give to the National Forest Reservation Commission authority which it has already. This bill does not commit the Government to the purchase of the land except as funds may be made available by appropriate action of Congress. As far as I can see, the bill in no way changes the existing situation, unless it is intended by the bill to center the attention of the Forest Service and the National Forest Reservation Commission on this particular unit.

May I ask the gentleman from Nevada if he has presented this matter to the National Forest Reservation Commission, and has the Commission declined to set up this unit?

Mr. SCRUGHAM. No.

Mr. DEROUEN. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. MCREYNOLDS] such time as he may desire.

Mr. TABER. Mr. Speaker, will the gentleman from Tennessee yield for a question?

Mr. MCREYNOLDS. I am pleased to yield to the gentleman from New York.

Mr. TABER. May I suggest the gentleman tell us where the acreage is located it is proposed to acquire; why it is necessary that any such payment as approximately $30 an acre be provided for the acquisition of the lands; and why the States of North Carolina and Tennessee have not gone through with their original agreement to put up, on the part of North Carolina, $398,000, and Tennessee, $347,000, as the report indicates.

Mr. MCREYNOLDS. I am pleased the gentleman has asked these questions, because they will, perhaps, give me a little something different to talk about than what has been mentioned heretofore. I shall do my best to answer his questions.

Before answering the questions I may say you have heard descriptions of this wonderful park, but now I want to show you some photographs. I want you to pass them around and look at them. They are photographs taken in the park, and they speak for themselves. Please have returned to the desk when you finish looking at them the ones you do not keep. These photographs were taken inside the park in the Great Smoky Mountains. I believe you will agree with me after looking at these photographs they show the most beautiful scenery the eye could behold.

First, I am going to undertake to answer the questions of the gentleman from New York. His first question was: Where is this land actually located? I hold here a map of this area. This land is in Tennessee, and is these small tracts surrounded by the park area. You see these white dotted lines, and then this part at the end. These are the tracts we desire to purchase to perfect the park.

Mr. TABER. Where is the highway supposed to be?

Mr. MCREYNOLDS. The highway goes right along here, and then goes across the mountain here, across North Caro-

lina, by the side of a great deal of the property we desire to purchase.

Mr. TABER. The land it is proposed to acquire is quite a little way from the highway?

Mr. McREYNOLDS. No.

Mr. TABER. It is on the edge of the park?

Mr. McREYNOLDS. A large part of it is on the edge of the park and these other parts are near the highway.

Mr. TABER. What kind of land is it?

Mr. McREYNOLDS. It is forest land, I suppose. I have not been up there and looked at it, I may say to the gentleman.

Mr. TABER. Is not this a very good price for land of that type?

Mr. McREYNOLDS. This is merely an estimate of what we think will be required to purchase the balance of the land. No price, of course, has been placed on the land and it will have to be acquired by negotiation or condemnation. If it is such land as I have seen on the mountain tops or near the mountain tops, then the timber would more than pay the estimated value per acre.

I do not know whether my friend has ever been to the Great Smoky Mountains. If he has not, we want to extend him an invitation to come there. We want him to see this park. It is one of the great parks of the United States and it is different from the other parks. It is a park that when you visit once you will come again because it is a growing, living thing. This is the reason you will love it and the reason you will return.

As has been described by my friends, there are domes, the highest of which, I believe, is 6,642 feet.

We are now about to vote and I am pleased that no opposition has turned up against this bill, or practically none. Everyone seems to be for it because it is for the Nation.

Mr. PETERSON of Florida. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. PETERSON of Florida. I simply want to say to my friend and colleague that I had the privilege of visiting there last year. These pictures are beautiful, but no picture and no words can really portray the beauty of this park, because much of it is dependent upon the growth and the colors seen there. There are certain areas there with 41 varieties of wild azaleas, and there are other areas covered with blooming wild cherry. It is beautiful beyond description. I went to this park because I wanted very much to see it. I was not on any junket and I did not go there as the guest of anyone; I merely went to see and was well pleased. Aside from all this, it occurs to me that as a business proposition there is only about 5 percent of the land that will have to be purchased and the Government has already created a value for this land by the construction of the road and this 5 percent will become a potential fire hazard to the entire park unless it becomes Government property. Also the value of this area will increase very much by reason of the construction of roads, and for this reason we ought to act now.

Mr. McREYNOLDS. I thank the gentleman for his remarks and I agree with him.

The gentleman asked me a moment ago why we had not paid for this in Tennessee. We have done the best we could. We have issued bonds and paid $2,371,000 to buy land, but hard times and the depression came and we could not furnish the balance of the money, and we cannot furnish it today, and the Interior Department will not accept it until it is complete, and there are 436,000 acres to be acquired.

My friend the gentleman from Tennessee [Mr. TAYLOR] has told you of the number of visitors who come there. There are more visitors there than any park in the United States, and they are still coming. The record this year was the largest ever.

I am pleased to say that my friend the gentleman from Pennsylvania [Mr. RICH] agrees with us, and I am sure he is with us now because he has gone He states that Tennessee was not treated right because this money was used over in North Carolina to pay for those lands that were condemned.

Mr. MITCHELL of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. MITCHELL of Tennessee. I want to ask the gentleman if he would be willing to file with his remarks the excellent report that has been brought in for the consideration of the House? It sets out very fully the merits of this proposition.

Mr. McREYNOLDS. I will be pleased to make it a part of an extension of my remarks, because I wrote it. [Laughter.]

The report is as follows:

Sections 5 and 6 of this bill also provide for an authorization for the appropriation of $743,265.29 to complete the acquisition of lands within the limits of the Great Smoky Mountains, which your committee heartily approves.

The Great Smoky Mountains National Park was established in eastern Tennessee and western North Carolina by an act passed in 1926. The proposal made was that the State of Tennessee and the State of North Carolina should buy, in round figures, 436,000 acres of land and create a national park. This money was raised for the most part by bonds issued by the States of Tennessee and North Carolina, and also by private subscription. Before the money was raised the depression came in 1929, and the private subscriptions were not paid in full.

Under the original proposal Tennessee was to furnish one-half of the land and North Carolina the other half. All this land has been acquired except 26,014 acres, for which it will be necessary to obtain $743,265.29.

When the depression came in 1929 the States of Tennessee and North Carolina were unable to raise the money to purchase this land, and the Park Service took the matter to the John D. Rockefeller Foundation, and after going over the matter carefully Mr. Rockefeller agreed to put up $5,000,000 upon condition that the park be fully established, one-half by the people of the States of North Carolina and Tennessee and one-half in memory of Laura Spelman Rockefeller. After this $5,000,000 was put up, it was found that in addition to what the States had put up it would require a little over $1,550,000 to complete the park. Neither the States of Tennessee nor North Carolina were able to raise this money. Under these circumstances, the President, by Executive order of December 28, 1933, allotted $1,550,000 for land acquisition for C. C. C. purposes, which, plus the $500,000 of Rockefeller funds, made available $2,050,000, the amount then considered necessary to acquire all the remaining lands in the park area.

The estimates of the States of North Carolina and Tennessee, however, proved too low. North Carolina had been prosecuting a condemnation suit for a large timber tract, and the court award was far in excess of the highest State estimate. The North Carolina timber tract happened to be the last large tract to be acquired by that State, and payment was made into court to stop heavy interest rates. North Carolina was fortunate in securing a larger advance from the $2,050,000 Federal and Rockefeller funds because of the urgency of paying the condemnation award into court, and therefore North Carolina got most of the $2,050,000 and left 26,014 acres of land to be acquired in Tennessee.

You will see from this the Government through Executive order has already put up North Carolina's portion of the deficit, and it certainly would not be fair that Tennessee should be penalized in this way. So the request is made for this $743,265.29.

There has been acquired and accepted 383,358.85 acres. This leaves still to be acquired 53,336.07 acres. Of this amount funds are in hand to acquire 27,320.57 acres. So the funds needed are to acquire the balance of the land which is 26,014.50 acres.

Already something over $9,000,000 has been expended from these joint funds for the acquisition of the present property.

Unless Federal funds can be secured to supplement the original $1,550,000 made available by the Executive order of December 28, 1933, by $743,000, North Carolina's equitable share of this deficit is $398,000 and Tennessee's share is $347,000. Neither State is able to put up the sum allotted to them.

Already improvements are being made in that park. One excellent road has been built all the way through the park from Gatlinburg, Tenn., on the Tennessee side to Bryson City, N. C., on the North Carolina side, and other improvements have been made along the top of the Great Smoky Mountains, which is the dividing line.

The Great Smoky Mountains National Park is one of the most picturesque and beautiful parks in the country and is different from other great parks in its scenery. Although the park is not completed, visitors to the Great Smoky Mountains National Park in 1936 reached the enormous number of 620,222 and this year to July 24, 1937, 458,469 have already been to the park and the year is not much more than half gone. The increase is about 129 percent for visitors. Evidently, the park is destined to become one of the most popular and attractive parks in the world. The number of visitors to the Great Smoky Mountains Park during the past year was by far in excess of the visitors to other great

national parks in this country that have been established one-half a century.

Your committee feels that this money should be authorized and expended on this great park and it would be unfair to Tennessee to be penalized in not doing so. When this money is spent, it is not for the people of the States of Tennessee and North Carolina, but to acquire property for the people of the United States, who should all be interested. Consequently your committee recommends that this bill be passed as reported out.

Mr. MITCHELL of Tennessee. I want to congratulate the gentleman on the report.

Mr. McREYNOLDS. I do not believe there is any use taking up further time with this audience. Why do we not vote and pass the bill? [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. ENGLEBRIGHT. Mr. Speaker, I yield 6 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, it is a good job to have to watch the Treasury and try to prevent expenditures. It is a thankless job. I appreciate that in doing so one incurs the enmity of a great many Members of the House, but frankly I have been over this situation quite carefully. I have been unable to see why the Federal Government should go ahead and adopt this program.

With reference to the subject matter of Lake Tahoe, I call your attention to the letter in the report from Acting Secretary of Agriculture Wilson, in which he says that 40,000 acres of the 100,000 acres that it was proposed to acquire are already out of ownership from which it can be acquired and that this bill provides $5.40 an acre to acquire 60,000 acres of the balance.

I call your attention also to the fact that this matter was referred to the Bureau of the Budget, and under date of July 17, 1937, the Acting Director thereof advised that the proposed legislation would not be in accord with the financial program of the President.

Mr. SCRUGHAM. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. SCRUGHAM. Will the gentleman read the rest of the sentence?

Mr. TABER. Yes; I will read the rest of the sentence—

but there would be no objection to the acquisition of such lands from regular 1938, or subsequent year, appropriation for acquisition of forest lands.

This is the subject that the gentleman from Georgia [Mr. TARVER] referred to where no legislation would be required.

This would give the proposition a special status, and I suppose it is hoped a special appropriation which the President and his Budget do not approve.

The other project is to acquire lands, frankly, on the outskirts of the park. It is to acquire lands which Tennessee and North Carolina originally agreed to buy, but North Carolina has failed to put up $398,000, and Tennessee $347,000. In my State we have no national park, the State has paid for its own and for the purchase of the land. I, frankly, cannot see why we should pay $30 an acre for forest land for this purpose. It undoubtedly is a grand park, but there is a grand park there already without the addition of these lands, and I do not believe that the Treasury can afford to take on additional burdens at this time. I believe we ought to be drawing in our horns and trying to build the country back instead of trying to get it in deeper as we are doing day by day as we go along authorizing the expenditure of Government funds for new projects and draining the Treasury drier and drier day by day. There is no possible result but total collapse and an inability on the part of the people and of the Government to continue to maintain these things if we do not put on the brakes and stop spending funds. It is not a pleasant thing to take such a position here in the House, it is not a pleasant thing to say to people that you ought not to have this; but, frankly, from the appearance of this whole situation, both projects, the fact that there is no statement from the Director of the Budget with reference to the Tennessee project whatever in the report and the whole situation, it would seem to me that the only fair thing the House could do would be to say "no."

[Here the gavel fell.]

Mr. DEROUEN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. McREYNOLDS].

Mr. McREYNOLDS. Mr. Speaker, the gentleman from New York said there was no statement from the Budget. The gentleman is correct, but to keep the record clear, the gentleman from North Carolina, Mr. WEAVER, and myself called on the President 2 weeks ago last Monday. I also talked to Mr. Bell, the Director of the Budget. He said they could not pass on it in the Budget Bureau until they had an authorization. The President authorized us to say that the administration endorsed this bill and it would be approved by the Budget whenever it was authorized. [Applause.]

[Here the gavel fell.]

Mr. DEROUEN. Mr. Speaker, I yield to the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON of Texas. Mr. Speaker, in my judgment the National Park Service is doing one of the finest jobs of any Government agency in this country. They are not only searching out and developing the natural beauty to be found in many sections, but are selling the idea of recreation, scenery, and conservation to our people. With good roads and automobiles the people are learning to see "America first." It adds to knowledge, entertainment, and health. The annual report of the Secretary of the Interior showing the great number of visitors to our national parks last year is an interesting document. The desire and demand along this line is rapidly increasing.

Some of the finest scenery in America is to be found in the Great Smoky region of Tennessee and North Carolina. This is already a great park. These two States contributed $2,000,000 each out of their treasury toward the purchase of land. The people of the two States contributed large sums by private subscription. Mr. Rockefeller gave them $5,000,000. In all, over $10,000,000 has been spent and only a comparatively small sum is needed to buy the remaining land that is necessary. The taxpayers of the two States have proved their good faith. They have gone their limit, and can do no more. Do not forget that this great park belongs to all the people of the United States and is to be used and enjoyed by them. This is no local affair. Thousands of people from Northern and Eastern States visited there last summer and left loud in their praise.

I want to see this bill pass and a precedent set, for I think the Federal Government should assist in the purchase of land for national parks. They are for all the people. A few years ago I passed a bill through this House, which later became law, establishing the Big Bend National Park of Texas. The land was thoroughly inspected by the National Park Service and the Interior Department, who gave it hearty approval. They say it can be developed into one of the great parks of the United States. It is more than that, for it can become a part of the one great international park. Mexico has authorized the development of a great park just across the Rio Grande from ours.

The State of Texas already owns a large part of the Big Bend Park and is ready to deed it to the Government. The balance is being gradually acquired. The people are raising a considerable sum by private subscription. I am sure the legislature will help when finances will permit. When the people of Texas evidence their good faith by raising a substantial sum, then I think the Federal Government should come to their assistance. I hope that the precedent set by the passage of this bill will be the means of later according fair and just consideration in the matter of the Big Bend National Park.

The Clerk read as follows:

That the Secretary of Agriculture is hereby authorized to acquire, by purchase when purchasable at prices deemed by him reasonable, or by exchange under the provisions of the act of March 20, 1922, as amended, or by condemnation under the provi-

sions of the act of August 1, 1888, on behalf of the United States with any fund or moneys available for such purpose, any of the following-described lands in the State of Nevada now in private ownership, to wit: Township 20 north, range 18 east, sections 7, 8, 18, 19, 30, and 31; township 19 north, range 18 east, sections 20, 22, 24, 25, 27, 28, and 32; township 19 north, range 19 east, section 32; township 18 north, range 18 east, sections 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 15, 16, 18, 21, 22, 23, 24, 26, 28, 35, and 36; township 18 north, range 19 east, sections 4, 5 to 10, inclusive, 14, 15 to 26, inclusive, 29 to 32, inclusive, 34, and 35; township 18 north, range 20 east, section 31; township 17 north, range 18 east, sections 1, 9, 11, 13, 15, 16, 24, 25, 29, 31, 32, 33, and 35; township 17 north, range 19 east, sections 1, 5, 6, 7, 8, 11, 13, 15 to 20, inclusive, 29, and 31; township 16 north, range 18, east, sections 1, 2, 3, 5, 6, 8 to 18, inclusive, 21, 22, 23, 24, 25, 26, 35, and 36; township 16 north, range 19 east, sections 5 to 9, inclusive, 17 to 20, inclusive, and 28 to 36, inclusive; township 15 north, range 18 east, sections 1 and 2; township 15 north, range 19 east, sections 4, 5, and 6; township 14 north, range 18 east, sections 22 to 27, inclusive, 35, and 36; township 14 north, range 19 east, sections 7, 8, 9, 18, 19, 20, 30, and 31; township 13 north, range 18 east, sections 1, 2, 3, 10 to 14, inclusive, 22, 23, and 24, all Mount Diablo base and meridian.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Beginning on page 1, after line 2, strike out all of section 1.

Mr. COCHRAN. Mr. Speaker, I ask the gentleman from Tennessee [Mr. McREYNOLDS] if the President, in authorizing the gentleman to say that he was in favor of this bill, referred to the entire bill or simply to that part of the bill in which the gentleman's State is interested?

Mr. McREYNOLDS. He referred to the Great Smoky Mountains bill, and then he asked me about the Nevada bill. I told him that I did not have sufficient knowledge about that to advise him. He suggested to Mr. McIntyre that he at once get hold of Mr. Bell and get a report from the Budget Bureau. The Budget Bureau did make a report to Mr. McIntyre on the Nevada matter. I went down to see about it and Mr. McIntyre was gone. I called up Mr. McIntyre and told him it was Mr. SCRUGHAM's matter.

Mr. COCHRAN. I yield to the gentleman from Nevada [Mr. SCRUGHAM] for an expression on the Nevada project and the President's views.

Mr. SCRUGHAM. Senator McCARRAN, the author of the bill, told me the day before he left for the West that he had visited the President and that the President had approved the acquisition, provided it came in the regular Forest Service appropriation. That was Senator McCARRAN's statement to me.

Mr. COCHRAN. Do I understand, then, that the President, despite the fact that the Budget Bureau originally said this was not in keeping with his financial program, will sign this bill if it is passed?

Mr. McREYNOLDS. That is my understanding.

Mr. COCHRAN. Mr. Speaker, what concerns me here more than anything else is the precedent we are establishing. I yield to no man in my interest for conservation. I think that this Congress should do everything it possibly can to conserve what is left of our national resources, but we have a situation here that is going to return to plague us. Outside of those who represent the large cities, practically every Member of Congress has a forest reservation in his district or adjoining his district.

If we are going to pass legislation which establishes a precedent to authorize an appropriation for a certain forest reservation, then you go beyond the annual appropriation that we make to establish and increase our forest reservations. You are going to find any number of similar bills pending before the Committee on Public Lands. If you approve this one, how can you say "no" when other Congressmen ask that their bills be reported?

The President has been more than liberal since he has been in office transferring funds for the purchase of forest lands. His action was sound. When the land was bought the boys in the Civilian Conservation Corps made them real playgrounds.

My State for many, many years could not participate under the old Clarke-McNary Act. For years I urged our Governors and the legislature to change the law. Finally laws were passed taking the restrictions off, and the Government has purchased 1,250,000 acres of forest lands in my State—none in my district. My people enjoy those forest reservations, and they likewise go down in Tennessee and enjoy the Smoky Mountains. They are small national parks; at least, that is what I call them. Areas are set aside where you can lease ground and put up a tent or erect a clubhouse. The cut-over lands are being reforested. The streams are being stocked with fish; game is being put in the forests. The President, I submit, has been most liberal. He realizes the value of making playgrounds in the forest reservations, and you will find them in every State in the Union. However, many are not satisfied. They are clamoring for the purchase of additional lands for our forest reservation. So I say when this bill is passed, if it is passed, you will lay down a policy whereby the Congress says it will make special authorizations to increase forest reservations, and in doing so, I submit, you are setting a very, very dangerous precedent. I think some thought should be given to that. This is all going to cost money. Today a deficiency bill was reported to the House, and $19,000,000 out of the $27,000,000 it carries is to meet the cost of reimbursing the Federal land banks and Federal farm mortgages, because of Congress reducing the interest on farm loans and mortgages. The President told you in his veto message that would cost about $50,000,000, but you passed it over his veto. This $19,000,000 is the start. You will be required to appropriate more later.

When the Agriculture appropriation bill is reported you will find therein $3,000,000 which can only be used for the purchase of lands to establish and increase the size of forest reservations. The report of the Assistant Secretary of Agriculture, on the land to be acquired in Nevada, is as close to a favorable report as one could secure, but in the concluding paragraph he cites that it is not in accord with the President's financial program. The Assistant Secretary then adds there would be no objection to the purchase of this land from future appropriations but it could not be bought from the present fiscal year allotment of $3,000,000 because that money is obligated. As I said, starting July 1 there will be another $3,000,000 available under the permanent appropriation; so, armed with such a letter as the one in the report from the Agriculture Department as to the desirability of this project, why not wait until July and then let those who represent this area and others interested place the matter before the Commission that has to do with allocating this money?

This is a very unusual report on this bill. There is a letter from the Department concerning the Nevada project but no comment from the committee. On the Tennessee project to buy additional land for the Great Smoky Mountains National Park the situation is just the reverse; there is plenty of favorable comment from the committee, but no letter from the Department.

It is my understanding when the Nevada bill was pending in the Senate the Senator from Tennessee [Mr. McKELLAR] offered an amendment which will be found in sections 5 and 6 of the bill. That explains why the Senate failed to secure a report on the Tennessee project, but it does seem to me that as the sections referred to were added in the Senate and in the bill when it came to the House the House committee should have asked the Department for an expression of views.

Of course I do not challenge the statement of the gentleman from Tennessee [Mr. McREYNOLDS] nor the statement of the gentleman from Nevada [Mr. SCRUGHAM], but the policy of the House should be to require official communications printed in the report on all legislation of this character.

This bill carries over one million dollars which, of course, means increasing the deficit just that much. If, as the

gentleman from Tennessee says, the President will sign this bill, his signature will be added within the next few days and, the authorization being voted, those interested will immediately try to have the amount carried in the Department of the Interior appropriation bill which is still in committee.

There is a way to save $325,000 even if the bill becomes a law. The Assistant Secretary of Agriculture having stated the Nevada project is a desirable one, the President should tell him to allocate the money from the annual appropriation of $3,000,000 for forest reservations that will be available in July and not require the Congress to appropriate the amount.

Mr. Speaker, much as I am in favor of conserving what is left of our national resources, I cannot at the moment bring myself to the point where I feel it would be wise to pass legislation of this character. It would be better to wait until we are in better financial condition.

I propose to vote against the bill.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri to strike out the section.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 16, noes 87.

So the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. TAYLOR of Tennessee. Mr. Speaker, I move to strike out the last word. A number of those who own portions of the lands contemplated to be purchased to complete the Great Smoky Mountains National Park have communicated with me and have requested that I introduce an amendment to the bill requiring that these purchases be made within 1 year. These people, out of a spirit of patriotism, have refrained from placing their lands on the market. If they had, in my judgment, they could have realized a great deal more from the sale of these lands than it will cost the Government to acquire them. I realize that if an amendment be adopted to this bill, the bill would necessarily have to go back to the Senate, which would cause considerable delay. For that reason I shall not offer the amendment, but I do express the hope that those charged with the purchase of these lands will proceed immediately to do so, in order that these people who have been withholding the sale of their lands, knowing that same will be necessary to complete this great national project, may have an early adjustment of the matter. I withdraw the pro forma amendment.

The SPEAKER. Without objection, the pro forma amendment is withdrawn. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 103, noes 10.

So the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATCHEZ TRACE PARKWAY

Mr. DEROUEN. Mr. Speaker, I call up the bill (H. R. 6652) to provide for the administration and maintenance of the Natchez Trace Parkway, in the States of Mississippi, Alabama, and Tennessee, by the Secretary of the Interior, and for other purposes.

The Clerk reported the title of the bill.

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I object.

The SPEAKER. This bill is on the Union Calendar. Under the rule, the House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Ohio [Mr. MOSIER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6652, with Mr. MOSIER of Ohio in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

The CHAIRMAN. The gentleman from Louisiana is recognized for 1 hour.

Mr. DEROUEN. Mr. Chairman, this bill is to provide for the administration and maintenance of the Natchez Trace Parkway. In 1934 Congress passed an act—Public Law No. 244, Seventy-third Congress—authorizing a survey to be made and the expenditure of $50,000 was authorized to make that survey. This bill simply has to do with the administration and maintenance of this parkway. There is no appropriation needed more than for administrative costs incident to the administration and maintenance of this parkway.

The Natchez Trace is one of the most ancient and important Indian roads leading from the territory in the section of Tennessee about Nashville, in a southwest course, crossing the Tennessee River at Colbert Shoals, a few miles below Muscle Shoals, thence passing in a southwest course through the Chickasaw and Choctaw Indian lands in what is now Mississippi, in an almost direct course by Jackson, Miss., to Natchez, and is located throughout almost its entire length on high lands between watersheds on the most suitable route over which to establish the national parkway through a section of the country greatly in need of such road facilities from a national standpoint, to connect the North and the East directly with the Natchez, New Orleans, and Southwest section of the country. It was made famous for the service it rendered in affording General Jackson a route over which much of his forces moved to take part in Jackson's famous victory over the British at New Orleans, and also by reason of the fact that General Jackson returned with his army over this trace to Nashville after the battle of New Orleans. It is known as one of the most famous old roads.

It has been marked by handsome boulders with suitable inscriptions by the Daughters of the American Revolution at great expense, these boulders being placed every few miles from one end of the Trace to the other.

Unusual interest is being manifested in the building of a national parkway by the Government, Natchez Trace organizations having been perfected in almost every county through which the Trace passes.

The Government has recently adopted a policy and set up a division in the Department of the Interior, known as the National Park Service, to engage in a national way in laying out parks, reservations, and building parkways.

Under authority of the act of May 21, 1934 (48 Stat. 791) the National Park Service has completed an initial survey of the proposed Natchez Trace Parkway, and an allotment of Works Progress Administration funds has been made for the construction of a portion of the parkway. A steady program of land acquisition for the proposed parkway is being carried forward by the State of Mississippi. A sum in excess of $123,000 has been expended by the State for lands and improvements to be used in the proposed parkway, and Governor White has executed a deed to the major portion of these lands to the United States. Agreements have been reached by the State for the purchase of additional parkway lands valued at $65,000, and negotiations are under way for the acquisition of additional lands.

It is contemplated that the parkway would follow the first post route from Natchez, Miss., to Nashville, Tenn. This is the route used by troops under General Jackson when going to New Orleans during the War of 1812 and was the main avenue of travel for over 30 years through the old Southwest. The area through which the proposed parkway passes best represents the antebellum South, for it suffered less than did other sections during the War between the States. Many historical features, including the old Indian trails, romantic Natchez on the Mississippi, and the opening

of the old Southwest, make the proposed parkway of national interest.

Since the inception of the idea of a Natchez Trace Parkway, the National Park Service has been interested in planning for the development of historical as well as recreational areas in connection with the proposed parkway. It is necessary, in order that a well-rounded public relations program may be developed for Natchez and other historically interesting sites, that the parkway be administered and maintained by the National Park Service.

The construction of the Natchez Trace and Blue Ridge Parkways was commenced under emergency acts which contained language permitting lands acquired pursuant to those acts to be leased or used in the discretion of the head of the agency carrying on any particular emergency work. After the parkway rights-of-way had been conveyed to the United States, it soon became apparent that it would be to the interest of the United States to authorize former land owners and adjacent land owners to use parkway lands for agricultural and residential purposes in instances where such use would not be inconsistent with our parkway development program. In other instances, it was necessary to authorize parkway lands to be used so land owners could go from one portion of their land to another where the parkway ran through their farms. It was also necessary to permit parkway lands to be used for public utility crossings. In addition, the parkway development sometimes necessitated the relocation of State roads within the parkway, and this was done by cooperative agreement between the United States and the cooperating States.

The Blue Ridge Parkway has already been placed under the administration of the Secretary of the Interior—49 Statute 2041. H. R. 6652 would authorize the placing of the Natchez Trace Parkway under the administration of the Secretary of the Interior. If these parkways are administered and maintained by the Secretary of the Interior through the National Park Service subject to the provisions of the act of Congress of August 25, 1916, as amended——

Mr. TABER. Will the gentleman yield?

Mr. DEROUEN. I yield to the gentleman from New York.

Mr. TABER. At the time this highway was authorized there was no legislation that made this territory a national park?

Mr. DEROUEN. There was some in contemplation. That is why S. 2825 of the Seventy-third Congress was introduced.

Mr. TABER. There was no legislation at that time that made it a national park. The highway has been built through here. How much land has been acquired on either side of the highway, how has it been acquired, and in whose name has it been acquired?

Mr. FORD of Mississippi. Will the gentleman yield?

Mr. DEROUEN. I yield to the gentleman from Mississippi.

Mr. FORD of Mississippi. I may say to the gentleman from New York the right-of-way and easements approximate 1,200 feet. The States this road traverses have bought the right-of-way and the easements and have executed deeds to the United States Government.

Mr. TABER. The United States Government has this right-of-way, somewhere around 1,200 feet wide, all through this territory?

Mr. FORD of Mississippi. I would not say all the way, but a good portion of the way. The other is being acquired and deeds are being executed from time to time.

Mr. TABER. What other land is it contemplated will be purchased as a result of this operation?

Mr. FORD of Mississippi. I presume it will all be except some small areas for battlefields and the like at the particular sites on this route.

Mr. TABER. How much will the Government be expected to pay for the acquisition of land in this connection?

Mr. FORD of Mississippi. Nothing whatsoever.

Mr. TABER. As a result of this bill?

Mr. FORD of Mississippi. Nothing.

Mr. TABER. What is the object of the bill?

Mr. FORD of Mississippi. The object is to give jurisdiction of maintenance to the National Park Service so as to have control over the lands and give them the right to lease it and do such things with it as are not inconsistent with the act.

Mr. TABER. Who has the responsibility at the present time for maintaining this right-of-way?

Mr. FORD of Mississippi. The Bureau of Public Roads.

Mr. TABER. Would it be the responsibility of the Bureau of Public Roads to maintain this highway at the present time?

Mr. FORD of Mississippi. At the present time, yes; and because of the historic connections incident to this proposition it was thought advisable to give jurisdiction to the National Park Service.

Mr. TABER. Why is it considered advisable to take jurisdiction for maintenance or anything of this character out of the hands of the Bureau of Public Roads and put it into the hands of the Department of the Interior?

Mr. FORD of Mississippi. The National Park Service and the Department of the Interior maintain a staff of people and a department for this particular purpose, whereas the Bureau of Public Roads does not. Therefore, this would mean a saving to the Government if the bill should pass giving jurisdiction to the National Park Service.

Mr. TABER. There is in addition authority to build all sorts of roads and trails in connection with this park. This is all in addition to those that were authorized by the law that was passed.

Mr. FORD of Mississippi. The gentleman is mistaken. It could not be done by the National Park Service under the provisions of this legislation.

Mr. TABER. This provides that the Secretary of Agriculture is hereby authorized to connect with said parkway such roads and trails as may be necessary for the protection, administration, or utilization of adjacent and nearby national forests and the resources thereof.

Mr. FORD of Mississippi. That is where those roads cross this particular trail or road.

Mr. TABER. The Forest Service and the National Park Service shall coordinate and correlate such recreational facilities. The result of this bill is to have two authorities monkeying in here instead of one.

Mr. FORD of Mississippi. Oh, no; the gentleman is mistaken. This confers exclusive jurisdiction in the National Park Service of the Department of the Interior and thereby eliminates just exactly what the gentleman stated a moment ago.

Mr. TABER. The Park Service has not any authority in there now?

Mr. FORD of Mississippi. They have from a historic standpoint. They have been surveying it and have laid out battlefields and places of historic interest; therefore, they have jurisdiction over a portion now. This is to give exclusive jurisdiction to the proper department of the Government at no expense at all, because they already have a staff for this purpose.

Mr. TABER. The National Park Service, of course, will have a considerable expense in the maintenance of this highway. There is no escape from that, is there?

Mr. FORD of Mississippi. They already have a staff. I do not see what expense there could possibly be.

Mr. TABER. I do not see how they could do the job and not have any expense. That is beyond me.

Mr. DEROUEN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any minority member of the Committee on the Public Lands desire recognition?

Mr. ENGLEBRIGHT. No.

The CHAIRMAN. Does the gentleman from New York [Mr. TABER] desire recognition in opposition to the bill?

Mr. TABER. I do.

The CHAIRMAN. The gentleman is recognized for 1 hour.

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Chairman, it will be recalled we have had a great deal of discussion on the floor here in the past few years concerning the Natchez Trace and also a connecting parkway between the Great Smoky Mountains and the Shenandoah National Parks. It should be pretty well known by this time that these highway links between national parks are for the sole and exclusive purpose of giving the States of North Carolina, Virginia, Alabama, Tennessee, and Mississippi 977 miles of free highways, and this is the only purpose behind these bills.

The Congress of the United States has been called upon to authorize $20,000,000 for the construction of these connecting parkways, which means that the States of North Carolina, Virginia, Alabama, Tennessee, and Mississippi up to the present time have been handed on a silver platter $20,000,000 of the taxpayers' money for the purpose of constructing highways within these States. This is distinguished from the manner in which highway moneys are spent in all the other States of the Union, in that in all the other States of the Union the States have to match dollar for dollar all of the money the Federal Government allocates for the construction of highways outside of federally owned or controlled lands.

As I recall, there is contemplated for this parkway a right-of-way 800 feet wide, except where it passes through Government-owned lands, and then it is to be 200 feet wide.

The President, in a message to the Congress a short time ago, called attention to the necessity of balancing the Federal Budget. He inferred that the Congress was spending too much money for highway construction, that whatever moneys we did appropriate for such matters should be given to him, and that it be left to his discretion as to how they should be expended.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. WOLCOTT. I yield to the gentleman from New York.

Mr. TABER. Does the gentleman know anything about how ordinary highways are maintained where funds are allotted to the States and the States match the money insofar as construction is concerned, and how it is proposed to maintain this particular highway?

Mr. WOLCOTT. The maintenance of Federal-aid highways is a primary obligation of the State. This highway will be maintained by the Federal Government at the expense of the taxpayers. It seems to me the attention of the House should again be called to what is going on, in view of the recommendations of the President in his message to the Congress on highways a short time ago. If we are spending too much money for highways, as the President suggests, it surely is not in connection with the Federal-aid highway program. For a good many years we have authorized $125,000,000, which has been distributed to the States to aid in the construction of Federal-aid highways, the States having to match this money in order to get any of it. As a matter of fact, the States have to spend their money before they can get a dollar of Federal aid.

The bill which is now before the Committee on Roads calls for a total authorization of $238,000,000 and extends the program for constructing these parkways in the States which I have named by authorizing $10,000,000 a year in addition to the authorizations already made by the Congress for the years 1940 and 1941. Therefore, if the highway bill now before the House Committee on Roads is passed by the Congress, we shall have authorized $40,000,000 for the construction of free highways in the States I have mentioned, or almost one-half what the Federal Congress authorizes to be spent in all of the States of the Union under the Federal Aid Act.

In addition to this authorization, the President, without any specific authority and without any specific instructions from this Congress, but on his own initiative, under general powers provided by law, started both of these projects. On each of them he had expended about $1,250,000 before the matter was ever called to the attention of the Congress. The justification for the original authorization of $20,000,000 was that we must authorize the appropriation of this $20,000,000 to safeguard the investment the President had already made in these free highways.

You recall a very bitter fight was had here on the floor with respect to this policy of authorizing the use of the taxpayers' money to give subsidies to certain designated States to the prejudice of all the other States. You recall at the time the original authorization was made the bill was passed by a very, very small majority of votes. After the Congress had refused to pass the bill by unanimous consent, and after authority to create these parkways had been sought under a suspension of the rules and been denied, the Committee on Rules granted a rule. The bill was considered on the last day of the Congress, as I recall. I may say that out of deference and respect to our esteemed colleague the gentleman from North Carolina, a bare majority of the Members of the House authorized this appropriation.

I believe in view of the President's suggestion that he wants to cut highway appropriations we should give sober thought and consideration to the manner in which the highway appropriations can be cut. It is my recommendation, if it is worth anything, that we cooperate with the spirit of the President's recommendation by starting here and now to lay the foundation for a cut in the subsidies to these highly privileged States to the prejudice of perhaps the entire Federal-aid program. This is why I am on my feet today calling attention to this bill, because the bill not only extends this subsidy, by inference, at least, but expands it. The original authorization had to do with a strip of pavement in the middle of an 800-foot parkway 500 miles long. This bill extends that authorization by establishing connecting highways, the mileage of which is unknown. Under this general authorization to construct connecting highways leading up to this main artery a thousand more miles of subsidized highways may be built to the prejudice of the taxpayers of this Nation.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. Will the gentleman portray to me the procedure necessary to carry out the wish of my constituents that a national park be established in our section?

Mr. WOLCOTT. I might say to the gentleman he would be justified under the precedent already established, to introduce a bill establishing a highway with a right-of-way 800 feet wide from the city of Washington to the city of Boston, Mass., and the mileage thereof would only equal one-half of the mileage authorized in the construction of this parkway between the Great Smoky Mountains and the Shenandoah National Parks and the construction of the Natchez Trace Parkway.

Let us not fool ourselves. I admire Andrew Jackson as much as any of you, but we all know and the country knows that the taxpayers' money is being spent for the purpose of constructing a memorial to Andrew Jackson. Do they want to memoralize Andrew Jackson as much as they want 500 miles of free highway, and Andrew Jackson, if I have understood the purchases of that gentleman correctly, would be the last one to advocate the use of $100,000,000 for the construction of a memorial to him. He was a great outstanding American whom I have frequently been wont to follow and therefore I oppose this bill.

Mr. REECE of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. REECE of Tennessee. Can the gentleman explain how the appropriation of $12,000,000 by the Federal Government to acquire the Cape Cod Canal would fit into the scheme of things, as the gentleman from Massachusetts [Mr. GIFFORD] understands them?

Mr. WOLCOTT. Probably, the Cape Cod Canal could be considered an extension of this parkway [laughter] with just as much justification as for the connecting highways provided for in this bill.

Mr. GIFFORD. The gentleman has not answered my question. Of course, I am showing my ignorance of these matters as the gentleman showed his ignorance of the Cape Cod Canal.

Mr. WOLCOTT. The gentleman is no more ignorant of the pending matter than the rest of the Members of the House were until some of us went into it in more detail than could be found in the report that accompanied the authorization.

Mr. GIFFORD. Will the gentleman tell me the necessary action I must take? If we keep on authorizing them, I must have one and I want to know the procedure I must tell my people to follow before the Government will spend a lot of money.

Mr. WOLCOTT. I may say to the gentleman that he approaches this question in a very conservative manner if he expects his people to acquire the right-of-way, because the Government, I am sure, if it adopts such a program in the other States and follows this policy, would be very glad to furnish the money to pay for the right-of-way as well as construct the highway after the right-of-way is acquired. I think the gentleman perhaps would not be doing justice to his people in insisting they buy the right-of-way and donate it to the Federal Government.

Mr. GIFFORD. The gentleman thinks I ought to assure my people that I should be able to have the whole thing given them.

[Here the gavel fell.]

Mr. ROBINSON of Utah. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. McGEHEE].

Mr. McGEHEE. Mr. Chairman, the gentleman from Michigan [Mr. WOLCOTT], who has just preceded me, did not touch during his 10 minutes of argument the purpose of the bill before the committee this afternoon.

The purpose of this bill, as stated in its title, is to provide for the administration and maintenance of the Natchez Trace Parkway in the States of Mississippi, Alabama, and Tennessee by the Secretary of the Interior, and for other purposes. The gentleman talked of the cost of the Great Smoky and the Natchez Trace Parkway, but I want to say to you that this Congress has already authorized the construction of these two parkways and partly appropriated the money for their construction, and the construction of them has been begun.

In my State of Mississippi, $250,000 or $300,000 has been spent by the State in the purchase of rights-of-way. The legislature is in session and a bill is now pending before it providing for several hundred thousand dollars more to complete the purchase of the right-of-way through our State, and I understand this is true in Alabama and Tennessee, and as fast as it is purchased it is conveyed to the United States. It is not a question of the cost. The cost is not going to be what the gentleman would lead you to believe, in the first place. The right-of-way of 800 feet, of course, will be under the jurisdiction and will belong to the United States Government, but, as has been explained to the membership heretofore, when Natchez Trace Parkway bill was before the House, there will be constructed an ordinary roadway and on each side there will be maintained an ordinary right-of-way. The purpose of this act is to place the future control and maintenance of this parkway in the appropriate department, as its title indicates; that will be the Park Service of the Department of the Interior.

Some who have preceded me say it is building Mississippi a free highway. Mississippi today is in the midst of, and has practically finished, one of the greatest road-construction programs of any State of the Union; and I may say to these gentlemen that we have highways now and in the next 6 months will have completed highways throughout my State, north and south, east and west, comparable to those in any State of the Union. This parkway begins at the northeast corner of the State and follows as near as possible the pathway followed by Andrew Jackson in 1812. It crosses diagonally from the northeast to the southwest and will not be a free gift to the State of Mississippi. It will be, as stated in this bill and in those passed prior to this bill by this Congress, a parkway commemorating the daring deeds of that great general in 1812 in his march to New Orleans. It is for the benefit of the people throughout this country, and not for the people of Mississippi any more than for the people of any other State through which it should happen to run, or the Nation. If you listen to some of the gentlemen who oppose this, and which, as I stated, is only a bill to transfer the jurisdiction over it to the proper department of our Government, they would have you believe that there is no need for it at all. One would think that there has never been another parkway or highway constructed by this Government, when it is well known that between every park and through the parks throughout this country, the Glacier, the Yellowstone, and all others, the Government has constructed these parkways or pathways. It is not costing the Government one dime for the right-of-way. The States through which it passes are supplying it without cost. They are only asking our State to match the Federal money with right-of-way, just as in the construction of other highways, and our States are coming forward and meeting the obligation imposed on them in the furnishing of that as requested. I cannot seriously think that there is any objection to the passage of this bill, and I am urging the membership to pass it and place this parkway under the jurisdiction of the proper department of the Government for its future upkeep and care. [Applause.]

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LORD].

Mr. LORD. Mr. Chairman, in the past in constructing highways, or in allotting moneys for them, we have done it on the theory of giving every State its just share of the money. This is the first time that we have gone astray from the division of the highway funds, and it is going to lead into diverting funds in all of the States, that is, all that have national parks within their boundaries. In New York State we do not have a national park, so that we cannot ask for a highway to connect the parks. The $20,000,000 we are proposing for this particular highway will not be matched by the State. The Chief Executive has asked us to reduce the highway funds, which is matched in all of the States except in the States through which this particular highway is to be constructed. If the fund were matched, it would provide more labor for the laboring man. We need work to take care of the unemployed, and if we should apply this twenty million to the States in their just proportion, that money would be matched by the various States, and we would have $40,000,000 instead of $20,000,000 to spend for labor. I think all will concede that this is not a fair division. Of course, we cannot blame the States for wanting to get some more roads, but on the whole we ought to be fair over the division of the money, and in dividing it up between the States we should do it on a fair basis. I hope this bill will not prevail. It is not merely the $20,000,000 this year but it is estimated this project of nearly 1,000 miles will cost more than $200,000,000 to construct in years to come, and it is setting an example, and the various States will be asking for just this same kind of a highway. No part of the maintenance of the highway is going to be taken care of by the States seeking to have the benefit of these wonderful highways. We started out on the first highway, I think, with an 800-foot right-of-way, but I understand that this road is going to have 1,200 feet.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. LORD. Yes.

Mr. FORD of Mississippi. Originally it called for 800 feet, but under the rules and regulations set up by the Department of the Interior we had to also acquire an easement of 200 feet on each side to go with the 800 feet, which in all amounts to approximately 1,200 feet.

Mr. LORD. I think that is a pretty good width for a highway. We do not have any as wide as that in New York State. We would be satisfied with the 800 feet, but we have to get along with much less than that, and we match the Federal funds, and, by the way, we have to contribute the major portion of constructing highways, so we feel this is a very unfair bill, for the Secretaries of Agriculture and the Interior are authorized to connect with such parkway such roads as they may deem necessary, which may mean thousands of miles more, all at the entire expense of the Federal Government.

Mr. DEROUEN. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, as a member of the bar for a third of a century, I have seen many very able lawyers lose their cases by cross-examination. I am sure that the membership of the House will agree with me that my good friend the gentleman from New York [Mr. TABER] lost beyond redemption any case that he might have had in mind against the bill by his cross-examination of my colleague [Mr. FORD].

I regret the partisanship as well as the sectional issue injected into this matter by my good friend from Michigan [Mr. WOLCOTT]. It is most unusual to hear the gentleman from Michigan call upon the membership of the House to follow the leadership of the President of the United States. I suggest to him that he follow my example and the example of my colleagues on the Democratic side and support the policies of President Roosevelt. If he does, the gentleman from Michigan will profit by the course I suggest. The Bureau of the Budget, speaking for the President, approves the bill.

There was, moreover, no occasion for the introduction of the sectional issue in this matter. Park highways have been constructed in other parts of the country. Is it objectionable to construct them in Virginia, the mother of States and statesmen? Parkways and parks are established not only for recreational purposes but for historical purposes as well.

Mr. LORD. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. In a moment I shall be glad to yield. The gentleman from New York [Mr. LORD] said that he regretted that we were establishing the precedent of appropriating moneys without requiring that they be matched. This precedent was started about 20 years before the gentleman arrived in Congress. We have been appropriating for years and years millions of dollars for the construction of highways in or leading to national parks west of the Mississippi River without any local contribution and without requiring, certainly, any matching at all of the funds.

Mr. Chairman, this bill is nothing more nor less than an authorization, and a proper one.

Mr. LORD. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I will gladly yield when I complete my statement.

Let me remind the members of the Committee—and I would not take this time except that the Committee may understand this bill—the gentleman from Michigan [Mr. WOLCOTT] made the statement in line with much of his argument that this bill authorized the building of other highways and of other roads. I respectfully submit that his argument is utterly without foundation. Let me say that this bill merely authorizes the Park Service to administer and maintain the Natchez Trace Parkway and places it under its jurisdiction in the Department of the Interior. I read the language of the bill with respect to other roads and trails:

> The Secretary of Agriculture is hereby authorized, with the concurrence of the Secretary of the Interior, to connect with said parkway such roads and trails as may be necessary for the protection, administration, or utilization of adjacent and nearby national forests and the resources thereof.

It is a matter of common knowledge that in the national forests there are roads and there are trails connected and constructed by the Forestry Service. This bill, instead of authorizing the construction of additional roads, merely authorizes that those roads and trails may be connected with this parkway.

Mr. LORD. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. In just a moment, I am giving information now that should be helpful to the gentleman. It is proposed that the Forest Service and the National Park Service shall, so far as practicable, coordinate and correlate recreational development as each may plan, as is usually done in national parks and national forests. In other words, this bill does not authorize the acquiring of any additional lands; it does not authorize any appropriation. May I say, Mr. Chairman, that no part of this parkway comes through the district that I represent.

I stated a few moments ago that I am interested in the development of the national parks for recreational purposes, but there are other purposes. I know of no greater historic area in the land than that of the Natchez, the Choctaws, and the Chickasaws, a land of romanticism, and I know of no area where there is greater historical interest than attaches to the Natchez Parkway.

Mr. Chairman, this is nothing more nor less than the enactment of the enabling legislation for the Natchez Parkway in substance, and, as I recall, exactly the same language was used in connection with the Shenandoah-Smoky Mountains Parkway.

The gentleman from Michigan who now calls upon us to follow the leadership of the President criticizes the President of the United States for allocating funds for the construction of a highway through the Shenandoah and Great Smoky Mountains Parks. I remind him that heretofore under previous administrations the construction of such highways was in connection with parks west of the Mississippi River. The present occupant of the White House, whom I follow, is the leader of the entire Nation. If there should be parkways in the West, there should be parkways in the East.

Let me say in response to the statement of the gentleman from New York that there have been constructed west of the Mississippi River as entrances to and in national parks similar roads, and they aggregate more than 1,000 miles. I have before me the report of the Chief of the Bureau of Roads, dated September 15, 1937, and I call attention to just a few cases of roads that have been constructed at the exclusive expense of the Federal Government. A highway similar to the one under consideration, 287 miles in length, was constructed in and to provide an entrance to Yellowstone Park; and I voted for it, just as I voted for $40,000,000 for roads in parks, at national forests in the National Industrial Recovery Act. Eighty-four miles of road was built in and to provide an entrance to Mount Rainier, constructed by the Federal Government. A road was built into and in Sequoia Park. I voted for it. I want the people of the United States to enjoy their wonderful country. It is not necessary to go to the Alps or to Switzerland. Altogether there have been constructed for recreational purposes in, and to provide entrances to national parks, as I say, 1,000 miles of highway at the expense of the Federal Government. One hundred and sixty-two miles of road was built to provide an entrance to the Grand Canyon by the Federal Government.

I submit that the bill under consideration is one of interest to the entire Nation, and it is unfair to inject into it the issue of partisanship. It is not to provide for the construction of a parkway solely for the people of Tennessee, Alabama, and Mississippi. We have an example of that right here in the District of Columbia. Do you know that several miles of roads have been constructed in the District of Columbia and in the city of Washington by the National Park Service? Roads have been constructed by the National Park Service on and around the battlefield at Gettysburg, as well as around Fredericksburg, and Williamsburg. There is authority, of course, in the greatest one of all, the road from Washington, D. C., to Mount Vernon.

Mr. GREEVER. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Wyoming.

Mr. GREEVER. I would like to ask the gentleman with respect to the figures he gave on Yellowstone and if it does not include the roads built inside the park.

Mr. WHITTINGTON. That is correct. Two hundred and eighty-seven miles in and to the park.

Mr. GREEVER. Does not the gentleman feel that in connection with roads that are constructed to national parks, including various recreational areas, and in view of the road construction and the labor involved, it is one of the most useful things that can be done?

Mr. WHITTINGTON. Unquestionably. Take, for instance, the Grand Canyon. As is well known, there are not many miles of road in the Grand Canyon, yet the Federal Government has provided for the construction of something like 162 miles of highway to the Grand Canyon. That is outside of the park itself. I voted for that. The same thing applies to Mount Rainier, Glacier National Park, the Yosemite, and others.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. REECE of Tennessee. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Tennessee.

Mr. REECE of Tennessee. We in the South appreciate what the present occupant of the White House has done toward the development of our parks. But is not the gentleman in error in his statement that the present occupant of the White House is the only President who has taken an interest in the development of parks in the South? The Shenandoah, as well as the Great Smokies, was established during the administration of President Coolidge, and if the gentleman will check on the military parks in the South he will find that the majority of them were established under Republican Presidents.

Mr. WHITTINGTON. I said I objected to the injection of the sectional issue into this discussion. Under previous administrations parks were established east of the Mississippi River, but it remained for the present administration to construct the highways through those parks. I confined my statement to highways. I did not say that in criticism. We are building the highways as fast as we can get to them.

[Here the gavel fell.]

Mr. TABER. I yield the gentleman from Massachusetts [Mr. GIFFORD] 10 minutes.

Mr. GIFFORD. Mr. Chairman, sometimes I feel the importance of the duties involved as a member of the Expenditures Committee. I usually take the floor to protest many of the large appropriations, hoping for a reduction. I dislike very much to oppose these little matters. When we especially like the Members involved it is difficult to oppose them.

Mr. Chairman, I hesitated to vote against my friend from Tennessee in the matter in which he was so greatly interested. But really, seriously, I also have been puzzled, in reply to some little correspondence I have had, to tell them exactly the way to go about securing a national park in my vicinity. I may say to the gentleman from Mississippi that section also is romantic. The Pilgrim Fathers, the Wampanoogs, Massasoit, King Philip, and other romantic and historical people trod that ground. It is the very birthplace of the Nation. It seems we ought to be indulged also. Of all places, it would seem that there should be a national park in that section of the country.

You talk about the new Southwest, but ours is the older country. There is where you get your real inspiration so badly needed these days.

As I read this bill, you seem to desire a long, very wide parkway, with a series of recreational parks all along the line. If one section gets a gift of that kind, many places in the rest of the country would expect it, and I can visualize recreational parks furnished in quantities, all paid for by the Federal Government.

The bill reads:

All lands now or hereafter furnished by the State.

These lands are worth $65,000. They do not tell you what they will pay for them. I doubt if they pay very much. You desire simply to get it into the hands of the Federal Government, though, as is stated, it costs not a dollar to do that. But there is much planning for later spending of great amounts.

There may be another $4,400,000,000 for your President to allocate. The recent large amounts given him did not seem to be used particularly for relief. It was only called relief money. He allocated those billions for all sorts of things over the Nation, resulting in disgraceful waste and extravagance. If you doubt it, just read the last Saturday Evening Post about Hightstown, N. J. It will make your ears red to read that indictment. And there are 60 such monstrosities of the same character scattered over the country.

So I look upon this with a good deal of suspicion. I cannot help but think that in all this planning for a road and parkway 1,200 feet wide, and the connecting of all other roads leading to so-called nearby national forests, great expense is contemplated. Is this a subterfuge to require the National Government to build roads for these States? We could have roads built through villages on this theory of proper administration of national forests or parks, perhaps many miles away from the proposed magnificent boulevard.

The whole thing looks as if you were rather planning for great expenditures under this simple act ostensibly requiring no appropriation. My citizens will give the National Government quite a little territory if they will maintain it, build boulevards and supply recreation facilities. Many might get concessions and perhaps make some money. However, do not tell us there is no money involved in a bill of this kind. We are not as foolish as to believe that.

I am delighted when the chairman of the Committee on Expenditures takes the floor even on these seemingly small items. I am to suggest to his committee a larger item in a day or two, and he will have a real opportunity. The committee reports many similar bills on the same day, and the result is that if you scratch my back I will scratch yours. You could not possibly defeat one of these measures, as we all fully realize. Why do we attempt it?

I have tried to point out in this bill that you have planned the last possible thing that could be thought of to spend money. Now, does anybody want to ask me about the Cape Cod Canal, your thoroughfare? It was mentioned a short while ago.

[Laughter and applause.]

Mr. DEROUEN. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. BEVERLY M. VINCENT].

Mr. BEVERLY M. VINCENT. Mr. Chairman, I do not believe the charge of selfishness can be laid at my door in this matter. I understand the Congress is going to appropriate approximately a billion dollars for national defense for the Army and the Navy. I understand my State will not receive any of the benefits of this appropriation in the way of relief work for our people. I recently heard a dispute on the floor between Rhode Island and Virginia as to which one would get the benefit from increasing the production of torpedoes. I believe a Member of Congress ought to be big enough and broad enough to take a national view of things. Certainly Massachusetts will get more out of the river and harbor appropriation, out of the naval appropriation, and out of the Army appropriation, than Mississippi, Tennessee, or Kentucky will get.

The gentleman from New York [Mr. LORD] referred to his State. In New York they have the Military Academy at West Point. We do not ask New York to contribute any part of the expense of that, yet our taxpayers are helping support that great school. The people of New York also get a large share of the appropriation for rivers and harbors.

Mr. LORD. Mr. Chairman, will the gentleman yield?

Mr. BEVERLY M. VINCENT. I yield to the gentleman from New York.

Mr. LORD. I want the gentleman to bear in mind we pay 33 percent of the cost at West Point.

Mr. BEVERLY M. VINCENT. You are paying 33 percent of the cost of the school?

As far as I am concerned, as long as I am a Member of Congress, I will vote to build 500 miles of highway in any direction in the United States where they acquire a right-of-way 500, 800, or 1,200 feet wide, and where they will build a high type of highway on which you can drive a car 60, 75, or 100 miles per hour, having eliminated all the grade crossings and danger spots.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. BEVERLY M. VINCENT. I yield to the gentleman from Michigan.

Mr. WOLCOTT. Would the gentleman vote for a bill which would authorize the Federal Government to take over and maintain at Government expense all the trunk-line highways of all the States of the Union?

Mr. BEVERLY M. VINCENT. I will vote for a highway running from this city to the Pacific coast if you place in its construction the same restrictions that are placed on this highway running through North Carolina, Virginia, Tennessee, Alabama, and Mississippi.

Mr. WOLCOTT. On the Federal-aid highways which have already been constructed, of course, the right-of-way has already been acquired. This is what prompted my question of the gentleman regarding whether he would vote for a bill which would authorize the Federal Government to take over and maintain all the present main trunk-line highways in all the States of the Union.

Mr. BEVERLY M. VINCENT. I am a member of the Committee on Roads, which is now considering the Federal-aid highway appropriation. The people in my section of the country want to see more highways of a high type built in the United States. They feel such a program would help national defense as much as would building big battleships. The billion dollars we will soon appropriate will be spent on the Atlantic seacoast, in three or four States, and will take care of the labor question in New York and Massachusetts; but what are you going to do for the people in Tennessee, Mississippi, North Carolina, and other States in that area? Our people are interested in seeing the national funds spread over the whole Nation. This is not a selfish matter. These appropriations ought to be spread from coast to coast. Perhaps in one appropriation bill Massachusetts or Michigan will get an advantage, but in the next one other States will get an advantage. Then, when the whole picture is drawn, all the States of the Union will have an equitable share of the Federal money that has been handed out.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. BEVERLY M. VINCENT. I yield to the gentleman from New York.

Mr. TABER. Does the gentleman believe it is unfair and sectional to ask, as did the gentleman from New York [Mr. LORD], an equitable and fair distribution of the highway money spent by the Federal Government?

Mr. BEVERLY M. VINCENT. Now, since New York has a great advantage in its share of shipbuilding, rivers and harbors, maintenance of forts, arsenals, collection of tariffs, and in many other Federal activities receives large sums of Federal money, I feel it equitable to give a little attention to the interior of the United States.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. WHITE].

Mr. WHITE of Ohio. Mr. Chairman, as I understand this discussion, one of the underlying purposes of this bill is to provide recreation. I think anyone who is interested in recreation could obtain a whole lot of it, at a much smaller expenditure of money, if he would simply attend the President's conference of small-business men now being held here in the city of Washington. The recreation would come from seeing the way in which Government officials are attempting to control and manipulate the smaller-business men who came here hoping to have a free discussion of their problems. The result is far from entertaining—it might even be tragic for hundreds of small merchants.

This conference opened this morning and it was necessary to select a chairman of the meeting, and I am informed that when the time came for the choice of a temporary chairman, instead of this question being left up to the businessmen themselves, who are supposed to be here to present their own ideas on a program in the interest of small business, it was considered necessary by someone to have the Assistant Secretary of Commerce, Mr. Draper, place in nomination a man by the name of Ross, who is in the shoe business at Cleveland, Ohio. Mr. Draper is not a small-business man and yet he was the man who made the nomination.

Then, if I am properly informed, some of the small-business men, the men who are actually engaging in this conference, resented the idea that they should not exercise their own free choice, and that this had to be done by some official of the Department of Commerce. Considerable confusion resulted. Nevertheless, when it came to the selection of a permanent chairman of the meeting, again Mr. Draper got up and nominated the same man for permanent chairman. There was some question about whether or not he was elected, but as a result of what seems to be a cut-and-dried proposition, it was announced that Mr. Ross was elected as permanent chairman of the meeting, and it was even announced that he was unanimously elected. The resentment on the part of these small-business men is increasing and growing every minute, and this resentment is aroused by the fact they are beginning to get the idea that this is not their meeting, that it is a cut-and-dried affair, that it is a frame-up. Some of them are pulling out. At times during the course of today's session there has been pandemonium. Department guards are said to have been called in to clear the stage. Part of this, at least, is due to resentment of the tactics being used to run the meeting. Furthermore, the report has just reached me that some of them have discovered that the report or the program that they desire or that is supposed to be developed as a result of this meeting has already been prepared by the Government officials and was even mimeographed a week before the meeting was ever held. [Laughter.]

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Ohio. Not just now. I will yield in a moment.

We all know that the small-business man needs some help because he is the fellow who has been squeezed worst in all these present Government policies and he is the fellow who has to fight his battles alone, and he is the fellow we all want to aid. He has been left out in the cold long enough. If we are going to help him, you have certainly got to conduct this meeting without jamming another one of those cut-and-dried Government programs down his throat.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Ohio. Now I yield.

Mr. KRAMER. I do not know where the gentleman got his information, but I happened to be there myself, and I saw one or two of my colleagues on this side of the House there. I did not recognize the gentleman as being there and if he got any information, he got it through some person with an ulterior motive and from somebody who had an ax to grind.

Secretary Roper opened this meeting, and I may say for the benefit of the gentleman and the other Members of the House that after making a short address, he turned the meeting over to these men and this shoe representative the gentleman refers to was unanimously elected as the choice of the meeting. When the question was put almost every person in the hall arose in favor of this gentleman and he was elected the chairman of the meeting.

Mr. WHITE of Ohio. Will the gentleman confine his remarks to a question? He is using up my time for his speech.

Mr. KRAMER. I understand that, but I want to correct the gentleman's remark because the gentleman is in error.

Mr. WHITE of Ohio. But you are doing that in my time.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. WHITE of Ohio. I have only 2 minutes and I want to tell this story because I think the Members should know what is going on.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield to me?

Mr. WHITE of Ohio. I am telling the exact facts as reported to me by responsible persons attending the meeting. Others have corroborated them, and, furthermore, when you induce the President to tell who he is talking about when he quotes his anonymous little-business man or anonymous big banker, then I will tell you who told me all about this meeting.

If you are going to have a small-business man's conference down there why not let them elect their own chairman?

Mr. KRAMER. They have elected their own chairman and the gentleman is in error.

Mr. WHITE of Ohio. Wait a moment. I have not yielded.

Why not let them elect their own chairman without having the nominations come from some Government official? Let them develop a program that is their own, and, above all, we ought really to get down to business and stir up some real investigation, if it is further proven—and I am not making this as a positive statement, although I understand it is true—that the report which is supposed to result from this meeting was prepared a week ago and was even mimeographed then, instead of coming out of this conference. Exactly the same thing has been reported as what happened in the big-business men's conference a couple of weeks ago. The story has since appeared in the newspapers.

Mr. BULWINKLE. Is this another report? Mr. Chairman, will the gentleman yield?

Mr. WHITE of Ohio. No; I have not yielded.

It was announced in the newspapers they were in conference about vital business problems, but I was told the President consumed all but about 5 minutes of the time in that meeting telling them a story about hillbillies of Kentucky, and if I came from Kentucky I would resent that. The lack of real business discussion is reported in the Philadelphia Inquirer and elsewhere.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Ohio. I yield.

Mr. SHORT. I want to say to my friend from Ohio that I represent hillbillies—not in Kentucky but in Missouri, whose ancestors came from Kentucky—and I think this administration before it is through will discover it is as difficult to pack even a meeting of hillbillies as it was when the President attempted to pack the Supreme Court of the United States.

Mr. WHITE of Ohio. I thank the gentleman for his contribution. There has been too much "packing."

[Here the gavel fell.]

Mr. DEROUEN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, speaking of recreation, it is not often that my pleasant and lovable but bitter partisan friend from Missouri [Mr. SHORT] really makes a good point on the floor of the House in debate. He has said some fine things, and we all love him, but he did hit a fundamental here accidentally, though he did not mean to do it, when he said how hard it would be for anybody to pack or write a report for or anticipate the action of these gentlemen on what they will agree to at this meeting that has been convened in Washington. Of course, the gentlemen on the Republican side cannot understand that. They cannot understand the United States asking these little men, the small-business men, to come here to Washington. Naturally, it is something for those gentlemen to laugh at and to scoff at. I have no doubt that they are gleefully scanning the newspapers and hoping that the meeting of these gentlemen gathered here now from the four corners of America to discuss the recovery program as respects the small-business man—a novel thing that never could have happened during those years we are now trying to forget—will break up in discord and disunion. These gentlemen are called here as guests of the United States Government by the Secretary of Commerce, who represents them, who is their ambassador at the seat of government, placed there in the Constitution to represent business, industry, and commerce and to represent small as well as big business. In some past administrations, I regret to say, he has usually represented big business.

When Mr. Hoover was Secretary of Commerce he represented big business. At that time they would not even let one of the little fellows go into the Department of Commerce. He was represented in the old days by the big lobbyists, who were paid by the big fellows. Today the small-business men are here, and, of course, every man who comes here, like every Congressman who comes here on the floor at first, perhaps has his own idea of what should be done and what should not be done. It is a typical, democratic, American meeting—not democratic in a partisan sense, but in the larger sense. What do they do? The most natural and orderly thing to do has been done. These four or five hundred men convened. Perhaps not half a dozen have ever seen another of the crowd before, and the Secretary of Commerce or his assistant who does know them, knowing how important it is to have some man of capacity and leadership preside over the meeting who could use proper judgment while acting as chairman, suggests someone to be their chairman.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. BOILEAU. Mr. Chairman, I know something about how big this big business was that was represented in the last conference. Will the gentleman give us some information as to how little these little-business men are? I do not know. Are these men here representing really small business, men from small communities, or are they substantially big-business men?

Mr. WOODRUM. I would say from the action on the Republican side of the House that they are not big, that they must be small or my friends over here would not jump on them. They certainly would not if they were big fellows.

Mr. BOILEAU. I would like to know just how small they are.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. MARTIN of Massachusetts. How does it happen that the President invited the big men before he even looked at the little fellows? Did he do it to get his program all set and then invite the little fellow to come in afterward?

Mr. WOODRUM. The President has had both groups, and I think it is a fine thing.

Mr. WHITE of Ohio. And in contradiction of what the gentleman says, when the big-business men were here they talked to the President, but when the little-business men came they could talk only to the Assistant Secretary of Commerce.

Mr. WOODRUM. Oh, they will talk to the President before they leave.

Mr. KRAMER. And I would like to inform the gentleman from Wisconsin [Mr. BOILEAU] as to just who the small-business men are. They are small-business men, they represent industry of all character from the Atlantic to the Pacific.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Chairman, we are just witnessing another attempt to offer a weak alibi, a flimsy pretext, a glib excuse for the awful condition in which this country finds

itself today. No one in this House has a higher regard for the gentleman from Virginia [Mr. WOODRUM] than I have. He is a man of great ability, but there are times when he speaks, just as he has spoken, when it really grieves and disappoints me. This administration from the very day of its inception back in March 1933 has sung a hymn of hate and driven a wedge not only between different classes of people, but between people belonging to the same class, not only dividing labor, but now attempting in every way possible to divide business in this country. Our genial friend from Virginia charges Republicans with being friends only of the big-business men, whereas the New Deal is always solicitous of the welfare of the little man. This allegation, of course, I vigorously deny. The only reason for its being made is because the New Dealers know that the little-business men outnumber big-business men, and entertain the hope of winning their support in the next election. I cannot blame this administration for becoming suddenly concerned over the welfare of the little man after the New Deal has almost annihilated him. Under the N. R. A. antitrust laws were ignored or suspended, monopolies were encouraged, and the little-business man threatened with destruction. Though the blue buzzard is now as dead as a dodo, all business, both large and small, is strangled by governmental regulations and red tape, violently disturbed by constant labor troubles, and overburdened with unbearable taxes. Paralyzed by the air of uncertainty they breathe, there is no incentive today for businessmen to invest or expand, when their experiences of the past few years have taught them the dangers of governmental regulation and competition.

I do not know about the little-business man in the district of the gentleman from Virginia or of other Members of this House except in a more or less casual way from the standpoint of an observer; but I know, I think, the condition of the little-business man in the Seventh Congressional District of Missouri, and I want to say that after 5 years of cumbersome, costly, dangerous, and destructive experimentation initiated by impractical, inexperienced brain trusters and wild-eyed theorists, performing painful operations upon my citizenry and constituency as we perform operations upon guinea pigs in a biological laboratory, after 5 years of this insanity, the little-business man is as bad off today in my district as he was on the 4th of March 1933; and I am willing to abide by their decision on this issue this coming November.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. MARTIN of Massachusetts. Is it not a fact that the little man has had to wait 5 years before they recognized him?

Mr. SHORT. Absolutely; and there is no difference between big and little business. The success of the little-business man depends upon the success of big business. They stand or fall together. Their interests are the same. Destroy either one and the other will die. I deplore, Mr. Speaker, the attempt to divide our people further into classes and sections as has been done during the past 5 years. This is not the cooperation for which New Dealers ostensibly plead.

Let us see where we are. We are right back to the taw line. There were 11,000,000 men out of employment 5 years ago; there are almost that many out of employment at this hour. We are right back where we started and the administration is still aimlessly drifting with no definite specific program whatever, no one knowing where we are going or why, and not many people seeming to care much about it. Not even the President's closest advisers can tell what he will say or do next. He has revealed no fixed foreign or domestic policy.

Day before yesterday my good friend from Massachusetts [Mr. MCCORMACK], whom I enjoy listening to even when I disagree with him, made quite an impassioned plea in the Well of the House. He said that you cannot charge this administration with being communistic one day and fascistic the next as was charged by Dr. Glenn Frank, who, by the way, comes from Missouri and who, in common with the average Missourian, is able to take care of himself. He is a brother of a justice of the supreme court back in the old Show Me State. I would like to ask the gentleman from Massachusetts—I am sorry he is not here—what is the difference between communism and fascism? They are simply different methods or roads that lead inevitably to the same identical goal, namely, a totalitarian state where the individual is swallowed up, his liberty destroyed, and he becomes a cog in a great wheel of a mighty machine, a goal where the individual is nothing, the state everything, whether it be communism or fascism. In this country we have room but for one "ism," and that is the Americanism of our fathers, be they Democrats or Republicans. [Applause.]

Democracy is freedom; communism and fascism are serfdom. In a republic liberty lives; in a Communist or Fascist state tyranny reigns. Let Russia and Germany have what they want; let us hold fast to what we have.

The gentleman from Massachusetts said that one could not go in two directions at the same time. I admit that the ordinary man could not, but we have in the White House the smoothest, slickest politican who ever occupied that high office. [Applause.] At last I have hit the bull's-eye. On this point there is apparently unanimous agreement. He is as slick as they make them—something like an eel. When you squeeze him here he is over there; he blows hot and cold in the same breath; he can say "yes" and "no" in the same sentence. We have sat here and seen him bow smilingly to the right and bow graciously to the left; urging and encouraging the agitators and appealing to the radicals and disgruntled one moment, while at the next moment attempting to console the conservatives; calling big business in and saying that truce is declared, the war is ended, and then kicking them in the seat of the pants before they get out of the White House; never letting his right hand know what his left hand doeth; the voice of Jacob but the hand of Esau; and, as I have often said both in and out of this House, promises that which is not fulfilled. His whole political philosophy is purely one of expediency.

And so, where are we today in 1938? We are back where we started in 1933 with 11,000,000 people unemployed in this country, with starvation and hunger threatening people, men and their families with destruction; and we see the debt nearly doubled, increased from a little more than $20,000,000,000 to more than $38,000,000,000 for pump priming and lavish spending. And now we are going to hand out over $40,000,000 from the Federal Treasury as a beneficent, bountiful gift and subsidy to Southern States—perhaps to hold them in line during the coming election. I wonder if the New Dealers are interested as much in good roads as they are in votes? I wonder if they are interested as much in building dog pounds in Memphis as they are in getting votes in Memphis? I wonder if they are as much concerned in building monkey houses in Little Rock, costing $60,000, with only 10 monkeys in them [laughter]—and I do not know why there are 10 unless they are to represent the President and 9 members of the New Deal Cabinet—as they are in getting votes in Arkansas; but they have made bigger monkeys out of us and the American people when they persuaded the people's chosen Representatives here in the House to turn over to the Chief Executive a blank check first for $3,300,000,000, then $4,880,000,000, then another billion and a half dollars with the right to spend as much money at any time and upon any project as his infallible and impeccable wisdom might dictate.

When will prosperity be restored? Mr. Chairman, not until we stop this orgy of spending. When will confidence return? Not until we substitute fixed law and established rules for the capricious whims and floating fancies of an individual. No game can be orderly or successfully played with the umpire changing the rules at every inning.

I am not so much worried, sir, about the money that has been spent. Perhaps the Governor of the Federal Reserve Board, Mr. Eccles, was right when he said that we could have a debt of $50,000,000,000 without impairing the credit of this country, great as the hardship will be upon your children and their children to pay back all this borrowed money. Of course, we can inflate and repudiate, and that is the dread specter staring us in the face.

Mr. Chairman, there is something I deplore much more than that. We all realize, after 5 years of this sickening experimentation, that we are right back to the taw line, with the national debt doubled and 11,000,000 people out of work. We all realize that the experiments have not carried us out of the slough of debt and despair. We are bogged deeper in the mire. But Mr. Roosevelt, moving with kaleidoscopic speed from one issue to another, diverting our attention from each failure and focusing it on some new grandiose adventure, moves so fast the American people cannot keep up with him. No wonder we are all dizzy. No wonder business is jittery. No wonder the future is uncertain and dark. There can be no restoration of prosperity until the fog in which we are floundering is finally dispelled.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. SHORT. Mr. Chairman, up to this time whatever prosperity we have enjoyed under this administration has been a temporary prosperity, evanescent and ephemeral, due to artificial stimulants, shots in the arm, and when one monetary hypodermic wears off it calls for a bigger one to follow. Whatever prosperity we have had has been produced by spending borrowed money, which we do not have and by placing a mortgage upon the future of our citizens. It is a false and unsound prosperity.

It is easy to stand up here and plead for large appropriations for your district, for my district, or for some other district. Have the American people come to the point where they judge the greatness of their Representatives by the number of dollars they can take out of the Federal Treasury and bring back home? If they do not realize the situation now, they will realize it in the end when they will be called on to pay the debt. He who dances must pay the fiddler.

Much as I abhor the spending of these large and unjustifiable sums upon foolish boondoggling projects, the thing I lament more than anything else is the loss of our liberties, the loss of our individual initiative, the loss of our self-reliance. These are the virtues that have made America strong and great.

In closing I merely want to say that years ago I knew farmers and businessmen in my district, Democrats and Republicans alike, who were proud men, who held their heads high, who never depended upon anybody for anything, who would have felt insulted if you had offered them a subsidy or a bounty. But during these years of hysteria, during this orgy of spending and of waste, they have been so debauched and so corrupted by the handing out of Federal funds from Washington, that these good, industrious, law-abiding citizens of years past, before building a chicken coop, or a privy in the back yard, or before painting a barn or hanging a gate on its hinges, will sit down and write me to ask whether or not Congress will give them a grant or a bounty. They are not beggars or chiselers but naturally want to get their share as long as it is being so freely distributed.

Mr. Chairman, I say it destroys character and that the destruction of individual character and of the feeling of personal responsibility, that once was the strength and glory of a virile nation, of a great and free people, is fast being accomplished. Unless this tragic tendency ends, America will end. [Applause.]

[Here the gavel fell.]

Mr. DEROUEN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Chairman, I am thankful for the amusement we just had. I heard a lot of that during the last campaign. There is one thing I want to call to the gentleman's attention, and that is when efficiency is put above humanity and when profits are put above justice, then it is about time for a government to look after the interests of its people.

Previous to the time that President Roosevelt went into the White House efficiency was put above humanity and profits were put above justice. Since that time there has been a great humanitarian in the White House who has not refused a call for help in the interest of justice and humanity.

Well do I remember when President Hoover was in there and the mayor of the great city of Detroit came to Washington to plead for help for the thousands of hungry and homeless people of that great metropolis and the people of Michigan. Men and women, jobless and hungry, were sleeping in the public parks with nothing but a discarded newspaper for a bed. Cold and hungry, they were becoming a threat to our very Government. That great mayor, the Honorable Frank Murphy, who is now the Governor of Michigan, pleaded with Hoover to give some assistance to that struggling humanity that was representative of the struggling humanity of the United States. President Hoover tapped his chubby fingers on the desk and said, "There is no authority in the United States Government to extend relief in your case."

Is that the kind of government you want to go back to? Oh, I say that the gentleman from Ohio paid the highest tribute that could be paid to a Government official when he said the men representing small business elected an Assistant Secretary of Commerce as president or allowed him a voice in the election of the president of their organization. Those small-business men are here for justice. They are here to bring their message to a man who will listen to them, Franklin D. Roosevelt; not one who will send them back and not permit them to be heard.

The hue and cry of the Republican side of the House is nothing more or less than an attempt to cause a disturbance among the representatives of small business that are here in Washington for a conference—an attempt, if you please, to put fear into their hearts and make them jittery. It is the first time the small-business man has been given recognition by any administration. They come here with confidence, and I know that the President and Government officials will line up to the confidence placed in them. I say to the small-business conference, "Place your faith in President Roosevelt and you will help this Nation on the road to prosperity."

Mr. TABER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Chairman, yesterday I received a letter from a merchant in a small town in my district, a village of less than 1,000 population. He complained about business being bad and his finding it difficult to keep his business going. He said:

> I am glad to see you are having in Washington a conference of little-business men, because we need help.

The gentleman from California [Mr. KRAMER] attended the conference this morning. I wonder if the gentleman could tell us whether or not this conference of little-business men consisted in any part of men of the type to which I have referred—the merchants in the really small towns.

Mr. KRAMER. The conference does include the men in the small towns as well as in the large cities like Los Angeles and San Francisco. They are a cross section of the entire Nation. For instance, in California four or five men have been selected to represent one industry, and they are here, and the conference is going along very well. The individual groups are meeting, and they are going along in a fine, friendly relationship with each other.

Mr. BOILEAU. The small-business men such as I have described are represented at the conference?

Mr. KRAMER. Exactly; and they are going to bring about a successful solution of the entire situation.

Mr. WHITE of Ohio. Is that why they called the police this morning?

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield myself such time as I desire.

Mr. Chairman, I have waited in vain for someone from the committee or some one of the proponents of the bill to explain it. Let us look at the situation. As near as I can figure, the House has voted to spend something like $10,000,000 on the Natchez Trail, and the highway was to be constructed by the Bureau of Roads of the Department of Agriculture. As I understand, a very small portion of this construction has been accomplished, and we now propose to transfer the jurisdiction over the proposition so it will be entirely in the Department of the Interior, when as passed the bill called for the Department of Agriculture to construct the highway.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I am sure the gentleman desires to be accurate. The appropriation of last year was to be expended under the supervision of the Park Service. The Park Service there, as elsewhere, arranges for construction to be done by the Bureau of Roads.

Mr. TABER. If that was to be done by the Park Service, why is it necessary for us to pass this measure?

Mr. WHITTINGTON. To enable the Government to get title to the land. This title now rests in the States, as provided by the bill. This is the purpose of the proposed legislation.

Mr. TABER. Did not the other bill provide the Government should take title to the land? Does the gentleman mean the title to the land is now in the States, and that this is a proposition to place the title to the land in the Federal Government, so the Federal Government will hereafter have to maintain it, whereas at the time the bill was under consideration it was the understanding the Federal Government was not supposed to have the maintenance of it and the States were?

Mr. WHITTINGTON. This is to provide for just what has been done in the construction of other and similar highways.

Mr. TABER. I wanted to get at just what was the object of this bill, and I think I have opened it up. The object of this bill, then, must be the taking over of this right-of-way all the way through by the National Park Service, so the Park Service will be charged with the maintenance of the highway, whereas the title to the land is now in the States, and the States thus would have charge of the maintenance.

Further, it appears in the first proviso of the bill—

> That the Secretary of Agriculture is hereby authorized, with the concurrence of the Secretary of the Interior, to connect with said parkway such roads and trails as may be necessary for the protection, administration, or utilization of adjacent and nearby national forests and the resources thereof.

It is perfectly evident this bill is saddling the Federal Treasury with an additional burden.

I was terribly disappointed in the statement of the gentleman from Mississippi that the gentleman from Michigan [Mr. WOLCOTT] and the gentleman from New York [Mr. LORD] were trying to raise the sectional issue, when what they suggested was that there should be a fair and equitable distribution among the States of such funds as were allocated by the Congress of the United States for highway purposes, and that certain projects should not be set apart to be taken care of entirely by the Federal Treasury. I believe we have gone far enough with this project as it is without turning the land over to the Department of the Interior together with the burden of maintaining the land and providing for the construction of additional roads and trails at the cost of the Federal Government.

I believe the allocation of $10,000,000 in the bill passed last year is a step in the wrong direction. However, having gone that far, I believe we should go no further in attempting to take over and maintain the entire highway forever. Let it be maintained the same way highways are maintained which are built in other States, by the States themselves. Let whatever contribution is made by the Federal Government toward highway maintenance in this particular situation, and in every other situation, be taken care of on the same basis throughout the country. Let us play no favorites. Let us ask for no special privileges, but give every part of the country a square deal on this situation. This is what I ask for when I ask you to reject this bill. It is not sectionalism that opposes this bill, it is sectionalism that promotes it. Unless we get to the point where we cease longer to provide for special interests and special items for individual parts of the country, there is going to be no end to what will be asked here.

Mr. RICH. Mr. Chairman, will the gentleman yield for a question?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. RICH. If the Government is compelled to take over all this 800-foot-wide strip of land from Virginia down to Mississippi and look after it, has the gentleman figured out what the actual cost of such an operation would be?

Mr. TABER. I have no resources with which to accomplish that end. I believe that is one of the reasons Members should not vote for the bill, because there has been no placing of the cards on the table so we can know just what we are voting on.

Mr. RICH. Does the gentleman know that on the "Doughton Highway," from the Great Smoky Mountains National Park to the Shenandoah Park, there are five W. P. A. parks being built along this 800-foot-wide highway? If they are doing that on the "Doughton Highway," what will they do on the "Pat Harrison Highway"?

Mr. TABER. I suspect the "Pat Harrison Highway" will have to be properly taken care of.

I hope the House will reject this bill and that it will cease to place further burdens of a special or sectional kind on the Treasury. There is no use kidding ourselves. The idea of sectionalism is the idea of special advantages. We ought not to do that sort of thing, and we ought not to ask it for our own sections—any of us. [Applause.]

[Here the gavel fell.]

Mr. DEROUEN. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming [Mr. GREEVER].

Mr. GREEVER. Mr. Chairman, I have been very much interested in the discussion of this bill because it has been my pleasure and good fortune for several years to live at the east entrance of the Yellowstone Park in Wyoming. I do not believe there is anything that can be done or any Federal money spent that redounds to the greater interest or the greater benefit of the people from several standpoints than does money spent for national-park roads.

My purpose in rising here is more to discuss just a little the situation that exists throughout the West with regard to forest roads. In view of what the gentleman from Mississippi [Mr. WHITTINGTON] said this afternoon about park approach roads, and knowing that he is an old member of the Roads Committee and of the House, I want to mention this matter this afternoon. I understand there has been some attempt in the committee to decrease the appropriations for roads through national forests. All through the West we have this particular problem. Our States have completed highway systems and there are good highway systems in the Western States, but in many of the places they are not connected up with the State road systems due to the fact that the Forest Service has not been able to maintain their highway system and keep pace with what the State has done. As a matter of fact, today, across the Big Horn Mountains with three important roads from east to west, there is not a completed road across those mountains. The same thing is true from Lander and Riverton across into Grand Teton Park. This is due to the fact that the forest road appropriations have not been sufficient to keep up with the State highway system, and I

want to make an appeal to the gentleman from Mississippi and to the other members of the Roads Committee and the House that we do not forget these forest highways when it comes to the appropriations for the year 1939 and subsequent years.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. GREEVER. I yield to the gentleman.

Mr. RICH. Would it not be a good thing if we would start to build one of these 800-foot highways through Yellowstone National Park over to the Smoky Mountains National Park, and if we do we certainly should call it the Greever Highway. I think that would be a might good thing to do, and then we might start down at Mississippi and go out to Washington to Mount Olympus National Park and have a highway between those two sections.

Mr. GREEVER. Of course, we have some pretty good roads from the Yellowstone down to the places mentioned, and we hope they have fine roads down there, because we think it is a great thing for the country as a whole wherever such roads happen to be. I do not understand, however, that this bill contemplates an 800-foot road.

[Here the gavel fell.]

Mr. DEROUEN. Mr. Chairman, I yield the gentleman 2 more minutes.

Mr. RICH. Does the gentleman think a road ought to be 800 feet wide?

Mr. GREEVER. No; and I do not understand this bill contemplates such a road.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. GREEVER. Yes.

Mr. MOTT. I concur thoroughly in the gentleman's remarks about the necessity for adequate appropriations for forest roads. We cannot have a highway system in the West unless these forest roads are built, and in connection with what the gentleman said about the attempt to reduce the appropriations for forest roads I want to call the gentleman's attention to the fact that when the matter was up before the Roads Committee the last time, or the time before that, and the appropriations were actually cut, it was the gentlemen who are interested in these southern parks who did not object to a reduction of the forest-road item.

Mr. GREEVER. I hope they will see the error of their ways.

Mr. MOTT. I hope so, too. Now, in regard to what the gentleman from Pennsylvania observed, I think the gentleman is eminently correct. It is proper for the Federal Government to take care of road building in its own territory; in national forests, for example, and in national parks; but I doubt very much whether the gentleman from Wyoming would agree that it would be proper for the Federal Government to build an 800-foot parkway between Yellowstone Park and the Glacier National Park, for example.

Mr. GREEVER. No; I would not favor that at all, and this bill does not contemplate that.

Mr. MOTT. That is what the proponents of this particular bill are asking so far as the Smoky Mountains National Park is concerned.

Mr. GREEVER. We have a different problem in the West, due to the fact that so much of our land is federally owned land, and I feel the Federal Government should build more of the roads over its lands.

I am for this bill and I am going to vote for it, and I hope the bill passes. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That all lands and easements heretofore and hereafter conveyed to the United States by the States of Mississippi, Alabama, and Tennessee for the right-of-way for the projected parkway between Natchez, Miss., and Nashville, Tenn., together with sites acquired or to be acquired for recreational areas in connection therewith, and a right-of-way for said parkway of a width sufficient to include the highway and all bridges, ditches, cuts, and fills appurtenant thereto, as designated on maps heretofore or hereafter approved by the Secretary of the Interior, shall be known as the Natchez Trace Parkway and shall be administered and maintained by the Secretary of the Interior through the National Park Service, subject to the provisions of the act of Congress approved August 25, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes," the provisions of which act, as amended and supplemented, are hereby extended over and made applicable to said parkway: *Provided*, That the Secretary of Agriculture is hereby authorized, with the concurrence of the Secretary of the Interior, to connect with said parkway such roads and trails as may be necessary for the protection, administration, or utilization of adjacent and nearby national forests and the resources thereof: *And provided further*, That the Forest Service and the National Park Service shall, insofar as practicable, coordinate and correlate such recreational developments as each may plan, construct, or permit to be constructed, on lands within their respective jurisdictions, which, by mutual agreement, should be given special treatment for recreational purposes.

With the following committee amendment:

Page 2, line 2, after the word "thereto", insert "but not exceeding a maximum of 200 feet through Government-owned lands."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. FORD of Mississippi. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FORD of Mississippi: Page 2, after section 1, insert:

"SEC. 2. In the administration of the Natchez Trace and Blue Ridge Parkways the Secretary of the Interior may lease or authorize the use of parkway lands for such purposes and under such terms and conditions as he may determine to be not inconsistent with the use of such lands for parkway purposes."

Mr. TABER. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. FORD of Mississippi. Mr. Chairman, I confess that by including the Blue Ridge Parkway in this particular amendment, it is subject to the point of order. Therefore, I ask unanimous consent to modify my amendment by striking out the words "and Blue Ridge" and that the letter "s" in the word "parkways" be stricken out.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from New York. Does the gentleman desire to offer his amendment now as a modified amendment?

Mr. FORD of Mississippi. Mr. Chairman, I offer the following amendment, modified, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FORD of Mississippi: Page 2, after section 1, insert:

"SEC. 2. In the administration of the Natchez Trace Parkway the Secretary of the Interior may lease or authorize the use of parkway lands for such purposes and under such terms and conditions as he may determine to be not inconsistent with the use of such lands for parkway purposes."

Mr. TABER. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill. There is nothing in the bill with reference to leasing lands or anything of that character. This is an entirely new feature and it is not germane to the bill.

The CHAIRMAN. The Chair feels that the bill deals with lands and easements that have been conveyed to the United States by the State of Mississippi, the State of Alabama, and the State of Tennessee for a right-of-way for a parkway. The amendment merely authorizes the Secretary of the Interior to lease or authorize the use of these parkway lands, which have been conveyed to the United States by these States. In other words, the amendment simply authorizes the Secretary of the Interior to deal in some way with the title to that property. The Chair, therefore, feels that the amendment is germane and overrules the point of order.

Mr. RICH. Mr. Chairman, I desire to be heard against the amendment.

The CHAIRMAN. The gentleman from Mississippi is recognized for 5 minutes.

Mr. FORD of Mississippi. Mr. Chairman, this amendment simply authorizes the Secretary of the Interior, after the

lands have been conveyed to the United States, to lease them for such purposes as are not inconsistent with the act creating the parkway. That is all that the amendment does. The bill itself does not carry any authorization or appropriate any money, notwithstanding the speeches made by the gentleman from Michigan [Mr. WOLCOTT] and the gentleman from New York [Mr. TABER] saying that the Federal Government is going to be raided by the passage of this legislation. It is almost identical with the legislation passed last year by this Congress with reference to the Blue Ridge Parkway in Virginia and North Carolina, and I submit that it is necessary and that it will bring an economy in the operation and maintenance of the parkway. I think the amendment should be adopted. And I hope the bill as amended will pass.

Mr. RICH rose.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes.

Mr. TABER. This proposition would permit them to grant leases for hot-dog factories and that sort of thing.

Mr. RICH. Mr. Chairman, that is exactly what I am going to talk about. When we give the Secretary of the Interior power over leasing anything that he may feel like along this 800-foot highway that you are spending money to construct, if he sees fit, he can build any kind of a stand or permit any kind of a concession he desires along this highway. If it is to be a place of scenic beauty, we do not want hot-dog stands all over the place. We want to know where the gasoline stations will be, so that they will not destroy the beauty of this wonderful parkway. It seems to me that we should not give permission to anyone to destroy the beauty of the parkway down through Tennessee and Alabama and Mississippi. It is wrong to grant that power in the hands of the Secretary of the Interior. Let me tell you what they are doing right now under W. P. A. along the highway from the Smoky Mountains Park to the Shenandoah Park.

They cannot build these things in the parkway, but they are now building five W. P. A. projects along that beautiful highway making five additional parks so you can have hot-dog stands, so you can have all kinds of gasoline stations and things of that kind. We do not want to destroy this beautiful parkway.

I made a mistake a while ago in calling it the "Harrison Highway." I should have called it the "Ford Highway," but some people might have thought I was referring to the distinguished manufacturer in Detroit. The Ford to whom I refer is the distinguished Member of Congress from the State of Mississippi [applause] who has been working so zealously for this highway. But, do we want the Secretary of the Interior to have the power to deface this beautiful parkway? Bearing this in mind, I think this amendment should be voted down.

Mr. BEVERLY M. VINCENT. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. BEVERLY M. VINCENT. It is the gentleman's contention that they are going to take over the Government in 1940; then you can protect it.

Mr. RICH. This administration and the gentleman's party is going to wreck the Government. You have got it almost wrecked now; you have things so that we are $38,000,000,000 in the red, notwithstanding the fact that the President said he would balance the Budget this year, you are going to be $1,500,000,000 in the red. Now you are starting a gigantic spree of spending again. You will find out that by next year you will have a further deficit of from $3,000,000,000 to $5,000,000,000. You do not know how to make money, you do not know how to balance the Budget. Continue this reckless expenditure and you will pile up the burden so great that our children and our children's children will not be able to stand the load. If the problem is entirely too difficult for this administration to solve how in the world do you think future generations can solve your problem and take care of the problems that necessarily will confront them? Be careful, my dear friends, that you do not ruin our Constitution, our form of government, and set up a dictatorship in this country, a thing that neither you nor I want to see. [Applause.]

[Here the gavel fell.]

Mr. MOTT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in my opinion the precedent which would be set by legislation of this kind would be bad enough at any time, but to establish such a precedent at this particular time seems to me astounding; and particularly so in view of the fact that 90 percent of the support of this bill comes from the Democratic side of the aisle.

The President in his recent message to the Congress recommended that all existing authorizations for regular Federal-aid highway appropriations be canceled and that the appropriations themselves for the next fiscal year be reduced by approximately 60 percent. At his suggestion the Secretary of Agriculture has sent to the Speaker of the House a letter recommending that all existing authorizations for forest roads to be built by the Federal Government on its own property be canceled. At the suggestion of the President, the Secretary of the Interior has also sent in a letter recommending that the existing authorizations for building roads in national parks, the Government's own property, be canceled.

That, Mr. Chairman, is the President's road policy, and that is the kind of curtailment of road building that the administration at the present time is officially recommending. I believe this curtailment policy of the President's is wrong, but the fact remains that that is his policy. And yet in the face of the administration's announced policy of drastic curtailment in road building we have this proposal, supported exclusively by the administration majority in the House, to authorize the building of one of the most costly roads in the United States entirely at the expense of the Government and upon land which the Federal Government as yet does not even own.

As the gentleman from Wyoming [Mr. GREEVER] stated on the floor a few minutes ago, when the regular road authorization bill comes in here this month there will be a very strong effort drastically to reduce the amount of money to be spent by the Federal Government to build forest roads upon its own property. That effort will have the combined backing of the President, the Secretary of Agriculture, and the Secretary of the Interior. And yet in spite of that recommendation from the President and from all departments of the Government that have anything to do with the building of roads, there comes in here today, with the full support of the administration leaders in the House, a bill authorizing the Federal Government to build an 800-foot parkway and a roadway not upon its own property, not in any national park, not in any national forest, but an 800-foot parkway, and a highway upon land not yet acquired, and entirely at the expense of the Federal Government. This huge highway is to be built without any monetary contribution whatever on the part of the States through which it passes.

I say this kind of legislation is wrong. It sets a precedent, which if carried to its logical conclusion would destroy the present highway policy of the Government. It would be wrong if it were enacted at any time, but at this particular time such legislation, it seems to me, is more objectionable than ever, and I think the gentleman ought to take that angle of the situation very seriously into consideration in voting upon this bill.

The theory behind this bill is wrong; it is contrary to the regular policy of the Congress in regard to road building, which requires a 50–50 matching upon the part of the States wherein these roads are built. I think the legislation is improper. It sets a bad precedent. It ought to be defeated.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. WHITTINGTON. The gentleman does not mean to suggest that the road is to be 800 feet wide.

Mr. MOTT. The right-of-way, the parkway, I understand is 800 feet in width.

Mr. WHITTINGTON. That is right; the land to be devoted to the parkway, not the road itself.

Mr. MOTT. I did not mean the surface of the road itself. The width of the road is an immaterial question. The objectionable feature of this proposed legislation is that it requires the Federal Government to build at its own expense a road not upon public land; and for this reason it creates a road-building policy for this particular section of the country that is entirely different from the policy which obtains in every other part of the United States. [Applause.]

Mr. HOOK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am not opposed to this parkway; in fact, I think we ought to build all the parkways we can for the recreation of our people. I am wondering, however, just what is the extent of the authority given to the Secretary of the Interior in this amendment to grant leases along the parkway.

I happen to have made a tour out in the West and enjoyed some of their fine national parks, some of the greatest parks in the world.

There is one thing I noticed in those parks, and that is that the concessions were controlled by a monopoly. I was wondering whether or not it would not be a good idea to place upon record that the intention of the Congress in giving this authority to the Secretary of the Interior is not for the purpose of leasing to one large corporation that might control all these things, but to individuals who would be interested in serving the public at prices that will be inviting to the public. We should not bring it to the point where they can exploit the traveling public.

I think the Congress feels favorably toward the idea that there should be concessions along these highways, and we know there must be in the interest of the traveling public, but I hope the Secretary of the Interior, whether it be the present one or whoever it may be in the future, will see to it that these concessions are leased to people who will be interested in serving the traveling public and not allow this to become a monopoly.

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. FORD].

The amendment was agreed to.

Mr. DEROUEN. Mr. Chairman, I move the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MOSIER of Ohio, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the bill (H. R. 6652) to provide for the administration and maintenance of the Natchez Trace Parkway, in the States of Mississippi, Alabama, and Tennessee, by the Secretary of the Interior, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DEROUEN. Mr. Speaker, I move the previous question on the bill and the amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on either amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. WOLCOTT), there were—ayes 56, noes 14.

Mr. WOLCOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 200, nays 118, not voting 111, as follows:

[Roll No. 13]

YEAS—200

Allen, La.	Elliott	Kniffin	Ramspeck
Allen, Pa.	Evans	Kocialkowski	Randolph
Anderson, Mo.	Farley	Kramer	Rayburn
Arnold	Ferguson	Lambeth	Reece, Tenn.
Atkinson	Flaherty	Lanham	Robertson
Barden	Flannagan	Lanzetta	Robinson, Utah
Barry	Forand	Lea	Rogers, Okla.
Beiter	Ford, Calif.	Leavy	Romjue
Bernard	Ford, Miss.	Lemke	Sanders
Binderup	Fries, Ill.	Lewis, Colo.	Satterfield
Bland	Fuller	McAndrews	Schaefer, Ill.
Boehne	Gambrill, Md.	McClellan	Schuetz
Boland, Pa.	Garrett	McCormack	Scott
Boren	Gasque	McFarlane	Scrugham
Brewster	Gildea	McGehee	Secrest
Brooks	Greenwood	McGranery	Shanley
Brown	Greever	McGrath	Sirovich
Buck	Gregory	McReynolds	Smith, Va.
Buckler, Minn.	Griffith	Mahon, S. C.	Smith, Wash.
Bulwinkle	Griswold	Mahon, Tex.	Smith, W. Va.
Burdick	Guyer	Maloney	Snyder, Pa.
Byrne	Haines	Martin, Colo.	Somers, N. Y.
Caldwell	Hamilton	Massingale	South
Cartwright	Hancock, N. C.	May	Sparkman
Celler	Harlan	Mills	Spence
Chandler	Hart	Mitchell, Ill.	Starnes
Chapman	Harter	Mitchell, Tenn.	Teigan
Clark, N. C.	Havenner	Mosier, Ohio	Terry
Coffee, Wash.	Hendricks	Mouton	Thomas, Tex.
Colden	Hildebrandt	Murdock, Ariz.	Thompson, Ill.
Collins	Hill	Murdock, Utah	Tolan
Cooley	Hobbs	Nelson	Turner
Cooper	Honeyman	O'Connor, N. Y.	Umstead
Cravens	Hook	O'Day	Vincent, B. M.
Crosser	Hope	O'Leary	Vinson, Fred M.
Crowe	Izac	O'Neal, Ky.	Vinson, Ga.
Cullen	Jarman	O'Neill, N. J.	Voorhis
Cummings	Jenckes, Ind.	O'Toole	Wallgren
DeRouen	Johnson, Luther A.	Owen	Walter
Dickstein	Johnson, Okla.	Pace	Warren
Dingell	Johnson, W. Va.	Parsons	Wearin
Dorsey	Jones	Patman	Weaver
Doughton	Kee	Patton	Welch
Doxey	Keller	Pearson	Wene
Drew, Pa.	Kennedy, Md.	Peterson, Fla.	West
Driver	Keogh	Peterson, Ga.	Whittington
Dunn	Kerr	Phillips	Wilcox
Eberharter	Kinzer	Pierce	Williams
Eckert	Kitchens	Poage	Wood
Eicher	Kleberg	Ramsay	Zimmerman

NAYS—118

Aleshire	Dowell	Lamneck	Rogers, Mass.
Allen, Del.	Eaton	Long	Rutherford
Allen, Ill.	Edmiston	Lord	Ryan
Amlie	Engel	Luce	Sauthoff
Andresen, Minn.	Faddis	Luckey, Nebr.	Shafer, Mich.
Arends	Fish	Ludlow	Short
Ashbrook	Fitzgerald	McKeough	Simpson
Bacon	Flannery	McLean	Smith, Conn.
Bates	Fleger	Mapes	Stefan
Bolleau	Fletcher	Martin, Mass.	Sutphin
Boyer	Frey, Pa.	Meeks	Sweeney
Bradley	Fulmer	Michener	Swope
Cannon, Mo.	Gamble, N. Y.	Moser, Pa.	Taber
Carter	Gavagan	Mott	Tarver
Church	Gearhart	O'Brien, Mich.	Taylor, S. C.
Citron	Gehrmann	O'Connell, R. I.	Thom
Clason	Gilchrist	Oliver	Thomas, N. J.
Claypool	Gray, Ind.	Patterson	Thurston
Cluett	Gray, Pa.	Pettengill	Tinkham
Cochran	Gwynne	Polk	Tobey
Coffee, Nebr.	Halleck	Powers	Towey
Cole, N. Y.	Hancock, N. Y.	Rabaut	Transue
Connery	Healey	Reed, Ill.	White, Ohio
Crawford	Houston	Reed, N. Y.	Wigglesworth
Culkin	Hull	Rees, Kans.	Wolcott
Curley	Hunter	Reilly	Wolfenden
DeMuth	Imhoff	Rich	Wolverton
Dirksen	Jenks, N. H.	Rigney	Woodruff
Dixon	Kirwan	Robsion, Ky.	
Dondero	Kvale	Rockefeller	

NOT VOTING—111

Andrews	Dies	Kopplemann	Quinn
Barton	Disney	Lambertson	Rankin
Beam	Ditter	Larrabee	Richards
Bell	Dockweiler	Lesinski	Sabath
Biermann	Douglas	Lewis, Md.	Sacks
Bigelow	Drewry, Va.	Lucas	Sadowski
Bloom	Duncan	Luecke, Mich.	Schneider, Wis.
Boykin	Englebright	McGroarty	Schulte
Boylan, N. Y.	Fernandez	McLaughlin	Seger
Buckley, N. Y.	Fitzpatrick	McMillan	Shannon
Burch	Gifford	McSweeney	Sheppard
Cannon, Wis.	Gingery	Maas	Smith, Maine
Carlson	Goldsborough	Magnuson	Smith, Okla.
Case, S. Dak.	Green	Mansfield	Snell
Casey, Mass.	Harrington	Mason	Stack
Champion	Hartley	Maverick	Steagall
Clark, Idaho	Hennings	Mead	Sullivan
Cole, Md.	Hoffman	Merritt	Sumners, Tex.
Colmer	Holmes	Nichols	Taylor, Colo.
Costello	Jacobsen	Norton	Taylor, Tenn.
Cox	Jarrett	O'Brien, Ill.	Thomason, Tex.
Creal	Jenkins, Ohio	O'Connell, Mont.	Treadway
Crosby	Johnson, Lyndon	O'Connor, Mont.	Wadsworth
Crowther	Johnson, Minn.	O'Malley	Whelchel
Daly	Kelly, Ill.	Palmisano	White, Idaho
Deen	Kelly, N. Y.	Patrick	Withrow
Delaney	Kennedy, N. Y.	Pfeifer	Woodrum
Dempsey	Knutson	Plumley	

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Rankin (for) with Mr. Snell (against).
Mr. Kelly of Illinois (for) with Mr. Mason (against).
Mr. Pfeifer (for) with Mr. Ditter (against).
Mr. Colmer (for) with Mr. Hoffman (against).
Mr. Thomason of Texas (for) with Mr. Andrews (against).
Mr. Fernandez (for) with Mr. Seger (against).
Mr. Green (for) with Mr. Jenkins of Ohio (against).
Mr. Steagall (for) with Mr. Douglas (against).
Mr. Boykin (for) with Mr. Crowder (against).
Mr. Drewry of Virginia (for) with Mr. Treadway (against).
Mr. Beam (for) with Mr. Knutson (against).

General pairs:

Mr. Sullivan with Mr. Wadsworth.
Mr. Burch with Mr. Carlson.
Mr. Bloom with Mr. Holmes.
Mr. Cox with Mr. Plumley.
Mr. Deen with Mr. Taylor of Tennessee.
Mr. Mead with Mr. Barton.
Mrs. Norton with Mr. Gifford.
Mr. Woodrum with Mr. Lambertson.
Mr. Mansfield with Mr. Smith of Maine.
Mr. Larrabee with Mr. Case of South Dakota.
Mr. Dockweiler with Mr. Englebright.
Mr. Goldsborough with Mr. Hartley.
Mr. Dies with Mr. Jarrett.
Mr. Boylan of New York with Mr. Maas.
Mr. Kennedy of New York with Mr. Schneider of Wisconsin.
Mr. Sabath with Mr. Johnson of Minnesota.
Mr. Disney with Mr. Gingery.
Mr. Whelchel with Mr. O'Malley.
Mr. Smith of Oklahoma with Mr. Bell.
Mr. Champion with Mr. Sacks.
Mr. Costello with Mr. Lucas.
Mr. Harrington with Mr. Schulte.
Mr. O'Brien of Illinois with Mr. Hennings.
Mr. Taylor of Colorado with Mr. Duncan.
Mr. McLaughlin with Mr. Quinn.
Mr. O'Connor of Montana with Mr. Richards.
Mr. Biermann with Mr. Clark of Idaho.
Mr. Magnuson with Mr. Stack.
Mr. Jacobsen with Mr. Buckley of New York.
Mr. O'Connell of Montana with Mr. Luecke of Michigan.
Mr. Fitzpatrick with Mr. Sheppard.
Mr. Merritt with Mr. Dempsey.
Mr. Kelly of New York with Mr. Bigelow.
Mr. Patrick with Mr. Lyndon B. Johnson.
Mr. Casey of Massachusetts with Mr. Lesinski.
Mr. Shannon with Mr. Cole of Maryland.
Mr. Creel with Mr. Lewis of Maryland.
Mr. Daly with Mr. Nichols.
Mr. Maverick with Mr. Delaney.
Mr. McSweeney with Mr. Crosby.

Mr. GRISWOLD changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MCLAUGHLIN for 1 week.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein six paragraphs from a newspaper editorial.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MCGRANERY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address delivered by Maj. W. H. Drane Lester, inspector, of the Federal Bureau of Investigation of the United States Department of Justice, before the Overbrook Lecture Club, at Overbrook, Pa., on January 28, 1938.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including two addresses by the Assistant Secretary of State, Mr. Messersmith, on the work of the State Department.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURDOCK of Arizona asked and was given permission to extend his own remarks in the RECORD.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend in the RECORD the remarks I made yesterday on the District of Columbia appropriation bill by including therein unemployment figures as furnished to me by the Department of Commerce, the American Federation of Labor, and the Industrial Conference Board.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. O'NEILL of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a telegram with reference to national housing.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks I made today.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SAUTHOFF. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein a memorandum on national policy by Bruce Bliven.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of matters on the Speaker's desk and following the legislative program for the day, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 8730. An act to amend the National Housing Act, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 676. An act for the relief of Heinrich Schmidt, G. m. b. H., of Flensburg, Germany;

S. 2606. An act for the relief of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

S. 2768. An act authorizing the Comptroller General to adjust and settle the claim of Leo L. Harrison;

S. 2769. An act authorizing the Comptroller General to adjust and settle the claim of Irvin H. Johnson;

S. 2773. An act to authorize the issuance of an unrestricted patent to Judson M. Grimmet; and

S. 2832. An act authorizing the adjustment of the claims of Frank Pashley and Brown Garrett.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 8730. An act to amend the National Housing Act, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until tomorrow, Thursday, February 3, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON ROADS

The Committee on Roads will resume public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Thursday, February 3, 1938, at 10 a. m. Thomas H. MacDonald, Chief, Bureau of Public Roads, will be the witness.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Thursday, February 3, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Railroad interests will be heard.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Thursday, February 3, 1938, at 10: 30 a. m., for the consideration of building program for the Navy. Very important.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10: 15 a. m. Thursday, February 3, 1938, to resume hearings on H. R. 9016, Washington Airport bill. Caucus room, House Office Building.

COMMITTEE ON THE POST OFFICE AND POST ROADS

A meeting of Subcommittee No. 10 of the House Committee on the Post Office and Post Roads will be held Thursday morning, February 3, 1938, at 10 a. m., to consider Postal Service matters relative to conditions complained of on floor of House when Post Office appropriation bill was under consideration.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will hold public hearings, Tuesday, February 8, 1938, in the committee rooms, the Capitol Building, at 10 a. m., on H. R. 9154 "to provide for cooperation between the United States and foreign nations producing tin ore and other materials to assure to the United States continuing supplies of the same to supplement deficient domestic resources and production, and for other purposes."

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m., on the following bills:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels; and

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

EXECUTIVE COMMUNICATIONS, ETC.

1060. Under clause 2 of rule XXIV a letter from the Chairman of the Federal Home Loan Bank Board, transmitting the Fifth Annual Report of the Federal Home Loan Bank Board for the period July 1, 1936, to June 30, 1937, inclusive, covering the operations of the Federal Home Loan Bank, the Savings and Loan Division, the Home Owners' Loan Corporation, and the Federal Savings and Loan Insurance Corporation (H. Doc. No. 515), was taken from the Speaker's table, referred to the Committee on Banking and Currency, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under Clause 2 of rule XIII,

Mr. TAYLOR of Colorado: Committee on Appropriations. H. R. 9306. A bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes; with amendment (Rept. No. 1754). Referred to the Committee of the Whole House on the state of the Union.

Mr. GASQUE: Committee on Pensions. H. R. 9285. A bill granting a pension to widows and dependent children of World War veterans; without amendment (Rept. No. 1757). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BEITER: Committee on War Claims. S. 2707. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co.; with amendment (Rept. No. 1756). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN of Minnesota: A bill (H. R. 9307) to authorize a preliminary examination and survey of Hay Creek, Goodhue County, Minn., with a view to control of floodwaters; to the Committee on Flood Control.

By Mr. BARRY: A bill (H. R. 9308) to authorize the purchase of certain pictures by William E. Norton; to the Committee on the Library.

By Mr. FORAND: A bill (H. R. 9309) to adjust the rates of pay for charmen and charwomen in the Post Office Department and in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNOR of Montana: A bill (H. R. 9310) to empower the President of the United States to create new national forest units and make additions to existing national forests in the State of Montana; to the Committee on the Public Lands.

By Mr. SHANNON: A bill (H. R. 9311) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER: A bill (H. R. 9312) to repeal the Miller-Tydings Resale Price Maintenance Act; to the Committee on the Judiciary.

By Mr. CLARK of Idaho: A bill (H. R. 9313) to provide for the general welfare by establishing a system of Federal benefits and by enabling the several States to make more adequate provision for the control and the eradication of noxious weeds; to conserve and protect the agricultural resources of the several States and of the United States; to

empower the Secretary of Agriculture to make certain rules and regulations and prescribe conditions; to raise revenue; and for other purposes; to the Committee on Agriculture.

By Mr. MURDOCK of Arizona: A bill (H. R. 9314) to revise the boundary of the Grand Canyon National Park in the State of Arizona; to abolish the Grand Canyon National Monument; to restore certain lands to the public domain; and for other purposes; to the Committee on the Public Lands.

By Mr. VINSON of Georgia: A bill (H. R. 9315) to regulate the distribution, promotion, and retirement of officers of the line of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. DIES: Joint resolution (H. J. Res. 587) authorizing the President of the Senate and Speaker of the House of Representatives to appoint a joint committee to be known as the Joint Committee on Monopoly; to the Committee on Rules.

By Mr. KOCIALKOWSKI: Joint resolution (H. J. Res. 588) authorizing the President of the United States of America to proclaim October 11, 1938, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYLAN of New York: A bill (H. R. 9316) for the relief of Orfeo Pardisei; to the Committee on Immigration and Naturalization.

By Mr. CLASON: A bill (H. R. 9317) for the relief of Joseph Noel; to the Committee on Claims.

By Mr. COCHRAN: A bill (H. R. 9318) for the relief of John and Olga Rath; to the Committee on Claims.

By Mr. DRIVER: A bill (H. R. 9319) for the relief of Tom Dean; to the Committee on Military Affairs.

By Mr. KEOGH: A bill (H. R. 9320) for the relief of Leroy Livingstone, Alexander Fonal, Henry Roth, and Millie Roth; to the Committee on Claims.

By Mr. McCORMACK: A bill (H. R. 9321) to provide for the reinstatement of Frederick Krupp in the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. O'TOOLE: A bill (H. R. 9322) for the relief of Santo Tedesco; to the Committee on Immigration and Naturalization.

By Mr. RAYBURN: A bill (H. R. 9323) for the relief of G. E. Williams; to the Committee on Claims.

By Mr. SOMERS of New York: A bill (H. R. 9324) for the relief of Anthony Adams; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3938. By Mr. ASHBROOK: Resolution of the Ohio Senate, memorializing the Veterans' Bureau to discontinue the transfer of tuberculosis patients from the Veterans' Administration hospital at the National Military Home at Dayton, Ohio; to the Committee on Military Affairs.

3939. By Mr. BLOOM: Petition of the members of Brooklyn Post, No. 2, of the Jewish War Veterans of the United States, urging Congress to petition the President of the United States to intercede with the Rumanian Government to cease its viciously unjust discrimination against its racial and religious minorities and above all put an end to its cruel and barbarous mistreatment of innocent Jewish citizens and protect their lives and property in accordance with the covenants of existing international treaties to which the Kingdom of Rumania is a party, and that in the event the Government of Rumania fails to comply fully with the humanitarian representations of the liberty-loving people of the United States, the House of Representatives of the United States, with the Senate concurring, thereupon sever diplomatic relations between the Government of the United States and the Kingdom of Rumania; to the Committee on Foreign Affairs.

3940. By Mr. DELANEY: Petition of the Brooklyn Post, No. 2, Jewish War Veterans of the United States, Brooklyn, N. Y., protesting against the mistreatment of innocent Jewish citizens in Rumania; to the Committee on Foreign Affairs.

3941. By Mr. CLASON: Petition of Emily C. Dodge and other residents of Springfield and Chicopee, Mass., to abolish the Federal Reserve System and restore to Congress its constitutional right to coin and issue money and regulate the value thereof; to the Committee on Banking and Currency.

3942. Also, resolution of the General Court of Massachusetts, memorializing Congress for the enactment of Federal legislation regulating certain minimum wages and maximum hours of labor; to the Committee on Labor.

3943. By Mr. CONNERY: Resolutions adopted concurrently by the House of Representatives and Senate, the General Court of Massachusetts, memorializing Congress for the enactment of Federal legislation regulating certain minimum wages and maximum hours of labor; to the Committee on Labor.

3944. Also, petition of the employees of Arlington Mills, Lawrence, Mass., protesting against any lowering of tariff on textiles in proposed reciprocal-trade agreement with Great Britain; to the Committee on Foreign Affairs.

3945. By Mr. FLAHERTY: Memorial of the Legislature of the State of Massachusetts memorializing the Congress of the United States to consider their resolution dated January 26, 1938, with reference to wage and hour legislation; to the Committee on Labor.

3946. By Mr. HART: Petition of the New Jersey Conference of Automobile Clubs, Trenton, N. J., urging that the Federal Government permanently withdraw from the field of gasoline taxation; to the Committee on Ways and Means.

3947. Also, petition of Ed. Fleckenstein's Sons, Jersey City, N. J., urging that the Government allow each and every corporation, partnership, or individual, to deduct from their gross income any new addition to their plant, delivery equipment, or store in the entire amount of the cost of such addition during the year in which same was purchased, and urging that each individual home owner be allowed to deduct from his personal income such items that would be used in his home, namely, frigidaires, oil burners, a new furnace, etc.; to the Committee on Ways and Means.

3948. By Mr. KRAMER: Resolution of the Board of Supervisors of the County of Los Angeles, relative to the readoption of resolution recommending legislation empowering the Forest Service, Department of Agriculture, to use certain revenues for purchase of privately owned lands needed for proper management and protection of the watershed area, etc.; to the Committee on Appropriations.

3949. Also, resolution of the Southern Section, Executive Board of California, relative to surtax on undistributed profits, etc.; to the Committee on Ways and Means.

3950. Also, resolution of the American Legion Highland Park Post, No. 206, Department of California, relative to passage of House bill 1954, etc.; to the Committee on Military Affairs.

3951. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, advocating enactment of Federal legislation regulating certain minimum wages and maximum hours of labor; to the Committee on Labor.

3952. By Mr. THOMASON of Texas: Petition of citizens of Midland, Tex., expressing opposition to this country's entry into the war; to the Committee on Foreign Affairs.

3953. Also, petition of residents of El Paso, Tex., urging favorable action on House bill 147, known as the train-limit bill; to the Committee on Interstate and Foreign Commerce.

3954. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, urging the enactment of Federal legislation regulating certain minimum wages and maximum hours of labor; to the Committee on Labor.

SENATE

THURSDAY, FEBRUARY 3, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, February 2, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2583. An act to provide for the acquisition of certain lands for and the addition thereof to the Tahoe National Forest, in the State of Nevada, and the acquisition of certain other lands for the completion of the acquisition of the remaining lands within the limits of the Great Smoky Mountains National Park, in east Tennessee; and

S. 2759. An act authorizing the sale of certain lands to the regents of the Agricultural College of New Mexico.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6652. An act to provide for the administration and maintenance of the Natchez Trace Parkway, in the States of Mississippi, Alabama, and Tennessee, by the Secretary of the Interior, and for other purposes; and

H. R. 8773. An act to authorize the Secretary of the Interior to dispose of surplus buffalo and elk of the Wind Cave National Park herd, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 676. An act for the relief of Heinrich Schmidt, G. m. b. H., of Flensburg, Germany;

S. 2606. An act for the relief of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

S. 2768. An act authorizing the Comptroller General to adjust and settle the claim of Leo L. Harrison;

S. 2769. An act authorizing the Comptroller General to adjust and settle the claim of Irvin H. Johnson;

S. 2773. An act to authorize the issuance of an unrestricted patent to Judson M. Grimmet; and

S. 2832. An act authorizing the adjustment of the claims of Frank Pashley and Brown Garrett.

CALL OF THE ROLL

Mr. LEWIS. As it is apparent that a quorum is lacking, I ask for a roll call in order to secure the presence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bulow	George	Johnson, Colo.
Andrews	Burke	Gerry	King
Ashurst	Byrd	Gibson	La Follette
Austin	Byrnes	Gillette	Lewis
Bailey	Capper	Glass	Lodge
Bankhead	Caraway	Guffey	Logan
Barkley	Chavez	Hale	Lonergan
Berry	Clark	Harrison	Lundeen
Bilbo	Connally	Hatch	McAdoo
Bone	Copeland	Hayden	McGill
Borah	Davis	Herring	McKellar
Bridges	Donahey	Hill	McNary
Brown, Mich.	Duffy	Holt	Maloney
Brown, N. H.	Ellender	Hughes	Miller
Bulkley	Frazier	Johnson, Calif.	Milton
Minton	Pittman	Sheppard	Tydings
Murray	Pope	Smathers	Vandenberg
Neely	Radcliffe	Smith	Van Nuys
Norris	Reynolds	Thomas, Okla.	Wagner
Nye	Russell	Thomas, Utah	Walsh
O'Mahoney	Schwartz	Townsend	Wheeler
Overton	Schwellenbach	Truman	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Oklahoma [Mr. LEE] are detained from the Senate because of illness.

My colleague the junior Senator from Illinois [Mr. DIETERICH], the Senator from South Dakota [Mr. HITCHCOCK], and the Senator from Florida [Mr. PEPPER] are detained on important public business.

The Senator from Nevada [Mr. MCCARRAN] is detained on official business in his State.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

JOHN PROSSER

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2418) for the relief of John Prosser, which were, on page 1, line 7, after "him", to insert "on October 30, 1930", and on page 1, line 8, to strike out "known post-office burglars" and insert "criminals who confessed to burglary of the post office at Fontanet, Ind., but were prosecuted, convicted, and imprisoned for offenses against the State of Indiana, said sum to be in lieu of the Federal reward to which said John Prosser would have been entitled had the criminals been prosecuted and convicted of the post-office burglary."

Mr. DUFFY. I move that the Senate concur in the House amendments.

The motion was agreed to.

GEORGE YUHAS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2602) for the relief of George Yuhas, which were, on page 1, line 5, to strike out all after "Treasury" down to and including "Corps", in line 6, and to insert "not otherwise appropriated"; and, on page 1, line 12, after "Wisconsin", to insert "on October 4, 1933, near Phillips, Wis."

Mr. LA FOLLETTE. I move that the Senate concur in the House amendments.

The motion was agreed to.

SUPPLEMENTAL ESTIMATE, LEGISLATIVE ESTABLISHMENT (S. DOC. NO. 139)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, contingent expenses of the Senate, miscellaneous items, fiscal year 1938, in the amount of $120,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF STATE (S. DOC. NO. 140)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the transportation of Foreign Service officers and contingent expenses, Foreign Service, under the Department of State, fiscal year 1938, amounting to $189,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, TREASURY DEPARTMENT (S. DOC. NO. 141)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for printing and binding, and stationery, Treasury Department, fiscal year 1938, amounting to $178,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Steel Workers Independent Union, of East Chicago, Ind., favoring the enactment of legislation to secure for the greater Calumet district an adequate share of the work and economic benefits that may be derived from an increased armament program and other public works, which was referred to the Committee on Military Affairs.

He also laid before the Senate a telegram in the nature of a petition from the Engineers Unit, Communist Party, of Brooklyn, N. Y., praying for the prompt enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, which was ordered to lie on the table.

He also laid before the Senate resolutions adopted by the General Court of Massachusetts, favoring the enactment of legislation regulating certain minimum wages and maximum hours of labor, which were ordered to lie on the table.

(See resolutions printed in full when presented yesterday by Mr. WALSH, p. 1384, CONGRESSIONAL RECORD.)

Mr. LODGE presented a resolution adopted by a meeting of the Northbridge Taxpayers' Association, Inc., Whitinsville, Mass., favoring a reduction in taxes, and the balancing of the Budget through retrenchment rather than by increased taxation, which was referred to the Committee on Appropriations.

BASE ACREAGE ALLOTMENT FOR CALIFORNIA COTTON GROWERS

Mr. McADOO. Mr. President, I ask unanimous consent to have inserted in the RECORD as a part of my remarks certain telegrams I have received from farmers in the San Joaquin Valley, Calif., relating to the cotton situation. I shall not attempt to make any explanation at this time, but later on I shall, if necessary, address the Senate on the subject.

The VICE PRESIDENT. Without objection, the telegrams will be printed in the RECORD.

The telegrams are as follows:

CARUTHERS, CALIF., *February 2, 1938.*

W. G. McADOO,
Washington, D. C.:
Being aware of the splendid efforts you are putting forth to obtain satisfactory cotton base acreage allotment for California cotton growers, this bank wishes to express its commendations and to urge your continued efforts to obtain a basis of 65 percent of the 1937 cotton acreage for all cotton-growing States and insure the California growers against disaster.

FIRST NATIONAL BANK.

CARUTHERS, CALIF., *February 2, 1938.*

Senator McADOO,
Washington, D. C.:
Trusting you will do your utmost for new farm owners. Request that you do your part in getting a cotton base of at least 60 percent of 1937 acreage planted for each State in order to maintain farm homes for 1938 planting.

ARTHUR J. HILDEBRANDT.

CARUTHERS, CALIF., *February 2, 1938.*

Senator W. G. McADOO,
Washington, D. C.:
Requesting your usual cooperation in our farm problems. Regarding 1938 cotton acreage base or goal I think should be at least 60 percent of 1937 planting of each State. Providing adequate farming land for new farm owners sufficient to be able to meet their financial obligations.

J. F. KLETTER.

CARUTHERS, CALIF., *February 2, 1938.*

Senator McADOO,
Washington, D. C.:
We cotton farmers buying small acreage need at least 60 percent of the 1937 planted acreage for base in each State.

J. L. SANDUSKY.

CARUTHERS, CALIF., *February 2, 1938.*

Senator McADOO,
Washington, D. C.:
Nineteen thirty-seven cotton farmers of this State need at least 60 percent of this year's base to meet their obligations.

R. E. BRISENDINE.

MADERA, CALIF., *February 2, 1938.*

Hon. WILLIAM GIBBS McADOO:
Save California cotton growers from ruin; 1938 acreage too low.

CHARLIE JOHNSON.

SELMA, CALIF., *February 3, 1938.*

Hon. WILLIAM GIBBS McADOO,
Senate Office Building, Washington, D. C.
HONORABLE SIR: During December 1936, I, a California cotton farmer for over 6 years, purchased 280 acres of land and leased for a term of 4 years a tract of 160 acres, on all of which, at considerable expense, I installed pumping plants, leveled the land, and farmed the acreage to cotton in 1937. Under the provisions of the proposed farm program, my farming acreage will be so drastically reduced I will be unable to meet my obligations and will be forced to lose everything. I am only one of many farmers in my community and I urge you to remove the unfair provisions from the proposed farm program and base the reduction on the 1937 acreage or reject the act.
Sincerely,

W. E. DILLON.

SELMA, CALIF., *February 3, 1938.*

Hon. WILLIAM G. McADOO,
Senate Office Building, Washington, D. C.
HONORABLE SIR: I have farmed cotton for years in Oklahoma, Arizona, and for 2 years in California. I borrowed money from the Government through the Resettlement Administration to finance my operations in California. If this proposed cotton-reduction program goes through, I will be unable to continue farming. I appeal to you as our representative in Congress to base the reduction program on the 1937 acreage or make no program at all.
Sincerely,

WM. H. JARRETT.

FRESNO, CALIF., *February 3, 1938.*

Hon. Senator WILLIAM GIBBS McADOO,
Washington, D. C.:
Having one and a quarter million dollars of pumping machinery paper invested in approximately 3,000 cotton growers in the San Joaquin Valley, we sincerely beg your assistance in limiting California cotton acreage reduction to 30 percent of 1937 acreage. Too great a reduction would not only affect our $350,000 pay roll to a great extent but would make the relief burden in this valley impossible.

FOOD MACHINERY CORPORATION, PEERLESS PUMP DIVISION.

MADERA, CALIF., *February 3, 1938.*

Senator McADOO,
Washington, D. C.:
Amend agricultural program to include 60 percent of 1937 plantings for California or abandon program of cotton.

J. J. SHELTON.

SELMA, CALIF., *February 3, 1938.*

Senator WILLIAM G. McADOO,
United States Senate, Washington, D. C.
DEAR SENATOR: My legislative district embraces all of rural Fresno County. Cotton farming in this county is a new business and only a small proportion have a 3-year history. These farmers have purchased land, improved it with grading, pumping plants, and cotton-farming machinery. The present prepared bill will bankrupt so many that all business will be seriously and adversely affected. I am a strong supporter of the President's policy, and these people voted overwhelmingly for him. We believe he desires to help us instead of ruining us. Therefore, if acreage cannot be based on 1937 plantings, this county desires no control for 1938 and not at all until the 1937 base can be established.
Respectfully,

S. L. HEISINGER,
Assembly, Thirty-seventh District.

SELMA, CALIF., *February 3, 1938.*

Hon. WILLIAM GIBBS McADOO,
Senate Office Building, Washington, D. C.
DEAR SENATOR: I own 160 acres of land and lease 120 acres, all of which for 15 years has been in alfalfa, dairy, grain, and cotton the past 5 years. I have just read the draft of a cotton marketing quota title combining Senate and House revisions of January 14, 1938. It is undemocratic, confusing, and unfair to California. If the 1937 acreage of cotton cannot be made the base for reduction, I respectfully urge the defeat of the program.
Respectfully,

O. E. DILLON.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Education and Labor, to which was referred the bill (S. 1443) to designate the month of February in each year as the Month of American Music, reported it with amendments and submitted a report (No. 1317) thereon.

Mr. GLASS, from the Committee on Appropriations, to which was referred the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes, reported it with amendments and submitted a report (No. 1318) thereon.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters, which were ordered to be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3371) to fix the definition and application of certain terms used in the navigation and steamboat inspection laws with reference to the fishing industries and the vessels employed therein, and for other purposes; to the Committee on Commerce.

By Mr. SCHWELLENBACH:

A bill (S. 3372) to clarify the expatriation laws with regard to certain native-born citizens of the United States, and for other purposes; to the Committee on Immigration.

By Mr. McGILL:

A bill (S. 3373) to provide for holding terms of the district court of the United States at Hutchinson, Kans.; to the Committee on the Judiciary.

A bill (S. 3374) granting pensions and increases of pensions to needy war veterans;

A bill (S. 3375) granting a pension to widows and dependent children of World War veterans; and

A bill (S. 3376) to provide pension benefits at wartime rates on account of disability or death incurred in line of duty in the armed forces of the United States resulting from the bombing of the U. S. S. *Panay* incident to the conflict in the Far East, and for other purposes; to the Committee on Pensions.

By Mrs. CARAWAY:

A bill (S. 3377) for the relief of Mrs. W. Spear Harris;

A bill (S. 3378) for the relief of Sadie McElroy;

A bill (S. 3379) for the relief of Arthur T. Miller; and

A bill (S. 3380) for the relief of Mrs. Emmett Turner; to the Committee on Claims.

A bill (S. 3381) to regulate and codify existing rules and customs pertaining to the display and usage of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 3382) granting an increase of pension to Emma A. Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 3383) for the relief of the endorsers of certain checks drawn on the Treasurer of the United States; to the Committee on Claims.

By Mr. LUNDEEN:

A bill (S. 3384) authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Norman County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North between Caledonia, N. Dak., and Shelly, Minn.; to the Committee on Commerce.

(Mr. GIBSON introduced Senate bill 3385, which was referred to the Committee on Territories and Insular Affairs, and appears under a separate heading.)

AMENDMENT OF PHILIPPINE COMMONWEALTH ACT—EXPORT TAXES

Mr. GIBSON. Mr. President, I ask unanimous consent to introduce a bill for appropriate reference; and I also ask consent to have printed in the RECORD in connection with my remarks a statement explanatory of the bill which proposes to repeal provisions of the Philippine Commonwealth Act relating to certain export taxes.

The VICE PRESIDENT. Without objection, the bill will be received and appropriately referred, and the statement will be printed in the RECORD, as requested by the Senator from Vermont.

The bill (S. 3385) to repeal the provisions of the Philippine Commonwealth Act of 1934 relating to certain export taxes was read twice by its title and referred to the Committee on Territories and Insular Affairs.

The statement presented by Mr. GIBSON is as follows:

A PHILIPPINE ECONOMIC PROGRAM

The section of the Tydings-McDuffie Philippine Commonwealth Act sought to be repealed provides that the Philippine government shall, from the sixth year of its inauguration, to wit, 1940, collect a graduated export tax on Philippine products shipped to the United States. The sum thus to be collected shall be used to liquidate the outstanding bonded debt of that government.

This provision is unnecessary, illogical, probably unconstitutional, and most certainly inimical to Philippine-American trade.

Its repeal, while jeopardizing not a single American interest, will meet the universal wish of the Filipino people, give effect to President Roosevelt's assurance of sympathy for Philippine welfare, remove the threat of destruction from Philippine commerce and industries, and facilitate the arrangement of preferential trade relations between the United States and the Philippines when or if they sunder their present political association.

As our obligation to and for the Philippines is national, I ask for a strictly nonpartisan consideration of this matter.

Under our direction and with the loyal cooperation of the Filipinos, the Philippine government today is a tower of financial strength. It has the lowest per capita debt in the world; has never defaulted on its obligations; has a budget that has been kept in balance for a third of a century; a budget surplus that is greater than its total annual current expenditures; a sound monetary system, with currency reserves exceeding the legal requirements of the currency circulation; and, finally, a conservative, constructive financial policy that must inspire confidence.

The present formidable financial position of the Philippine government is largely due to our aid in the form of tariff privileges, remittance of tax funds collected in the United States, relief for a long time from armament expenditures, and, above all, the American flag, assuring tranquillity within and insuring security from without, which has rendered possible the work of progress and amelioration. The withdrawal of this aid would change the picture radically from bright to somber.

On December 31, 1936, the outstanding bonded debt of the Philippine government amounted to $57,935,000, of which $20,900,000 were owned by that government itself, or a net of $37,900,000. Deducting from this latter sum the available cash sinking fund and the holdings of government-controlled agencies, like the Philippine National Bank, the net obligation would be approximately only $30,000,000, or less than $2 per capita.

This amount is less than one-third of the maximum bonded debt that the Philippine government is authorized to contract under laws of our Congress. That maximum is limited to 10 percent of the total assessed value of the taxable real property in the Philippines, which is well over $1,000,000,000.

The bulk of the Philippine bonded debt does not mature until 1952, but if that government were required to pay up the entire amount today it can produce immediately and without impairing any government services several times over the total debt in liquid and semiliquid assets. No government in the world can say as much.

Let me set forth some of these assets. On December 31, 1936, the Philippine government had on deposit in the United States $95,376,000, of which $90,174,000 was with the Federal Treasury. Since that date the deposits have received substantial cash accretions. It should be stated here that of these deposits about $54,000,000 constitute the currency reserves of the Philippine monetary circulation and is nonexpendable.

Under the 1934 Federal tax law about $18,000,000 is paid yearly by our Treasury to the Philippine treasury out of the excise tax on coconut oil; and under the 1937 Sugar Act about $10,000,000 will be paid from the processing tax on sugar. These two amounts, aggregating $28,000,000 annually, are only $12,000,000 short of meeting the entire annual appropriation of the Philippine government and are greater than its total annual income from domestic taxation.

On December 31, 1936, that government had a total current surplus, representing the excess of income over outgo for a period of years preceding, of $45,000,000, which has since moved up toward the half-century mark.

With these assets, which are only a part of the grand total, the bondholder has a further ironclad assurance in the provision of the Tydings-McDuffie Act, which requires the Philippine government, in the event of complete independence, to provide for the payments of its outstanding bonded debt and constitute that obligation as a first lien on all Philippine revenues.

It is evident that the export-tax provision of the Tydings-McDuffie Act is a surplusage. I am proposing its immediate outright repeal in order to give Philippine commerce and industries

freedom from unnecessary burdens and the threat of an early annihilation.

I must repeat that in so doing we are not infringing any American interest, private or governmental. On the contrary, we would be promoting our own industrial and commercial well-being by preventing the impairment of the growing Philippine-American trade.

I cannot too strongly assert that with the probable permanent derangement of our economic position in China, the Philippines, under our flag, must acquire an added importance to us as the best commercial and strategic base for our vital interests in the Orient. Instead, therefore, of weakening the Philippine-American ties it is obviously to the lasting advantage of both countries to strengthen them and place them on a firm and stable basis.

There are other changes in the economic provisions of the Tydings-McDuffie Act that should engage the attention of Congress. Among them are:

(1) Admitting duty-free the sugar allocated to the Philippines by the Secretary of Agriculture in excess of the 850,000 tons admissible duty free under the act. This will not disturb the quotas established in the Sugar Act. It is merely according to the Philippines what in broad policy and logical intent as intended to be accorded;

(2) Amending the provision regarding the disposal of the coconut oil excise tax, if the tax itself is not eliminated or modified, so as to extend direct aid to the coconut industries without defeating the objective of the law, which is to uphold the structure of vegetable-oil prices in the United States;

(3) Incorporating in the act and made a permanent part thereof the law of Congress giving the Philippines a new quota in cordage after rewriting it to secure more definiteness in its terms;

(4) Repealing the Shylock-like provision directing the American High Commissioner in the event of default on the bonded obligation, to take over the administration of the Philippine customs and substituting therefor, if necessary, a more appropriate plan; and

(5) Incorporating in the act a declaration of policy to the effect that the American Government is under a moral obligation to consider that the economic provisions of the act may be liberalized but not made more onerous to the Philippines.

The last-mentioned suggestion is made to provide a clear moral sanction against any legislative or administrative proposal seeking to impose additional burdens on the economic relations of the Philippines with the United States.

It is at the same time a recognition of the fact that the Tydings-McDuffie Act is a congressional enactment and therefore subject to alterations; that if the Philippine-American economic relations are set forth in a treaty or trade agreement they are subject to denunciation; and that an agreement effective in the future will impinge upon the politico-legal axiom that no Congress can bind subsequent Congresses in matters which by their nature involve policies that are subject to periodic modification.

I do not hide the fact that I am profoundly interested in building up good will between the American and Filipino peoples. It is a worthy enterprise for any worthy American.

America has done her best in helping Filipinos to achieve their present high level of progress. I am sure that with their innate nobility they will do nothing to impair the material interests of Americans in their country.

I shall go further and say that American businessmen in the Philippines who are laboring under all sorts of handicaps should receive liberal treatment under our Federal tax laws. The amendments which I understand have been submitted to the House Ways and Means Committee to achieve that end are entitled to favorable consideration by the Congress. If we have not held up the hands of these businessmen in the past, we should do it now because they are our vanguard in the reconquest of our receding commercial position in the Far East.

I shall comment briefly on various matters pertinent to the position of the Philippines in the light of our national and international policies.

As it was the evident intent of Congress in writing section 13 of the Tydings-McDuffie Act to continue our trade relations with the Philippines, once an independent nation, on a preferential basis, I am not at all sure that the agreement of March 19, 1937, between President Quezon and Assistant Secretary of State Sayre could nullify or modify that intent. Certainly we cannot in justice give the Philippines less than we gave Cuba when she separated from us. I for one am unwilling to consent to the subordination of our interests and responsibilities in the Philippines and the Far East to the so-called good-neighbor policy in Latin America.

I am also dubious about the wisdom of the Philippines participating as a signatory to the London Sugar Treaty. Securing through material sacrifices the assurance from the other signatories that they would forego insistence on the most-favored-nation treatment in sugar after independence (the sugar treaty will expire 4 years before independence under the Tydings-McDuffie Act) is absolutely unnecessary because the granting of preferential treatment to the Philippines by the United States would be a domestic question and would not lie within the purview of the most-favored-nation principle.

Besides this consideration, the plain implication of the treaty provision is that other tariff-protected products of the Philippines would be disqualified from receiving preferential treatment from the United States without extending it to other countries because those products, unlike sugar, have not been covered by a treaty similar to the London Sugar Treaty.

It is my deliberate opinion that the Philippine sugar planters, not the government, should get the sugar-processing tax. That is what is being done with respect to American farmers, for that is the basic philosophy of the law. It would be advantageous both to the Philippine farmers and the Philippine government itself, which will receive through greater prosperity of the people substantial returns in increased taxes.

I believe, moreover, that the question of the inclusion of the Philippines within our coastwise laws should be studied. On a fair-notice basis of adequate tonnage of Philippine and American registries, unconscionably high freight and passenger rates would be avoided. While we are building up our Navy we should expand correspondingly our merchant marine, which functions as naval auxiliary in time of emergency.

Recent press dispatches from Manila are not only heartening but shows which direction the good wind is blowing.

A joint maneuver of the American and Philippine Armies has been undertaken and has demonstrated their combined defensive strength. It is to be hoped that before long a similar scene could be enacted on Philippine waters with naval vessels, merchant ships, and aircraft manned by Americans and Filipinos participating.

President Manuel Quezon has recently turned down an attractive offer by Japanese capitalists to exploit the country's extensive iron-ore deposits and announced that either the government itself or private Philippine or American interests, or both, will undertake the development. It is reported that the Philippine government is entering into a contract with an American firm for the exploitation of mineral oils. The development of rubber with American capital is under study.

All these things mean nothing else but an ever-increasing Filipino-American cooperation. We, on our part, should welcome and encourage it.

I cannot end this statement without expressing my satisfaction at the growing appreciation by many thoughtful and patriotic Filipinos of the life-and-death importance to their country of continuing indefinitely the Philippine-American political partnership. They will be reviled by the radicals and the poltroons who are under the delusion that they hold a monopoly on love of country. I am sure they will know how to stand resolutely for realistic patriotism as against bombastic patrioteering.

A revealing declaration on independence was made recently by President Quezon. It was occasioned by Representative THOMAS O'MALLEY's resolution providing for immediate, complete, and unconditional independence. The declaration, received by cable by Resident Commissioner QUINTIN PAREDES on January 27, follows:

"O'MALLEY's proposed resolution represents an attitude regarding Philippine-American relationship that is not new nor very rare.

"Fortunately for the good name of America and the welfare of the Filipino people, such an attitude does not represent and never has represented the policy of either the executive department of the United States Government or the American Congress.

"By taking the Philippines forcibly both from Spain and from the Filipinos themselves America has voluntarily assumed, and it would seem deliberately, moral obligations toward the Filipino people as their guardian and trustee.

"This self-imposed obligation on the part of the United States has been publicly avowed by the American Government, as voiced by McKinley, Roosevelt, Taft, Wilson, and every other President of the United States, including the present incumbent, Franklin D. Roosevelt, who has repeatedly confirmed with deeds his own public pronouncements in this regard.

"The Congress has adopted as the national policy toward the Philippines those declarations made by American Chief Executives.

"The economic policy of America affecting the Philippines which she promulgated upon her initiative and responsibility has created an economic situation here that makes imperative the granting of sufficient time for the economic readjustment of this country before the present trade relations are completely terminated, unless the granting of independence is to be made with utter disregard of the economic and financial consequences with all its implications to the Philippines.

"The foregoing is our views of American-Filipino relations as established and avowed by acts of the American Congress and of the executive department of the American Government.

"However, both as the authorized spokesman for our people and as a Filipino I shall not place myself in the position of refusing independence under any and all circumstances if and when it be so decided by the Congress. No self-respecting people would do otherwise."

Such is the novissima verba on Philippine independence from President Quezon. It is dated January 27, 1938. It means he is not for independence before the essential economic readjustment is achieved, a process in which time is the absolute imperative.

He is conclusively correct in saying that such proposal for immediate, complete, and unconditional independence like the O'Malley resolution does not redound, using his own words, to "the good name of America and the welfare of the Filipino people," and "does not represent and never has represented the policy of either the executive department of the United States Government or the American Congress."

His position is compatible with his concluding paragraph to the effect that if Congress on its own initiative should decide to grant any kind of independence he would not refuse it, as nobody would, could, or should under the circumstances.

However, those Americans who want to preserve America's good name and those Filipinos who desire to conserve Philippine welfare should work all the harder in securing the best terms for Philippine independence if independence becomes inevitable. Indifference would be dereliction, and dereliction would be treason to the best interests of both the United States and the Philippines.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Public Lands and Surveys:

H. R. 6652. An act to provide for the administration and maintenance of the Natchez Trace Parkway, in the States of Mississippi, Alabama, and Tennessee, by the Secretary of the Interior, and for other purposes; and

H. R. 8773. An act to authorize the Secretary of the Interior to dispose of surplus buffalo and elk of the Wind Cave National Park herd, and for other purposes.

AMENDMENT OF THE CLASSIFICATION ACT—AMENDMENT

Mr. SCHWELLENBACH submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 2926) to amend section 13 of the Classification Act of 1923, as amended, which was referred to the Committee on Civil Service and ordered to be printed.

AMENDMENT TO TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. NYE submitted an amendment proposing to change the appropriation for the inland transportation of mail by aircraft, etc., from $15,800,000 to $16,831,167, intended to be proposed by him to House bill 8947, the Treasury and Post Office Departments appropriation bill, which was ordered to lie on the table and to be printed.

PROPOSED DEPARTMENT OF CONSERVATION (S. DOC. NO. 142)

Mr. LOGAN. Mr. President, on the 31st of January I addressed to the Secretary of the Interior, Mr. Ickes, a letter asking him to furnish me a statement containing information as to the necessity for the creation of a Department of Conservation of the Federal Government. He has replied by submitting such a statement; and I ask unanimous consent that it may be printed, with illustrations, as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none.

WELLS FARGO—REVIVAL OF THE PIONEER SPIRIT—ADDRESS BY SENATOR DAVIS

[Mr. McNARY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator DAVIS on February 2, 1938, which appears in the Appendix.]

THE FEDERAL BUDGET—ADDRESS BY SENATOR HOLT

[Mr. HOLT asked and obtained leave to have printed in the RECORD a radio address delivered by him on February 1, 1938, on the subject of the Federal Budget, which appears in the Appendix.]

TARNISH ON THE VIOLET CROWN—ADDRESS BY REPRESENTATIVE LYNDON B. JOHNSON

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD a radio address delivered by Representative LYNDON B. JOHNSON, at Austin, Tex., January 23, 1938, entitled "Tarnish on the Violet Crown," which appears in the Appendix.]

BUSINESS CONDITIONS IN VERMONT

[Mr. GIBSON asked and obtained leave to have printed in the RECORD a letter from Merrill E. Creed, State director for Vermont of the National Emergency Council, relative to business conditions in Vermont, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. KING obtained the floor.

Mr. WAGNER. Mr. President——

Mr. KING. I yield to the Senator from New York for a question.

Mr. WAGNER. I ask the Senator from Utah if he will yield the floor to me so that I may present some views upon the pending bill, on condition, of course, that the Senator from Utah shall not lose the floor, and shall be permitted to resume his speech at the conclusion of my remarks?

I ask unanimous consent that the Senator may yield for that purpose.

Mr. KING. Mr. President, the Senator from New York has spoken to me in regard to this matter. I am willing to accommodate him, and to yield, with the understanding that I shall not lose the floor, and that when I resume my remarks they will be a continuation of the former address.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah that if he yields to the Senator from New York, he may be permitted to continue his address later without prejudice? The Chair hears none.

HISTORY OF FILIBUSTERS AGAINST ANTILYNCHING LEGISLATION

Mr. WAGNER. Mr. President, legislation against lynching in this country has been before Congress for many years. About 15 years ago the Dyer bill, after being approved by the House, failed to reach a vote in the Senate because of the filibuster conducted against it.

In 1934 the esteemed former Senator from Colorado, Mr. Costigan, and I introduced another bill. Hearings were held by the Judiciary Committee, and the measure was favorably reported. The report included a detailed brief in support of the constitutionality of the legislation. Again a filibuster prevented a vote.

In 1935 the same tedious procedure, the same detailed study and discussion, were once more reenacted, and again no vote could be obtained.

Finally, last year, in both the first and special sessions, the Senate gave the country another demonstration of the procedure which we have witnessed during the past month.

I have indulged in this bit of history in order to emphasize what we all know—that long before the present session began, all phases of the pending measure had been debated ad infinitum in this body.

When unanimous consent was given that the bill be made the unfinished business of the Senate on January 6, we had every reason to expect that an early vote would be obtained. All during these weeks of filibustering we have been willing at any time to submit the question to a vote. That vote we are entitled and determined to have. The country is agreed, I am sure, that democratic government demands a chance to vote as well as a chance to talk.

LYNCHING: A CHALLENGE TO DEMOCRACY

Mr. President, lynching is a terrible thing. Every Member of this body is opposed to it. I need scarcely dwell on its consequences; the stark injustice visited on humble human beings, the innocent along with the guilty, who are accused and condemned without trial; the ill fame, the national disgrace of the practice; the example of lawlessness paraded before the men, women, and children of the communities where the lynchings occur and where the perpetrators go unpunished; the defenselessness of the victims or their families in efforts to obtain restitution; the bitter defeat to the fair promise of equality before the law for the principal victims of lynchings, 12,000,000 American citizens of the Negro race.

These are, indeed, terrible consequences; but the aspect of lynching that impresses me most is that every individual lynching is a challenge to the Nation as a whole. Lynching is the high-water mark of the vigilante spirit. It sows the seeds for distrust and impatience with democratic processes. In these days when the area of doctrine inimical to democracy is ever expanding, when the value of the democratic ideal is challenged in high places throughout the world, we must stamp out the intolerance of mob action wherever it makes its threat. Every lynching, in the words of Woodrow Wilson, strikes "a blow at the heart of ordered law and humane justice."

ANTILYNCHING BILL GROUNDED IN TRADITIONS OF ANGLO-SAXON JUSTICE

We have been told that the victims of lynching were accused of unspeakable crimes. This is simply not true of the great majority of lynchings on record since the 1880's.

But even if the crimes suggested were actually committed, that is all the more reason why the accused should have a fair trial. In a civilized nation, no accusation can be so terrible as to justify punishment without legal proof of guilt.

The support for this bill is rooted, Mr. President, in a tradition of Anglo-Saxon justice that goes back to Magna Carta—the right of every man accused of a crime to a fair trial by his peers. We seek to vindicate those practices which are the hallmark of any civilized government. We seek to substitute for the rope, the faggot, and the blowtorch the orderly processes of the law.

STATE ACTION ALONE WILL NOT END LYNCHING

We have been repeatedly told that the States can end lynching. This claim finds no support in experience. If we examine the record, what do we find?

We find that over 5,000 Negroes and white men and women have been lynched in the United States since 1882.

We find that since 1922, when the Dyer antilynching bill was filibustered to death on the plea that the States would meet the situation, about 300 lynchings have occurred.

We find that the perpetrators of lynchings have been brought to trial and convicted in only eight-tenths of 1 percent of the cases since the turn of the century; that no punishment was inflicted in over 99 percent of the cases. The record of State prosecutions or even arrests of the perpetrators of lynchings during the year 1937 was a perfect zero.

The plea for local action alone overlooks the basic character of the lynching problem—overlooks the plain fact that lynchings take place when the sober sentiment of the community is engulfed in the passions of the mob, when the officers of the law condone if they do not connive in the subordination of law to lawlessness.

The cold facts are that in every one of the lynchings that occurred in the year 1937, and in the majority of the lynchings since 1928, the victim was taken from the custody of the State officer who was supposed to protect him, or from the county jail itself.

We all know the familiar refrain of investigating commissions and coroner's juries in lynching situations: "Death at the hands of parties unknown." Yet it is notorious that lynchings frequently take place in broad daylight; that the abduction and killing are frequently accomplished by unmasked men, in the presence of entire communities; and that in some recent instances lynchings have been widely advertised in the newspapers and over the radio throughout the surrounding country many hours in advance.

When lawlessness is brazenly flaunted in the public view and connived in by the public officers, it is idle to say, "Let the States handle the matter."

THREAT OF FEDERAL LAW AN EFFECTIVE CHECK ON LYNCHING

The long and bitter history of lynching teaches us that the mere threat of Federal law has been an effective check. The number of lynchings has varied with marked regularity as this threat has seemed more or less possible of fulfillment. Just the other day the newspapers carried a dispatch showing that the pendency of the bill before us had actually averted a threatened lynching. I call attention to the story in the Montgomery Advertiser under the headline "Lynch Bill Plea Halts Mob Threat" I ask that the article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD.

Mr. WAGNER. Mr. President, the Senate must make up its mind. Either we should vote down an antilynching bill, thus announcing once and for all that we will do nothing about the lynching evil, or we should promptly pass the measure now before us. I think we should by vote do one thing or the other, and that is all I am pleading for.

PROVISIONS OF THE BILL

The provisions of the pending bill are very simple. Lynching is defined to include the killing or maiming by a mob of any person accused or convicted of crime, whether or not in the custody of a peace officer. Whenever a lynching occurs, and information upon oath is submitted to the Attorney General of the United States that State officers have been at fault, he is required to investigate and determine whether there have been any violations of the law.

In regard to the exemption of "gangster killings" from the definition of lynching, I reiterate what I have already clearly stated time and time again on this floor: The exemption was originally inserted in committee at the instance of another Senator, who has taken the responsibility for it and has since expressed his willingness to eliminate it. There is an amendment now pending which will accomplish this result. I have never favored the exemption, and intend to vote for its elimination.

The sanctions in the bill are twofold.

First, a criminal penalty is visited on any State officer who is found guilty of willfully neglecting his duty to protect persons from lynching or to apprehend and prosecute the members of the lynching mob. The trial is before a jury in a Federal court, and no conviction may be had except upon proof of guilt beyond a reasonable doubt.

Second, the bill authorizes a civil suit in the Federal courts against the governmental subdivision of a State exercising delegated powers of police in which any lynching occurs. The suit is to be brought by the Attorney General in the name of the United States for the use of the real party in interest, or, at the election of that party, by counsel of his own selection. Damages may be collected in any sum between $2,000 and $10,000. Any judgment so obtained may be enforced by the process available under the State law for the enforcement of any other money judgment against the governmental subdivision.

The imposition of such responsibility upon the political subdivision follows a remedial and preventive device that has been established in our legal system for untold centuries. Statutes in about 23 States now impose liability on counties or other political subdivisions for lynchings or property damage caused by the acts of riotous mobs. The States making such provision in the event of property damage by riotous mobs are California, Connecticut, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, Montana, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, and Wisconsin.

Twelve States provide for a civil suit against the county in which a lynching occurs. In nine of these States liability accrues without regard to fault on the part of the officers involved; mere proof of mob injury or killing is sufficient. These States are Illinois, Kansas, Minnesota, Nebraska, New Jersey, Ohio, South Carolina—death, West Virginia, and Wisconsin. The States where it is necessary to establish negligence are Connecticut, North Carolina, Pennsylvania, and South Carolina—injury. Under the pending bill the county is expressly relieved of responsibility in damages where due care has been observed.

Such statutes have been markedly effective. J. H. Chadbourn, professor of law at the University of North Carolina, in his excellent study entitled "Lynching and the Law," found in one State that—

> Each county which has been fined has had no more lynchings, and that the average number of lynchings per year in the State has declined sharply after the infliction of each penalty.

It is hard to understand how proposals so just in their terms and so humane in their objectives can give rise to such violent criticism as has been voiced in this body. This bill is not limited to the protection of members of the Negro race, nor is it directed against the Southern States. It seeks, for all the people in all parts of the Nation, to make a reality of our proudest motto: "Equal justice under law."

THE BILL RESTS UPON THE FOUNDATION OF STATE RESPONSIBILITY

This bill does not deprive the States of an iota of their responsibility. On the contrary, it rests upon the foundation of State responsibility. It does not displace the States in the operation and enforcement of State law against the action

of lynching mobs. It is concerned solely with violations by the States of the Federal Constitution. The law can never be invoked if the States afford due process and equal protection of the laws, as the Federal Constitution requires them to do. The bill is not an attack upon States' rights but only upon mob rule.

THE FUNDAMENTAL ISSUE IS NOT DEPENDENT ON PRECISE NUMBER OF LYNCHINGS

I am happy to observe, as many Senators have stated, that only eight lynchings occurred last year. But I cannot understand why this is an argument against the pending bill.

An editorial in the Richmond Times Dispatch puts this pertinent question:

> Do those who advance this argument know that there were also only 8 lynchings in 1932, but that in 1933 there were 28, with 15 more in 1934, and 20 in 1935?

The issue involved is more fundamental. Eight lives snuffed out in a year may not seem many in a nation of 140,000,000 people. But the immediate victims and their families are not the only persons affected by these terrible crimes. There are implicated also the officers and emblems of the law. There are involved those courts of law which stand as sham temples of modern justice, acquiescent in the midst of primitive brutality. There are affected the moral outlooks of whole communities, which put at least their stamp of passive approval upon the outrages in their midst. There is involved the future of America as a liberty-loving and justice-seeking nation, for no people can be sure of the reign of law when intermittent discord is fomented by the rule of the mob.

Why bother about only eight lynchings? Why bother, indeed, when a single lynching like that at Duck Hill aroused the entire country! Why bother, indeed, when the utter failure of the States to apprehend or punish the perpetrators of every lynching last year is the plainest inducement to more mob violence! Why bother, indeed, when the daily press carries stories which confirm previous experience that the very pendency of a Federal antilynching bill is a powerful deterrent!

If the national horror and disgrace of one lynching can be prevented by effective Federal action, I am in favor of taking that action. Throughout our long and glorious history the number of individuals involved has never served as a test of the enforcement of the fundamental civil rights declared in our great charter of liberty. I am not ready to accept that test now.

WIDESPREAD SUPPORT FOR THE BILL

Mr. President, the sentiment for this bill is as widespread as the impulse of humanity itself. Church groups of all denominations, prominent organizations, and individuals without number have endorsed it. All branches of the labor movement have in recent days reiterated their support of it. Last year the House passed a similar bill by an overwhelming vote.

Right-thinking citizens the country over are united behind this bill—in the sincere belief that when the Federal Government helps the localities to do what the sober elements in those localities have always wanted to do, lynching will be stopped.

I do not for a moment—and I want to emphasize this statement—question the sincerity of the position taken by any Senator on this question. All of us here are agreed that every effort should be made to eliminate lynching. Disagreement arises over methods, not objectives. That disagreement has been based largely on constitutional grounds.

A recent exhaustive study of the law has confirmed me in the view, shared by many others in and out of Congress, that this bill is constitutional. Far from being an insuperable obstacle to antilynching legislation, the Constitution makes it the implied duty of the Federal Government to take the reasonable steps provided in this measure.

I shall attempt, as briefly as the subject will permit, to present the legal arguments as I see them in favor of the constitutionality of this measure.

THE ANTILYNCHING BILL IS A VALID EXERCISE OF CONGRESSIONAL POWER TO LEGISLATE UNDER THE FIFTH SECTION OF THE FOURTEENTH AMENDMENT

Section 1 of the fourteenth amendment provides:

> No State shall * * * deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

The Federal Government, through its courts, has intervened in cases without number to prevent the denial by State executive or judicial officers of equal protection or due process of law. The two Scottsboro cases, which I will discuss in detail later, illustrate dramatically the authority continually exercised by the Federal Government over State officers in the trial of State offenses in the State courts.

If the Federal Government, without statute, has power through its courts to set aside the result of a State trial whereby a man is hurried to conviction under the domination of a mob, or to require the State to issue corrective process so that "the rack and torture chamber may not be substituted for the witness stand," a fortiori the Federal Government may act against State officers whose dereliction results in summary execution by a mob without any trial at all. So far as the duties of State officers are concerned, it is immaterial whether lynching occurs inside or outside the courtroom.

Appropriate Federal action may take the form of legislation, for the fifth section of the fourteenth amendment expressly provides:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

This congressional power to enforce by legislation the State's duty to afford equal protection and due process was early recognized, exercised, and upheld.

In *Strauder* v. *West Virginia* (100 U. S. 303), a Negro was tried and convicted of murder in a State court. This case came to the United States Supreme Court on appeal from the highest court of the State. Before the trial Strauder had petitioned to remove the case to a Federal court upon the ground that the State statute under which the grand jury was selected unlawfully discriminated against Negroes.

Removal was based on section 641 of the Revised Statutes, which permitted removal of any suit or prosecution begun in the State court against any person "who is denied or cannot enforce" in that court "any right secured to him by any law providing for the equal civil rights of citizens of the United States." The Court held that the State statute violated the fourteenth amendment.

> That amendment—

The Supreme Court said—

> not only gave citizenship and the privileges of citizenship to persons of color, but it denied to any State the power to withhold from them the equal protection of the laws, and authorized Congress to enforce its provisions by appropriate legislation. To quote the language used by us in the Slaughterhouse cases * * * "If * * * the States did not conform their laws to its requirements, then, by the fifth section of the article of amendment, Congress was authorized to enforce it by suitable legislation."

The Court then went on to hold that the removal statute was appropriately enacted under the fifth section of the fourteenth amendment, and reversed the judgment of conviction:

> A right or an immunity, whether created by the Constitution or only guaranteed by it even without any express delegation of power, may be protected by Congress. * * * But there is express authority to protect the rights and immunities referred to in the fourteenth amendment and to enforce observance of them by appropriate congressional legislation. And one very efficient and appropriate mode of extending such protection and securing to a party the enjoyment of the right or immunity is a law providing for the removal of his case from a State court in which the right is denied by the State law into a Federal court where it will be upheld. This is an ordinary mode of protecting rights and immunities conferred by the Federal Constitution and laws * * *.

In *Virginia* v. *Rives* (100 U. S. 313) the Supreme Court reiterated:

> It is doubtless true that a State may act through different agencies, either by its legislative, its executive, or its judicial authorities; and the prohibitions of the amendment extend to all action

of the State denying equal protection of the laws, whether it be action by one of these agencies or by another. Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions whenever they are disregarded by either the legislative, the executive, or the judicial department of the State. The mode of enforcement is left to its discretion.

In *Ex parte Virginia* (100 U. S. 339), decided in 1879, the Court squarely held that Congress may enforce the provisions of the fourteenth amendment by criminal penalty against State officers. That question was raised by the senior Senator from Florida [Mr. ANDREWS].

A judge of a Virginia county court was indicted and held in custody under a Federal statute making it a crime to discriminate against Negroes in the selection of jurors in either the United States or the State courts. Both the judge and the State of Virginia filed petitions for writs of habeas corpus in the United States Supreme Court. The Supreme Court held the statute to be within the congressional power and denied the writs.

The Supreme Court referred to its language and decision in Strauder against Virginia and said:

> We held that such an equal right to an impartial jury trial and such an immunity from unfriendly discrimination are placed by the amendment under the protection of the General Government and guaranteed by it. We held, further, that this protection and this guaranty, as the fifth section of the amendment expressly ordains, may be enforced by Congress by means of appropriate legislation.
>
> All of the amendments derive much of their force from this latter provision. * * * It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendments fully effective. Whatever legislation is appropriate—that is, adapted to carry out the objects the amendments have in view—whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power.
>
> Nor does it make any difference that such legislation is restrictive of what the State might have done before the constitutional amendment was adopted. The prohibitions of the fourteenth amendment are directed to the States, and they are to a degree restrictions of State power. It is these which Congress is empowered to enforce, and to enforce against State action however put forth, whether that action be executive, legislative, or judicial. Such enforcement is no invasion of State sovereignty. No law can be which the people of the States have, by the Constitution of the United States, empowered Congress to enact. * * * But in exercising her rights a State cannot disregard the limitations which the Federal Constitution has applied to her power. Her rights do not reach to that extent. Nor can she deny to the General Government the right to exercise all its granted powers, though they may interfere with the full enjoyment of rights she would have if those powers had not been thus granted. Indeed, every addition of power to the General Government involves a corresponding diminution of the governmental powers of the States. It is carved out of them. * * *
>
> But the constitutional amendment was ordained for a purpose. It was to secure equal rights to all persons, and, to insure to all persons the enjoyment of such rights, power was given to Congress to enforce its provisions by appropriate legislation. Such legislation must act upon persons, not upon the abstract thing denominated a State, but upon the persons who are the agents of the State in the denial of the rights which were intended to be secured.

This is important in view of some of the arguments made here.

> Such is the act of March 1, 1875, and we think it was fully authorized by the Constitution.
>
> The argument in support of the petition for a habeas corpus ignores entirely the power conferred upon Congress by the fourteenth amendment. Were it not for the fifth section of that amendment, there might be room for argument that the first section is only declaratory of the moral duty of the State. * * * But the Constitution now expressly gives authority for congressional interference and compulsion in the cases embraced within the fourteenth amendment.
>
> It is but a limited authority, true, extending only to a single class of cases, but within its limits it is complete.

In *Buchanan* v. *Warley* (245 U. S. 60), the Supreme Court granted to a white man specific performance of a land contract with a Negro notwithstanding a city ordinance restricting the residential areas of white and black races. The Court relied on congressional statutes enacted pursuant to the fourteenth amendment, declaring the equal right of the Negroes to make and enforce contracts and to acquire land.

These decisions of the Supreme Court, rendered many years ago in cases closely in point, should serve as a complete answer to the arguments that the pending bill would destroy State's rights and subvert our dual system of government.

The antilynching bill is an exercise of the Federal power declared in the fourteenth amendment and affirmed in the cases I have cited. The fourteenth amendment does not vest in Congress the power to exercise direct police power in the States, that is, to make municipal law. The fourteenth amendment is a prohibition against the State, not against the lawless acts of private individuals, unless the right protected is one inhering in Federal citizenship as such. But all the cases affirm that the fourteenth amendment did vest in Congress the authority to stand behind the States as guarantor of the rights and privileges declared in the amendment.

That is all that the antilynching bill seeks to accomplish. It does not hold liable the lawless individuals in the lynching mob, or affect in any way the prosecution of such individuals under the State law. It does hold liable the State officers and county subdivisions whose willful neglect results in a breach by the State of its duty under the fourteenth amendment to afford due process and equal protection. It applies only where such willful neglect is shown of record, in a trial in the Federal courts; it does not apply if appropriate care was taken by those to whom the State delegated powers of police.

THE CASES PRINCIPALLY RELIED UPON AS SHOWING THE BILL IS UNCONSTITUTIONAL ARE CLEARLY DISTINGUISHABLE

The *Slaughterhouse Cases* (16 Wall. 36) have been referred to at length. There the Court held, in 1873, that a State could grant exclusive slaughterhouse privileges in a certain locality to a particular concern without violating that section of the fourteenth amendment which provides that "no State shall abridge the privileges or immunities of citizens of the United States." In short, the Court merely held that the State statute was a valid exercise of the State police power in the interest of health and safety. The cases along the same line have been legion. But because a State has the right to issue a license to a slaughterhouse, it does not follow, by any process of logic, that it also has the right, through its legislative, executive, or judicial officers, to deny the equal protection of the laws in the matter of a trial, or to deny some other cherished civil liberty guaranteed by the fourteenth amendment. The Slaughterhouse cases contained express language to the contrary, to which I have already referred.

I do not quarrel with the language of the Slaughterhouse cases that the fourteenth amendment did not confer on the Federal Government the authority to make municipal law. The antilynching bill is not directed at the lawless acts of individuals but at State action within the meaning of the fourteenth amendment.

All the other cases cited against the bill are distinguishable on the same ground. In each instance the Court struck down an effort to exercise Federal power to punish the lawless acts of private individuals.

In the case of *United States* v. *Cruikshank* (92 U. S. 542) the Supreme Court invalidated an indictment charging a conspiracy by private individuals to put Negroes in great fear of bodily harm, to prevent them from assembling peaceably, to hinder and prevent them from exercising their rights and privileges under the Constitution, and so forth.

In the case of *Hodges* v. *United States* (203 U. S. 1) the Supreme Court reversed a conviction of private individuals for conspiring to deprive Negroes of their right freely to make and execute contracts for their labor and service.

In the case of *United States* v. *Powell* (212 U. S. 564) the Court invalidated an indictment of private individuals for conspiring to abduct and punish a Negro accused of crime.

In the *Civil Rights Cases* (109 U. S. 3) the Supreme Court held unconstitutional the civil rights laws insofar as they penalized the action of private individuals in denying Negroes equal accommodation in cars, conveyances, and so forth.

In the case of *United States* v. *Harris* (106 U. S. 629) the Court held unconstitutional section 5519 of the Revised Statutes insofar as it was sought to be applied to a conspiracy by private individuals to deprive Negroes of the equal protection of the laws.

Many of these cases emphasize that the result would have been different if the suit had been brought against the responsible State officers. For instance, in the Harris case the Court pointed out:

As, therefore, the section of the law under consideration is directed exclusively against the action of private persons, without reference to the laws of the State or their administration by her officers, we are clear in the opinion that it is not warranted by any clause in the fourteenth amendment to the Constitution.

Mr. President, as I have repeatedly said—and I cannot say it too often—the pending antilynching bill is not directed against the lawless acts of individuals but solely against the willful default of State officers or subdivisions acting under color of State authority. As I have shown, legislation based on this principle has uniformly been upheld, whether applied against the acts of the legislative, judicial, or executive branches of the State government.

STATE ACTION UNDER THE FOURTEENTH AMENDMENT INCLUDES ACTS OF STATE OFFICERS CONTRARY TO STATE LAW

I have been surprised to hear reiterated in the debate on this bill the ancient constitutional fallacy that Federal power is lacking where the State officers involved are derelict also in their duty under State law. This position was indeed adopted by the Supreme Court in the case of *Barney* v. *City of New York* (193 U. S. 430), decided in 1904. But this view has long since given way to the realization that a State can act only through officers and instrumentalities, and that if the fourteenth amendment is to have any significance, the Federal power must extend to the acts of State officers regardless of their basis in State authority.

The Barney case has been repudiated in an unbroken line of cases dating at least from *Home Telephone & Telegraph Co.* v. *City of Los Angeles* (227 U. S. 278). In *Iowa-Des Moines National Bank* v. *Bennett* (284 U. S. 239), where the same issue was raised in a case arising in the State courts, Justice Brandeis, speaking for a unanimous Supreme Court, said:

The prohibition of the fourteenth amendment, it is true, has reference exclusively to action by the State, as distinguished from action by private individuals (*Virginia* v. *Rives*, 100 U. S. 313, 318; *United States* v. *Harris*, 106 U. S. 629, 639). But acts done "by virtue of a public position under a State government—and in the name and for the State" (*Ex parte Virginia*, 100 U. S. 339, 347) are not to be treated as if they were the acts of private individuals, although in doing them the official acted contrary to an express command of the State law. When a State official, acting under color of State authority, invades in the course of his duties a private right secured by the Federal Constitution, that right is violated, even if the State officer not only exceeded his authority but disregarded special commands of the State law.

Respondents rely upon *Barney* v. *City of New York* (193 U. S. 430, 438). The question there decided was that the lower Federal court had properly dismissed a bill in equity since it appeared upon its face that the act complained of was forbidden by the State legislation. We have no occasion to discuss that case. Here the petitioners sued in a State court. Some expressions in the opinion in the Barney case, said to be inconsistent with the conclusions stated above, have been disapproved by this Court (*Home Telephone & Telegraph Co.* v. *Los Angeles*, 227 U. S. 278, 294).

And in *Mosher* v. *City of Phoenix* (287 U. S. 29) the Supreme Court dealt the final death blow to the Barney doctrine when it repudiated it in a suit brought originally in a Federal district court. Thereafter, in *Sterling* v. *Constantin* (287 U. S. 378), the Governor of the State of Texas, purporting to exercise martial law in the Texas oil fields, was held subject to injunction by a Federal court for violation of the due-process clause of the fourteenth amendment, regardless of whether he had exceeded the authority conferred by the State.

These are cases protecting property rights. The same view has prevailed from the very beginning when the civil rights of individuals were concerned. The cases of Ex parte Virginia and Virginia against Rives have already been referred to. These and others, such as *Neal* v. *Delaware* (103 U. S. 370) and *Yick Wo* v. *Hopkins* (118 U. S. 356), were set forth with approval in *Home Telephone & Telegraph Co.* v. *Los Angeles* (227 U. S. 278), all as supporting the proposition that—

A State officer cannot on the one hand as a means of doing a wrong forbidden by the amendment proceed upon the assumption of the possession of State power and at the same time, for the purpose of avoiding the application of the amendment, deny the power and thus accomplish the wrong.

As recently as the second Scottsboro case (*Norris* v. *Alabama*, 294 U. S. 587), the Supreme Court reiterated that the fourteenth amendment applied to—

Any action of a State, whether through its legislature, through its courts, or through its executive or administrative officers.

And that notwithstanding the State statute may be fair upon its face—

The constitutional provision affords protection against action of the State through its administrative officers in effecting the prohibited discrimination.

STATE ACTION UNDER THE FOURTEENTH AMENDMENT INCLUDES ACTS OF OMISSION AS WELL AS COMMISSION

The point also was made here—I am sorry the Senator who made the point is not present—that the fourteenth amendment could not include cases of mere omission by a State official; that it may apply only to affirmative action. To say that Congress may not legislate against the most flagrant, willful failure of the State to act, when action is imperative to preserve constitutional rights under the fourteenth amendment, is to make a travesty of the constitutional guaranty. This argument is contrary to the plain intendment of the constitutional provision; it is repugnant to common sense; and it is repudiated by the precedents.

The Supreme Court has repeatedly said that the fourteenth amendment not only prohibited positive action, but denied to any State the power "to withhold" the equal protection of the laws (*Buchanan* v. *Warley*, 245 U. S. 60, 67; *Nixon* v. *Herndon*, 273 U. S. 536, 541; *Strauder* v. *West Virginia*, 100 U. S. 303, 306). Time and again the Supreme Court has held that the State may not stand idly by with folded hands; that it is bound, under the fourteenth amendment, to afford corrective process where the failure to do so would result in a denial of constitutional rights; for example, in *Moore* v. *Dempsey* (261 U. S. 86) where mob domination and community hysteria made a fair trial impossible; in *Mooney* v. *Holohan* (294 U. S. 103), where a conviction was alleged to have been obtained by testimony known by the prosecuting attorney to have been perjured; and in *Brown* v. *Mississippi* (297 U. S. 278), where a conviction was obtained through a confession known to the trial judge to have been procured by physical torture.

The clearest illustration of the principle that the fourteenth amendment applies to acts of omission as well as commission by State officers is furnished by the two Scottsboro cases. In *Powell* v. *Alabama* (287 U. S. 45) the Supreme Court found that the right of counsel was guaranteed under due process of law, and that the failure of the trial judge in the State court to make a sufficient or timely designation of counsel for the accused violated the fourteenth amendment. And in *Norris* v. *Alabama* (294 U. S. 580) the Supreme Court likewise held that the systematic failure of State officers to include Negroes on jury lists in State trials violated the fourteenth amendment.

In the Powell case the Court, after reviewing all the facts, said that the action taken by the trial judge in respect to appointment of counsel was little more than an "expansive gesture," and concluded that his omission to act under the circumstances was a violation of the fourteenth amendment:

In the light of the facts outlined in the forepart of this opinion * * * we think the failure of the trial court to give them reasonable time and opportunity to secure counsel was a clear denial of due process. * * *

But passing that, * * * we are of the opinion that, under the circumstances just stated, the necessity of counsel was so vital and imperative that the failure of the trial court to make an

effective appointment of counsel was likewise a denial of due process within the meaning of the fourteenth amendment.

Under the circumstances of that case the Court said:

It is the duty of the Court, whether requested or not, to assign counsel as a necessary requisite of due process of law.

In the Norris case the Supreme Court, after reviewing the evidence, likewise concluded that acts of omission by the State officers violated the constitutional provision:

We think that the evidence that for a generation or longer no Negro had been called for service on any jury in Jackson County; that there were Negroes qualified for jury service; that according to the practice of the jury commission their names would normally appear on the preliminary list of male citizens of the requisite age, but that no names of Negroes were placed on the jury rolls; and the testimony with respect to the lack of appropriate consideration of the qualifications of Negroes established the discrimination which the Constitution forbids.

If the Constitution guards zealously the attributes of the trial itself, as shown by these cases and many others, and prohibits the conduct of a trial dominated by hostile mob sentiment, as in Moore against Dempsey, then obviously it would protect against a denial of any trial whatever. That is exactly what it does here under the antilynching bill, to the extent that the State is shown to be responsible for that denial through the willful and negligent failure to protect persons accused of crime. The importance of the Scottsboro cases in this connection lies in their complete endorsement of the principle that nonaction of State officers, judges, or lawmakers under appropriate circumstances is as much a violation of the fourteenth amendment as affirmative action on their part.

This principle has actually been applied by the United States Supreme Court in a lynching situation. In *United States* v. *Shipp* (203 U. S. 563, 214 U. S. 386), a Negro was convicted of rape in a Tennessee State court. He applied in the United States circuit court for a writ of habeas corpus on the ground that he had been denied due process of law and the equal protection of the laws in connection with his trial. The court denied the writ and remanded the prisoner to the custody of the State sheriff. Thereafter the United States Supreme Court allowed an appeal which stayed the execution and notified the sheriff to retain custody of the prisoner pending final determination of the appeal. Later that night, after ample notice of the Court's order had been received, an armed mob entered the jailhouse, took out the prisoner, and lynched him.

The Attorney General initiated contempt proceedings in the United States Supreme Court against the sheriff, two of his deputies, and a number of alleged members of the lynching mob. The Court, after reviewing all the evidence, concluded that the sheriff, one of the deputies, and the identified members of the lynching mob were guilty of contempt.

The sheriff was aware of the high feeling in the community against the prisoner and of widespread rumors that he would be lynched that evening or the next day. Moreover, he had previously narrowly averted the lynching of the same prisoner. The Court said:

In view of this, Shipp's failure to make the slightest preparation to resist the mob; the absence of all of the deputies, except Gibson, from the jail during the mob's proceedings, occupying a period of some hours in the early evening; the action of Shipp in not resisting the mob and his failure to make any reasonable effort to save Johnson or identify the members of the mob, justify the inference of a disposition upon his part to render it easy for the mob to lynch Johnson and to acquiesce in the lynching. After Shipp was informed that a mob was at the jail, and he could not do otherwise than go there, he did not, and in fact at no time hindered the mob or caused it to be interfered with, or helped in the slightest degree to protect Johnson. And this in utter disregard of this Court's mandate and in defiance of this Court's orders.

The decision in this case, the Court said, did not depend upon—

A nice inquiry, whether * * * the sheriff was to be regarded as a bailee of the United States or still held the prisoner in the name of the State alone.

The sheriff owed a duty by virtue of the Court's order staying proceedings and requiring the prisoner to be forthcoming at the further order of the Court.

I do not claim that this case is a holding under the fourteenth amendment, because that issue was not involved. I do claim that this case squarely decided that a legal duty to afford protection may be, and was, violated by willfully negligent acts of omission resulting in a lynching. There can be no distinction in this respect between the duty owing in this case and the duty owing under the fourteenth amendment to refrain from withholding the equal protection of the laws.

The question has been raised, "How far does this principle extend?" That question might be involved in every case. The Supreme Court considers not hypothetical situations, but the facts and circumstances of the case before it. Justice Cardozo said in the social-security cases decided last year:

We do not fix the outermost line. Enough for present purposes that wherever the line may be, this statute is within it. Definition more precise must abide the wisdom of the future.

THE DAMAGE SUIT AGAINST THE COUNTY IS NOT UNREASONABLE OR ARBITRARY, OR CONTRARY TO THE ELEVENTH AMENDMENT

Special exception has been taken to the validity of section 5, which authorizes a suit by the United States for the use of the person injured or his next of kin, to be brought in the Federal courts against the county in which the lynching occurred, with provision for recovery of damages up to $10,000.

That remedy has been expressly upheld as reasonable and appropriate against mob death, or injury to person or property. In *City of Chicago* v. *Sturges* (222 U. S. 313), the Supreme Court sustained an Illinois statute making cities or counties responsible in money damages, without regard to fault, for property injury caused by the violent acts of a mob or riotous assemblage. The Supreme Court held that this provision did not violate the due process of law guaranteed by the fourteenth amendment:

The policy of imposing liability upon a civil subdivision of government exercising delegated police power is familiar to every student of the common law. We find it is recognized in the beginning of the police system of Anglo-Saxon people. Thus "the hundred," a very early form of civil subdivision, was held answerable for robberies committed within the division. By a series of statutes, beginning possibly in 1285, in the Statutes of Winchester (13 Edw. I, c. 1), coming on down to the Twenty-seventh Elizabeth (c. 13), the Riot Act of George I (1 Geo. I, St. 2), and act of Eighth George II (c. 16), we may find a continuous recognition of the principle that a civil subdivision entrusted with the duty of protecting property in its midst and with police power to discharge the function may be made answerable, not only for negligence affirmatively shown but absolutely as not having afforded a protection adequate to the obligation.

It is obvious from this case that all the objections made to the provision in the antilynching bill for a damage suit against the county are entirely without merit.

The numerous State statutes along this line have been upheld as constitutional, not only by the Supreme Court in City of Chicago against Sturges, but also by many of the State courts. These State decisions are illustrated by *People* v. *Nellis* (249 Ill. 12), where the Supreme Court of Illinois sustained a statute providing, among other sanctions, that a damage suit should lie against the county or city in which any lynching took place. The court said:

* * * it is, we think, equally clear that the imposing of a liability for damages upon the county or city in favor of the victim of a mob whenever mobs are permitted to assemble, or, in case of his death, in favor of his widow or heirs or adopted children, will cause the taxpayers of such county or city to discourage the assembling of mobs within such municipalities and will cause all law-abiding men residing in such communities to condemn and denounce mob violence, the result of which must be to create respect for the law and its enforcement and to discourage the assembling of mobs.

Another objection to the provision for a damage suit against the county rests on the prohibition in the eleventh amendment of suits against the State. That amendment is not applicable here. Though a suit may not lie against the

State itself, this exemption does not protect the State's officers, or even the Governor of the State, from liability to those whose rights under the fourteenth amendment they have wrongfully invaded. *Sterling* v. *Constantin* (287 U. S. 378, 393). And *Nixon* v. *Herndon* (273 U. S. 536) shows that a suit in money damages will lie under these circumstances. No sound reason appears why the same principle should not also apply where the fourteenth amendment is invoked to protect persons against the unconstitutional acts of a county or other subdivision, which is likewise a repository of State authority and is acting under color of such authority.

The eleventh amendment does not clothe political subdivisions with that immunity from suit which inheres in the State by virtue of its sovereignty. In *County of Lincoln* v. *Luning* (133 U. S. 529) a suit was brought against a municipality in the Federal courts to recover upon certain bonds and coupons. It was argued that "because the county is an integral part of the State it could not, under the eleventh amendment of the Federal Constitution, be sued in the circuit court." The court held that the eleventh amendment was no bar to the maintenance of this suit:

> With regard to the first objection, it may be observed that the records of this court for the last 30 years are full of suits against counties, and it would seem as though by general consent the jurisdiction of the Federal courts in such suits had been established. But irrespective of this acquiescence, the jurisdiction of the circuit courts is beyond question. The eleventh amendment limits the jurisdiction only as to suits against a State.

A damage suit under section 5 of the antilynching bill is brought against the county, not the State. Nor is the State a real party in interest. The suit is not based on a violation by the State itself, but rather by the county acting under color of State authority; and the judgment collected is enforced not against the State's own treasury but against the county's, in the same manner as similar judgments against the county are enforceable under State law.

CONCLUSION

Let me close with this thought: No man can say that the antilynching bill is definitely and positively constitutional. Under our constitutional system, that can only be determined by a majority vote of the Supreme Court. Last year, the Supreme Court upheld, among other things, State minimum-wage laws, State and Federal social-security laws, and the National Labor Relations Act, all of which had been denounced as unconstitutional by eminent lawyers from one end of the country to the other, and, indeed, by some very eminent Senators. Such happenings make the prediction of constitutional decisions an extremely risky, almost foolhardy thing, and should give pause to those who are prone to raise the cry of unconstitutionality.

All I say is that the validity of the antilynching bill is supported by a wealth of precedents, and by the opinion of a respectable body of constitutional lawyers in and out of Congress. All I ask is that this body exercise its constitutional function by voting upon the measure, so that in due course the Supreme Court may exercise its constitutional function of passing finally upon the validity of the measure.

For myself, I am confident the law will be upheld, if the Supreme Court will bear in mind the memorable warning uttered by Chief Justice Marshall in *Gibbons* v. *Ogden* (9 Wheat. 1), over a hundred years ago:

> Powerful and ingenious minds, taking, as postulates, that the powers expressly granted to the Government of the Union, are to be contracted by construction, into the narrowest possible compass, and that the original powers of the States are retained, if any possible construction will retain them, may, by a course of well digested, but refined and metaphysical reasoning, founded on these premises, explain away the Constitution of our country, and leave it, a magnificent structure, indeed to look at, but totally unfit for use.

[From the Montgomery Advertiser of January 12, 1938]

LYNCH BILL PLEA AVERTS MOB THREAT—NEGRO IS SNATCHED AWAY TO SAFETY IN SELMA, CAUGHT IN GREENSBORO—KIDNAPING CHARGE—SUSPECT SNARED BY DOGS AS SOUTHERN LEADERS BATTLE CAPITAL MEASURE

GREENSBORO, ALA., January 11.—The fight of southern Congressmen against the antilynching bill was used in a plea against mob action, made by a planter whose wife had been choked by a Negro, and fast-working officers took a suspect to safety today in a Selma jail, 50 miles away.

Robert Knox Greene, brother-in-law of Representative SAM HOBBS, Democrat, Alabama, aided Sheriff Calvin Hollis by talking with members of a fast-gathering group while deputies arrested the Negro.

Held on a charge of "attempted kidnaping," the suspect was identified by Hollis as Lee Jones, 31-year-old mill hand.

Mrs. Greene was in Birmingham today recuperating from the choking and the shock of her escape from a Negro who jumped into her automobile here late Saturday night.

Greene said he was one of a "group of 100 to 150" men seeking the Negro, and circulated among them to advise "let's be satisfied before we do anything."

"I told them I was the aggrieved person," he related, "and I ought to have the final say." I also reminded them our southern Senators were fighting an antilynching bill in Washington and any violence might hamper them."

AIDS INVESTIGATION

Greene said he was aiding Sheriff Hollis in "continuing this investigation."

Asked if officers "pulled their guns" to control the crowd, the sheriff said:

"No; they didn't have to go that far. They told people to keep back. They would have used any precaution necessary."

The "attempted kidnaping" occurred Saturday night as Mrs. Greene, wife of a plantation operator and former State and Federal rural rehabilitation executive, left the home of friends alone.

Forced to drive to the rear of Greensboro School, a dark spot, the sheriff said Mrs. Greene made her escape by screaming and calling to a nearby house as if she saw someone approaching. The Negro ran a few steps, Mrs. Greene gained her car, locked the doors, and started off, but the Negro jumped to the running board. Frantic, the woman drove off a 4-foot embankment to a street below the school grounds.

The "jump" shook the man off, and although her car was badly damaged, the sheriff said Mrs. Greene was able to drive uptown and sound an alarm.

POSITIVE HE'S NEGRO

Sheriff Hollis said Mrs. Greene told him she was positive her assailant was a Negro, but she possibly might not be able to identify him. She has not seen the man in jail. Sheriff Hollis said bloodhounds brought here from Meridian, Miss., "bayed him three different times in three different rooms" of the house where he was captured.

Fingerprints taken from the Greene automobile did not match those of the Negro, Hollis said, adding, however, "we are not sure we got the right ones, because so many people crowded around the car after Mrs. Greene got uptown."

"The Negro denies the charge. He said: 'God knows, you all got an innocent man.'"

The sheriff recounted incidents of the alleged attempted abduction:

"As Mrs. Greene left the home of the Misses Kate and Emma Boardman a Negro came out of the shrubbery, caught on the side of her car, and made her drive back of the Greensboro School. He had a gun.

SCREAMS AND ESCAPES

"She got away by hollering and screaming and calling out to Charley Waller, who lived close by, just like she saw him coming. The Negro tried to choke her, then started to run. She jumped in her car and locked the doors and started to drive off.

"The Negro ran back and jumped on the running board, but couldn't get in. She shook him off when she drove off a 4-foot bluff—a drop-off from the school grounds to the street. She came on uptown. Her car was almost wrecked. I don't know how she made it.

"Outside of her neck being bruised and sore from choking, she wasn't hurt."

Bloodhounds were called from Meridian, Miss., but lost the tracks at a street intersection after following them to one Negro house occupied by three women. The arrest, Sheriff Hollis said, followed a "tip" received at the house and a "test" to see if the dogs would bay any one of three Negroes found gambling nearby.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BERRY in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Brown, N. H.	Donahey	Hayden
Andrews	Bulkley	Duffy	Herring
Ashurst	Bulow	Ellender	Hill
Austin	Burke	Frazier	Holt
Bailey	Byrd	George	Hughes
Bankhead	Byrnes	Gerry	Johnson, Calif.
Barkley	Capper	Gibson	Johnson, Colo.
Berry	Caraway	Gillette	King
Bilbo	Chavez	Glass	La Follette
Bone	Clark	Guffey	Lee
Borah	Connally	Hale	Lewis
Bridges	Copeland	Harrison	Lodge
Brown, Mich.	Davis	Hatch	Logan

Lonergan	Minton	Radcliffe	Thomas, Utah
Lundeen	Murray	Reynolds	Townsend
McAdoo	Neely	Russell	Truman
McGill	Norris	Schwartz	Tydings
McKellar	Nye	Schwellenbach	Vandenberg
McNary	O'Mahoney	Sheppard	Van Nuys
Maloney	Overton	Smathers	Wagner
Miller	Pittman	Smith	Walsh
Milton	Pope	Thomas, Okla.	Wheeler

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1255. An act for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel, K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald;

S. 2418. An act for the relief of John Prosser;

S. 2583. An act to provide for the acquisition of certain lands for and the addition thereof to the Tahoe National Forest, in the State of Nevada, and the acquisition of certain other lands for the completion of the acquisition of the remaining lands within the limits of the Great Smoky Mountains National Park, in east Tennessee;

S. 2602. An act for the relief of George Yuhas; and

S. 2759. An act authorizing the sale of certain lands to the regents of the Agricultural College of New Mexico.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

CONDITIONS IN THE ORIENT

Mr. KING. Mr. President, yesterday at the hour of adjournment I was discussing conditions existing in Japan and China. The discussion in which I engaged yesterday was prompted by the speeches which had been made on the preceding day by the Senator from California [Mr. JOHNSON], the Senator from Idaho [Mr. BORAH], and the Senator from Nevada [Mr. PITTMAN]. The view seemed to be entertained by some of those who addressed the Senate, or at any rate the deduction which I thought legitimately followed the views which were expressed was, that we ought not to participate in any international conferences, even though they be predicated upon treaties to which we are parties.

I was attempting to show that there is a moral obligation upon the United States in connection with treaties to which we are parties, to participate in any proper and legitimate movement that may make for the amelioration of the conditions in the world, or prevent the outbreak of war in China, or Japan, or any other place in the world. I had discussed in part conditions in China, and the military activities of Japan. I had not concluded my observations at the hour of adjournment. It was my purpose when concluding discussion of the situation in China and Japan to consider the constitutionality of the so-called antilynching bill. That name is a misnomer. Many of the people of the United States misunderstand it, and the exposition of the Senator from New York [Mr. WAGNER] today is calculated only to add to the misunderstanding of the people of the United States relative to the measure which is before the Senate.

Some Senators, and some other Americans, do not understand that we have a dual form of government; that the States did not delegate to the Federal Government the control of their internal and domestic affairs. Some Senators and some other Americans seem to think that anything they conceive to be humane and proper may be controlled by the Federal Government. They forget that the Federal Government is a government of limited powers. Its powers are enumerated in the Constitution of the United States, and those not granted are reserved to the States and to the people, respectively.

Yet there are Democrats, some from New York and some from other States, who are perfectly willing to sell out the States—in the language of the street, to "sell them down the river"—in favor of a strong, powerful, central government, which would usurp the functions of the States, take over their police powers, and superimpose upon them an authority hateful to democracy and hostile to liberty.

After I have concluded my discussion of the situation in China and Japan, and the obligations under the treaties to which I referred yesterday, I shall discuss the constitutional aspects of the antilynching bill, and make some remarks in regard to the functions of the Federal Government, and the rights, duties, and responsibilities of the States. But it would be unfair if I should not continue the discussion which was broken into yesterday by the recess, because there is very much more to be said in regard to the duties of Japan under the Nine Power Treaty, under the Kellogg-Briand compact, under the Four Power Treaty, and under the Versailles Treaty, to which she was a party.

Returning to the subject which I was discussing yesterday, Japan cannot defend her course in Manchuria upon the ground that she acted in self-defense. That is a hypocritical assertion. The Lytton report indicates that the military operations of the Japanese could not be regarded "as measures of legitimate self-defense." That indication may be found in chapter IV, as I recall, of the Lytton report.

Secretary Stimson stated that—

> * * * the limits of self-defense had been clearly defined by countless precedents and that a nation which sought to mask imperialistic policy under the guise of the defense of its nationals would soon be unmasked.

Japan's course was unmasked. There is no longer any pretense that the conquest of Manchuria was in self-defense of Japan's rights and authority; but it is now admitted that Manchuria is a part of Japan, or, at any rate, is a puppet state, governed and controlled by the military powers that dominate the Japanese Government.

At a meeting of the Council of the League of Nations when the Manchurian question was under consideration, M. Briand stated that—

> Public opinion would not readily admit that military operations under these circumstances could be regarded as coming under the heading of pacific means.

In a letter from Mr. Stimson to the Senator from Idaho [Mr. BORAH] dated February 24, 1932, the statement is made that—

> It is clear beyond peradventure that a situation has developed which cannot, under any circumstances, be reconciled with the obligations of the pact of Paris and the Nine Power Treaty.

I pointed out yesterday that the Lytton report was made after an exhaustive investigation of the situation in Manchuria and the circumstances leading up to its control by Japan, and that General McCoy, an American of standing and character, was a member of that important committee. In that report it is declared that—

> It is clear that the independence movement which had never been heard of before September 1931 was made possible only by the presence of the Japanese troops.

If I had the time, Mr. President, I should be glad to read into the RECORD extracts from this strong state paper, found in the letter to the Senator from Idaho [Mr. BORAH] to which I have just referred. Let me read one statement:

> For 20 years thereafter—

That is, after Secretary Hay's insistence that the open door in China should be preserved—

> the open-door policy rested upon the informal commitments thus made by the various powers. But in the winter of 1921 to 1922, at a conference participated in by all of the principal powers which had interests in the Pacific, the policy was crystallized into the so-called Nine Power Treaty, which gave definition and precision to the principles upon which the policy rested.
>
> In the first article of that treaty, the contracting powers, other than China, agreed—

1. To respect the sovereignty, the independence, and the territorial and administrative integrity of China.

2. To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

3. To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

4. To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly states, and from countenancing action inimical to the security of such states.

I digress to remark that in the invasion of Manchuria, Japan contravened many of the provisions of those treaties and now by her present activities in China is violating the terms of her treaty with the United States, Great Britain, France, and other nations. Various treaties and agreements are being flouted by Japan, which has practically ordered all nationals of other countries out of China.

I might add, in passing, that, while Japan promised that there should be equal opportunity in Manchuria for nations that had been trading there and had commercial relations with the Chinese in Manchuria, she is now, by military rescripts and orders that are in force, made it practically impossible for Americans or nationals of other countries who had been dealing with the Chinese in Manchuria to carry on further commercial relations. In order to ship anything into Manchuria from the United States or from other countries, permission must be granted by the military authorities that are dominating Manchuria, and nothing may be shipped into Manchuria from this or any other country without Japan's approval. In other words, she claims the right and exercises the power to restrain any intercourse with Manchuria and to limit by her orders and decrees the commodities which may be shipped into Manchuria.

The letter of Mr. Stimson continues:

This treaty thus represents a carefully developed and matured international policy, intended, on the one hand, to assure to all of the contracting parties their rights and interests in and with regard to China; and on the other hand, to assure to the people of China the fullest opportunity to develop without molestation their sovereignty and independence according to the modern and enlightened standards believed to maintain among the peoples of this earth.

It is only necessary, Mr. President, to examine the conditions in China today to show the flagrant violations of those guaranties which were made by Japan and others to maintain the administrative integrity and the territorial limits and authority of the Chinese Government.

Henry L. Stimson is a man of lofty character and fine ability. He was Secretary of State for a number of years, and occupied that important position when Japan invaded Manchuria. He followed with solicitude the controversy growing out of the Manchurian situation, and sought in a proper way to relieve the tension and bring about an adjustment of the differences between Japan and China. Our Government then exercised, in my opinion, great wisdom and great patience.

On the 25th day of September 1931, Mr. Stimson communicated with the two Governments, stating that:

The Government and people of the United States have observed with regret and with great concern events of the past few days in Manchuria.

He further stated:

In view of the sincere desire of the people of this country that principles and methods of peace shall prevail in international relations, and of the existence of treaties, to several of which the United States is a party, the provisions of which are intended to regulate the adjustment of controversies between nations without resort to use of force, the American Government feels warranted in expressing to the Chinese and the Japanese Governments its hope that they will cause their military forces to refrain from any further hostilities, will so dispose respectively of their armed forces as to satisfy the requirements of international law and international agreements, and will refrain from activities which may prejudice the attainment by amicable methods of an adjustment of their differences.

During the Manchurian controversy our Government was keenly alive to the changes that were taking place and the interests that were involved, and endeavored in every proper way to bring to a peaceful and satisfactory settlement all questions of a controversial character between the two Governments. As I have stated, when the Lytton Commission was named to investigate the situation an American general was selected as one of the members of the Commission.

Recently, Mr. President, Mr. Stimson submitted a statement to the public in which he discusses the present conflict between Japan and China, and reviews the relations between the two Governments during a number of years. He refers to China and her people in the following language:

In the first place, many of us do not adequately appraise the size and character of the Chinese Nation; the influence of its civilization on Asia in the past and, what is far more important, the influence for good or evil which it may have on the rest of the entire world, including ourselves, in the years and centuries to come. For 4,000 years China has maintained what is far and away the most persistent cultural solidarity which has existed in the world. In all those centuries no foreign conquest and no passage of time has been able permanently to materially change or deflect her development.

In the next place, the dominant characteristic of this culture of these 450,000,000 of people, devoted mainly to agriculture, has been for centuries inherently peaceful. As one evidence of this, their culture has produced for themselves a status where the individual Chinese has required less government than the individuals of any other nation. Although covering an immense territory with enormous numbers, their personal relationships have remained virtually upon a family or patriarchal basis as distinguished from the various forms of community and national government existing elsewhere. Recent Chinese wars have been purely defensive and internal. No outside nation has any reason to fear any armed attack from China, provided China continues her own peculiar methods of development and organization. On the contrary, all such nations could look forward to profitable commercial intercourse with the millions of Chinese who are as keen, capable, and honest in business as they are peaceful as neighbors.

He calls attention to the Nine Power Treaty, and the obligations therein assumed by Japan, as well as by the other signatories to the treaty. Concerning the Nine Power Treaty, he states:

This was one of the most admirable and far-sighted treaties in the history of modern civilization. It has been joined in not only by ourselves, the British Empire, China, and Japan, but also by France, Italy, Belgium, the Netherlands, Portugal, Norway, Sweden, Denmark, Mexico, and Bolivia. Germany also signed it, though her Parliament has not yet ratified it. It at once stabilized the post-war jealousies and fluctuations in that part of the world.

The United States and Great Britain agreed to limit the size of their fleets and to refrain from further fortifications in the Far East in reliance upon the Japanese agreement to leave China alone and thus to preserve the opportunities of other nations for peaceful commerce with China.

The treaty was based upon a recognition of the importance of giving China a free hand in her gigantic task of economic and political reorganization and constituted a deliberate policy of renunciation of the aggression against her during that process. It represented a common faith that only by such a process under the protection of such an agreement could the fullest interest not only of China but of all nations who had intercourse with her best be served.

Furthermore, this treaty correctly represented the personal attitude of the American people themselves toward China and our sympathy with and interest in her growth and future. For many years our people have been conducting in China the greatest humanitarian and educational effort which has ever been unofficially conducted by the people of one great nation toward another.

Mr. Stimson refers to the great number of American missionaries, educators, and scientists who have gone to China and labored there in behalf of the Chinese people. He refers to the construction of colleges, schools, hospitals, and churches, and the large amounts of capital expended by the American people for educational and humanitarian purposes. He refers to the peaceful development of China and the attitude of the Chinese toward peace.

Concerning Japan, he states that for many centuries prior to 1850 the privileged class in Japan has been that of the soldier, and underneath the so-called modern parliamentary system there could be found military leaders ambitious for conquest. The depression of 1930, Mr. Stimson declares, brought an opportunity for the military group to defy the civil leaders of their own country and to seize Manchuria. In January 1932 Japanese expeditionary forces attacked Shanghai, which was the center of Chinese territory and commerce. However, as Mr. Stimson points out, there was

stubborn resistance upon the part of the Chinese nineteenth route army, and there were likewise protests from the League of Nations and the American Government. Finally Japan withdrew her forces from Shanghai, after serious damage had been done to property and many Chinese had been killed.

Two years ago I was in China and had pointed out to me in Shanghai and its environs—which had been occupied by the Japanese in the Japanese invasion of China in 1931—the places where towns and villages had been destroyed and thousands of Chinese killed. It was an unprovoked, indefensible attack by Japan upon the people of China, and an unwarranted invasion of Chinese territory.

Mr. Stimson refers to the increase in power of the military group since then, and states that "with militarism thus fortified at home, Japan has boldly claimed an economic and political hegemony over China," in complete disregard of former promises and treaty obligations.

Mr. Stimson refers to the preoccupation of the people in other parts of the world—

To the Fascist dictators of Italy and Germany, who have successfully carried through coups, * * * while simultaneously the peaceful democracies of the world, being absorbed with the work of recuperation from the depression and other consequences of the Great War, have yielded to these lawless acts of the dictators with a lack of their customary spirit.

Mr. Stimson refers to certain domestic incidents in Russia which have been interpreted by some as evidence of internal disorders. Japan, in these circumstances—

Has struck again, aiming both at north China as far as the Yellow River, and also at the center of China, at Shanghai.

He refers to the fact that the Chinese Government is denounced by Japan—

As infamous for not yielding to Japan's wishes in north China, and the announcement is made in the press that the attack will continue until the Government at Nanking is destroyed.

He further states:

China's coasts are blocked and her shipping seized, and a widespread campaign of bombarding the civilian Chinese population, huddled into great defenseless cities and remote from any military movement or objective, is put into effect. * * * These steps make clear a deliberate and systematic attempt by Japan by a general campaign of terrorism practiced upon the civilian population to force the Chinese Government to yield.

Mr. Stimson declares that—

Japan does not contemplate "the preservation of China's territorial and administrative integrity." She is actually engaged in carving up China's territory and herself taking over China's administration. She does not propose equality of commercial opportunity among all nations dealing with China. She is seeking to monopolize that opportunity and has already taken effective steps to do so in Manchukuo.

She is thus trying completely to transform China's own business methods and character and culture and to dominate them to her own national ends. Furthermore, she is not seeking to do this by persuasion or education or other peaceful means but by force and terrorism of the most brutal and barbarous kind.

Mr. Stimson states that he appreciates the difficulties which confront our Government in this situation and adds that, in his opinion—

This is not a case where there should be any thought of America sending armies to participate in a strife that is going on in Asia * * *.

The future character of the civilization of Asia must be determined, whether peacefully or by war, by the men of Asia themselves. If China is to be saved from domination by force it must be saved by the courage and sacrifice of armed Chinese men. The problem of the preservation of China's peaceful civilization cannot be solved by the armed intervention of the Occident.

But that is very far from saying that the only alternative is inaction or a passive and shameful acquiescence in the wrong that is now being done. The lamentable fact is that today the aggression of Japan is being actively assisted by the efforts of men of our own Nation and men of the other great democracy in the world—the British Commonwealth of Nations. It is not only being actively assisted but our assistance is so effective and predominant that without it, even today, the aggression would in all probability be promptly checked and cease.

Let me explain this and make it absolutely clear. Japan's position as a war-making nation is far from being self-contained.

As I stated yesterday, during the past year or 2 years the United States has shipped to Japan more steel and iron and other commodities from which munitions of war are made than all other nations combined. By these exports to Japan of commodities utilized for military purposes we have aided in the prosecution of her war of cruel aggression against a peaceful nation, which had been guaranteed against invasion by signatories to the Nine Power Treaty.

Mr. Stimson further states, referring to Japan:

She is peculiarly dependent upon the outside world for her ability to attack China. While she has ample facilities for manufacturing weapons of all kinds, she is extraordinarily lacking in the raw materials with which to carry on such manufactures. In that respect she is extremely vulnerable. She has no supplies of oil worthy of the name. She has no supplies of rubber whatever. She has very little iron ore—about one-seventh of what she uses even in peace times, and she has almost no cotton.

A further peculiarity of Japan's economic condition is that she purchases her supplies of these vitally essential commodities from a very few nations and by far the principal sellers are Great Britain and ourselves. During the 18 months prior to June 1936 she purchased 75 percent of her oil from us and one-half of her importations of iron ore and scrap iron also came from us. During the same period over 80 percent of her imports of raw cotton came from the United States and British India and the principal supplies of her rubber came from the British Straits Settlements.

Again, in Japan's present tottering financial condition she is able to make these purchases of raw material for her guns and ammunition only by selling enough of her own products to obtain the requisite foreign exchange to pay for her purchases.

One of these principal Japanese exports is raw silk. This is one of the most generally distributed crops of the Japanese Empire, the production of raw silk taking place in virtually every peasant home and farm. Of that crop the United States in 1935 purchased 85 percent and in the first 6 months of 1936, 81 percent, with Great Britain taking nearly all the rest. With the foreign exchange thus obtained Japan is purchasing from us, as I have said above, the raw materials for her guns.

I have noted during the past few days that there is a movement among American women to use more cotton and less silk, and to that extent increase consumption of a domestic product and thus limit the resources of Japan in the prosecution of her aggressive war against a people with whom we are at peace, and with whom Japan had promised to be at peace.

Mr. Stimson said further:

It is not necessary to go further into the picture. Today, hundreds of thousands of brave Chinese are fighting a desperate and hopeless battle.

Bombs are rained from the air, mechanized instrumentalities of death are in their hands. The Chinese, having devoted themselves to the arts of peace, have not made the preparations for war which have characterized the activities and movements of the Japanese people during the past 25 or 50 years. Japan sprang, like Minerva from the brow of Jove, armed cap-a-pie for military aggression, and she has in the most extraordinary manner developed the arts of war and manifested a genius for war and conquest which one would have supposed fifty or a hundred years ago to be impossible for a nation which was not militaristically inclined, as was Japan a few decades ago.

I quote Mr. Stimson further:

The press reports teem with evidences of their desperate valor and heroic self-sacrifice. But modern war is a master of machinery and munitions. These brave men are virtually armed only with the rifles and machine guns which they carry. Even their supply of cartridges for these weapons is pitifully inadequate. Their artillery is woefully insufficient, their planes merely a fraction in number of the planes of their opponents, and they have no tanks.

Day after day there are being rained upon them bombs from an unobstructed hostile air force and shells from an overwhelming mass of artillery, while their lines are being pierced at intervals by tanks which they have no means of stopping. Yet they have made a resistance so far which has won the admiration of the world. The odds against which they are fighting are being made possible by us—

Through the sale to Japan of those commodities which are soon transformed into engines of death and destruction.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER (Mr. HILL in the chair). Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. KING. For a question only.

Mr. DAVIS. I have listened with great interest to the speech the Senator is making, and I should like to know, because I have not heard of it, whether or not Japan has declared war on China up to the present time.

Mr. KING. Mr. President, Japan has pursued thus far in this invasion of China the same course she pursued when Manchuria was invaded. In the latter instance she said she was acting in self-defense. There was no declaration of war. That was so announced by the Lytton report and by the League of Nations. Japan has not declared war upon China in this recent invasion, and has set up the same hypocritical reason for her invasion she announced when she invaded Manchuria, namely, that she is doing it in self-defense.

Of course, every person knows that Japan is not defending her rights in China. Everyone knows that China is not invading Japan. China is not contemplating war against Japan. China is only now feebly but heroically trying to defend herself against the aggressions of a powerful military nation.

Japan has not declared war, but the situation, of course, is a situation of war. I voted against the neutrality treaty, and predicted when that treaty was under discussion that it would be employed as a weapon in favor of strong nations and would prove injurious to weak nations; that it would be advantageous to nations which had fleets and which could follow a policy of "cash and carry," buying goods and transporting them in their own ships, but that it would militate against the nations which did not have ships and could not purchase and carry in their own vessels the commodities which they required. So the neutrality treaty, which has been eulogized in so many quarters, in my opinion has been injurious to China and has been an aid to Japan in her attacks upon China.

Judging from what I read in the press, I presume there are forces now in Japan which will soon insist that a declaration of war be made, hoping, I suppose, that there may be some advantages under the policy which we have established with respect to ourselves, as set forth in the neutrality treaty, which Japan does not now enjoy.

I might add, however, that we are confronted from time to time with the spectacle of nations invading other nations without a declaration of war, nations carrying on brutal wars without a declaration of war. That China is being invaded and that Japan is carrying on a war against China everyone must concede, and Japan cannot camouflage her conduct by saying that she is acting only in self-defense.

Mr. Stimson said further:

> So I say that the first glaring fact which stares us in the face in our analysis of the situation is that China's principal need is not that something should be done by outside nations to help her, but that outside nations should cease helping her enemy. Given a situation in which the supply of munitions was only somewhat less unequal, China's bravery has already shown that Japan's task would be hopeless.
>
> In the light of these facts, the first question that I should ask of the American and British people is, Does the safety of the American Nation and the safety of the British require that we go on helping Japan to exterminate, by the methods she is daily employing, the gallant Chinese soldiers with whom she is confronted—not to speak of the civilian Chinese population that she is engaged in terrorizing? Is the condition of our statesmanship so pitifully inadequate that we cannot devise the simple means of international cooperation which would stop our participation in this slaughter? I, for one, do not think so. I believe it can be done, and done effectively, without serious danger to us.
>
> * * * * * * *
>
> Our recent neutrality legislation attempts to impose a dead level of neutral conduct on the part of our Government between right and wrong, between an aggressor and its victim, between a breaker of the law of nations and the nations who are endeavoring to uphold the law. It won't work. Such a policy of a moral drift of such a safe and powerful nation as our own will only set back the hands of progress. It will not save us from entanglement. It will even make entanglement more certain. History has already amply shown this last fact.
>
> As if to teach us the folly of our ways, since this legislation was adopted, fate has paraded before our shocked consciousness two instances of glaring aggression, in Ethiopia and the Far East. Progress is not made in the world by attempting to exclude a consideration of the difference between right and wrong, nor is it wise legislation to attempt to impose upon the President, to whom the Constitution gives the duty of the conduct of our international affairs, shackles of restraint to hold him helpless in all future conditions, no matter how complex or unanticipated.
>
> Finally, in this grave crisis in the Far East we not only must not fear to face issues of right and wrong, but we must not fear to cooperate with other nations who are similarly attempting to face those issues. The League of Nations was founded upon a covenant which, almost for the first time in human history, attempted to base our international civilization upon a reign of law and to make a distinction between a lawbreaker and its victim. Five years ago, on Japan's first aggression into Manchuria, the League, while failing to stop the aggression, did not hesitate to pass judgment upon it in unmistakable language after a full investigation of its facts.

I concede, Mr. President, that when two or more men engage in a violent conflict, assaulting each other, the bystander runs some risks if he attempts to placate the contenders and to promote peace, and yet if the bystander has an agreement with the contestants that they shall work together for peace, or if the weaker side is being subdued by the use of improper force on the part of the stronger side, there rests upon the bystander a moral obligation to interpose peacefully with a view to settling the controversy, and preventing the wrong being done to the weaker side.

Mr. Stimson continued:

> The League did not fail to distinguish between right and wrong in the Far East then, and the American Government, on February 25, 1933, did not hesitate to range itself alongside of the League in that judgment and to declare that its understanding of the facts was in accord with the findings of fact arrived at by the League and that its conclusions were in accord with the conclusions of the League.
>
> Today on China's appeal the League is again engaged in an examination of the present crisis and the formulation of its judgment thereon. Our Government should not hesitate, if the facts are as we believe them, to support the League again by a statement of its concurrence. Such a judgment is not futile. In the process of time law is built up both within and without national boundaries by such decisions and such precedents. Japan is far more friendless today before the tribunal of world opinion than she would have been except for the investigation and judgment which was rendered against her 5 years ago. We should not fail to take our part in laying such foundations of the structure of international law of the future.
>
> Since the writing of the foregoing letter has come the President's Chicago speech. I am filled with hope that this act of leadership on his part will result in a new birthday of American courage in facing and carrying through our responsibilities in this crisis.

Mr. President, I think the notable address of President Roosevelt at Chicago on October 5, last, to which I referred yesterday, met with the approval of the lovers of peace throughout the world. It was regarded as an admonition that the moral sense of the world, and the moral sense and consciousness of the people of the United States, would not support nations that run amuck, and that they would favor a policy of—shall I use the word "quarantining"?—at any rate, that they would favor indicating to the world that this Nation, as well as other civilized nations, looked with concern upon aggressions, particularly by powerful nations against weak nations—aggressions for the purpose of taking from weak nations territory to which those powerful nations were not entitled.

Protests were made by our Government and by the League of Nations against Manchuria's invasion by Japan, and such steps were taken as were deemed appropriate, under existing treaties, to protect China from Japan's aggressive course. As a matter of fact, our fleet was held at Hawaii for some time, and, as I recall, was not withdrawn until after the bloody conflicts in and about Shanghai were ended by the withdrawal of Japan's forces. Since the conquest of Manchuria by Japan, the military group, it appears, has acquired stronger control of the Japanese Government. It will not be forgotten that elements in the military group assassinated a number of the more moderate and able statesmen of Japan, and it is to be noted that since then the military policies of Japan have been more aggressive, and its appropriations for military and naval purposes greatly increased.

The Senator from Arizona [Mr. ASHURST] stated a few days ago that if Great Britain had united with the United States,

when the latter protested against Japan's invasion of Manchuria, a different result would have followed. I think there are evidences tending to show that, if the United States and Great Britain had joined in their protests, and particularly if other signatories to the Nine Power Treaty had joined with them, the entire course of events in the Orient would have been different. But the failure of the signatories to the Nine Power Treaty to take a definite and united stand against Japan's contemptuous disregard of the terms of the treaty, undoubtedly influenced Japan's conduct then, as well as since, and doubtless has led her to the belief that she may flagrantly violate treaties, and pursue without molestation a plan to conquer and control China.

Since Japan occupied Manchuria, in 1931, the facts prove that she has systematically pursued a course looking to the absorption of the northern provinces of China, if not ultimately the control of all Chinese territory. Her armed aggressions upon Chinese territory since then, if temporarily suspended, have never been terminated. Although her assent was given to the Lytton Commission to investigate the questions in dispute between China and Japan, Japan presented to the League of Nations and the United States a declaration that Manchukuo had been recognized by her. Shortly after the adoption of the Lytton report in February 1933, Japan flouted the pronouncements of the League, and her armies entered the Chinese Province of Jehol, and brought a considerable portion of that Province under the control of the Japanese Manchukuo regime. Her troops further penetrated Chinese territory, and military operations were extended southerly and southwesterly, constituting a threat to Peiping. The Great Wall of China, which had held back alien forces for centuries, no longer constituted an obstacle to Japanese military penetration of China, and in May 1933, Japan's military forces advanced to within a few miles of Tungchow, a city less than 20 miles east of Peiping.

In 1934 Japan submitted a statement indicating her purpose to control China. It stated, in substance, what its position and mission in east Asia were to be, regardless of legitimate interests of other powers, and to the exclusion of their cooperation. This statement was unmistakable in its announced purpose to dominate east Asia, and subsequent developments demonstrate that the words "east Asia" were so elastic as to embrace a considerable part of the territory of China.

Mr. Hirota, the Japanese Foreign Minister, in the fall of 1935 further revealed the ambitious schemes of Japan. He stated that—

> China must definitely abandon her policy of playing off one foreign nation against another and must not again attempt to check the influence of Japan by cooperation with Europe and America. Friendship with Japan should be exclusive of that with European and American powers.

He further demanded that China "must show her sincerity towards Japan by a formal recognition of Manchukuo."

That is a declaration which is not susceptible of misconstruction. It means that European powers must keep out of China, that they must not cooperate with China for China's good; that China can cooperate with Japan alone; that Japan's influence must dominate to the exclusion of the influence of other powers.

These demands, together with the menacing attitude of Japan's military forces, produced, as was to be anticipated, the deepest concern on the part of the Chinese and the Chinese Government. They knew of their unpreparedness to cope with a military power such as Japan, particularly when the latter was animated by a spirit of conquest and territorial aggrandizement. The Chinese Government attempted to mollify Japan and to abate, oftentimes by humiliating concessions, the increasing demands of the Japanese Government, but all to no avail. Japan denounced the efforts of China in seeking cooperation with foreign nations, particularly the United States and Great Britain. When China reformed its currency, this act aroused the hostility of Japan.

Attempts were made to set up an independent north China, for the purpose of strengthening Japan's economic and political control over additional Chinese territory. This movement was inspired, if not controlled, by Japanese agents, consisting of local garrison commanders, representatives of the Kwantung Army, and officers of indeterminate status. Japan sought to include in this autonomous government the Provinces of Chahar, Suiyuan, Hopei, Shansi, and Shantung, comprising more than 600,000 square miles.

Incidents created by Japan were seized upon as pretexts for further penetration of Chinese territory and for the attempted control of the Chinese Government. It was manifest that Japan entertained the purpose of undermining, if not destroying, the Central Government of China, which would result in confusion and chaos, and produce a situation which would be seized upon as a further pretext for Japanese penetration and the exercise of governmental authority over Chinese territory and citizens.

As indicated, further invasions of Chinese territory were made and a considerable part of Chahar was seized and brought within the so-called Manchukuo territory. Japan, in the latter part of 1935, as I have indicated, regarded the time as propitious to set up an autonomous movement for the control of the five northern Provinces of China. Major General Tada, commanding the Chinese garrison in north China, openly advocated the political and economic separation of north China from China proper. A military conference was held by Japan to devise a program to carry out the separatist movement and a series of demands were formulated and presented to China which, if accepted, would be regarded as equivalent to a cession of Chinese territory. Large military troops were massed upon Chinese soil south of the Great Wall of China. This warlike movement of Japan brought some repercussions in other countries.

The Secretary of State on December 5, 1935, stated, among other things, that the fact stands out that an effort is being made and resisted to bring "about a substantial change in the political status and condition of several of China's northern Provinces." He pointed out the fact that such unusual developments in any part of China were a concern to the many powers having interests there, including the United States. He further stated:

> In the area under reference, the interests of the United States are similar to those of the other powers. In that area there are located, and our rights and obligations appertain to a considerable number of American nationals, some American property, and substantial American commercial and cultural activities. The American Government is, therefore, closely observing what is happening there. Political disturbance and pressure give rise to uncertainty and misgivings and tend to produce economic and social dislocations. They make difficult the enjoyment of treaty rights and the fulfillment of treaty obligations.

The statement of the Secretary of State concluded as follows:

> * * * In international relations there must be agreements in order that there may be the confidence and stability and sense of security which are essential to orderly life and progress. This country has abiding faith in the fundamental principles of its traditional policy. This Government adheres and continues to bespeak respect by all nations for the provisions of treaties solemnly entered into for the purpose of facilitating and regulating to the reciprocal and common advantage the contracts between and among the countries signatory.

I digress, Mr. President, to observe that the progress of civilization to the heights where there will be a truer and better civilization than that which we enjoy today is measured in part, at least, by the respect which nations have for treaties and obligations which they enter into. The civilization of a city, a county, or a State is measured by the respect which their inhabitants have for law and for covenants and agreements which have been entered into by them. We must import into our international relations something of the spirit of municipal law under which we live, which guides us in our daily relations with our neighbors, and which leads us to better social and political conditions.

But there are some who believe that while respecting municipal ordinances and laws we can flout international

agreements; that we ought not to make international agreements, because they represent international entanglements.

Mr. President, it must be manifest to all familiar with events in China and Japan that during the past few years Japan has pursued an undeviating course looking toward the subordination of China to her exclusive interest and control. The frightful conditions now prevailing in China have been brought about by reason of Japan's imperialistic purposes.

May I revert to the period preceding by a year or two the immediate situation in Japan? On November 24, 1935, Yin Ju-keng, then special inspector of a given area, unlawfully proclaimed the formation at Tungchow of the so-called Eastern Hopei Anti-Communist Autonomous Council.

As I have indicated, Japan has been seeking to organize segments of territory in China, ostensibly as autonomous governments, but really puppet governments under Japanese control, and dominated by Japanese representatives.

This was a revolutionary movement against the Chinese Government and in the interest of Japan. This and other movements, which I have not time to detail, tended to weaken the Nanking Government and to drive a wedge into Chinese territory in order to detach from China Provinces to be controlled by the Japanese Government, either directly or as puppet states. There is abundant evidence tending to show the movements instigated by Japan to detach Chinese Provinces from the Central Government and to bring them under the influence and control of Japan.

In World Affairs for December 1935 will be found an article by Ambassador Chengting T. Wang entitled "Japan's Aggressions Upon China," from which I desire to read a few paragraphs.

What is important is that the world should know the present extent of Japan's intentions with regard to the subjugation and domination of China. To learn this it will not be necessary to go further back than the Sino-Japanese War of 1894–95. Indeed, it would be possible to begin with the 21 demands presented to China by Japan in 1915, but the exposition can be made more complete by saying at least a word with regard to the results of the Sino-Japanese War of 1894–95 and of the Russo-Japanese War which followed 10 years later.

If time permitted, I should like to advert to those 21 demands which were made in 1915 by Japan upon China. We recall that at that time Great Britain and the Allied Powers—Great Britain and France, the Netherlands and Belgium—nations which had interests in the Orient, were locked in deadly embrace with the Central Powers. Japan took advantage of that situation feeling that those powers would not or could not protect their interests in the Orient, and that then was the time for Japan to strike at China and to bring her under exclusive Japanese control. So she submitted the 21 demands, and, after long negotiations, a Fabian policy being pursued by China in the effort to prevent recognizing the demands or assenting to them, finally, under pressure and coercion, with some slight modification, China signed, but said over and over and over again that she repudiated the demands and would not submit to them. Those demands would have made China a mere puppet state of Japan, the same as Manchukuo, and would have brought the territory of China and her millions of people and her resources into the hands and power of the Japanese Government.

The Sino-Japanese War grew out of conflicting claims and interests of China and Japan in the Kingdom of Korea.

We remember the war between Japan and China, as a result of which Formosa and Korea were taken away from China; and Korea, while ostensibly becoming a quasi-independent nation, as a matter of fact became a Province of Japan.

China was defeated in that war, and, by the Treaty of Shimonoseki, which brought it to an end, China, in addition to the payment of a large indemnity, was obliged to recognize the independence of Korea over which she had previously claimed a species of suzereinty, and to cede to Japan the great island of Formosa, which lies along the southern coast of China, together with the small Pescadores Islands in the same region. Also, China was compelled to cede to Japan the Liaotung Peninsula, which juts south from Manchuria and constitutes a strategic, commercial, and military key to that great northern region as well as to the Gulf of Pechili and thence to the old capital of China, Peking. Representations made to Japan by Russia, Germany, and France compelled Japan to forego this last continental acquisition, but, as a result of the war between Japan and Russia which occurred in 1904–5, Japan was able to secure transfer to herself of a lease previously obtained by Russia from China of this Liaotung Peninsula at the tip of which lie Port Arthur and the city of Dalny or Darien. This lease, while not divesting China of her sovereignty over this area, placed it under the effective occupation and administration of Japan. As a result of the Russo-Japanese War, Japan also obtained the transfer to herself from Russia of the southern half of the island of Sakhalin in the north. Also it should be noted that, before this time, Russia and Japan had conflicting interests with regard to the establishment of so-called "spheres of influence" within the northern provinces of China, known collectively as Manchuria.

By the Treaty of Portsmouth, which terminated the Russo-Japanese War, Russia recognized that Japan's railway, mining, and other interests in the southern half of Manchuria should be deemed dominant. Both nations declared, however, that they would not obstruct any general measures, common to all countries, which China might take for the development of the commerce and industry of Manchuria; and both nations also engaged themselves to exploit their respective railways in Manchuria (except those in the Liaotung Peninsula) exclusively for commercial and industrial purposes and in nowise for strategic purposes.

I have thought it necessary to mention these provisions of the treaties terminating the Sino-Japanese and Russo-Japanese Wars since they serve to show that, certainly at those dates, Japan already had international ambitions which included the acquisition of territories along the Chinese coast and upon the eastern mainland of the Continent of Asia.

* * * * * * *

In fact, Japan went far beyond this, and occupied with her troops and her civilian authorities areas far outside of the territory that had been leased by China to Germany. I shall not take time to describe how Japan, at the time of the discussion at Paris of the treaty terminating the war between Germany and the Allies—of which China had become one—Japan refused to return the Shantung leased area; how this injustice to China constituted one of the chief criticisms in America of the treaty drawn up at Paris and was influential in causing the United States Senate to refuse its approval of the treaty.

Senators who were Members of the body at that time will remember the criticisms that were made of the Versailles Treaty because of the fact that there seemed to be a recognition of the right of Japan to occupy and assert control of Shantung, one of the richest and most populous Provinces of China. I do not think I am betraying any confidence when I say that I talked with President Wilson, as I was disposed to vote against the treaty, because I believed that it was a recognition of a violent assault by Japan upon China and a recognition of the right of Japan to wrench from China that rich Province and annex it to Japan. I had the assurance, I may say, of the President that there was an understanding—and I think it was embraced in written communications between representatives of Japan and representatives of the President—that Japan would relinquish her control of Shantung and that that situation would not be an obstacle to approval of the treaty. Thereupon I voted for its ratification. I wish to say, to the credit of Japan, that subsequently, pursuant, I believe, to the understanding which had been reached through the interposition of President Wilson, Japan withdrew from Shantung, and the control of Shantung and her resources reverted to China, to which they belonged.

It is a fact, as stated by Ambassador Wang, that that situation was seized upon by a number of Senators—and I make no criticism—and led them to oppose the treaty with great vigor and great ability, and, doubtless, influenced their final vote in opposition to the treaty.

* * * The whole story covering these events placed Japan in a very unfavorable light, but I have no disposition to review it at this time.

In 1915 Japan suddenly presented to China 21 demands—

To which I have referred—

which, had they been conceded by China in their entirety, would have brought all China under the dominant control of Japan. The present Chinese Minister of Foreign Affairs, Dr. Wang Chung-hui, in his justified description of those demands in the Washington Conference, after pointing out that they were put forward, not in satisfaction of any pending controversies, or in exchange for any offered quid pro quo, said: "History records scarcely another instance in which demands of such a serious character as

those which Japan presented to China in 1915, have, without even pretense of provocation, been suddenly presented by one nation to another nation with which it was at the time on friendly relations."

China made what resistance she could to these demands and managed to secure the postponement of the consideration of the fifth of the groups into which they were divided—the group which contained the most general of the demands and which, if yielded to, would have made Japan politically dominant over and throughout China. Most of the other specific demands China was compelled to concede after an ultimatum threatening war within a few hours had been presented by Japan. Thus, by bald force majeure, China was compelled to sign in May 1915 a series of treaties and notes the essential validity of which, because of their immoral basis, China has continued to deny. By the treaties thus exacted of China, Japan was able, among other things, to increase her claim to railway rights in Manchuria and the right of her nationals in that area to acquire lands for agricultural and manufacturing purposes. Also she obtained a formal extension of the term of her lease of the Liaotung Peninsula.

In the Washington Conference of 1921–22, China, aided by the pressure brought to bear upon Japan by the other nations represented in that conference, and especially by the United States, was able to obtain a number of important concessions from Japan, but with regard to Japan's treaty rights in Manchuria, including those obtained as a result of the 21 demands, Japan showed herself unyielding. It is, however, to be noted that none of these alleged treaty rights, important though they were, impaired the essential sovereignty of China over the Manchurian provinces. Not even by Japan was the continued sovereignty of China over Manchuria at that time contested.

Most important of the political results of the Washington Conference was the Nine Power Treaty, later adhered to by five other powers. The provisions of article I of this treaty have been often quoted, but because of their importance, they cannot be too often repeated. By them, the contracting powers, which, of course, included Japan, agreed:

"(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China."

Our country was a party to that treaty; and therefore, in view of its terms, we have a right at least to confer with Japan and to ascertain her reasons for violating a treaty to which we were a party.

"(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

"(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China."

As I said a few minutes ago, Mr. President, we have treaties with China under which we have rights in Shanghai, in the International Settlement. American citizens have property rights in China. They have done much, as I have indicated, for educational and cultural development in China. Americans have erected and maintained schools and hospitals and institutions of learning in various parts of China. All those rights are there in virtue of treaties which we have had with the Chinese Government, which rights have been recognized by Japan and by other countries which have special rights in China. But Japan now declares that our nationals must get out. She is asserting jurisdiction over the International Settlement and over the whole of China where her troops are; and, of course, her purpose, as indicated from day to day by the announcements of the military leaders in Tokyo, is that she will prosecute the war until the whole of China is conquered.

By her 21 demands presented to China in 1915, Japan had made perfectly plain the extent of her aggressive ambitions with regard to China. However, the world had ground for believing, when Japan gave her adherence to the doctrines and undertakings embodied in the Covenant of the League of Nations, and especially when she had voluntarily and freely given the pledges contained in the Washington Nine Power Treaty, that she had abandoned these ambitions. Indeed, for a number of years Japan's actions were not such as definitely to refute this belief, although those who kept themselves currently informed of conditions in Manchuria, and also of the efforts from time to time made by Japan to hinder China's progress toward political unity and economic development, were not without fear that there had been no real surrender of her intention, when the time should seem ripe and a good opportunity should be offered, again to advance her continental aims without regard to the sovereign rights of China.

That there were grounds for this fear was made evident when, in September 1931, Japan made her sudden attack upon Manchuria, and, by successive steps, and undeterred by the efforts of the League of Nations and the condemnation of the whole world, effected military occupation of all of Manchuria—an area as large as France and Germany taken together and inhabited by a population of 30,000,000 of Chinese.

China was not able in 1931 to offer effective resistance to the Japanese invasion and military occupation of her northern Provinces. Only when Japan made her onslaught upon the great commercial city of Shanghai was she able, in 1932, to hold the Japanese in check. Even when the Japanese extended their military occupation outside of Manchuria and overran the important Province of Jehol, China had to yield to superior military force. Finally Japan breached the Great Wall of China, which marks, in part, the southern boundary of Manchuria, and began to overrun the Provinces of China which lie south of the wall. Finding herself unable at that time to offer further effective resistance to the armies of Japan, China, in May 1933, agreed to a "truce agreement" with the Japanese military authorities.

I shall not take the time of the Senate to read further the description of that agreement, other than to say that it was violated by Japan, and in one or two instances was used as a pretext to justify her further military invasions of the northern Provinces of China.

The writer continues:

By July of this year, however, the Chinese came to the desperate determination that it would be fatal for them to make further concessions and, therefore, that to the extent of their military power they would oppose the invading forces of Japan. When this resolve became evident to Japan she, in turn, came to the determination which she has openly avowed, that the time had come for her to obtain in their totality, all that she wished from China. A typical instance of the avowal of this determination is that of M. Yosuke Matsuoka. M. Matsuoka is one of the leading public men of Japan. He is now president of the Great South Manchurian Railway Co. and was the leader of the Japanese delegation during the later discussion by the Assembly of the League of Nations of the Manchurian controversy, and he it was who led his delegation out of the Assembly and his country out of the League when that body adopted its report of February 24, 1933, condemning Japan for what she had done.

As we all know, Mr. Matsuoka played an important part in the subjugation of Manchuria.

In the course of a statement prepared for distribution by the Associated Press, and published in the newspapers of October 10, 1937, M. Matsuoka said, "At last Japan is in for the final, for the knock-out, decision."

That was his interpretation of the present great invasion of China. This is to be the final knock-out, and China is to be brought under the control of Japan!

The statements in the article to which I have referred, and from which I have read, corroborate the observations which I have made with respect to the course pursued by Japan with respect to Japan's Chinese policy for the past quarter of a century, and I submit that the Senate and the country should give due consideration to it.

The conduct of Japan was formally brought to the attention of the League of Nations by Dr. V. K. Wellington Koo on September 27, 1937. Documents had been presented by China bearing upon Japan's conduct, and officially communicated by the Secretary General, at the request of the President of the Council of the League of Nations, to the Far East Advisory Committee.

It is a work of supererogation for me to call attention to the fact that the League of Nations has an advisory committee which deals with far eastern problems and questions and controversies, just as it has other advisory committees dealing with other parts of the world in which members of the League of Nations are concerned. This advisory committee consists of able men, who keep in touch with conditions in the Orient; and, as I stated, when an appeal was made by China to the League of Nations calling attention to the violations of the treaties upon the part of Japan, the advisory committee had these appeals referred to it for examination and for report.

On the 27th of September of last year Dr. Koo addressed the advisory committee. Prior to that time he had addressed the League of Nations; and, as I stated, his petitions had been sent to the advisory committee. As suggested by my colleague the able Senator from Illinois [Mr. LEWIS], Dr. Koo at one time was the representative here of the Chinese Government, the Chinese Ambassador. He is a man of great ability, high integrity, and great courage; a man who had the confidence and esteem of all with whom he came in contact, and of all governments to which he has been accredited, and of the gov-

ernments with whose representatives he came in contact at the League of Nations at Geneva.

Dr. Koo addressed the advisory committee and stated, among other things, that the Japanese troops in China numbered 350,000. That was last September. Now they greatly exceed that number, and Japan is augmenting her military and naval force. She has blockaded the coast from the north to the south, and perhaps now has in China 500,000 troops, and all modern equipment used in warfare—tanks and airplanes and all the other scientific developments which are employed to destroy human life.

Dr. Koo stated they had attacked and occupied more cities and towns in the north and penetrated farther into the interior. Remember, this statement was made by him to the League last September, and we learn of the bloody march of the Japanese troops since then into various parts of China, the bombing of cities, peaceful cities, where there were no troops, cities of three and four and five hundred thousand inhabitants—Canton, in the south, with a million inhabitants—raining down from the skies bombs for the destruction of thousands of innocent men, women, and children.

Mr. President, when Germany, soon after the World War began, dropped a few bombs upon Belgian and French cities, the American people not only were shocked but they were highly indignant and denounced the barbarity of Germany for the course which she was pursuing. But we say nothing now. We know that thousands and tens of thousands of poor Chinese, in cities and towns which are not fortified, and where there are no military forces, are being bombarded from the skies, and noncombatant men, women, and children are being killed by the hundreds and thousands.

Dr. Koo stated that the Japanese air force intensified its inhuman method of terrorization and mass murder on the civilian population, notably in Nanking, Canton, Nanchang, and Hankow. Dr. Koo's address presents the situation in China and presents facts which should be brought to the attention of the Senate and of the country.

Mr. President, I take the liberty, with apologies for trespassing on the time of the Senate, to call attention to this address, which was delivered on the 27th of September by Dr. Koo to the advisory committee of the League of Nations. I shall pretermit reference to the greater part of it. He states in his presentation:

> Japan's armed invasion of China on land, on the sea, and from the air is a clear case of aggression. Whatever incidents there were at the beginning, they were of Japanese creation in order to have an apparent pretext for their plan of territorial conquest. Even if the incidents had been free from Japanese instigation, they could not justify such a formidable invasion of the territory of a peace-loving neighbor. Given peaceful intentions on the part of Japan, every incident, however serious it might appear in character, could have been settled amicably and without disturbing the peace between the two countries, for China had from the very beginning proposed and insisted, in the case of the Hungjao airdrome incident in Shanghai, just as in the case of the Lukouchiao incident in the north, to settle these questions through the normal diplomatic channels. It is also a fact on record that even after Japan had concentrated 20,000 troops and 100 war planes in the Peiping-Tientsin area, China, after failing to persuade Japan to accept a peaceful settlement, had appealed to the governments of the powers signatory to the Nine Power Treaty of Washington, and the governments of the two other powers having important interests in the Far East—Germany and the Soviet Union—announcing her readiness to settle her differences with Japan by any peaceful means known to international law or treaties.
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> But Japan persisted in her policy of force and plunged forward once more to invade China in her attempt to realize her fixed program of conquest on the Asiatic mainland. Her action constitutes an aggression, pure and simple, against the territorial integrity and existing political independence of China, a member of the League, and a challenge to the League of Nations, whose members undertake under article X "to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League." It also constitutes a violation of the peace of nations which, under article XI, is a matter of concern to the whole League.
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> The real intention of Japan is obvious. It is the subjugation and conquest of China as an essential step to the fulfillment of her so-called sacred mission to dominate Asia, the Pacific, and eventually the world. It may prove to be a mere dream on her part, but it nevertheless constitutes a real menace to the peace and security of nations. The responsible leaders of the Japanese Government have repeatedly and publicly declared their desire to "punish China" for lack of "sincerity", and relying upon their mighty war machine to "beat China to her knees." Let me ask, what sins has China committed to deserve "punishment" from Japan? Is it because she has refused to kneel down on her own initiative and kiss the feet of Japan? What sincerity does Japan expect from China? Is it that of taking orders from Tokyo and doing its bidding?
>
> The Foreign Minister of Japan, in his reply to the invitation of this committee, tries to disguise the Japanese wolf in the lamb's coat by complaining that the Chinese Government makes opposition to Japan and anti-Japanese agitation the basis of its national policy, and professing a desire that the Chinese Government should entertain other sentiments. But what other sentiments China should entertain toward Japan are not specified. I presume it is not meant that the Chinese Government should cherish nothing but friendship, love, and even perhaps gratitude to Japan for her never-ending invasion of China's territory, for her ruthless slaughter of tens of thousands of innocent Chinese men, women, and children, for her wanton destruction of hundreds of millions of dollars worth of property, and for her tearing away from the Chinese body politic one province after another by the power of the mighty Japanese arms. Is it by such methods of devastation and spoliation that the Japanese Foreign Minister expects to establish "a harmonious cooperation between China and Japan"?
>
> The declaration of responsible Japanese statesmen betray the existence of a war mania and the lust for conquest in Japan as clear as the actions of the Japanese armed forces in China constitute a most flagrant form of international aggression. This attitude and this policy must be denounced, because they are in violation of the principles of international law and treaty obligations, including, particularly, the Kellogg-Briand Pact of Paris and the Nine Power Treaty of Washington, to which Japan is still a party, because they are responsible for the hostilities in my country and the sufferings of the Chinese people, and because they menace the peace and security of other nations.
>
> What should the League do? I know there are people who are devoted to the cause of peace, but who before answering this question would like to ask, What could the League do? While I realize that the experience of the League in the past years calls forth prudence and circumspection on our part, it does not follow that nothing could be done, and, therefore, nothing should be attempted in the presence of a grave danger alike to the safety of a member state and the peace of the world.
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> If the League cannot defend right in the face of might, it can at least point out the wrongdoer to the world. If it cannot stop aggression, it can at least denounce it.

I may say parenthetically that I think that is the attitude which our Government would be warranted in taking. We do not want war with Japan or with any other nation, but when we are parties to treaties, and when one of the treaties, to wit, the Briand-Kellogg Pact, in part was originated by this Government, and when we see those treaties violated, and at least two of them call for consultation among the signatories, we can at least denounce those who violate the treaties and brand them before the world as treaty violators.

I have no doubt Japan's present aggressive attitude toward China is in part due to the laissez faire policy which we pursued when Manchuria was invaded. A number of persons whom I met in the Far East a few years ago, and a number whom I have met since who were acquainted with the conditions in China and Japan at the time of the Manchurian invasion, stated that if our Nation and Great Britain had protested against that infraction of the treaty Japan would have hesitated and probably withdrawn. Certainly she would not have continued her course of depredation and devastation from that time to the present.

I continue to read from the speech by Dr. Koo:

> In the moral and juridical fields there is nothing that prevents the League from discharging its obligations under the Covenant. On the contrary, in the interest of its own prestige and of the cause of peace, the safeguarding of which is the raison d'etre of its own existence, there is every reason that, confronted with a grave situation such as the present one in the Far East, it should pronounce its condemnation of the flagrant violations of international law, treaty obligations, and the elementary principles of justice and humanity.
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> This is particularly true as regards the necessity of voicing its horror and indignation at the inhuman method of air bombing on cities and towns by the Japanese air force. The ruthlessness of the Japanese war aviation in China has evoked strong protests from the governments of the principal powers and called forth the condemnation of the whole civilized world. The press in the leading capitals, regardless of its political complexion or its traditional policy on foreign questions, has lifted its voice in unison against it in demanding of the peoples in their respective countries to denounce it, to take concrete action, and cooperate in order to bring about its abandonment.
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> It is to be noted, too, that the American Secretary of State, Mr. Cordell Hull, following a warning given by the commander in chief of the Japanese fleet at Shanghai of the intention of the

Japanese air force to bomb Nanking, the capital, out of existence, states that "the Government of the United States disapproves of this imperiling of its citizens and of all the other noncombatants in general, as well as the suggestion that its civil servants and citizens at present residing in Nanking should evacuate the region in which they continue legally their legitimate occupations," and that "the Government of the United States holds that any general bombardment of an extensive region in which a large civil population resides is unjustifiable and contrary to legal and humanitarian principles."

Mr. President, some Americans believe that our Government would not be justified in severing diplomatic relations with Japan. It is the view of many that Japan's continued violation of the rules of civilized warfare, the violation of treaties, the course which she is now pursuing would justify that course.

The note of the British Government to the Japanese Government in regard to the attack on the British Ambassador in China by Japanese war planes states that "it is one of the oldest and best established rules of international law that direct and deliberate attacks on noncombatants are absolutely prohibited, whether inside or outside the area in which hostilities are taking place." It considers the practice of bombing noncombatants "as illegal as it is inhuman."

According to the press, on the occasion of the recent bombing of Nanking and Canton by Japanese airmen, the British Government instructed its Ambassador at Tokyo to express to the Japanese Government "the horror and indignation felt in Great Britain at the deplorable loss of life among the civilian population."

I remember reading dispatches from Canton telling of the slaughter of men, women, and children in the congested parts of the cities, where there were no military fortifications, where there were no troops. Thousands of helpless women and children and noncombatant men were killed in those aerial raids.

Since the announcement of their sinister intention to resort to wholesale butchery of Chinese civilian population, Japanese war planes have already made nine bombing raids on Nanking—

They have made many since this document was published, which was last September—

five on Canton and extended their ruthless attacks to Soochow, Hankow, Nanchang, Tsinan, Hsuchow, and a dozen other cities levying in the few days alone a toll of death of perhaps 10,000 innocent men, women, and children. A number of nonmilitary objectives, including the Central Institute of Hygiene and the Central Hospital in Nanking, have been damaged or destroyed by Japanese air raids.

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In conclusion—

Dr. Koo states—

let me emphasize again that the situation in the Far East created by the Japanese armed invasion is very grave. It calls for urgent consideration and action by this committee. Every new day means to China, without counting the loss of life on the field of hostilities, the killing of more hundreds, nay thousands, of innocent men and women whose eyes are turned on the civilized world and whose hopes are pinned upon this great institution dedicated to the principles of peace and humanity, praying that one and the other will hasten to do something to restrain the unbridled forces of aggression, to rescue them from indiscriminate slaughter and to mitigate their sufferings. In the name of humanity as well as in the interest of justice to my country and peace in the world, I earnestly hope that this committee will not let the main issues be lost in a labyrinth of procedure but will act speedily as well as effectively.

Lord Cranborne, who was a member of the advisory committee and to whom this address was delivered, stated:

We have all, I am sure, listened with deep concern to the statement made by the delegate of China, whose presence at the committee we welcome today.

He further stated:

The bombing of open towns which has stained the present conflict is an affair of less wide scope perhaps than the general problem, but it has even greater urgency. Words cannot express the feeling of profound horror with which the news of these raids has been received by the whole civilized world. They are often directed against places far from the actual area of hostilities. The military objective, where it exists, seems to take a completely second place. The main object seems to be to inspire terror by the indiscriminate slaughter of helpless civilians.

Insofar as the lives and property of British nationals have suffered or been in danger His Majesty's Government has already protested and has reserved all its rights as regards holding the government concerned responsible for the consequences of such bombing.

* * * * * * *

His Majesty's Government in the United Kingdom desire here in Geneva to place on record their profound horror at the bombing of open towns which is now taking place in China, and to express their hope that this committee may condemn such practices in no uncertain terms. Their effect on world opinion is, I suggest, a factor which those responsible would do well to take into account.

M. Delbos, of France, who was one of the members of the advisory committee, stated, among other things:

All that he—

Referring to Dr. Koo's statement—

pictured before us profoundly disturbs the conscience of the world, and it is to this aspect of the conflict that I should like to confine myself for the moment until we examine the other aspects at a later stage. To military operations there have been added horrors, the atrocious character of which is increasing day by day. As if the massacre which takes place on battlefields were not enough, the civilian populations are in their turn victims of the most powerful and most bloodthirsty means of destruction. No one can read, without being filled with profound pity and a sentiment of indignation, the accounts that have reached us of the air bombardments of Nanking, Canton, and Hankow.

It is our duty to condemn these methods, which are directed to the ruin and extermination of innocent populations. If we closed our eyes we should be guilty toward China and toward ourselves of a failure in our duty. The whole of civilization would be threatened if we did not totally condemn such methods of conducting hostilities. The French Government has expressed its reprobation of such procedure. It repeats the reprobation, and is prepared to associate itself in its solemn condemnation, which will be the expression of the voice of the whole civilized world.

Other members of the advisory committee, Mr. President, expressed at that time views in harmony with those of the two members of the advisory committee to whom I have just referred.

The Japanese military forces have invaded a considerable part of the territory of China. Among the Provinces so invaded are Manchuria, Liaoning, Kirin, Heilingkiang, and Jehol, with an area of more than 1,285,000 square kilometers and a population of nearly 34,000,000 people; also the Provinces of Hopei, with an area of nearly 140,000 square kilometers and a population of 26,740,391; Shantung, with an area of 152,496 square kilometers and a population of 34,536,907; Shanshi, with an area of 161,842 square kilometers and a population of 10,881,690; Suiyuan, with an area of 304,058 square kilometers and a population of 2,156,529; and Chahar, with an area of 258,815 square kilometers and a population of 1,782,913.

In the Yangtze Valley a number of Provinces have been invaded, among them being the following:

	Area	Population
Kiangsu	104,962	31,455,565
Chekiang	101,061	20,208,429
Angwei (part)	143,447	22,020,591

The total population affected would be considerably more than 150,000,000.

My information is that the Chinese casualties have been very heavy, numbering more than 300,000. Indeed, I have seen some press reports stating that the total number would exceed 1,000,000.

Also there are casualties among the noncombatants, the extent of which I am not able to state. Hundreds of thousands of Chinese have lost their homes and have been compelled to flee. I have been modest in that statement. Millions have lost their homes and have been compelled to flee. The havoc and ruin wrought by Japan's invasion can scarcely be described.

Puppet governments have been established by the Japanese, including Manchuria, Kiangsu, Chekiang, and various segments in Shanghai; and, as I have indicated, the coast line of China, more than 2,150 miles in length, with all its indentations, estimated at 5,000 miles, is blockaded by Japan.

Following the address of Dr. Koo, the advisory committee adopted a resolution against aerial bombardment of open

towns and noncombatants. I may add that Japan treated the declaration with contempt. The resolution is as follows:

The advisory committee, taking into urgent consideration the question of the aerial bombardment of open towns in China by Japanese aircraft, expresses its profound distress at the loss of life caused to innocent civilians, including great numbers of women and children, as a result of such bombardments; declares that no excuse can be made for such acts which have aroused horror and indignation throughout the world, and solemnly condemns them.

Hon. Leland Harrison, the representative of our country at the third meeting of the Far East Advisory Committee, on September 29, 1937, made the following statement:

Under instruction from my Government, I take leave to read the text of the statement made public by the Secretary of State yesterday:

"The Department of State has been informed by the American Minister to Switzerland of the text of the resolution unanimously adopted on September 27 by the Advisory Committee of the League of Nations on the subject of aerial bombardment by Japanese air forces of open towns in China.

"The American Government, as has been set forth to the Japanese Government repeatedly, and especially in this Government's note of September 22, holds the view that any general bombing of an extensive area wherein there resides a large populace engaged in peaceful pursuits is unwarranted and contrary to the principles of law and humanity."

I am very glad, Mr. President, that our Government took cognizance of the frightful conditions in China and was willing to join with the advisory committee, speaking for the League of Nations, in condemnation of the cruel and inhuman methods pursued by Japan in carrying war to noncombatants and in killing innocent women and children.

On September 21, 1937, Dr. Koo submitted to the secretary general of the League of Nations a communication regarding Japan's indiscriminate aerial warfare in China. The communication is as follows:

I have the honor to inform you that as a further proof of acts of wanton destruction and terrorization on the part of the Japanese forces, and in utter disregard of all rules of international law, the Japanese Third Fleet announced their intention to bomb from the air on a large scale Nanking, the capital of the Republic of China, in addition to the almost daily raids previously carried out in the past 6 weeks, and notified all the embassies and legations of the various powers to that effect, at the same time demanding the evacuation of the foreign diplomatic and consular officials and residents before noon September 21.

Our diplomats are told to get out of China. Towns where there are no military forces are to be bombed, and death and destruction are to be rained from the skies, in violation of international law and solemn treaties which have been entered into.

Continuing the statement of Dr. Koo:

Even before the specified date, however, a number of intensive raids were carried out on Nanking on the 19th and 20th. In the course of the attacks on the 20th, about 80 war planes took part in the raid, causing an appalling loss of civilian life and property.

It is needless to add that if such indiscriminate air attacks on the capital of a country, as such, were to be tolerated, a most dangerous precedent would be created in the practice of aerial warfare.

I shall feel obliged if you will transmit at once this note to the advisory committee for consideration with a view to taking urgent measures to stop such illegal and inhuman practice and circulate it to the members of the Council and the Assembly for their information.

On the 24th of September Dr. Koo submitted a further statement to the secretary general in relation to th bombardment of Nanking, Canton, and Soochow by Japanese war planes. The communication is as follows:

I have the honor to send you some further information concerning the wanton bombardment of Nanking, Canton, and Soochow by Japanese war planes in the last few days, as follows:

1. On September 20 the railway station of Soochow was reduced to shambles as a result of a Japanese air raid at 4 p. m. Twenty bombs were dropped, killing and wounding a large number of refugees, mostly women and children, awaiting trains to leave the city. On the same day numerous bombs were dropped at seven places within the city of Nanking. Fifteen civilians were killed and 16 injured. Fifty private houses were destroyed. Japanese planes also made numerous reconnoitering flights over Shantung during the last 2 days, foreshadowing the further extension of bombing operations in north China.

2. On September 22, flying from their base in Shanghai, a large number of Japanese planes raided Nanking at 10:30 a. m. Over 30 planes were counted as they passed Wusih. Twenty-four planes actually reached the city, dropping a large number of bombs. The raid lasted an hour and a half, during which the city rocked with bomb explosions and antiaircraft and machine-gun fire. Four raiders were shot down, one at Pukow and another at Hsiakuan outside Nanking. The extent of the casualties and of damage is great, especially among the civilian population and dwellings. Less than an hour after the first attack a group of about a dozen planes again raided Nanking. The bombs dropped fell mostly in the Hsiakuan district. One improvised shelter for local inhabitants was smashed and over 100 people who had sought safety therein were instantly killed.

3. Since September 22, the Japanese have been making daily and nightly air raids on the densely populated areas of Canton, the great city of south China, deliberately wiping out numerous dwellings and places which were entirely of no military importance, and killing or wounding thousands of civilians. I shall feel obliged if you will transmit this note to the advisory committee as well as to the members of the Council and the Assembly for their information and consideration.

On September 26, Dr. Koo submitted a further statement to the secretary general, which is as follows:

I have the honor to inform you that the Japanese Air Force, entirely ignoring the protests of the governments of the various friendly powers as well as the world-wide exhortations against indiscriminate aerial attacks, has replied with even more intensified bombing on open cities and towns in China, with the result that civilian casualties are being daily increased by hundreds and in certain cases, even thousands. The facts are briefly as follows:

1. On September 23, the residential and business sections of the city of Canton were bombed in three successive raids, resulting in a very heavy toll of death amongst the civilian population. Although the list of casualties has not been completed, already 2,000 of the killed, wounded, or maimed have been counted.

2. On the same day, over 100 Japanese war planes took part in a series of raids over a number of other cities, including Nanchang, in Kiangsi Province, Yenchow and Tsinin in Shangtung Province, and Kiangyin, Hsuchow, and Haichow in Kiangsu Province. About 50 machines were employed in the raid on Kiangyin where 20 bombs were dropped.

3. On September 24, the two cities of Hankow and Wuchang, in Hupeh Province, were bombed by 21 bombers, killing and wounding over 500 civilians, as a large number of bombs were dropped on the densely populated districts.

4. On the same day, 12 bombers and 10 pursuit planes visited Nanchang dropping bombs and causing a dozen of civilian casualties.

5. At the same time many points along the Tientsin-Pulow railway were also bombed. Twelve planes attacked the vicinity of Lienyunkang, eastern terminus of the Lunghai railway, and dropped numerous bombs on the railway building.

6. On the 24th Canton was again raided, resulting in the destruction of a part of the Chungsan Memorial Hall.

I may say in passing, Mr. President, that the press reports which I have attempted to verify indicate that hospitals, institutions of learning, properties belonging to the nationals of other countries, seem to have been the special objects of attack by the raiders under the control of the Japanese Government.

7. On the 25th, resuming the attempt to destroy Nanking after an interruption of 2 days, a large number of Japanese planes again raided the capital at 9:45 in the morning. The raiders were engaged by the Chinese combat planes outside Nanking, but 31 of them succeeded in reaching the city in two groups. Bombs dropped mostly fell on the densely populated districts of Hsiakuan and Futsemiao. Four raiders were shot down in flames by antiaircraft shells.

8. Between 12:30 and 16:00 o'clock on the same day, the Japanese planes made two more raids on Nanking, with the national health administration and the central hospital as their principal targets.

Mr. POPE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. DAVIS in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. KING. I will yield for a question, but I do not care to lose my right to the floor.

Mr. POPE. I desire to ask the Senator a question. Does he come to the conclusion, from reading these reports, that the Japanese are pursuing a policy of pure frightfulness, dropping bombs on residential districts and on innocent women and children, for the purpose simply of crushing the spirit of the Chinese population, without any military objective in connection with the bombing raids?

Mr. KING. I think the question which my friend from Idaho has asked is warranted by the statements which I have been making. I regret having to reply that, in my opinion, as was stated by Mr. Stimson in the letter to which

I have called attention, many of the Japanese attacks upon helpless men, women, and children, and densely populated districts where no military operations were being conducted, were for the purpose of spreading fear, for the purpose of terrorizing the inhabitants, and causing them to feel that any resistance by their Government would be in vain. It was a method of carrying on warfare designed to terrorize the people and to make them feel that any resistance would be impotent. Lord Cranborne's statement and M. Delbos' statement, to which I have referred, condemn these policies and indicate that they are for terroristic purposes and not in furtherance of any military objective.

Fifteen bombs were landed on the compounds of the hospital and the health administration, with the result that the latter was badly damaged while the kitchen of the hospital was destroyed. The patients are being evacuated by the hospital authorities. The offices of the Central News Agency and the neighboring houses were wrecked, resulting in the killing and wounding of a large number of civilians. The power station at Hsiakuan was also damaged.

9. At 10:10 this morning two Japanese monoplanes flew low over Kwangteh in Anhwei Province and dropped two bombs before they left. These two Japanese planes had the Chinese national emblem distinctly painted on their wings, betraying a sinister intention to shift responsibility to China in the event damage should be caused to life and property belonging to foreign nations.

I shall feel obliged if you will transmit this note to the advisory committee as well as to the members of the Council and the Assembly for their information and consideration.

On October 3, 1937, a further report was submitted by Dr. Koo, which is as follows:

In continuation of the notes which I had the honor to address to you on September 21, 24, and 26, I now have the honor to inform of the following facts:

1. Belated reports from Chingeuen in the interior of Kwangtung Province stated that over 200 civilians were killed and wounded on September 26 when 3 Japanese planes bombed that defenseless city.

2. On the same day, Nanking was again subjected to aerial bombardment by Japanese war planes, resulting in killing and wounding at least 600 civilians.

3. On September 27, when the German liner *Scharnhorst* called at Hong Kong, it was revealed that on September 22 a Japanese submarine had attacked 12 Chinese fishing junks off Cheelongkau Point, with the result that only 10 survivors of the total crew of over 300 fishermen were picked up by the liner and landed at Hong Kong. Those who perished included the wives and children of the fishermen. Two days later, two more of the fishermen, who were rescued by the steamer *Katming*, of the Butterfield & Swire Co., also arrived at Hong Kong.

4. On September 27 another number of fishing junks were attacked off Kwangtung coast and destroyed by armed pinnaces which were lowered from three Japanese destroyers, again resulting in the drowning of several hundreds of fishermen, of whom a large number were women and children who lived with their breadearners aboard the fishing craft.

Persons who have been along the coast of China, at Shanghai and farther down toward Hong Kong and Canton, will remember that there are, I was about to say thousands—and I do not think I am exaggerating, for it seemed to me there were thousands—of fishing boats plying along the coast, and thousands of Chinese fishermen with their wives and children live upon those boats. They make their living by furnishing fish for the inhabitants on the mainland; and yet those poor fishermen are slaughtered by the aerial raids conducted by Japan.

Mr. POPE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. KING. I yield.

Mr. POPE. I wonder if it has occurred to the Senator, as it has many times occurred to me, that the public conscience is becoming lulled in its attitude toward this sort of warfare.

I recall that when Germany marched into Belgium and violated one treaty, and marched on through Belgium as a matter of necessity, she said the people of America and of the rest of the world rose in indignation at a nation making a treaty a "scrap of paper," even for the necessity from the standpoint of Germany marching into and through a peaceable neutral country.

Within the past 2 years Italy has violated several treaties, and has openly and avowedly attacked an independent country and subjugated her. Now the action of Japan in violating half a dozen treaties, and committing the acts which the Senator has pointed out, seems to me not to stir as much indignation among the people of the world as was aroused when Germany marched into Belgium.

Mr. KING. Mr. President, undoubtedly the Senator correctly appraises the situation, and at this point I desire to take the liberty of paying tribute to my friend from Idaho. He has been a student of international affairs, and particularly of questions bearing upon peace. I know that he views with deep concern violations of international law, and envisions the evil consequences which flow therefrom.

It is true, as indicated by the question of the Senator, that human nature becomes inured to wrong. We shudder, express horror and indignation, but become insensitive to the situation.

Men who were in the World War have told me that when they saw the first man killed, and saw the mutilated body, it excited their horror and indignation, and all the emotions that come to a highly civilized and sensitive man, but as the war went on, and they saw thousands of poor human bodies wounded and destroyed, they became inured to it. It no longer provoked the sentiments which first arose when they saw the horror of war.

So it is with nations. I recall, since the Senator has challenged our attention to it, that when the great Louvain Cathedral was bombed during the World War, people throughout the world denounced that act of vandalism in connection with a great cathedral, one of the greatest in the world, perhaps one of the highest forms of architecture that the genius of man had devised. But we became used to the bombing and destruction of cities, villages, and towns, and the killing of thousands and, indeed, millions of persons. Nearly 10,000,000 persons were killed in the World War, and 20,000,000 were wounded. As the war dragged on, we lost the keen feeling of indignation and horror by which we were influenced in the beginning; and so it is here. We read reports of the massacre of poor, innocent Chinese women and children in congested districts, not engaged in war, not in the field of military operations. We read every day of these massacres, but we finally become calloused, and they fail to excite our indignation as they did at the beginning.

Mr. President, I hope there will be a rise in the great tide of civilization; that it will ultimately lead to the abolition of war and to the condemnation of the wicked instrumentalities utilized for the destruction of human life. There is a long way yet to climb to the summits where the light of peace and Christian joys and civilization shall reign; but, notwithstanding the fact that the future is dark we should hope and fight harder for peace, for the abolition of war, and for the unification of the peoples of the world.

5. On September 28, 12 Japanese planes raided Nanking at noon and dropped some 50 bombs.

6. On the same day at 1 o'clock p. m. 15 Japanese bombers visited Wuhu and rained down no less than 100 bombs, setting fire to many houses, and killing a large number of civilians.

7. On September 29 Canton experienced four air raids, while other cities raided included Hsuchow and Tsingkiangpu in Kiangsu Province.

I have the honor to emphasize the fact established above that the Japanese air force has been continuing its indiscriminate attacks on Chinese cities, in disregard of the appeal contained in the resolution adopted by the advisory committee on September 27, and by the Assembly the following day, solemnly condemning such acts.

At a meeting of the Far East Advisory Committee on September 29 Hon. M. Quevedo, a representative upon the committee from Ecuador, stated:

The facts of the situation as set forth by the Chinese delegation are so clear that it is impossible to hide them. There can be no question of having to find out where the truth lies. It strikes us in the eyes, and places in imminent danger the efficacy of the League of Nations. If the League wishes to exist it must, at least morally, and with the promptitude that is a guaranty of efficacy, put international law into operation wherever breaches of the Covenant occur. It must proclaim condemnation of such action, without respect for special interests of any one or several govern-

ments. If the League of Nations did not at all events give moral aid to a state, such as China—a great nation with many millions of inhabitants, and a country in which several of the great powers have considerable economic interests—what can weaker and less wealthy states hope from the League of Nations in future in a similar case, if they are the victims of aggression in which other states do not experience loss?

The League of Nations is going through one of the most dangerous passages in its existence. If aggression occurs, it must be condemned. If law is violated, we must have the courage to say so. The principle of legal equality between nations does not allow any state to try to punish another because of the feelings of the second toward the stronger.

Therefore, the representative of Ecuador, just as with his vote as a member of this committee he supported the resolution approved at the last meeting with regard to bombardment by aircraft of open towns, which was expressly and solemnly condemned, will always be on the side of right, justice, and the higher interests of civilization. It is for that reason, moreover, that I desire to express the sincere hope that this committee may—and quickly—do a positive work, such as may place the prestige of the League of Nations on a level with the humanitarian and strictly juridical ideals which constitute the very basis of the Covenant.

At the same meeting Hon. M. de Tessan, representative of France, stated:

At our first meeting * * * we considered the subject of bombardment from the air, a subject about which the conscience of the whole world was roused, and we very soon and very easily agreed upon a unanimous resolution. * * *

I have heretofore read the resolution, which strongly condemned the policy, and denounced it in the most vigorous language.

Lord Cranborne, representing the United Kingdom, among other things, stated:

* * * All efforts to secure the cessation, or even the moderation, of the conflict have, unhappily, failed. * * *

That is to say, this advisory committee representing the League of Nations—that great organization of which China and Japan had been members—had challenged attention, after examining the facts, to the course which Japan was pursuing, and had denounced that course. But Japan paid no attention whatever. Lord Cranborne continued, referring to the incident of July 7, that "it was, in itself, insignificant":

The action taken by Japan in reply to that incident has been out of all proportion to it. The conflict has continued to be waged with ever-increasing ferocity and lack of all regard for the accepted standards of humanity. The committee has already placed upon record in its resolution of September 27 its solemn condemnation of methods which have been followed in the present fight. There can be no difference of opinion on the fact that that resolution expresses a feeling which is shared by all civilized peoples. The committee would have failed in its duty had it not placed its views on record.

A resolution was proposed by the Chinese representative, which expressed the views of the advisory committee, reading as follows:

Whereas Japan has taken the initiative of sending to China powerful armies which have invaded large portions of Chinese territory;

Whereas Japan has proclaimed a maritime blockade of China, and her fleet has bombarded various Chinese ports;

Whereas the Japanese air force has also proceeded in Chinese territory to aerial bombardments, the illegal character of which has been condemned by a resolution of this committee dated September 27, 1937, which was endorsed by the Assembly at its meeting on September 28;

Whereas Japan has rejected the overtures made to her with a view to arriving at a pacific settlement of the dispute;

Whereas she has in particular declined the invitation made to her on September 21 to participate in the work of the advisory committee;

Whereas Japan has undertaken hostilities in defiance of the provisions of the Washington Treaty of February 22, 1922, and of the the fundamental rules of international law;

The advisory committee condemns these violations of international law and of contractual obligations, condemns the illegal blockade of the Chinese coasts, and declares that the facts noted above constitute a case of external aggression against a member of the League of Nations under article 10 of the Covenant.

The subcommittee submitted a report to the advisory committee on October 5, 1937, which was adopted by the advisory committee and by the assembly on October 6.

The report shows the predetermination of Japan to invade China. In July Japan occupied Peiping and Tientsin, and seized the railroad lines running south which connect these two cities with central China, and a pro-Japanese government was established. The military forces continued west and penetrated into inner Mongolia. The report states:

The operations of the Japanese troops in north China provoked a lively reaction in China. By the declarations of Japanese statesmen to the effect that China must give way, the emergency financial measures taken at Tokyo, and the departure of the Japanese nationals resident in China, the Government and the people of China were led to the conclusion that Japan was determined to break their resistance by force of arms.

They were confirmed in this conviction, when at the end of the second week of August, the Shanghai region became a second theater of operations, despite the efforts that were made to keep hostilities at a distance from a city in which the interests of China and those of other nations are so closely interlocked.

The report further states, quoting from the Chinese note:

Japan concentrated 30 warships at Shanghai within 48 hours and had her armed force there increased by several thousand, and at the same time demands were made upon the Chinese to calculate to remove or undermine their defense.

The report states:

At the beginning of July, the strength of the Japanese troops stationed in the International Settlement and on the extra-Settlement roads amounted to 4,000, but at the end of September, under the protection of 38 Japanese warships assembled at Woosung, reinforcements had been landed which the Chinese authorities estimated at over 100,000 men.

The report continues:

That Japan had developed her military action, not only in the Yangtze Valley, where for several days Japanese aircraft have several times bombed the capital of China, but along the Chinese coast and in the interior, where numerous aerial bombardments have been carried out.

* * * during the last few weeks Japan has developed her military action, not only in the Yangtze Valley, where, inter alia, Japanese aircraft have several times bombed the capital of China, but along the Chinese coast, and in the interior, where numerous aerial bombardments have been carried out * * *.

The report further states:

* * * As regards the activity of the Japanese aircraft, the advisory committee, in its resolution of September 27, condemned the aerial bombardments of open towns in China and that the Assembly has endorsed such resolutions * * *.

The report further refers to the Nine Power Treaty with respect to the sovereignty, independence, and the territorial and administrative integrity of China, and to the Pact of Paris, where the parties solemnly declared that they condemned recourse to war for the solution of international controversies.

The report continues:

* * * Prima facie, the events described in the first part of this report constitute a breach by Japan of her obligations toward China and toward other states under these treaties. The conduct of hostilities by Japanese forces under the circumstances described by land, water, and air throughout China is prima facie inconsistent with an obligation to respect the sovereignty, the independence, and the territorial integrity of China, and also with the obligation never to seek the solution of a dispute with China, of whatever origin or character, except by pacific means * * *.

Here is a specific condemnation of Japan's course. She is branded as a violator of a treaty, a solemn international obligation, and, in my opinion, the judgment of this report will be the judgment of civilized nations.

The report refers to the speech made by the President of the Executive Yuan, Generalissimo Chiang Kai-shek, on July 17, 1937, in which he emphasized that national existence and international coexistence were the twin aims of the external policy of the Chinese National Government. He further stated that China was not seeking war; that she was merely meeting attacks on her very existence, and was still seeking peace.

The report refers to the speech on July 27 of Prince Konoye, in which he said that—

* * * not only must problems with China be settled locally, but also we must go a step further and obtain fundamental solution of Sino-Japanese relations. * * *

Mr. Hirota made a speech in the Diet on September 5, which is quoted in the report, and stated:

> * * * We firmly believe that it is in accordance with the right of self-defense as well as with the cause of righteousness that our country is determined to deal a decisive blow to such a country (China) so that it may reflect upon the error of its ways. * * * The sole recourse open to the Japanese Empire is to administer the foregoing blow to the Chinese Army, so that it may lose completely its will to fight. * * *

Such a statement, so at variance with the attitude of China, completey reveals the aggressive, militant attitude of Japan. It is a declaration to conquer China and to subject it to Japanese rule. The report states that Japan's course may not be justified in international law and certainly is to be condemned under the treaties.

It further states:

> It cannot, however, be challenged that powerful Japanese armies have invaded Chinese territory and are in military control of large areas, including Peiping itself; that the Japanese Government has taken naval measures to close the coast of China to Chinese shipping; and that Japanese aircraft are carrying out bombardments over widely separated regions of the country. After examination of the facts laid before it, the committee is bound to take the view that the military operations carried on by Japan against China by land, sea, and air are out of all proportion to the incident that occasioned the conflict; that such action cannot possibly facilitate or promote the friendly cooperation between the two nations that Japanese statesmen have affirmed to be the aim of their policy; that it can be justified neither on the basis of existing legal instruments nor on that of the right of self-defense; and that it is in contravention of Japan's obligations under the Nine Power Treaty of February 6, 1922, and under the Pact of Paris of August 27, 1928. * * *

The second report of the subcommittee of the Far East Advisory Committee on October 5, 1937, states that a former report shows that the action taken by Japan is a breach of Japan's treaty obligations and cannot be justified.

The establishment of the understandings of international law as the actual rule of conduct among governments and the maintenance of respect of treaty obligations in the dealings of organized peoples with one another are matters of vital interest to all nations.

The present situation in China is a matter of concern not only to the two states in conflict, but, to a greater or lesser degree, to all nations and their material interests. Many powers are already affected in the lives of their nationals and in their material interests. But even more important than this is the interest which all states must feel in the restoration and maintenance of peace. This, indeed, is the fundamental purpose for which the League exists. It has thus the duty, as well as the right, to attempt to bring about a speedy restoration of peace in the Far East in accordance with existing obligations under the Covenant and the treaties.

It cannot be admitted that the present conflict in the Far East, which has been shown to involve an infringement of Japan's treaty obligations, is one which can, as of right, only be settled by direct methods between the Chinese and Japanese Governments. On the contrary, the whole situation must be taken into the fullest consideration, and in particular any appropriate means by which peace may be reestablished in conformity with the principles of the Covenant and of international law and with the provisions of existing treaties, must be examined.

The report of the subcommittee stated:

> The subcommittee is convinced that even at this stage of the conflict, before examining other possibilities, further efforts must be made to secure the restoration of peace by agreement.
>
> * * * The subcommittee notes that under the Nine Power Treaty signed at Washington the contracting powers, other than China, agreed, inter alia, to respect the sovereignty, the independence, and the territorial and administrative integrity of China, and that all contracting powers, including China, agreed that whenever a situation should arise which involved the application of the stipulations of the treaty and rendered desirable the discussion of such application there should be full and frank communication between the powers concerned. It appears, therefore, to the subcommittee that the first step which the Assembly should take in the name of the League would be to invite those members of the League who are parties to the Nine Power Treaty to initiate such consultation at the earliest practicable moment. The subcommittee would suggest that these members should meet forthwith to decide upon the best and quickest means of giving effect to this invitation. The subcommittee would further express the hope that the States concerned will be able to associate with their work other States which have special interests in the Far East to seek a method of putting an end to the conflict by agreement.

The advisory committee set up by the Assembly approved the reports of the subcommittee of the Far East advisory committeee, and the Assembly adopted the reports and resolved itself as follows:

> Expresses its moral support for China, and recommends that members of the League should refrain from taking any action which might have the effect of weakening China's power of resistance and thus of increasing her difficulties in the present conflict, and should also consider how far they can individually extend aid to China.

It will thus be seen, Mr. President, that the advisory committee, which was set up, made reports, and subcommittees made reports, and their reports were approved by the Assembly and also by the Council of the League of Nations, so that there was a practically unanimous condemnation by all of the elements of the League of Nations of Japan's aggressive course in connection with her invasion of China.

Mr. Hirota, on September 25 wrote to the secretary general of the League, acknowledging receipt of an invitation to take part in the work of the advisory committee, and, among other things, stated:

> As regards the settlement of the present affair, the Imperial Government, as it has stated on many occasions, is firmly convinced that a just, equitable, and practical solution of the questions concerning Japan and China can be found by the two countries.
>
> Consequently, the Japanese Government, seeing no reason to depart from the line of conduct it has hitherto followed with regard to the political activities of the League of Nations, regrets that it is unable to accept the advisory committee's invitation. * * *

Japan refused any policy of conciliation, refused to participate with the advisory committee, with the League, or with any of its instrumentalities, refused to consider herself bound by the Versailles Treaty, by the Nine Power Treaty, by the Four Power Treaty, or by the Kellogg-Briand Pact, to consult with the parties signatory to those treaties, with the view of reaching an amicable settlement of controversies with the Chinese Government. Her course has been arbitrary, capricious, and defiant in the highest degree, and, in my opinion, calls for the severest condemnation.

It will thus be seen that Japan has refused all efforts to settle the conflict in China. She ignores her treaty obligations under the Versailles Treaty and the League, her obligations under the Kellogg-Briand Pact, and her solemn obligations under the Nine Power Treaty.

The Department of State, on October 6, 1937, submitted a statement on the situation in the Far East.

I read this statement to show that our Government has been concerned, as it had a right to be concerned, with the situation in China, in view of the Nine Power Treaty and the Four Power Treaty and the Kellogg-Briand Pact. The statement is as follows:

> The Department of State has been informed by the American Minister to Switzerland of the text of the report adopted by the advisory committee of the League of Nations setting forth the advisory committee's examination of the facts of the present situation in China and the treaty obligations of Japan. The Minister has further informed the Department that this report was adopted and approved by the Assembly of the League of Nations today, October 6.
>
> Since the beginning of the present controversy in the Far East the Government of the United States has urged upon both the Chinese and the Japanese Governments that they refrain from hostilities, and has offered to be of assistance in an effort to find some means, acceptable to both parties to the conflict, of composing by pacific methods the situation in the Far East.
>
> The Secretary of State, in statements made public on July 16 and August 23, made clear the position of the Government of the United States in regard to international problems and international relationships throughout the world and as applied specifically to the hostilities which are at present unfortunately going on between China and Japan. Among the principles which, in the opinion of the Government of the United States, should govern international relationships if peace is to be maintained, are abstinence by all nations from use of force in the pursuit of policy and from interference in the internal affairs of other nations; adjustment of problems in international relations by process of peaceful negotiation and agreement; respect by all nations for the rights of others,

and observance by all nations of established obligations; and the upholding of the principle of the sanctity of treaties.

On October 5 at Chicago the President elaborated these principles, emphasizing their importance, and in a discussion of the world situation pointed out that there can be no stability or peace either within nations or between nations except under laws and moral standards adhered to by all; that international anarchy destroys every foundation for peace; that it jeopardizes either the immediate or the future security of every nation, large or small, and that it is therefore of vital interest and concern to the people of the United States that respect for treaties and international morality be restored.

In the light of the unfolding developments in the Far East, the Government of the United States has been forced to the conclusion that the action of Japan in China is inconsistent with the principles which should govern the relationships between nations and is contrary to the provisions of the Nine Power Treaty of February 6, 1922, regarding principles and policies to be followed in matters concerning China, and to those of the Kellogg-Briand Pact of August 27, 1928.

Thus the conclusions of this Government with respect to the foregoing are in general accord with those of the Assembly of the League of Nations.

Mr. President, that is a statesmanlike pronouncement by our honored and distinguished Secretary of State, and indicates the course which our Government has taken and should take with respect to the breach of international obligations.

Japan is making extensive preparations for further attacks upon China. In the meetings of her statesmen and her Parliament measures are being devised to raise revenue for the prosecution of the war, and she has indicated that she will continue the war until China is completely overwhelmed and her military power destroyed.

Japan has built plants for the manufacture of implements of war and has acquired enormous quantities of equipment for war purposes. She sent a large number of war vessels to Shanghai and to other Chinese ports and launched a vigorous attack upon Shanghai and contiguous territory. She availed herself of the most modern military equipment—cannon, tanks, and airplanes. Indeed, she demonstrated that she had made ample preparations for a long and vigorous military campaign, both land and sea.

She knew of the inadequate military forces of China and the latter's lack of cannon, tanks, airplanes, and military equipment.

In my opinion, history will condemn Japan's part and purpose in the invasion of China.

The Japanese Government, on the 15th of August last, complained of the alleged increasingly "arrogant and insulting attitude of China toward Japan," seeking, as I have indicated, a pretext for her invasion of China. It is also stated that the Japanese Government advised the Nanking Government to put an immediate stop to all provocative acts and to refrain from obstructing the negotiations being conducted "on the spot." That is, she was attempting to organize puppet governments in Jehol, Hopei, Shantung, and other Provinces, which she occupied by military forces, to detach them from China, and, of course, to weaken China; and because the Chinese Government was remonstrating against her military course and her policy of organizing puppet governments, Japan gave that as an excuse for her continued military operations.

The Japanese Government also gave out a statement on the 9th of October 1937 in answer to the League of Nations charge that Japan had violated the Nine Power Treaty and the antiwar pact. The statement claims that this was due to a "misunderstanding of Japan's true intentions."

In my opinion, the character of the Chinese has not been fully understood by many occidentals. For thousands of years China has maintained a cultural solidarity, regardless of the attacks made upon her. The people are devoted mainly to agriculture and have manifested a desire for peace and family stability. The patriarchal system has tended to promote family unity and rather colloquial thinking. The wars in China have been defensive. The Chinese have never attacked other nations or sought to interfere with the lives or conduct of other peoples. Unfortunately, some occidental nations regarded China as a subject for exploitation.

John Hay, Secretary of State, with the concurrence of Great Britain, urged the open-door policy toward China, which provided for equality of commercial opportunity among all nations dealing with China and the preservation of the territorial integrity of China.

In 1921, at the Washington Conference, our Government was a shield of protection for China and not only emphasized the open-door policy but secured, through the Nine Power Treaty as well as the Four Power Treaty, protection for China against predatory nations. As I have indicated, there was an agreement to respect the sovereignty, the independence, and the territorial and administrative integrity of China. The treaty was not only signed by the so-called nine powers but also by Norway, Sweden, Denmark, Mexico, and Bolivia. Germany has signed it but has not yet ratified it. This treaty had for its object the stabilization of China and the elimination of any post-war jealousies relating to the Far East. The treaty also limited fortifications by the United States and Great Britain in the Pacific, based upon the understanding that China would be free from invasion and left alone for internal development and to carry on, as she saw fit, trade and commerce with all nations.

Japan, for a number of years, observed the terms of the treaties to which reference is made—not only the Nine Power Treaty but also the Versailles Treaty. But in 1931 Japan indicated a purpose to seize large areas in China and to subject them and their inhabitants to Japanese control. It has been said that 90 years ago Japan was a purely military autocracy, organized upon the feudal lines of the medieval ages; and, although she has adopted a constitution with parliamentary features, she is still influenced by the spirit of militarism. I have referred to the attack upon Manchuria and also upon other parts of China, and the persistent encroachment by Japan upon Chinese territory. Japan has claimed an economic and political hegemony over China and has recently announced her purpose to destroy the Nanking Government. Undoubtedly, Japan purposes to impose her will upon China and to set up puppet governments or assert military control over all Chinese territory.

I might mention that neither the United States nor the League of Nations has accorded recognition to the so-called Manchukuo Government. Upon the contrary, in identic notes to Japan and China on January 7, 1932, our Government declared that—

> • • • It does not intend to recognize any situation, treaty, or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris. • • •

And in endorsing the doctrine of nonrecogntion the Assembly of the League of Nations on March 11, 1932, adopted a resolution reading:

> The Assembly • • • declares that it is incumbent upon the members of the League of Nations not to recognize any situation, treaty, or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris. • • •

So there has been harmony of action between the League and our Government in refusing to recognize aggression and territory seized by force from other nations.

As indicative of the lack of sincerity in the contention that Japan has invaded China in self-defense, attention is called to the statement of Foreign Minister Hirota, who said:

> • • • We are fighting anti-Japanese movements in China. These exist largely in the Chinese Army, and General Chiang Kai-shek is their spearhead. By a fundamental solution of the Chinese question we mean a state of affairs in which there will be no danger of a repetition of the present circumstances. • • • We want to see China governed by statesmen who can maintain friendly relations with us. • • • (New York Times, September 3, 1937.)

That is to say, China is to be subjugated and placed under the control of those who will cooperate with Japan, or rather who will accept Japan's dominion over China and her resources. The interpretation of this statement is that the Chinese Army is to be destroyed, and the control of China dictated by Japan.

Hirota, in his speech to the Imperial Diet, said:

> * * * The urgent need of this moment is that we take resolute attitude and compel China to mend her ways. Japan has no other objective than to see a happy and tranquil north China and all of China freed from the danger of a recurrence of such calamitous hostilities as at present and Sino-Japanese relations so adjusted as to enable us to put into practice our above-mentioned policy. Let us hope that the statesmen of China be brought to take a broad view of east Asia, that they speedily realize their mistake, and that turning a new leaf they will act in unison with the high aims and aspirations of Japan. * * * (New York Times, September 5, 1937.)

We are aided in interpreting the Foreign Minister's remarks by the course of Japan in establishing a new government known as Khoko, in the city of Kweisui, in the Province of Suiyuan, and in the information that another government will be set up in north China which will cooperate with Japan in the spirit of friendship.

I repeat that it is obvious that Japan seeks to rule China, and, to accomplish that end, is dividing Chinese territory into various states, among them an inner-Mongolian state and a north China state, thus increasing the puppet regime of Manchukuo.

It is needless to state that the purpose of Japan's course is to spread terror and fear in China, and to undermine all local authority, and to control, if not annex, China.

Secretary Stimson, who has watched with solicitude movements in the Far East, in a letter to the New York Times on October 6, 1937, makes the following statement:

> In general, Japan is trying to take control of the development of modern China and to twist its form and nature to suit her own aims, both political and economic. She is trying to develop China in a way which is the exact opposite of the purpose and policy of the "open door" and the Nine Power Treaty. Japan makes no secret of this. We do not have to guess. We have a perfectly frank exposition of her plan in what she has already done in Manchukuo and north China. She does not contemplate "the preservation of China's territorial and administrative integrity." She is actually engaged in carving up China's territory and herself taking over China's administration. She does not propose equality of commercial opportunity among all nations dealing with China. She is seeking to monopolize that opportunity and has already taken effective steps to do so in Manchukuo. She is thus trying completely to transform China's own business methods and character and culture and to dominate them to her own national ends. Furthermore, she is not seeking to do this by persuasion or education, or by other peaceful means, but by force and terrorism of the most brutal and barbarous kind. * * *

Mr. BARKLEY. Mr. President, I gather from the Senator's situation that it will take him a few more minutes to conclude his address.

Mr. KING. I may say to my friend that I have not yet concluded my address.

Mr. BARKLEY. Then, I think we will suspend here, if the Senator will yield for that purpose.

Mr. KING. Provided I may resume in the morning.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. Yes; I yield.

Mr. CONNALLY. This is with the understanding that the Senator from Utah may resume his remarks tomorrow without their being considered another speech. They will be a continuation of the same speech.

Mr. BARKLEY. I do not want to see the Senator from Utah overworked. If it is his desire to go on tomorrow, it is entirely agreeable to me.

Mr. KING. I appreciate the consideration of my friend. I am never overworked.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SMATHERS in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate took a recess until tomorrow, Friday, February 4, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 3 (legislative day of January 5), 1938

COLLECTOR OF CUSTOMS

Agnes M. Hodge, of Minneapolis, Minn., to be collector of customs for customs collection district No. 35, with headquarters at Minneapolis, Minn. (Reappointment.)

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Wilbur Fisk Browder, Infantry, with rank from December 1, 1933.

Capt. Ernest Benjamin Gray, Infantry, with rank from June 14, 1937.

Capt. Emil Frederick Kollmer, Field Artillery, with rank from October 24, 1932.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS

Lt. Col. Clarence Talmage Marsh, Coast Artillery Corps, from January 29, 1938.

Lt. Col. John Blackwell Maynard, Coast Artillery Corps, from February 1, 1938.

Lt. Col. Jacob Herman Rudolph, Air Corps (temporary colonel, Air Corps), from February 1, 1938.

Lt. Col. Raymond Ceward Baird, Infantry, from February 1, 1938.

Lt. Col. Arthur Griffith Campbell, Coast Artillery Corps, from February 1, 1938.

TO BE LIEUTENANT COLONELS

Maj. Marvin Conrad Heyser, Field Artillery, from January 29, 1938.

Maj. Harold Preston Kayser, Infantry, from January 31, 1938.

Maj. Basil Dennis Spalding, Infantry, from February 1, 1938.

Maj. Sidney Guthrie Brady, Field Artillery, from February 1, 1938.

Maj. Robert Sherman Barr, Ordnance Department, from February 1, 1938.

Maj. Charles Joseph Herzer, Coast Artillery Corps, from February 1, 1938.

Maj. George Lea Febiger, Infantry, from February 1, 1938.

Maj. George A. Pollin, Field Artillery, from February 1, 1938.

Maj. Claud Edward Stadtman, Infantry, from February 1, 1938.

TO BE MAJORS

Capt. Arthur Edwin King, Field Artillery, from January 29, 1938.

Capt. Aubrey Jefferson Bassett, Infantry, from January 31, 1938.

Capt. Frank Amedee Derouin, Infantry, from February 1, 1938.

Capt. Gottfried Wells Spoerry, Infantry, from February 1, 1938.

Capt. Harry Donnell Ayres, Infantry, from February 1, 1938.

Capt. Edwin Uriah Owings Waters, Infantry, from February 1, 1938.

Capt. William Ward Wise, Chemical Warfare Service, from February 1, 1938.

Capt. Frederick Harold Gaston, Field Artillery, from February 1, 1938.

Capt. John James Gorman, Infantry, from February 1, 1938.

Capt. Rodney Campbell Jones, Coast Artillery Corps, from February 1, 1938.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 3, 1938

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, we thank Thee for this day. May it be unto us a priceless privilege. We pray that we may use it for Thee, for humanity, and in Thy name. Deliver us from all narrow hopes and narrow faiths that fetter our spirits and enable us to stand in the glorious liberty of those who fear only Thee. Open our eyes that we may see the best in heart and mind. We entreat Thee, our Father, that we may realize that the glory of life is to love and not to be loved, to give and not to get, to serve and not to be served. Oh, may we not be less than ourselves. Holy Spirit, may we see Him who is all-glorious in truth, holiness, and righteousness, a grand ideal that inspires the best in human nature; and Thine shall be the praise forever. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendments of the House to the bill (S. 1043) entitled "An act for the relief of A. C. Williams," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. BURKE, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1255. An act for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel, K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald;

S. 2418. An act for the relief of John Prosser; and

S. 2602. An act for the relief of George Yuhas.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a speech delivered by the Secretary of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a brief nonpolitical editorial from the New York Herald Tribune.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a speech by Mr. Steve Kriwanek, president of the Independent Retail Food Dealers of Greater St. Louis, at the convention which met here yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. EICHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an article in the magazine Common Sense by our distinguished colleague the gentleman from California [Mr. VOORHIS].

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE UNITED STATES NAVY

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a resolution adopted on yesterday by the oldest legislative body in America, the Legislature of Virginia, noting that a strong navy is a safeguard of peace and calling for the establishment of a fleet sufficient to protect both the Atlantic and Pacific coasts.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The resolution referred to follows:

Senate joint resolution in reference to a stronger United States Navy

Resolved by the senate (the house of delegates concurring), That it is the consensus of the members of the General Assembly of Virginia, now in session, that a strong United States Navy is a safeguard for peace; and

Resolved further, That it be, and is hereby, recommended to the Congress of the United States that a division of the fleet be designated for duty on the eastern coast of the United States, provided such designation does not affect the efficiency of the Grand Fleet in emergency operations, and that the clerk of the house of delegates send a copy of this resolution to each Member of Congress from Virginia.

TAXATION

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, you will soon be called upon to make your income-tax returns, a difficult and an arduous task for most of us, although we have two or three internal revenue men at our disposal in the Sergeant at Arms' office downstairs. When you Members of Congress cannot make out your own income-tax returns, what are the people back home going to do when they have not the opportunity to secure the help that we have here in the Congress? When Members of Congress must have help to fill out a return that they are responsible for, it is unfair to the people of America who have to make out a return that they are so complicated.

It seems to me the income-tax laws of this country ought to be simplified—and at once—so the ordinary man of intelligence can prepare his own tax statement. We ought to do away with some of these tax laws that this administration has passed in the last 4 years, especially the undistributed-profits tax which is one of the most ridiculous pieces of legislation this Congress has ever enacted. It destroys labor and it will ruin industry eventually. It may take some time, but it will certainly do it in the end.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. RICH and Mr. MEAD asked and were given permission to extend their remarks in the RECORD.

TAXATION

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I want to ask my friend the gentleman from Pennsylvania [Mr. RICH] what difference will it make to the folks back home, if they have no income on which to pay taxes, as it is apparent will be too often the case if the present policy of this administration continues.

Mr. RICH. There are just a few of them that are supposed to, who so far have escaped the ax.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement of my own.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

The SPEAKER. The unfinished business is the vote on the motion to recommit the District of Columbia appropriation bill.

Mr. COLLINS. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. COLLINS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 14]

Ashbrook	Douglas	Knutson	Pfeifer
Beam	Drewry, Va.	Lamneck	Rankin
Bell	Eberharter	Lucas	Sabath
Biermann	Evans	McGroarty	Seger
Buckley, N. Y.	Flannery	McLaughlin	Shannon
Cannon, Wis.	Gasque	McMillan	Short
Celler	Gavagan	McSweeney	Spence
Champion	Goldsborough	Mason	Sullivan
Clark, Idaho	Hartley, N. J.	Mosier, Ohio	Swope
Cole, Md.	Jenkins, Ohio	Mouton	Thomas, N. J.
Colmer	Johnson, Lyndon	O'Brien, Ill.	Tinkham
Creal	Johnson, Minn.	O'Connell, Mont.	Wearin
Daly	Kelly, Ill.	O'Connor, Mont.	Whelchel
Deen	Kelly, N. Y.	O'Toole	Wood

The SPEAKER. On this roll call 371 Members have answered to their names, a quorum.

Mr. COLLINS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. SCOTT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCOTT. If the motion to recommit is successful, as I understand it, the committee will report the bill back forthwith with an increase of $1,000,000 for relief purposes in the District of Columbia.

The SPEAKER. The Chair directs the Clerk to read the motion of the gentleman from Illinois to recommit for the information of the House. The motion itself answers the gentleman's parliamentary inquiry.

The Clerk read as follows:

Mr. DIRKSEN moves to recommit the bill to the Committee on Appropriations with the instruction that the committee report the bill back forthwith wtih the following amendment: On page 57, line 19, strike out "$900,000" and insert in lieu thereof "$1,900,000."

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 54, noes 283.

Mr. DIRKSEN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. As many as are in favor of taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Twenty-nine Members have risen, not a sufficient number, and the yeas and nays are refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FIRST DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1938

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9306) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes. Pending that I ask the gentleman from New York [Mr. TABER] whether we can agree on the time for general debate?

Mr. TABER. I suggest that we let it run along today during the day, and then we might have an hour or so tomorrow to finish it up. I do not think that the reading of the bill itself will take a very long time.

Mr. TAYLOR of Colorado. Mr. Speaker, that is agreeable. I ask unanimous consent that general debate may run along during the day, the time to be divided equally between the gentleman from New York and myself.

The SPEAKER. The gentleman from Colorado moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9306, the first deficiency appropriation bill. Pending that he asks unanimous consent that general debate may run for the remainder of the day, to be equally divided between himself and the gentleman from New York [Mr. TABER]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Colorado.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9306, with Mr. WILCOX in the chair.

The Clerk read the title of the bill.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, just a few words about this bill. This is the first deficiency appropriation bill, and, I believe, the smallest first deficiency appropriation bill we have had in many years—if we can take any consolation from that, and I hope we can.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. TABER. I remind the gentleman that we got off to a flying start with an appropriation of $75,000,000 in one resolution.

Mr. WOODRUM. Yes; protecting the deficit in the Treasury. Mr. Chairman, this is really a deficiency appropriation bill. There are no items in here except deficiency items. The total amount carried in the bill is $27,638,524.92. Twenty percent of that is for the payment of judgments or authorized claims. Of the remaining twenty-two-million-and-odd dollars, $19,000,000 is for reimbursement to the Farm Credit Administration for the repayment of interest on mortgages, and that leaves a very small amount for odds and ends for the various departments provided for. I do not think there is a controversial item in the bill.

Just a word of explanation about one item which appears on page 3 of the bill, which seeks to appropriate the remaining amount authorized by Congress for the United States Constitution Sesquicentennial Commission. The deficiency subcommittee which handled this item held a short hearing upon it and reported the item as contained in the bill. Since that time facts have come to our attention which lead us to believe that the language—and it is largely a matter of language to be used—does not accomplish the purpose the committee intended. When that item is reached in the bill the committee expects to ask the Committee of the Whole to strike it out of the bill in order that the deficiency subcommittee may have further hearings upon it and get further additional information and get the language in shape before we bring it back at a later day. May I say this, and I say it advisedly, that this action which the committee shall take today is in no sense of the word intended by the committee to reflect in any way upon the Commission or upon anyone connected with it, and it has no connection whatever with any charges which may have been made about the manner in which this business has been handled.

Those charges, whatever there is or is not to them, can rest on their own merits and the House can be the judge, but the

committee is endeavoring to bring language here that will effectuate its purpose, which is speedily to conclude the operations of this committee and to carry out the celebration within the purpose and intent for which Congress created it. So when the time comes in the reading of the bill the committee will make the appropriate motion asking that the House send this item back to the committee for further consideration.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. BLOOM].

Mr. BLOOM. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to insert therein certain letters and editorials about which I shall speak.

The CHAIRMAN. The Chair will state to the gentleman from New York that consent to insert extraneous matter must be secured in the House, not in the Committee.

Mr. BLOOM. Mr. Chairman, I further ask that I be permitted to proceed without interruptions; then, if I have time left after I have made my statement, I shall be pleased to answer any questions.

The CHAIRMAN. The gentleman from New York is recognized for 20 minutes, and requests that he be not interrupted.

Mr. BLOOM. Mr. Chairman, I rise at this time to give information to the House about certain articles that have appeared in the Scripps-Howard newspapers—not all of the Scripps-Howard newspapers, of course, but in a few of them, one in New York City, Washington, and a few other cities—and also with reference to certain editorials that have appeared in certain Scripps-Howard newspapers throughout the country criticizing me and my work with the United States Constitution Sesquicentennial Commission.

The editorials are what might be called canned editorials; in other words, the same editorial is sent out to all the papers in question and published without a word being changed. They have appeared in these Scripps-Howard papers throughout the country.

The charges, if they could be called charges, or the inferences, or insinuations that have been made, are absolutely false in every particular except the fact that I do know the people mentioned in these articles. The first charge or insinuation was with reference to the purchase of or the order for shrines of the Constitution. These Scripps-Howard newspaper articles claim that I went to one Mr. James J. Hines, who was one of the political leaders in my district, and in some way gave to Mr. Hines' son the contract to make these shrines. These articles also say that the firm of Hines & Schenker was to get a commission of $2.50 on every shrine sold, and that there would be at least 100,000 of these shrines sold, which would give them a profit of $250,000.

The shrines were purchased for $20 under competitive bidding that lasted for a year and a half; and please remember, Mr. Chairman, that any statement I make today I can prove by documents I have with me. For one year and a half we were trying to secure the proper kind of shrine in which we could place the four pages of the Constitution, the one page of the Declaration of Independence, and the portraits of the signers, a shrine that we could resell at a price to enable them to be distributed throughout the country. These shrines are sold by the Commission for $25. I want you to remember this price, $25, because it is very important. The Government pays $20 for them, and I want you to remember this price also.

The order that was given for these shrines, a signed order, was for 1,250 shrines; so if there was a commission of $2.50 on each shine the most they could have made would have been about $3,000. But had the order gone through, or if there are 100,000 shrines or more sold and their commission was supposed to be $250,000, the Government would make $500,000, because we are getting $25 for something that costs us $20. The commission of $2.50 comes off the $20, not off the $25 the Government gets, but I want to impress upon you that I know nothing about any commission to be paid to anyone. Furthermore, Mr. Chairman, remember that every penny, every dollar that comes into the United States Constitution Sesquicentennial Commission goes into the Treasury of the United States; and all checks are made payable to the Treasurer of the United States. All the money is there now.

In November of 1925 the idea came to me—and I ask you to remember this—that no one before has ever had an exact reproduction, any place in the world, of the Constitution of the United States. I made a statement on the floor of this House sometime ago that there were not 5,000 people in the United States who could have told me how many pages there were to the Constitution. So, in November of 1935, when the idea came to me I wrote first to the Adler Manufacturing Co. in Kentucky, a firm with which we had done business years ago, kindly to make up a sample according to a design we furnished; and, by the way, the design was made in the office of the Architect of the Capitol, by one of Mr. Lynn's men. The price of that in wood was $28. Please remember this price. The sample submitted was such, however, that it could not be used; so I asked the firm of Fidot & Altman, of 737 North Michigan Avenue, Chicago, on January 10, 1936, to quote me prices and submit sketches of a shrine that was intended to be sold.

The price submitted at that time in wood was $370 each. Please remember these figures, then you may come to a conclusion in your own mind as to what justification there is for these Scripps-Howard articles. As I stated, the proposal was $370 each, or $495 each for another kind of a wood shrine. These are prices from Kentucky and Chicago.

I then asked the Flower City Ornamental Iron Co., of Minneapolis, Minn., for a price. All of these bids are in my office, and you are welcome to see them at any time you desire. The proposal from this firm in Minneapolis went from $135 each to $174 each. Again get these prices in your mind. Then there was another proposal on April 13, 1936, of from $71 to $156 each. Remember, I am buying these shrines now for $20 each.

Another proposal was submitted by Walter M. Ballard, 347 Madison Avenue, New York City, quoting a price of $78 each for 300 standard shrines made of wood.

These prices were all too high. We could not use them. It was out of the question. They were not satisfactory and they were not practical.

At that time it occurred to me that I might be able to get the manual-training classes in the different schools throughout the country to make these shrines if we furnished them the wood so they would have a place to exhibit the Declaration of Independence and the Constitution in order that they might be read by the scholars and studied. I went to the head of the National Lumber Dealers' Association here in Washington and I had him send out to get prices for wood to be cut to a certain size so that we could send the wood to the manual-training schools throughout the country and have them make their own shrines. I thought at that time we might be able to get them cheaper. Remember the following prices. I have the bids in my office.

The bids were as follows: Mahogany wood alone was $91 rough and $85 dressed. Spruce, $42 rough and $46 dressed. Birch, $42 rough and $46 dressed. Maple, $43.50 rough and $47.50 dressed. California white pine, $18 and $19 for each shrine. That is for the wood alone, without anything else; no hardware or other attachments. Eighteen dollars and nineteen dollars were the lowest price for the wood alone, and remember we are buying them for $20 now complete.

I asked Palmer & Parker, of Boston, Mass., to submit a bid. Mr. Chairman, just note how I have gone all over the country to try to get a shrine at a price that would be practical and at a price that would permit them to be resold. It was not a question of how cheaply we could buy them. It was not a question of where they were going, or anything else. It was a question whether we could sell these shrines and whether the people would buy them. The price of the above-mentioned firm was for wood, $27.

That was out of the question.

Mr. Chairman, I did not stop there. I went to the Bureau of Prisons and asked what they would charge for the making of these shrines, to be used in the prison libraries, the C. C. C. camps, and other places where the Government could use them. With the use of prison labor, the price was $23 and these could not be used because they had no style. We could not resell them.

I have a letter here written by James V. Bennett, and I will read part of it, if I may have consent to insert the whole letter later in the RECORD.

The CHAIRMAN. Under the rules, consent will have to be given in the House to insert extraneous matter in the RECORD. The gentleman may read pertinent portions.

Mr. BLOOM. I do not want to take the time to read the whole letter, but I would like to have the letter incorporated in the RECORD, because I want to call the attention of the Committee to what the pertinent facts are.

The CHAIRMAN. The gentleman can read the pertinent parts and I am sure he will have no trouble in securing unanimous consent in the House to have it inserted in the RECORD.

Mr. BLOOM. Would you call it extraneous matter when it is the subject I am talking about and I have the letter here?

The CHAIRMAN. As the Chair stated, I think the gentleman may read the pertinent parts and may comment on it all he pleases.

Mr. BLOOM. Mr. Bennett in his letter says:

Early last year we delivered samples of display standards and bust stands in which we submitted our quotation. We quoted the walnut Constitution—

This is wood.

We quoted the walnut Constitution display standard in lots of 100 or more at $28 each, prison labor. We also quoted you on a similar stand of steel in lots of 100 at $20 each, with an additional charge of $3 for the nickel and bronze braces, samples of which were supplied to you.

That is $23, using prison labor, for a shrine we could not use or resell.

My recollection is that we indicated we would not be able to meet your tentative delivery requirements on these stands and asked for as much time as possible if you should decide to give us the order under the provisions of the act of Congress approved May 27, 1930.

Please pay attention to this, Mr. Chairman. This is Mr. Bennett, Commissioner of Prisons, speaking:

I remember also that your interest in coming to us was that you might be able to secure through our institutions the material you would need at a favorable price and thus conserve the limited funds at your disposal.

That is what I said to him. I wanted to save the money of the Government and of the Commission.

You will find our exact quotations and conditions under which we could supply you with these stands in our letter to you dated January 11, 1937.

Mr. Chairman, let me say here that the final order was for 1,250 shrines at $20 each. We could not buy one additional shrine unless we were to go into the open market again under competitive bidding. To do otherwise would be against the law. The General Accounting Office would not have approved the bill in its preaudits. Therefore, Seal, Inc., under his order could never have made over 1,250 shrines and could never have been paid for more shrines.

After that, Mr. Schenker came into my office and said, "Congressman, what are you doing with that thing?" I had one of the samples in my office. I said, "I am getting prices on those." He said, "I represent a very large manufacturer. We would like to give you prices." I said, "Fine, go ahead." So they made blueprints and gave prices that were just out of the question. The shrines could not be sold at all at such prices. The price was similar to some of these other prices we have been quoted of $300 or $400.

I said, "Well, your prices are too high." He said, "I have another firm headed by a practical man, a man who knows the business. I would like to bring him down and let him have a talk with you." I said, "Fine, bring him along." So Mr. Krueger came down to see me, and then at great expense he made the shrine we are selling now. He received an order for 1,250 shrines at $20 each.

At this point I am going to read a letter that tells the story of how this Mr. Schenker came into this deal, and I am going to show you there is no truth to these newspaper stories and that the articles are false in every particular.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 10 additional minutes to the gentleman from New York.

Mr. BLOOM. This is a letter to Mr. Howard Comstock, managing editor of the Bridgeport Herald, 299 Lafayette Street, Bridgeport, Conn., under date of January 20, 1938. I did not know anything about this letter. In fact, I never even heard of it until the writer, Mr. Krueger, sent me a copy. I did not know he was writing it. There are a few statements in here I know you will laugh at when I read them. The letter states:

JANUARY 20, 1938.

MR. HOWARD COMSTOCK,
Managing Editor, the Bridgeport Herald,
Bridgeport, Conn.

DEAR MR. COMSTOCK: You have asked me about the steel floor stands with swinging frames which we make in Shelton for the United States Government, and which the Government, through its United States Constitution Sesquicentennial Commission, is distributing to schools, libraries, universities and patriotic organizations throughout the country in connection with the one hundred and fiftieth anniversary of the forming of the Constitution of the United States.

The United States Constitution Sesquicentennial Commission was created by an act of Congress about 2 years ago and is headed by the President of the United States, the Vice President, a number of Senators and Representatives from all parties, and is actively managed by Representative BLOOM, of New York City. We are rather proud of our part in this matter, not only because our company here in Connecticut succeeded in getting the bid for this work, but also because we created the design which the Commission adopted.

Enclosed herewith is a photograph of this fixture, which the Commission calls the Constitution shrine. It consists of a very strong floor stand with a vertical steel pillar which supports three swinging bulletin board frames. In these frames are mounted full-size replicas of the Constitution, the Declaration of Independence, and a page of portraits of the signers of the Constitution. These pages are printed by the Government. We understand that this is the first time that full-size replicas of the Constitution have ever been made. It took almost 2 years to make the plates, and we are told that it was necessary to use special cameras furnished by the War Department to do the work, since the original documents have changed so with age that in many places it is very difficult to read them.

The page of portraits of the signers of the Constitution, we are told, involved an immense amount of searching before all the portraits were assembled. The D. A. R., the Order of the Cincinnati, several universities, including Yale, and the descendants of some of the signers cooperated in furnishing paintings which were used in making up this page of portraits. Even at that, the portraits of two signers are missing, since none could be found.

These documents are sent to our plant in Shelton by the Government, where we mount them with specially-built machines, operated by compressed air, onto mounting boards. Each document is then covered with a thick sheet of transparent film, similar to the noninflammable movie film.

Note the detail of the process which is necessary to make one of these shrines.

They are then inserted into the enameled steel swinging frames and packed in a special nesting carton, which carries them to any part of the United States in good condition. These cartons were worked out for us in the container-testing laboratories of the Robert Gair Co., at New London.

Remember all these things, and then in your own minds decide whether it is right to attack me for what I have been trying to do and what I have done.

At the top of the shrine is a large American eagle, which is a close copy of the official eagle in the Library of Congress. We had a Connecticut sculptor work on this for us so as to get these eagles perfect. Below the swinging frames on each shrine is a polished chromium name plate, onto which we engrave the name of any donor who presents such a shrine to a school, a library, or other organization. Each plate, of course, has to be individually engraved.

We are rather proud of the fact that while this type of fixture sells in the open market without any documents, without any ornamental eagles, and without any name plates, for $80, we were able to furnish this to the Government for $20, including the

eagle, the mounting of the documents, the cellulose acetate, and packing it in four separate specially designed containers.

During the whole Supreme Court controversy last year, one of these Constitution shrines, made here in Shelton, with copies of the Constitution mounted in it, stood on the floor of the United States Senate, and another on the floor of the House of Representatives. Many leading libraries, universities, high schools, clubs, and industrial concerns throughout the country have gotten these Constitution shrines from the Government. We are proud of the fact that Yale University has one, that another stands in the New Haven Public Library, another in Radio City, another in Walter Chrysler's office, and so on. With Mussolinis, Hitlers, and Stalins enjoying such a vogue today, we have an idea that we are doing our bit in helping to remind the citizens of our country that our form of government and our Constitution are worth holding on to.

You have called my attention to certain articles in a New York newspaper, criticizing the Director General of the Constitution Commission.

Mr. Chairman, this is the crux of the whole matter. This is why I am being attacked. They are not attacking SOL BLOOM. They are not attacking this Commission. I will prove they are attacking me to hit at somebody else.

Some time ago a reporter from that paper came up to Shelton and explained to us that his publishers, the Scripps-Howard papers, "helped to elect Roosevelt but we are about ready to dump him overboard now," and he indicated that along with Roosevelt his papers were also planning to try to prevent the reelection to Congress of Director General BLOOM of the Constitution Commission. He asked us whether our sales representative in New York, Mr. Joel Schenker, was not connected with Tammany Hall, and whether he was not in partnership with the son of a prominent Tammany Hall leader, James Hines, and shortly after his call, several articles appeared in his paper, which left the reader to infer that there was decidedly too much close harmony between the Constitution Sesquicentennial Commission and several prominent members of Tammany Hall.

We have known for some time that our sales representative, Mr. Schenker, was active in Democratic circles in New York, although we did not know it for some time after he was employed by us. Mr. Schenker's work for our company in New York and Chicago is primarily along an entirely different line of work and has to do with heat-sealing sheet materials. Since we are the ones who make these fixtures, you may be interested to know how we first met Mr. Schenker and what his connection with our company is. The facts are as follows—

Remember, this letter is from Mr. Krueger, who happens to be a Republican leader in Connecticut, whom I never saw or heard of before he quoted prices. This is his story of how Mr. Schenker came to work for him:

Three years ago a large filing cabinet manufacturing concern was confronted with a new problem in the posting of ledger records which seemed to require a device for gluing a narrow paper tape onto ledger cards, in the way that telegrams printed on ribbons are glued onto telegraph blanks. The man in charge of the work for this file cabinet company was Mr. Schenker. In his quest for a gadget to glue printed strips onto ledger cards, he went to the Western Union Telegraph Co., whose engineering department advised him to go to us, since we had helped them years before to develop the gadget they use everywhere for "posting" ribbon messages onto telegraph blanks.

He took the train for Shelton. We undertook the job of designing the gadget, which proved so successful for the purpose that the filing cabinet company, which employed Schenker (the largest in the world) became a licensee under our patents.

An essential feature of the system we worked out was a new kind of adhesive paper which is not moistened but which is pressed on with a small heat pencil. Schenker saw the possibility of this new paper and asked for the chance to sell it for us in connection with the ledger posting system which his company had been licensed to sell. And we hired him.

One form in which our new heat-healing paper is made is a new mounting tissue for quickly mounting photographs in albums and lithographs or documents on mounting board. Schenker heard that replicas of the United States Constitution were to be printed and mounted on wallboard in connection with the one hundred and fiftieth anniversary of the signing of the Constitution, and since our mounting tissue is faster and avoids wrinkling of such documents, he did what he was supposed to; namely, he tried to sell our paper for the work. It is, of course, possible that he may have heard of the mounting of these documents from some Democrat in Washington, where the documents were being printed. It may even be that he heard of it because the Director of the Commission comes from New York and is a Democrat, but that is not the reason he was able to sell the material; because no other material can be gotten anywhere which does what our material does; and anybody who wants to get the result it gives has to come to us or to one of our representatives for it, or else use old-fashioned expensive mounting methods.

That is how we came to bid on the mounting of the Constitution replicas.

After we had submitted our material we saw the fixture in which these documents were to be framed; namely, crude, and, in our opinion not very handsome fixtures. Since one of our company's executives had been trained as an architect and since our other company is in the business of making articles of steel, we decided that we could make a better and handsomer fixture. We designed and made a model.

The day we submitted it in Washington, some of the officers of the D. A. R. and the Librarian of the Congressional Library were in the office of the Commission. Their comments were to the effect that it was the most beautiful and most dignified thing of its kind they had ever seen.

Shortly afterward the other concerns in this field submitted their fixtures. We got the award, not only because ours was far better, but also because it cost much less. The market price of competitive fixtures, as said before, is about $80. We sell ours for $20.

In view of the political harangue of the New York newspapers attacking the Director General of the Commission, we would like to say that we have met Congressman BLOOM many times in Washington in connection with this work. He is a very likable old gentleman who is fanatically devoted to delving into the early history of America. He is a wealthy man who works daily from early morning until almost midnight on this hobby of his. His wealth, incidentally, came from his marketing of the Victor talking machine years ago, from the creation of the little dog which millions of us have seen listening to "His master's voice," and from the building of more theaters than anyone else in New York City—not from his directing the Constitution Commission which the New York newspaper is now using as a political football.

As for us, we will continue to make the best fixtures we can make for the mounting of these Constitution replicas, whether the New York papers succeed in "dumping Roosevelt overboard" or not. And we are proud of every one we make.

Respectfully,

T. H. KRUEGER,
President, Seal, Inc.

That is the story of how Mr. Schenler came to figure in this matter and how the firm he represents received the order for the shrines.

In the 14 years that the Shrine of the Constitution has been in the Library of Congress we figure that 14,000,000 have visited the shrine, or an average of about 1,000,000 a year. We will say that all visitors to the Library also visited the Shrine of the Constitution, but if they did they could only see the first page of the Constitution. They cannot even read the first page; they can only see it. They can see only the signatures on the last page. They cannot see the second or third page because they are covered.

Over 700 of these shrines have been sold throughout the country, and any of you gentlemen can give me the name of your State and I can tell you where these shrines are located.

They have been sold in every State of the Union but one, and that is Vermont. [Laughter.] And over 40,000,000 have seen these shrines of the Constitution and the Constitution, or 25,000,000 more during the 5 months that these shrines have been exhibited than have seen the Shrine of the Constitution in the Library of Congress. I have the list here and I shall be very pleased to put it in the RECORD. You should also bear in mind that this has all been done without one penny of expense to the Government of the United States, and every check received is deposited in the Treasury of the United States, and there are 700 or more of these shrines throughout the country.

Now, insofar as the poster, We the People, is concerned, I have a reproduction of it here. This is the poster they are talking so much about, stating that I conspired with the Tammany leader, William Solomon for its purchase and exploitation for profit.

In 1935 in cooperation with Howard Chandler Christy I endeavored to get a correct picture of the signing of the Constitution. There is no such picture of the signing of the Constitution that is correct outside of the two pictures painted by Howard Chandler Christy, and please do not confuse this poster with the Christy painting that you saw in the corridor of the Capitol—depicting the signing of the Constitution.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 10 additional minutes to the gentleman from New York.

Mr. BLOOM. This poster was painted by Howard Chandler Christy, and I tried to get several people to buy it from Christy, because the Commissioner had no funds available to purchase it, and at last I got William Solomon to buy it. I said, "Bill, I would like to have you buy that poster and let the Commission use it"; he paid Christy $1,300 for the poster and also paid for the frame. The Commission uses it on the front cover of the Constitution book and as its official poster. We also sell these poster reproductions and the money goes into the Treasury of the United States and Mr. Solomon has received not one penny from the Government of the United States or from anyone else who has used it. Every newspaper that has used the picture has used it without paying one cent to Mr. Solomon.

The picture has never been out of the possession of the United States Constitution Sesquicentennial Commission. It has been exhibited all over the country and we carry $2,500 of insurance on it to protect the Government in case anything should happen to it, but not a single cent has been paid to anyone for its use.

The question also has come up of Mr. Solomon copyrighting the picture in his own name. Why, of course he copyrighted the picture in his name. Whose name would he use in copyrighting it? If he copyrighted it in the name of Tom Jones there might have been something suspicious about it; and, by the way, I may say that I attended to the copyright because I wanted to be sure the Commission was protected so that no one could use it for any advertising purpose that was not proper. That is all there is to the story of this poster.

Now, with reference to my copyrighting certain material in my own name, I thought at that time, and I believe today, although I may be wrong, that the Government could not copyright.

On November 27, 1931, President Hoover was chairman of the George Washington Bicentennial Commission, Senator Fess was vice chairman, and Tyler Page was the executive secretary. I was the director at that time and with a view to protecting all the copyrights I wrote a letter to Senator Fess for his approval, and on November 27, 1931, received this reply:

MY DEAR MR. BLOOM:

I have your letter of the 23d explaining why you are having copyrighted in your own name the publications of the Commission so that the use of the material for advertising purposes might be prevented. I also take notice of your statement that all copyright issues to you, in your name, are the property of the Bicentennial Commission which you have assigned to them. This will have the double purpose of protecting the material and at the same time securing to the Commission the possession of the property.

Yours very truly,

SIMEON D. FESS.

Exactly the same procedure was gone through with in respect to the Constitution Commission.

I have been accused of saying that this book which I hold in my hand is mine. Yes; I conceived the book, I planned the book, I wrote part of the book, I edited the book, and I produced the book. Whose name should be on it? But let me read to you from the preface:

Upon application, permission will be granted for the reprint or use of any portion of this book, provided no change be made and full credit given to the Commission.

Not to SOL BLOOM, but to the Commission.

Now we are getting down to the Friedman matter, and I hope I have time enough left to tell you about this. They say that we commercialized this celebration. I hold in my hand a catalog of the coronation of the King and Queen of England. This is a catalog of merchandising issued by the Army and Navy stores of Great Britain. They had every kind of merchandising, not only our kind of merchandising, selling it through England and throughout the world, cups, china plates, mugs, jewelry, flags, tree markers, garden seats, even toothbrush holders, and so forth, as high as $25 apiece, and yet we are criticized for what we did. Mr. Chairman, no celebration was ever held that they did not sell souvenirs and coins and things of that kind which had been gotten out to commemorate it, and these are all things that were gotten out in England for the coronation.

We are not doing anything different in this celebration from what we did during the bicentennial celebration. We got out a catalog. Nobody said anything about it then. Nobody would have said anything about it now if the Scripps-Howard newspapers did not want to "dump Roosevelt and get BLOOM." That is all there is to it. Here are suggestions from merchants and department-store owners in the celebration of the two hundredth anniversary of the birth of George Washington, and they were issued by the Bicentennial Commission, and millions and millions of dollars worth of material were sold by our suggestions for the celebration and no one criticized it and no one could criticize it.

I have a letter here from Prof. Albert Bushnell Hart, the historian for the Bicentennial Commission, dated March 13, 1934, written to me, complimenting me on my work and what I had done for education and for history, and this is what he said then, and that is what we have to contend with now, and I read from a portion of the letter:

MY DEAR MR. BLOOM: Your devotion to the cause was unceasing and gave confidence to all those connected with the enterprise. You were open-minded toward all propositions for carrying on the celebration and unflinching in rejecting those that seem to be planned for making money for private individuals rather than carrying on the celebration.

We had trouble with people then, the same as in this Friedman matter, to keep people from trying to commercialize the celebration improperly. Professor Hart continues:

Your energy, vigor, and power of decision were the life of the celebration. You gave an opportunity for all concerned to make suggestions, to state their case, and go over it with you. You relentlessly set aside all propositions which seemed to be in the nature of advertising the proposers of new plans rather than celebrating the unusual services of George Washington to the United States, of his own time and of all succeeding generations.

Let me turn now to Mr. Friedman. On May 29 I wrote a letter to Mr. Friedman, and this is addressed to the Advertising Associates, 267 Fifth Avenue:

I note your letter dated May 26 is addressed to Mr. Solmson. In the future please be advised that all mail should be addressed to the Director General of the Commission and not to an individual.

What I want to say is, that I notice you sign your letter Sesquicentennial Merchandising Corporation. This I very strenuously object to because the impression might be given out that you are directly connected with this Commission and this impression must be eliminated immediately.

Please be advised, furthermore, that your statement that you have exclusive rights for the reproduction of anything is in error. This Commission will see that you are protected on any merchandise that you get out, but the Government does not and cannot allow anyone to have exclusive rights on anything in which they are participating.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield to the gentleman 5 minutes more.

Mr. BLOOM. Mr. Chairman, on June 7, I wrote to the Advertising Associates:

Replying to yours of June 2, 1937, in which you present me reasons for your action in incorporating under the name of the Sesquicentennial Merchandising Corporation, beg to advise that I am of the same opinion as expressed in my previous letter to you, that such procedure could not be approved, and your letter has in nowise changed my viewpoint. In everything we do we are very careful to avoid any appearance whatsoever of commercialization in the activities or affiliations of the United States Constitution Sesquicentennial Commission. I made myself plain in my first objection to your action, and I am not inclined to view the matter in any other way.

On June 22, 1937, Mr. Friedman wrote to me:

MY DEAR MR. BLOOM: In compliance with your wishes, we have discontinued the name Sesquicentennial Merchandise Corporation, and after a great deal of delay due to the rejection of several other proposed names, we are filing the following: Current Merchandise Corporation.

The day this catalog reached me I thought it was terrible. I was as angry as a man could be. So I sent Friedman this telegram:

JULY 30, 1937—*Time filed, 1:50 p. m.*

Mr. JOSEPH FRIEDMAN,
267 Fifth Avenue, New York, N. Y.
You must—

And remember, I say "must"—

not send out any catalogs or any advertising matter regarding any material manufactured, or controlled, or sold by, or through the United States Constitution Sesquicentennial Commission; and you have no right to send out any advertising matter or catalogs for goods manufactured by yourself that are either in part or in whole the property of or under the control of this Commission without first receiving my written approval. Unless immediate assurance is given to this Commission that you are going to stop sending out material I shall place the matter in the hands of the Department of Justice. I told you and you promised me that all advertising matter of every kind would be submitted to me for my written approval before distribution of your goods or any other goods.

SOL BLOOM, *Director General.*

Mr. Chairman, it would be ridiculous, if this fellow were a friend of mine, or if there were any connection with him that I would threaten the man. I was going to put the matter in the hands of the Department of Justice if he did not stop. And that was 5 months before the Scripps-Howard newspapers started to attack me regarding this matter.

Why, the whole thing is nothing less than an effort on somebody's part to get back at somebody else. The Scripps-Howard newspapers evidently do not like President Roosevelt. That, however, is no reason why they should attempt to destroy me. It is not me, I am not concerned about SOL BLOOM; I am concerned about the patriotic educational work that I started to do; I have worked day and night ever since to bring to the people of America the true history of the formation of our Government and the glory of our Constitution. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from New Hampshire [Mr. TOBEY].

Mr. TOBEY. Mr. Chairman, I have listened with great interest to the remarks of the gentleman from New York. He has gone to great detail in setting forth his views and declaiming on the conduct of the Commission, of which he is Director General, partly in reply to my remarks in the House on January 6. In these remarks I made certain charges as to the conduct of the Commission. In my remarks I referred to certain acts and deals which involved well-known Tammany politicians, and I read now a summation of this:

Serious charges against Mr. BLOOM have been made and published throughout the country. The people have the right to have the truth or falsity of these charges determined by an impartial investigation made by the Congress. This investigation should be made to determine, among other things—

(1) Whether Mr. BLOOM called upon and arranged with Howard Chandler Christy to do the painting. We, the People, for the Commission.

(2) Whether, after Mr. Christy had nearly completed the painting, Mr. BLOOM went to Christy with his Tammany political supporter, William Solomon, who is largely responsible for keeping Mr. BLOOM in office, and arranged for the sale of the painting to Solomon at the low figure of $1,300.

(3) Whether the painting was copyrighted in Tammanyite Solomon's name by an employee of Mr. BLOOM.

(4) Whether Dermac Corporation was formed by Mr. Solomon's attorneys and spread the word that it would sell to manufacturers the rights to use the painting on their sesquicentennial merchandise.

(5) Whether Sesquicentennial Merchandise Corporation was formed by one Joseph Friedman, friend of Tammanyite William Solomon, and took over the rights of the Christy painting from the Dermac Corporation by means of a contractual agreement.

(6) Whether Joseph Friedman's Sesquicentennial Merchandise Corporation proceeded to offer for sale the rights to the painting and also offered to sell to stores copies of BLOOM's Story of the Constitution, which had been copyrighted by BLOOM in his own name.

(7) Why the name of Current Merchandise Corporation was formed as a new form of the Sesquicentennial Merchandise Corporation.

Why Current Merchandise Corporation was allowed to issue a catalog advertising for sale the shrines, the Story of the Constitution, and products of Hines & Schenker, which catalog stated: "Be patriotic," "Build good will and make a profit," "Patriotic participation presents profitable promotion possibilities," "Sell the Constitution."

(8) Whether Friedman's assertion is true that Solomon had sold the rights to the Christy painting back to the Commission. On this point I add that a check-up at the Copyright Office this morning revealed that the title to the painting is still recorded as in Mr. Solomon.

(9) Whether Seal, Inc., which was given the contract to manufacture the shrines, was represented by the firm of Hines & Schenker, made up of James J. Hines, Tammany political boss, and Joel Schenker, another Tammanyite political supporter of Mr. BLOOM.

(10) Whether Schenker was given a contract whereby he received a commission from Seal, Inc., for each shrine sold to Mr. BLOOM's commission.

All of these inquiries are based upon definite charges which have been made and published and distributed through the country. The issue is whether there has been collusion between a Member of Congress, given a great trust by the Congress, and his Tammany political supporters, who are largely responsible for keeping him in office, whereby profit-making opportunities have been given to such Tammany supporters.

I take up now, if you please, the George Washington Bicentennial copyrights, to which he alluded in his remarks. If you recall his remarks made here today, you will remember that he brought out the fact that back in 1931 the question was raised—and the record shows this—about his copyrighting in the name of SOL BLOOM 10 or 12 articles put out by the George Washington Bicentennial Commission. The appropriateness of the proceeding was questioned at a meeting of the Commission. It appears in the records that he certified to the fact that these copyrights were the property of the George Washington Bicentennial Commission and that he had assigned them over to said Commission. A detailed list of these copyrights appears in the CONGRESSIONAL RECORD of January 6, 1938, on page 104, and numbered from 1 to 10. These copyrights cover music of George Washington's time; the George Washington play and pageant costume book; painting, We, the People; painting, Boy Scout and the Constitution of the United States of America; Album of Military Marches; Music from the Days of George Washington, in dance music; painting, Washington the Mason; print of George Washington; Washington and Uncle Sam; and a published version of Washington the Mason.

You will recall that he read into the RECORD a statement saying that he had assigned the copyrights to the Commission; that was said to have been done 6 years ago, but up to this morning no assignment had been recorded. Therefore the Government's Washington Bicentennial Commission would have no good title to the copyrights on the foregoing publications as against any subsequent purchaser who was a holder in due course.

I quote from section 44 of the copyright law of the United States:

Every assignment of copyright shall be recorded in the Copyright Office within 3 calendar months after its execution in the United States or within 6 calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, where assignment has been duly recorded.

Mr. Chairman, if we could roll away the veil that stands between the terrestrial and the celestial today and gaze into the Elysian fields I think that we very probably would see there gathered together a group of immortals—Washington, Madison, Randolph, Franklin, Hamilton, Gouverneur Morris, and others—those who bore the brunt of the trying days in Philadelphia 150 years ago, who, under a sense of awareness of what has been going on in connection with this constitution sesquicentennial celebration would be heard to say the same words which I am informed Artist Howard Chandler Christy used when he really became aware of what was going on, "My God! Making a racket out of the Constitution."

Today the gentleman from New York makes his plea. He denies the truth of the allegations made and disclaims them all along the line. He drew red herring after red herring

across the trail; but those things are beside the question; that is throwing sand, creating smoke screens.

Speaking only for myself, there flashed through my mind as he spoke the words of Shakespeare, "Methinks he doth protest too much."

The issue is a simple one. Boiled down, it is this: Whether or not the gentleman from New York, as Director General of the Constitution Sesquicentennial Commission, by alliances, or should I say, mesalliances, made by him with certain Tammany politicians who were leaders in his district and largely responsible for keeping him in office, gave these same gentlemen opportunities for profit from the operations and assets of the Constitution Sesquicentennial Commission.

He has not categorically denied this, and I do not believe he can so do, and, Mr. Chairman, because such action, if true, is reprehensible and unworthy of a Member of Congress, and because, further, the men who comprise the membership of this Commission are of such high standing and repute, including in their number the President of the United States, the Vice President, the Honorable Speaker of this House, distinguished Members of both branches of Congress, it seems to me that the only fair thing to do is to cause an investigation to be made by a committee of Congress with power to go into the matter and make a full and impartial investigation and to ascertain thereby whether these charges are false or are true.

Let me give you the statement of two members of the Constitution Sesquicentennial Commission, which were made after the charges had been published. Here is what one of the members said on January 7, 1938:

> Everybody left the whole thing up to Sol. We should blame ourselves for not watching his operations.

Here is what another member said:

> I have wondered for a long time how it happens that I am on that Commission. I don't remember being asked about it. I think I will look into the situation. I don't want to get mixed up in any slimy Tammany affair.

Mr. Chairman, if the charges are false and but figments of someone's imagination, no one can be hurt by an investigation; but if they are true, the Congress and taxpayers who are paying the bills have a right to know thereof, and, above all, the man who should most welcome an investigation, who himself should join me in demanding it, is the honorable gentleman from New York who is involved in this matter.

In conclusion, when a man is given a position of great honor and trust and entrusted with handling large sums of the taxpayers' money, as is true of the gentleman from New York, then, like Caesar's wife, all conduct of that position must be above suspicion, and I hope that, and will be delighted if, an investigation may be held and the charges disproved.

Therefore, I now turn to the gentleman from New York [Mr. O'CONNOR], chairman of the Rules Committee, and ask him if he proposes to take up the resolution which I offered and have it presented to the House and bring about such an investigation.

Mr. O'CONNOR of New York. Does the gentleman want an answer?

Mr. TOBEY. Yes.

Mr. O'CONNOR of New York. The distinguished gentleman from New York [Mr. BLOOM], seated beside me, stated on the floor of the House on the occasion when the distinguished gentleman from New Hampshire [Mr. TOBEY] introduced his resolution to investigate these newspaper aspersions that he welcomed an investigation. He then consulted with me toward asking unanimous consent for the immediate consideration of the resolution. I told him I would oppose the granting of such a consent, because the usual procedure was to refer such a resolution to the Rules Committee for the purpose of thorough consideration, especially when one Member did the most unusual thing of making a personal attack on a colleague. I told the distinguished gentleman from New York [Mr BLOOM] that other bodies and Members were concerned with such matters, and that his personal wishes in the situation did not control. He thereupon, on my advice, did not make the unanimous-consent request.

Mr. Chairman, I have been a Member of this great body for 15 years, and in all that time I have never heard such an attack on a colleague ever made by any Member as the gentleman from New Hampshire has just made. It is beyond my comprehension. Of course, his constant reference to my colleague from New York as "BLOOM" violated the rules of this body.

For what purpose the gentleman from New Hampshire committed this discourteous, unparalleled offense I cannot divine, unless he thinks the constant repetition of the word "Tammany" may ingratiate himself back home in New Hampshire. Someone has suggested the attack represents the gentleman's attitude toward the racial background of the distinguished gentleman from New York. In any event, such an attack is startling.

It is outrageous for the gentleman to make such a personal attack on the floor of this House rather than make it before some other body.

Mr. Chairman, from the depths of my heart, because I respect my colleagues, I would cut off my right hand before I would do what the gentleman from New Hampshire has done here today. In answer to the impertinent question of the gentleman from New Hampshire directed to me, an innocent but shocked listener to his speech here today, let me say that I shall be compelled to consult all of the members of the Rules Committee to find out whether they will grant a hearing on the proposed investigation requested, especially in view of the disgraceful proceedings here today toward which adequate vehemence fails me. [Applause.]

Mr. TOBEY. Does the gentleman want my reply to that? Whether he does or not, he is going to get it. The distinguished gentleman from New York who has just addressed the Committee is chairman of the most powerful committee in the House, namely, the Rules Committee, which acts as a strainer for all matters coming on the floor of the House for consideration.

The matter in question involves a Member of this House. It involves questions as to the expenditure of a large sum of the taxpayers' money which had been appropriated by Congress. If this whole thing is as clean as a hound's tooth, what harm will an investigation do?

I may say to the gentleman from New York [Mr. O'CONNOR] that his duty is, as I see it, not to stand up here and cry out against the procedure or the way I brought this matter up, but rather to join with me in getting at the truth of the charges and make that truth very, very clear, whether it involves Mr. BLOOM or any other man. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. ENGEL].

PUBLIC DEBT AND NATIONAL SOLVENCY

Mr. ENGEL. Mr. Chairman, much has been said in the Halls of Congress during the past several sessions concerning the public debt, particularly the national debt, the relationship of that debt to the prosperity of the country, and the effect of that debt upon business in general and the welfare of the Nation in particular. While there were many who discussed the matter in a serious vein, the great majority of the Members of this House have been inclined to minimize the effect of the national debt upon the prosperity of the Nation.

During the past 6 months I have devoted a great deal of time and effort to this subject. It is my purpose to discuss today not only the national debt but the National, State, and local public indebtedness, together with the private indebtedness of America, the effect of that debt upon the Nation at large, and who will pay that debt when the day of reckoning comes.

The daily statement of the Secretary of the Treasury shows that our national debt on January 21, 1938, reached the colossal sum of $37,429,450,693.

The annual report of the Secretary of the Treasury for the fiscal year ending June 30, 1936, shows that the State and local public indebtedness had reached the sum of $19,876,000,000, making an aggregate total public indebtedness—National, State, and local—of $57,305,450,693, not including approximately $5,000,000,000 contingent liability of the United States Government on guaranteed loans of the Federal Farm Mortgage Corporation, Federal Housing Administration, Home Owners' Loan Corporation, and so forth.

Domestic Commerce Series, No. 96, under the heading of "Long-Term Debts of the United States for 1937," shows that on December 31, 1935, the private long-term indebtedness of the United States amounted to $73,400,000,000. In other words, the public and private indebtedness of the United States has reached the unbelievable sum of $130,705,450,693.

I personally compiled figures showing the assessed valuation of the 48 States as fixed by the local assessing officers and equalized by the several State boards of equalization. These figures show that the total assessed valuation of all the property, real and personal, placed upon the assessment roll by the local assessing officers as equalized by the several State boards of equalization was valued at $134,144,084,126. Comparing these figures, it shows that the national debt has reached a point where it amounts to 28 percent, and the National, State, and local public indebtedness has reached a point where it equals 43 percent, and the National, State, and local, plus the long-term private indebtedness, has reached a point where it equals 98 percent of the assessed valuation of every piece of real and personal property placed upon the assessment roll by our local assessing officers.

The private debt of the United States in 1912 was $31,300,000,000. In 1922 it was $51,200,000,000. In 1930 it was $84,600,000,000. In 1934 it was $74,900,000,000, and in 1935 it was $73,400,000,000.

That $84,000,000,000 debt was the debt which helped to bring about the depression.

The difference of $10,000,000,000 between the 1930 and the 1934 debt was brought about, not by payment, but with a few exceptions, by foreclosure and charge-offs.

The private debt herein referred to covers railways, public utilities, industrials, farm mortgages, nonfarm home mortgages, and other urban real-estate debt.

It does not include short-term indebtedness, such as bank notes, installment contracts, and so forth, nor does it include debts of financial corporations which are largely duplicated in other debts; nor does it include bonds, notes, or debentures of Government corporations.

The National Industrial Conference Board cited in Moody's Investment Guide for 1937 estimates the national wealth of the United States at $286,200,000,000 for the year 1934. Again comparing these figures, it shows that our national debt equal 14 percent, our National, State, and local public debt equals 21 percent, and our National, State, and local public debt, plus our long-term private indebtedness, equals 46.5 percent of our national wealth. These items are all the more astonishing when you take into consideration the fact that we exclude short-term indebtedness, installment contracts, and so forth. This indebtedness amounts to more than $1,000 for every man, woman, and child in America. The interest at 4 percent per annum, which I think would be a fair average, on the public and private indebtedness would amount to more than $5,000,000,000 a year. We owe $57 public debt for every $73 we owe in private indebtedness.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I would prefer to complete my statement before yielding.

Mr. PATMAN. Will the gentleman permit a question regarding this particular matter?

Mr. ENGEL. Yes; I yield.

Mr. PATMAN. Does the gentleman realize that the debts enumerated by the gentleman today are lower in terms of what the people have to pay with, considering prices, than they were in 1932?

Mr. ENGEL. The figures show they absolutely are not lower.

Mr. PATMAN. Considering prices?

Mr. ENGEL. Again answering the gentleman, the gentleman will find that the national wealth in the days of which he speaks, or 1929, was $361,800,000,000, and in 1934 it was $286,000,000,000.

I want to complete my statement at this time and will be pleased to yield later.

It is a fair question to ask, How long can this country stand up under a burden such as this? How long can we pay interest on this tremendous public and private debt and avoid national disaster?

I am placing in the RECORD a table compiled by myself, of the 48 States, giving the following information as to each State: Population, assessed valuation, share of the national debt on a per capita basis, percentage that the share of the national debt is of the assessed valuation, the State and local indebtedness, the combined National, State, and local indebtedness, the percentage that the combined indebtedness—National, State, and local—is of the assessed valuation, the share of the New Deal debt on a per capita basis, and the percentage that the New Deal debt is of the assessed valuation. I am giving the latest figures available. There is no claim made by me that these are infallible and if I made an error, either in computation or in the State or local indebtedness, I hope that you will obtain the figures and figure out for yourself just what the percentages are in your own State.

I want to point out as an illustration just what it means to my own State of Michigan. The figures I have given for Michigan in the table are the latest available according to the manuals I have had on hand. The figures I am giving here are perhaps a little later than the ones in the table. At the time I computed the tables, I had taken the national debt as of November 1937, and did not include the amount that the Reconstruction Finance Corporation will be compelled to charge off the books as Mr. Jones' testimony was not then available. The figures I am giving for Michigan and have given heretofore include the national debt down to January 22, 1938, and also the Reconstruction Finance Corporation debt that Mr. Jones said would have to be charged off.

Taking the 1930 census figures, Michigan's share of the national debt on a per capita basis is $1,583,440,275. Michigan's State and local public debt on June 30, 1935, was $691,688,899, or her total public debt—National, State, and local—amounts to $2,275,129,174, or $470 for every man, woman, and child in Michigan. Her equalized valuation as fixed by the State board of equalization in 1936 was $5,630,426,000. Her share of the national debt equals 28 percent, while her share of the National plus her State and local indebtedness equals 40.4 percent of the assessed valuation of every piece of real and personal property placed upon the assessment rolls by the local assessing officers as equalized by the State board of equalization.

The county of Wayne, in which is located the city of Detroit, had a population in 1930 of 1,888,946. Her equalized valuation, according to the latest figures, is $2,905,960,128. Her share of the national debt on a per capita basis is $617,461,692. Her share of the State, plus her county and local indebtedness, equals $492,452,452, or her total public indebtedness equals $1,109,914,144, or 38.2 percent of the value of every piece of real and personal property on the assessment roll of the county.

Michigan's share of the national debt is more than twice the amount of her State and local indebtedness, which includes bonds for roads, schoolhouses, soldiers' bonus bond issues, highway bonds, and so forth, and that of Wayne

County is more than $100,000,000 more than her county and local indebtedness.

The extra session of the legislature in Michigan for 1934 passed Act No. 40, which provided for a bond issue of $37,874,458, against which was to be offset the public grant by the Federal Government, leaving a net bond issue of approximately $20,000,000. As provided by the constitution, this law was submitted to the public by referendum in the April 1934 election. Remember, this was a proposed bond issue to borrow money to match Federal funds. The people of Michigan voted it down by a vote of 6 to 1. They will be astonished to know that Michigan's share of the New Deal debt on a per capita basis amounts to $663,083,175, or more than 33 times the bond issue they rejected by a vote of 6 to 1. This $663,083,175 is just as much their debt and they are just as responsible for it and they will be compelled to pay it just as though they had voted a bond issue in that amount. In view of the 6-to-1 vote against the $20,000,000 bond issue, it is a fair question to ask, Would the citizens of Michigan have voted this bond issue for $663,000,000, or 33 times the amount of the bond issue they turned down by a vote of 6 to 1, had they had an opportunity of voting on it and knowing how the money was to be spent?

Wayne County's share of the New Deal debt was $262,563,494. Would the citizens of Wayne County have voted to bond Wayne County for more than $262,000,000 had they known the money was to be spent as it was spent? Would they have added that tremendous burden on top of their already existing National, State, and local indebtedness, placing their total public indebtedness up to more than $1,000,000,000?

While the assessed valuation does not necessarily in all cases represent 100 percent of the actual value, this is the only case where we have someone actually placing a valuation on property who has viewed it and exercised his judgment as to the value of that property. It is interesting to note that according to the tables referred to and included herein there are 18 States in which the combined National, State, and local public debt exceeds 50 percent of the assessed valuation. In five of these the public debt exceeds the assessed valuation.

In Alabama the combined public debt equals 110 percent of the assessed valuation, or exceeds the assessed valuation by $83,446,000. In Arkansas the combined public debt equals 198.8 percent of the assessed valuation, or exceeds the assessed valuation by $404,500,000. In Florida the combined public debt equals 191.7 percent of the assessed valuation, or exceeds the assessed valuation by $457,000,000. In Mississippi the combined public debt equals 144 percent of the assessed valuation, or exceeds the assessed valuation by $241,000,000, while in South Carolina the combined public debt equals 192 percent of the assessed valuation, or exceeds the assessed valuation by $334,000,000.

The assessed valuations were taken from Moody's Investment Guide of 1937 and represent, with a few exceptions, the 1935 or 1936 assessed valuation.

Pennsylvania's share of the national debt is nearly $3,000,000,000, or 24 percent of the assessed valuation, and her share of the New Deal debt is $1,339,000,000, or 11 percent of the assessed valuation. New York's share of the national debt is $3,801,000,000, or 14.5 percent of her assessed valuation, and her share of the New Deal debt is $1,649,000,000, or 6.4 percent of the assessed valuation. Ohio's share of the national debt is $2,007,000,000, or 23 percent of the assessed valuation, and her share of the New Deal debt is nearly $1,000,000,000, or 11 percent of the assessed valuation. Massachusetts' share of the national debt is $1,282,000,000, or 20 percent of the assessed valuation, while her share of the New Deal debt is $590,696,000, or 9 percent of the assessed valuation. It is very easy to figure out other States in a similar way.

In view of all of these facts it is further a fair question to ask whether or not America is solvent or insolvent. Every dollar of this indebtedness—all of this tremendous interest on bonds—must be paid through taxation. Who will pay this tremendous debt? It is ridiculous to argue that wealth can be compelled to pay it when you issue $60,000,000,000 in tax-exempt securities to which wealth can go to evade taxation. Business passes taxes on down to the consumer.

A year ago I heard a lecture on taxation. The lecturer had a pair of blue denim overalls and a gingham dress on the platform. He had placed a patch on the pair of overalls and on the gingham dress for each tax—direct and indirect—that was represented in the cost of that garment, with the name of the tax on each patch. There were 47 patches on the pair of overalls and 43 on the gingham dress. In the final analysis, the man who works with his hands pays the tax, or, using the President's own language in his speech on October 19, 1932:

> Taxes are paid in the sweat of every man who labors. If excessive, they are reflected in idle factories, tax-sold farms, and hence in hordes of hungry tramping the streets and seeking jobs in vain.

I need not ask whether taxes raised to pay the interest and principal on this tremendous debt in addition to the present waste in the cost of government are excessive. I am willing to accept the statement of the President that the idle factories we are now seeing, the tax-sold farms we shall see again, and the hordes of hungry tramping the streets are and will be the result of this excessive taxation. I want to join him in saying that "our people and our business cannot carry its excessive burdens of taxation." Unless drastic steps are taken to cut and economize, I see nothing ahead but financial disaster.

Paraphrasing the President's first message to Congress in 1933, I join him in saying that not for three but—

> For "five long years" the Federal Government has been on the road to bankruptcy. With profound seriousness I point out to the Congress the profound effect of this fact upon our national economy. Too often in recent history liberal governments have been wrecked on the rock of loose fiscal policy. We must avoid this danger.

And the greatest question before the Nation today is, Can we avoid this danger?

The next interesting question is, Whose money purchased this $37,000,000,000 in Federal bonds? Carter Glass, Secretary of the Treasury under President Wilson and chairman of the Finance Committee of the Senate, stated on the floor of the Senate on March 13, 1935, that—

> Many banks have as high as 60, 70, and even 75 percent of their securities in the shape of Government securities.

He further stated that a 10-point drop in the Government bond market would put every bank in the United States into insolvency, because during the past few years, he said, the portfolios of the banks have been filled with Government bonds and notes. In January 1920 some Government bond issues dropped as low as 82. I wonder what would happen if we had a drop of 18 points in the Government bond market.

In discussing the $1,500,000,000 relief bill in the Senate, the late Senator Joe Robinson, while majority leader, said:

> Gentlemen may laugh about a $36,000,000,000 debt hanging over the Treasury of the United States if they wish to, but with all my refined and expanded sense of humor I find it impossible to laugh about such a thing. I recall the time when our armies came out of the bloodiest and most cruel war that was ever waged on this earth to find a debt far below the amount the Government now owes, and we worried about it then. But now nobody seems to worry about the debt. We spend and we spend and we spend, and there are some who vote for all appropriations and against all taxes.

Again he said:

> Let me ask what would happen if another depression such as that which began in 1929 or 1930, and which has continued until recently, should strike the people of the United States? What if our revenues from incomes should fall off? What if the sources of taxation for the United States would dry up to an extent, as they did dry up in 1930 and in the years which immediately followed that year?

This statement was made by the then majority leader of the Senate on the floor of the Senate. The depression that Senator Robinson said might come is here.

Let us suppose that the Government bond market does drop 10, 15, or 18 points. Suppose these banks do become insolvent. Suppose we have to make good on our guaranty deposit insurance law on all deposits up to $5,000. There are two committees in the House upon which this responsibility will fall—the Ways and Means Committee and the Appropriations Committee. These are what we call in the Army the "buck privates" of Congress. Members of Congress can pass the buck to each other and from committee to committee, authorizing sums, but these two committees cannot pass the buck. They must act. I happen to be a member of the Appropriations Committee. In the face of a $40,000,000,000 national debt and a $20,000,000,000 State and local public debt, what would you do if you were in my place, sitting on that committee and asked to make good on these deposits? Should we issue more bonds to drag the market down still further? Should we issue new paper money and bring about inflation? You ask for more taxes. What would you tax when we are now collecting six and a half billion dollars a year from the people for the National Government alone, or approximately 10 percent of the national income and running $7,000,000 a day behind? What would you tax to replenish the sources of taxation that have been and will dry up? I want you to advise me as a member of the Appropriations Committee. Write me and tell me what to do. I am frank to say I am unable to answer the question.

Mr. PATMAN. Mr. Chairman, will the gentleman yield now?

Mr. ENGEL. Mr. Chairman, I now yield to the gentleman from Texas.

Mr. PATMAN. The gentleman realizes that Mr. Homer Martin, of the C. I. O., was in town the other day and asked for $130,000,000 from the Government for Michigan. Is the gentleman in favor of appropriating that much money for Michigan, and if not, how much money would he appropriate for relief purposes in Michigan?

Mr. ENGEL. Mr. Chairman, as far as I am concerned, I am not responsible for any Democrat who comes from Michigan who makes any such request. I am discussing the question of public debt, and I am saying to the gentleman if we do not quit borrowing and appropriating money disaster will befall us.

Mr. PATMAN. Which appropriation would the gentleman stop first?

Mr. ENGEL. The first thing I would do would be to stop this sending of about 3,000,000,000 pieces of mail through the post office free from the various departments of the Government, which cost the Government $220,000,000 during the past 4 years; and if the gentleman will go right back to his own party platform in 1932, he will find an answer at least to his question. I would suggest that the Democratic Party take the medicine it prescribed for the Republican Party in their 1932 platform.

Mr. PATMAN. The gentleman has named $3,000,000. I ask him to name some more.

The CHAIRMAN. The time of the gentleman from Michigan has again expired. Does the Chair understand that the gentleman from Michigan desires to renew his request to extend his remarks in the RECORD and to include certain tables?

Mr. ENGEL. I do.

The CHAIRMAN. The Chair misunderstood the gentleman. The Chair now understands that the tables which the gentleman desires to incorporate were prepared by himself.

Mr. ENGEL. They were. Every figure quoted today in the tables or elsewhere were the result of my own personal research.

The CHAIRMAN. In that case the request is in order. Without objection, the request of the gentleman from Michigan will be granted.

There was no objection.

The tables referred to are as follows:

State	Population[1]	Assessed valuation[2]	Share of national debt on per capita basis	Percent of assessed valuation[3]	State and local debt[4]	Combined National, State, and local debt	Percent of assessed valuation[4]	Share of New Deal debt on per capita basis	Percent of assessed valuation[5]
Alabama	2,646,248	$917,543,734	$799,166,895	87.1	$210,822,063	$1,000,989,959	110.0	$367,828,472	40.0
Arizona	435,573	357,966,807	131,543,040	36.7	71,777,316	203,320,362	56.8	60,544,647	17.6
Arkansas	1,854,482	411,419,430	560,053,564	136.1	255,868,988	815,922,552	198.8	257,772,998	62.2
California	5,677,251	7,258,146,172	1,714,529,802	23.6	1,099,416,000	2,813,945,802	38.8	789,137,889	10.9
Colorado	1,035,791	1,088,350,535	312,908,882	28.8	129,504,338	442,313,220	40.7	143,974,949	13.2
Connecticut	1,606,903	2,943,537,356	485,284,706	16.5	School 160,700,082 162,733,090	808,718,512	27.4	223,359,517	7.6
Delaware	238,380	297,692,266	71,990,760	24.0	29,087,587	101,078,347	33.9	33,134,820	11.1
Florida	1,468,211	499,372,925	443,399,722	88.9	513,022,736	956,422,458	191.7	204,081,329	40.9
Georgia	2,908,506	1,059,819,000	878,368,812	82.9	106,985,539	985,354,351	93.0	404,282,334	38.1
Idaho	445,023	269,596,621	134,399,664	36.3	78,449,967	212,849,631	57.6	61,850,448	16.7
Illinois	7,630,654	5,299,827,000	2,304,457,598	43.7	1,290,545,000	3,595,002,598	66.2	1,060,660,906	20.0
Indiana	3,238,503	3,693,896,218	978,027,906	26.2	199,034,882	1,177,062,788	31.9	450,151,917	12.2
Iowa	2,470,939	2,915,453,234	746,223,578	25.5	241,990,759	988,214,337	33.9	343,460,521	11.8
Kansas	1,880,999	2,710,976,546	568,061,698	20.9	156,104,613	724,166,311	26.7	261,468,961	9.6
Kentucky	2,614,589	2,470,506,437	789,605,878	32.0	135,051,887	924,657,765	37.7	363,427,971	14.7
Louisiana	2,101,593	1,348,163,553	634,681,086	47.1	360,410,495	995,091,581	73.8	292,121,427	21.7
Maine	979,423	693,532,161	240,821,746	35.3	64,529,415	305,351,161	46.0	110,841,797	16.5
Maryland	1,631,526	2,629,049,410	492,720,852	18.6	261,167,767	753,888,619	28.6	226,782,114	8.6
Massachusetts	4,249,614	6,444,000,271	1,283,383,428	19.9	436,599,547	1,719,982,975	26.6	590,696,346	9.1
Michigan	4,842,345	5,659,727,087	1,462,388,190	25.8	782,305,782	2,244,693,972	39.6	673,085,955	11.9
Minnesota	2,563,958	1,957,812,381	774,315,316	39.5	285,111,357	1,059,426,673	54.1	356,390,162	18.2
Mississippi	2,009,821	545,649,495	606,965,942	111.2	179,361,169	786,327,111	144.3	279,365,119	51.0
Missouri	3,629,367	3,821,563,766	1,096,098,834	28.7	334,264,904	1,430,333,738	37.4	504,482,013	13.2
Montana	537,606	1,049,612,827	162,357,012	15.5	71,269,403	233,625,415	22.3	74,727,234	7.1
Nebraska	1,377,963	2,060,835,168	416,144,828	20.2	110,506,087	526,650,913	25.5	191,536,857	9.3
Nevada	91,058	184,531,441	27,499,516	14.9	9,945,219	37,444,735	20.3	12,657,062	6.8
New Hampshire	465,293	558,986,024	140,518,486	25.1	31,735,605	172,254,091	30.8	64,675,727	11.6
New Jersey	4,041,334	5,879,166,815	1,220,482,858	20.8	1,151,231,000	2,371,713,858	40.3	561,745,426	9.5
New Mexico	423,317	282,430,833	127,841,734	45.3	36,942,977	164,784,711	58.3	58,841,093	20.8
New York	12,588,066	25,667,925,760	3,801,595,932	14.8	3,948,983,914	7,750,579,846	30.2	1,749,741,174	6.8
North Carolina	3,170,276	2,184,061,652	957,423,352	43.9	545,423,034	1,502,846,386	68.8	440,608,364	20.2
North Dakota	680,845	489,895,606	205,615,193	42.0	36,211,431	241,826,624	49.3	94,637,455	19.3
Ohio	6,646,697	8,683,851,057	2,007,302,494	23.1	875,036,271	2,882,338,765	33.2	923,890,883	10.6
Oklahoma	2,396,040	1,233,781,471	723,604,080	58.6	194,084,886	917,688,966	74.4	333,049,590	27.0
Oregon	953,786	924,071,621	288,043,372	31.2	198,849,130	486,892,502	52.7	132,576,254	14.4
Pennsylvania	9,631,350	12,065,399,666	2,908,667,700	24.2	1,213,706,000	4,122,373,700	34.4	1,338,757,650	11.1
Rhode Island	687,497	1,335,295,386	207,624,094	15.5	110,352,432	317,976,526	23.8	95,502,093	7.1
South Carolina	1,738,765	362,934,109	525,107,030	144.6	171,698,350	696,805,380	192.0	241,698,335	75.5
South Dakota	692,849	969,908,600	209,240,398	21.6	51,086,516	260,326,914	26.8	96,306,011	9.9
Tennessee	2,616,556	1,480,430,481	790,199,912	53.4	323,495,009	1,113,695,921	75.2	363,701,284	25.2

[1] Population and State and municipal debt taken from 1930 census.
[2] With a few exceptions, the 1935 or 1936 assessed valuation is taken from Moody's 1937 Investment Guide.
[3] This column gives percentage that national debt is of total assessed valuation of State.
[4] This column gives percentage that National, State, and local public debt is of total assessed valuation.
[5] This column gives percentage that New Deal debt incurred since Mar. 4, 1933, is of total assessed valuation of State.

State	Population	Assessed valuation	Share of national debt on per capita basis	Percent of assessed valuation	State and local debt	Combined National, State, and local debt	Percent of assessed valuation	Share of New Deal debt on per capita basis	Percent of assessed valuation
Texas	$5,824,715	$3,157,529,185	$1,759,063,930	55.7	$748,390,932	$2,507,454,862	79.4	$809,635,385	25.3
Utah	507,847	518,830,745	153,369,794	29.5	46,149,913	199,519,707	38.4	70,590,733	13.6
Vermont	359,611	272,872,962	108,602,522	39.9	27,179,482	135,782,004	49.8	49,985,929	18.3
Virginia	2,421,851	2,064,049,259	731,399,002	35.5	181,242,324	912,641,326	44.2	336,637,289	16.3
Washington	1,563,396	1,063,329,750	472,145,592	43.6	217,430,541	689,576,133	63.7	217,312,044	20.0
West Virginia	1,729,205	1,729,495,451	522,219,910	30.2	151,593,880	673,813,790	39.0	240,359,495	13.9
Wisconsin	2,939,006	4,263,845,401	887,579,812	20.8	205,234,228	1,092,814,040	25.7	408,521,834	9.6
Wyoming	225,565	308,500,347	68,120,630	22.0	43,009,299	111,129,929	36.0	31,353,535	10.2

Statement showing each county's (1) population, 1930 census; (2) assessed valuation; (3) share of national debt; (4) share of New Deal debt

Counties of Michigan	Population	1936 assessed valuation	Share of national debt	Share of New Deal debt
Alcona	4,989	$3,854,400	$1,506,678	$693,471
Alger	9,327	7,096,755	2,816,754	1,296,453
Allegan	38,974	34,000,000	11,770,148	5,417,386
Alpena	18,574	16,478,167	5,609,348	2,581,786
Antrim	9,979	8,854,470	3,013,658	1,387,081
Arenac	8,007	5,254,610	2,418,114	1,112,973
Baraga	9,168	7,590,000	2,768,736	1,274,352
Barry	20,928	16,000,000	6,320,256	2,908,992
Bay	69,474	59,924,531	20,981,148	9,656,886
Benzie	6,587	4,371,183	1,989,274	915,593
Berrien	81,066	70,803,000	24,481,932	11,268,174
Branch	23,950	21,959,944	7,232,900	3,329,050
Calhoun	87,043	95,076,432	26,286,986	12,098,977
Cass	20,888	17,067,902	6,308,176	2,903,432
Charlevoix	11,981	8,838,520	3,618,262	1,665,359
Cheboygan	11,502	6,814,455	3,473,604	1,598,778
Chippewa	25,047	21,895,294	7,564,194	3,481,533
Clare	7,032	4,446,329	2,123,664	977,448
Clinton	24,174	21,937,183	7,300,548	3,360,186
Crawford	3,097	2,634,765	935,294	430,483
Delta	32,280	16,380,170	9,748,560	4,486,920
Dickinson	29,941	15,858,015	9,042,182	4,161,799
Eaton	31,728	30,000,000	9,581,856	4,410,192
Emmet	15,109	12,651,855	4,562,918	2,100,151
Genesee	211,641	208,000,000	63,915,582	29,418,099
Gladwin	7,424	4,220,102	2,242,048	1,031,936
Gogebic	31,577	36,941,845	9,536,254	4,389,203
Grand Traverse	20,011	15,247,030	6,043,322	2,781,529
Gratiot	30,252	29,000,000	9,136,104	4,205,028
Hillsdale	27,417	23,140,904	8,279,934	3,810,963
Houghton	52,841	18,838,832	15,961,002	7,346,289
Huron	31,132	26,770,649	9,401,864	4,327,348
Ingham	116,587	145,680,023	35,209,274	16,205,593
Ionia	35,093	26,517,162	10,598,086	4,877,927
Iosco	7,517	7,500,000	2,270,134	1,044,863
Iron	20,805	21,980,784	6,283,110	2,891,895
Isabella	21,126	18,151,995	6,380,052	2,936,514
Jackson	92,304	100,000,000	27,875,808	12,830,256
Kalamazoo	91,368	111,278,956	27,593,136	12,700,152
Kalkaska	3,799	2,535,454	1,147,298	528,061
Kent	240,511	243,931,485	72,634,322	33,431,029
Keweenaw	5,076	3,854,010	1,532,952	705,564
Lake	4,006	2,479,635	1,209,812	556,834
Lapeer	28,348	23,422,755	8,561,096	3,940,372
Leelanau	8,206	5,539,000	2,478,212	1,140,634
Lenawee	49,849	50,172,137	15,054,398	6,929,011
Livingston	19,274	20,000,000	5,820,748	2,679,086
Luce	6,528	5,623,305	1,971,456	907,392
Mackinac	8,783	6,116,056	2,652,466	1,220,837
Macomb	77,145	81,700,316	23,298,092	10,723,294
Manistee	17,409	12,386,163	5,257,518	2,419,851
Marquette	44,076	46,364,000	13,310,952	6,126,564
Mason	18,756	13,500,000	5,664,312	2,607,084
Mecosta	15,738	10,000,000	4,752,876	2,187,582
Menominee	23,652	18,651,097	7,142,904	3,287,628
Midland	19,150	21,626,200	5,783,300	2,661,850
Missaukee	6,992	3,400,850	2,111,584	971,888
Monroe	52,485	56,297,691	15,850,470	7,295,415
Montcalm	27,471	22,000,000	8,296,242	3,818,469
Montmorency	2,814	2,142,569	849,828	391,146
Muskegon	84,630	77,178,896	25,558,260	11,763,570
Newaygo	17,029	14,417,739	5,142,758	2,367,031
Oakland	211,251	240,601,000	63,797,802	29,363,889
Oceana	13,805	10,481,950	4,169,110	1,918,895
Ogemaw	6,595	4,833,831	1,991,690	916,705
Ontonagon	11,114	8,636,233	3,356,428	1,544,846
Osceola	12,806	7,470,000	3,867,412	1,780,034
Oscoda	1,728	2,081,470	521,856	240,192
Otsego	5,554	3,441,290	1,677,308	772,006
Ottawa	54,858	40,136,813	16,567,116	7,625,262
Presque Isle	11,330	8,437,601	3,421,660	1,574,870
Roscommon	2,055	2,730,559	620,610	285,645
Saginaw	120,717	125,000,000	36,456,534	16,779,663
Sanilac	27,751	22,363,825	8,380,802	3,857,389
Schoolcraft	8,451	7,124,030	2,552,202	1,174,689
Shiawassee	39,517	24,000,000	11,934,134	5,492,863
St. Clair	67,563	84,316,604	20,404,026	9,391,257
St. Joseph	30,618	28,246,430	9,246,636	4,255,902
Tuscola	32,934	23,769,000	9,946,068	4,577,826
Van Buren	32,637	28,609,025	9,856,374	4,536,543
Washtenaw	65,530	69,857,756	19,790,060	9,108,670
Wayne	1,888,946	2,905,960,128	570,461,692	262,563,494
Wexford	16,827	10,163,170	5,081,754	2,338,953

Mr. WIGGLESWORTH. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. GUYER].

Mr. GUYER. Mr. Chairman, I do not care to dwell upon the controversy which occurred on the floor awhile ago, but I think it is very unfortunate for any Member of this House to make charges against a fellow Member unless he has the most indisputable ground for it, and, for one, I do not care whether it is a Tammany Congressman or anyone else, if anybody wants to do what SOL BLOOM has done, spend his own money and his own energy to bring the Constitution to the grass roots, I am for him.

I often go over to the Library of Congress to see the Constitution. People have said to me, "You have no Constitution," but I go over there to assure myself that we still have a Constitution. I stand there with uncovered head before that Constitution because I know that whatever security of life and property and liberty I have I owe to what is written on those four pieces of parchment, and I thank SOL BLOOM for taking those four pieces of parchment out of the Library and sending them out to the school children of this country, so that they, too, can read the charter of their liberty, the charter to which they are going to owe everything they have in life, the security of life and liberty and property.

In the latter part of November I went over to the Corcoran Gallery of Art to see the collection of paintings and portraits of the signers of the Constitution of the United States and also of those delegates who did not sign the Constitution, and they also included the signers of the Declaration of Independence and many members of their families.

I say to you that if the Sesquicentennial Commission had done nothing else but gather together these great pieces of American art it would have justified its existence and whatever cost it has been. They are portraits that exhibit the school of the early American artists. They are not merely a collection of historical paintings; they constitute a study of early American art. In those days before the birth of photography of necessity there were a great many portrait painters. They became very skillful, and there is a great difference between a painted portrait and a photograph. One is the result of fine art done by hand. The other is a mechanical process. These invaluable, priceless pictures have been gathered here and every Member of this House, if he has not availed himself of the opportunity to see these pictures, should go there and study them. They are great pictures and we owe to these American artists a debt of gratitude for perpetuating the images of these fathers of our country for us to see in this day. Our American artists owe a great deal to Benjamin West, who studied in Rome and painted in England and taught there, but who never came back to his native country.

Among the great painters who studied under him in London was Col. John Trumbull, who went there just so he could paint those four great canvases in the rotunda of the Capitol.

There is just as much difference between one of these pictures and a photograph as there is between the hand-carved furniture of a Chippendale, a Hepplewhite, or a Sheraton and the product of Grand Rapids, and I am not saying anything against Grand Rapids. These portraits are of superlative historical value, as I said, and, besides, they are a study in early American art. In fact, art and human liberty advance on parallel lines. Liberty has ever been the patroness of art. Her soil is always the rich mother of beauty. Art, whether it be painting or sculpture, measures

along with literature, music, and the drama—the intellectual and spiritual life of a nation. They constitute the sky upon which is etched the mind and soul of the people.

Many of these young American artists owed their skill to Benjamin West who studied in Rome then taught and painted in England. While he never came back to his native land he exerted a profound influence upon American art and his young American pupils, one of whom, Thomas Sully, lived and wrought until 1872. Among those young Americans who studied under West were Thomas Sully, Mather Brown, Ralph Earl, Malbone, Charles Wilson Peale, Rembrandt Peale, Pratt, Savage, Gilbert Stuart, Wright and John Trumbull, four of whose great canvases hang in the Rotunda of the Capitol.

The mere assembling of these great portraits was a notable undertaking and the success of it is due to the tireless energy and resourceful management of our distinguished colleague, the gentleman from New York, the Director General of the Sesquicentennial Commission, Hon. SOL BLOOM. For the organization for the celebration of the two great anniversaries: the two hundredth of the birth of George Washington and the one hundred and fiftieth of the framing of the Constitution, the gentleman from New York deserves both the thanks of the Nation and a conspicuous place among those who have performed a signal and monumental service to the country.

The exhibit will continue at the Corcoran Gallery of Art until March 1. If you fail to see it you will do yourself a wrong and deny yourself a great privilege.

I hope that every Member will avail himself of the privilege of inspecting and enjoying this exhibit. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, I want to talk about this important matter, because the effort to procure its submission and adoption is continuing. I certainly hope I may be able to do so in a way that will not arouse controversy or make anybody unduly apprehensive.

The concluding paragraph of the President's letter, addressed to Mr. Speaker BANKHEAD, with reference to this resolution, and printed in the CONGRESSIONAL RECORD of January 10, is as follows:

> I fully realize that the sponsors of this proposal sincerely believe that it would be helpful in keeping the United States out of war. I am convinced it would have the opposite effect.

The Secretary of State has expressed a similar opinion.

Everyone who is reading the signs of these times is concerned as to whether this country will be able to get through, preserving its peace. I confess my own deep concern.

There are many characteristics of these times which are the same as those observed by us who were here during the World War period. There is a great deal of propaganda being spread in the country, now, as then. Now, as then, our psychology is receptive. That was a dangerous characteristic of the period before the World War. It is dangerous now. Slogans, declared purposes, emotionalism, taking the place of reasoning and sound judgment. The first important manifestation distinctive of the pre-World War period was an intense, almost hysterical attitude toward peace, which attitude seems to be, strangely enough, one of the most direct routes to a war psychology. We heard this Nation just before that war singing such songs as "I did not raise my boy to be a soldier." That sentiment appears to have been a sort of springboard from which we jumped off into the World War psychology and into the World War itself.

When I was a boy we had a grapevine swing upon the hillside. It was a cooperative sort of thing—turn about. The farther up the hill the boy who was doing the pushing pushed the boy hanging on to the grapevine, the farther he got off the center of gravity, the more difficult it was for the pusher to resist the pull in the other direction. When he had to turn loose it was certain the boy being swung would go beyond the center of gravity in the other direction proportionate to the distance he had been pushed up the hill beyond the center of gravity. A natural law determined those results. It operates everywhere. One extreme follows another.

We saw the people reelect President Wilson on the ground that he had kept us out of war. That slogan deceived Germany. We deceived ourselves. Germany believed that no attention need be paid to the protests of our diplomats. Germany's acts, that attitude, plus propaganda, did the work. In a few months our people, the same people, swung to the other extreme and the passions of war swept this country like a prairie fire.

I believe it is now the agreed judgment that if Germany had not been deceived by our attitude into believing that it could do the things it did and we would not fight, those provocative things would probably not have been done and we would have had at least a better chance to keep ourselves out of that war.

There is a great deal of propaganda afoot for amending the Constitution, sending the power to declare war in certain circumstances back to the people. I do not question the sincerity of the motives of those responsible for the propaganda having for its declared purpose the preservation of peace, but I am persuaded it is not toward peace but toward war. I want to submit some of the reasons supporting that opinion. In the first place the time can never come when Members of Congress will vote to send their respective constituents, their kinspeople, the boys and girls with whom they have associated, unwillingly to fight. The assumption supporting that resolution that that time could ever come disregards the strongest sentiments which control and restrain human action. In voting upon the issue of war or peace the Member of Congress acts not only upon his own responsibility as an individual and under the individual citizen's normal restraints, but he acts under the tremendously sobering and restraining influence of his concentrated responsibility, as the trusted agent and spokesman of thousands of people for whom he must speak. When considered sanely it must be agreed that it is fixed by the nature of things that it will always be the people and not Congress who will be first in the determination for war.

The people of this country were demanding war with Germany, relatively speaking, long before Congress was willing to vote for war. I was one of those who hesitated most to vote for the World War. I was under severe criticism at home. I recall in checking up in my own memory about those times and as indicative of those times, that when the selective draft bill was pending, which in its original form would have made its heaviest call upon boys beginning at 17 or 18, there was a number of us in Congress who could not vote for that provision. We did not say anything about it publicly. It was not wise to let the enemy know we were not in full agreement on all points, but we were able by private conferences to persuade or force, whichever way it may be put, the abandonment of that age limit.

During that period I received long petitions denouncing my hesitancy in agreeing to support that proposition. It was the war spirit among the same people who a few months previously had been singing the songs of peace.

It is being suggested now that the Ludlow resolution be so amended as virtually to eliminate Congress with reference to the declaration of war and give that power back to the people. I am sure that nine-tenths of the Members of Congress, insofar as they are individually concerned, would be glad to have that done if that could be done with safety to the public interest. As long as I live I cannot blot out the agony of the night of April 6, 1917, when at 3:15 I had to vote on the World War resolution. Although I knew it had already been determined in the purpose of the people that we would go into that war, I realized for the first time in my life the full meaning of the expression "weight of responsibility." I knew that when I went home and met my friends some of them would say, "My boy did not come back." I know that many Members of Congress, if they could honorably within their duty have done so, would gladly have taken their names from the roll of the living and gone out forever in that night if they

could have escaped that vote. That may seem an extreme statement, but not to those who had that experience.

Our primary danger is not from that source. It is that our people may be swept off their feet, caught in the grip of propaganda moving either one way or the other. One direction now in substantial degree is as dangerous as the other. From one extreme the tendency is always to swing to the opposite extreme. It is my observation from studying people all my life, and on this point especially while here in Congress, that whenever people are once caught in the grip of propaganda they are no longer anchored; they reflect other people's opinions; they endorse other people's ideas; they move at other people's bidding; they move in the direction toward which the pressure of propaganda is strongest.

I hope I am not being offensive. Only the sense of danger and duty make me take this unavoidable chance of being misunderstood. We have a long road ahead of us, a dangerous road. The message I would like to send to the American people as a friend of peace in this troublous time is that every man and woman must keep his or her feet on the ground and think with his or her own head.

The danger to the country is not that Congress will declare war contrary to the public will; the danger is that we, the American people, will permit ourselves under the stress and danger of these times to create erroneous impressions calculated to deceive other nations as to what safely can be done to us. We must not forget that some of them seemingly are doing whatever they can and get away with it. It is dangerous to our peace to permit, much less encourage, others to forget that there is a limit beyond which our people will not restrain themselves. There is a limit. We must not deceive either ourselves or others on that point. The color of our blood has not changed. We must also be careful that we ourselves do not say and do provocative things which may cause others to do provocative things. We must be careful that we do not take extreme positions from which others may react in the opposite extreme direction and eventually turn loose the war spirit in this country and possibly in some other country which will again be irresistible and sweep us into war.

I do not question the motives of those who favored sending this resolution to the country to be debated. I am sorry they propose to continue the campaign for its submission. I submit to them with earnestness and to the people of the Nation that to turn loose in this country now that resolution, having to do with war, to be debated all over the Nation until ratified by three-fourths of the States, furnishing the occasion for all sorts of inflammatory things to be said while most of the world is either at war or on the verge of war, would be a crime, not intentional but of the first magnitude, against the hope of preserving the peace of this Nation. I say this in all respect and I hope without offense. It must be permitted in matters so grave that we express our honest judgment and that without offense. There is too much at stake.

During the short discussion on this resolution in the House such statements were made as that Japan knew the *Panay* was an American ship and "deliberately" destroyed it. The act was also characterized as "murder." We can easily talk ourselves into war. It is difficult to conceive, if I may say so without offense, a more perfect or complete arrangement toward that result than is involved in the steps necessary to be followed in the effort to make this resolution a part of the Constitution.

Suppose, as a result of renewed propaganda, 218 names again be secured to a petition to discharge the committee and those signers vote to discharge and bring the resolution to the floor for debate and vote. That news would be published all over the world, and interpreted as a declaration of indisposition on our part to fight. Of course, we do not want to fight, but we know that impression would not tend to prevent other nations from committing acts against us calculated to arouse the passions of war among ourselves. Unfortunately, in this world in which we live, the overadvertisement of the desire for peace is not one of the ways to secure it. Under that resolution it is provided that Congress could not itself declare war "except in the event of an invasion of the United States or its Territorial possessions," and then only in the event of "attack upon the citizens residing therein." We have never before gone that far. That would not strengthen our diplomatic effectiveness in preventing and adjusting acts calculated to lead to war, and we absolutely know in times like these especially, diplomacy is our first line of defense against aggressive acts which tend toward war.

Then suppose after long debate in the House and Senate, with such speeches as conditions and the temper of these times make probable, each House, by a two-thirds vote, which is the vote required, submitted this proposed constitutional amendment to the country. That news would also go to the world and would inevitably be interpreted as a message from the American people to the world that we are for peace at any price, and but little consideration in the determination of policy need be given to the possibility that the people of the United States might be provoked to fight. We know that upon the possibility that a given people will fight, will defend their rights, depends in foreign affairs the strength of diplomacy, the first line of defense against war. We cannot too often remind ourselves that while we all want peace, an overadvertisement of that fact is not calculated to increase our possibilities of preserving it. That is a fact, not a happy fact, or a complimentary fact, but a fact which from the playground of the country school to the society of nations constantly demonstrates itself as a fact.

The next step in this resolution's normal progress toward a place in the Constitution would be for the people of the Nation, when it is submitted to them, to take this resolution under debate and to keep it, and all the current war developments which would attach themselves to it, under debate until three-fourths of the States had ratified the resolution. This would never happen, of course; but leaving that out, one can hardly conceive of a more effective program of getting this country into war than this program of protracted agitation and talking of war happenings and war danger, and so forth, in times like these, recounting and magnifying, at this time when everybody who has examined the situation knows that a match applied at the right place could easily set off a world-wide explosion the like of which the world has not yet known.

Following through on this proposition, suppose by some miracle we got through all this agitation and danger and three-fourths of the States had ratified this resolution for which we had risked so much had become a part of the Constitution. This is what we would have added:

SECTION 1. Except in the event of an invasion of the United States of its Territorial possessions and attack upon its citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum. Congress, when it deems a national crisis to exist, may by concurrent resolution refer the question of war or peace to the citizens of the States, the question to be voted on being, Shall the United States declare war on ———? Congress may otherwise by law provide for the enforcement of this section.

It is understood some amendments to the resolution are proposed, but the language quoted is the resolution with regard to which the propaganda was carried on and the petition to discharge the committee was signed. The fact that all this tempest could be stirred up by propaganda for a resolution to amend the Constitution which its friends now admit would not do as a part of the Constitution illustrates and emphasizes the very danger I am trying to impress.

Suppose after all this danger and agitation this resolution had been adopted as a part of the Constitution, what would have been accomplished? It was propagandized as a thing which would make our peace secure. That resolution seeks only to protect the people against the possibility of Congress, except in certain circumstances, passing a formal declaration of war contrary to the public will. The plan of the resolution is to have the action of Congress declaring war held in abeyance until a vote of ratification is had in a Nation-wide poll. As has been already pointed out, and I believe with full support of reason and history, Congress never has and never will vote to send their own people to war against their will.

I respectfully submit that, aside from the danger from protracted agitation and its patent unworkability, plus the national hazard from this resolution being a part of our Constitution and the dangerous psychological conditions demonstrated by the support which propaganda was able to bestir for the resolution, there does not seem to be much in the whole thing. But it is urged in support of the resolution that the people have a right personally to vote on whether they be sent to a foreign war. Of course they have. They have a right to vote on whether they be sent to any war. They have a right to vote on whether they pay taxes. They have a right to determine every matter of government. This is their Government. All the power Congress has and all the power the President and the courts have is because the people have them and are exercising them through these their public officials. When they were a few people living close together and their problems of government were not complex, they used to assemble and settle such matters personally. But when they became a numerous people widely scattered, with complex governmental problems, they could not govern that way any more. They did the thing required by necessity. They began to send only a few of themselves to meet in the councils of government and act for them. They set up a representative system of government.

This resolution proposes to go back to the plan which had to be abandoned because it no longer worked. It is proposed to move back to the people the responsibility of determining individually and personally as they used to determine in little town meetings that which happens to be the one governmental responsibility which is least susceptible of wise determination by that method. By a coincidence it is also, as has been stated, the one governmental act which there is the least possibility of being determined contrary to the public will. By every conceivable motive and impulse which sobers judgment and restrains action the people are protected against the possibility of their Representatives in Congress voting to send their relatives, their friends, the children of their schoolmates, their neighbors who trust them, to send them against their will to war. I believe that anybody who will take this resolution and really examine it, who will lift the lid and examine its contents, will agree with the statement just made.

But suppose the responsibility of declaring war is really, in fact, passed back to the people as is proposed. In order for the people intelligently and safely to pass on the great issue of war in a given situation, they would have to have for consideration and debate all over the country not only the provocative facts, but such facts as our relative preparedness, the condition of our fortifications, our allies, prospects in that direction, and innumerable other military and state secrets necessary to be known in the proper discharge of so great a responsibility but which we know consideration of the public safety would not permit to be thus made public to the world and come thereby into the possession of the enemy. The people would have to have these facts and be able to understand them and weigh them in reaching a proper and safe determination. It was this character of unworkability of such a plan of government, when the people became numerous, which made it necessary to abandon that plan; but it is this plan, abandoned because it would not work, which the advocates of this resolution now seek to return to and to fasten in the Constitution.

The Congress is composed of representatives relatively few in number. The people impart to them their general attitude toward government, including war. Coming in the aggregate from all parts of the United States, Members of Congress can assemble this information, this public attitude, and all other information, and consider it all together in one place, here in Washington. All the essential facts, including those which consideration of public safety requires be kept secret from a nation with which there is war danger, may be safely had by them and considered, and secrecy observed where secrecy is required. All other officers of the Government are available for information and advice. It is not the least of the significant and warning facts that the support for this resolution, proposing a constitutional change from representative government back to individual government, has been worked up with regard to the one matter which by its nature and inherent difficulties the people are least fitted to discharge.

But it must be borne in mind that this resolution deals only with the formal declaration of war, and most wars are not necessarily, or even usually, initiated by formal declarations. We fought the Boxer uprising without a declaration of war. Japan has not yet declared war on China. The Spanish war is being fought without a declaration.

That is not all. If that resolution were a part of the Constitution now the Army and the Navy could be increased to the limit of our resources of material and men, even to the inclusion of conscription. If that resolution were a part of the Constitution now the President, as Commander in Chief of the Army and Navy, could send the entire fleet to Asiatic waters and the Army to China to protect our embassy and other property and the lives and property of American nationals. If that resolution were a part of the Constitution now there is not a single act or attitude of government or private citizen which is causing anybody's apprehension which would be affected in the least degree would be affected at all by this resolution if it were a part of the Constitution. And yet the public psychology is such that hundreds of thousands of our people, with the highest motives, many of them, I am certain, after only surface examination, if any at all, have joined in the propaganda for this resolution demanding that their Members of Congress vote to submit it as a part of the Constitution, turning it loose in this country in times like these. That is the thing that is of concern in times like these. They have insisted that this resolution be turned loose in the country now for agitation and debate until ratified by three-fourths of the States and thus made a part of our Constitution.

But suppose I am wrong about this resolution being of but little, if any, effect as a part of the Constitution. That would not bear upon the lack of its need from the standpoint of protecting the kinspeople, neighbors, friends, and constituents from being voted into a war against their will, or that in its consideration they would disclose important secrets, and so forth.

We will consider it on the theory that I am wrong about it. Suppose the security of this country was in peril. Even suppose some other nation had declared war on us. Congress would have to pass the war resolution and refer it to the people. Then would ensue a Nation-wide debate, followed by a Nation-wide election. If there was charge of fraud in the election, that would have to be settled. During the debate, if the people really considered the essential facts, they would have to have them, of course, and debate them, and thereby disclose to the enemy all the things that the enemy ought not to know.

There is no nation to which we would be close enough to war which would not consider the submission of the war resolution by Congress as equivalent to a declaration of war. That would mean that by this governmental arrangement we would tie our hands and give to the enemy exclusively the tremendous advantage of taking the initiative against us.

Mr. Chairman, there is danger in our situation, but not from the source toward which this resolution points. Our danger is not that Members of Congress will vote to send their own people to war against their will. Our danger is that our people will be caught in the grip of propaganda and swept here and there from one extreme to the other; that we will lose our heads, that we will not guide our actions and our words by our deliberate, advised judgment.

Mr. Chairman, nobody can measure the relative strength of the conflicting currents now. Nobody can see through the curtain of battle smoke which hangs over the earth. Nobody can know with certainty what destiny has in store for us, but this we do know: These are dangerous times, times when every citizen of this country should hold his feet on the ground and think with his own head. These are times when

caution should guard our public utterances. We have been seeing some things recently in the press, some of them from Members of Congress, dangerous statements for American statesmen to be uttering now.

In all the world the blood is hot. It is hard to keep our feet on the ground. It is hard always to think and act sanely. It is hard to keep from being caught in the grip of propaganda, guided by slogans, influenced by a name, accepting a professed purpose as proof that what is offered would accomplish that purpose, letting somebody else do our thinking, making of ourselves a sounding board to throw back their voices. It is hard for me, it is hard for you, it is hard for the people back at home. It is hard always to be patient with each other or tolerant of opposing views when we are under long tension, when our nerves are on edge under the danger and stress and responsibility of these times. It is easier to question motives than in normal times, but we must do our best. Aside from what depends upon our diplomatic agents and upon the President as our Commander in Chief of the Army and Navy, whether we stay out of war depends in great measure upon whether or not the average Member of Congress and others in official responsibility will act and speak under the caution which the condition of the world imposes upon the statesmen of this country, and whether the average citizen of this Republic will appreciate our danger and the unusual responsibility of self-control, of sound thinking, and of sound acting.

Mr. Chairman, I appreciate the fact that these things I am saying may be misunderstood, but the situation is too dangerous for that fact to excuse me from making the statement to the American people that I think I ought to make.

I purpose no reflection upon anybody. I question the motives of nobody. I do as best I can this duty as I see it. These are dangerous times. I venture the prediction that before we get through with them the American people will be put to as severe a test as any people have been subjected in the history of time.

Fundamentally, our safety is not in the keeping of Congress or of the President, though their best effort is essential. This is one time when even with the best efforts of which those officials are capable we can win through only with the best contribution which a great, stanch, level-headed people can make.

We must keep our feet on the ground, our heads on our shoulders, watch our thinking, watch our talking, and watch our acting. There has to be teamwork between Members of Congress and their people, with the people giving to their Representatives the results of their own thinking, and the Member of Congress, with genuine respect for their contribution, adding his own best thinking and working them into the best judgment which he is able to formulate. That must be our program if we are to preserve a substantial chance to win through the difficulties and dangers of these times and escape the horrors of war.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, I have been asked to read this memorandum. [Reading:]

The United States contains 6 percent of the world's area and 7 percent of its population. It normally consumes 48 percent of the world's coffee, 53 percent of its tin, 56 percent of its rubber, 21 percent of its sugar, 72 percent of its silk, 36 percent of its coal, 42 percent of its pig iron, 47 percent of its copper, and 69 percent of its crude petroleum.

The United States operates 60 percent of the world's telephone and telegraph facilities, owns 80 percent of the motor cars in use, operates 33 percent of the railroads. It produces 70 percent of the oil, 60 percent of the wheat and cotton, 50 percent of the copper and pig iron, and 40 percent of the lead and coal output of the globe.

The United States possesses almost $11,000,000,000 in gold, or nearly half of the world's monetary metal. It has two-thirds of civilization's banking resources. The purchasing power of the population is greater than that of the 500,000,000 people in Europe and much more than that of the more than a billion Asiatics.

Responsible leadership, which cannot translate such a bulging economy into assured prosperity, is destitute of capacity. But pompous statesmen, looking over the estate, solemnly declare that the methods by which it was created are all wrong, ought to be abandoned, must be discarded; that the time has come to substitute political management for individual initiative and supervision.

There is only one way to characterize that proposal: It is just damn foolishness.

This article comes from the London Sphere.

Mr. SIROVICH. How about the debts of Great Britain?

Mr. TINKHAM. The debts are not relevant to this statement.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Chairman, in view of the announced purpose of the conference of small-business men which is being held in Washington at the present time, it is interesting to review what the Congress has already done with respect to one phase of the program they have under consideration.

I understand the President has inferred it might become necessary to extend Government credits as an aid to small business. I do not want the small-business men of the Nation to get the idea that the President is embarking upon a new or novel scheme for aiding small business and industry. Some time ago the Congress had under discussion this question of credits to small business and industry. In order that there may be a clarification of the many statements which have been made concerning the attitude of this Congress with respect to small business and industry, in view of the President's implied suggestions that it might be necessary to extend further credits to them, and in view of the fact the question of the extension of Government credits is on their agenda for consideration, I want to call the attention of the House and the country, and in particular the small-business men of the Nation, to the machinery which is already set up to give them relief in this respect.

Many of the Members of the House will recall the fight which was put up here some years ago to authorize the Reconstruction Finance Corporation to make loans directly to small business and industry. The outcome of this fight was that we enacted legislation authorizing the Reconstruction Finance Corporation to make immediately available for loans to small industry and business a sum not to exceed $300,000,000. The President last fall under an authority granted to him by Public, No. 2, of the Seventy-fifth Congress, approved January 26, 1937, notified the Reconstruction Finance Corporation in substance that an emergency no longer existed, and that the Corporation should make no more loans directly to small industry and small-business men. The act under which he was granted authority to do this, which I have stated was approved on January 26, 1937, is to this effect. After extending to June 30, 1939, the time during which the Reconstruction Finance Corporation might make these loans there is a proviso as follows:

Provided, That in order to facilitate the withdrawal of the credit activities of the Corporation when from time to time during such period the President finds upon a report of the board of directors of the Corporation or otherwise that credit for any class of borrowers to which the Corporation is authorized to lend is sufficiently available from private sources to meet the legitimate demand upon fair terms and rates, the President may authorize the directors to suspend the exercise by the Corporation of any such lending authority for such time or times as he may deem advisable.

It may be recalled that some of us called attention when this act was passed to its potentialities and predicted that in this manner the President might rescind the action taken by the Congress in making available loans to small industry. Apparently by the order which he issued last fall under the authority of this act he has done exactly that. Under the authority we gave him, he has countermanded the authority we set up under which the Reconstruction Finance Corporation might make loans to small-business men in industry.

I want to refer for a moment to the November 1937 report of the Reconstruction Finance Corporation. You will recall that the Reconstruction Finance Corporation makes a report monthly to the Congress of the United States of its activities during that 30-day period. The figures which are now available to us officially are those contained in the

report of the Reconstruction Finance Corporation for the month of November 1937. This section to which I have reference with respect to loans to small industry is section 5 (d) of the act creating the Reconstruction Finance Corporation, as amended.

I find, on page 13 of the Corporation's November report, the following information:

Under the heading "Loans to Industrial and Commercial Business" there is on item of proceeds disbursed less repayments, $72,686,162.61. Proceeds not yet disbursed, $13,641,935.74. Thus there is a total of outstanding loans and commitments of $86,328,098.35. Therefore, in order to determine the amount which is now available of the $300,000,000 which the Congress has authorized for credit to small industry and business, we subtract this sum from the $300,000,000 and find now available $213,671,901.65.

I have received from the Reconstruction Finance Corporation the figures as of January 27, 1938, which unfortunately do not take into consideration any amounts repaid. The aggregate amount of loans made against this $300,000,000 which we authorized, and I do not include the amounts we authorized for the fishing industry, is $175,248,739.89. I believe we can take for granted that the figure in the Reconstruction Finance Corporation's report for the month of November 1937 is nearly correct, inasmuch as under the order of the President very few, if any, loans have been made since that time.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WOLCOTT. Now, I do not like to see the small industrialists and the small-business men called down here to Washington with the mistaken idea that they are going to get something from the President, or that they should have to beg the President to give them something, which has already been provided for them by the Congress of the United States.

If the President is sincere in wanting to do something for small business and for industry, and I have no right to assume he is not sincere in this respect, then he should give the "Go" sign to the Reconstruction Finance Corporation and make available for financing the expansion of small business the figure which I have given you of over $213,000,000.

With the knowledge of this condition the small-business and industrial men who are here in Washington should immediately pass a resolution, if any one of them can get the floor for the purpose of offering it, memorializing the President of the United States to rescind the order which he gave to the Reconstruction Finance Corporation which dried up this $213,000,000 of credit, and I am sure that with the pressure behind the resolution the President will see the desirability of again making these funds available for business and industrial expansion.

You will recall that at the same time we authorized the Federal Reserve banks to make available for direct loans to small business and industry all over 6 percent of the profits of the Federal Reserve banks which must otherwise be paid into the Treasury of the United States upon the liquidation of Federal Reserve banks. These profits are literally held in trust for the Treasury of the United States and amounted to a little over $139,000,000 when we passed the act. The Federal Reserve banks have loaned against this figure $105,404,000, which is the aggregate, and I have no knowledge of how much has been paid back; but we can assume that, deducting the aggregate from the total amount which was available, there is still about $35,000,000 which is available through the medium of the Federal Reserve banks.

So these two sums put together, the $213,000,000 which is available through the Reconstruction Finance Corporation, and the $35,000,000 which is available through the Federal Reserve System, give us pretty close to $250,000,000 which is at this moment available to small business and industry if the President will release it.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. The gentleman has made a very informative statement and I think it bears out what all of us know, that for several years there has been strong sentiment on both sides of the aisle for small industry to have an opportunity to secure loans. In respect of the figures the gentleman has given, does the gentleman know whether any small loans were ever made to small business?

Mr. WOLCOTT. I have not the break-down of where these loans have been made and all I know officially is what I get from the report of the Reconstruction Finance Corporation. I assume, as we have a right to assume, that these loans were made in accordance with the law which we enacted, and I find that the total payments and commitments outstanding amount to something over $86,000,000 as against the $300,000,000 authorized.

Mr. MARTIN of Massachusetts. My experience has been that while Congress intended to provide relief for small business in the past, these applications would be approved by the branch offices, but when they came here to Washington the Reconstruction Finance Corporation directors would not approve them. They had regulations more stringent than any banking house would put into effect.

Mr. WOLCOTT. I think if there is any criticism of the procedure in that respect, we are equally to blame with the Reconstruction Finance Corporation for it.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WOLCOTT. Because in the law we have established restrictions—and I am saying this now to be absolutely fair to Mr. Jesse Jones and his Board, because I have a great deal of respect for him as an individual and for the manner in which the Board has operated. I do not believe any agency of the Government has functioned more effectively than the Republican-created Reconstruction Finance Corporation.

We provided, for example, that these loans should be adequately secured. Undoubtedly the Reconstruction Finance Corporation has placed certain restrictions on the security, which might seem to us to work to the disadvantage of small business and industry, but by a simple amendment to the act we might relieve the Reconstruction Finance Corporation and the President from any embarrassment in that respect, and we might also extend from 5 years the time within which the loan should be repaid. I think it advisable that this be done immediately.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLCOTT. Yes.

Mr. PATMAN. It is a fact that under the Republicans only the insurance companies, the banks, and the railroads, the big boys, were provided for and the little fellows were not provided for at all.

Mr. WOLCOTT. Mr. Chairman, I think the gentleman from Texas has made a very unfair statement, inasmuch as when the necessity for making loans to small industry and businessmen came up on this floor the gentleman from Massachusetts [Mr. MARTIN], who is probably as outstanding a Republican as there is on our side of the aisle, and I, another Republican, in my own feeble capacity, led the fight to authorize the Reconstruction Finance Corporation to make loans to small business; and I thoroughly resent the statement made by the gentleman from Texas that the Reconstruction Finance Corporation Act was amended at the instance of the Democratic Party, because the gentleman will recall that there was no enthusiasm upon the part of the President or upon the part of Mr. Jesse Jones for this act, and it was passed by this House with the help and at the instance of the Republican side of the aisle.

Mr. PATMAN. But what I said is a fact, that under the Republicans only those three classes were provided for.

Mr. WOLCOTT. I think the fact as stated by the gentleman needs a great deal of explanation. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, the little-business men from 45 States of the Union have been in conference here in Washington to the number of about 1,000. I understand that that conference very suddenly and unexpectedly ended its deliberations about an hour ago and that the convention has come to an end. They are here from all parts of the country to discuss their common and mutual problems, to consider questions that vex them, to come to some conclusion, and offer suggestions to the President and to the Congress of what might be done in order to solve the problems which confront them.

When the special session of this Congress came to an end on the 21st day of December I went back home to my district, as did many other members of this House, and I made it my business to talk with big-business men and little-business men, laboring men, men and women of all walks of life, for the purpose of obtaining from them, if I could, what their problems were, what their opinions were, and what they thought ought to be done in order to help make conditions better in this country. I came back to Washington for the regular session and wrote a letter to the President and included in that letter the result of my efforts and what the opinion was which I obtained from all walks of life in various parts of my district. It was rather refreshing and illuminating last night to read the public press and find that the things which the small-business men in convention here were discussing and the problems that they voiced very nearly corresponded with the very things that I included in my letter to the President of the United States. When I wrote that letter it was my desire, and now it is my desire, to be helpful, to lay before our President such things that are coming from back home which are annoying and holding back the people of this country from going forward to a better day. Among the things included in the letter—and it is in the RECORD—was the suggestion of the repeal or a radical modification of the undistributed-profits-tax law. That was one of the things voiced by the little-business man or men representing little business in conference here yesterday.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. Yes.

Mr. PIERCE. Was that propaganda that caused them to do that? Certainly a large majority of them have no financial interest in the undistributed-profits tax.

Mr. DONDERO. I would say to the gentleman from Oregon that it could hardly be called propaganda for the reason that the convention as I understand it claimed its own chairman was hand-picked and they had no choice in his selection.

Mr. PIERCE. But that is not an answer to the question.

Mr. DONDERO. I appreciate the gentleman's attitude and understand the implication of his question, and I feel I know what the gentleman had in mind by way of implication which is that that convention came down here and that somebody placed in the hands of its members propaganda to cause them to raise that question, but the reverse of that is true, because the fact is that the chairman of the convention was selected for them and even the chairmen of the committees, 10 in number, were not selected by the convention.

Mr. PIERCE. Is it not true that there is scarcely one of them who would come under the undistributed-profits tax law at all? They have no interest in it. They just yielded to the propaganda of the press.

Mr. DONDERO. I shall put into the RECORD and speak in a moment on the question of a small business concern in my home city. I have brought with me papers which I think will answer the question of the gentleman and show that what he believes to be the fact is not the fact, but the reverse of it is true.

Mr. MICHENER. And does not the gentleman think in answer to the question of the gentleman from Oregon [Mr. PIERCE] that these businessmen who are here come from the small communities where these small corporations are, that are suffering tremendously because of this undistributed-profits tax law?

Mr. DONDERO. That is exactly the case.

Mr. MICHENER. That is the case of one man from my district who is here.

Mr. DONDERO. And that is the case with one man in my district which I am going to submit to the House.

Another thing that was suggested in my letter to the President was either a modification of the law known as the Wagner Labor Act, or a complete repeal of it; and, further, that a helpful attitude on the part of Government, and not a policy of threat, strangulation, and reprisal, was needed not only to encourage big business, but little business as well; that competition on the part of Government with all business had to cease before times would be better; that too many laws were being passed by Congress to regulate, strangle, and dry up the business interests of the country.

This morning I received a letter from a little-business man, an ordinary American citizen, from a typical American city of about 20,000 population. This businessman is represented in the congressional district of every Member of this House, and it illustrates what is going on in the Nation, in my State, and in my congressional district, in the world of business. I am going to read one paragraph of this letter to you in order that you may understand the true condition of business—little business—back home. I quote as follows:

> So far as business is concerned there is no business. We have never found the automobile business as tough as it is at present. Just as one little dealer, I have over 100 used cars on hand and 40 new cars in stock which means that I cannot do any more trading due to the fact that I am loaded with used cars. I do not see any outlet for used cars until perhaps the last of May or the first of June. * * * We cannot lay it to the factories as they have tried to do their part to take care of us. It would not surprise me a bit, and I do not think I am far wrong, when I say that approximately 50 percent of the automobile dealers will be out of business if this lasts another 90 days, because the repossessions are coming back so fast and the finance companies are selling them at such low figures that they are in competition with us and everyone is looking for a repossessed bargain.

That comes from a little-business man in a little town; and he lives in your congressional district in large numbers as well as he lives in mine.

I have a little concern in my home city that employs 38 people. That is small business. They run a printing shop and a newspaper. Last year they declared a substantial dividend, but it was to my surprise to learn that this year they went out and borrowed 85 percent of that dividend in order to pay it. Why? Because if they had not done so the undistributed-profits tax would have taken the most of it in Federal taxes. This year they have been compelled to resort to another expediency, if you want to call it that, because they could not meet the tax. Because of debts every penny of profit they made had to be paid out; so this year they have issued what looks like a gold bond, which I hold here in my hand. It is entitled "Debenture Warrant." I suppose if we were to apply the language of the street we would call it just an ordinary I O U. Why did they issue these? Let me read to you a letter which accompanied this particular warrant for the dividend.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 5 additional minutes to the gentleman from Michigan.

Mr. DONDERO. I quote:

> You will remember that a year ago the So-and-So Publishing Co. paid an unusually good dividend. This was made possible by borrowing 85 percent of the funds necessary from some of the other stockholders; but that action was deemed advisable to avoid the heavy tax—the so-called undistributed-profits tax—that would otherwise have been assessed by the Federal Government.
>
> More than half of this loan is still unpaid, and the company again faces the necessity of paying out considerably more in dividends than it has in cash, if it is not to pay this heavy extra tax.
>
> The directors have therefore voted to pay these dividends in interest-bearing debentures, issuance of which has been duly authorized.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Oregon.

Mr. PIERCE. It seems to be a queer process of bookkeeping that makes them go out to borrow money to keep from paying an undistributed-profits tax.

Mr. DONDERO. The answer to the gentleman's question is that the company, like many others, has obligations to meet which they could not offset against the profit they showed on their books. The money went to pay those obligations. It did not have cash on hand.

Mr. PIERCE. They certainly could have paid their debts before they showed a profit. It is just camouflaging their bookkeeping.

Mr. DONDERO. Not at all.

Mr. PIERCE. Certainly; it is nothing else.

Mr. DONDERO. Not at all, because some of the obligations cannot be used as an offset against the tax. The business may show a profit at the end of the year but no cash to pay the tax or even a dividend.

Mr. PIERCE. That is no excuse at all.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. WOODRUFF. There are many members of the Ways and Means Committee, as well as other Members of the House, who entirely agree with the gentleman from Oregon in that there was no excuse at all for such a law.

Mr. DONDERO. I want to say further in this connection that the proposed suggestion to eliminate or exempt business making a profit up to $25,000 may be of some help, but it will be of very little help to the larger corporations which employ the greater number of men.

Mr. TABER. Will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from New York.

Mr. TABER. In my territory a very large number of corporations have had to dissolve because of the excess-profits tax and go out of business. They could not afford to pay the tax.

Mr. DONDERO. Undoubtedly what this company did has been done by many companies throughout the United States in order to stay in business.

Mr. BATES. Will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Massachusetts.

Mr. BATES. Can the profits of the present year be used to offset the losses of a previous year?

Mr. DONDERO. I do not think so. I think it is on the same basis as the income tax.

Mr. BATES. That answers the question of the gentleman from Oregon.

Mr. DONDERO. You may take a loss that accrues in the year against your income in that year.

Mr. BATES. You may suffer a loss of $200,000 this year and have a profit of $300,000 next year, but you cannot offset against that profit the loss of a previous year?

Mr. DONDERO. I think that is correct.

Mr. Chairman, I received a letter on the 31st of January, just 3 days ago, from this company stating as follows:

> I have no doubt that our experience is paralleled by hundreds of thousands of other small companies which barely pulled through the depression. We might have come through a little easier, if we had been more ruthless in the discharge of employees. But we felt a definite obligation to them, and did not lay off a single one.

It is my opinion that we can do much in this Congress to alleviate business and bring back better days by repealing some of the laws which we have passed and which we now find are not working to the advantage of our people but rather to their disadvantage. So far as my State and my district are concerned, in my judgment, industrial warfare will have to cease before happier days will come again, and that is true particularly of that great industry, the automotive industry, the largest in the Nation at the present time.

Another thing we could do to help in this country is to emancipate business from politics. When we take off the shackles that have been put on business in the way of burdensome taxation, undue governmental regulations, and Government competition with private business, the sooner we do that, whether we be Republicans or Democrats, in my judgment, the sooner will come a better day for the American Nation. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, I listened with a great deal of interest to the very fine remarks of the distinguished gentleman from Texas [Mr. SUMNERS]. He is always more or less of a philosopher. He usually stimulates thought. He mentioned the necessity of the people of this country doing their own thinking at the present time, which is splendid advice.

I think we are facing not only one crisis but several crises. I am going to confine myself in the few minutes I have to a discussion of war and to the danger that our people will run as a result of propaganda.

Quite a number of years have intervened since the last war. A new generation of young men has arrived upon the scene.

It is a strange bit of psychology when we realize that the youth of the land are not so opposed to war as we might imagine. I have received from mothers in my district letters calling my attention to the fact they are disturbed because their boys are hoping there will be a war so they may get into it.

When the last war broke I was a tenderfoot and knew nothing of war. All I saw was the excitement at home. Everybody was organized for some war purpose. We all remember the picture of the lads going away and the bands playing and the local orators making speeches telling them how they loved the boys and assuring them that when they came back they could have everything in the world.

I had a chance to see the war at close range and learn something about it. Arriving in Liverpool, we went out to a colonel's estate. I remember that we drove up a great, beautiful highway leading to a stately home. The thing that first impressed me was the fact that along the whole length of that driveway were two rows of trees that had just been cut down. In this country we would have said it was virgin timber, because of the size and age of the trees. Now, I have always loved trees. I never did like a sawmill. I was very much impressed with the fact that those trees had so recently been cut down, destroyed. After visiting for a time, I asked the colonel, who, by the way, had lost a son in the war, why all of the beautiful, magnificent shade trees had been cut down. He said, "I have given those to the Government."

And then not being tactful at all and somewhat curious, I said to the colonel, "What does the Government intend to do with the trees?" He said, "My dear sir, those are going to be used to make coffins for our boys."

It so happened I was in London at the time of the largest air raid. The next morning I went out and saw a section of London that had literally been blasted to pieces, including schoolhouses and everything else. The raid had occurred in the night, so the children fortunately were not in the school buildings. But I saw the inhabitants, boys and girls, with hands mangled, scarred, bloody, no place to go. This was far removed from the battle front.

I also had occasion to visit the hospitals in France and the front-line trenches.

I recall being in the hospital just outside of Calais, presided over by the Duchess of Sutherland, a marvelous and beautiful woman. The soldiers almost worshipped her as an angel of mercy. I heard and saw the trucks rolling in hour after hour. I saw the boys taken out and taken in. They had been gassed. I went into the room, and may God spare me from such a sight again. I saw eyelids eaten away by poison gas and men living on oxygen, breathing it through glass tubes. The thing that got on my nerves worse than anything else was the fact that the phonograph was running all the time, playing familiar tunes. I turned to a

nurse and said, "Why all this music amidst all this terrible suffering?" She said, "My dear man, don't you know that the phonograph is the greatest blessing of the war?" I said, "How do you explain it?" She said, "They beg for this music, for familiar tunes. They would become raving maniacs if it were not for the steadying influence of the home tunes with which they are familiar."

I went into the operating rooms. I was at the receiving stations. I saw the cords of amputated legs and arms. I went through areas where there were millions of little crosses marking the graves of the dead.

I happened to be in Rheims the day of the great bombardment, when 200 houses went down in dust under the heavy explosions. I was in the Cathedral of Rheims when it trembled from end to end. The rose window had been shattered and the glass scattered in the debris on the floor, the choicest statuary destroyed, and great gaping holes made in the roof. One could look up through them to the sky and see the little puffs of smoke as the shrapnel burst to keep hostile planes away. The old choir loft, that it took 500 years to carve, had been burned.

An incendiary bomb had come down through the roof and set fire to the cathedral. Great strings of melted lead were hanging down like streamers, like torn battle flags, which were referred to as the tears of Rheims. The great bronze bells, whose peals had so long resounded, had been melted by the flames and were an inert mass upon the floor. There, amid the dust and dirt and confusion, to the accompaniment of the explosions outside, were men and women of the old school, a part of the 3,000 people who had remained in a city that prior to the war had a population of 120,000. What were some of these people doing? They were creeping around on the floor like ghosts, carrying little receptacles, picking up little pieces of broken glass. These broken fragments were taken to the artist who had drawn on canvas a design of the rose window. The artist was marking each piece and looking forward with hope to the possible restoration of the window. These pieces of glass, after being marked, were taken to Paris or some other place of safety, with the hope and expectation that some day the rose window would be restored.

May we not draw a moral from all of this? What is another war going to do to us? We are still living in the aftermath of the war we went through, with a colossal debt, with post-war insanity, and with some people even now rattling the saber and looking to another war. Where is another war like the last one going to leave us? We are 3,000 miles removed from the scene of wars on each side of us. If there is any leadership in Congress it should be exercised now to cause the people to stop and think what war means. Are we going to destroy civilization with another war? Are we going to be the bright star of hope in this mad world, with common sense enough to preserve peace here and protect this generation of young men from the slaughter and the misery such as our soldiers suffered during the last war?

If we go into another foreign war, may one not some day see the faithful searching for the broken bits of the wonderful heritage of free constitutional government handed down to us by our forefathers? Our form of government is at stake. Another war will drive us into a receivership, which means turning over a bankrupt nation, bankrupt in morals and in money, to a receiver who will disregard all restraint in arbitrary power, destroy constitutional government and then take over and dictate the policies of this country. There rests upon each of you a responsibility to make your voice heard in the cause of peace and common sense. [Applause.]

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WILCOX, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 9306) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LYNDON B. JOHNSON on account of illness.

EXTENSION OF REMARKS

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee of the Whole today and include therein certain letters and editorials.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement made today by one of the small-business men from my district.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1255. An act for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel, K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald;

S. 2418. An act for the relief of John Prosser;

S. 2583. An act to provide for the acquisition of certain lands for and the addition thereof to the Tahoe National Forest, in the State of Nevada, and the acquisition of certain other lands for the completion of the acquisition of the remaining lands within the limits of the Great Smoky Mountains National Park, in east Tennessee;

S. 2602. An act for the relief of George Yuhas; and

S. 2759. An act authorizing the sale of certain lands to the regents of the Agricultural College of New Mexico.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 44 minutes p. m.) the House adjourned until tomorrow, Friday, February 4, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON ROADS

The Committee on Roads will resume public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Friday, February 4, 1938, at 10 a. m. Thomas H. MacDonald, Chief, Bureau of Public Roads, will be the witness.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Friday, February 4 1938. Business to be considered: Continuation of hearings on S. 69—train length. Railroad interests will be heard.

COMMITTEE ON NAVAL AFFAIRS

A full Committee on Naval Affairs, House of Representatives, will hold a meeting Friday, February 4, 1938, at 10:30 a. m., for the consideration of building program for the Navy. Very important.

COMMITTEE ON THE POST OFFICE AND POST ROADS

A meeting of Subcommittee No. 10 of the House Committee on the Post Office and Post Roads, will be held Tuesday, February 8, 1938, at 10 a. m., to consider Postal Service matters relative to conditions complained of on floor of House when Post Office appropriation bill was under consideration.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will hold public hearings Tuesday, February 8, 1938, in the committee room, the Capitol Building, at 10 a. m., on H. R. 9154 to provide for cooperation between the United States and foreign nations producing tin ore and other materials to assure to the United States continuing supplies of the same to supplement deficient domestic resources and production, and for other purposes.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, February 9, and Thursday, February 10, at 10:30 a. m. In re: Hearing of private bills. Hearings in committee room 445, House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 210, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627—relating to inspection of fishing vessels—has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1061. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the legislative establishment, Library of Congress, for the fiscal year 1939, in the sum of $6,945 (H. Doc. No. 516); to the Committee on Appropriations and ordered to be printed.

1062. A letter from the president, Mount Rushmore Memorial Commission, transmitting the Ninth Annual Report of the Mount Rushmore Memorial Commission, covering operations upon Mount Rushmore from May 1 to October 30, 1937 (H. Doc. No. 517); to the Committee on the Library and ordered to be printed.

1063. A letter from the secretary, Railroad Retirement Board, transmitting two copies of the report of the Railroad Retirement Board for the fiscal year ended June 30, 1937, with supplementary data for the period July 1, 1937, to November 30, 1937; to the Committee on Interstate and Foreign Commerce.

1064. A letter from the president, the Chesapeake & Potomac Telephone Co., transmitting a comparative general balance sheet of the Chesapeake & Potomac Telephone Co. for the year 1937; to the Committee on the District of Columbia.

1065. A letter from the president, the Chesapeake & Potomac Telephone Co., transmitting a statement of expenditures and receipts of the Chesapeake & Potomac Telephone Co. for the year 1937; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GRISWOLD: Committee on World War Veterans' Legislation. S. 2383. A bill to amend the act authorizing the Attorney General to compromise suits on certain contracts of insurance; without amendment (Rept. No. 1758). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on the Post Office and Post Roads was discharged from the consideration of the bill (H. R. 6333) for the relief of Jesse W. Beeman and Willis H. Coates, and the same was referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. REED of Illinois: A bill (H. R. 9325) to provide expedient facilities to enable small industries to secure insured long-term and working capital; to provide immediate employment for the unemployed; to revive the building trades; to establish cooperation between local banks and local industries; to establish permanent credit facilities for small industries; to resuscitate the capital-goods industries; to enable small industries to modernize their machinery, equipment, and buildings; to release idle funds from State and National banks and divert the same into the channels of business; to protect the industrial worker now employed; to encourage development of new ideas and inventions for the enjoyment of a fuller life for all; and for other purposes; to the Committee on Banking and Currency.

By Mr. MILLS: A bill (H. R. 9326) to authorize a preliminary examination and survey of Tensas River, Franklin, Madison, Tensas, East Carroll, Concordia, and Catahoula Parishes, La., with a view to control of floodwaters; to the Committee on Flood Control.

By Mr. COSTELLO: A bill (H. R. 9327) to amend the act of July 2, 1926, entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes" (Public, No. 446, 69th Cong.); to the Committee on Military Affairs.

By Mr. DIMOND: A bill (H. R. 9328) to authorize the construction of a bulkhead along the waterfront of the town of Nome, Alaska; to the Committee on Rivers and Harbors.

By Mr. RANKIN (by request): A bill (H. R. 9329) to authorize the liberalization of the acts for veterans' relief by restoration of right to judicial review of decisions of the Administrator of Veterans' Affairs; to the Committee on World War Veterans' Legislation.

By Mr. LAMNECK: Resolution (H. Res. 415) that a special committee be appointed by the Speaker to investigate expenditures of candidates for the House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. CLARK of Idaho: Joint resolution (H. J. Res. 589) authorizing the Secretary of Agriculture to make a study of curly top resistant beans, and for other purposes; to the Committee on Agriculture.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, petitioning the President and the Congress

of the United States to consider their resolution with reference to child labor; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BULWINKLE: A bill (H. R. 9330) granting an increase of pension to Ethel Brimer Byington; to the Committee on Invalid Pensions.

By Mr. JENKINS of Ohio: A bill (H. R. 9331) granting a pension to Elizabeth C. Hartinger; to the Committee on Pensions.

By Mr. OLIVER: A bill (H. R. 9332) for the relief of Thomas A. Sears; to the Committee on Naval Affairs.

By Mr. REECE of Tennessee: A bill (H. R. 9333) granting a pension to Elmer J. Rush; to the Committee on Pensions.

By Mr. RUTHERFORD: A bill (H. R. 9334) granting a pension to Stella Viola Ruckel; to the Committee on Invalid Pensions.

By Mr. SACKS: A bill (H. R. 9335) for the relief of John Raia; to the Committee on Immigration and Naturalization.

By Mr. SCHNEIDER of Wisconsin: A bill (H. R. 9336) for the relief of Erwin Cleveland; to the Committee on Military Affairs.

By Mr. SOUTH: A bill (H. R. 9337) for the relief of Robert Young Watkins; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3955. By Mr. CARTER: Petition of the Motor Carriers' Association of California, urging the repeal of the emergency levies on gasoline and lubricating oils; to the Committee on Ways and Means.

3956. By Mr. HART: Petition of the Hudson County Allied Printing Trades Council, Hoboken, N. J., urging that the committee take no action which would remove from the Government Printing Office any work now being done by the printing-trades workers who are there employed; to the Committee on Printing.

3957. Also, petition of the International Allied Printing Trades Association, supporting the contention of the printing-trades unions that patent specifications and Gazette should be done in the Government Printing Office; that unauthorized printing in the departments should be limited and regulated; to the Committee on Printing.

3958. Also, petition of sundry citizens of Hudson County, N. J., urging the establishment of a 5-day week for Federal employees, and further urging that a Government employee may appeal discriminatory acts of his superiors to a referee mutually satisfactory to himself and the Civil Service Commission; to the Committee on the Civil Service.

3959. Also, petition of the One Hundred and Sixty-second Legislature of the State of New Jersey, Trenton, N. J., memorializing and requesting that Congress take the necessary steps to further improve the facilities and equipment of the naval air station at Lakehurst; to the Committee on Naval Affairs.

3960. By Mr. KEOGH: Petition of the Allied Printing Trades Council of Greater New York, concerning the transfer of work now being done in the Government Printing Office to private printing plants; to the Committee on Printing.

3961. Also, petition of the International Allied Printing Trades Association, Washington, D. C., concerning the transfer of printing the patent specifications and Gazette by a substitute method for printing; to the Committee on Printing.

3962. Also, petition of the United Federal Workers of America, Marine Hospital Local No. 58, Stapleton, Staten Island, N. Y., concerning legislation providing a 5-day week in the Federal service and an independent board of appeals for Federal workers; to the Committee on the Civil Service.

3963. By Mr. KRAMER: Resolution of the seventeenth district, the American Legion, Department of California, relative to enforcement of the navigation and immigration laws, etc.; to the Committee on Immigration and Naturalization.

3964. Also, resolution of the seventeenth district, American Legion, Department of California, relative to sponsoring the Universal Service Act, etc.; to the Committee on Military Affairs.

3965. By Mr. MERRITT: Resolution of the United Federal Workers of America, Local No. 58, congratulating the Honorable JOHN W. MCCORMACK and the Honorable M. M. LOGAN and commending House bill 8431 and Senate bill 3050, and petitions speedy enactment into law; to the Committee on the Civil Service.

3966. Also, resolution of the United Federal Workers of America, Local No. 58, commending the Honorable H. S. BIGELOW and the Honorable M. M. LOGAN for their interest in Government employees through House bill 8428 and Senate bill 3051; to the Committee on the Civil Service.

3967. Also, resolution of the Brooklyn Post, No. 2, of the Jewish War Veterans, respectfully petitioning the President of the United States to intercede with the Rumanian Government to cease its viciously unjust discrimination against its racial and religious minorities; to the Committee on Foreign Affairs.

3968. By Mr. O'BRIEN of Illinois: Petition of the Employees' Association of the Corn Products Refining Co., of Argo, Ill., relating to import duty on tapioca starch and its foreign brother, sago; to the Committee on Ways and Means.

3969. By Mrs. ROGERS of Massachusetts: Petition of the General Court of Massachusetts, memorializing Congress for the enactment of Federal legislation regulating certain minimum wages and maximum hours of labor; to the Committee on Labor.

3970. By Mr. THURSTON: Petition of citizens of Lamoni, Iowa, protesting against the enactment of legislation providing for the licensing of firearms and fingerprinting of owners thereof; to the Committee on the Judiciary.

3971. By Mr. TINKHAM: Resolutions memorializing Congress for the enactment of Federal legislation regulating certain minimum wages and maximum hours of labor; to the Committee on Labor.

3972. By the SPEAKER: Petition of the Steel Workers Independent Union, Inc., East Chicago, Ind., with reference to equitable distribution of steel orders resulting from proposed increase in national defense and other public works; to the Committee on Military Affairs.

3973. Also, petition of the United Workers' legislative committee, Philadelphia, Pa., petitioning consideration of their resolution with reference to House bill 8426 and Senate bill 3051; to the Committee on the Civil Service.

3974. Also, petition of the United Federal Workers of America, Philadelphia, Pa., petitioning consideration of their resolution, dated December 9, 1937, with reference to House bill 8431; to the Committee on the Civil Service.

3975. Also, petition of the National Rivers and Harbors Congress, Washington, D. C., petitioning consideration of their resolutions dated January 20–21, 1938; to the Committee on Rivers and Harbors.

SENATE

FRIDAY, FEBRUARY 4, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, February 3, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes, in which it requested the concurrence of the Senate.

SENATOR FROM OREGON

Mr. McNARY presented the credentials of ALFRED EVAN REAMES, appointed Senator from the State of Oregon, which was read and ordered to be placed on file, as follows:

STATE OF OREGON,
EXECUTIVE DEPARTMENT,
Salem, February 1, 1938.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Oregon, I, Charles H. Martin, the Governor of said State, do hereby appoint ALFRED EVAN REAMES a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of Frederick Steiwer is filled by election, as provided by law.

Witness: His Excellency our Governor, Charles H. Martin, and our seal hereto affixed at Salem, Oreg., this 1st day of February A. D. 1938.

By the Governor:
[SEAL]

CHARLES H. MARTIN,
Governor.

EARL SNELL,
Secretary of State.

CALL OF THE ROLL AND INTERVENING BUSINESS

Mr. LEWIS. Mr. President, I suggest——

Mr. WAGNER. Mr. President——

Mr. LEWIS. I yield to the Senator from New York for a moment.

Mr. WAGNER. Mr. President, I ask unanimous consent to introduce a bill and ask that an explanatory statement of the bill may be printed in the RECORD as part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none.

(The bill introduced by Mr. WAGNER, together with the explanatory statement, appear under the appropriate heading elsewhere in today's RECORD.)

Mr. LEWIS. Mr. President, I ask unanimous consent to tender a bill, and, following that, I suggest the absence of a quorum.

The VICE PRESIDENT. Is there objection? The Chair hears none.

(The bill introduced by Mr. LEWIS appears under the appropriate heading elsewhere in today's RECORD.)

The VICE PRESIDENT. The Senator from Illinois having suggested the absence of a quorum, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	King	Pittman
Andrews	Copeland	La Follette	Pope
Ashurst	Davis	Lee	Radcliffe
Austin	Donahey	Lewis	Reynolds
Bailey	Duffy	Lodge	Russell
Bankhead	Ellender	Logan	Schwartz
Barkley	Frazier	Lonergan	Schwellenbach
Berry	George	Lundeen	Sheppard
Bilbo	Gerry	McAdoo	Smathers
Bone	Gibson	McGill	Smith
Borah	Gillette	McKellar	Thomas, Okla.
Bridges	Glass	McNary	Thomas, Utah
Brown, Mich.	Guffey	Maloney	Townsend
Brown, N. H.	Hale	Miller	Truman
Bulkley	Harrison	Milton	Tydings
Bulow	Hatch	Minton	Vandenberg
Burke	Hayden	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hill	Norris	Walsh
Capper	Holt	Nye	Wheeler
Caraway	Hughes	O'Mahoney	
Chavez	Johnson, Calif.	Overton	
Clark	Johnson, Colo.	Pepper	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] is absent because of illness.

The Senator from Illinois [Mr. DIETERICH] and the Senator from South Dakota [Mr. HITCHCOCK] are detained on important public business.

The Senator from Nevada [Mr. MCCARRAN] is detained in his State on official business.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. When the Senate took a recess yesterday, the Senator from Utah had the floor, and gave notice that he would like to continue his address to the Senate this morning.

Mr. KING. Yes.

Mr. AUSTIN. Mr. President, will the Senator yield to me?

Mr. KING. I yield, if I may do so without thereby losing the floor.

Mr. AUSTIN. I ask unanimous consent that the Senator from Utah may yield without losing any of his rights.

Mr. CONNALLY. Mr. President, reserving the right to object——

The VICE PRESIDENT. Just a moment. Two bills have been introduced and unanimous consent has been asked that the Senator from Utah yield without losing the floor, and no Senator is objecting.

Let the Chair remind the Senate once more that, under the regular, ordinary procedure of the Senate, when there is no invoking of the rule as to debate, the Senator having the floor yields, and there is nothing said about it. But, as a matter of fact, the RECORD of yesterday shows that the Senator from Utah [Mr. KING] yielded yesterday for a recess without getting unanimous consent of the Senate to proceed without prejudice today. There was a sort of an understanding, but the Presiding Officer at the time did not put a unanimous-consent request to the Senate. It was a gentleman's agreement, without the rules being invoked. May the Chair ask unanimous consent if the Senator from Utah may proceed this morning without regard to the recess of the Senate or the business already transacted in the Senate? Is there objection? The Chair hears none.

Now, will the Senator from Utah permit the Chair, before he recognizes him, to recognize other Senators to introduce bills, resolutions, and other routine matters?

Mr. KING. I yield very gladly.

The VICE PRESIDENT. The Senator from Vermont.

Mr. AUSTIN. I introduce a bill which I ask to have referred to the Committee on Military Affairs.

(The bill introduced by Mr. AUSTIN appears under the appropriate heading elsewhere in today's RECORD.)

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate letters from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, a statement of receipts and expenditures, together with a comparative general balance sheet of the company for the full year 1937, which, with the accompanying papers, were referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a paper in the nature of a petition from Zachary Glieshuk, of New York City, N. Y., praying for the prompt enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, which was ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by a meeting of manufacturers of Waterford, N. Y., favoring the repeal of the undistributed-profits and capital-gains taxes, and the adoption of other measures to aid in overcoming the business recession, which was referred to the Committee on Finance.

He also presented a resolution adopted by the annual meeting of the Lewis County Holstein-Friesan Club, at Lowville, N. Y., protesting against the enactment of wage and hour legislation, which was ordered to lie on the table.

He also presented a memorial of sundry citizens, being members of the Typographical Union of New York, N. Y., remonstrating against the ratification of the proposed copyright treaty, which was ordered to lie on the table.

Mr. LEE presented resolutions recently adopted by the State convention of the National Farmers' Educational and Cooperative Union of America, at Oklahoma City, Okla., which were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

REPORT OF RESOLUTIONS AND LEGISLATIVE COMMITTEE

We, your committee on resolutions and legislation, wish to present the following:

NATIONAL RESOLUTIONS

NO. 1

We recommend the early construction of lakes, reservoirs, and dams over a wide territory from the western part of North Dakota, south, between western Texas and Oklahoma, to the Rio Grande River in Texas, and all effective measures of soil conservation to be favored. Carried.

NO. 2

We recommend an immediate amendment to the Frazier-Lemke bill to refinance farm mortgages, and the bill applying to town and city mortgages, to the effect that said bills apply first to homesteads and in those States only which have laws against mortgaging homesteads except for purchase price. Carried.

NO. 3

We recommend that our National Representatives center their efforts for the enactment of legislation for water and soil conservation, the cost-of-production bill, and Frazier-Lemke farm refinancing bill. Carried.

NO. 4

Resolved, That there should be a standard of value based on hours of productive labor as a unit of valuation, to be enacted by an act of Congress to the end that we may have a standard of value by which to determine the value of the production of labor, and that the Government of the United States shall be the sole banker for its citizens.

NO. 5

We recommend that the Farmers' Union go on record favoring adoption of the rural electrification of rural homes.

NO. 6

Resolved, That we favor the enactment of an adequate old-age pension law to be administered and paid by the Federal Government.

Mr. LEE also presented a resolution adopted by the Chamber of Commerce, of Henryetta, Okla., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the various glass manufacturing industries of the United States employ many thousands of workers; and

Whereas the manufacturing of glass in Okmulgee County, and in the State of Oklahoma, constitutes one of the important industrial pursuits of said Okmulgee County, and of the State of Oklahoma; and

Whereas there is now being imported into the United States from foreign countries, notably from Czechoslovakia, large quantities of manufactured glass which is being sold at prices not greater and in many instances less than the cost of production in our own country; and

Whereas this condition is brought about by reason of low-import duties applicable to the importation of such manufactured commodities into the United States; and

Whereas because of such importations, our own factories are not able to operate their factories regularly and steadily, thus causing much unemployment and adding materially to the already deplorable condition of mass unemployment: Therefore be it

Resolved by the Chamber of Commerce of Henryetta, Okla., That the authorities at Washington be most earnestly urged to revise the schedule of rates applicable to manufactured glass commodities imported from foreign countries to a figure that will equalize the selling price of home-manufactured glass and imported glass upon the markets within the United States.

REPORT OF COMMITTEE ON IRRIGATION AND RECLAMATION

Mr. BANKHEAD, from the Committee on Irrigation and Reclamation, to which was referred the joint resolution (H. J. Res. 150) to permit a compact or agreement between the States of Idaho and Wyoming respecting the disposition and apportionment of the waters of the Snake River and its tributaries, and for other purposes, reported it with an amendment and submitted a report (No. 1319) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. AUSTIN:

A bill (S. 3386) to authorize the Secretary of War to lend War Department equipment to the University of Vermont and State Agricultural College of Burlington, Vt., for use at the Fifteenth Annual New England Music Festival to be held at Burlington, Vt., May 20 and 21, 1938; to the Committee on Military Affairs.

By Mr. BROWN of Michigan:

A bill (S. 3387) for the relief of Hubert J. Cuncannan; to the Committee on Claims.

A bill (S. 3388) to authorize the erection of a United States Veterans' Administration hospital in the Upper Peninsula of Michigan; to the Committee on Finance.

A bill (S. 3389) for the relief of Albert Richard Jeske; to the Committee on Immigration.

(Mr. WAGNER introduced Senate bill 3390, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. BONE:

A bill (S. 3391) to amend section 8c of the Agricultural Adjustment Act, as amended; to the Committee on Agriculture and Forestry.

By Mr. ELLENDER:

A bill (S. 3392) providing for an examination and complete survey of Bayou DuLarge, La.; to the Committee on Commerce.

By Mr. SCHWARTZ:

A bill (S. 3393) to amend section 1, subdivision (a), clause (1), of the act entitled "An act to supplement the naturalization laws, and for other purposes," approved March 2, 1929 (45 Stat. L. 1512), as amended; to the Committee on Immigration.

By Mr. COPELAND:

A bill (S. 3394) authorizing the President to present a gold medal to Thomas P. Loftain; to the Committee on Naval Affairs.

By Mr. GLASS:

A bill (S. 3395) to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes; to the Committee on Banking and Currency.

By Mr. KING:

A bill (S. 3396) to repeal the Miller-Tydings Resale Price Maintenance Act; to the Committee on the Judiciary.

By Mr. LEWIS:

A joint resolution (S. J. Res. 250) authorizing the issuance of a series of special postage stamps in honor of the Seventh World's Poultry Congress and Exposition; to the Committee on Post Offices and Post Roads.

By Mr. WAGNER:

A joint resolution (S. J. Res. 251) authorizing the erection of a memorial to the late Guglielmo Marconi; to the Committee on the Library.

By Mr. BROWN of Michigan:

A joint resolution (S. J. Res. 252) to authorize compacts or agreements between the States bordering on the Great Lakes with respect to fishing in the waters of the Great Lakes, and for other purposes; to the Committee on Commerce.

By Mr. HARRISON:

A joint resolution (S. J. Res. 253) extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1940, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbiter; to the Committee on Finance.

COMPLIANCE WITH NATIONAL LABOR RELATIONS ACT

Mr. WAGNER. Mr. President, I ask unanimous consent to introduce a bill for appropriate reference, and also that an explanatory statement of the bill may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the bill will be received and appropriately referred, and the statement will be printed in the RECORD, as requested by the Senator from New York.

The bill (S. 3390) to provide for guaranties of collective bargaining in contracts entered into, and in the grant or loan of funds by, the United States or any agency thereof, and for other purposes, was read twice by its title and referred to the Committee on Education and Labor.

The statement presented by Mr. WAGNER is as follows:

The National Labor Relations Act embodies the public policy of the United States with respect to collective bargaining and is now established upon a firm constitutional basis.

No sound reason appears why those receiving the benefits of Government contracts, loans, or grants should be permitted at the same time to defy the letter or spirit of this fundamental and valid statute. It is contrary to all sound principles for the Government itself to give effective aid to those violating the law of the land.

This question has been of pressing concern ever since the Federal Government has sought by law to insure the right of employees to organize and bargain collectively through representatives of their own choosing. It was a source of serious difficulty in the administration of section 7 (a) by the National Labor Board during the period when I served as Chairman, and it has arisen time and again in the administration of subsequent legislation along the same lines. The matter came to a head when the Comptroller General recently ruled that flagrant violations of the terms of the National Labor Relations Act and continued refusals to comply with decisions of the National Labor Relations Board, whether or not affirmed by the courts, were no grounds for denying Government contracts to the law violators. This result requires remedy by legislation.

The present bill, in very simple terms, supplies that remedy. In substance it requires that all persons obtaining the benefits of Government contracts or Government loans or grants shall comply with the National Labor Relations Act and with decisions, certifications, and orders of the National Labor Relations Board.

The jurisdiction of the Board under the National Labor Relations Act is limited, generally speaking, to enterprises that can be brought within the Federal power under the commerce clause of the Constitution. There is no question, however, that the Federal Government, apart from the limitations of the commerce clause, may legislate with respect to the conditions under which it will enter into contracts for equipment or supplies, or make grants or loans of public funds.

The present bill, therefore, applies to all persons obtaining such benefits, whether or not they are otherwise subject to the terms of the National Labor Relations Act. The jurisdiction conferred upon the Board under this bill is thus apart from and in addition to any and all jurisdiction conferred under the National Labor Relations Act itself. The bill does not, however, apply to purchases made on the open market, or to the first processing of agricultural products, or to persons covered by the Railway Labor Act.

This bill would accomplish two important results:

(1) It would bring about a more general compliance with the provisions of the National Labor Relations Act and eliminate the instances where large corporate interests have evaded and violated the law while obtaining the benefits of Federal grants, loans, or contracts.

(2) It would insure that employees of employers benefiting by such Government contracts, loans, or grants will have the same protection in their collective-bargaining rights as employees in private industry covered by the interstate-commerce clause. The public interest will be substantially advanced by eliminating wasteful industrial strife on Government-financed projects, through application of the principles of fair dealing between employers and employees incorporated in the National Labor Relations Act.

FEDERAL HIGWAY SAFETY AUTHORITY

Mr. REYNOLDS. Mr. President, the joint resolution I am about to introduce proposes to request the President to create a Federal Highway Safety Authority for the purpose of coordinating existing efforts to bring about safer use of the Nation's highways. It does not call for any new Federal expenditures or any new departments. In other words, it would simply shape into a coordinated plan all the traffic safety programs now underway.

The need for this is evident to anyone who reads the daily newspapers. Last year, according to figures of the American Automobile Association, 39,243 men, women, and children were killed on our streets and highways. Nearly a million and a half were injured. Yet in the face of this tragic condition, the Senate has been devoting day after day to the discussion of a minor problem, as compared with the traffic death toll.

Recently the Bureau of Public Roads has sent to the Congress five reports in connection with traffic safety conditions. These reports will undoubtedly prove helpful in getting at the cause of traffic accidents. There are now pending in both the House and Senate measures in connection with future Federal-aid highway funds. In these bills provision is made to deny Federal road funds to States without uniform motor laws. It is questionable whether this is a sound way to get these laws, but I mention this point as evidence of the interest in the traffic safety problem already being shown in Congress.

While this problem has been growing more acute from year to year, it is only recently that the Congress has shown real interest. One reason probably is that the control of vehicles and drivers on the streets and highways is a State and local problem. However, the Federal Government can properly assist the State through coordination of sound traffic safety programs and passing from one State to another the benefits of proven safety legislation.

There are in the country today numerous organizations which have been devoting years to improving traffic conditions and reducing the traffic death toll. Under the joint resolution I propose, the President would create an authority composed of representatives of these organizations directly concerned with traffic safety to cooperate with and work with Federal agencies likewise interested. Here would be the cooperation of the Federal Government and organizations working in the public interest.

One of the organizations wholeheartedly supporting the creation of a Federal Highway Safety Authority is the American Automobile Association. Other national groups may be expected to also get behind it.

Certainly my joint resolution suggests a sound way to get at the proper procedure in reducing the toll of traffic deaths and injuries and I earnestly hope that it will be given early consideration.

I ask unanimous consent to introduce the joint resolution for appropriate reference and to have it printed in the RECORD.

There being no objection, the joint resolution (S. J. Res. 254) to create a Federal Highway Safety Authority, composed of representatives of the Federal Government to be designated by the President and representatives of national organizations to be designated in the same manner, was read twice by its title, referred to the Committee on Post Offices and Post Roads, and ordered to be printed in the RECORD, as follows:

Resolved, etc., That the President be requested to establish a Federal Highway Safety Authority to be composed of such representatives of the Federal Government as the President may designate, and representatives of national organizations actively in the field of highway safety, also to be designated by the President in such number as the President may deem advisable.

SEC. 2. It will be the duty of the Authority to coordinate existing Federal traffic safety activities, including the gathering of accident statistics and information, encourage the enactment by the States of uniform motor laws and regulations and effective administration, and to cooperate with such State safety authorities as may be set up.

HOUSE BILL REFERRED

The bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

FAIR TRADE LAWS—ADDRESS BY SENATOR TYDINGS

[Mr. MILLER asked and obtained leave to have printed in the RECORD an address delivered by Senator TYDINGS on the 3d instant before a meeting of independent producers and retailers at the Lord Baltimore Hotel in Baltimore, Md., which appears in the Appendix.]

ADDRESS BY SENATOR GUFFEY BEFORE THE UNITED MINE WORKERS

[Mr. MINTON asked and obtained leave to have printed in the RECORD an address delivered on the 31st ultimo by Senator GUFFEY before the Thirty-fifth Constitutional Convention of the United Mine Workers of America, which appears in the Appendix.]

RESOLUTIONS OF CONFERENCE OF REPRESENTATIVES OF SMALLER BUSINESSES

[Mr. BAILEY asked and obtained leave to have printed in the RECORD several sets of resolutions adopted by committees of the conference of representatives of smaller businesses meeting in Washington.]

TRUTH AS TO SO-CALLED WILSON-ROOSEVELT CONTROVERSY—LETTER BY JOSEPH P. TUMULTY

[Mr. BAILEY asked and obtained leave to have printed in the RECORD a letter dated Washington, D. C., January 17, 1938, addressed to the editor of the New York Times by Mr. Joseph P. Tumulty, replying to a statement by Emil Ludwig that Theodore Roosevelt was kept from the battlefields of France by President Wilson, which appears in the Appendix.]

RELATIONSHIP BETWEEN LIQUOR AND CRIME

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD certain figures taken from the recent annual report of the Attorney General relating to liquor and crime, which appears in the Appendix.]

CHANGING SENTIMENT TOWARD REPEAL OF EIGHTEENTH AMENDMENT

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD editorials suggesting reasons for changing sentiment toward repeal of the eighteenth amendment, which appear in the Appendix.]

THE GRAND COULEE DAM—ARTICLE BY DON T. MILLER

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an article relating to the Grand Coulee Dam, written by Don T. Miller and published in the Okanogan Independent, of Okanogan, Wash., on January 25, 1938, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. KING. I ask unanimous consent, without losing my rights and prerogatives under the rule, to yield to the Senator from Idaho [Mr. BORAH], and that I may resume my speech at the conclusion of his remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Senator from Idaho.

Mr. BORAH. Mr. President, the able and thorough and, no doubt, sincere presentation of this matter by the Senator from New York [Mr. WAGNER] on yesterday gives us, particularly from a constitutional viewpoint, the view of those who are advocating the passage of this measure. Perhaps all has been said that can be said in support of its constitutionality.

With reference to some views expressed, probably I would not differ with the distinguished Senator, but as to the constitutional questions I differ with him, and I desire now to present that difference. While I realize that it is a late hour in the debate to expect any considerable attention to the discussion, I feel that this particular feature of the matter ought to have our further consideration.

I shall direct my attention particularly to sections 3 and 5. I begin with section 5, and ask that the clerk may read the first subdivision of that section.

The VICE PRESIDENT. Without objection, the clerk will read the first subdivision of section 5 of the bill.

The legislative clerk read as follows:

SEC. 5. (1) Every governmental subdivision of a State to which the State shall have delegated functions of police shall be responsible for any lynching occurring within its territorial jurisdiction. Every such governmental subdivision shall also be responsible for any lynching occurring outside of its territorial jurisdiction, whether within or without the same State, which follows upon the seizure and abduction of the victim or victims within its territorial jurisdiction. Any such governmental subdivision which shall fail to prevent any such lynching or any such seizure and abduction followed by lynching shall be liable to each person injured, or to his or her next of kin if such injury results in death, for a sum not less than $2,000 and not more than $10,000 as monetary compensation for such injury or death: *Provided, however,* That the governmental subdivision may prove by a preponderance of evidence as an affirmative defense that the officers thereof charged with the duty of preserving the peace, and citizens thereof when called upon by any such officer, used all diligence and all powers vested in them for the protection of the person lynched: *And provided further,* That the satisfaction of judgment against one governmental subdivision responsible for a lynching shall bar further proceedings against any other governmental subdivision which may also be responsible for that lynching.

Mr. BORAH. Mr. President, we thus have presented the specific question whether the Federal Government can give rise to a cause of action against a State government or a subdivision of a State government. It is a simple, plain proposition: Can one sovereignty interfere with the machinery of another sovereignty?

Upon yesterday the able Senator from New York [Mr. WAGNER], in the closing part of his remarks, advanced the theory that the suit referred to in the bill is not a suit against the State; it is a suit against the county. A reading of the section itself, however, at once answers the contention, because the section refers to the county as a subdivision of the State—a political subdivision of the State to which it has transferred certain political powers and functions. If the Senator should follow this contention to its logical conclusion then he would be compelled to admit that a sheriff is not an officer of the State but of the county and he would be foreclosed in his contention as to section 3 that the sheriff is an officer of the State by which he claims the sheriff's action is State action. But aside from the language of the section itself, the Supreme Court of the United States many times has decided that a county is a part of the State, and that a suit against a county is a suit against the State. It also has held that a municipality, a city—in the particular instance to which I shall refer, the city of Baltimore, created under the laws of the State of Maryland—is a part of the State, and comes within the rule which I am about to invoke.

Thus we have in the beginning the specific question whether the Federal Government can give rise to a cause of action against another sovereignty, the State; whether one sovereignty can proceed to impose upon the other sovereignty anything in the nature of a suit, or a burden, or an embarrassment of any kind whatever.

That question has been passed upon many times; and I do not know of any instance in which the Supreme Court has ever permitted the Federal Government to bring suit against a subdivision of the State, or the State itself, or to take any action which would tend to curtail or to embarrass a State or any of the subdivisions of the State. The question was first decided, as we all know, in the great case in which the opinion was written by Chief Justice Marshall, in which the taxing power was involved. The principle of the integrity of the two sovereignties was here declared.

There is no exception in the Constitution itself as to the power of the Federal Government to tax the instrumentalities of the State. The Constitution gives the broad power to lay and collect taxes; and it was contended early in our history that that power was sufficiently broad to enable the Federal Government to tax the officials or the instrumentalities of the State. It was said by the Supreme Court, however, that while the exception did not appear in the express language of the Constitution, it arose out of the very nature of the Government which we have created by the Constitution—to wit, two sovereignties—and that if one sovereignty could in any respect embarrass the other sovereignty, it would tend to destroy the entire structure set up by the Constitution. Therefore, it was held, in the very beginning of the Government, that neither sovereignty could in anywise interfere with or embarrass or curtail the activity of the other sovereignty.

There has never been any dissenting opinion upon that question in the history of the Supreme Court. The only dissent which has ever arisen with reference to that question was as to whether or not either of the sovereignties could consent to being sued, or consent to being taxed, or consent to interference. Upon that question there has been a division of opinion; the majority of the Court, however, always holding that even consent would not give the power which was invoked in the several instances. But on the main question as to whether either sovereignty could in anywise inter-

fere with or control or embarrass the other, there never has been, to my knowledge, any division of the Court or any dissent upon the part of any Justice.

That has been true with reference to all forms and all methods of attack upon counties and upon the State; not with reference merely to the taxing power but whenever the Federal Government has sought in anyway to deal with the instrumentalities of the State, or the State itself, or subdivisions of the State, it has been inhibited from so doing by the unanimous opinion of the Supreme Court of the United States. As I listened closely yesterday to the Senator from New York, I was waiting for the time when he would cite us to any digression from that rule, to any opinion of the Supreme Court which would give any justification for the first subdivision of section 5 of this bill; and, of course, the Senator—candid and fair, as always—did not undertake to do so.

Mr. MINTON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I yield.

Mr. MINTON. The authority which the Senator has cited, of course, arose back in the early days of this Government, and long before the existence of the fourteenth amendment, which sought to give the Federal Government some power to protect the rights of citizens against State action.

Mr. BORAH. Mr. President, in regard to that matter, I have to say that the line of decisions is unbroken, both before the fourteenth amendment and since the fourteenth amendment. There is no change whatever in the proposition that no constitutional provision has ever been so construed by the Supreme Court as to permit one sovereignty to interfere with another. That rule did not rest in the express terms of the Constitution itself; it rested in the very nature of the Government, to wit, the creation of two sovereignties, each in its sphere independent of the other, neither being able to impose upon or interfere with the other; and that rule was not changed by the adoption of the fourteenth amendment, as has been many times said by the Supreme Court. The fourteenth amendment was the severest blow ever struck at local self-government in this country, but it did not go so far as to destroy the principle that one sovereignty could not interfere with the machinery, the set-up, of another sovereignty.

Mr. President, I do not desire to go at great length into this matter, but I must refer to some late decisions of the Supreme Court.

The Constitution of the United States gives Congress power to establish a uniform system of bankruptcy. That grant is as broad as some Senators would make the fourteenth amendment, or the fifth section of the fourteenth amendment. There is no exception. The Constitution simply gives Congress power to establish a uniform system of bankruptcy throughout the United States. Recently a law was passed making amendments to the Bankruptcy Act in which it was extended to cover the subdivisions of the States, the counties, and provision was made that they might take advantage of the Bankruptcy Act. The Supreme Court, coming back to the old doctrine which was announced in the beginning, said that the Congress did not have power, even under the grant of power to establish a uniform bankruptcy system, to interfere with in any way or to provide any manner by which the counties of the State could be interfered with, or in any way to shape the course of conduct of the counties of the States.

This is the case of Ashton against Cameron, reported in Two Hundred and Ninety-eighth United States Reports. It is important, because it goes back and connects up the theory I have announced, citing the tax cases and other cases, and invoking the same rule.

I read from the syllabus:

> A district organized to furnish water for irrigation and domestic uses, which became a county water improvement district, all pursuant to the Constitution and Statutes of Texas, with power to sue and be sued, issue bonds, and levy and collect taxes—*held* a political subdivision of the State.
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> • • • • • • •
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> In determining the existence of a constitutional power, inquiry is not limited to the results of its attempted exercise; it is of the first importance to consider what might be the results of its future exercise.
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> • • • • • • •
>
> If their obligations may be subjected to interference—

That is, if the obligations of a subdivision of the State may be subjected to interference—

> If their obligations may be subjected to the interference here attempted, States and their political subdivisions are no longer free to manage their own affairs; the will of Congress prevails over them.
>
> • • • • • • •
>
> Neither consent nor submission by the States can enlarge the powers of Congress. The sovereignty essential to the proper functioning of a State under the Constitution cannot be surrendered, nor can it be taken away by any form of legislation.

I think it worth while to read from the body of the opinion one or two extracts.

> Its fiscal affairs—

That is, the fiscal affairs of the county, because this was deemed by the Court to be a county—

> Its fiscal affairs are those of the State, not subject to control or interference by the National Government.

Quoting from an earlier case, but one which arose since the adoption of the fourteenth amendment, the Court said:

> We have already had occasion to remark at this term, that "the people of each State compose a State, having its own government, and endowed with all the functions essential to separate and independent existence," and that "without the States in union, there could be no such political body as the United States." Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may be not unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution in all its provisions looks to an indestructible union, composed of indestructible States.

Bear in mind that in this case there was before the Court a law permitting a State or one of its subdivisions to take advantage of the Bankruptcy Act. Yet, in the view of the Supreme Court, it sought to embarrass or contract the financial affairs of the State, and therefore was void.

Again, referring to a later case, in Two Hundred and Eighty-third United States Reports, the Court said:

> This principle is implied from the independence of the National and State Governments within their respective spheres and from the provisions of the Constitution which looks to the maintenance of our dual system of government.

This principle, I repeat, does not arise out of any express provision of the Constitution adopted before, at the time of, or since the adoption of the fourteenth amendment. It arises out of the existence of the dual system of government, which could not be maintained if one sovereignty could interfere with the affairs of another sovereignty.

The Court also quoted the following from a case in Seventeenth Wallace:

> A municipal corporation like the city of Baltimore is a representative not only of the State but is a portion of its governmental power. It is one of its creatures, as is every county, made for specific purposes to exercise within limited spheres the powers of the State. The State may withdraw these local powers of government at pleasure and may through its legislature or other appointed channels govern the local territory as it governs the State at large. It may enlarge or contract its power or destroy its existence as a portion of the State in the exercise of a limited portion of the powers of the State. Its revenues, like those of the State, are not subject to taxation.

The opinion further states:

> If Federal bankruptcy laws can be extended to respondent, why not to the State? • • • If obligations of States, or their political subdivisions, may be subjected to the interference here attempted, they are no longer free to manage their own affairs; the will of Congress prevails over them. • • • The sovereignty of the State essential to its proper functioning under the Federal Constitution cannot be surrendered. It cannot be taken away by any form of legislation.

It may be said that there was a dissenting opinion in this case and therefore the majority opinion was somewhat weakened. But the dissenting opinion was to the effect that the

State might consent to this interference and that it had consented. The division was over the question of whether the consent could be given, a majority holding that consent could not be given, a minority holding it might be given and had been given. So far, however, as this measure is concerned, it may be said that the opinion was unanimous because no question of consent is involved in the measure before us.

Mr. President, undoubtedly a State can fix such responsibility upon its counties as it sees fit. It can withdraw any power from the counties it sees fit to withdraw. It can provide that a county shall not be responsible except for certain classes of obligations. A State could enact a law providing that its counties should not be liable for damages claimed by a private citizen. It would undoubtedly have the power to do so. So, when it is said that a county shall be liable to a claim upon the part of the Federal Government, that is an attempt directly to interfere with the power of the State over its counties, and it comes clearly within the rule.

In conclusion, the Court said in the case from which I have been quoting:

> The difficulties arising out of our dual form of government and the principles of differing opinions concerning the relative rights of the States and the National Government are many, but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the States or their political subdivisions, and the same basic reasoning which leads to that conclusion requires like limitations upon the power which springs from the bankruptcy clause.

Mr. President, this is a late opinion, and seems to me conclusive in this matter.

I call attention, however, to a case in Two Hundred and Ninety-sixth United States Reports. This well illustrates the extent to which the Court goes in protecting a State from the interference of the Federal Government. The Court said:

> The Home Owners' Loan Act, to the extent that it permits the conversion of State associations into Federal ones in contravention of the laws of the place of the creation, is an unconstitutional encroachment upon the reserved powers of the States.

In the body of the opinion we find this language:

> Wisconsin, planning these agencies in furtherance of the common good and purposing to preserve them that the good may not be lost, is now informed by the Congress, speaking through a statute, that the purpose and the plan shall be thwarted and destroyed. By the law of the State, associations such as these may be dissolved in ways and for causes carefully defined, in which event the assets shall be converted into money and applied, so far as adequate, to the payment of the creditors. By the challenged act of Congress, the same associations are dissolved in other ways and for other causes, and from being creatures of the State become creatures of the Nation. In this there is an invasion of the sovereignty or quasi-sovereignty of Wisconsin and an impairment of its public policy, which the State is privileged to redress as a suitor in the courts so long as the tenth amendment preserves a field of autonomy against Federal encroachment.
>
> * * * * * * *
>
> For anything here shown, the two classes of associations, Federal and State, may continue to dwell together in harmony and order. A concession of this possibility is indeed implicit in the statute, for conversion is not mandatory, but dependent upon the choice of a majority of the voters. The power of Congress in the premises, if there is any, being not exclusive, but at most concurrent, and the untrammeled coexistence of Federal and State associations being a conceded possibility, we are constrained to the holding that there has been an illegitimate encroachment by the Government of the Nation upon a domain of activity set apart by the Constitution as the province of the States (cf. *Linder* v. *United States* (268 U. S. 5, 17); *United States* v. *Dewitt* (9 Wall. 41, 45)). The destruction of associations established by a State is not an exercise of power reasonably necessary for the maintenance by the central government of other associations created by itself in furtherance of kindred ends.

In the case of *Metcalf & Eddy* v. *Mitchell* (269 U. S.) the Supreme Court said:

> But neither Government [State or Federal] may destroy the other nor curtail in any substantial manner the exercise of its powers.

In the case of *Barbier* v. *Connally* (113 U. S. 273) the Court said:

> But neither the fourteenth amendment—broad and comprehensive as it is—nor any other amendment, was designed to interfere with the power of the State, sometimes termed "its police power"—

The section of the bill to which I have called attention refers to the fact that there is an effort to exercise the police powers which the State has granted to the counties—

> to prescribe regulations, to promote the health, peace, morals, education, and good order of the people, and to legislate so far as to increase the industries of the State, develop its resources, and add to its wealth and prosperity.

In a case entitled *In re Kemmler* (136 U. S.) where the fourteenth amendment was involved, the Court stated:

> But it [the fourteenth amendment] was not designed to interfere with the power of the State to protect the lives, liberties, and property of its citizens, and to promote their health, peace, morals, education, and good behavior.

The fourteenth amendment did not seek to intrude in any respect upon the police powers of the States. It did not subtract from the States in any manner whatsoever in dealing with the affairs of their own citizens, and the question of whether a person is entitled to recover damages against a county, or against any defendant, is a question of the exercise of the police powers of the State, as I shall show in a few moments by authorities cited.

In the case of *Duncan* v. *Missouri* (152 U. S. 377, 382) it is said:

> Due process of law and the equal protection of the laws are secured if the laws operate on all alike, and do not subject the individual to an arbitrary exercise of the powers of government.

In *Maxwell* v. *Bugbee* (250 U. S. 525) the Court said:

> It was not the purpose of the fourteenth amendment to transfer from the States to the Federal Government the security and protection of those civil rights that inhere in State citizenship.

Where does the right arise with reference to a suit for damages? It arises in the operation of the police powers of the State. I venture to say that a State could properly pass a law providing that no county in the State should be liable for damages to a citizen by reason of the injury or death of another person. That would be in the exercise of the police powers of the State. It would be prescribing for a subdivision of the State its responsibility and its liabilities, as it undoubtedly has a right to do.

The Senator from New York relied upon the case found in the Two Hundred and Twenty-second United States Reports. That was the only authority cited by the Senator in support of his proposition, and I invite the Senate to consider that opinion for a moment. What were the facts in this opinion? The State of Illinois had passed a statute providing for liability upon the part of the county or the city for damages incurred by reason of mob action. The case went to the Supreme Court of Illinois. The Supreme Court of Illinois sustained the statute. Upon what ground? Upon the specific ground that the county was a subdivision of the State, and the State, being the parent of the county, could fix whatever responsibility it saw fit with regard to the county, and it could do that—why? Because, said the court, the creator of the county could fix whatever responsibility it saw fit, and could do so because of the fact that it was a proper exercise of the police powers of the State.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I yield.

Mr. MINTON. If the State could make a provision with respect to one of its counties, of course, it could make a similar provision with respect to itself, could it not?

Mr. BORAH. I did not hear the Senator's question.

Mr. MINTON. If the State could exempt one of its counties with respect to suits, as the Senator has been arguing, it could likewise exempt itself?

Mr. BORAH. I suppose it could.

Mr. MINTON. Let us suppose a case in which a State enacts a law which clearly violates the rights of some citizen. For instance, suppose a State enacts a law providing that whenever a Negro is charged with crime the authorities shall turn him over to the mob for lynching, and that the State shall not be liable, nor shall the county be liable for such

action. Does the Senator think the Federal Government would be impotent under the fourteenth amendment in bringing relief for such a person?

Mr. BORAH. It depends entirely upon the way in which the Federal Government sought to bring the relief to that person. If the State enacted a law which deprived the citizen of life, liberty, or property without due process of law, or which denied him the equal protection of the law—if the State as a State did either of these things, undoubtedly the Congress of the United States could enact legislation which would prevent such action, or it might be remedied through an appeal to the courts.

Mr. MINTON. Then suppose that the State did not obey the act of Congress, what would happen?

Mr. BORAH. The Senator is now talking about civil war. Suppose, under the old system of electing Senators, the legislature of a State had refused to elect a Senator, what would the Senator do about it?

Mr. MINTON. Let me get the Senator's question again. The Senator said: Suppose Senators were being elected by legislatures rather than by the people, and I were elected by the people, what would I do?

Mr. BORAH. No; I said: Suppose the Senator, in the days in which Senators were elected by the legislature, had been a candidate for the Senate, and the legislature had refused to act, what would he do about it?

Mr. MINTON. There is not anything that can be done about it.

Mr. BORAH. That kind of question, Mr. President, gets us nowhere.

Mr. MINTON. That is what I am pointing out to the Senator.

Mr. BORAH. It does not get us anywhere, and that is what I am pointing out to the Senator.

Mr. MINTON. The relief which the Senator refers to makes the Federal Government absolutely impotent to bring any relief.

Mr. BORAH. There are many things, Mr. President, in the system which we call our constitutional system which depend entirely upon the voluntary act of the Federal Government or the State government with reference to their relations one to another. When Mr. Barbour, the great lawyer from Virginia, said, in arguing the case, I think, of Cohen against Virginia, that there was no necessity for rebellion in this country; that if the States wanted to get out of the Union, all they had to do was to refuse to elect Congressmen, refuse to elect Senators; no one had any effective answer to it.

But they are not going to refuse. That depends something upon the patriotism and something upon the voluntary action to do that which is provided for in the Constitution, although no specific method or remedy is provided in the case of the violation of it.

What I am saying now is that the authority cited by the able Senator from New York was a State case, and turned entirely with respect to its constitutionality upon the question whether the State, in the exercise of its police power, could pass such a statute. I now ask, Where is the decision which holds that another sovereignty can step over into the State sovereignty and say, "You must exercise the police powers which you possess"?

We are dealing here, as the able Senator will recall, purely with State action. It did not involve the relationship of the two sovereignties at all. And that is all that the Supreme Court decided. Let me read what the Court said:

> The only question under this writ of error is as to the validity of a statute of the State of Illinois. * * *
> The validity of the law under the Illinois Constitution was thus affirmed, and that question is thereby foreclosed.

The Supreme Court of the United States did uphold the statute. Why? Because the Supreme Court of Illinois had upheld the statute, and did so in obedience to a rule long established that when a State statute has been found to be constitutional by a State court the Supreme Court of the United States will accept the decision of the State supreme court upon that question.

Further, the Supreme Court said:

> The law in question is a valid exercise of the police power of the State of Illinois.

Where is the police power of the Federal Government?

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BORAH. I yield to the Senator.

Mr. MINTON. The Supreme Court has said that the Federal Government's police power exists in that field in which it may operate under the Federal Constitution.

Mr. BORAH. The Supreme Court has said that in the operation of or in the carrying out of a specific grant by the Constitution that the National Government may exercise that which is sometimes called the police power. It has never held in any instance that the Congress has any police power as such.

Mr. MINTON. If it exercises police power within its own field it must have police power.

Mr. BORAH. What particular case does the Senator have in mind?

Mr. MINTON. For instance, we have control over interstate commerce by direct grants.

Mr. BORAH. Yes.

Mr. MINTON. It is a crime to transport a stolen automobile in interstate commerce. If that is done the Federal Government can exercise its power with respect to such action, and that is an exercise of the police power in the realm of interstate commerce, and nothing else.

Mr. GEORGE. I may suggest that that is nothing but the exercise of an implied power to carry out the power expressly granted, to wit, the power to regulate interstate commerce, and the Court has always based its decision upon that ground.

Mr. MINTON. I ask the able Senator from Idaho if the police power is anything but an implied power. Is there anything said about police power in the Constitution with reference to the United States? That police power is an implied power and nothing else.

Mr. BORAH. And the police power was left entirely with the State. The police power is not an implied power. There was no effort to take over the police power by the National Government. Police power is exclusively a State power. The National Government may exercise the authority which is granted to it by the Constitution to regulate interstate commerce, but it has no power to do anything beyond regulation of interstate commerce. In other words, it cannot step aside from the regulation of interstate commerce to do something which may be thought wise or just to do.

Mr. MINTON. But if it is exercising Federal power in an admitted field it may exercise police power in that field.

Mr. BORAH. No; it may not exercise the police power in that field except the exercise of it which is necessary to regulate interstate commerce. The Federal Government has no general police power.

Mr. MINTON. Of course.

Mr. BORAH. Where is the constitutional provision which gives us a right to go into the States and exercise the police power by providing for damages against a county on behalf of the citizen?

Mr. MINTON. How does it regulate commerce, by way of illustration, for Congress to provide that you cannot ship lottery tickets in interstate commerce?

Mr. BORAH. That is a regulation of interstate commerce.

Mr. MINTON. Yes; purely within the field of the regulation of interstate commerce; and are you not exercising a police power within that field?

Mr. BORAH. Certainly not. You are simply regulating interstate commerce.

Mr. MINTON. But that is a regulation of the sovereign right of the Federal Government in the field in which it is the only sovereign.

Mr. BORAH. Exactly. We are discussing the power to regulate interstate commerce. But you cannot step outside the specific proposition of regulating interstate commerce to punish someone in the State for having bought a lottery

ticket. You can regulate commerce, but you cannot provide a suit for damages against the county or State for losses of the citizen who lost out in the scheme.

Mr. MINTON. Not at all; but when you are exercising any sovereign power in the admitted realm within which that sovereign may exercise such power, the exercise of that sovereign power necessarily implies a police power.

Mr. BORAH. I need not repeat what I have said.

The opinion to which I have referred says further:

> The State is the creator of the subordinate municipal governments. It vests in them the police powers essential to the preservation of law and order. The policy of imposing liability upon a civil subdivision of the Government exercising delegated police power is familiar to every student of the common law.

Outside this authority we have no authority for the provisions found in section 5 of the bill. The case to which I referred was a case which dealt exclusively with the powers of the State.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. GEORGE. Has it not always been held that the sovereign itself may consent to a suit? It has always been the rule of law that the sovereign itself may consent to a suit, or consent to an action in tort; but that would be the case of the sovereign itself consenting to be sued, and would not be a case of the imposition of the will of another sovereign undertaking to render liable the particular sovereign made liable by the act.

Mr. BORAH. That rule is announced in the case which I read in Two Hundred and Ninety-eighth United States Reports. In that case the majority of the Court held that the county could not consent to outside interference by the Federal Government. A minority of the Court held that it could so consent, but the majority of the Court in all instances has held that a sovereign cannot consent to be interfered with, or to be sued, or that its power be curtailed by any outside source.

Mr. GEORGE. But it may itself consent.

Mr. BORAH. It may consent to be sued by its own people.

Mr. GEORGE. Exactly.

Mr. BORAH. But it cannot consent to be sued, or to be dealt with so as to interfere with its machinery and its methods of doing business, by an outside sovereign.

Section 5 presents to me, in many respects, the most serious feature of this bill, because it provides that the National Government may lodge a suit for damages against a State, or a subdivision of a State, on behalf of a citizen of that State. It undertakes to fix the responsibility and the liability of the State, or a subdivision of the State, toward its own citizens, which is an anomalous proposition to me. I cannot see where there is anything left in the way of sovereignty upon the part of the State if the Federal Government has the right and the power to go into the State and say to it, "You are responsible, thus and so, to your own citizens."

The State can fix the responsibility of the county, and no other authority can fix the responsibility; otherwise, as was said in the case which I read, the machinery of the State would be interfered with and clogged by the Federal Government.

I have searched rather industriously to find if any such proposal as this has ever been made outside the lynching bill, and I find no instance in which it was ever suggested that a county of a State should have its liability established, in questions of tort, by another sovereign. I assume that it all arose out of the State decisions, where the State was exercising its police power and fixing the responsibility of the county which it itself had created. I assume that is where it came from, but that leaves out of the question entirely the fact of one sovereignty dealing with another sovereignty. That situation is not involved in the State questions at all. The question which I present is whether one sovereignty can in any way interfere with the machinery of another sovereignty. Where is the authority which sustains such a proposition?

Mr. President, I desire to speak briefly on section 3. I do not desire to take time to do more than state constitutional principles which seem to me controlling. The bill, with reference to section 3, is based upon inaction, not action. Section 3 deals wholly with individuals and individual action. It does not purport to charge the State, as a State, with directing such action in any respect. According to section 3, the State is charged with responsibility when the individual violates his oath and the laws of the State and fails to perform his duty. I assume it is conceded—and was conceded by the able Senator from New York—that before we can legislate effectively we must deal with State action, and State action alone.

The fourteenth amendment says that no State shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Section 3 undertakes to hold the State responsible for an action which is clearly outside any law prescribed by the State, any custom endorsed by the State, or any course sanctioned by the State.

The Senator from New York read yesterday some excerpts from the case of Virginia against Rives. In that case the Court said that so long as the officer is acting in the very teeth of the statute of the State of Virginia, so long as he is violating the laws of that Commonwealth, an appeal to the Supreme Court for the removal of the cause cannot be predicated upon his willful and criminal abuse of his power.

Every State in the land has laws which cover the misconduct which is here charged upon the part of the officer. He is punishable under the laws of the State. He takes an oath to support the laws of the State. If he joins a mob, or connives with a mob, and murder is committed, how can it be said the State is responsible for his conduct, when it has thrown about him every responsibility that a State can throw about the discharge of the duties of its officers? The case relied upon by the able Senator from New York [Mr. WAGNER], in supporting one of his positions, says that if the officer is acting contrary to law, in the teeth of the law, in violation of the law, the State cannot be held responsible for the act of the officer.

I have here an opinion by Justice Miller in *Gibbons* v. *United States* (75 U. S.). This decision does not bear on the fourteenth amendment, but on the general principle of the responsibility of a State or political organization for the misconduct and criminal acts of its officers. The opinion says:

> It is not to be disguised that this case is an attempt under the assumption of an implied contract to make the Government responsible for the unauthorized acts of its officer, those acts being in themselves torts. No government has ever held itself liable to individuals for the misfeasance, laches, or unauthorized exercise of power by its officers and agents.

Section 3 itself discloses that the officer is acting in contravention to his duty as prescribed by the laws of his State.

This same principle is clearly set forth in another manner in the civil rights case, where the Court said:

> It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment. It has a deeper and broader scope. It nullifies and makes void all State legislation and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with the power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition.

Judge Guthrie in his work on the fourteenth amendment says:

> It must be borne in mind that the fourteenth amendment does not confer jurisdiction to correct the erroneous or wilfully improper acts of State officers, or courts, in violation or disregard of law and that the grievances complained of must be sanctioned by statutes or some other form of State authority.

In *United States* v. *Harris* (106 U. S.) it is said:

> The language of the amendment does not leave this subject in doubt. When the State has been guilty of no violation of its pro-

visions, when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied to any person within its jurisdiction the equal protection of the law; when, on the contrary, the laws of the State as enacted by its legislative and construed by its judicial, and administered by its executive, departments, recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon the Congress.

The Senator from New York contended that the case found in Two Hundred and Twenty-seventh United States Reports, Home Telephone & Telegraph Co. against City of Los Angeles, was the first case establishing a line of decisions which holds that under the fourteenth amendment the unauthorized act of an individual in taking property without due process of law may be restrained. What was the Home Telegraph case? It was a case involving utility rates, a suit in equity to enjoin the enforcement of utility rates on the ground that they were confiscatory. The rates were established under authority of the constitution of the State of California; they were established under the authority of a State law; they were established under the authority of a city ordinance adopted under the authority of the State law. It was State action; there was no doubt about it being State action. The rates were being collected for the benefit of the State. It was claimed in the case that the officer exceeded his authority, but the Court said—and this is the kernel of the contention—

> To repeat, for the purpose of enforcing the rights guaranteed by the amendment when it is alleged that a State officer in virtue of State power is doing an act which, if permitted to be done prima facie would violate the amendment, the subject must be tested by assuming that the officer possessed power if the act be one which there would not be an opportunity to perform but for the possession of some State authority.

In other words, the officer was acting under State authority. The law was passed by virtue of the State power; the rates were fixed by authority of the State, and the only contention was that the officer had exceeded his authority. How exceeded his authority? He was undertaking to collect a rate which was confiscatory. Not that he was acting contrary to the laws of his State, or that he was acting without authority of his State, but because, under the authority of the State, he was doing that which was confiscatory of the rights of persons. It was in every sense State action.

Again the Senator from New York is of the opinion that the case of Sterling against Constantin, to use his own language, finally settled the question that under the fourteenth amendment the Federal Government could deal with an officer who was violating the laws of his State. Mr. President, I am afraid the Senator did not have time carefully to read this opinion. It did not decide that question at all. It expressly held that it was not decided. The question arose in this way: The State of Texas had passed a number of laws dealing with an oversupply of oil. The Governor of the State of Texas declared martial law on the ground that riots were taking place. A citizen who was seeking to exercise his right to develop his oil well brought a suit to restrain the Governor, and it was claimed in the suit that the Governor was exercising powers which he did not possess, that he was not authorized under the circumstances to declare martial law; that he was acting in excess of his power and was violating the laws of his State. The district court restrained him, and the Supreme Court affirmed the judgment; hence the conclusion is drawn that, although he may have been exercising powers which he did not possess, illegally and in usurpation of his powers, he was subject to restraint, nevertheless, under the fourteenth amendment. But the Supreme Court did not decide the question of whether or not he was exercising illegal powers. It assumed that he was exercising them, and the Court held, reading from the syllabus:

> Whether or not the constitution and the laws of Texas purport to authorize the acts of the Governor complained of in this case is not decided. In disposing of the Federal question, such authority is assumed to have existed.

The Governor had declared martial law; he was interfering with the rights of a citizen; the citizen brought a suit in equity, claiming the Governor was acting in violation of law, but the Supreme Court said it was not necessary to decide that question; we find another ground upon which to settle the Federal question, and that ground has no relation whatever to the question of whether or not the Governor was violating the law.

The Senator from New York cited the case of Iowa-Des Moines Bank against Bennett, in which, he claims, an officer was held liable under the fourteenth amendment, notwithstanding the fact that he was not acting for the State but outside and beyond the authority of the State.

If the Senator will observe the language used on page 246 he will note that it was held by the Court that the officer in question was a State officer representing the State; that it was State action. There was no attempt to hold the officer himself by reason of the fact that he was acting or because he was acting outside the law. Here is what the Court says:

> Here the exaction complained of—

That is, the tax—

> was made by the treasurer in the name of and for the State, in the course of performing his regular duties; the money is retained by the State; and the judicial power of the State has been exerted in justifying the retention.

Therefore—what? It was State action. Under every rule of construction the officer was carrying out the will and purpose of the State.

Of course, if it can be said that it is State action, if the States complained of as not enforcing the law have not passed laws to protect their citizens or have passed laws which discriminate between the whites and the blacks—if the State is directing the action, undoubtedly the Congress can take such action as is necessary to deal with the subject; but where an officer acts in violation of the law, in disregard of the wishes of the State, in disregard of the demands of the State, his act cannot be treated as State action.

It will not be forgotten, Mr. President, that when the fourteenth amendment was under consideration just exactly that thing was proposed, to wit, that the Federal Government should go into a State and establish a relationship between the citizens in the matter of doing justice as between the citizens. It was proposed not to limit it to State action, but to leave it to the discretion of the Federal Government as to how the citizens might be protected in their respective communities. That proposal, however, was rejected, and the amendment was confined to the action of the State. So before there can be a proceeding under the fourteenth amendment it is necessary to show that it is against State action, something done by State direction and having State endorsement amounting to a State policy. Under the fourteenth amendment an individual who violates the laws of his State cannot be held responsible.

Mr. ANDREWS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. ANDREWS. Does not the Senator believe that the point he has just made absolutely disposes of the entire question so far as the constitutionality of the pending measure is concerned?

Mr. BORAH. It seems to me to be a disposition of it. The Senator from New York, who so ably presented this matter yesterday, seemed to me to rely upon cases which were clearly within the rule that, in order to come within the fourteenth amendment, there must be State action. I do not recall any opinion which was cited which sustains the constitutionality of the pending bill.

Mr. President, to recapitulate briefly, my contention is that so far as section 5 of the bill is concerned, it is an attempt upon the part of one sovereignty to establish a liability upon the part of another sovereignty toward its citizens; that it is an attempt upon the part of the Federal Government to say to the subdivisions of the States, "Thus and so is true, and therefore you are liable." That, I contend, is in violation of the long-established principle that

under our dual system one sovereignty cannot interfere with, curtail, or in any way embarrass the functions of the other sovereignty. I know of no rule, no decision, in contravention of that principle.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I yield.

Mr. CONNALLY. Does not the famous case of McCulloch against Maryland—which was cited by the Senator earlier, as I recall—afford authority for the absolute converse of the proposition that one sovereignty may interfere with the other? The Court there held that the State of Maryland could not tax the local branch in Maryland of the Bank of the United States because that would be permitting a State authority to interfere with the operations of a Federal power.

Mr. BORAH. It has been thoroughly established, by a long line of decisions, that neither sovereignty can interfere with the action of the other sovereignty.

My second proposition is that section 3 of the bill deals entirely with the action of individuals. It does not purport to hold a State responsible by reason of anything which the State may have done, any law which the State may have passed, any action which the State may have taken, or any direction which the State may have given. In other words, the officer is acting in direct contravention to the laws of his State; and I know of no decision which, under those circumstances, holds that the fourteenth amendment applies.

Mr. President, my interest in this matter centers primarily in the preservation of the integrity of the State. I believe the State is the fountain source of the people's power in this Government; and when that is destroyed, democratic government is at an end. Even in these days of change and advanced thought, I am not ashamed to say that I am still a believer in the old-time Americanism, in the rights of the States, in local government, and in all the policies and precepts and principles which made us great as a nation and which alone will keep us great. What we most need in these troubled days—and may Providence speed the coming—is a rebaptism of the national spirit and a rededication to the national ideals.

Outside of the formative period of this Government, and possibly the period just preceding the Civil War, there has never been so much discussion as at present of government, of the things which are happening and the things which may happen. Even whether we can hope to escape the remorseless trend of arbitrary power against popular government, as we see it in other countries, is very much debated and very much doubted. We perhaps are not the best judges of what is happening in this country with reference to government, because we are a part of the picture; and introspection by peoples is as rare and difficult as by individuals.

But, as to the outside world, we know what these things mean. They mean the ultimate silencing of the voice of the people in all the affairs of government.

And with reference to some of the vital things in the affairs of the people that seems to be true in this country. It is true that the people still elect their officers according to the established rules and according to ancient custom; but these elected officers generally transfer most of their power to officers whom the people do not elect and over whom they have no control. We lay on taxes far beyond the ability of the people to pay, and they seem as helpless to obtain relief as the denizens of the most arbitrary government of old Europe. We lay on debts upon debts, mortgaging the brain and the energy of our people even to the third and fourth generations, and all they can do is to mutter their protests and seek to pay. But, in my opinion, if we leave to the people the right and the power of local government, the right and the power of control of their States, the time ultimately will come when they will take back the powers which they may have forfeited by reason of war or of great emergency.

If we keep alive the feeling that they are a part of the Government, that it is their Government—stimulate the sense of responsibility, and preserve intact the means by which the people may act when they choose to act—we shall have the only guaranty there is for the continuation of democracy in this country. Under these conditions the hour of redemption will come of those things which may have passed beyond the people's control. Without this power, without this local authority, without this local training, without this training of citizenship in the States and in the communities, we cannot hope for the preservation of democracy. Whatever we may choose to call it, it will not be a democracy.

When the American Revolution began, followed by the period in which the Federal Government was set up, there at once appeared upon the scene, representing the Colonies, men equipped in all the great qualities of leadership, gifted with the power and the genius of statesmen, the equals of the best minds and the most experienced men of all Europe. In their understanding of politics in the highest and broadest and best sense of the term, in their ability to construct what their hearts and minds conceived, they were the peers, if not the superiors, of their adversaries in the Old World. They soon became the wonder as later they became the agony of all Europe. Where did they come from? Where did they get their training? In what school did they become the greatest debaters the world ever knew? Where did they acquire the arts of statecraft? In the New England town meetings; in the House of Burgesses of Virginia; in the local gatherings throughout the Colonies where the people met from time to time to discuss and consider and grapple with the great questions of the day. It was there that they were trained and equipped for their supreme undertaking. Had they not had this experience, this training, they might have had the theory but they never would have had the practical knowledge which enabled them to build a government that would endure. That is just as true today. It is in the States where the citizen comes in contact with his Government, where he feels that he is a part of the Government, where he can exercise his influence, where he is trained for the duties of citizenship.

While expressing deep regret that it is so, the opinion was advanced on this floor a short time ago that our States are gradually being effaced from our system. Soon to become, I assume, mere geographical expressions, with only sufficient force and dignity to provide messengers bearing the livery of State officials to run the errands of the Federal Government, all to the end that we may have a "more modern" democracy. I was led to compare this statement by an able Senator with a statement later made by a high official of the Government in which he advised us that a coup d'etat in a great South American country, in which the last vestige of parliamentary government was wiped out, in which the states were broken down and practically abolished as such and the whole vast Nation compounded into one unbroken empire, in which the voice of the people was silenced, was only a bold move toward a "more up-to-date and modern" democracy. Such are the prophecies and such are the conceptions of democracy in these extraordinary days.

It may be that some of us had our views on democracy warped in our early studies of Otis, and Sam Adams, and Thomas Jefferson, and Andrew Jackson, and Abraham Lincoln. But, from whatever source comes the view, it is my conviction that when the powers of government are separated from the people you have an empire, although it may be thought expedient, as did Augustus Caesar, to still call it a republic.

Under our system of government, when the States are sheared of their power, when the sovereignty of the States is broken down, then it is that the people are separated from the powers of government. It is in the States alone that the people really exercise the powers of government. For, after

all is said and done, the rights of the States are the people's rights; local government is the people's government. When these are destroyed, the people no longer speak to the Government; the Government speaks to the people.

If the fourteenth amendment is to be loosely construed, so as to permit the Federal Government to go into the States and fasten financial responsibility upon the States or the subdivisions of the States, if it can be construed so that it is possible to go into the States and make the duly elected officials of the people subject to the jurisdiction of the Federal Government, there is nothing left of the State government.

It may be, Mr. President, as proponents contend, but which I do not admit, that a few lives will be lost if we do not pass this measure, and which we will all regret. But many lives were lost to establish this Government, to establish this dual system, and the happiness and contentment of many millions will be lost if we do not preserve it.

My interest in this matter grows out of a desire to stay the encroachment of arbitrary power—which is what is proposed—upon the rights of the people at home.

We do not know what the future has in store for us as a nation, but we do know that the system of government which was brought forth on this continent nearly 150 years ago, baptized with the blessings and crowned with the wisdom of great leaders, has brought greater contentment and prosperity and more of freedom to the average man or woman than any form of government yet devised. This fact alone should burn into our very souls the determination to preserve it in all its essential principles. It is one thing to adapt and adjust principles to new conditions; it is another thing to permit new conditions to disregard principles—the former is the highest achievement of the statesman and the lawgiver, the latter the work of the timeserver and the adventurer.

Mr. President, everyone in this Chamber, every right-thinking person everywhere, regardless of section or race, will utter a word of thanks when this barbarous crime is no longer recorded in this country. I feel that time is near at hand. It seems to be clearly in sight. Is it worth while, is it necessary, is it just in view of the progress made, in the light of what the South has achieved, to place upon her the stigma of failure and to establish the precedent that the Federal Government may enter the States and seize and try as criminals the duly elected officers of a sovereign State? It would be an awful price to pay, a dangerous precedent to establish, even if the assurance of success upon the part of the States was not at hand. But with that assurance before us, it is incredible that we will do this thing.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr SCHWELLENBACH in the chair). Does the Senator from Utah yield to the Senator from Virginia?

Mr. KING. I yield if I do not thereby lose my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah that he may yield to the Senator from Virginia without losing his right to the floor?

Mr. CLARK. Mr. President, for what purpose does the Senator desire to yield?

Mr. GLASS. I ask the Senator to yield in order that I may make a preferential motion.

Mr. CLARK. Then I must object to the request.

Mr. KING. Mr. President, I regret that the Senator from Missouri has exhibited so much intolerance in the attitude which he has taken.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KING. No; I do not yield.

The PRESIDING OFFICER. The Senator refuses to yield.

Mr. KING. When the Senator from Virginia, a Member of the Senate for many years, and whose outstanding ability and patriotism command the admiration not only of Missouri Democrats but of Democrats and Republicans everywhere, rises and asks that a Senator may yield in order that he may make a preferential motion, I do not think it is quite proper for even the Senator from Missouri to interpose an objection.

Mr. President, of course I should be perfectly willing to yield to the Senator from Virginia or to the Senator from Missouri to make a preferential motion. I am inclined to think that under the rules either would have the right to recognition by the Chair, and that the occupant of the floor would lose none of his advantages and privileges under the rule which has been invoked by according recognition to the Senator who sought it at his hands.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. KING. For a question.

Mr. McNARY. I shall propound a parliamentary inquiry, then, in order to preserve the rights of the able Senator from Utah.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. What is the preferential motion to which the Senator alludes? The Senator speaks of a preferential motion. I am not definitely certain what he has in mind.

Mr. KING. I had in mind that there was either a conference report or some important committee report which it was desired to submit to the Senate. Of course, if the Senate does not desire to receive an important report, or permit a preferential motion to be made, I can only insist upon my rights, and whoever rises and asks for recognition must state that it is a preferential motion if such be the case.

The PRESIDING OFFICER. The Chair has been advised by the Parliamentarian that if the Senator from Utah should yield, even for a preferential or privileged motion, the Senator from Utah would lose the floor, as business would thereby be transacted.

Mr. WAGNER. Mr. President, may I ask the Senator a question?

Mr. KING. I yield for a question only.

Mr. WAGNER. I wish to ask the Senator whether some of us are not entitled to know the nature of the preferential motion to be made before we give our consent to the unanimous-consent request.

Mr. KING. That is a matter for the Senator and others to determine for themselves. I am not the keeper of the conscience of the Senator from New York or the guardian of the rights and privileges of other Senators. It is as much as I can do to maintain my own rights in the face of a manifest determination on the part of certain Senators to force through a measure which is absolutely unconstitutional, the validity of which has been challenged by the consciences of all men who understand our Constitution, and, of course, challenged by the Constitution of the United States.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Illinois?

Mr. KING. I yield for a question only. I cannot permit the Senator to interfere with my rights. If the Chair will protect me in my rights, I will yield for a question.

Mr. LEWIS. I merely ask the Senator if he will not find it convenient to yield to the Senator from Virginia to state what his motion is?

Mr. KING. I could not do so without losing the floor, without unanimous consent. I ask unanimous consent that I may yield to the Senator from Virginia without prejudicing my rights, or losing the floor.

The PRESIDING OFFICER. Is there objection?

Mr. McNARY. I object.

The PRESIDING OFFICER. The Chair hears objection.

Mr. BYRNES. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRNES. If the Senator from Utah yielded to the Senator from Virginia to make any motion which was debatable, the Senator from Utah could then be recognized to debate that motion, could he not?

The PRESIDING OFFICER. The Senator from Utah could then be recognized to speak on the motion made by some other Senator.

Mr. BYRNES. That was the thought I had in mind.

Mr. KING. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KING. Would that preclude the Senator from Utah or any other Senator indulging in the broad discussion into which the motion might lead us, for instance, a consideration of some of the statements made by the Department of State, and our attitude toward foreign nations?

Mr. WAGNER. Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER. If the Senator will wait until the Chair may answer the inquiry of the Senator from Utah.

Mr. WAGNER. Certainly.

The PRESIDING OFFICER. The Chair rules that the Senator from Utah could discuss any question he might desire to discuss.

Mr. KING. And that would not be charged against me as one of the speeches under the two-speech rule which has been adopted?

The PRESIDING OFFICER. It would not.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I will not yield except for a question.

Mr. WAGNER. I wish to propound a parliamentary inquiry. Is there any power in the Chair to assure a Senator that he gives way for the purpose of permitting a colleague to make a motion he shall have the right to resume the floor the moment the motion is made?

The PRESIDING OFFICER. There is no such power in the Chair.

Mr. WAGNER. Any Senator may attempt to secure the floor?

Mr. KING. Mr. President, the interrogatory of the Senator from Utah was not as to whether he would be entitled, having yielded the floor, to resume the floor to the exclusion of other Senators who might seek recognition. The point made by the Senator from Utah in his inquiry was whether or not, if he yielded the floor at this time and a motion were made which was debatable, he might participate in the debate and discuss the question under consideration now before the Senate, and the Chair, very properly interpreting the rules of the Senate, held that he would not be confined to a discussion of what might be called technically the motion submitted by the Senator from Virginia or a motion made by any other Senator.

The PRESIDING OFFICER. That was the ruling of the Chair.

Mr. KING. I hope I have satisfied the Senator from New York.

Mr. WAGNER. Yes.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Virginia?

Mr. KING. I yield.

Mr. GLASS. I desire to make a preferential motion.

Mr. McNARY. Mr. President, if the Senator from Utah yields for that purpose, he yields the floor.

Mr. KING. I have yielded the floor. I think I know enough about the rules without being instructed by the able Senator on the other side.

Mr. GLASS. Mr. President, I desire to make a preferential motion.

The PRESIDING OFFICER. The Senator will present it.

Mr. GLASS. I wish first to make a preliminary statement. The Senate Committee on Appropriations has been working very industriously almost every day on the appropriation bills which have been sent over from the House of Representatives. We have reported three or four of them, and they are on the calendar of the Senate. It is necessary to act on these bills. Action cannot any longer be delayed without great inconvenience to Senators and great inconvenience to the Government itself.

I move, therefore, that the Senate proceed to the consideration of House bill 8837, being the bill making appropriations for the independent offices.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia that the Senate proceed to the consideration of House bill 8837.

Mr. CLARK. I suggest the absence of a quorum.

Mr. McNARY. Mr. President——

Mr. CLARK. I withhold the suggestion.

Mr. McNARY. Mr. President, I submit that the motion made by the Senator from Virginia is not a preferential motion.

The PRESIDING OFFICER. The Senator from Oregon is correct. It is not a preferential motion.

Mr. McNARY. It is a general motion to proceed to consideration of some bill on the calendar and has no preferential status.

The PRESIDING OFFICER. The Senator from Oregon is correct. It is not a preferential motion, but it is in order.

Mr. GLASS. I have always understood that a motion to take up an appropriation bill is a privileged motion.

The PRESIDING OFFICER. The Chair will state that the Parliamentarian has informed him that it is not a privileged or preferential motion.

Mr. GLASS. What does the rule mean then which says that it is a privileged motion?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the rule which says that a motion with respect to an appropriation bill is a privileged or preferential motion refers only to the circumstance when the Senate is considering the calendar under rule IX.

Mr. GLASS. The rule does not say that. It simply says it is a privileged motion. I made the motion, and, whether it is preferential or otherwise, it is in order.

Mr. CLARK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Overton
Andrews	Connally	King	Pepper
Ashurst	Copeland	La Follette	Pittman
Austin	Davis	Lee	Pope
Bailey	Donahey	Lewis	Radcliffe
Bankhead	Ellender	Lodge	Reynolds
Barkley	Frazier	Logan	Russell
Berry	George	Lonergan	Schwartz
Bilbo	Gerry	Lundeen	Schwellenbach
Bone	Gibson	McAdoo	Sheppard
Borah	Gillette	McGill	Smathers
Bridges	Glass	McKellar	Smith
Brown, Mich.	Guffey	McNary	Thomas, Okla.
Brown, N. H.	Hale	Maloney	Thomas, Utah
Bulkley	Harrison	Miller	Townsend
Bulow	Hayden	Milton	Truman
Burke	Herring	Minton	Tydings
Byrd	Hill	Murray	Vandenberg
Byrnes	Hitchcock	Neely	Van Nuys
Capper	Holt	Norris	Wagner
Caraway	Hughes	Nye	Walsh
Chavez	Johnson, Calif.	O'Mahoney	Wheeler

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, a quorum is present.

The Senator from Virginia is recognized.

Mr. WAGNER. Mr. President——

Mr. GLASS. Mr. President, I thought I had the floor.

The PRESIDING OFFICER. The Senator from Virginia has the floor. Does the Senator from Virginia yield to the Senator from New York?

Mr. WAGNER. I beg the Senator's pardon. I thought the Senator from Virginia had yielded the floor.

Mr. GLASS. Mr. President, I repeat what I have already said. This appropriation bill has been upon the calendar now for, I think, 2 weeks. There are three other appropriation bills upon the calendar. Within the next few days the House will send over four other appropriation bills, and they will require action. I have not taken up any of the time of the Senate. Two or three days ago I believe I was permitted to speak for 12 minutes, but I have not undertaken any filibuster. However, those who are opposed to the so-called antilynching bill have been held up before the country as obstructing the public business. I now want it to be seen clearly who is obstructing the public business.

Here is the public business. It does not relate to a constitutional question. It is public business which ought to be transacted, and I shall insist upon my motion to take up House bill 8837.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Would the effect of the motion, if carried, be to displace the pending measure as the unfinished business of the Senate?

The PRESIDING OFFICER. It would.

Mr. BYRNES. Under the rule, at the conclusion of the consideration of the appropriation bill a motion would be in order to consider the bill now under consideration?

The PRESIDING OFFICER. The motion would be in order to consider the antilynching bill or any other bill.

Mr. BARKLEY. And that motion would be debatable and subject to the same tactics of delay that have been invoked during the last several weeks with respect to the bill itself?

The PRESIDING OFFICER. It would be debatable; yes.

Mr. BANKHEAD. I ask the able leader of the majority what he means when he says the same tactics would be used?

Mr. BYRNES. Does not the Senator from Kentucky mean the delay which the Senator from Kentucky is now resorting to against the appropriation bills?

Mr. BARKLEY. May I ask the Senator to repeat his question? I did not hear his question.

Mr. BYRNES. The Senator from Alabama [Mr. BANKHEAD] wanted to know what kind of delay the Senator from Kentucky referred to.

Mr. BARKLEY. I referred to the same sort of delay that has been practiced in regard to the consideration of this bill.

Mr. BYRNES. Mr. President, I stated in addressing the Chair that I was satisfied it was the same kind of delay the Senator is now resorting to against the consideration of appropriation bills.

Mr. BARKLEY. No, I am not resorting to any delay against appropriation bills. I am going to make a statement with respect to my attitude on this motion in a few minutes, and I do not propose to do it with the view of influencing anyone's vote. So far as I am concerned, I do not care how the Members of the Senate vote on this question. I know how I am going to vote, and I know the reasons which actuate me in casting that vote. But we all know that we are in the midst of a filibuster. There is no question about that. There is no denial of it. No one denies it or apologizes for it. Those who have engaged in it have a perfect right to do it, and from me there has been no criticism of that course. They had a perfect right to pursue that course.

Inasmuch as the Senator asked me what I meant by "the same sort of tactics," I will say that I mean exactly what I said, that the filibuster has been invoked; it has been in existence for nearly a month, and the point of order on which I requested enlightenment was whether a motion, as suggested by the Senator from South Carolina, to take up the bill again if it is now displaced, would be subject to the same sort of procedure that has been carried on with respect to the bill itself.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield if I have the floor.

Mr. CONNALLY. Does the the Senator from Kentucky regard the address made this morning by the Senator from Idaho [Mr. BORAH] as part of the filibuster?

Mr. BARKLEY. No, I do not. The Senator from Idaho is opposed to filibusters, and always has been, and the time he has occupied has been occupied with legitimate debate on the merits of the proposition. That cannot be said with respect to all the time that has been occupied.

Mr. GLASS. Mr. President, I ask the Senator from Kentucky if he thinks the proposal made by me to proceed with the consideration of appropriation bills is a part of the filibuster?

Mr. BARKLEY. I do not, I will say to the Senator frankly. I would not even intimate that the Senator from Virginia would be a party to a filibuster. So far as I know, he never has been, and I do not regard his motion as a part of any such plan; and I will say to the Senator frankly that if his motion should carry it would end the filibuster which has been in progress here for nearly a month. I do not at this moment desire to make the statement I had planned to make with respect to the pending motion, if any other Senator desires to discuss it. I might as well, though, while I have the floor, make the statement I intended to make.

A week ago yesterday the Senate voted on the question whether it was willing to limit debate on the pending measure. The rules required a two-thirds vote in order to carry the motion for cloture. The motion did not receive a majority. With the unanimous aid of our distinguished opponents across the aisle, with one exception, it received 37 votes, I believe, to 51 votes against it. Although a majority of the Members on this side voted to limit debate, the motion received only one vote on the other side. Whether, if all of those on the other side had voted for the motion, it would have been possible to obtain the necessary two-thirds, I am not in a position to say. If that motion had been agreed to, and if cloture had been adopted, under the rule 96 hours of debate would still have been available on this bill; 96 hours of debate, spread out over a period of days at the rate of 6 hours a day, would have meant 16 days of debate yet remaining on this measure; and, with all the delays, overlappings, and loss of time which usually occur with respect to the sessions of the Senate, it probably would have meant that for another month, even if cloture had been adopted, we would have been debating this measure before it could have been brought to a vote.

I do not mean to intimate that every Member of the Senate would have exercised his right to speak for an hour on the bill if the motion for cloture had been adopted, but under the motion for cloture, and under the rules, every Senator would have had a right to speak for an hour on the bill or any amendment to it; so that 96 hours could have been consumed, which would have delayed the matter for another month.

The motion for cloture did not receive a majority. At the time the vote was announced I stated that if a vote could not be obtained, and if the filibuster—which has been acknowledged as being in progress—were to continue, in the near future the Senate would be called upon to decide how much longer it would be willing to consider this matter before taking up other business for consideration and displacing the bill that is now the pending and unfinished business.

I do not know how long the Senate will be willing to stay in session in the futile debate which has been in progress on this measure. As I have said here repeatedly, I regard it as my duty to try to bring to a vote every bill which is favorably reported to the Senate by a responsible committee. If that is not a part of my duty, then I do not know what my duty is. I have been attempting to bring about that result in the performance of my duty. I am not willing that this whole session shall be wasted or consumed in a futile effort to bring this bill to a vote. Whenever the Senate makes up its mind that it will not limit debate and that it will not bring this bill to a vote, I myself shall be ready to vote to displace it with some other legislation. I do not think that hour has yet been reached. I do not think this motion ought to carry today, and for that reason I shall not vote for it.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. GLASS. Does the Senator think important appropriation bills are not a part of business of the Senate?

Mr. BARKLEY. The Senator and I do not disagree about that. The regular appropriation bills are, of course, important business of the Senate; but the appropriation bills now pending are for the fiscal year 1939, and the appropriations to be made thereunder will not be available until July 1, 1938.

Mr. GLASS. Do not some of the bills contain provisions making appropriations immediately available?

Mr. BARKLEY. Every appropriation bill now on the calendar can be disposed of by the Senate in a week.

Mr. GLASS. I doubt whether the one we are discussing will be disposed of in a week.

Mr. BARKLEY. If not, its consideration will take longer than the consideration of the average appropriation bill takes on the floor of the Senate.

I have conferred with the proponents as well as the opponents of the pending measure. It has been my purpose, and is my purpose, within the next few days, to confer with those who are urging this legislation as well as with the opponents of the legislation to see if we can take stock of the situation and arrive at a conclusion as to how much longer the Senate wishes to consider the bill, and when it will be appropriate for any Senator to make a motion to displace it in favor of the consideration of some other bill. Until I have had such an opportunity, I do not propose to vote for the motion of the Senator from Virginia to take up the appropriation bill.

Mr. GLASS. Mr. President, do the proponents of the pending bill have to go to New York to find out whether we may proceed with the appropriation bill?

Mr. BARKLEY. I am not one of the proponents, and I do not know of any proponent who has gone to New York to find out how he shall vote or how much longer the Senate shall consider the bill.

Mr. GLASS. Delegations have come here from New York.

Mr. BARKLEY. Every Senator acts upon his own individual responsibility. If a Senator wants to go to New York, to Virginia, to Puerto Rico, or to California to find out how he shall vote, it is none of my business, and I do not propose to inquire into it.

Mr. President, the Senate will not be in session tomorrow. It will be in session Monday and Tuesday. On Wednesday we propose to take up the farm bill conference report, which I understand is to be acted upon in the House on Tuesday. It seems to me that after the disposition of the farm bill it will be the appropriate time to consider whether we are ready to lay the pending measure permanently aside—which would be the effect of this motion—and take up some other legislation.

I have expressed to the Senate my views with respect to the orderly procedure. For that reason I shall not vote for the pending motion; but I do not commit myself as to how I shall vote at any time in the future when a motion is made to take up some other legislation. I shall be governed by the situation which may exist at that time. I do not think this motion ought to be adopted today.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I rise to take up only about 2 minutes of the time of the Senate.

All sorts of arguments are utilized from time to time to carry some point. The word "filibuster" is hurled about the Senate Chamber as though it connoted some form of impropriety or some sort of legislative odium. So far as a filibuster is concerned, it seems to me that it is all in the point of view. If one Senator is for a bill and another against it, the one who is against it is a filibusterer. If he is for it, there is no filibuster.

Today the filibuster is against taking up the independent offices appropriation bill. Every Senator, I think, is convinced in his own mind that the business of the session ought to be transacted. To some minds, the business of the session consists of only one bill on the calendar. Others are determined that that one bill shall not pass. I am speaking not only for myself but also for a large number of similarly minded Senators. Some Senators who are bitterly opposed to the bill have not as yet spoken on the measure.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. They might have had an opportunity to speak if some of those who have spoken had not consumed so much time. I do not say that in criticism; but certainly the Senator from Texas cannot blame any Senator who favors the bill for delaying a vote on it or talking upon it.

Mr. CONNALLY. Let me say, Mr. President, that the United States Senate is a free forum. It is the only one left today on this earth of ours. I am amazed to hear the leader of the majority party complain that Senators in discussing this bill have not made speeches to suit his own pattern or have not made them short enough to suit him.

Mr. BARKLEY. I am not complaining. The Senator from Texas was complaining because some of his colleagues have not as yet had an opportunity to speak.

Mr. CONNALLY. They probably will have an opportunity.

Mr. BARKLEY. I certainly shall not object to their speaking. I should like to hear them. I am impatient to hear all the arguments on both sides of this question. For that reason I have not favored, and never have favored, a filibuster.

Mr. CONNALLY. Mr. President, let us see who is in favor of the filibuster. The motion under consideration was made by the Senator from Virginia [Mr. GLASS]. He was selected chairman of the Appropriations Committee, not by any group, but by the Senate. He is here asking the Senate to take up the business of the administration, and to carry forward the program of the President. The reorganization bill is here awaiting attention. It has been here for a month. The appropriation bills are not the only measures ready for consideration.

I resent the slurring and scornful talk about a filibuster. We have a right to speak in this Chamber; and when we cease to have the right to speak here our sentiments and the sentiments of those whom we represent, free government, as expressed by the Senator from Idaho [Mr. BORAH], will begin to deteriorate and be destroyed.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BARKLEY. I wanted to ask the Senator from Virginia [Mr. GLASS] a question, but he has stepped out of the Chamber. Perhaps the Senator from Texas can answer it.

Mr. CONNALLY. I doubt whether I can.

Mr. BARKLEY. I stated a while ago that the appropriation bills do not become effective until the 1st of July. The Senator from Virginia [Mr. GLASS] suggested that some of them might carry items making money available before that date. Can the Senator from Texas tell me whether the independent offices appropriation bill contains any such items?

Mr. CONNALLY. I cannot.

Mr. BARKLEY. If so, what are they?

Mr. CONNALLY. I think one or two of the deficiency appropriation bills contain such appropriations.

Mr. BARKLEY. The motion now is to take up the independent offices bill.

Mr. CONNALLY. That is true.

Mr. BARKLEY. I do not know whether or not it contains any emergency appropriations.

Mr. CONNALLY. I do not know about that.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BYRNES. At the moment I do not recall any particular item under which money becomes immediately available. I know, however, that in the naval appropriation bill, with the handling of which I am charged, there are a number of items with respect to which funds are made immediately available. I could not answer as to the others.

Mr. BARKLEY. The motion is not to take up the naval bill, but the independent offices bill.

Mr. BYRNES. As I stated, I am unable to answer as to it.

Mr. BARKLEY. There may be some item in the independent offices bill which ought to be adopted today or tomorrow, but I do not know of such an item. Unless there is such an item which will take effect in the fiscal year 1937-38, the money provided in that bill will not be available until July 1.

Mr. BYRNES. I may say, Mr. President, even as I open the bill, I happen to open it at page 51, under the heading

"Pensions, Veterans' Administration," and find that the sum of $410,000,000 is made immediately available for the payment of pensions.

Mr. CONNALLY. Mr. President, whether or not this particular appropriation bill carries emergency appropriations, if it is acted upon and gotten out of the way, the ones that do carry such appropriations will come before the Senate that much earlier.

Mr. BARKLEY. Would it not be more orderly first to bring up those that have emergency appropriations?

Mr. CONNALLY. If the Senator from Kentucky will make such a motion, he can pick his own bill; he can make a motion to take it up. He is the leader.

Mr. BARKLEY. Whether I make a motion or not, I am not making it today, and I am not voting for it today. What I will do in the future will depend upon circumstances as they drag themselves along leisurely in the body of which we are both Members, but if I do make a motion of that sort at any time—and I am not saying that I will or will not—I will undertake to make a motion that pertains to the most important and the most emergent bill that could be considered by the Senate.

Mr. CONNALLY. Will the Senator indicate—he asked me a question—what is that bill?

Mr. BARKLEY. I am not ready to answer. I said this was a day-to-day proposition, or a month-to-month proposition, as it seems to have been, and it may turn out to be a year-to-year proposition.

Mr. CONNALLY. I will be very glad to follow the Senator from Kentucky when he makes the motion to take up the most emergent matter.

Mr. BARKLEY. I am always glad to have the Senator from Texas follow me, and I am always glad to follow him.

Mr. CONNALLY. I wish the Senator from Kentucky would show some inclination to follow the Senator from Texas.

Mr. BARKLEY. I would be delighted to have the Senator's inclination along the same line, I will say to him.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McKELLAR. The Senator from Kentucky asked what appropriations in the independent offices bill were made immediately available. I find on page 51 of the bill that $410,000,000 appropriated for the payment of pensions to the old soldiers is made immediately available.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BYRNES. May I say that in the very next paragraph this bill carries an appropriation for adjusted-service and dependent pay of veterans in the sum of $250,000, to be immediately available and to remain available until expended.

Mr. BARKLEY. Mr. President, of course, the Senator knows that all the old soldiers will be paid just as regularly as they have been paid, whether this bill passes today or whether it passes week after next. The old soldiers and the veterans will all be paid, and later on a deficiency bill, if necessary, will be brought in to make up any deficiency. There is no trouble about the old soldiers. They are all going to be paid; Uncle Sam is not going to neglect his ex-service men.

Mr. McKELLAR. They cannot be paid unless the money provided in this bill is appropriated.

Mr. BARKLEY. That is what deficiency bills are here for, to appropriate money that has already been paid to somebody.

Mr. McKELLAR. This is not a deficiency bill.

Mr. BYRNES. Mr. President, will the Senator from Texas yield for a question?

Mr. CONNALLY. I yield for a question.

Mr. BYRNES. The Senator from Kentucky calls the soldiers of the World War "old soldiers."

Mr. BARKLEY. No; I was talking of old pensioners, which is the item mentioned by the Senator from Tennessee, involving some $400,000,000, he said. But the item mentioned by the Senator from South Carolina is only $250,000, and I know the Senator from South Carolina is too good a financier to confuse $400,000,000 with $250,000.

Mr. BYRNES. That may be true, but when $250,000 should be paid to men who need their adjusted pay and have not received it, they do not confuse four hundred million with $250,000. They know that they are entitled to their compensation and that it will not be paid promptly if the appropriation bill is not passed which makes the amount immediately available.

Mr. BARKLEY. The Senator from South Carolina is not the slightest confused about the situation, either with respect to the payment of the old soldiers or the young soldiers.

Mr. BYRNES. The Senator from South Carolina, however, knows that it would be paid much quicker if the Senator from Kentucky would be good enough to join in setting aside the pending measure and passing the appropriation bills.

Mr. GLASS. If he would join setting aside a measure that is absolutely futile. The Senator from Kentucky has talked about futile debate, in which I have not engaged, but no debate that has been had here is as futile as is the pending bill. Everyone who listened to the address of the distinguished Senator from Idaho this morning knows that the measure is utterly unconstitutional, and would be so declared, and yet we have wasted nearly a month of the time of the Senate in discussing an infernal, unconstitutional bill. [Laughter.]

SEVERAL SENATORS. Vote!

Mr. WAGNER. Mr. President, I merely wish to make a brief statement, not in answer to the characterization of the bill by the Senator from Virginia, for I know his views; he has expressed them time and time again; but he said he was anxious to find out who is obstructing the business of the Senate.

Mr. GLASS. I have already found out; the Senator is doing so. [Laughter on the floor and in the galleries.]

Mr. LEWIS. Mr. President, I am compelled to make a point of order and to request the Chair to inform the occupants of the galleries that, under the rules of the Senate, demonstrations may not occur without great disturbance to the debate and to questions and answers here on the floor of the Senate.

Mr. WAGNER. Mr. President, I would not raise any question as to that.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. WAGNER. I yield.

Mr. BARKLEY. Mr. President, the galleries have been filled for weeks and weeks. The proceedings have been dull; they have been prosaic; they have been more or less uninteresting. None of those who have frequented the galleries for weeks have had really any entertainment worthy of their trouble in coming here. Now that the occupants of the galleries have a chance to enjoy the Senate, why not let them do it? [Laughter.]

Mr. WAGNER. I am not objecting, any more than I am objecting to any statement that the Senator from Virginia may make; I know such statements make him happy; I want him always to be happy; and when what he says is critical, it does not particularly concern me. I merely wish to say——

Mr. LEWIS. Mr. President, I should like to interrupt for a moment to say that the able leader from Kentucky would leave the intimation, I fear, that the enjoyment of the galleries is caused by the fact that the proceedings in the Senate have rapidly been transformed into a motion-picture performance.

Mr. WAGNER. Speaking seriously, Mr. President, we have not obstructed the business of the Senate. This bill is here as the result of a unanimous-consent agreement; it is here for the consideration of the Senate, and its proponents have been ready and are ready now to vote upon the question. How can anyone charge the proponents of this bill with obstruction when they are prepared to accept the verdict of the Senate at this moment upon the final passage of the bill or upon the consideration of any amendment to it?

I wish to say a further word. The carrying of the pending motion will end the antilynching bill for this session. The Senate knows how difficult it is to make a successful motion to bring up such measures for the consideration of the Senate. Neither I nor my colleagues will ever have another opportunity, I am sure, if this motion shall be carried, again to bring this bill before the Senate for consideration. So those who vote in favor of the motion—let there be no misunderstanding about it—have decided to terminate this matter and that the antilynching bill shall have no further consideration by the Senate.

Mr. GLASS. Mr. President, the Senator from New York has just confirmed what I said a while ago, that he is filibustering now against the appropriation bill in order that this futile bill which he has been advocating may be acted on; and it is not going to be acted on.

Mr. WAGNER. It is not going to be acted on?

Mr. GLASS. No; it is not going to be acted on.

Mr. WAGNER. Then, who is making the threat of a filibuster?

Mr. GLASS. The Senator is doing the filibustering; he is not only making the threat but he is doing it.

Mr. WAGNER. Let us have a vote upon the measure now.

Mr. GLASS. I propose to present a measure which is strictly a business matter; one which will never be decided to be unconstitutional; but the Senator insists upon keeping before the Senate this wretched bill, of which he is the proponent.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia [Mr. GLASS] that the Senate proceed to the consideration of House bill 8837.

Mr. McNARY and other Senators asked for the yeas and nays.

The yeas and nays were ordered.

Mr. AUSTIN. Mr. President, I should like to have the parliamentary situation stated as to the vote. As I understand, a vote "yea" will be a vote to set aside the pending bill?

The PRESIDING OFFICER. The Senator from Vermont submits a parliamentary inquiry as to the effect of votes "yea" and "nay." The Chair will state that a vote "aye" is in favor of the motion of the Senator from Virginia to make House bill 8837 the order of business. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] is absent because of illness.

My colleague [Mr. DIETERICH] and the Senator from South Dakota [Mr. HITCHCOCK] are detained on public business.

The Senator from Nevada [Mr. McCARRAN] is detained on official business.

The Senator from Wisconsin [Mr. DUFFY] and the Senator from New Mexico [Mr. HATCH] are detained on important departmental matters.

I am authorized to say that each of these Senators, if present and voting, would vote "nay" on this motion.

The result was announced—yeas 34, nays 52, as follows:

YEAS—34

Andrews	Caraway	Herring	Pittman
Bailey	Connally	Hill	Pope
Bankhead	Ellender	King	Reynolds
Berry	Frazier	McKellar	Russell
Bilbo	George	Miller	Sheppard
Borah	Glass	Norris	Smith
Burke	Hale	O'Mahoney	Wheeler
Byrd	Harrison	Overton	
Byrnes	Hayden	Pepper	

NAYS—52

Adams	Davis	Lodge	Radcliffe
Ashurst	Donahey	Logan	Schwartz
Austin	Gerry	Lonergan	Schwellenbach
Barkley	Gibson	Lundeen	Smathers
Bone	Gillette	McAdoo	Thomas, Okla.
Brown, Mich.	Guffey	McGill	Thomas, Utah
Brown, N. H.	Holt	McNary	Townsend
Bulkley	Hughes	Maloney	Truman
Bulow	Johnson, Calif.	Milton	Tydings
Capper	Johnson, Colo.	Minton	Vandenberg
Chavez	La Follette	Murray	Van Nuys
Clark	Lee	Neely	Wagner
Copeland	Lewis	Nye	Walsh

NOT VOTING—9

Bridges	Green	Hitchcock	Shipstead
Dieterich	Hatch	McCarran	White
Duffy			

So the motion of Mr. GLASS was rejected.

MESSAGE FROM THE HOUSE—RETURN OF A BILL

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, requested that the Senate return to the House of Representatives the engrossed bill (S. 2194) to provide for the semiannual inspection of all motor vehicles in the District of Columbia, together with the House engrossed amendments thereto.

Mr. KING. Mr. President, as chairman of the Committee on the District of Columbia, from which committee the bill came, I have no objection to the request of the House being granted, and I move that it be granted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The PRESIDING OFFICER. The bill, together with the engrossed amendments, will be returned to the House of Representatives, in compliance with its request.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment, as modified, of the Senator from Illinois [Mr. LEWIS].

Mr. PEPPER. Mr. President, with the permission of the Senate, I desire to withdraw the amendment which I previously tendered to take the place of the pending amendment of the Senator from Illinois [Mr. LEWIS], and offer in its stead the following amendment:

Instead of the words in lines 11, 12, and 13, "between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers", insert "except when such violence is commanded or required by the law of the State in which such violence occurs."

The PRESIDING OFFICER. The Chair will ask the Senator from Florida to send the amendment to the desk, so that it may be stated by the clerk.

In lieu of the amendment formerly offered by him, the Senator from Florida offers an amendment, which will be stated.

Mr. KING. I ask for recognition after the amendment is stated, Mr. President.

The CHIEF CLERK. On page 7, line 11, before the word "between", it is proposed to insert "except when such violence is commanded or required by the law of the State in which such violence occurs."

Mr. LEWIS. Mr. President, may I ask the Senator from Florida whether he tenders this amendment as a substitute for the one tendered by myself or as an amendment to my amendment?

The PRESIDING OFFICER. The Chair understands it to be a perfecting amendment to the amendment of the Senator from Illinois.

Mr. KING. Mr. President, on Wednesday, the 2d instant, I addressed the Senate concerning conditions in the Orient, and particularly the military operations of Japan in China. I referred to various treaties which Japan had entered into with other nations, among them the Nine Power Treaty, the Kellogg-Briand Pact, the Versailles Treaty, and the obligations imposed by those treaties upon Japan as well as other signatories to the same. I submitted facts showing that Japan was engaged in military operations in China for the purpose of overwhelming the Chinese Government and establishing control over large portions of China if not the entire territory of China. The hour of adjournment arrived before I had concluded my remarks. On Thursday, February 3, I was entitled to the floor, but at the request of the Senator from New York [Mr. WAGNER] I yielded for him to address the

Senate. At the conclusion of his remarks I resumed discussion of conditions in the Orient, and particularly Japan's violation of treaties and the steps taken by various governments to secure from Japan her adherence to treaties affecting China which Japan had violated, and is now violating. Upon the convening of the Senate today I obtained unanimous consent to yield to the Senator from Idaho [Mr. BORAH], and he has just concluded his important and able address conclusively demonstrating the unconstitutionality of the pending measure.

The Senator from Florida has just offered an amendment to the same, which I shall discuss later, but it is my purpose to further consider Japan's invasion of China, and the efforts made by various governments to terminate hostilities in China, and secure Japan's adherence to treaties to which she is a party. However, before proceeding to a discussion of these questions I desire to briefly refer to a number of matters growing out of the proceedings of this day.

I have heretofore announced my opposition to the pending bill, believing it to be in violation of the Constitution of the United States. I know that there is a growing disposition, not only in executive departments but in the legislative branch of the Government, to strengthen the power of the Federal Government and to interfere with the rights of the States. Measures are supported and policies advocated that are inconsistent with our form of government, and which, at the expense of the States and individual rights, magnify the Federal Government.

The concept of a dual form of government adopted by the founders of this Republic has been regarded as one of the greatest achievements in the field of governmental and political development. It was an important contribution to the science of government. Under the system established by the fathers, the States and the inhabitants within the States have enjoyed democratic government and peace and prosperity. The inhabitants of the various States have increased in wealth and the resources of the various States have been developed, and the Federal Government, by virtue of strong and independent units, has grown in influence until the world recognizes this Republic as the greatest and most important Government in the world.

Socialism has undermined the foundations of other governments, and centripetal forces have been developed which are concentrating political authority, and, indeed, economic power, of arbitrary and autocratic governments. As has been frequently said, we have a government of indestructible States, and the Federal Government has only limited authority, and it must find in the Constitution under which it exists, and by which it was created, authority for whatever powers it may attempt to exercise; but that principle is being honored more by its breach than by its observance. In other words executive departments and bureaucratic agencies are reaching out for more power in political, economic, and industrial fields. There seems to be a movement to establish a Hegelian system of government—a system under which power is centralized at the expense of the people and of local self-government. Because of the depression many of the people have forgotten the fine qualities of those who laid the foundations of this Republic and who built up cities, counties, and States, and carried the frontiers of the Republic from the Atlantic to the Pacific coast. There are many who apparently are willing to abandon the philosophy which shaped this Republic and to accept foreign views expounded by advocates of totalitarian states. As stated, there are some who are drawn into the philosophy of Hegel, and that upon which socialism and fascism rests. Many Americans join in the exaltation of the Federal Government and of political and governmental authority and apparently seem desirous of surrendering their independence and personal prerogatives.

Without being critical, I have stated upon some occasions that not only officials in executive departments but Senators fail to defend the rights of the States and of local self-government and seem to be carried away by the sweeping tide of an increasingly triumphant nationalism.

Mr. President, I make no apologies for opposing measures which I regard as unconstitutional, even though that opposition may involve a demand for full consideration of measures and a discussion of the consequences which largely result from their approval. Senators are representatives of sovereign States. In a sense they are ambassadors of sovereign governments and have the right—and it is their duty—to protest against policies and measures which impinge upon the rights of their States and to resort to every honorable means to defeat measures which tend to undermine our form of government. In my opinion, Senators would fail in their duty to their States and to their country if they did not vigorously and aggressively oppose measures which strike at our dual form of government and tend to centralize unauthorized power in the Federal Government and in its bureaucratic organizations.

Under our form of government the smallest State is the equal of the largest and most populous State in the Senate of the United States. The Constitution would not have been adopted if representation in the Senate had been based upon population. The independent and sovereign States refused to assent to any provision that would not give them equal representation in the Upper Chamber. They rested their case upon the proposition that each State was sovereign, was independent, and hence each State was willing to grant a limited amount of its power to the Federal Government. It was not intended that the organization which they created—to wit, the Federal Government—should have unlimited authority. They insisted that there should be one branch of the legislative body which should place the States upon an equality.

Senators, as I have stated—and I emphasize the statement—are ambassadors of sovereign States, and it is their right and duty as ambassadors to defend their States and our form of government, and to oppose every measure which tends to weaken the foundations of sovereign States. There are too many iconoclasts not only in other lands but in our own country; too many persons who would batter down the noble structure erected by our fathers. There are some Americans who regard with no little favor the Governments of Russia and Germany and Italy, wherein vast powers are concentrated in the hands of executive authority. They decry our dual form of government and deliver many panegyrics in behalf of governments where almost absolute power is exercised by one or more individuals. Absolutism unfortunately is not dead but is moving aggressively to conquer and to rule in many parts of the world. Patriotic Americans must resist every movement that seeks to aggrandize the Federal Government and the strengthening of executive and bureaucratic forces in our country.

Mr. President, I make no apology in opposing this measure or any measure that I regard as a violation of the Constitution and an assault upon the integrity of the States. In my opinion, this so-called antilynching bill is a challenge to the police powers of the States; it is a declaration that the Federal Government may enter every State and control its internal affairs and interfere with its police powers. If this bill may be sustained, then the Federal Government may assert jurisdiction over all matters recognized from the beginning as within the police power of the States. Every assault, every battery, every homicide, every criminal offense committed in the States would be brought within the jurisdiction and authority of the Federal Government. The Supreme Court of the United States in the Cruickshank case referred to the constructions sought to be placed—by some who do not understand our form of government—upon the fourteenth amendment, as an attempt to "degrade the States." Believing as I do that this bill is an attempt to "degrade" the States, to weaken our form of government, to increase the power of the Federal Government illegally and unconstitutionally, I feel constrained to do all that I can in a proper way to prevent its being enacted into law.

The Senator from New York has indirectly criticized those who oppose the bill and has demanded a vote. He asserts that a majority of the Members of the Senate will vote for the bill. As to that I do not know. I do know that the bill is a vicious, an indefensible assault upon our form of government. I do know that majorities are not

always right. I do know that the test of whether a government is liberal and is democratic is whether the rights of minorities are protected. I do know that the popularity of a measure does not determine its validity, its morality, or its virtue. Unanimity never determines the righteousness of a cause. Fortunately for the world, there have been, from time to time, persons who resisted the clamors of the crowd and sacrificed themselves in defense of truth and of principles and policies the maintenance of which is essential to justice and the cause of civilization. The Senator complains about there being opposition which he characterizes as a filibuster. Mr. President, there are occasions when filibusters are not only justified but demanded.

I participated in a filibuster under the administration of President Wilson. As will be remembered, he returned from Paris and presented to the country and to Congress the Covenant of the League of Nations. The Versailles Treaty had not been completed, and the President was required to return to Paris. It was uncertain as to when the President would be able to return to the United States. A number of Senators believed that there were upon the statutes a number of measures which had been enacted during the war and which, having served their purpose, should be repealed. I was among the number that believed that there should be a special session of Congress called for the purpose of repealing various laws and dealing with pressing post-war problems. The President was overwhelmed with work and the heavy responsibilities resting upon him. Not receiving any indication as to whether a special session would be called for the purpose of dealing with post-war problems, some of which were pressing for consideration, a number of Senators, led by the then senior Senator from Wisconsin, Robert M. La Follette, Sr., cooperated for the purpose of creating a condition that would compel an extra session. To that end we opposed the appropriation bills carrying hundreds of thousands of dollars for the Army and for the Navy.

Congress was to adjourn on the 3rd of March, and unless an extra session were called, Congress would not convene until the following December. Opposition to the appropriation bills mentioned continued. Some Senators charged that the opposition amounted to a filibuster. Be that as it may, an adjournment was had and there were no appropriations made for the Army and for the Navy for the coming fiscal year. I believed that so-called filibuster was warranted. A special session was called early in the spring of 1919, and some of the war measures were repealed, and laws dealing with problems resulting from the war received consideration.

We all recall the famous so-called filibuster against the Force bill. That measure was an inheritance from the days of the infamous reconstruction acts. Able Senators debated and denounced it, and continued their opposition until finally they triumphed, and the bill was defeated. Both the North and the South rejoiced over the defeat of that bill, a defeat which was only made possible by what was then called a filibuster.

Mr. President, I dislike situations which compel protracted opposition to proposed legislation. I regret that measures are from time to time proposed which possess such infirmities, injustices, and other imperfections as to warrant their defeat even though to accomplish that prolonged opposition is required.

I now return to a consideration of the matter I was discussing yesterday when I yielded to the Senator from New York [Mr. WAGNER]. I was discussing the Sino-Japanese situation, and Japan's violation of the Nine Power Treaty, the Four Power Treaty, the Kellogg-Briand Pact, and the Versailles Treaty. I had pointed out the course which Japan had pursued and was pursuing, in bombing cities and killing men, women, and children who were noncombatants in order to compel the Chinese Government and the Chinese people to submit to the control of their country by the Japanese Government.

The Senator from Idaho [Mr. POPE] asked at the close of the discussion yesterday whether I believed the ruthless, brutal course being pursued by Japan in China was for the purpose of creating a spirit of fear and terror among the Chinese people so that they would not be able longer to resist the invasion of the military forces of the powerful aggressive Government of Japan. I replied, in substance, that the evidence showed conclusively that terroristic practices were employed by Japan, that the Advisory Committee of the League of Nations had stated, after an investigation, that the course pursued was one of terrorism, and that Japan's purpose was to break the will of the Chinese people. Indeed, Mr. Hirota, the Japanese leader, stated that Japan must break the will of the Chinese people, and continue hostilities until the will of China was broken and there was submission by the Chinese to the policies and demands of the Japanese Government.

Mr. President, one of the ablest correspondents in China is William Henry Chamberlin, whom I have known for many years. When I was in Russia in 1923 I met him in Moscow. He has written a book about conditions in Russia which I think is accepted by all familiar with that country as a very fair exposition of the ideology of the Marxian philosophy and of the conditions which prevail in Russia. I met him when I was in Shanghai, China, 2 years ago. I learned from him about conditions in China and in Japan; and since then I have seen articles which he has written descriptive of the situation there, which, in my opinion, support the views which I expressed yesterday.

In the October 1937 issue of Current History is an article by Mr. Chamberlin, entitled "Asia's Irrepressible Conflict," from which I shall quote a few paragraphs:

> * * * 1933 witnessed the incorporation into the new Japanese-protected state of Manchukuo of Jehol, with its rich coal mines and its strategic mountain passes leading into the north China plains. At the same time, under the provisions of the Tangku Truce, a demilitarized zone, where China was not permitted to maintain any troops, was created between Manchukuo and north China * * *.

He further stated that—

> * * * the process of nibbling away at north China was resumed with vigor in 1935. Threats, accompanied by suggestive troop concentrations on the border of Manchukuo, were sufficient to bring about the evacuation of the troops of the Northeastern Army which had been stationed in north China * * *.

He refers to the so-called Ho-Umezu agreement, which laid down the rule that central government troops should not move north of a certain line, and that with the removal of the central government troops Japanese pressure for the creation of some kind of autonomous status for north China was redoubled. Toward the end of 1935 the Hopei-Chahar council, headed by Gen. Sung Che-yuan came into existence. Japan regarded this body as a semi-independent regime for the Peiping-Tientsin area; the Nanking Government, on the contrary, insisted that it was merely a local administrative body, subordinated to the central authority. Pressed in this way by two sides, the council dragged on a troubled existence until its regime was definitely overthrown as a result of the Japanese military offensive in July.

The writer then refers to the forces coming from Manchukuo driving out the Chinese forces and thus creating another enclave where Japanese military influence was predominant. He says:

> * * * The process of penetration went further in 1936. In the spring of that year Japanese forces took the very significant step of substantially increasing the garrison which, along with other powers, it is permitted to maintain in the Peiping-Tientsin region under the terms of the Boxer protocol.* * * The strength of the Japanese force was brought up to eight or ten thousand men, outnumbering all other foreign troops put together, and increasing the pressure which could be brought to bear on the Hopei-Chahar council * * *.

Mr. Chamberlin refers to the fact that a broad wedge had thus been driven into Chinese administrative sovereignty in the Peiping-Tientsin region even before the recent hostilities commenced.

I submit, Mr. President, that the article referred to—and I wish Senators would read it—furnishes conclusive evidence

of the purpose of Japan to control the entire territory of China.

Though the telegram I am about to read may not be germane to the point now under discussion, it does indicate the cordial relations between our Government and the Chinese Government. I read from the press release of the State Department on October 16, 1937, as follows:

THE WHITE HOUSE,
October 10, 1937.

It is addressed to:

His Excellency LIN SEN,
Chairman of the National Government
of the Republic of China, Nanking, China:

My fellow countrymen join with me in extending to Your Excellency and to the people of China sincere felicitations on this national anniversary.

FRANKLIN D. ROOSEVELT.

As indicated I read the telegram merely for the purpose of indicating the cordial relations existing between our Government and the Government of China at the time the telegram was sent, and I might add that the same friendly relations, so far as I am aware, exist today.

I have brought to the attention of the Senate, in the course of my discussion of conditions in the Orient, the terms of the Nine Power Treaty to which the United States, Japan, China, and other nations were parties, and the solemn covenant therein that the sovereignty, independence, territorial and administrative integrity of China would be respected, and to the further agreement of the contracting parties that they would refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of a friendly state, and from countenancing action inimical to the security of such states.

The treaty also contains provisions for the adjustment of any controversies that might arise between the signatories. One of the provisions of the treaty declares that:

* * * whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present treaty, and renders desirable discussion of such application, there shall be full and frank communication between the contracting powers concerned.

A situation has existed in China for some time, and has now reached an acute form which involves the application of stipulations of the treaty, and certainly renders desirable discussion by the contracting parties in order to adjust any differences that have arisen or may arise. Notwithstanding the solemn pledges made by Japan, she has invaded China, destroyed cities and towns, killed thousands of the inhabitants of China, and announces her purpose to prosecute a destructive and devastating war until China is conquered. She has refused to confer with the other parties to the treaty and has treated in a contemptuous manner the invitation extended by the Belgian Government to participate in a conference called for the purpose of adjusting any dispute between China and Japan. It is difficult to conceive of a more willful violation of treaty obligations and a more contemptuous disregard of the friendly efforts made by interested powers in order to adjust any possible difference and to prevent a continuance of hostilities. Japan has been and is defiant, perverse, and militant in the highest degree. She has increased her armies until they number hundreds of thousands of soldiers, and has strengthened her navy, in violation of treaty obligations. She is constructing capital ships and other war vessels in contravention, as I maintain, of the spirit of the Nine Power Treaty and other treaties entered into at the Washington Conference and other conferences, and for the purpose, apparently, of conducting further military operations in perhaps other fields and spheres of influence.

As I have stated, Belgium was a signatory to the Nine Power Treaty, and the Belgian Government, at the request of the United Kingdom, and with the approval of the American Government, called a conference for the purpose of considering the controversy between Japan and China. An invitation was extended to both Japan and China to attend the conference but Japan refused and still refuses to participate in the conference. China, upon the other hand, promptly accepted the invitation and appeared at the conference and signified her desire and willingness for the conference to examine and pass upon the issues involved.

It is obvious that Belgium was acting in the interest of peace and in conformity with the terms of the Nine Power Treaty and indeed within the spirit, if not the letter, of the Kellogg-Briand Pact, the Four Power Treaty, and the Versailles Treaty. The conference convened at Brussels on November 3, 1937. At the conference our Government was represented by Hon. Norman H. Davis, who was named as a delegate by the President of the United States. I have just referred to article VII of the Nine Power Treaty which provides—

* * * that if any situation arises which in the opinion of any one of the contracting powers involves the application of the stipulations of the treaty, and renders desirable discussion of such application, there shall be full and frank communication between the contracting powers concerned.

Under the terms of the treaty and particularly the article just referred to, either Belgium, Great Britain, or the United States or any other party to the treaty, had a right to call a conference for full and frank discussion relating to any situation involving the terms of the treaty. The United States not only had a right to attend the conference, but in view of the important part which our Government took in the Conference on the Limitation of Armament which, among other things, resulted in the Nine Power Treaty, it was its duty to be represented at such conference. The Senator from California [Mr. JOHNSON], in his address a day or two ago, referred to our delegate as "a peripatetic representative or Ambassador." May I say that Mr. Davis has performed notable service in behalf of our Government as the representative of the President of the United States, and of our Government, in a number of international conferences.

Mr. BONE. Mr. President, will the Senator yield to me for a question?

Mr. KING. I yield.

Mr. BONE. What authority does Norman Davis have to speak either for the President or for the Government of the United States in such affairs as the conference to which the Senator has referred? What authority is there for him to speak, and if he does speak with the voice of authority, how is the Senate of the United States or the House of Representatives to know what he is doing? Perhaps his services are notable, but how are we to know it? He may do something which would compel this body to declare war if he made a mistake of judgment.

Mr. KING. Mr. President, I do not fully agree with the statement of my friend. The United States is a party to numerous conferences, some of which are bilateral and others multilateral. Some of these treaties provide for conferences in the event of any dispute, or in the event that a situation arises which might be provocative of misunderstanding.

My recollection is that last year there were more than 60 international conferences to which the United States sent delegates. There is now a radio conference in session in Cairo, Egypt, and a distinguished Member of this body, the Senator from Maine [Mr. WHITE], appointed by the President of the United States, represents our Government. As I have indicated, there are conferences annually held in various parts of the world, including the United States, for the consideration of labor and agricultural questions, customs, public health and sanitation, marine, and other important matters affecting the relations of many nations and the welfare of the people in all countries.

As I have stated, many of these conferences are held pursuant to treaties which provide that the signatories to such treaties shall be represented at conferences that may be called. Congress has repeatedly made appropriations to pay the expenses of delegates appointed by the President of the United States to attend conferences dealing with a large number of questions directly or indirectly affecting the United States and other nations.

At some of the conferences treaties are formulated and doubtless signed by the representatives of our Government, but such treaties must be ratified by the Senate of the United States. We are familiar with the fact that treaties so negotiated have been rejected by the Senate.

A number of years ago reciprocity treaties with Canada were negotiated by persons named by the President of the United States, but the Senate declined to ratify the treaties, largely upon the ground, as I remember, that they were disadvantageous to the agricultural interests of the United States. President Wilson participated in the Versailles Treaty, which committed the United States as well as other nations to various lines of conduct, but the Senate refused to ratify that treaty. Not infrequently Presidents of the United States have appointed personal representatives to obtain information for them respecting foreign affairs and matters vital to the interest of our country. There are sources of information not always available to ambassadors or ministers—information which our Executive should possess in order to better guide him in policies relating to our country.

President Wilson's personal representative, Colonel House, was in Europe during the World War and before the United States entered the war. He obtained information concerning conditions in Germany and other countries which the President may have regarded as useful in shaping his course as Chief Executive of the Nation.

The Brussels Conference was called to deal with vital questions in the Orient—questions in which our Government is interested—and it was eminently proper; indeed, from my point of view, it was an obligation upon the part of our Government to have representatives at that conference. Mr. Davis, because of his experience, his knowledge of international questions, was preeminently qualified to represent the United States; and, speaking for myself, I am glad that the President named him.

Mr. BONE. Mr. President, will the Senator yield?

Mr. KING. In just a moment. At the Brussels Conference France and Great Britain were represented, as well as a number of other countries parties to the Nine Power Treaty. There were also several other countries represented.

Mr. BONE. The Senator from Utah has indicated that Mr. Davis speaks with the voice of authority as a diplomatic representative of the United States.

Mr. KING. I do not recall that I made that statement.

Mr. BONE. I understood the Senator to suggest that he was a sort of ambassador at large.

Mr. KING. I referred to the Senator from California [Mr. JOHNSON], who stated, as I remember, that Mr. Davis was our peripatetic ambassador at large. I did state that he was the representative of our Government at the Brussels Conference.

Mr. BONE. The suggestion of the Senator covers a wide range.

Mr. KING. I stated in substance that I saw no impropriety in the course pursued by President Roosevelt in appointing Mr. Davis as delegate to represent the United States at the Brussels Conference. Indeed, I stated that the United States being a party to the treaty, and in view of the provisions of the article of the Nine Power Treaty to which I referred, I regarded it as an obligation upon the part of our Government, when a situation arose necessitating a conference of the signatories to the treaty, to send a representative to participate in the conference. I mentioned that aside from treaties calling for conferences our Presidents had not infrequently sent to other countries persons in whom they had confidence to obtain facts and information concerning international plans in which our country was concerned.

Mr. BONE. When a man undertakes to speak with the voice of authority, representing this Government and its President abroad, as Colonel House did during the war—and I may say, parenthetically, that I do not think he made any contribution to peace——

Mr. KING. I hope we will not get into a discussion of Mr. House's activities.

Mr. BONE. I am quite willing to forego even the opportunity to discuss them. I find in the Constitution of the United States a provision that the President shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers, and consuls. I am at a loss to understand what authority there is anywhere in the law of the land for these "floating" ambassadors. We have heard a great deal of discussion here about respect and reverence for the law of the land. What authority is there anywhere for such a man to represent or to speak for this Government in so delicate a matter as war? A mistake of judgment might lead us into a course of conduct which would inevitably result in a declaration of war. We ought to have the right at least to vote on the man whose actions are under consideration. I think it is a very dangerous precedent to permit such things to go on, not because I object to the individual or challenge his judgment. I think the whole system under which that sort of thing is carried on is wrong. We have a State Department, whose duty it is to handle such matters.

Mr. KING. As I have stated, there is an obligation upon the part of the signatories to the Nine Power Treaty to confer frankly and freely when situations arise which may lead to disputes or conflicts. Our Government is interested in the terms of the treaty referred to, and, in my opinion, should, in every proper way, attempt to secure adherence to the treaty and to prevent military conflicts.

Under the administration of President Harding one of the most important international conferences was held. Senators will recall that the President, in July 1921, directed the Department of State to address an informal inquiry to a number of powers known as the principal allied and associated powers—which is Great Britain, France, Italy, and Japan—to ascertain whether it would be agreeable to take part in a conference on the subject of a limitation of armaments.

The invitation was also extended to Belgium, China, the Netherlands, and Portugal to participate in a discussion of Pacific and far-eastern questions. The invitations which were extended were accepted and the conference held. The President appointed commissioners or delegates, among them Judge Hughes, Senator Lodge, Senator Underwood, and Elihu Root. The President also appointed an advisory committee of 21 persons, among them being Mr. Justice Sutherland, Senator Fletcher, Samuel Gompers, and General Pershing. The Senate was not asked to confirm the appointment of these Commissioners or the advisory committee.

A naval conference was held a number of years ago at Geneva, as I recall, and the President of the United States appointed delegates to attend that conference. It is needless to say that the questions to be considered were of vital importance not only to the United States but to the world. The delegates appointed by the President were not confirmed by the Senate. Later another conference was held at London for the purpose of considering the limitation of the tonnage of naval vessels, particularly cruisers. Delegates to that conference were appointed by the President and the Senate was not asked to confirm their appointment.

As I have indicated, at the conferences referred to agreements might have been entered into and treaties formulated which imposed obligations upon our Government. However, such treaties would have been submitted to the Senate for its approval or disapproval.

Mr. VANDENBERG. Mr. President, will the Senator yield for a question?

Mr. KING. I yield.

Mr. VANDENBERG. The Senator from Washington [Mr. BONE] has raised the point that these "floating" ambassadors may, advertently or inadvertently, commit us beyond the power we may be willing to permit them to exercise. Does the Senator from Utah see any impropriety in Mr. Davis attending one of these conferences—to wit, the International Sugar Conference in London, and attaching to his signature a promise that during the life of the agreement the American Congress will not touch a single tariff

rate involved in the undertaking? Does the Senator think there is any impropriety in such action on the part of Mr. Davis?

Mr. KING. Mr. President, it would depend upon the authority he had.

Mr. VANDENBERG. Could he have authority to make a commitment of that sort in view of the constitutional rights of the Congress?

Mr. KING. If the President named Mr. Davis as his representative or the representative of the United States, to join in negotiating a treaty which was to be presented to the Senate for approval or rejection, and Mr. Davis joined in the formulation of a treaty which imposed obligations upon our Government, the Senate would have the power to reject the commitment or the treaty, or it could attach such reservations as it deemed proper. The Senator knows that all treaties to which our Government is party have not been ratified by the Senate and frequently reservations are attached to treaties which were ratified.

Mr. VANDENBERG. Of course the Senator is correct; and the Senate promptly removed the offending obligation which Mr. Davis had created.

Mr. KING. I agree that the Senate was within its right in so doing.

Mr. VANDENBERG. But does not the point raised by the Senator from Washington [Mr. BONE] still remain? This happened to be a situation that did come back to the Senate for attention. We were in a position to rectify the error. But if "floating" ambassadors are to be loose in the world, without any responsibility to the Senate, some day we may not be able to catch up with them.

Mr. KING. Mr. President, I think the Senator from Washington [Mr. BONE] and my friend from Michigan [Mr. VANDENBERG] are attaching too much importance to what they denominate the work of "floating" ambassadors. I come back again to the proposition which I suggested for which there are precedents, to some of which I have invited attention. During the past few years, because of the disturbed economic and political conditions which have existed, it has been highly important, indeed vitally necessary, that our Government have as full and accurate information as possible concerning such conditions and the trends and currents therein. Such information is not always obtainable through diplomatic channels, that is, by means of our ambassadors and ministers. We all know that a number of powers interested in the Orient would be glad to know what Japan's naval policy is, what war vessels she is building, and the character and tonnage of the same. In order that our Government be fully apprised of situations and conditions in various countries persons in whom the President had confidence have occasionally been named by him as his personal representative to visit various countries in order to obtain in a proper way needed information to aid the Executive in the consideration of international matters.

Reference has been made to Colonel House. It was believed by many Americans that a large part of the German population was not in sympathy with the World War, which had been precipitated by Austria. Colonel House, at the request of Mr. Wilson, went to Germany and other European countries to ascertain as far as possible the actual conditions there existing. He reported to the President from time to time information based upon his observations and contacts with the people. He made no commitments, nor did he intend to make any commitments.

Undoubtedly our ambassadors and ministers in Europe made reports to the Department of State or the President, or both, and the information conveyed of course was important in enabling our Government to meet international developments. However, as I have indicated, all sources of information are not open to our diplomatic representatives, and in an approaching crisis such as that which precipitated the World War, it was the duty of the President to obtain the fullest possible information concerning the state of mind of the peoples of Europe particularly those within the belligerent countries. Accordingly he selected one in whom he had absolute confidence to visit Europe and advise him in respect to matter referred to.

Mr. BONE. Mr. President, will the Senator yield again?

Mr. KING. I yield.

Mr. BONE. One of the things, as I recall, that President Wilson execrated were the secret treaties which were so much a part of the history of the World War and what antedated it.

Mr. KING. I think that that has no relation whatever to the point I am making.

Mr. BONE. I understand that.

Mr. KING. Undoubtedly President Wilson favored "open covenants openly arrived at," but that does not mean that in entering into covenants the parties thereto are to be denied complete information concerning the matters and problems to be dealt with and to be embraced within such covenants. There are many ancillary and apparently extraneous matters, concerning which information is necessary in preparing and agreeing to covenants and treaties—particularly if they relate to important matters affecting their respective countries. Therefore all parties whether individuals or governments, in preparing and entering into covenants should have the fullest information possible concerning not only the heart and soul of the covenants, but also what some might regard as external and extraneous matters.

Mr. BONE. The Senator quoted the exact words that I was going to employ—"open covenants openly arrived at."

Mr. KING. How can covenants be arrived at openly or otherwise, unless all facts are ascertained? Experience in private affairs and in business dealings, demonstrate that contracts are frequently violated because, though the contracting parties dealt honorably with each other, and thought that all material factors were understood and embraced within the contract, conditions arose which brought the contract under the closest scrutiny and it was discovered that one or both of the contracting parties had not been in full possession of all the facts immediate and remote or collateral, which if they had been known, would have produced a contract somewhat different in form and thus avoided misunderstandings or conflicts.

Mr. BONE. In answer to the Senator, I should say that if the Government possessed a proper kind of military intelligence department it would probably be able to supply the President with much more accurate and correct information than any roving ambassador could procure. But that is not the question. Only a few hours ago the Admiral of the Navy testified before a committee of the House of Representatives that we have engagements with Great Britain, and, mind you, those covenants are not "openly arrived at" but secretly arrived at. Members of the Senate have no knowledge of what they are, although they may eventually lead us into war; the Senator from Utah, the Senator from Washington, and other Senators may be compelled to vote "yes" or "no" on the question of war. No one knows what those engagements are. He was asked further about them and he said he could not reveal them because, should he do so, he might be injuring the national defense. If a thing is so important that it might involve the Government in war and involve the whole set-up of national defense, it seems to me that it is not asking too much that our ambassadors, whether they be peripatetic or roving ambassadors or any other kind, should advise the Senate of the United States and the House of Representatives what are the commitments that might some day compel us to send our boys forth with rifles on their shoulders.

Mr. KING. I have not been advised as to the statement made by Admiral Leahy. I do not know his views nor what he recommended. Assume that he did make statements in which he advocated committing our Government to a policy of which the Senator, myself, and other Senators do not approve. Obviously it could not be carried into execution without affirmative action by the President and by Congress. If he advocated a policy calling for a treaty, the Senate would have an opportunity to pass upon his recommendations. If the admiral recommended legislation of any kind, then the

House and the Senate, as well as the President, would be required to consider and act upon the same. The Senator has stated, in effect, that it was not asking too much to require our ambassadors, whether they were "peripatetic" or "roving" or any other kind, to advise the Senate of any commitments made.

Mr. President, generally speaking, full information should be given to Congress concerning matters upon which they are required under the Constitution to act. It is not always possible, when negotiations are being conducted with foreign powers concerning treaties and matters important for the House and the Senate, to be daily or immediately advised of the same. Publicity might prevent attaining a most desirable object. There must be some trust reposed in the President of the United States, in the Department of State, and in those persons selected by the President and the Department of State to conduct conferences. If commitments are made by some ambassador or delegate which binds our Government to a given course of action, the President will be advised, and if the commitment is embraced within the treaty the Senate will be advised, and if general legislation is required or appropriations needed, the Congress and the country will be fully advised.

Under our form of government, international relations are conducted by the executive department. The President negotiates treaties and it is assumed that he will obtain full information before he recommends a treaty. He knows that no treaty may be ratified without a two-thirds vote of the Senate.

As I have before stated, treaties have been negotiated by Presidents committing the Government to certain policies, which were not approved by the Senate. If a commitment has been made by Admiral Leahy or any official of the Navy which affects our international policies, it can have no effect without the approval of the President and ratification by the Senate and it may be of such a nature as to require legislation to give it any vitality whatever.

We have not reached that plane of perfection where mistakes are not made by executive and legislative bodies. Mistakes may be made in our dealings with other nations but we know that our Presidents have, in their dealings with foreign countries, sought to protect the interest of the United States and to deal fairly with all nations.

President Harding, in calling the Washington Conference, acted as he believed for the best interest of our country and indeed the world. I was glad when he called the Washington Conference and upon many occasions have expressed my approval of its work. I have confidence that President Roosevelt will make no commitment nor enter into any treaty which will be disadvantageous to our country.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. VANDENBERG. Pursuant to the confidence the Senator has in the Executive judgment with respect to the foreign situation, am I to understand because the President says the national security requires now a superarmed program that the Senator is going to support it?

Mr. KING. I do not recall the statement of the President referred to by the Senator, to the effect that he requires a superarmed program. I have not meant to state that I will support every view of the President or of any President, but I am of the opinion that President Roosevelt earnestly desires the adoption of policies that will promote world peace. I believe he would welcome an announcement by other nations that they would join in reducing armaments and in uniting upon a program that would tend to remove obstacles to international peace and good will. If a military program should be submitted by the administration which I believed to be wrong and would arouse fears and resentments among nations, and would constitute an obstacle to successful plans for disarmament and peace, I would not support it.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Utah yield further to the Senator from Michigan?

Mr. KING. I yield.

Mr. VANDENBERG. How can the Senator determine whether a supernavy and a superarmy are or are not essential to the national security unless he has the complete information regarding foreign policy upon which inevitably the rational and correct answer to the question must rest? Must we not know the foreign policy before we can know the extent of national security that is jeopardized by our arms or lack of them?

Mr. KING. If I were a member of the Appropriations Committee charged with the duty of reporting appropriation bills for the Army and the Navy, and I believed that appropriations were recommended by the Budget or in a special message from the President which I conceived not to be in the interest of our country, and I did not have sufficient information as to the reasons upon which the President based his recommendation, I would feel at liberty to ask the executive department to supply such information as would enable me to vote intelligently upon the question involved.

Mr. VANDENBERG. May I ask the Senator one further question?

Mr. KING. I yield.

Mr. VANDENBERG. The Senator has stated a hypothetical case. Is not the hypothetical case which he states the precise situation in which the Senator and I find ourselves when we are asked now, on the basis of a Presidential generality, to increase the armed forces of the United States beyond any limit that has ever heretofore been known in peacetime? I am not criticizing it; it may be essential; but I am asking the Senator if we have all the information upon which to determine that it is essential?

Mr. KING. Mr. President, if I do not possess sufficient information when the question comes before the Senate to justify me in voting for it, I shall vote against it. I shall want to know whether the stupendous sums urged by some persons are necessary to meet the legal and necessary requirements of the Government.

I appreciate the fact, as, I am sure, my very able friend from Michigan does—and I emphasize the words "very able" because of my high regard for him—that the Chief Executive of the Nation, and the head of our military and naval forces, must make recommendations, and take steps which he conceives to be necessary for the protection of our country, and to enable it to discharge all duties devolving upon it. I can understand that there may be situations in which he may not make known all the understandings which he has and which prompt him in the recommendations which he makes. I can conceive of that, and I would be unwilling to take any step that would hamper the Chief Executive in carrying out approved policies necessary for the welfare of our country.

That does not mean, of course, that in the execution of such policies in which the Senate or the House have some part they should act blindly. Indeed, they should act in the light of the responsibilities resting upon them.

When President Wilson read to the Congress that fateful message which took this Republic into the World War, I did not believe that Congress possessed all the facts within the knowledge of the President and the Department of State. I did believe, however, that Congress did have sufficient information of the aggressions of Germany to enable us to determine the course to pursue, and that view is supported by the fact that the Senate and the House, with practical unanimity, agreed with the President in the recommendation which he had made, though with considerable hesitancy and, as I know, with profound regret.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. KING. Mr. President, I yield.

Mr. VANDENBERG. With the information which was available at that time to the House and the Senate, can the Senator from Utah tell me whether the information included that regarding the secret agreements which had been made among the allied powers of Europe with respect to the award of rewards which were ultimately to be divided up?

Mr. KING. Mr. President, my information is that some of the agreements entered into by some of the allied and associated powers were not made known to the President of the United States or to the Congress. In the light of information revealed after the war, it is my opinion that some of the agreements may not be defended.

Undoubtedly some agreements were entered into in periods of extremity, so far as the allied nations were concerned, for the purpose of obtaining the support of nations which might have allied themselves with Germany and Austria, or at least have afforded the latter indirect aid. We knew enough of human nature to appreciate that when an individual or a nation is in danger, agreements may be entered into for the purpose of securing succor and strength necessary to protect their rights and to enable them to triumph over their opponents. These agreements may not always measure up to the high standard of morality which should guide individuals and nations in their individual and governmental activities and conduct. I am not attempting to defend all agreements entered into during the war. Indeed, in the light of subsequent events I believe some of them were immoral. But I am inclined to think, if we had known of these arrangements we would, though reluctantly, have associated ourselves with the allied nations.

Mr. VANDENBERG. If the Senator will permit me to say so, I am not undertaking to pass judgment on the agreements. I am simply asking the Senator whether the American Congress acts in the presence of adequate information if such important factors as those are lacking in the congressional information.

Mr. KING. Is the Senator referring to things in præsenti, or things in the past?

Mr. VANDENBERG. I am referring to the memorandum, which we now know was in existence, indicating that this was finally not to be a war "to make the world safe for democracy," but to make a very well calculated division of the earth's surface. I do not recall when that memorandum came to the attention of the American Government, and I am not undertaking to speak critically in respect to it. I am asking, if such an agreement was within the knowledge of the executive department of the Government, whether the senatorial and congressional partners in the war responsibility should not have been advised in order to create the adequacy of information for which the Senator has been speaking.

Mr. KING. Mr. President, I do not believe I am in a position to answer that question. First, it is hypothetical. Our Government did not know of these agreements or treaties referred to; and if they had been known, it would have been rather difficult to determine their significance or relation to the contest being waged, or the consequences which would follow our failure to enter the war. The allied nations believed that their very existence was at stake; that if the Central Powers triumphed their liberty would be destroyed and their governments overthrown. In this situation they felt constrained to enter into agreements which, under normal conditions, they would have looked upon with disfavor. It will be remembered that in our own country there was indignation when, after Germany had invaded Belgium, the German Chancellor justified its course by contending that the treaty guaranteeing the integrity of Belgium, to which Germany was a party, was a mere "scrap of paper," and the indignation of the American people increased when news came of the bombing of cities and towns and noncombatants in various parts of Belgium and France.

Senators, do not forget that President Wilson was criticized by no less a person than former President Theodore Roosevelt as well as by many patriotic Americans for what some persons called his pacific attitude during the early part of the war. There was a considerable sentiment in favor of the United States entering the war at least a year before President Wilson came before the Congress and read the message to which I have referred. When our ships were sunk upon the high seas and much of our trade and commerce destroyed by submarines, and Germany served notice that American vessels were not to enter a very large area of the Atlantic Ocean, the American people were so aroused that they insisted that the United States enter the war for the protection of American rights. From my acquaintance with Mr. Wilson I know that he was opposed to the United States entering into the war, but finally he felt constrained to come before the Congress and present the fateful message to which I have referred, only when he believed that both the honor of our country and the interests of humanity were involved.

Mr. President, I do not care to enter into a discussion of the World War, that great tragedy which has left its mark and scars upon this and other lands, but I have been led into a wide detour by the questions of the Senator from Washington [Mr. BONE] and of the Senator from Michigan [Mr. VANDENBERG]. I now return to a discussion of the subject to which I was giving my attention, namely, conditions in the Orient, and particularly the obligations of the signatories to the Nine Power Treaty, the Four Power Treaty, and the Kellogg-Briand Pact. I might add that our Government is largely responsible for the Kellogg-Briand Pact and should be concerned in violations of the same.

A Republican Secretary of State, Frank B. Kellogg, collaborating with Briand, one of the great statesmen of Europe, evolved the Kellogg-Briand Pact, which was communicated to all nations and 64 of them gave their adherence to the same. They regarded it as a great step toward the abolition of war and the promotion of world peace.

Since we were largely responsible for that important treaty, and since both Japan and China were signatories to it, when we see one of them violating its terms, as well as the terms of the Nine Power Treaty which was drafted here in Washington at a conference called by our Government pursuant to a resolution adopted by the Senate of the United States, so far from there being any impropriety in such a course, does not a duty devolve upon our Government to challenge the attention of Japan and the other signatories to the treaty to this flagrant violation of solemn obligations?

Mr. President, when municipal law is violated by a citizen who assaults or threatens to assault his neighbor we appeal to him for peace. We remonstrate with him. We try to settle by pacific means domestic controversies in our neighborhood, in our State, and Nation. In view of the participation of the United States in the treaties which I have mentioned, I regard it as our duty to try to pacify those who likewise are associated with us in the treaties when there is possibility or probability of a conflict among or between them.

At any rate, Japan has violated the treaty. That has been found by the advisory committee of the League of Nations, whose report was adopted by the Council as well as by the Assembly of the League. Representatives of a number of the signatories to the Nine Power Treaty, at the conference at Brussels, found that Japan had violated the treaty.

At that conference, which was called by the Belgian Government, the whole question of the Nine Power Treaty and its terms was taken under consideration. Dr. Koo, representing China, appeared there, and presented to the conference facts showing the infractions of the treaty, and the aggressive course which was being pursued in China by the Japanese Government; and an invitation was extended to Japan and to China to come to the conference and present their views. The conference stated that they desired only to be of aid, if possible, in adjusting any differences, and, if possible, to aid in averting any collision.

Mr. Delbos, representing the French Government, stated at the meeting:

> By addressing to Japan this appeal, to which China had already replied favorably—

That is, that they come and present their views—

> we have no other desire than to assist the two powers to settle by an amicable and effective arrangement the conflict by which they are opposed one to the other. The Japanese reply raises a problem that the conference must consider. In any case no resolution by force could, either in law or in fact, settle in a lasting manner the relations between the two countries; and the peace of the Far East, like the peace of the world, is bound up with respect for international law.

I pause in the reading to remark, Mr. President, that one of the objects of civilized nations is to establish a code of international law, to regulate the intercourse between nations, to indicate the line which may not be crossed without infracting international law or trespassing upon the rights of nations. If the United States is a party to a treaty with other nations, particularly where the treaty calls for consultation, there is an obligation resting upon our Government to attempt to settle the controversy by consultation and by other proper methods.

Mr. Eden, who was present at this conference, stated:

There is another reason for which the Government I represent was willing and indeed anxious to cooperate in this conference at Brussels. We are signatories of the Nine Power Treaty. We believe that there is only one enduring foundation for the preservation of world peace, and that is not national ambitions with alliances or ideologies but a respect for international law and the observance of treaties. By this means, and by this means alone, can the world escape from a further ordeal such as it passed through 20 years ago. This does not imply that we will consider no change at any time in any sphere; such an attitude would be impossible to uphold, for the world is not static. But it does imply that we must be opposed to changes brought about by force and that, if such changes continue to be attempted on whatever pretext, then civilization will proceed by stages of ever-increasing suffering to destruction.

Mr. President, Mr. Norman H. Davis, our delegate to the Conference, delivered an address on the 13th of November which I think is worthy of consideration, and I therefore bring it to the attention of the Senate. It is as follows:

STATEMENT OF THE HONORABLE NORMAN H. DAVIS, AMERICAN DELEGATE TO THE BRUSSELS CONFERENCE, NOVEMBER 13, 1937

I feel that this occasion calls for some general observations. If we do not, from time to time, pause in our consideration of the particular, and reiterate the principles that guide us in their relation to the general, then the impression may gain ground that our policies have less depth or purpose than is in fact the case. We are in this conference very much concerned with peace in one important area of the world, the Far East. It is of vital importance that peace be restored there, not merely for the two participants in the present conflict but for the world at large. The cost in human misery is vast and the material losses are heavy. But even greater is the loss to world confidence and the undermining of stability and security, if the integrity of certain principles which we hold sacred is not preserved. Through a period of centuries the world has developed a system of international law, which is the basis of international morality and conduct and which provides for fair dealing among nations, just as private relationships are based on codes of fair dealing among individuals. When observed this gives a sense of security to nations, enables them to develop their own civilization in their own way, to choose the form of government they desire, and to know that they are free to solve their internal problems without the intervention of outside powers. This is essential for orderly progress in the world.

International law has been written into, and is based upon, a series of international agreements and the cornerstone of progress is the observance of undertakings solemnly given and solemnly received between nations. Change is possible—more than that, it is often desirable—but is legitimate only if carried out by peaceful methods and by mutual agreement. The question we are considering here, in its final analysis, is whether international relations shall be determined by arbitrary force or by law and by respect for international treaties. In fact that seems to be the greatest issue that faces the world today and is one of the most momentous problems that mankind has been called upon to solve. As President Roosevelt expressed it the other day, "those who cherish their freedom and recognize and respect the equal rights of their neighbors to be free and live in peace must work together for the triumph of law and moral principles in order that peace, justice, and confidence may prevail in the world." If the conception of change by violence should prevail, we should be faced by international anarchy; only the concept of respect for law and treaty will give us a world that is secure and wherein good will and confidence can exist and observance of the pledged word is the one immutable foundation on which the structure of world peace can be built. And if, today, I have reiterated this in simple language, it is to emphasize the conviction which is ours that on no other basis can an equitable and lasting solution of the Sino-Japanese conflict be found and in no other way can a just peace be reestablished and be maintained in the Far East.

To come to the specific problem with which we are here immediately concerned: Japan was invited to attend the conference, where we would have welcomed from her a full explanation of her side of the case as to the incidents which led to the outbreak of hostilities as well as the underlying causes of the conflict. She declined. Going one stage further, and in a desire to be considerate of every possible susceptibility, we asked Japan whether she would be disposed to depute a representative to exchange views with the representatives of a small number of powers to be chosen for that purpose by the conference. Such an exchange of views would have taken place within the framework of the Nine Power Treaty and in conformity with its provisions; its aims would have been to throw further light on the various points under discussion and to facilitate a settlement of the conflict. Again Japan's reply is negative. Had Japan accepted, I am confident that we could have been most helpful to her as well as to China, which it was and is our most sincere desire to be.

I am convinced that the only just and durable solution would be a settlement by voluntary, peaceful agreement, which would result in good will and confidence and in mutually beneficial commercial relations. It would, of course, have been desirable had China and Japan been able to compose their difficulties by peaceful negotiation without resort to armed conflict. Unfortunately, however, they did not do so, and their failure created a situation in which the rights and interests of other powers became involved, and which has made still more difficult a peaceful and mutually acceptable settlement by direct negotiation.

From the standpoint of observance of the letter and spirit of treaties to which she voluntarily put her name, from the standpoint of her material self-interest, from the standpoint of world peace and progress and international good will, it would seem that there are compelling reasons why Japan should cooperate in our work. We hope that Japan may still see its way clear to doing so.

Other representatives at the conference expressed views, which were substantially the same as those of Mr. Eden; Mr. Delbos, the representative of France; and Mr. Davis.

After considering the questions involved Japan refused to submit her case or to present her views. The conference submitted a declaration on the 15th of October of last year in which they stated, among other things:

It is clear that the Japanese concept of the issues and interests involved in the conflict under reference is utterly different from the concept of most of the other nations and governments of the world.

That is obvious. Japan's concept is different from that prevailing among other governments of the world.

The Japanese Government insists that, as the conflict is between Japan and China, it concerns those two countries only. Against this, the representatives of the above-mentioned states now met at Brussels consider this conflict of concern in law to all countries parties to the Nine Power Treaty of Washington, of 1922, and to all countries party to the Pact of Paris, of 1928, and of concern in fact to all countries members of the family of nations.

It cannot be denied that in the Nine Power Treaty the parties thereto affirmed it to be their desire to adopt a specified policy designed to stabilize conditions in the Far East and agreed to apply certain specified principles in the relations with China and in China and with one another; and that in the Pact of Paris the parties agreed "that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means."

It cannot be denied that the present hostilities between Japan and China adversely affect not only the rights of all nations but also the material interests of nearly all nations. These hostilities have brought to some nationals of third countries death, to many nationals of third countries great peril, to property of nationals of third countries widespread destruction, to international communications disruption, to international trade disturbance and loss, to the peoples of all nations a sense of horror and indignation, to all the world feelings of uncertainty and apprehension.

Mr. President, this a serious indictment against Japan by this independent conference, which sought only by pacific means, by friendly advice, to bring the two nations into harmonious relations.

I am reading only a part of the statement. It continues:

The Japanese Government has affirmed in its note of October 27th, to which it refers in its note of November 12th, that in employing armed force against China it was anxious "to make China renounce her present policy."

I pause to remark that Japan is determined to make China accede to her wishes and renounce her policy to defend her territory and her citizens against the assaults of an offending nation.

The representatives of the above-mentioned states met at Brussels are moved to point out that there exists no warrant in law for the use of armed force by any country for the purpose of intervening in the internal regime of another country and the general recognition of such a right would be a permanent cause of conflict.

The Japanese Government contends that it should be left to Japan and China to proceed to a settlement by and between themselves alone. But that a just and lasting settlement could be achieved by such a method cannot be believed.

Of course, that is obvious.

Japanese armed forces are present in enormous numbers on Chinese soil and have occupied large and important areas thereof. Japanese authorities have declared in substance that it is Japan's

objective to destroy the will and the ability of China to resist the will and the demand of Japan. The Japanese Government affirms that it is China whose actions and attitude are in contravention of the Nine Power Treaty; yet whereas China is engaged in full and frank discussion of the matter with the other parties to the treaty, Japan refuses to discuss it with any of them. Chinese authorities have repeatedly declared that they will not, in fact that they cannot, negotiate with Japan alone for a settlement by agreement. In these circumstances, there is no ground for any belief that, if left to themselves, Japan and China would arrive in the appreciably near future at any solution which would give promise of peace between those two countries, security for the rights and interest of other countries, and political and economic stability in the Far East. On the contrary, there is every reason to believe that if this matter were left entirely to Japan and China the armed conflict—with attendant destruction of life and property, disorder, uncertainty, instability, suffering, enmity, hatreds and disturbance to the whole world—would continue indefinitely.

A number of the representatives at the Conference submitted their views corroborative of the statement submitted by the Conference. At the conclusion of the Conference—Japan refusing to attend or make any defense or to present her views in any manner—the Conference adopted a report on November 24, 1937. Among other things it called attention to the Nine Power Treaty, and the stipulation in article 1 to which I have heretofore called the attention of the Senate.

Further on in the final Conference report it is stated:

On November 15 the conference adopted a declaration in the course of which it affirmed that the representatives of the Union of South Africa, the United States of America, Australia, Belgium, Bolivia, Canada, China, France, the United Kingdom, India, Mexico, Netherlands, New Zealand, Portugal, and the Union of Socialist Soviet Republics "* * * consider this conflict of concern in law to all countries party to the Nine Power Treaty of Washington of 1922 and to all countries party to the Pact of Paris of 1928 and of concern in fact to all countries members of the family of nations."

The report refers to the communications sent by the conference to Japan and to China, and to the acceptance of the invitation upon the part of China and to the refusal of Japan, and in conclusion states:

1. The Nine Power Treaty is a conspicuous example of numerous international instruments by which the nations of the world enunciate certain principles and accept certain self-denying rules in their conduct with each other solemnly undertaking to respect the sovereignty of other nations, to refrain from seeking political or economic domination of other nations, and to abstain from interference in their internal affairs.

2. These international instruments constitute a framework within which international security and international peace are intended to be safeguarded without resort to arms and within which international relationships should subsist on the basis of mutual trust, good will, and beneficial trade and financial relations.

3. It must be recognized that whenever armed force is employed in disregard of these principles, the whole structure of international relations based upon the safeguards provided by treaties is disturbed. Nations are then compelled to seek security in ever-increasing armaments.

I might add by way of parenthesis that if the administration is now seeking for larger appropriations for naval and military purposes, it is influenced, no doubt, by the belligerent attitude of Japan, her refusal to abide by treaties, and her ruthless destruction of the lives of innocent people in China—noncombatant men, women, and children—and her apparent determination to continue the invasion of China until she has subjugated the people and brought the entire area of China under her jurisdiction.

When one nation such as Japan runs amuck, challenges international law, and violates treaties calling for peaceful solution of controversies, obviously other nations will feel constrained to adopt such measures as they deem necessary for their protection.

The report further states:

4. It was in accordance with these principles that this conference was called in Brussels for the purpose, as set forth in the terms of the invitation issued by the Belgian Government, of examining, in accordance with article VII of the Nine Power Treaty, the situation in the Far East and to consider friendly methods for hastening the end of the regrettable conflict now taking place there.

5. Since its opening session on November 3 the conference has continuously striven to promote conciliation and has endeavored to secure the cooperation of the Japanese Government in the hope of arresting hostilities and bringing about a settlement.

The report then refers to the failure of Japan to respond and to participate in the conference, and continues as follows:

7. This conference strongly reaffirms the principles of the Nine Power Treaty as being among the basic principles which are essential to world peace and orderly progressive development of national and international life.

8. The conference believes that a prompt suspension of hostilities in the Far East would be in the best interests not only of China and Japan but of all nations. With each day's continuance of the conflict the loss in lives and property increases and the ultimate solution of the conflict becomes more difficult.

9. The conference therefore strongly urges that hostilities be suspended and resort be had to peaceful processes.

10. The conference believes that no possible step to bring about by peaceful processes a just settlement of the conflict should be overlooked or omitted.

The report then suggests the propriety of abandoning further efforts for the present, but that it be called together again whenever its chairman or any two of the members shall have reported that they consider that its deliberations can be advantageously resumed.

Since that time Japan has not only indicated no desire to participate in the conference or to adjust her differences with China; but she persists in her aggressive war measures, and is today waging a campaign more aggressive and devastating than ever before.

It is apparent, therefore, Mr. President, that unless there shall be some interposition by other nations, China will continue to be the victim of Japan's aggression. What the final outcome will be no one can tell; but China, unprepared for war, lacking in the mechanics of war, guns, tanks, and airplanes, may not be able at the present time to successfully meet the invading foe.

I have here an article from the National Review, which was written by Mr. J. O. P. Bland, who is thoroughly familiar with conditions in China and in the Orient, which substantially corroborates the views expressed in the report of the conference to which I have just referred.

Mr. President, I have before me hundreds of articles and statements from important journals and newspapers published in the United States and in other countries, in which the conditions in Japan and China are discussed. Substantially all of them condemn Japan as a treaty violator and denounce her course in waging a brutal and cruel war in China. Many of these publications describe the aggressive and, indeed, malignant course pursued by the Japanese in China and the atrocities committed by Japanese troops in Nanking as well as in other parts of China. All condemn the bombing of cities and towns, and particularly where military operations were not being conducted. Among the articles and publications which I have before me are a number dealing with the destruction of the American boat *Panay* and the assaults upon American citizens. I shall not ask permission to insert these articles and publications in the RECORD, because it would fill hundreds and hundreds of pages in the CONGRESSIONAL RECORD. I can only say that they disclose the wanton and unjustifiable war carried on by Japan.

In the morning Times of yesterday appears an article written by Mr. Clarence K. Streit, a newspaper correspondent of ability and integrity, in which he states that the situation in China has evoked and continues to evoke the interest of the League of Nations.

I ask to have inserted, without reading, a portion of the article referred to:

The League of Nations session closed today with the Council's adoption of a resolution reaffirming the Geneva position in favor of China and with the indefinite adjournment of the committee on League reform after the adoption of a brief noncommittal report to the September Assembly. The text of the Council's resolution follows:

"THE COUNCIL

"Having taken into consideration the situation in the Far East,

"Notes with regret that the hostilities in China continue and have been intensified since the last Council meeting,

"Deplores this deterioration in the situation the more in view of the efforts and achievements of the National Government of China in her political and economic reconstruction,

"Recalls that the Assembly, by its resolution of October 6, 1937, expressed its moral support for China and recommended that

League members refrain from any action which might have the effect of weakening China's power of resistance, thus increasing her difficulties in the present conflict, and should consider how far they can individually extend aid to China,

"Calls the League members' most serious attention to the terms of the above-mentioned resolution,

"Is confident that those states represented on the Council for which the situation is of special interest will lose no opportunity for examining in consultation with other similarly interested powers the feasibility of any further steps which may contribute to a just settlement of the conflict in the Far East."

Mr. President, I stated at the beginning of my remarks yesterday that it had been my purpose to discuss some of the legal phases of the so-called antilynching bill, and also the increased demands for the assertion by the Federal Government of power over the States and individuals. I had intended commenting upon the aggressive policies of the Federal Government which would result in weakening the States and which if persisted in would change our form of government. I intended to refer to the activities of many groups and individuals to force socialistic policies upon the Government and the unfortunate effect which it was having in diverting the minds of the people from local self-government and the responsibilities resting upon them, but I was led to a consideration of the situation in China and Japan for the reason stated in the beginning of the remarks which I submitted to the Senate on February 2. I shall, before the debate upon the so-called antilynching bill is concluded, seek an opportunity to discuss some of the provisions of the measure before us and to present arguments showing its unconstitutionality.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. BILBO. Mr. President——

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The Senator from Mississippi is recognized.

Mr. BILBO. I understand that it is the desire of the Senate to recess until Monday, and I express the hope that I may have the floor on Monday by unanimous consent. I have some very important and glorious news on the pending question which I desire to give to the Senate and to the country. It is really the first ray of light we have had since this question has been under discussion. I ask to have the floor by unanimous consent on Monday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. How many times has the Senator from Mississippi spoken during this legislative day on the pending question?

The PRESIDING OFFICER. The present occupant of the chair does not think he has spoken at all, because the amendment was amended today.

Mr. BILBO. This is my first speech on the pending amendment.

Mr. CLARK. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. What is the proposition now before the Senate?

The PRESIDING OFFICER. The amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment of the Senator from Illinois [Mr. LEWIS].

Mr. CLARK. What became of the other amendment?

The PRESIDING OFFICER. It was withdrawn.

Mr. CONNALLY. Mr. President, a parliamentary inquiry. In view of the announcement made by the Senator from Mississippi—and it is the custom to observe those things—if he can secure recognition on Monday without impairing his rights, that will allow the Senator from Kentucky to take the floor now, without carrying that question over.

Mr. BARKLEY. I have no objection to the Senator from Mississippi being recognized on Monday to go on with his speech. I realize that it is late, and there is some disadvantage in starting a speech at this hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). If there be no reports of committees, the clerk will state in their order the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of William R. Smith, Jr., to be United States attorney for the western district of Texas.

Mr. BARKLEY. I ask to have the nomination passed over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

The legislative clerk read the nomination of Powless W. Lanier to be United States attorney for the district of North Dakota.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters on the Executive Calendar may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the Executive Calendar.

WILLIAM R. KELLOGG

The Senate resumed legislative session,

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 371) for the relief of William R. Kellogg.

Mr. BAILEY. I move that the Senate disagree to the amendments of the House, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. BAILEY, Mr. LOGAN, and Mr. CAPPER conferees on the part of the Senate.

RECESS TO MONDAY

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 3 minutes p. m.) the Senate took a recess until Monday, February 7, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4 (legislative day of January 5), 1938

UNITED STATES ATTORNEY

Powless W. Lanier to be United States attorney for the district of North Dakota.

POSTMASTERS

ALABAMA

Wade Hampton Royston, Lafayette.
Ruby E. Page, Woodville.

INDIANA

Ray Long, Bristol.

NEW HAMPSHIRE

Joseph W. Hazeltine, Contoocook.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 4, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Master and Savior of the world, who dost belong to human necessity, to all mankind, and to each individual, consider and hear us. We praise Thee that Thou hast done exceeding abundantly, more than we ask or think. Thou hast made Thyself a manifold blessing to the world. In wonder and in gladness we hail the future. O Father, who carest for us, keep us within the circle of Thy love and let come to our souls a reviving spiritual breath. With a secret joy bless any who may be discouraged or disappointed; lift them above all despondencies. We bring to Thee, in our arms of faith, our homes. May no plague come nigh our dwellings; keep them under the shadow of Thy wing. Do Thou bless all instrumentalities that are used for the education of the ignorant, for the reformation of morals, and for the administration of law. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

INSPECTION OF MOTOR VEHICLES IN THE DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I ask unanimous consent that the Clerk request the Senate to return to the House the bill (S. 2194) to provide for the semiannual inspection of all motor vehicles in the District of Columbia, with all accompanying papers.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

EXTENSION OF REMARKS

Mr. BARTON and Mr. SNYDER of Pennsylvania asked and were given permission to extend their own remarks in the RECORD.

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a summary of the resolutions prepared by the so-called small-business men's conference as prepared by the New York Times.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, does the gentleman refer to the report of the New York Times?

Mr. BACON. A summary of some of the resolutions adopted.

Mr. O'CONNOR of New York. I understand they have not yet been summarized, that there was just a newspaper report of different ideas and that later a joint committee is going to get together to summarize them. That is only one of the newspaper reports, and does not the gentleman think he ought to wait until they are summarized for presentation to the President?

Mr. BACON. I might do both.

Mr. O'CONNOR of New York. The gentleman rarely repeats.

Mr. BACON. If the gentleman wishes to object, he may, of course.

Mr. O'CONNOR of New York. I am not going to object, but this is only a newspaper report the gentleman is talking about and not any summary of the resolutions.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANDERSON of Missouri asked and was given permission to extend his own remarks in the RECORD.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein resolutions adopted by a group of small-business men from the northeastern section of the United States.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

FIRST DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1938

Mr. WOODRUM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9306) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes; and pending that, Mr. Speaker, I ask the gentleman from New York how much time he will need for general debate?

Mr. TABER. We will need about an hour on this side to finish up the debate.

Mr. WOODRUM. Then, Mr. Speaker, I ask unanimous consent that general debate continue not exceeding 2 hours, to be equally divided between the gentleman from New York and myself.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9306, the first deficiency appropriation bill, with Mr. WILCOX in the chair.

The Clerk read the title of the bill.

Mr. WOODRUM. Mr. Chairman, I yield now to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Chairman, Representatives from the cities have constantly called the attention of this House to the falling prices on the stock market. The fall in prices of livestock since October cannot be called a "recession." The prices of all grades of beef in Chicago, according to the Government report, have reached the lowest point since 1932, and one of the low points in the history of livestock marketing. This is especially true of cattle. Cattle feeders in the farm belt at present prices will lose all the feed they put into their cattle and from $10 to $25 per head more. This means disaster to the cattle feeders. Low prices to the cattle raisers of the West. Disaster faces the livestock raisers.

THE FARMER PAYS THE BILL

Everyone likes beefsteak, but the housewife is convinced it is a luxury. One of the main reasons for the collapse of the beef market is the distribution system. According to a report from the United States Department of Agriculture's Bureau of Agricultural Economics, when the price of dressed beef reached its high point in New York, $21.97 per hundred, on September 15, 1937, the composite retail price was $36.79. On January 15 when the wholesale beef price had dropped to $13.65, the retail price was $28.95. In other words, the retailer is getting a flat 15 cents a pound spread regardless of the price he pays for a wholesale beef carcass. This distribution spread has paralyzed beef consumption and ruined the beef market. Since January 15, prices on beef have been further reduced $2 and $3 per hundred on the market. Thus since September 15 the price of beef on the hoof has been cut in half. But this reduction has as yet not been reflected in the retail price. According to the averages, which are authentic, if the beef carcass was given to the retailer he would still charge an average of 15 cents per pound for his meat. So, the farmer and livestock man is faced with a fixed rate to be paid to the railroad, a fixed rate to be paid for yardage and commission, a fixed profit for the packer and 15 cents a pound gross profit for the retailer. Any decrease in the price of the farmer's product comes out of the farmer's pocket. No business in the world can survive the kind of loss the farmer and stockman is taking on his products today.

OPPOSED TO NEW FARM BILL

The present farm bill does not cure this situation. It does not touch the question of marketing and distributing the farmers' products. I voted against the present farm bill because it will cut the farmers' payments under the Soil

Conservation Act, will force him to regimentation, fines, and penalties, and give him no additional benefits. The very fact that the bill has been in conference for 2 months is significant. The conferees are beginning to realize it is a bad bill. I hope the conference report will be voted down and the farmers will be allowed to proceed this year under the old Conservation Act until we can write a real farm bill that will bring real relief to farmers.

EXEMPT WHEAT FARMERS

If the conference report is accepted, I have drawn a joint resolution that will exempt the wheat farmers from the provisions of the new bill while marketing the 1938 crop. The wheat farmers were given a free reign in planting their crop last fall. Winter wheat is the only crop that had already been planted before the bill was drawn. If the conference report is accepted, certainly the winter-wheat farmers are entitled to exemption from its provisions and to the old soil-conservation payments as promised at the time the crop was planted.

Certainly if the country could not afford the $150,000,000 additional appropriation for the farm program, it cannot afford two more big battleships that would cost more than this amount. As Democrats we cannot let the farmer down. We started a real program that could be expanded into a very successful program. The field station at Woodward, Okla., for example, has made tremendous strides in studying and developing native grasses that can be used to resod the Dust Bowl. We must continue and expand an intelligent cooperative farm tree planting program. The Government has started on the purchase of the worst of this blowing land and must continue its broad conservation program. It is aiding the farmers through the soil-conservation program to combat these destructive dust storms. We have started the construction of flood-control works, a vast and worth-while program.

I hope the Congress will realize its responsibility, vote against the conference report, refuse the construction of new battleships, and use the additional money to make the present soil-conservation program effective.

Mr. TABER. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, for some time Congress and the country have been waiting a revision of the tax law. There must naturally be an extended delay because it is a very complicated subject to start with, and the Treasury Department has suggested over 60 changes from existing law. The effort to draft such a measure is, as can be very plainly seen, extremely difficult and complicated. Therefore, we cannot expect too rapid action on the part of the Committee on Ways and Means.

So far as I know, as one of the minority members of the committee, there has not yet been submitted to the committee any drafted form of a bill. We have only had—and if I am in error I wish my distinguished chairman, whom I see present, would correct me—the recommendations before the full committee made by the subcommittee that was appointed under the resolution passed by Congress last August. That report has been used as a basis for hearings before the full committee.

These suggestions, I assume, are now in the hands of the drafting service under the expert guidance of Mr. Beaman. Our hearings closed on the 25th of January, and the drafting service has been diligently at work since that time. I realize the interest that the country must feel in the proposed changes that are expected to be made in the bill as it will be finally drafted and brought before the House for action.

These delays, these uncertainties in taxation, are very large contributing causes to the tremendous depression known today throughout the country as the Franklin D. Roosevelt depression that exists in the business enterprises of the country. You cannot carry on business in this country under a cloud of uncertainty and fear. That is what is existing in such large measure today, and is causing the condition from which the country is suffering.

You cannot stimulate business by calling gatherings together such as have been in Washington in the last few days. You must instill confidence into business and have a certainty of purpose rather than create fear and uncertainty. That is the situation as I see it. It is one of the largest contributing factors in the tremendous depression that we rightly lay at the doorstep of the gentleman in the White House.

Mr. DOUGHTON. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. DOUGHTON. The gentleman seems to be able to tell us what is the cause and suggests what should be the remedy for the present depression.

Mr. TREADWAY. Yes.

Mr. DOUGHTON. I am reminded of the fact that we had a real serious depression, one that afflicted the country North, South, East, and West; one that paralyzed every business, every industry, every profession or occupation, at which time the gentleman was able to tell us neither the cause nor the remedy.

Mr. TREADWAY. When was this depression to which the gentleman refers?

Mr. DOUGHTON. But now he can tell us both the cause and the remedy.

Mr. TREADWAY. When was this depression to which the gentleman refers?

Mr. DOUGHTON. Oh, the gentleman is not so blind as that.

Mr. TREADWAY. I do not hear the gentleman designate when. Does the gentleman refer to the present depression? What depression?

Mr. DOUGHTON. The Hoover disaster, the Hoover catastrophe, the Hoover earthquake.

Mr. TREADWAY. Oh, I am glad to have the gentleman bring up that reference. That is fine. I would like to put on paper in parallel columns figures respecting the depression in 1929 and compare it with figures in respect to the depression of 1937. Let the gentleman put that on paper. Let the gentleman show the figures of 1929 as compared to 1937.

Mr. DOUGHTON. They show for themselves.

Mr. TREADWAY. If there ever was a depression affecting this country, it is the present depression. The Hoover depression is not in the same class with it; it was small potatoes, it was nothing, just small change in comparison with the condition in which all business finds itself today.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. DOUGHTON. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield first to the gentleman from Pennsylvania.

Mr. RICH. A few moments ago the gentleman from Oklahoma [Mr. FERGUSON] made a statement about the decline in the price of stocks.

Mr. TREADWAY. Yes.

Mr. RICH. It is because of fear at the present time; it is because the people of this country have no confidence in the administration of affairs and believe that eventually a disaster will be created.

Mr. TREADWAY. The gentleman from Pennsylvania merely corroborates in better language what I am endeavoring to say in answer to the gentleman from North Carolina. Now I shall be glad to have the gentleman from North Carolina add to the information the gentleman from Pennsylvania has furnished.

Mr. DOUGHTON. Replying to the statement made by the gentleman from Pennsylvania, he states the people have no confidence in the present administration. I would remind him that, to the contrary, they seemed to have great confidence and registered it in most emphatic fashion in the 1936 election.

Mr. RICH. I call attention to the statement made by the gentleman from Oklahoma who said that due to the effect of the reciprocal trade agreements the price of cattle in his country was the lowest it had been in years.

Mr. DOUGHTON. Mr. Chairman, will the gentleman from Massachusetts yield further?

Mr. TREADWAY. I yield.

Mr. DOUGHTON. I am a cattleman myself. In my country during the Hoover depression cattle sold for 3 cents a pound. The lowest price they have reached in recent years has been 5 or 6 cents.

Mr. TREADWAY. How many people are out of employment in the gentleman's State?

Mr. DOUGHTON. Not so many now as there were in 1933.

Mr. TREADWAY. The gentleman is just as wrong as can be, as is usually the case. I would remind the gentleman that there are 47 other States besides North Carolina. North Carolina is only one of our States. I will put the condition of unemployment of the country as a whole today up against what it was at the time to which the gentleman referred.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. O'CONNOR of New York. The gentleman and I are not far apart on this tax feature. I would repeal outright the corporate surplus tax.

Mr. TREADWAY. I thank the gentleman.

Mr. O'CONNOR of New York. I would greatly modify the capital-gains tax. The gentleman, however, assigns to taxes the cause of the depression. During the so-called Hoover depression taxes did not enter into it at all.

Mr. TREADWAY. And we have got the Franklin D. Roosevelt depression today.

Mr. O'CONNOR of New York. Whatever the gentleman calls it.

Mr. TREADWAY. I call it that because he is the one who is to blame for it.

Mr. O'CONNOR of New York. But seriously——

Mr. TREADWAY. Does the gentleman want to ask me a question?

Mr. O'CONNOR of New York. I do.

Mr. TREADWAY. What is it?

Mr. O'CONNOR of New York. In these other depressions did taxes enter into them at all? And if that is not so, must there not necessarily be other causes for this depression? Taxes did not enter into the Hoover depression or any depression before. How is it the gentleman says taxes are now responsible?

Mr. TREADWAY. I will repeat what I said. I said that a very large factor in the present-day depression is the lack of confidence in the administration and the uncertainty and excessive burden of tax legislation and other types of laws. It is not limited alone to taxes.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mrs. ROGERS of Massachusetts. Is it not true that the Department of Commerce, which is the department supposed to be of aid to business and help provide work for those seeking employment, has been treated by this administration like an orphan? It has been neglected, handicapped, and given less money by far than it needs. It has not been assisted in any way; it has been scorned by the administration.

Mr. TREADWAY. My colleague's statement is not an inquiry; it is, rather, a positive statement of fact. The gentlewoman from Massachusetts is right.

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Briefly.

Mr. ENGEL. Referring to the statement of the gentleman from New York to the effect that taxation was not responsible for the depression, I again quote, for the gentleman's benefit, the statement made by President Roosevelt on October 19, 1932, I think at Pittsburgh:

> Taxes are paid in the sweat of every man who labors. If excessive, they are reflected in idle factories, tax-sold farms, and hence in hordes of hungry tramping the streets and seeking jobs in vain.

Mr. TREADWAY. I thank the gentleman for that contribution, but I am afraid that it is in the class of the forgotten man; it is as forgotten as any part of the Democratic platform or our basic theory of government today.

Mr. ENGEL. By the gentleman from New York?

Mr. TREADWAY. Yes; and by the gentleman in the White House.

Mr. Chairman, if I may now have the attention of the House for a few brief moments, I want to speak on the proposed special penalty tax on small family business enterprises.

The outstanding objection to the proposed tax bill now pending before the Ways and Means Committee is the special penalty tax on closely held or family corporations, sometimes referred to as the "third basket."

The alleged justification for the tax is that a few closely held corporations may possibly be used as a device to avoid the personal surtax on the shareholders by retaining the earnings in the corporation. Simply because there may be a few who avoid the surtax in this way, the tax subcommittee of the Ways and Means Committee proposes to put an arbitrary penalty tax on all closely held or family corporations which retain their earnings, regardless of the legitimacy of such retention.

The fact is, of course, that we already have a provision in existing law—section 102—which places a penalty tax on corporations formed or availed of for tax-avoidance purposes. This is a proper levy, and it has been very effective in preventing unreasonable accumulations. This is proven by the fact that very little revenue has been collected under it.

But because the Treasury has lost one or two cases in the courts where it has tried to invoke this penalty, the proposal is now made to impose an arbitrary penalty tax on the undistributed earnings of all closely held companies—even where they are not formed or availed of for tax-avoidance purposes.

This proposal will be a crushing blow to many family business enterprises all over the country, particularly in my own section of New England where they abound.

By putting this special penalty on family corporations, which is not imposed on corporations whose stock is widely held, it definitely discriminates against the former and in favor of the latter.

It will in the end force the family corporation to sell out to the great corporation chains which are not subject to the penalty tax. This will mean absentee ownership. It will mean the withdrawal of many businesses from localities where they furnish a livelihood for the people there. It will mean the encouragement of monopoly. Even if these family enterprises are not put out of business, they will be prevented from growing because of the penalty which they must pay on earnings plowed back into the business, which other corporations escape.

Mr. DONDERO. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Michigan.

Mr. DONDERO. The thought occurs to me, if this law had been in effect 30 years ago, when Henry Ford started his business, he would be employing 75 men today instead of 80,000 in one factory.

Mr. TREADWAY. There would not be any Ford Corporation in existence today.

Of course, the gentleman from Kentucky [Mr. FRED M. VINSON] will say that these family corporations do not have to pay the tax unless they fail to pay out at least 60 percent of their earnings; also that it will not affect corporations with net incomes of less than $50,000.

I have heard the gentleman make that statement many times. The point is, however, that the company may have to retain all of its earnings for debt payments or for some other valid reason, such as plant expansion or necessary improvements. Why should it be penalized when a corporation whose stock is widely held is not penalized under the same circumstances? Such a penalty tax gives rise to an unfair competitive situation as between the two companies.

I want to read a few excerpts from letters I have received from family or closely held corporations in my district and State.

I quote the following from a manufacturer in my district:

I see by this morning's Union that you are opposing some proposed tax scheme which would be a penalty upon family-owned corporations. I hope you will push this opposition vigorously. Our company has been a family organization since 1888.

Of course, no one would say that this company was formed for tax-avoidance purposes, since it had its origin long before we had the income tax.

A dairy company writes protesting against the imposition of a special burden on them simply because their stock is not widely held.

Here is a letter from a prominent attorney in my district to which I wish to call particular attention. He writes:

I wish to say that I think your view that the proposed tax revisions aid large business corporations and monopolies is absolutely correct. Perhaps the worst feature in the proposed bill is the closely held corporation provision. This means that the family business everywhere and especially in New England is at a disadvantage. It also means that a small business which is developing with a few stockholders as it grows is at a disadvantage. It is about the worst idea I have ever seen in taxation, except the undistributed-profits tax which I think holds first prize.

I agree that it is about the worst idea in taxation that has ever been presented. Of course, we have had the undistributed-profits tax before us for some time. The Republican minority did its part in trying to prevent it from becoming law. We hope when this bill passes it will be entirely wiped out, but at the present time that is not the situation. Following that tax, there is nothing worse than this small closely held business tax, which is a brand new invention of the Treasury in the last few weeks.

Mr. CRAWFORD. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Am I correct in my understanding that the undistributed-earnings tax was set up to somewhat equalize the tax burden as between proprietors and partners as related to corporate stockholders? Having failed in making that work, because it was so out of line with our scheme of things, does this tax, which the gentleman now complains of, not bring into the situation an element just as objectionable as between this small family stockholder and the corporation?

Mr. TREADWAY. The gentleman is absolutely right. It is discrimination of the worst type.

Here is a letter from a department-store owner, a close corporation, and there are doubtless hundreds of similar cases throughout the country:

Probably many smaller close corporations, because of the exemptions, would not pay under this special surtax, but wherever the surtax did apply it seems to me it would be discriminatory in competition with groups whose stock is more widely distributed.

What this gentleman in effect says is that the locally owned department store will be at a disadvantage with the large chain organization which is not subject to the tax. He continues:

We are a close corporation and we have troubles enough with various kinds of tax now without the addition of such a burden, and I wish to be recorded against it.

During the hearings before the Ways and Means Committee, the representative of a closely held department store pointed out that his concern would have to pay $83,000 tax while a chain store in the same city would have to pay only $57,000 under identical circumstances. He then asked this question: "Why should we be penalized?"

That question has never been answered because there is no answer.

Why should this legitimate business be penalized? Let the Democratic majority try to answer that question.

Mr. RICH. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Pennsylvania.

Mr. RICH. With reference to these corporations that have been formed by different families, as time goes on they go down into the uncles, the aunts, the cousins, sons, and daughters and get to be a very large corporation which gives employment to many thousands of people. If these corporations are not permitted to continue the operations of their business, and this tax will ultimately kill them, what is going to be the result? Is it figured they are not good corporations to have in this country?

Mr. TREADWAY. The result will be that the ownership will pass into the hands of outside interests, wherein there is no community spirit whatsoever.

Mr. RICH. And the business is liable to be wrecked?

Mr. TREADWAY. Yes; or, at least, pass into the hands of outside interests and ownership.

One of the great industries in my district is paper manufacturing. Here is a telegram from one of these concerns:

Hope you can strenuously oppose proposed excessive taxes on closely held corporations. Many industries in your district will be seriously affected.

Another paper manufacturer writes:

I read with considerable concern in the papers recently of the fight which is being made on the very unfair taxing of closely held corporations, and it occurred to me that we were one of a great many in your district that would be very seriously affected by any such discrimination.

Nearly all of the paper concerns in western Massachusetts—and I think this applies elsewhere as well—are the outgrowth of family connections running over a period of years. Our great paper mills are handled in exactly that way. They have the community spirit. They pay their taxes into the community for the conduct of their business, and again I ask, Why should such a company as that be penalized? [Applause.]

Here is a letter from a leather company to which I wish to call attention:

Undoubtedly that recommendation of the House committee regarding tax revision, which pertains to corporations that are "closely held," was intended to apply only to such corporations that were formed primarily for tax avoidance. However, according to the definition of such corporations, there would be included thousands of companies whose stocks are held by families or small groups of owners, but which are engaged in strictly commercial enterprises. It certainly would be unfair to penalize such companies merely because their ownership was not more or less widespread, and I do not hesitate to say that if legislation of that sort is enacted it will mean that many of them will be obliged to discontinue in business.

The writer of this letter cannot believe that any such discrimination or hardship is intended. He cannot conceive that this proposal is intended to apply to legitimate business enterprises. But the fact is that it is intended to so apply, astounding as this may seem.

I frankly cannot understand the philosophy of the proposal at all. I am for catching the tax dodger, but I am not willing to wipe out every family corporation in the country to do it when it is not at all necessary.

This proposal will hit many times more legitimate businesses than it will hit tax dodgers.

I am utterly opposed to the penalty tax insofar as it will injure legitimate business, and I shall oppose it with all my vigor, both in the committee and on the floor of the House—if it ever gets to the floor of the House.

This is one proposal of the tax subcommittee that is so obnoxious that many of the Democratic Members cannot be swung into line to support it.

I hope and trust that enough Members on the Democratic side will put principle above party to enable us to defeat this monstrous proposal, which in its present form is arbitrary, unjust, and discriminatory and absolutely destructive to the family type of business.

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

ANOTHER ADMINISTRATION "SQUEEZE" PLAY

Mr. HOFFMAN. Mr. Chairman, on the baseball field at Philadelphia the President, who is fond of illustrations, evidently tired of his "quarterback" and football-team role, likened his administration to a baseball team.

He recounted the base hits, the score—there were no errors—and disclosed how some of the runs were put "in the bag."

Recent activities on the part of the President indicate that he is familiar with at least one play of the game, which is known as the "squeeze." With a runner on third and a heavy hitter at bat, a bunt is laid down. The opposition, expecting a hit, unprepared for the deception, is caught off balance, and the runner comes home with another score.

This administration, concealing its real purpose, recently employed a like method of deception to put it in a position to collect campaign funds. It devised and executed a real "squeeze" play, which is making the consumer howl and which should "bring home the bacon" in increased campaign contributions from the U. M. W. A. and the C. I. O.

The bituminous-coal industry was in a bad way. Mines were not being operated at a profit; wages were low because of part-time employment; miners were unable to earn enough during the year to enable them to live according to the American standard.

The United Mine Workers insisted upon higher wages. The coal operators replied that the demand could not be granted in all the mines unless a higher price was obtained for the coal.

So the Guffey Act was passed and the Coal Commission created under it decided that at 12:01 a. m. on December 16, 1937, the price of bituminous coal should be raised, and it was raised.

That decree, according to conservative estimates, added $40,000,000 a year to the annual cost of living and doing business in the United States. Other estimates place the cost as high as $300,000,000 per year. Necessarily this increase in cost fell upon the man who burned the coal—the householder and the industrialist—and he is the man who is being squeezed, in part, at least, for the benefit of the New Deal campaign fund.

The Chicago Tribune press service from Gillespie, Ill., under date of February 1, 1938, carried the statement that:

> The minimum-price code established 6 weeks ago by the National Bituminous Coal Commission has proved so discriminatory against Illinois that the working time of miners in the State has been reduced drastically—in many cases as much as 50 percent, according to Joe Ozanic, president of the Progressive Miners of America.

Ozanic, president of the Progressive Miners, said:

> The average wages of miners in many sections of the State are only about 50 percent of the level of a year ago. While a part of this drop is due to the business recession, most of it can be traced directly to the code.
>
> * * * * * * *
>
> The officials of the United Mine Workers of America are largely responsible for the enactment of this vicious measure. Henry Warrum, chief counsel for the U. M. W. A., we are informed, collaborated in drafting the bill. We do not know how much influence the U. M. W. A. has had in the fixing of the present price schedules, but inasmuch as its officials helped to write the bill and secure its enactment, the chances are it had entirely too much to say.

It should not be forgotten that the Progressive Miners of America, who did not contribute to the reelection of the President, are at war with the United Mine Workers, who contributed so lavishly to the New Deal's war chest.

J. D. A. Morrow, president of the Pittsburgh Coal Co., appearing before the Senate Unemployment Committee during the week of January 14, testified that, within a week after the Coal Commission established minimum prices on December 16, coal production in the United States dropped 30 percent under the average of the preceding 8 weeks and that, in the 18 mines of his company, production declined 63 percent.

One of the reasons for the decline was, of course, the increased price and the competition from oil and other fuels.

A lessened production necessarily means a drop in employment, fewer days' work, less money to be paid in wages.

According to a statement of William Green, 460,000 miners are paying dues to the United Mine Workers of America. If the figures purported to be taken from the official reports of Thomas Kennedy, international secretary-treasurer of the United Mine Workers of America, for the 2-year period from June 1, 1935, to June 1, 1937, are correct, those 460,000 miners paid into the treasury of the United Mine Workers $7,105,558.64, exclusive of money retained by locals and districts.

A few figures from that report might be of interest. They are as follows:

Exhibit of a portion of the substantial expenditures of the International Organization of the United Mine Workers of America for the period from June 1, 1935, to June 1, 1937

Amount of cash on hand June 1, 1935	$1,887,604.78
Income during the period [1]	7,105,558.64
Total	8,993,163.42
Expenditures during the period	5,429,390.88
Balance of cash on hand at June 1, 1937	3,563,772.54
Reported expenses of the president:	
July 17, 1935, contingent expenses	1,000.00
Aug. 23, 1935, contingent expenses	1,000.00
Sept. 30, 1935, contingent expenses	1,000.00
Nov. 13, 1935, contingent expenses	1,000.00
Nov. 21, 1935, contingent expenses	1,000.00
Salary and expenses, 6 months ending Dec. 1, 1935	11,154.22
Dec. 20, 1935, contingent expenses	1,000.00
Feb. 20, 1936, contingent expenses	1,000.00
Apr. 20, 1936, contingent expenses	1,000.00
May 8, 1936, contingent expenses	2,000.00
Salary and expenses, 6 months ending June 1, 1936	11,188.74
June 2, 1936, contingent expenses	1,000.00
June 2, 1936, contingent expenses	1,000.00
Oct. 12, 1936, contingent expenses	1,000.00
Nov. 11, 1936, contingent expenses	1,000.00
Salary and expenses, 6 months ending Dec. 1, 1936	10,966.01
Dec. 7, 1936, contingent expenses	1,000.00
Dec. 14, 1936, contingent expenses	1,000.00
Jan. 14, 1937, contingent expenses	1,000.00
Feb. 1, 1937, contingent expenses	1,000.00
Mar. 9, 1937, contingent expenses	1,000.00
Apr. 9, 1937, contingent expenses	1,000.00
May 18, 1937, contingent expenses	1,000.00
Salary and expenses, 6 months ending June 1, 1937	11,459.14
	65,768.11
Reported cost of legal expenses:	
General:	
June 1, 1935, special expense	10,000.00
June 24, 1935, special expense	10,000.00
July 9, 1935, special expense	10,000.00
July 29, 1935, special expense	3,000.00
Aug. 23, 1935, special expense	12,500.00
Sept. 10, 1935, special expense	10,000.00
Sept. 25, 1935, special expense	6,959.00
Oct. 25, 1935, special expense	30,000.00
Nov. 11, 1935, special expense	3,500.00
Nov. 30, 1935, moving legal department	8,277.42
Dec. 6, 1935, special expense	2,500.00
Feb. 14, 1936, special expense	2,500.00
Feb. 17, 1936, special expense	40,000.00
Mar. 21, 1936, special expense	3,000.00
May 14, 1936, special expense	22,500.00
May 15, 1936, special expense	2,500.00
Aug. 12, 1936, special expense	2,500.00
Nov. 25, 1936, special expense	2,500.00
Feb. 17, 1937, special expense	2,500.00
Apr. 22, 1937, special expense	2,500.00
	187,236.42
To T. C. Townsend, attorney:	
Nov. 15, 1935, special expense	5,000.00
Salary and expenses 6 months ending Dec. 1, 1935	2,703.87
Dec. 30, 1935, special expense (Kentucky)	7,500.00
May 4, 1936, special expense (Kentucky)	7,500.00
Salary and expenses 6 months ending June 1, 1936	3,526.72
July 6, 1937 (?), special expense (Kentucky)	5,000.00
Salary and expenses 6 months ending Dec. 1, 1936	3,196.01
Feb. 1, 1937, special expense	5,000.00
	39,426.60

[1] This income does not include money retained by locals and districts from dues received from the membership of the U. M. W. of A.

Exhibit of a portion of the substantial expenditures of the International Organization of the United Mine Workers of America for the period from June 1, 1935, to June 1, 1937—Continued

Reported cost of legal expenses—Continued.		
To G. L. Grant, attorney:		
Salary and expenses 6 months ending Dec. 1, 1935		$8,655.94
Salary and expenses 6 months ending June 1, 1936		6,086.38
Salary and expenses 6 months ending Dec. 1, 1936		8,631.29
		23,373.61
To Gillespie, Burke & Gillespie, attorneys:		
Salary and expenses 6 months ending Dec. 1, 1935		2,386.77
Salary and expenses 6 months ending June 1, 1936		2,761.86
Salary and expenses 6 months ending Dec. 1, 1936		2,741.71
Salary and expenses 6 months ending June 1, 1937		2,535.61
		10,425.95
To Henry Warrum:		
Salary and expenses 6 months ending Dec. 1, 1935		11,121.50
Salary and expenses 6 months ending June 1, 1936		10,783.30
Salary and expenses 6 months ending Dec. 1, 1936		10,440.00
Salary and expenses 6 months ending June 1, 1937		9,062.50
		41,407.30
To E. McK. Forbes, attorney:		
Special expense, Dec. 7, 1935		1,483.05
Special expense, Dec. 31, 1936		1,676.76
		3,159.81
To James E. Watson, attorney: Special expense, Mar. 11, 1936		3,000.00
Total apparent legal expense		308,029.69
To Committee on Industrial Organization:		
Nov. 25, 1935		5,000.00
Apr. 24, 1936		5,000.00
Dec. 1, 1936		355,000.00
June 1, 1937		540,000.00
		905,000.00
Political expenses:		
Mar. 30, 1936, Democratic Convention Book		5,000.00
Apr. 29, 1936, Democratic Convention Book		1,250.00
Dec. 1, 1936, Roosevelt campaign		452,418.91
Dec. 7, 1936, Roosevelt campaign		6,000.00
Dec. 21, 1936, Roosevelt inaugural		2,500.00
		467,168.91
Technical expense:		
W. Jett Lauck: Research statistics, Dec. 1, 1935		10,750.00
Louis F. Gerdetz:		
Economic service, Feb. 3, 1937		2,944.55
Economic service, Mar. 10, 1937		1,706.30
		4,650.85
Donations and loans:		
To Independent Union of Marine and Shipbuilders Workers:		
July 29, 1935		2,500.00
Sept. 30, 1935		1,000.00
Dec. 1, 1936		2,000.00
		5,500.00
To Labor's Non-Partisan League: Apr. 28, 1936		5,000.00
To American Newspaper Guild:		
Dec. 9, 1935		2,000.00
Dec. 1, 1936		4,000.00
		6,000.00
To United Textile Workers: Dec. 1, 1936		10,000.00
To National Housing Committee: May 18, 1937		2,500.00
		29,000.00

A brief statement of the income and disbursements of the United Mine Workers for the period beginning June 1, 1937, and ending at the close of business on November 30, 1937, may also be of interest. It is as follows:

Income:		
Tax		$1,285,778.90
Assessment		33,547.45
Supplies		5,785.92
Journal		38.75
Interest on certificates of deposit and bonds		10,567.51
District No. 2, return of loan		55,000.00
District No. 3, transfer of funds		5,000.00
District No. 4, transfer of funds		5,000.00
District No. 6, return of loan		3,000.00
District No. 10, return of loan		4,000.00
District No. 14, return of loan		3,000.00
District No. 16, return of loan		1,000.00
District No. 17, return of loan		20,000.00
District No. 20, transfer of funds		20,000.00
District No. 30, transfer of funds		5,000.00
District No. 31, return of loan		5,000.00
Miscellaneous		35,708.09
		1,497,426.62
Expenditures:		
Salaries and expenses		463,829.00
Supplies		7,504.93
Office expenses		11,277.99
Printing		2,220.16
Journal		70,998.58
Telephone, postage, and express		7,562.40
Individual aid		540.50
Social-security, old-age benefit tax deductions		1,440.49
Cooperative retirement plan deductions		8,501.85
Loan to district No. 7	$10,300.00	
Loan to district No. 10	1,000.00	
Loan to district No. 19	80,000.00	
Loan to district No. 23	43,581.51	
Loan to district No. 26	9,000.00	
Loan to district No. 31	5,000.00	
Loan to district No. 50	9,500.00	
(Total loans, $158,381.51.)		
Committee for Industrial Organization loans	650,000.00	
Committee for Industrial Organization tax	180,000.00	
Labor's Non-Partisan League, contributions	30,000.00	
Steel Workers Organizing Committee loans	475,000.00	
Textile Workers Organizing Committee loans	99,000.00	
Miscellaneous	360,253.72	
		1,952,635.23
Total expenditures, including loans		2,526,531.13
Recapitulation		
Amount on hand June 1, 1937		$3,563,772.54
Income, June 1 to Dec. 1, 1937		1,497,426.62
		5,061,199.16
Expenditures, June 1 to Dec. 1, 1937		2,526,531.13
Amount on hand Dec. 1, 1937		2,534,668.03
Bank statements		
Amount on deposit, Thomas Kennedy, secretary-treasurer, United Mine Workers of America, including cash		$509,972.83
Amount on deposit, international executive board, United Mine Workers of America, including bonds		2,045,672.91
		2,555,645.74
Checks outstanding		20,977.71
Amount on hand Dec. 1, 1937		2,534,668.03

Note these facts: The coal miners claimed, and perhaps truthfully, that the amount paid them for the dangerous toil which they performed was so small that it was impossible for them to live according to the American standard of living. It was their claim that their wages must be increased, if they were not to face starvation.

The Federal Government, listening to this plea, passed the Guffey Act. It levied tribute, through the Federal Coal Commission, upon every user of soft coal. It compelled him to pay, if he would keep warm, if he would operate his plant, an increased price so that the wages of these miners might be raised.

But note what actually happened. From these underpaid miners there was collected, from June 1, 1935, to June 1, 1937, $7,105,558.64. Of this amount there was paid to the C. I. O. during that same period, $905,000 and there was also paid, for Democratic campaign books, $6,250 and contributed toward the Roosevelt campaign $460,918.91.

During the period which elapsed between June 1, 1937, and November 30, 1937, the United Mine Workers paid by way of tax and assessment $1,319,326.35.

During the same period it contributed—

To the Committee for Industrial Organization:	
Loans	$650,000
Tax	180,000
To Labor's Non-Partisan League—contributions	30,000
To Steel Workers' Organizing Committee—loans	475,000
To Textile Workers' Organizing Committee—loans	99,000
Total	1,434,000

In addition to this it has miscellaneous disbursements of $360,253.72.

It will be noted from the reports that a contribution to the C. I. O. of $540,000 is listed as of June 1, 1937, in the audit which closed as of that date, and that a loan of $650,000 to the same organization is listed in the audit which began with June 1, 1937. There is no way of determining from the information at hand whether the latter amount includes the former.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does the gentleman know it takes $3,500,000 of the coal consumers' money to maintain the Coal Commission, and does the gentleman also know that many of the mines in Pennsylvania and West Virginia are now being closed down by the Commission?

Mr. HOFFMAN. Yes; I have heard about the closing of the mines.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Texas.

Mr. PATMAN. Am I correct in understanding from the gentleman's figures that these contributions were made before the price of coal was increased, and that since the price of coal has been increased the miners are getting less instead of more?

Mr. HOFFMAN. The miners were getting less work all the time. Of course, these contributions were made before the coal price was increased on December 16, 1937. However, it makes no difference. The policy is the same. The miners would not have been so poor if the $1,500,000, money they earned in their dangerous toil, had not been taken away from them.

Mr. PATMAN. How many coal miners are there? How much is that sum per coal miner?

Mr. HOFFMAN. William Green is reported to have said there were 460,000 coal miners paying dues. I did not figure it out. The gentleman is an expert at figures. He goes about the country telling how much it is going to cost every baby, even those yet unborn, for safety pins and diapers. I am not an expert at that. The gentleman has a remedy for every problem. I am just telling of the way you force everyone to contribute and how you are helping these miners to live the more abundant life.

Mr. PATMAN. The gentleman's own information would contradict his statement.

Mr. GILDEA. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Pennsylvania.

Mr. GILDEA. When the price of coal was increased 50 cents a ton, what did the miners get out of it?

Mr. HOFFMAN. How would anyone know?

Mr. GILDEA. Will the gentleman yield further for the statement that 40 percent of the selling price of coal is what the miner receives for his labor?

Mr. HOFFMAN. I do not know what he receives, and it makes no difference in considering the question here involved. The less he receives the less he should be required to contribute for campaign purposes. Is not that true? Certainly it is. If he gets only 1 cent, are you going to take three-fourths of it? There is no reason why the coal miner, in order to hold his job, should be forced to pay dues to an organization which loans that money, or a portion of it, so collected to another organization which uses it in violation of the law to drive other workers from their jobs.

Mr. GILDEA. When the United Mine Workers came into my section mine labor was paid 13.5 cents an hour and the men worked 10 hours a day. Today they are getting 65 cents an hour and working 7 hours a day.

Mr. HOFFMAN. I will tell the gentleman what they are getting. They are getting far less days' work than they were before. The market for coal has been decreasing; mines have been closing, and they are getting unemployment. In the mines, the same as in industry in other places, where the wages have gone up, the total sum earned per year by the average worker is less, as are the hours of employment; as are the number of available jobs.

I have not in any way criticized the American Federation of Labor; nor do I propose to criticize any labor organization which has the interests of the workingman at heart. But there is a lot of legislation enacted, a lot of ballyhoo shouted, in the name of labor which, in the end, has seriously injured its cause.

Mr. GILDEA. I know about the workingmen and I know what the C. I. O. and the labor unions have meant to them much better than the gentleman does.

Mr. HOFFMAN. I know this: The automobile workers were getting $7.26 per day, and, when the C. I. O. came up there with the United Automobile Workers' Union and closed the factories, they cost them in that industry $44,000,000 in wages in General Motors alone and $10,000,000 in Chrysler, and now what have we got? We have the factories closed in some places; on part time in others.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. RICH. What the gentleman from Pennsylvania [Mr. GILDEA] is trying to say is that the American Federation of Labor is the organization that raised the wages of the mine workers in Pennsylvania. It was not the C. I. O.

Mr. GILDEA. If the gentleman will yield further, the gentleman from Pennsylvania knows that. Will the gentleman yield further?

Mr. HOFFMAN. No; I have finished except to say that, so far as we in Michigan are concerned, the C. I. O. has accomplished nothing except the closing of the factories and putting the men on the relief organizations of the State, through Governor Murphy's appointment of their man Frankensteen, who assumes to distribute the relief money collected from the rest of our taxpayers. The C. I. O. members have accomplished that much. They are "skinning" all of us for the benefit of those Communists who are in that organization.

When you buy a ton of coal and find that, under the Guffey Act, the Coal Commission has added 50 cents to the price you are inclined to kick. But on consideration, believing that the increased cost is paid to the miner himself, who, you are told, needs it, you are more willing to bear the added burden.

But when, looking at the foregoing statement, you learn that something over $7,000,000 has been collected in the 2 years from the mine workers for dues and that $1,735,000 of those dues went to the C. I. O., which, by the use of armed men, caused the closing of the automobile factories you are not so well pleased.

And when you check down the list and you note that $467,168.91 went to finance the reelection of President Roosevelt your dissatisfaction becomes acute and you wonder why you, through the operation of the Guffey Act and assessments levied upon the United Mine Workers, should be compelled to contribute to the reelection of a candidate with whose policies you are not in sympathy.

Newspaper items of January 26 state that loans to the C. I. O. caused the United Mine Workers to run more than a million dollars in the red during the 6 months which ended November 30, 1937, although its income for the 6 months was $1,497,426, and, at that, United Mine Workers had on November 30 a bank balance of $2,534,668, which leads one to inquire as to the purpose for which it was collected and is to be used.

Is the administration "squeezing" you? I would say it is. It adds to the cost of every ton of coal you buy, and if you do not buy coal but buy goods which are manufactured by the aid of power created by coal, you still contribute to the President's campaign fund.

Under the guise of aiding the miners and the soft-coal industry, the Guffey Act levies tribute upon every consumer, and, in turn, the miners, who are supposed to receive the benefit of the increased price, are compelled, through the arbitrary action of John L. Lewis, to contribute to the C. I. O. They were also, because of the arbitrary and autocratic action of John L. Lewis, compelled to contribute to the President's campaign fund more than $500,000.

Now, those are the facts, and you can draw your own conclusions as to the motives behind the acts.

Nor is the foregoing the whole picture of what is actually taking place.

Just a few days ago the officials of the State of Pennsylvania, with a Senator from that State, called upon the President to enlist his aid in placing a tax of 1 cent a gallon upon fuel oil, which competes with Pennsylvania coal. To put it bluntly, these interests seek to force us to buy coal at their price.

In December of 1936, Martin, Frankensteen, the C. I. O., and their armed invaders moved into Michigan.

Their purpose was to levy tribute upon every automotive worker in the State—in the country, for that matter—so that they might add to their war chest.

They succeeded in closing the factories, and now that the factories are closed they expect the farmers, the small-business men, the toilers in other industries to save them from the disaster which they have brought upon themselves.

Just a few days ago the representatives of the U. A. W. A. were down here at Washington asking for $130,000,000 to aid in caring for the automobile workers who last year were driven from their jobs by the C. I. O. organizers.

They are repeating the threat of Browder, who said:

> We industrial unionists are going to take over the industries some day for three very good reasons:
> 1. Because we need them.
> 2. Because we want them.
> 3. Because we have the power to get them—

for they are demanding now that, unless the automobile factories are opened and jobs are given, the Government take over these factories and operate them, and that has been their purpose throughout—the destruction of industry, of our form of government.

The President himself gives us a veiled threat when he tells us that if industry does not take up the slack in employment, the Government will. This is his depression; he created it. For what purpose? Let him answer.

C. I. O., like some of the advisers of this administration, are, as Bainbridge Colby said back in 1934—

> Not desirous of business revival, feeling that to prolong the depression will produce a better psychological background for the prosecution of their revolutionary designs. The overturn of our institutions, including the Constitution, is their avowed goal.

In 1936, when they called the sit-down strikes, they pretended to be acting in the interests of the workingman. Today their true purpose—the destruction of our form of government and the establishment of communism—stands disclosed. We should meet this situation with whatever measures and action are necessary. One effective check would be the amendment of the Wagner law. [Applause.]

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield myself 10 minutes and ask unanimous consent to revise and extend my own remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WIGGLESWORTH. Mr. Chairman, there is one item in this bill to which I think the attention of the House ought to be directed. This is the item which appears on page 17 of the bill under the title "Public Debt Service." At that point you will find provision made for increasing the limitation on the item for "expenses of loans" from $2,978,000 to $4,000,000, the reason for the increase being found in the extensive sales-promotion program for United States savings bonds or "baby" bonds which has been embarked upon by the administration.

According to the hearings, this program includes advertisements, posters, circulars, booklets, addressograph lists, the issuance of circulars, the distribution of circulars and pamphlets, and the cost of the organization in Washington for doing the work.

The program seems to be both extensive and expensive. Two days ago I received a letter from a gentleman in Boston. I will not read it in full, but the writer states he is enclosing literature received by him in this connection from the Treasury Department. He states that he not only received one set at his office but another set at his home, and that his mother also received two sets, one addressed to her by her full name and one addressed to her by her last name. He says:

> It seems to me that this is one of the most outrageous wastes of the taxpayers' money I have seen.

He also says that his guess is that the circulars, exclusive of the cost to the Post Office for delivery, cost between 10 and 20 cents each; that he does not know how many were mailed, but assumes it ran not far from 1,000,000, and winds up by asking:

> Why not call this to the attention of suitable people? It is pathetic to yelp for economy and then spend money this way.

Included in the letter which he received are about 20 pages of mimeographing or printing designed to induce the purchase of these baby bonds. There is a one-page mimeographed letter, signed by the Secretary of the Treasury, calling attention to the bonds, indicating that details are available at the Treasury, and stating that many have embarked upon the periodic purchase of these bonds for retirement, college education of the children of the family, traveling, recreation, and emergencies.

It would seem that this letter in itself might be enough. But, no; in addition to a return envelope addressed to the Treasurer, there is this printed circular which I hold in my hand, about 8 by 10 inches, I should guess, four pages in length, with striking photographs in it, and which refers to the bonds as—

> A safe and convenient method of providing cash for the future, to educate children, for a retirement fund, to take care of dependents, for a cash estate, for travel and recreation.

But this is not all. In addition, there is this pamphlet which I show you, and which some of you may have seen, about 6 by 8 inches, I should think, 15 pages in length, done in five or six colors, with photographs of an appealing character for each page, also designed to induce the purchase of these bonds.

Here are a few quotations in respect of the bonds:

> United States savings bonds, the basis of a secure future.
> Vacation devoted to travel and study in foreign lands * * * days spent in leisure in far-away places * * * promised weeks and months of doing just the things you want most to do. These may be brought to actual realization through systematic purchase of United States savings bonds.
>
> The Treasurer of the United States will remind you to buy savings bonds through a memorandum statement sent you each week, each month, every 3 months, or at other intervals selected by you.
>
> Never less than the purchase price.
>
> Gifts that gain in value are gifts for today and tomorrow. United States savings bonds are appropriate remembrances for every gift occasion.
>
> The safety surrounding United States savings bonds, their freedom from price fluctuations, their periodical increase in redemption value, and other features fit them logically into almost any plan the investor may make for the future.
>
> Savings bonds turn today's $75 into $100.

Select the program best suited for your needs, purchase these bonds each week, each month, or at other intervals of your choice.

Mr. Chairman, the record indicates that there are about 1,000,000 people on the mailing list of the Treasury in this connection. Another list is in the course of preparation, with about 2,300,000 people on the list already. The list is being continually built up.

For the cost of this service of promotion I call particular attention to page 105 of the hearings where there will be found a break-down of the cost for the present fiscal year. It is not broken down in detail, but is sufficient to show expenditure of almost $309,000 for magazine advertising; of over $408,000 for booklets, posters, and so forth; of $154,000 for travel, supplies, equipment, and miscellaneous; and of nearly $338,000 for salaries. Detail as to presonnel is lacking. If we assume $2,000 as an average salary, the total would seem to reflect about 168 people engaged in this promotion work.

The cost will be something over $1,000,000 for the present fiscal year, and $683,000 for the next fiscal year unless the item in the Treasury appropriation bill for 1939 is reduced by the Senate.

Mr. Chairman, the policy of the administration in this connection seems to me to be open to grave question. I think the administration is assuming a great responsibility under existing conditions. It is one thing to offer these bonds and to allow them to be absorbed as the market will absorb them. It is quite another thing in my judgment to carry on a high-pressure campaign to induce their purchase by widows and orphans and others who perhaps cannot fairly afford to make the purchase.

It is interesting to speculate how far a private company would get with the S. E. C. in embarking on a similar program with similar representations after pursuing financial policies such as we have seen under this administration over a period of years. It certainly is unnecessary to speculate in order to appreciate the point of view of the widow or orphan unwisely induced to purchase these bonds, if present fiscal policies are continued, with the inevitable disastrous consequences for every man, woman, and child in the Nation.

I think the policy of promotion as a whole is open to grave question. I think the expense in connection with the policy is entirely unjustified. I bring the matter to the attention of the Members of this House at this time. As one Member of the House, I believe that the program of promotion should be largely curtailed, if not eliminated. I think the action of your subcommittee in reducing the item referred to in this appropriation bill by $128,000 is a step in the right direction.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. CRAWFORD. Was anything brought out in the hearings which covered any reason why the newspapers of the country do not participate in this advertising program? In looking at the report here I find that the newspapers are not mentioned. Some weeks ago I took the matter up with the Treasury Department and established to my own satisfaction that there was no idea of using the newspapers. Why do they shift away from the newspapers that support the administration and, generally, Government policies wholeheartedly, and give this advertising to magazines strictly, such as the Saturday Evening Post, Liberty, and other magazines of that type?

Mr. WIGGLESWORTH. I do not know to what extent the newspapers have been used. I do not think the matter was covered specifically in the hearings. It did appear that very extensive advertising in magazines had been resorted to, and that this is to be cut down in the future.

Mr. CRAWFORD. Does not the gentleman think as a business proposition, assuming we are going to spend this money, that there could be no better medium through which to present this matter to the public than the local weekly and daily newspapers, just as a straightforward proposition?

Mr. WIGGLESWORTH. I should suppose that the newspapers would be very much more effective.

Mr. CRAWFORD. There is one other question. Coming back now to a straight business proposition, when we started out on this program nobody held baby bonds. Today I understand that over a billion and a half of these bonds, maturity value, are in the hands of the public.

Mr. WIGGLESWORTH. There are about a million and a quarter bondholders.

Mr. CRAWFORD. If the people like the bonds and desire to participate in the Government debt in that manner, does the gentleman not think we should begin to slide off with advertising and let them do the advertising, rather than increase this appropriation for the purpose of spreading the good news? Would not an ordinary business institution take that attitude if it had such commodities?

Mr. WIGGLESWORTH. I should think so.

Mr. MICHENER. And does the gentleman not think it would be a good idea for the Government to expend some of its energy and money in assisting business, and assuring the public that it might invest its money in productive enterprise rather than in financing the wild spending of the Government?

Mr. WIGGLESWORTH. The gentleman knows that he and I see alike in that respect. I think the gentleman points to another excellent example of putting the well-known buggy in front of the horse. [Applause.]

Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, could the gentleman from Virginia grant me a few minutes' time? It seems that he is not going to use the hour at his disposal.

Mr. WOODRUM. We are very anxious to get to reading the bill, but if the gentleman has not concluded at the expiration of the 15 minutes I will see if I can accommodate him.

Mr. GIFFORD. I appreciate the gentleman's kindness. It will undoubtedly depend on the trend of my conversation.

Mr. WOODRUM. The gentleman displays his usual alertness.

Mr. GIFFORD. Mr. Chairman, rather sadly do I again take up the burden of protest, but the air is so surcharged with fear over the country, and our unfortunate people are so hopeful that the Congress may do something, that we must continually prod the majority party to a serious realization of its present duty to the Nation. I think that the public at large have generally awakened to the fact that they cannot depend further upon the White House.

As the gentleman, my colleague from Massachusetts, said this afternoon, the depression is Mr. Roosevelt's; he cannot dodge it, he it was who brought it about. We gave him the vast powers he asked for—as he himself said, "unimagined powers." I wish to reinforce this statement by reading from an article by a London economist, writing an analysis of our situation:

It is surprising indeed that anyone over there should be surprised at this depression.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. GIFFORD. I yield.

Mr. TABER. Did he plan it that way?

Mr. GIFFORD. He said he did. Of course, he planned it that way! Let me read further:

Neither economic jargon nor statistics are required to show how Mr. Roosevelt made the depression, which should always bear his name. He created it by methods which were as direct as they were effective.

In that statement we are constrained to agree.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. If I get more time I will yield; if I cannot get more time I will not yield, although I desire to do so.

Mr. WHITE of Idaho. I would like a little information from the gentleman.

Mr. GIFFORD. The gentleman is getting it.

The CHAIRMAN. The gentleman from Massachusetts declines to yield

Mr. GIFFORD. Those words, although uttered by me, are those of one who knows much more about economics than you or I. Certainly those in power have shown that they know little or nothing about the economics of business. They have for 5 long years amply demonstrated that hereafter when those persuasive fireside chats are made, let me warn you against the probable plea, "Trust me, give me more powers, and my arms will be strong and ready to protect you." Now, we may well say, "But who will protect us from your arms?" [Laughter.]

Who indeed is to protect us now from him to whom we granted such enormous powers? From him who will acknowledge no error? From him who strives to find nothing but alibis for the disastrous failure that is his? From him who faces both ways? The more important businessmen of the Nation are first called to commune with him. They enter seriously; jovially they depart. Certainly he must have promised them sympathy and cooperation.

Did you read this little story recently printed? Let us be entertained by it. First, Mr. Ickes called at the White House and presented his side. He was told, "Mr. Ickes, you are absolutely right." Mr. Hopkins came in later and presented his side. "Mr. Hopkins, you are absolutely right." Someone else spoke up and said, "That's silly. They cannot both be absolutely right." Whereupon he answered, "You are absolutely right." [Laughter.]

You read that, did you not? We know not the truthfulness of it, but it appeals to us as characteristic.

Troops of those businessmen came to Washington at his invitation. As a result, the only suggestion yet made is: "Lower prices; either keep wages stabilized where they are or increase them. That is the way out of this depression."

Are we totally bereft of common sense to accept that? Is it to be wondered at that the stock market plunged downward that day? Last May I made an address here entitled "The Political Stock Market." Results have actually gone beyond the predictions made then. Again on yesterday values dropped woefully. The finest security on the market plunged eight points; and, of course, that was enough to start a stampede in the selling of all kinds of securities. Happily some recovery was later made.

But, Mr. Chairman, I took the floor today to speak of other matters. You were startled, were you not, to read in the newspapers this morning that not perhaps for generations would we have to borrow any more money of the general public? It was an astounding statement, in view of large deficits yet to come. We learn with great concern that the Treasury is to mop them up with the security payments which the people of the country have deposited in good faith to take care of them in their old age, and to be used for unemployment benefits.

Who can justify such procedure? Would any of you acting as trustee of my savings proceed to use them for living expenses and perhaps live even more extravagantly? It would be most unethical if you employed my funds to pay your own obligations, already outstanding, relying upon your later ability to make good when required to repay me.

This scheme is typical of the idea of honesty in this administration. You may say, if you please, "Why, no government would fail to live up to its agreements." Contemplate the acts of this administration in monetary matters and we may well doubt the safety even of its action. The people are awakening to this situation.

They are to mop up deficits this year, according to estimated figures, from the social-security fund some $1,179,000,000, and each year thereafter such sums as may be required and collected, and the public is told that there will be no more borrowing. They do not seem to care where they get the money. She said to him, "You do not need to like me as you used to. I do not think you cared for me except that my father left me money." He said, "No; I did not care who left you the money."

I read further:

Mr. Roosevelt, having taken unto himself an economic responsibility which no President could hope to discharge, searched for skilled economic assistants and recruited a tribe of professors, lecturers, lawyers, and social workers, none of whom had ever been touched by the pitch of profit making.

Recently in another body an outline was presented of what the objectives were which the administration is seeking—low prices, high wages, and, if by chance there happens to be something left over, then the stockholders might be allowed to partake of a small dividend, but the Government would see to it that those dividend payments would be small. Further, that salaries should also be controlled by this Government, so imbued with hatred for successful business enterprises.

How could it possibly have happened that we should have given this present occupant of the White House such enormous powers that at every little blast from that direction all business is at once afflicted with the jitters? It is reprehensible that in a democratic, liberty-loving republic this thing could possibly have happened.

Mr. Roosevelt is a good hater.

I am reading from the London Observer.

But he may yet realize that tax for revenge is not finally to be in the best interests of the state of the Treasury. His passion for half-baked reforms has put a great many people out of jobs. There is much rawness in the New Deal.

A bitter critic of bureaucracy, he has created so many bureaus that Washington cannot contain them. A stern advocate of economy, he has spent more money than any President in the history of the United States. These are a few of his gyrations.

It suffices to say that no one, least of all the President, knows what he will do next and that is why the fear of the country.

We know that to be true now. He and his advisers are frantically searching for alibis. They cannot formulate a program even for the day.

Mr. Chairman, I regret to read in the paper of the utter failure of the Roper conference. We now realize that the small-business men, so-called, came to Washington, full of suspicion that the Department which invited them had already selected its chairman, formulated its program, and even probably suggested whatever resolutions might be presented, and which would bear the stamp of approval of the administration. Suspicious from the start. However, this was a body that could not possibly be controlled and forced to abandon its viewpoints. Some of them called at my office yesterday afternoon, as they probably came to yours. They said, "One thing we are positive of, and that is that we could have agreed on one resolution unanimously, and that is, 'Government, take your hands off of business.'"

They wanted it understood that these businessmen, in the great majority, were not here to borrow Government money. They insisted that the banks had plenty of money and that any business which should have credit could get it. We all know from our past experience with reference to governmental loaning requirements that these are much more exacting than those of the banks. Every creditor has to be considered secondary when the Government grants a loan. These men now fully realize the great difficulty in procuring other, even temporary, credit because of the all-embracing security demanded by the R. F. C. in making a loan.

This last condition may be so much worse than the first. Many now exclaim, "We may as well go through the wringer now as later."

But no wringer was supposed to be needed in 1933. All were to be saved. Government money in huge spendings would take care of business. The type of spending mattered little—merely scatter it as quickly as possible.

If you on the majority side were not worried at the collapse of market values yesterday, coming on the heels of these conciliatory gestures, we are.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GIFFORD. I may not suffer much from shrinkage of values. My income is dissipated in taxes and similar expenses, and it is of doubtful judgment to own property or attempt to do business. But I sympathize with my neighbors who may have been left savings on which their existence depends. We have watched their interest and dividends dwindle from 6 percent to 2½, even 2 percent. They cannot live upon that meager return because of the policy of money control by this administration—of easy money, so-called to accommodate the Government in its recent huge borrowings. When returns shrink to 2 percent, of course the value of the securities themselves shrink proportionately.

If you of the majority can look upon all this with equinimity, we cannot. You prefer not to talk about it. You have no speakers today who care to answer the minority. Proven, indeed, is the statement I made upon this floor early in the last regular session, "That it will be the duty of the minority to know more about legislation than the majority. That it ought not to be a difficult assignment." Surely it has not been difficult.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield for a question?

Mr. GIFFORD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. There are one or two points in the gentleman's remarks which interest me, particularly with reference to increasing wages and cutting prices.

Mr. GIFFORD. Nonsense, is it not?

Mr. CRAWFORD. Does the gentleman know of any way under our scheme of doing business, which we call the profit system, whereby wages can be increased without at the same time going into the cost formula and being resolved into an addition to the price which can be charged the consumer?

Mr. GIFFORD. Any other assertion would be nonsense, of course. Volume, yes. Do business and lose a dollar per barrel. Sell a great volume at the same loss and you will be prosperous and happy! Such nonsense! Yet that is what we are told to do after that conference with industry. Certainly they did not subscribe to that. In the past, when we have made an indictment against the majority, an orator was selected to draw the dreadful picture of March 1933 and portray a "Savior of the Nation." That picture has been drawn so often that it is now even tiresome to its adherents. Let them draw the picture of January 1938, nearly 5 long years afterward. Where is that man of courage? Where is that man who led us out? Now send forth your orators to tell about the man who led us in.

Mr. CRAWFORD. If the gentleman will permit another observation, so neither one of us may be misunderstood by those who pretend to be such great friends of labor, it is also true that if taxes are increased, they must be added to the cost formula and resolve themselves into the selling price.

Mr. GIFFORD. Yes; all such things affect prices.

In closing, may I say we have endured much in the last 5 years from these theoretically minded economists who have never been defiled with the pitch of profit-making. May I remind you that a Houdini pulls rabbits out of his hat, but he does not make his living selling the rabbits. [Laughter and applause.]

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont [Mr. PLUMLEY].

Mr. PLUMLEY. Mr. Chairman, last evening a small group of Members of Congress were gathered together discussing men and matters and things, when one of the group said, "Have you see the statement that BILL UMSTEAD is not going to be a candidate for reelection?" Whereupon I proceeded to tell them what I thought of BILL UMSTEAD, and they said, "Why wait until a man is dead? Why not put that in the RECORD now?" So I am going to put it in the RECORD now, and this is what I said:

Did you say that UMSTEAD was going to resign? Yes. I saw the statement and regret that Bill has decided not to be a candidate for reelection. He is too valuable a man in Congress for us to lose. He is an indefatigable worker, intellectually honest, mentally as sharp as the point of a needle. He is a pugnacious but a fair fighter, tempered "for the fray" like one of those old Damascus blades, and an antagonist worthy of the steel of any man. You should know, and probably do, that when BILL UMSTEAD says a thing is so he believes it is so, whether it is so or not. He never played petty politics in his subcommittee, though his loyalty to his partisan political principles never could be questioned.

If he were for or against a proposition, he told you so in unmistakable language devoid of circumlocution and the usual reservations and alibis. I could say a lot more, but will only say I am sorry not to have the further privilege of close association with a man for whose ability, integrity, and intelligence I entertain so high an opinion and for whom I have such a strong personal regard. I hope, as do all of those who know him, that the success he may attain and achieve may be measured only by the yardstick of what he deserves.

[Applause.]

Mr. TABER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, on the 28th of January the President of the United States sent up here a message with reference to the Navy. I have heard a great deal of discussion about it, but I have not heard discussed what seem to me to be the salient features and the things about which we should ask before we embark upon a large battleship- and cruiser-building program at this time. Frankly, I should not want to commit myself on what I thought ought to be done until these questions were answered.

First. What kind of an emergency does America face that requires a large naval program in addition to the treaty Navy which will be attained in the year 1941 by the program of appropriations now under way?

Second. Of what use in that type of emergency will battleships be that cannot be completed with the facilities which are available in less than 72 months, and of what use in that emergency will cruisers be that cannot be completed in less than 40 months?

Third. Would we not be better off, if we are facing that kind of a situation, to accelerate the work on the ships now under construction than to embark upon new construction which cannot be completed in time?

There is another question which it seems to me is of transcendent importance, and it is, Have we the facilities available to go ahead properly with such an enlarged program and proceed with it as it should be proceeded with, if it is undertaken? At the present time the facilities in our private yards are not available because of the Walsh-Healey Act and the National Labor Relations Act, which prevent the private yards from taking contracts for long-term propositions except at such high prices as insure them protection against loss in the building. This situation was shown by the last submission of bids for building cruisers and battleships.

We carry in the bill before us a large sum for increasing the engineering staff of the Navy Department to work out the construction of these ships in navy yards.

Further, have we the naval architectural force available to design properly, efficiently, and promptly another batch of ships and properly supervise their construction, so that we may dare at this moment to embark upon a very large program?

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 5 minutes to the gentleman from New York.

Mr. TABER. In this connection, may I call the attention of the House to this question, and I want to see it answered before the program is brought out here for consideration.

In 1918, 1919, and 1920 we laid down a large number of ships. Because of the uncertainty, because of a lack of proper naval architects to work in connection with the design and construction of these ships, a very large number of them, especially the destroyers, were faulty in construction; and then, in 1925, 1926, and 1927, we got into another situation where, as a result of the same kind of effort crowding our facilities and our available force too hard, the large cruiser program we had under construction resulted in wobbly sterns on a number of the ships, and in a number of them being so designed and so constructed that they rolled so much in heavy seas that they could not fire their guns safely.

Having been burned a couple of times, we ought not be burned again without knowing what we are doing.

These are just a few of the questions I want answered before this country embarks upon a large addition to our present naval program.

I want to see adequate defense. I do not want to see the great expenditure of money that will be entailed unless we find out first that it is going to be of some use, and, second, unless we find out that it can be properly and effectively constructed.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman.

Mr. HEALEY. Does the gentleman contend we cannot build battleships as effectively in our Government yards as we can in our private yards?

Mr. TABER. Well, I know from 10 years' experience upon the Naval Affairs Committee that it costs more before we get through to build ships in the navy yards. They will bid less in the estimates they submit at the time the bids are called for, but when we get through and pay the cost, it is almost invariably more; and, on top of that, our facilities are limited as to what we can do in the navy yards, not only our physical facilities but our facilities of personnel to design and construct them. The navy yards, moreover, do not consider depreciation or interest on cost of facilities, or anything of that kind.

Mr. HEALEY. Then the gentleman favors the building of these naval ships by private industry and a discontinuance of building them in Government yards?

Mr. TABER. No; I do not know that I would say that, but I do favor keeping the thing in such shape that the private yards can continue, because there we have, as a general rule, procured the best results.

Mr. HEALEY. I do not think the evidence points that.

Mr. TABER. Well, I know.

Mr. HEALEY. I disagree with the gentleman.

Mr. TABER. I have not any "think" about it; I know from experience.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CRAWFORD. Since the message of the President came to us the other day there has been much wondering going on in my mind, not so much about the detail, because I am not familiar with the subject, but about who is to say what this program involves. Will it be the President, the Secretary of War, or the Secretary of the Navy? In other words, who could give us this information?

Mr. TABER. The only body that can say what this program is going to be is the Congress.

Mr. CRAWFORD. I do not make myself clear. That is an entirely unsatisfactory answer to the question I am getting at. If the Congress is to accept suggestions of the President and his messages and his leadership under our scheme of operation, does the President or the Secretary of War or the Secretary of the Navy, or all three of them operating together, say what this program shall be?

Mr. TABER. Nobody but the Congress.

[Here the gavel fell.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

For an additional amount to enable the Commission to complete the work of carrying out the provisions of the public resolution entitled "Joint resolution to enable the United States Constitution Sesquicentennial Commission to carry out and give effect to certain approved plans, and for other purposes," approved June 1, 1936 (49 Stat. 1392), as amended by the public resolution approved August 19, 1937 (50 Stat. 694–695), fiscal year 1938, $50,000, to remain available until December 31, 1938. Not to exceed $87,580.43 of the sums heretofore received by the Commission from the sale of publications and other material is hereby appropriated and made available for the payment of obligations heretofore incurred and listed on pages 30 and 31 of the hearings before the subcommittee of the Committee on Appropriations, House of Representatives, on the first deficiency appropriation bill, fiscal year 1938, and shall remain available for the payment of such obligations until December 31, 1938.

Mr. WOODRUM. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. WOODRUM: Strike out lines 18 to 24, inclusive, on page 3, and lines 1 to 13, inclusive, on page 4.

The amendment was agreed to.

The Clerk read as follows:

Replacement of naval vessels, construction, and machinery: The limitation on expenditures for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department under the appropriation "Replacement of naval vessels, construction, and machinery" for the fiscal year 1938, approved May 28, 1937, is hereby increased from $4,570,000 to $5,235,000.

Mr. WOODRUM. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. WOODRUM: On page 13, line 6, strike out the following, "approved May 28", and insert in lieu thereof the following: "contained in the Naval Appropriation Act, approved April 27."

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. FERNANDEZ. Mr. Chairman, I move to strike out the last word and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERNANDEZ. Mr. Chairman, by request of the building and loan associations of New Orleans and the president of the Federal Home Loan Bank of Little Rock, Ark., I wish to make known to the House of Representatives that at the appropriate time, either by amendment to some legislation, or by a bill or resolution, I desire to propose that the Federal Savings and Loan Insurance Corporation be permitted to expend $500,000 of its funds to enable said Corporation to acquaint the public with the insurance protection afforded by it to all citizens whose savings have been entrusted to thrift and home-financing institutions insured by said Corporation by publicity in all forms and educational activities.

FEDERAL HOUSING ADMINISTRATION HAS SUCH AUTHORITY

The Federal Housing Administration under the independent offices bill provides that not exceeding $300,000 of the sum herein authorized shall be expended in the District of Columbia during the fiscal year 1939 for the purposes of the Public Relations and Education Division. I propose that the Federal Savings and Loan Insurance Corporation shall have like authority.

HISTORY OF LEGISLATION

In 1934 Congress adopted title IV of the National Housing Act, providing for the creation of a Federal Savings and Loan Insurance Corporation, with a capital of $100,000,000, subscribed for by the Home Owners' Loan Corporation. The purpose of this corporation was to insure the accounts of all Federal Savings and Loan Associations, and to insure the accounts of such building and loan associations throughout the United States and its Territories, as could pass the examination provided by the trustees of the Insurance Corporation. The members of the Federal home-loan bank were constituted as the board of trustees of the Corporation.

For the insurance of their accounts all insured associations pay a premium to the Insurance Corporation. The Corporation at the present time has a paid-in capital of $100,000,000, and has an accumulated surplus of more than $11,000,000.

As an incident to the depression which followed in the wake of 1929, and from which the country has been making a slow up-hill recovery, the building and loan associations suffered as the banks and all other phases of our national life. By reason of the very nature of their business, engaged in the financing of real-estate mortgages to their members, to be amortized over a long period of time, the return of recovery of building and loan associations has necessarily seemed slower than other types of institutions. This, how-

ever, is not the fault of the building and loan industry but rather the inherent nature of the industry. The slow recovery and the losses which have been sustained by reason of the loss of value of the real estate securing loans in these building and loan associations have been among the causes which, perhaps, have engendered a loss of confidence on the part of many persons toward investment in building and loan association shares.

CREATION OF FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION GUARANTEED THE ACCOUNTS OF INSURED ASSOCIATIONS

With the creation, however, of the Federal Savings and Loan Insurance Corporation, guaranteeing the accounts of insured associations the hazard of loss by the investor in building and loan association shares has been eliminated just as the hazard of loss from the failure of banks has been removed by the creation of the Federal Deposit Insurance Corporation.

RECOVERY OF POPULAR CONFIDENCE IN SAFETY OF BANKS SPEEDILY ACCOMPLISHED

The recovery of popular confidence, however, in the safety of banks has been much more speedily accomplished, than has been the recovery of popular confidence in the investment in building and loan shares. The almost immediate recovery of general confidence in the banks was due to the dramatic manner in which the banks were all closed all over the country at one time by Presidential edict, with the proviso that only those banks which were in good solvent condition would be permitted to reopen. As a result, each bank as it reopened was known in its community to have had a stamp of approval on its condition. The Federal Deposit Insurance Corporation was likewise created at a time when public attention was concentrated and focused on the banks.

BUILDING AND LOAN INDUSTRY DID NOT HAVE THAT ADVANTAGE

The building and loan industry did not have the benefit and advantage of so dramatic a concentration of attention on the creation of the Federal Savings and Loan Insurance Corporation, nor have the insured associations had such a dramatic setting for the issuance of the certificates of insurance to them. Instead, by the very inherent nature of the business of the building and loan industry, the process of recovery had been slow. With the absence of such a dramatic setting for the insurance of every individual building and loan association, instead of the certificate of insurance to an association engendering full and complete general confidence in each individual association, it has been the experience of building and loan associations that, immediately upon receipt of their certificates of insurance, large numbers of stockholders, stricken with the hysteria of lack of confidence in the industry generally, have withdrawn their investments. Often homestead shareholders have withdrawn from insured institutions only to place the amount of their withdrawals in an insured bank, thereby sacrificing the dividends which they would get from their insured building and loan shares for a smaller return, or no return whatever, from a bank.

ANOTHER CAUSE FOR WITHDRAWALS

Another cause of withdrawals and lack of willingness to invest in building and loan shares arises from the tremendous advertising campaign that has continuously been waged for United States savings bonds. This advertising of United States savings bonds is national in scope, emanating directly from the Government. It quite naturally carries a greater force than the local advertising, which is the only advertising which building and loan associations' needs must rely on. In order, therefore, to complete the job which was begun with the creation of the Federal Savings and Loan Insurance Corporation, it appears that the authority for the suggested expenditure by the Federal Savings and Loan Insurance Corporation is definitely essential. Only by a campaign, national in scope, conducted by the Insurance Corporation itself, as the Government agency which insures the investment in building and loan associations, can the public truly be made conscious of the thorough safety of insured homestead shares and disperse and allay the lingering lack of confidence in insured homestead shares.

TREASURY DEPARTMENT HAS SET PRECEDENT

The Treasury Department itself has set the precedent for large expenditures in advertising. The huge expenditure for newspaper, magazine, and pamphlet advertising on behalf of sale of baby bonds comes directly out of the appropriations of the general revenues of the United States.

PROPOSED EXPENDITURE OF INSURED HOMESTEAD WOULD NOT COST GOVERNMENT ANYTHING

The proposed expenditure for the advertising of insured homestead shares by the Federal Savings and Loan Insurance Corporation would not cost the United States Government anything, but instead would come directly from the premiums which have been paid in by associations that are members of the insurance corporation. It certainly is nothing more than fair and equitable to permit the insurance corporation to spend in the interest of the insured homesteads the money which these insured homesteads have themselves paid into the insurance corporation. It could not injure the Federal Savings and Loan Insurance Corporation because its financial stability is attested by the accumulated surplus of more than $11,000,000.

On the contrary, such an advertising expenditure would result in a stoppage of any unusual withdrawals from insured homesteads, and a flow of new investments in such insured associations. This would result in the payment of increased insurance premiums to the insurance corporation on such new investments and in all probability by reason of the increased premiums from such increased volumes of business the insurance corporation would realize much more than the $500,000 expended. Particularly, at this time when the President has proposed an extensive drive to increase construction of homes throughout the United States through private capital channels, does this advertising expenditure seem auspicious. The great burden of mortgage home financing over the country has for many years been borne by the building and loan associations. Far more home owners in the United States can attribute their home ownership and construction of their homes through their financing by a building and loan association than to any other factor or factors. Building and loan associations must get their money for such financing from private capital through investment in their shares. Certainly, if the anticipated demand for home construction over the United States, in accordance with the President's plan materializes, there will be an increasingly heavy demand upon the building and loan associations to supply the funds. It is, therefore, most necessary that additional investments be brought into the insured savings and loan associations in order that they may have adequate private capital available to properly assist in carrying out the President's program.

PROPOSED EXPENDITURE, I UNDERSTAND, HAS AUTHORITY OF THE TRUSTEES OF THE INSURANCE CORPORATION

The proposed expenditure has had the authority of the trustees of the Insurance Corporation for some time. As a matter of fact, I learned recently, that the trustees of the Insurance Corporation agreed last year to make the expenditure, but the Director of the Budget and the Comptroller General of the United States declined to permit the expenditure without congressional authority. The plan, moreover, I am given to understand has the approval of the insured homesteads throughout the country whose money would be expended.

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WILCOX, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 9306, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOODRUM. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE FARM BILL

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I have just been informed that the conferees on the farm bill have agreed. It will be impossible, as I understand it, for them to file their report tonight, even though we should get unanimous consent to have that done. The gentleman from Texas [Mr. JONES], chairman of the House Committee on Agriculture, said yesterday that he would have a committee print made of the bill tonight and that it would be available in the document room to all Members tomorrow. The report itself will be filed on Monday. It is the present intention to take up the conference report on Tuesday of next week.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. TABER. Is it the intention to permit considerable time for discussion of the conference report?

Mr. RAYBURN. I discussed that with the gentleman from Texas [Mr. JONES] in the presence of the Speaker and the gentleman from New York [Mr. O'CONNOR] yesterday, and I may say I think it is the intention to ask for considerable time to debate the conference report.

Mr. BOILEAU. Mr. Speaker, will the gentleman state whether there is any intention to bring this matter up under a special rule?

Mr. RAYBURN. That has been discussed, but it has not yet been determined.

Mr. BOILEAU. And if it should be, the rule will be brought up for consideration on Tuesday next?

Mr. RAYBURN. Yes.

Mr. BOILEAU. Will the gentleman state whether or not the conference report will be in the form of amendments to the Senate amendment, or will it be in the nature of a separate bill?

Mr. RAYBURN. My understanding is—and I have not seen it and I may be incorrect—that it is an entire bill, that they have taken parts of both the House and the Senate bills and put them together something like a new amendment.

Mr. BOILEAU. In that event, will it be brought up in such a way that the membership of the House in consideration of that new bill will have an opportunity to offer amendments or will we be obliged to vote the conference report up or down as a whole?

Mr. RAYBURN. I am not informed in regard to that.

Mr. BOILEAU. In the event that it should be brought up under a special rule, it would be possible to have that rule provide that the substitute amendment could be considered as an original bill, subject to amendment from the floor of the House, would it not?

Mr. RAYBURN. A rule to that effect could be brought in.

Mr. BOILEAU. Will the gentleman state whether or not that has been discussed?

Mr. RAYBURN. That question has been discussed, but not determined. As to whether or not it will be brought up under a rule, or as to what will be in the rule if it is, has not been determined.

Mr. BOILEAU. Has the advisability of bringing it up, in such a way that Members could offer amendments from the floor of the House, been discussed?

Mr. RAYBURN. That has been discussed but not determined.

Mr. ANDRESEN of Minnesota. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. ANDRESEN of Minnesota. As I understand it, the new farm bill will contain 30 pages of additional matter, which was not considered in the House.

Mr. RAYBURN. I am not informed of that.

Mr. ANDRESEN of Minnesota. I hope latitude will be given for ample consideration and opportunity to offer amendments from the floor, in all fairness to those interested.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection?

Mr. BOILEAU. Mr. Speaker, I reserve the right to object. Will that in any way interfere with the Members having an opportunity of seeing this bill tomorrow?

Mr. RAYBURN. No. I just made the statement that the gentleman from Texas [Mr. JONES] said that he would have a committee print made of the bill tonight, and that it would be available to Members tomorrow.

Mr. BOILEAU. And that can be done without the House being in session tomorrow?

Mr. RAYBURN. Oh, yes. The gentleman from Texas [Mr. JONES] is merely sending the bill down to the Printing Office.

Mr. BOILEAU. It is merely a committee print so the Members may get copies by sending to the document room for it?

Mr. RAYBURN. Yes; in the morning.

Mr. MARTIN of Massachusetts. Mr. Speaker, can the gentleman from Texas give the House any estimate as to how much time will be allowed for the consideration of the conference report?

Mr. RAYBURN. Not definitely, but I think it would be the disposition to complete consideration of the conference report in a day.

Mr. MARTIN of Massachusetts. As I understand it, it will be practically an entirely new bill. Does the gentleman think a day is sufficient for its consideration?

Mr. RAYBURN. That would be my impression.

Mr. BOILEAU. Mr. Speaker, further reserving the right to object, will this committee print to which the gentleman has referred carry the bill as it passed the House, the Senate amendment, and the proposed substitute all in the same print so that Members may be able to compare them?

Mr. RAYBURN. I am not informed as to that. I just took the statement of the gentleman from Texas [Mr. JONES] that he would have a committee print made so it would be available for the Members tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a brief report carrying the recommendations made to the small-business men's convention by one of the delegates.

Mr. MICHENER. Mr. Speaker, reserving the right to object, I notice in the morning's paper that the gentleman did not have time to see these people yesterday after inviting them down here. Has the gentleman any assurance that the President has yet time to receive the report?

Mr. CULKIN. I do not enjoy the ear of the President, unfortunately. The gentleman probably can answer that question himself.

The SPEAKER. The Chair would like to ask the gentleman from New York whether this is the same matter which the gentleman from New York [Mr. BACON] secured permission to insert in the RECORD—recommendations of the so-called small-business men?

Mr. CULKIN. No, Mr. Speaker; I think not. This is a recommendation by the representation from my own district.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DUNN and Mr. COSTELLO asked and were given permission to revise and extend their remarks in the RECORD.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 48 minutes p. m.) the House, pursuant to its previous order, adjourned until Monday, February 7, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON ROADS

The Committee on Roads will resume public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Monday, February 7, 1938, at 10 a. m.

COMMITTEE ON NAVAL AFFAIRS

A full Committee on Naval Affairs, House of Representatives, will hold a meeting Monday, February 7, 1938, at 10:30 a. m., for the consideration of building program for the Navy. Very important.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, February 8, 1938. Business to be considered: Continuation of hearings on S. 69—train length. Railroad interests will be heard.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, February 8, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON THE POST OFFICE AND POST ROADS

A meeting of Subcommittee No. 10 of the House Committee on the Post Office and Post Roads, will be held Tuesday, February 8, 1938, at 10 a. m., to consider Postal Service matters relative to conditions complained of on floor of House when Post Office appropriation bill was under consideration.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will hold public hearings Tuesday, February 8, 1938, in the committee room, the Capitol Building, at 10 a. m., on H. R. 9154, to provide for cooperation between the United States and foreign nations producing tin ore and other materials to assure to the United States continuing supplies of the same to supplement deficient domestic resources and production, and for other purposes.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, February 9, 1938, and Thursday, February 10, 1938, at 10:30 a. m. In re: Hearing of private bills. Hearings in committee room 445, House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

COMMITTEE ON THE JUDICIARY

There will be a hearing before subcommittee No. 3 of the Committee on the Judiciary at 10:30 a. m. Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill H. R. 8339, providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. PETERSON of Florida: Committee on Merchant Marine and Fisheries. H. R. 7414. A bill for the establishment of a Coast Guard station; with amendment (Rept. No. 1759). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 9338) to provide for an examination and survey of Broad Creek, Middlesex County, Va., and of channel connecting said creek with Rappahannock River; to the Committee on Rivers and Harbors.

By Mr. TREADWAY: A bill (H. R. 9339) to limit the President's authority in proclaiming modifications of existing tariff duties in connection with foreign-trade agreements, and to provide for the submission of such agreements to the Congress for approval; to the Committee on Ways and Means.

By Mr. MARTIN of Colorado: A bill (H. R. 9340) authorizing the Secretary of the Interior to transfer to the State of Colorado one mine rescue car; to the Committee on Mines and Mining.

By Mr. CHAPMAN: A bill (H. R. 9341) to safeguard the public health against the distribution of drugs not generally recognized as safe for use; to the Committee on Interstate and Foreign Commerce.

By Mr. GASQUE: A bill (H. R. 9342) to provide for the establishment of a Coast Guard station at or near Myrtle Beach, S. C.; to the Committee on Merchant Marine and Fisheries.

By Mr. GREGORY: A bill (H. R. 9343) to authorize the erection of a United States Veterans' Administration hospital for colored veterans in the State of Kentucky; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY: A bill (H. R. 9344) for the relief of Joseph B. Clark; to the Committee on Naval Affairs.

By Mr. BUCKLER of Minnesota: A bill (H. R. 9345) for the relief of Arthur Edgar Scroggin; to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 9346) for the relief of Georgia S. Melvin; to the Committee on Invalid Pensions.

By Mr. CONNERY: A bill (H. R. 9347) granting a pension to Margaret M. Tupper; to the Committee on Invalid Pensions.

By Mr. MAPES. A bill (H. R. 9348) granting an increase of pension to Catherine Field; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 9349) for the relief of the Nicolson Seed Farms, a Utah corporation; to the Committee on the Public Lands.

By Mr. O'NEILL of New Jersey: A bill (H. R. 9350) for the relief of Nathan and Amelia Rice; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 9351) granting a pension to Ida Webb; to the Committee on Invalid Pensions.

By Mr. WILCOX: A bill (H. R. 9352) for the relief of Charles Frederick Glass; to the Committee on Naval Affairs.

Also, a bill (H. R. 9353) for the relief of Earl J. Reed and Giles J. Gentry; to the Committee on Claims.

Also, a bill (H. R. 9354) to authorize the award of the Purple Heart decoration to Ann Celestine Singleton; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3976. By Mr. BARRY: Resolution of the Consolidated Home and Farm Owners' Mortgage Committee, New York City, endorsing Congressman BARRY's bills (H. R. 8622, H. R. 5365, H. R. 2715, H. R. 8226, and H. R. 9059) concerning Home Owners' Loan Corporation relief; to the Committee on Banking and Currency.

3977. By Mr. QUINN: Resolution by Electrical Workers Union 601 and Workers Alliance of East Pittsburgh, Pa., on unemployment relief, also amending neutrality law; to the Committee on Ways and Means.

3978. By Mr. FLAHERTY: Petition of the board of directors of the Boston Grain and Flour Exchange, concerning the train-limit bill; to the Committee on Interstate and Foreign Commerce.

3979. By Mr. THOMASON of Texas: Petition of residents of El Paso, Tex., urging passage of House bill 147, known as the train-length bill; to the Committee on Interstate and Foreign Commerce.

3980. By Mr. BEITER: Petition of a group of citizens of Clarence Center, Erie County, N. Y., urging enactment of legislation against war; to the Committee on Foreign Affairs.

3981. Also, petition of the Brooklyn Post, No. 2, Jewish War Veterans, Brooklyn, N. Y., urging intercession with the Rumanian Government regarding unjust discrimination against racial and religious minorities; to the Committee on Foreign Affairs.

3982. By Mr. THURSTON: Petition of residents of northern Iowa, protesting against legislation to require owners of firearms to obtain licenses and to be fingerprinted; to the Committee on the Judiciary.

3983. By Mr. QUINN: Resolution of the United Mine Workers of America, Harwick, Pa., requesting an increase in the appropriation for the public-housing program to $5,000,000; protesting against the interpretation of the National Labor Relations Act as made by the Labor Board; requesting the Federal Government to pass an act to halt the discrimination against men in industry who have attained an age of 45 years; protesting against the alleged "sit down" of capital in certain industries; and endorsing the investigation being made by the Senate Committee on Civil Liberties; to the Committee on Ways and Means.

3984. By the SPEAKER: Petition of Robert L. Owen, requesting the passage of a Senate joint resolution; to the Committee on Indian Affairs.

SENATE

MONDAY, FEBRUARY 7, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THEODORE F. GREEN, a Senator from the State of Rhode Island, appeared in his seat today.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, February 4, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On January 27, 1938:

S. 2550. An act to permit the printing of black-and-white illustrations of United States and foreign postage stamps for philatelic purposes; and

S. 2940. An act to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes.

On January 29, 1938:

S. 2463. An act to authorize an additional number of medical and dental officers for the Army.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a bill (H. R. 9306) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Pepper
Andrews	Dieterich	King	Pittman
Ashurst	Donahey	La Follette	Pope
Austin	Duffy	Lee	Radcliffe
Bailey	Ellender	Lewis	Reynolds
Bankhead	Frazier	Lodge	Russell
Barkley	George	Logan	Schwartz
Bilbo	Gerry	Lonergan	Schwellenbach
Bone	Gibson	Lundeen	Sheppard
Borah	Gillette	McAdoo	Shipstead
Brown, N. H.	Glass	McGill	Smathers
Bulkley	Green	McKellar	Smith
Bulow	Guffey	McNary	Thomas, Okla.
Burke	Hale	Maloney	Thomas, Utah
Byrd	Harrison	Miller	Townsend
Byrnes	Hatch	Minton	Truman
Capper	Hayden	Murray	Tydings
Caraway	Herring	Neely	Vandenberg
Chavez	Hill	Norris	Van Nuys
Clark	Holt	Nye	Wagner
Connally	Hughes	O'Mahoney	Walsh
Copeland	Johnson, Calif.	Overton	Wheeler

Mr. LEWIS. I announce that the Senator from Tennessee [Mr. BERRY], the Senator from Michigan [Mr. BROWN], the Senator from South Dakota [Mr. HITCHCOCK], and the Senator from New Jersey [Mr. MILTON] are detained from the Senate on important public business.

The Senator from Nevada [Mr. MCCARRAN] is detained in his State on official business.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. According to the record made last Friday, the Chair thinks he should recognize this morning the Senator from Mississippi [Mr. BILBO]. With his permission, however, the Chair will recognize other Senators with the understanding that they desire the floor only for the purpose of presenting petitions, introducing bills, submitting resolutions, reports, and requests that matter be printed in the RECORD.

ESTIMATES OF APPROPRIATIONS

The VICE PRESIDENT laid before the Senate communications from the President of the United States, transmitting estimates of appropriations, which, with the accompanying papers, were referred to the Committee on Appropriations and ordered to be printed, as follows:

Estimates (submitted pursuant to law) by the several executive departments and independent offices to pay claims for damages to privately owned property, in the sum of $4,725.11 (S. Doc. No. 143);

Records of judgments (submitted pursuant to law) rendered against the Government by district courts under the provisions of law and requiring appropriations for payment, amounting to $1,200.06 (S. Doc. No. 144);

List of judgments (submitted pursuant to law) rendered by the Court of Claims and requiring appropriations for their payment, amounting to $46,564.19 (S. Doc. No. 145);

Schedule of claims (submitted pursuant to law) amounting to $49,995.69, allowed by the General Accounting Office, as covered by certificates of settlement, for the services of the several departments and independent offices (S. Doc. No. 146);

Supplemental estimate for the legislative establishment, under the Government Printing Office, fiscal year 1938, amounting to $65,715.28 (S. Doc. No. 147); and

Supplemental estimate for the District of Columbia, reservoir, water department, amounting to $400,000 (S. Doc. No. 148).

MONTREAL-LAKE CHAMPLAIN-HUDSON RIVER WATERWAY

The VICE PRESIDENT laid before the Senate a letter from the Secretary of State, transmitting, pursuant to law, copy of a letter dated January 4, 1938, from the Chairman of the International Joint Commission (with enclosures) in the matter of an investigation as to the advisability of the improvement of a waterway from Montreal through Lake Champlain to connect with the Hudson River, together with a report on the project that the Commission recommends be considered an interim report, which, with the accompanying papers, was referred to the Committee on Foreign Relations.

NONMAILABILITY OF CERTAIN FIREARMS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act entitled "An act declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty," which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads.

ORDINANCES, ETC., OF MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, pursuant to law, copies of ordinances, resolution, and amendment adopted by the Municipal Council of St. Thomas and St. John, and approved by the Governor of the Virgin Islands, which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs.

HOUSE BILL REFERRED

The bill (H. R. 9306) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a joint resolution of the legislature of the State of Kentucky, favoring an inquiry into the causes of the recent decline in the price of tobacco sold on the Kentucky markets, and also the enactment of legislation in the premises similar to the Agricultural Adjustment Act, which was referred to the Committee on Agriculture and Forestry.

(See joint resolution printed in full when presented today by Mr. LOGAN.)

The VICE PRESIDENT also laid before the Senate a petition of sundry citizens, being representatives of corporate and private business and employers of labor, of San Antonio, Tex., favoring the immediate repeal of the undistributed-profits and capital-gains taxes, and the adoption of other measures for the relief of business, which was referred to the Committee on Finance.

He also laid before the Senate a telegram in the nature of a memorial from Morris Stern, of New York City, N. Y., remonstrating against alleged filibustering in the Senate in connection with the consideration of the so-called "anti-lynching bill," which was ordered to lie on the table.

Mr. TYDINGS presented a resolution adopted by members of the Baltimore (Md.) Association of Credit Men, favoring the immediate repeal of title VI of the District of Columbia Revenue Act of 1937, approved August 17, 1937, imposing a gross receipts tax on the privilege of doing business in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COPELAND presented a petition of sundry citizens of Brooklyn, N. Y., praying that no reduction be made in the appropriation for the C. M. T. C. for the fiscal year 1939, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the executive board of the Onondaga County (N. Y.) Division, Women's International League For Peace and Freedom, protesting against the making of increased naval appropriations, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by Local No. 18, Aluminum Workers of America, of Massena, N. Y., protesting against the enactment of pending legislation to change or restrict the operation of the National Labor Relations Act, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Petroleum Industries Committees of Allegany, Chemung, Rensselaer, Warren, and Washington Counties, in the State of New York, favoring the repeal of Federal gasoline and lubricating-oil taxes, which were referred to the Committee on Finance.

He also presented letters in the nature of memorials from Amadeus J. Ward, president of the New York Archdiocesan Union of the Holy Name Society; Gerard L. Carroll, vice chairman of the National Catholic Alumni Federation, Middle Atlantic States Group; and Mrs. M. E. Tanguy, all of New York City, N. Y., protesting against the recent action of certain Members of the Congress in sending a message extending greetings to members of the Cortes of the so-called Loyalist Barcelona Government of Spain, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Buffalo, N. Y., regional office of the Committee for Industrial Organization, favoring the enactment of the bill (H. R. 1543) to amend section 24 of the Immigration Act of 1917 relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes, which was referred to the Committee on Immigration.

He also presented a resolution adopted by Pierstown Grange, No. 793, Patrons of Husbandry, at Cooperstown, N. Y., protesting against the enactment of pending legislation to limit the length of freight trains, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Trumansburg, N. Y., praying for the enactment of legislation to regulate the block booking and blind selling of motion-picture films, and also the enactment of legislation to regulate liquor advertising, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Chamber of Commerce of Walton, N. Y., protesting against the enactment of the bill (S. 3072) to regulate interstate and foreign commerce by prescribing the conditions under which corporations may engage or may be formed to engage in such commerce, to provide for and define additional powers and duties of the Federal Trade Commission, to assist the several States in improving labor conditions and enlarging purchasing power for goods sold in such commerce, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Pierstown Grange, No. 793, Patrons of Husbandry, at Cooperstown, N. Y., protesting against the admission of Hawaii to statehood, which was referred to the Committee on Territories and Insular Affairs.

Mr. LOGAN. I present for printing in the RECORD and appropriate reference a joint resolution adopted by the Legislature of Kentucky memorializing the Congress to make an investigation with regard to the prices of tobacco.

The joint resolution was referred to the Committee on Agriculture and Forestry, as follows:

A joint resolution of the General Assembly of the Commonwealth of Kentucky, session 1938, memorializing the President of the United States, the Congress of the United States, and the Secretary of Agriculture of the United States to take such action as may be necessary to relieve the distress of the tobacco farmers of Kentucky and adjoining States caused by the recent sharp decline in the price of tobacco by causing a careful examination and investigation to be made of the tobacco companies as to why said companies suddenly reduced the prices paid for tobacco by introducing and enacting legislation similar to the Agricultural Adjustment Act so as to control and govern the production of tobacco in the Tobacco Belt, and to take any further action deemed advisable to restore a reasonable market price for tobacco

Whereas when the tobacco markets of this State opened around December 1, 1937, and prices paid to the tobacco growers of this State by the tobacco companies bidding for same on the markets were fair and reasonable and were such as to enable the tobacco growers in this and adjoining States to receive a fair return on their investment and labor; and

Whereas when said markets were reopened after the Christmas holidays the prices for tobacco bid by said tobacco companies showed a marked decline in comparison to prices theretofore bid for the 1937 crop; and

Whereas no reasonable or apparent necessity existed for paying such reduced prices for said tobaccos; and

Whereas the Agricultural Adjustment Act passed by the National Congress and approved by the President of the United States and in operation until declared unconstitutional by the Supreme Court of the United States by a divided vote, was of such benefit and advantage to the tobacco farmers of Kentucky and adjoining States that they were able to and did control the production of tobacco, conserve their soil, and to receive a fair and reasonable price for their tobaccos: Now, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, session 1938, That the President of the United States, the Congress of the United States, and the Secretary of Agriculture of the United States be memorialized to take such action as may be necessary to promptly ascertain the cause of the recent decline in the price of tobacco sold on the tobacco markets of Kentucky, and to further cause to be introduced in the National House of Congress, legislation similar to the Agricultural Adjustment Act; and be it further

Resolved, That one copy each of this resolution be forwarded by the clerk of the senate, to the President of the United States, to the President of the Senate and Speaker of the House of Representatives of the United States, to the Secretary of Agriculture of the United States, and to the Senators and Representatives of Kentucky in the United States Congress.

Mr. WALSH. Mr. President, I present copy of a motion adopted by the Massachusetts Selectmen's Association, which I ask may be treated as in the nature of a petition, printed in the RECORD, and referred to the Committee on Appropriations.

There being no objection, the paper was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Moved: That the Association of Massachusetts Selectmen in annual meeting assembled do most earnestly recommend that all W. P. A. work in the United States cease as of June 1, 1938, and that a decreasing scale of direct payments to the various States for redistribution to local welfare departments be substituted therefor; said payments for the first year not to exceed in total one-half the sum expended on W. P. A. during 1937, and to cease entirely within a 4-year period, a copy of this motion with a letter of explanation to be forwarded to both Senators and all Representatives of Massachusetts in Congress.

PETITIONS IN BEHALF OF ANTILYNCHING BILL

During the delivery of Mr. BILBO's speech, which appears later in today's RECORD,

Mr. VAN NUYS. Mr. President, will the Senator yield to me?

Mr. BILBO. I yield to the Senator from Indiana.

Mr. VAN NUYS. I ask unanimous consent, without interfering with the status of the eloquent junior Senator from Mississippi, to present at this time a great bundle of petitions, probably 25,000 in number, collected by the American Society for Race Tolerance, petitioning the Senate for the passage of the instant bill.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The Senator from Indiana asks unanimous consent that without displacing the Senator from Mississippi, or changing his status on the floor, the Senator from Indiana may present certain petitions. Does the Senator desire to have them noted in the RECORD?

Mr. VAN NUYS. I simply ask that their filing be noted, and that they lie on the table.

The PRESIDING OFFICER. Is there objection?

Mr. CONNALLY. Mr. President, reserving the right to object, I do not understand that the Senator is asking that the petitions be printed in extenso.

Mr. VAN NUYS. Oh, no; simply that they lie on the table.

Mr. CONNALLY. Merely that they be abbreviated in the RECORD under the heading of Petitions and Memorials?

Mr. VAN NUYS. That is correct.

Mr. CONNALLY. I have no objection to the Senator filing them in the regular way as petitions or memorials; but I should not agree to their being printed in extenso in the RECORD.

Mr. VAN NUYS. The Senator from Indiana is not asking for that.

Mr. BILBO. Before the Senator presents the petitions, let me ask whether he will vouch for the genuineness of all the signatures on the petitions?

Mr. VAN NUYS. Naturally, I cannot vouch for the genuineness of all the signatures; but this is a very reputable society of white and colored men. I think there are two sponsors who are colored men, and the others are white. Three Governors—the Governors of Kansas, Iowa, and North Dakota—and the Honorable James W. Gerard are among the sponsors.

Mr. BILBO. What is the name of the society?

Mr. VAN NUYS. The American Society for Race Tolerance, with national headquarters at 1165 Broadway, New York.

Mr. BILBO. May I ask the Senator another question? Is that the society of which this fair-skinned, blue-eyed Negro from Georgia, White by name, is the head?

Mr. VAN NUYS. Does the Senator refer to Walter White?

Mr. BILBO. Yes.

Mr. VAN NUYS. No; this is a different society.

Mr. BILBO. A different racket? Very well.

Mr. CONNALLY. Mr. President, further reserving the right to object, did I correctly understand the Senator from Indiana to say that three Governors are signatories of these petitions?

Mr. VAN NUYS. No; three Governors are sponsors of the society.

Mr. CONNALLY. How many Governors are there in the United States? There are 48, I believe. If the Senator has only three, I do not object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana? The Chair hears none.

The petition will be received, noted in the RECORD, and lie on the table.

(The petitions presented by Mr. VAN NUYS, numerously signed by sundry citizens of the United States, pray for the enactment of the so-called Wagner-Van Nuys antilynching bill.)

REPORTS OF COMMITTEES

Mr. ADAMS, from the Committee on Appropriations, to which was referred the bill (H. R. 9306) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes, reported it with amendments and submitted a report (No. 1320) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 2920) for the relief of J. Harry Walker, reported it with amendments and submitted a report (No. 1321) thereon.

Mr. MINTON, from the Committee on Military Affairs, to which was referred the bill (S. 2883) for the relief of George H. Lowe, Jr., reported it with an amendment and submitted a report (No. 1322) thereon.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Thomas F. Burke to be postmaster at Barrington, R. I., in place of H. E. Munroe (incumbent's commission expired Mar. 17, 1936), which was ordered to be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TRUMAN:

A bill (S. 3397) to amend title 45, chapter 2, section 51, of the Code of Laws of the United States; and

A bill (S. 3398) to amend title 45, chapter 2, sections 51–59, of the Code of Laws of the United States; to the Committee on the Judiciary.

By Mr. MINTON:

A bill (S. 3399) granting a pension to Hattie B. Dare (with accompanying papers); to the Committee on Pensions.

By Mr. GLASS:

A bill (S. 3400) to extend from June 16, 1938, to June 16, 1939, the period within which loans made prior to June 16, 1933, to executive officers of member banks of the Federal Reserve System may be renewed or extended; to the Committee on Banking and Currency.

By Mr. McNARY:

A bill (S. 3401) to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen; to the Committee on Public Lands and Surveys; and

A bill (S. 3402) authorizing and directing the Secretary of the Treasury to reimburse Carrol D. Ward for the losses sustained by him by reason of the negligence of an employee of the Civilian Conservation Corps; to the Committee on Claims.

By Mr. TYDINGS:

A bill (S. 3403) for the relief of James W. Rogers;

A bill (S. 3404) for the relief of Elizabeth Cory; and

(By request.) A bill (S. 3405) conferring jurisdiction upon the Court of Claims of the United States to hear, examine, adjudicate, and render judgment on the claim of the legal representative of the estate of Rexford M. Smith; to the Committee on Claims.

By Mr. WALSH:

A bill (S. 3406) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Allen Pope against the United States; to the Committee on Claims; and

A bill (S. 3407) authorizing the Secretary of the Navy to provide for the construction of a vessel to be furnished to the State of Massachusetts for the benefit of the Massachusetts Nautical School, and for other purposes; to the Committee on Naval Affairs.

(Mr. VANDENBERG introduced Senate bill 3408, which was referred to the Committee on Finance, and appears under a separate heading.)

(Mr. WAGNER introduced Senate bill 3409, which was referred to the Committee on Banking and Currency and appears under a separate heading.)

By Mr. WHEELER:

A bill (S. 3410) for the relief of Miles A. Barclay; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 3411) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth birthday of the State of West Virginia; to the Committee on Banking and Currency.

By Mr. PEPPER:

A bill (S. 3412) to amend the Act entitled "An Act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes," approved August 27, 1935 (Public, No. 351, 74th Cong.), and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. KING:

A bill (S. 3413) to repeal the Neutrality Act of August 31, 1935, as amended; to the Committee on Foreign Relations.

A bill (S. 3414) to provide for the relief of the Nicholson Seed Farms, a Utah corporation; to the Committee on Public Lands and Surveys.

By Mr. O'MAHONEY:

A bill (S. 3415) to purchase certain private lands within the Shoshone (Wind River) Indian Reservation; to the Committee on Indian Affairs.

A bill (S. 3416) providing for the addition of certain lands to the Black Hills National Forest in the State of Wyoming; to the Committee on Public Lands and Surveys.

By Mr. O'MAHONEY and Mr. SCHWARTZ:

A bill (S. 3417) for the relief of the State of Wyoming; to the Committee on Military Affairs.

By Mr. JOHNSON of Colorado:

A bill (S. 3418) for the relief of Shelton H. Streater; to the Committee on Claims.

A bill (S. 3419) authorizing the appointment of George L. Baker as a captain of infantry, United States Army, Officers' Reserve Corps, to be placed upon the inactive list; to the Committee on Military Affairs.

AMENDMENT OF SOCIAL SECURITY ACT

Mr. VANDENBERG. Mr. President, I ask unanimous consent to introduce a bill embracing certain amendments to the Social Security Act, which I ask to have referred to the Finance Committee. Inasmuch as the amendments are technical in nature, I ask that a brief statement explaining them may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The bill (S. 3408) to amend the Social Security Act, was read twice by its title and referred to the Committee on Finance.

The statement presented by Mr. VANDENBERG is as follows:

1. Hold pay-roll taxes for old-age retirement benefits to 1 percent on employers and employees, instead of the existing graduation up to a total of 6 percent—until Congress reviews the whole subject at a time when there is adequate experience upon which to base a conclusive opinion. Incidentally, the effect would be to hold down the $47,000,000,000 full reserve to an amount merely sufficient to retire a large portion of the national debt.

2. Requiring pay-roll taxes to go automatically into the old-age reserve account and providing a Federal guaranty for any deficit. This would partially cure the present indefensible practice of mingling these pay-roll collections with general Treasury revenues that are spent for general purposes.

3. Requiring that the old-age pension reserves, insofar as possible, shall be used to retire existing Federal indebtedness rather than as an excuse and shield for new bonds and bigger debts, and limiting the issuance of any new or special bonds, for this purpose, to a 5-year maturity.

CAPITAL OF COMMODITY CREDIT CORPORATION

During the delivery of Mr. BILBO's speech,

Mr. WAGNER. Mr. President, I ask unanimous consent that I may be permitted to introduce a bill for appropriate reference, without the Senator from Mississippi [Mr. BILBO] losing the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered; and the bill will be received and appropriately referred.

The bill (S. 3409) to maintain unimpaired the capital of the Commodity Credit Corporation at $100,000,000, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

AMENDMENT OF TARIFF ACT—CIGARS

Mr. PEPPER submitted an amendment intended to be proposed by him to the bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL

Mr. GILLETTE submitted an amendment intended to be proposed by him to House bill 9306, the first deficiency appropriation bill, 1938, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 2, after line 14, to insert the following:

"FEDERAL TRADE COMMISSION

"Printing and binding: For an additional amount for printing and binding not to exceed $28,232."

ALLEGED AGREEMENTS BETWEEN UNITED STATES AND OTHER NATIONS

During the delivery of Mr. BILBO's speech,

Mr. JOHNSON of California. Mr. President, will the Senator yield to me for a moment?

Mr. BILBO. I shall be delighted to yield to the Senator from California for a question.

Mr. JOHNSON of California. I ask that the Senator yield to me for the submission of a very brief resolution without in any degree affecting his rights and that the floor may be returned to him immediately thereafter.

Mr. BILBO. I shall be delighted to yield for that purpose.

Mr. BARKLEY. Mr. President, it is not contemplated by the Senator from California that there shall be any action on his resolution at this time?

Mr. JOHNSON of California. Oh, no!

The PRESIDING OFFICE (Mr. SMATHERS in the chair). The Senator from California asks unanimous consent that he may submit a resolution at this time. The Chair hearing no objection, consent will be given.

Mr. CONNALLY. Mr. President, I ask the Chair to state the request more fully. The Senator from California asks unanimous consent that he may submit this resolution without in any way impairing the rights of the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from California asks that the floor may be yielded to him for the purpose of submitting a resolution without the Senator from Mississippi losing any of his rights. Is there objection? The Chair hears none.

Mr. BILBO. I shall be delighted to yield under those circumstances.

Mr. JOHNSON of California. Mr. President, I submit a resolution, and ask simply that it be read—it is not lengthy—and then that it lie on the table and await its turn until it shall come up at a subsequent session.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 229) was read, as follows:

Resolved, That the Secretary of State be, and he is hereby, requested, if it be not incompatible with the public interest, to advise the Senate (a) whether or not any alliance, agreement, or understanding exists or is contemplated with Great Britain relating to war or the possibility of war; (b) whether or not there is any understanding or agreement, express or implied, for the use of the Navy of the United States in conjunction with any other nation; (c) whether or not there is any understanding or agreement, express or implied, with any nation, that the United States Navy, or any portion of it, should police or patrol or be transferred to any particular waters or any particular ocean.

Mr. BARKLEY. Mr. President, I have no objection to the resolution lying on the table for the present; but it is a character of resolution which I think should go to the Committee on Foreign Relations whenever it is reached for consideration.

Mr. JOHNSON of California. No, Mr. President; I shall oppose that reference. I will let the resolution lie on the table, however, until it shall come up. Then the Senator from Kentucky may present his motion, and I shall be one Senator voting against it.

The PRESIDING OFFICER. Without objection, the resolution will be printed and lie on the table.

TESTIMONIAL DINNER TO SENATOR DUFFY—ADDRESS BY SENATOR BARKLEY AND LETTER FROM PRESIDENT

[Mr. MINTON asked and obtained leave to have printed in the RECORD the address delivered by Senator BARKLEY on the occasion of the testimonial dinner to Senator DUFFY, at Fond du Lac, Wis., on February 5, 1938, and also a letter written by the President of the United States in honor of the same occasion, which appear in the Appendix.]

ARMAMENTS OR INTERNATIONAL ECONOMIC COOPERATION—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. POPE asked and obtained leave to have printed in the RECORD a radio address delivered by Senator THOMAS of Utah on February 5, 1938, in the regular World Economic Cooperation series of broadcasts, which appears in the Appendix.]

FORUM ON WORLD PEACE THROUGH WORLD TRADE—MESSAGES AND ADDRESSES DELIVERED

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD messages from the President of the United States, the Secretary of State, the Secretary of Commerce, and several short addresses delivered at the forum on World Peace Through World Trade, held at New York City, January 18, 1938, which appear in the Appendix.]

INTERNAL-REVENUE COLLECTIONS AND RELIEF EXPENDITURES

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD a corrected table making a comparison between total Federal relief expenditures and revenue collections for the fiscal years 1933 to 1937, inclusive, which appears in the Appendix.]

THE NEED OF A SPIRITUAL AWAKENING IN MODERN LIFE—ADDRESS BY CHARLES C. SELECMAN

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD an address delivered by Charles C. Selecman, president of the Southern Methodist University, of Dallas, Tex., on January 12, 1938, on the subject The Need of a Spiritual Awakening in Modern Life.]

FRATERNITY IN THE RECONSTRUCTION OF THE SOCIAL ORDER—ADDRESS BY MSGR. FULTON J. SHEEN

[Mr. WALSH asked and obtained leave to have printed in the RECORD a radio address by Rt. Rev. Msgr. Fulton J. Sheen, entitled "Fraternity," delivered under the auspices of the National Council of Catholic Men, which appears in the Appendix.]

A CONSUMER'S VIEW OF T. V. A.—ARTICLE BY GEORGE F. MILTON

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an article by George F. Milton, entitled "A Consumer's View of T. V. A.," reprinted from the Atlantic Monthly for November 1937, which appears in the Appendix.]

THE MERCHANT MARINE

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an article by William McFee relative to the merchant marine, published in the New York Sun of Saturday, January 29, 1938, which appears in the Appendix.]

TRADE AND PEACE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article by Livingston Hartley on the subject Trade and Peace, published in the Washington Post of February 5, 1938, which appears in the Appendix.]

AGRICULTURAL RELIEF—CONFERENCE REPORT

Mr. McNARY. Mr. President, I send to the desk a unanimous-consent request for which I ask immediate consideration.

The VICE PRESIDENT. The request for unanimous consent will be read.

The legislative clerk read as follows:

I ask unanimous consent to have printed in parallel columns, for the use of the Senate, the bill H. R. 8505—the farm relief bill—as passed by the Senate and as agreed to by the conferees.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Oregon?

Mr. BARKLEY. Mr. President, let me ask the Senator a question. Does the request contemplate printing the bill as passed by the House and as passed by the Senate?

Mr. McNARY. Oh, no; the language is perfectly clear. The course is one that is usually taken on an occasion of this kind. I desire to have printed in parallel columns the bill as passed by the Senate and as reported by the conferees, so that we may have some idea of what is in the conference report.

The VICE PRESIDENT. Is there objection?

Mr. BARKLEY. I have no objection to that course; but I was wondering why the Senator limited the request to the Senate bill, because the conferees had under consideration both the Senate bill and the House bill. I have no objection to the request as proposed.

Mr. McNARY. Mr. President, since we are more familiar with the Senate bill than with the House bill, and the conference report is the matter upon which we should act, I thought what I have suggested would be sufficient; but, personally, if it will not involve too much trouble or expense, I should like to have the three measures printed in parallel columns, agreeably to the suggestion made by the able Senator from Kentucky. So I modify my request in that respect.

Mr. POPE. Mr. President, we could not quite understand what was going on. Is it the request of the Senator that all three of the documents be printed—the House bill, the Senate bill, and the conference report?

Mr. McNARY. That the bill as reported by the conference committee, the House bill, and the Senate bill be printed in parallel columns, so that, if possible, we may have some notion of what has been done.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon, as modified? The Chair hears none, and it is so ordered.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. BILBO. Mr. President, last week we took a vote on the question of laying aside the pending measure and proceeding with the legislative program. It was very gratifying to me to know that there were 52 Senators who wanted to hear the remainder of my 30-day speech. I have 28 days more to my credit; and I take that vote as a very high compliment, and as showing an interest in what I am trying to tell the Senate and the country.

In the beginning today, I desire to call the attention of the Senate to some very interesting information I have just received from Chicago. Possibly some of you have not discovered just what has been taking place in this country during recent months, and what is taking place today. For 3 days I have been trying to drive home the fact that the white American people are divided into two classes. You either believe in amalgamation of the whites with the blacks or you are in favor of separation of the two races. When I say you believe in amalgamation, I do not mean that any of you are parties to it; but it is an undeniable fact, an irrefutable fact, as shown by 10,000 years of authentic history, that wherever and whenever two races have tried to live side by side, in the course of time complete amalgamation has taken place.

If that is true, and you are willing for the whites and the blacks to live side by side in America, then you are in favor of your race, the white race, amalgamating with the black race. You are either in favor of that or you will join me and a great many present-day Negro leaders in an attempt to bring about a separation of the white man from the black man by the repatriation of the Negro back to his motherland or his fatherland, Africa.

These matters are pertinent to the pending measure, because, after all, this lynching bill deals with a race problem, admittedly so. Oh, it is said that "the bill affects every State in the Union"; but the press of the country and those who are advocating this measure who are honest and frank will tell you that it is intended primarily for the Southern States, or the Black Belt of the Nation.

After emphasizing the solution of the lynching question, which also is the solution of all the racial questions we shall have in the future, I entertained the hope that I would be here on the floor of the Senate when some of you Senators from the States north of the Mason and Dixon's line will be here on the floor asking the southern Senators to join hands with you in helping you to solve the racial friction you will have in your own communities, in your own States.

It has not been many months since our Senators from the Pacific coast were here on their knees begging Congress to do something about helping them solve the racial problems and troubles they were having in the Pacific States with the yellow man, the Japanese, as well as the Chinese. You may feel safe and secure today in your sections where you have not such a predominance of the Negro race; but I make the prophecy that in a few years you or your successors will be here on the floor of the Senate begging the South to help you solve the racial troubles that are springing up in your own communities.

Here is the information from Chicago to which I refer. This letter is dated February 2, 1938. It is not old stuff. It was written by the president and secretary of the Peace Movement of Ethiopia—One God, One Country, One People; to Return People of African Descent to Their Motherland, Africa.

The letter reads as follows:

CHICAGO, ILL., *February 2, 1938.*

DEAR SIR: We thank you for your interest shown in our petition, in your speech against the antilynch bill, your three points, drawn as follows:

1. Draw the color line.
2. Set the race in some island in the sea.
3. Send them back to Africa.

Those were the three solutions I suggested for the settlement of this question. Now, listen to this man, the president and spokesman of an organization which today has over a million members of the Negro race:

Your third solution—

That is, back to Africa—

is highly endorsed by the 1,000,000 members of the Peace Movement of Ethiopia. This will not alone settle the race problem in America, but will also solve the problems of unemployment—

I have been telling you for 3 days that this solution of the race question, the lynching question, and all the racial frictions that you are going to have will not only solve the race problem, but it will settle the problem of unemployment in this country—

problems which threaten the very foundations of the tranquillity of this Nation.

The recent census of unemployment in this country shows in the neighborhood of eight or ten million persons unemployed. Just the other day there was a great meeting in Chrysler Square in Michigan of 100,000 or 200,000 unemployed persons; and the unemployment question is going to keep bobbing up all through the years.

Here is a solution of the race question and of the problem presented by the antilynching bill. Two questions can be solved at one time, the race problem and the unemployment problem.

There are millions of us who abhor alms, both private and public. We know that in our ancestral country we can carve a frugal but decent civilization of our own in that favorable climate and virgin soil.

The Negro is not afraid to go to Africa.

This organization is made up of the industrial masses—farmers and men of skill, and in the land of our forefathers we will not only make a living for ourselves but will be free from race prejudice and discrimination.

We highly approve your opposition to the mixture of the two races, for we, likewise, detest the same thing.

This is a Negro talking.

For a long period of time the mixing of the two races came from one side, the white man and the colored woman. But now it is coming from both sides. Since communism has established itself in this country it is quite common to see a white woman rocking black babies.

Senators will remember that I stated a few days ago that in Illinois and Michigan, where miscegenation or intermarriage has been practiced for a number of years, there are several thousand couples where Negroes have married white girls and white men have married Negro girls. They cross both ways.

We positively resent the mixture from either side and the only way to stop it is to separate the two races.

This is the conclusion of the Negroes who have given thought to this question.

We hope you will continue to push to the top this deportation measure, for this, and this alone, will save both your race and mine.

Mr. LEWIS. Mr. President, will the able Senator from Mississippi allow an interrogation?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. BILBO. I am delighted to yield.

Mr. LEWIS. Does the writer intimate that it is the desire of the Government to provide funds to place these Negroes where they wish to go? Is there anything in the communication which indicates the particular locality where they wish to locate themselves? Finally, is there a suggestion that the colored people, of an intelligent order, as in my city of Chicago, wish to exchange Chicago for Africa?

Mr. BILBO. Yes; that is all covered in the memorial to President Roosevelt, which I shall read after I finish the introductory remarks.

Mr. LEWIS. I regret disturbing the Senator.

Mr. BILBO. They will be very anxious to swap Chicago for Africa, as I will show before I conclude.

There are several million of us who will go back to Africa by our own consent.

I have never suggested that any forcible means be employed to send the Negroes back to Africa. I shall show in a moment that if we allow those who desire to go and who are begging to go, this crowd of obstructionists, this crowd of Negroes who do not want to go, will have to follow as a matter of course.

There are several million of us who will go back to Africa by our own consent.

Listen to this:

When the masses are once sent away, the oppositionists—

That is, the highbrows, the mulattoes, the octoroons, the Negroes who are exploiting their own people—

which are the classes, will be forced to follow. They cannot exploit the white people as they do their own.

We may find some Negroes among the octoroons and the quadroons and the mulattoes who would be very much opposed to any proposition of repatriating the Negro to his fatherland, because they are the "top boys," who have their rackets, and who are exploiting the masses of their own race. When we once send back to Africa the masses, the ones who desire to go, the others will have to follow, because these Negroes cannot exploit the white masses of this country.

We are enclosing a copy of our memorial, sent to President Roosevelt on November 14, 1933. We will be glad to hear from you at your own convenience. Our signatures are growing rapidly.

Respectfully,

THE PEACE MOVEMENT OF ETHIOPIA,
MRS. M. M. L. GORDON, *President*,
EDMOND HOLLIDAY, *Secretary*.

Let us see about this memorial. These Negroes have filed a petition with President Roosevelt. At the beginning of the depression they wrote the President a letter. Let us see what they propose to do. Let us see what they want.

A memorial

Whereas the Congress has empowered the President to exercise his judgment in the present crisis in a manner suited to the exalted office and provided him with the means to execute his plans for the amelioration of distress and the restoring of normalcy; and

Whereas the distress of the unemployed is most severely felt by such of the uneducated American Negroes who abhor alms, both public and private, in any guise; and

Whereas the removal of a half million of the poorest from a competitive labor market at this time would tend to relieve to that extent the condition and opportunities of the remainder:

Therefore we, the subjoined signatories, American citizens of African extraction, individually and collectively, join in respectfully petitioning the President to consider our proposal, confident that his conclusions will be for the best interests of our families and of the community at large.

WHO WE ARE

We desire to make it clear, first of all, that this is not a "racket" or scheme for the enrichment or self-glorification of any group or individual. The signatories pay no dues or other fees and the officers of the Peace Movement of Ethiopia serve entirely without pay, meeting their expenses wholly out of their own meager resources. Nor do our plans involve the taking over of any Government funds. We propose that the Federal Government itself meet directly such initial expenditures as launching of adopted plans involves.

Listen to this:

We are of the so-called North.

These are not southern Negroes. Nearly all the Negroes of the South would go.

We are of the so-called North, most of us having been driven from a cruel and avowedly intolerant South to the cities and towns of the Middle West, "the bread basket of America," without a just opportunity to earn a livelihood in our abject new state. We are the simple-minded, sincere lowly, law-abiding workers who have maintained traditions of simple honesty, industry, and frugality as much from choice as from necessity. Few of us have any education, but we have learned not to heed the blandishments of self-seeking politicians, impostors, and the unworthy and undesirable products of a hectic civilization that is foreign to our nature.

In other words, this class of Negroes is not going to listen to the politicians any longer.

We recognize the fact that there are exploiting elements in partisan politics, in industry and commerce, and even among our own people who oppose the movement laid before the President hereinafter. But the wreckage of cupidity and intrigue strew the spectacular path of our race wherever a concerted movement for our betterment has fallen prey to crafty leadership in the past. We have avoided even our own self-seeking racial leaders.

In other words, they did not call on Walter White, of New York.

We have a vivid realization of the hardships and toil that the fruition of our plans in a strange land entails. But we are inured to toil and the ultimate goal of social and economic freedom gives us heart to welcome the hardships for our children's sake.

For these reasons we are not sponsored by self-styled leaders and come before the President unheralded but with alert minds and clean, calloused hands. Should the President require further information about our numbers, our need, our earnestness, and fitness for the proposed undertaking, we entreat him to seek such information among those who hold themselves in readiness to join in the execution of the plans hereinafter proposed.

WHAT WE ASK

This answers the question of the Senator from Illinois:

We were torn from our original homes and kindred people against our will; but the pride of ancestry and homing instinct survive the whip and social ostracism; they are as strong in our bosom as they are in the hearts of other races. We fully understand that social and political equality of races is as repugnant to the dominant race in America as it is to the dominant races

elsewhere in the world. Yet race consciousness and contempt for previous servitude bid fair always to oppose each other at the behest of those who trade on them. The ever possible bloodshed is as abhorrent to our stricken people as it is to other law-abiding citizens.

Hungry, cold, and miserable, the pursuit of life, liberty, and happiness in America appears futile. Given an opportunity in our own ancestral Africa, the knowledge of farming and simple farm machinery and implements, which we have acquired here, would enable us to carve a frugal but decent livelihood out of the virgin soil and favorable climate of Liberia or such other well-disposed country where the Federal Government, in its wisdom, might acquire a footing for us.

They are expecting to go to Liberia, but they will go anywhere in Africa that the Government might provide.

We most respectfully ask that the Federal Government negotiate with the Liberian Government for such land as existing treaty rights entitle us to, sufficient to colonize the entire body of the signatories hereto and finance the movement to the extent desirable for ultimate success. The details of our projected plans have been worked out tentatively, subject to the revision of a benign government.

They are ready to go.

We respectfully ask that the President graciously have this matter investigated now, with a view to fulfilling the expressed desires of Abraham Lincoln in this respect. We are a liability now, and any cost of this project, no matter how great, would still, we sincerely believe, be a sound investment for the American people. We might require the guidance of some of the Departments of the Federal Government, for a brief period. But, even if that be denied us, we could acquit ourselves with credit to the land of our tutelage, provided only the material aid is supplied to meet the first financial and mechanical requirements. A selective army of pioneers can be recruited from our ranks for the preparatory work on the ground.

I might stop in my reading to make the statement right here that that was exactly Abraham Lincoln's idea when he called the conference of freed Negroes in the White House and asked for volunteers who would go out as pioneers, as messengers, as harbingers, go onto the land, look it over, and make their report, as did the faithful spies at one time in Biblical history, who went into the promised land and brought back their report, and also great bunches of grapes.

We have no Utopian dreams of elevating the entire Negro race, no disconcerting requests in behalf of those Afro-Americans who prefer to remain here. We submit only what we consider a practical and practicable remedy for an acute ailment of American social and economic life. We, the subjoined and accompanying signatories, merely ask respectfully that we be eliminated from an overcrowded labor market and given a helping hand in establishing such social and economic independence as we are fitted for—establishing it where it will give no offense and where it may serve as an object lesson to tempt those who remain.

The colonial activity of America has always been based on benevolent paternalism and we respectfully ask that this administration interest itself in like manner in behalf of these Africans whose forebears were brought here forcibly and who are now stranded here amid uncongenial surroundings.

We await the call.

THE PEACE MOVEMENT OF ETHIOPIA,
MRS. M. M. L. GORDON, *President*.
EDMOND HOLLIDAY, *Secretary*.

The PRESIDENT,
The White House, Washington, D. C.
Dated at Chicago, Ill., November 15, 1933.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. LEWIS. I ask the able Senator where the headquarters of this organization is. Does it seem to be in Chicago?

Mr. BILBO. The headquarters is in Chicago. The executive president lives at 4451 South State Street. That is the only address given on the stationery.

Mr. LEWIS. That is in the only colored congressional district we have represented by a colored Representative.

Mr. BILBO. Yes. The address is 4451 South State Street. Of course, one would naturally expect that the Black Belt, which sent a Negro to the House of Representatives, should be the leader in such a movement. The memorial says it is backed up by over a million Negroes who have already made tentative arrangements and are ready to go. However, there are Negroes of a certain class or element who are obstructionists to this great idea of repatriating the Negro in his fatherland in Africa, and one will generally find that they are the high mulattoes, the octoroons, who have a record of profiteering upon the masses of the Negro race. They are satisfied. Those Negroes who favor repatriation say, "If you will send the masses to Africa, then that class which is now standing out as obstructionists will have to follow, because they cannot thrive in this country by trying to exploit the white masses as they are now exploiting the black masses."

Mr. LEWIS. Mr. President, I listened with great interest to the reading of the document, but, knowing that the able Senator from Mississippi has omitted nothing, I was most attracted by the fact that there is no advocacy of the pending measure in the communication he read. There is neither advocacy of the antilynching bill, nor any reference to it, which would in any way indicate that these particular representatives are for or against it. Am I correct in that statement?

Mr. BILBO. I beg the Senator's pardon. Will he repeat the question?

Mr. LEWIS. I was attracted to the Senator's reading, and, listening with great attentiveness, I observed, if I am not in error, that there was nothing in this communication advocating the antilynching bill, or any expression in its favor. There is no expression contained in it one way or the other with regard to the antilynching bill.

Mr. BILBO. Most certainly not, except that the letter addressed to me makes this statement:

Your third solution—

I am trying to solve this antilynching problem because I know that we are going to have an antilynching measure before the Congress as long as the Negro can vote north of the Mason and Dixon's line. I am trying to get it out of the way once for all, and my solution is the repatriation of the Negro. Get him out. Then we will not have any antilynching bill. Then we will not have any filibuster. [Laughter.]

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. BILBO. Let me complete my answer to the question of the Senator from Illinois.

The communication says:

Your third solution is highly endorsed by the 1,000,000 members of the Peace Movement of Ethiopia. This will not alone settle the race problem in America but will also solve the problems of unemployment.

In other words, the solution I am offering will solve the race problem. This bill represents a race problem, and the writer so understands it, and every Negro knows it is a race problem. Whether the whites do or not I do not know.

I shall be glad to yield to the Senator from New Jersey.

Mr. SMATHERS. Where did the Senator's ancestors come from when this country was settled?

Mr. BILBO. My ancestors?

Mr. SMATHERS. Yes.

Mr. BILBO. I am half French and half Irish. My maternal ancestors came from France and my paternal ancestors from Ireland.

Mr. SMATHERS. How would the Senator react to a proposal that he be gathered up down in Mississippi or in Washington and shipped back to Ireland or to France?

Mr. BILBO. How is that? [Laughter.]

Mr. SMATHERS. How would the Senator react to a proposal that he be gathered up down in Mississippi or here in Washington and shipped back to France?

Mr. BILBO. I would object, because my father's and my mother's people were the people who helped to take this country away from the Indians. It is ours by conquest. The country is ours, and our ancestors paid a price for it. Many of them were scalped in the effort, and they paid for it dearly. They took it away from the Indians, and the Negro did not have a thing to do with it.

Mr. President, I repeat that any thoughtful Senator or any other thoughtful citizen of this country who is willing to investigate, who is willing to study, who is willing to make a research, whose mind is open and willing to learn history—and about the only light we have to travel by is the light of experience of the past—will be forced to the inevitable conclusion that if the two races continue to live side by side amalgamation is going to take place in this country. We have been doing business here for 300 years. I think the first settlement was at Jamestown in 1607, and the settlers started to bring in Negroes as soon as they arrived. The Negroes have been with us only 300 years from the time their ancestors first came here, when they were as black as the ace of spades and had no white blood in them.

What has happened in 300 years? There are in the United States 12,000,000 Negroes, and half of them have white blood in them now; and if half of them in 300 years have white blood in them, what will happen in the next 300 years? History shows that the process of mixing, interbreeding, intermarriage is going on. Some of the lawmakers in the State legislatures are so anxious to obtain control in their political fights and in their party opposition to each other, and in struggles they are so anxious to control the Negro vote that in some of the States they actually have passed laws legalizing the marriage of Negroes with whites. They not only favor it personally but by the acts of their State legislatures they have legalized the interbreeding of the races. But, as I have said frequently, I think it is not the legal interbreeding that is bringing about so much amalgamation in this country; it is the illegitimate interbreeding.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. CHAVEZ. Can the Senator from Mississippi tell us where that illegitimate interbreeding is taking place, in what sections of the United States?

Mr. BILBO. All over the United States, wherever a Negro is found. It is just as bad in New Jersey as it is in Mississippi. Wherever the two races are found side by side it occurs. That is my whole story, that is my whole theme, that wherever they are side by side they will mix. Down in Kentucky, where Henry Clay led the fight to bring about the repatriation of the Negro from 1820 to 1850, there is as much interbreeding as there is in any State in the American Union. Some things have taken place down there which are awful.

I am trying to bring to the attention of the Senate and of the country the question of repatriation, which is the only solution. There is one element of the Caucasian race which believes in race purity, and believes in keeping pure the blood strain of the Caucasian. That element knows that amalgamation is going to take place, and that it will not be many years before we have a blending, a coalescing, a getting together or combination of the pure whites of the South, of the North, of the East, and of the West, when the great white race shall speak as one against the amalgamation that is taking place now in this country.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BILBO. I shall be glad to yield.

Mr. CHAVEZ. I understood the Senator to state that amalgamation is taking place.

Mr. BILBO. Plenty of it.

Mr. CHAVEZ. So, it must be a two-sided proposition.

Mr. BILBO. That is admitted. It is legalized in some States.

Mr. CHAVEZ. The only way to get rid of that condition would be to send the Negro away.

Mr. BILBO. That is the only way to stop it. If the Senator knows of any other way, I should appreciate hearing of it. We fight over the antilynching bill, and we talk about race friction. So-called civil rights bills are passed by some of the States. The Philadelphia Record urges a national bill for civil rights. In all these controversies no one has dared to offer any solution. No one has offered any solution to prevent the amalgamation that we know is taking place.

Mr. CHAVEZ. Mr. President, will the Senator yield further?

Mr. BILBO. I yield.

Mr. CHAVEZ. Across the Potomac River in Virginia there is buried one whom we all revere. Suppose it were to be found out some day that the Unknown Soldier happens to be a colored man. Would the Senator be in favor of sending him back to Liberia?

Mr. BILBO. I am perfectly willing to keep the dead ones here. [Laughter.] Their days of amalgamation are over.

Since I shall continue to urge the repatriation of the Negro, and since more than 1,000,000 of them have petitioned the Government to bring about repatriation, and since I know that there are many millions more, especially in the South, who would gladly join in a program of repatriation, I want to give to the Senate and to the country a brief history of just what has taken place in this country in an effort to repatriate the Negro. I am indebted to the Honorable Earnest Sevier Cox, of Richmond, Va., for the very excellent history which he has furnished me. It begins away back in the early days of our history.

First, I desire to invite attention to the Proclamation of Emancipation by Abraham Lincoln. A great many people, without investigating, think that Lincoln's Emancipation Proclamation freed all the Negroes in America. This is what Lincoln said:

> I, Abraham Lincoln, President of the United States and Commander in Chief of the Army and Navy thereof, do hereby proclaim and declare that * * * it is my purpose, upon the next meeting of Congress, to again recommend * * * the immediate or gradual abolishment of slavery * * * and that the effort to colonize persons of African descent, with their consent, upon the continent or elsewhere, with the previously obtained consent of the government existing there, will be continued; that on the 1st day of January, A. D. 1863, all persons held as slaves within any State, or any designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforth, and forever free.

(At this point Mr. BILBO yielded to Mr. WAGNER, who introduced a bill, which appears elsewhere under its appropriate heading in today's RECORD.)

Mr. BILBO. So, Abraham Lincoln in his proclamation did not set all the Negroes free. He set free only those who were owned by the people in that part of the Nation which was then in rebellion. And not only in the Emancipation Proclamation but again and again on other occasions he stated that he was behind the movement to repatriate the Negro to his fatherland.

> The Emancipation Proclamation proclaimed freedom for the slaves, and proclaimed that efforts to colonize them would be continued. In the interval between the reading of this document to his Cabinet, while waiting for a Federal victory before proclaiming emancipation of the slaves, President Lincoln assembled free Negroes in the White House and informed them that he intended to enter into a general program which would solve the race problem through a peaceful and voluntary separation of the races. He closed his address to the free Negroes in the following words: "The practical thing I want to ascertain is whether I can get a number of able-bodied men, with their wives and children, who are willing to go when I present evidence of encouragement and protection. Could I get a hundred tolerably intelligent men, with their wives and children, and able to 'cut their own fodder' so to speak? Can I have 50? If I could find 25 able-bodied men, with a mixture of women and children, good things in family relation, I think I could make a successful commencement. I want you to let me know whether this can be done or not."

He is still speaking to these free Negroes.

> "This is the practical part of my wish to see you. These are subjects of very great importance—worthy of a month's study, instead of a speech delivered in an hour. I ask you, then, to consider seriously, not pertaining to yourselves merely, not for your race and ours at the present time, but as one of the things, if successfully managed, for the good of mankind—not confined to the present generation, but as
>
> "From age to age descends the lay
> To millions yet to be,
> Till far its echoes roll away
> Into eternity."

That was a speech that Abraham Lincoln made to the free Negroes whom he called together in the White House following the time when he read his proclamation of emancipation to his Cabinet, and before the day he announced it as a war measure against the Confederacy.

In this White House address to the free Negroes, President Lincoln offered Federal aid to those who would volunteer for colonization and stated that he would begin the movement if as many as 25 would volunteer.

I have already read extracts from the memorial to President Franklin D. Roosevelt. I am giving the history as prepared by Mr. Cox.

President Roosevelt, through his secretary, Mr. McIntyre, replied to the memorialists, recognized the difficulties of the situation and regretted that it was not practical at that time to consider their proposed steps for repatriation. The memorialists then sought assistance from Virginia, which State had taken the initiative in acquiring the territory which is now Liberia—

I am reciting this history because I want it to be known that I am not alone in making this fight for the repatriation of the Negro.

and the General Assembly of Virginia passed the following memorial to Congress, February 1936:

House joint resolution

"Whereas there is valuable land sparsely populated in the Republic of Liberia, a portion of which land is reserved for American Negro colonists, and many of our Negroes evidence a desire to live in an independent nation of Negroes and strive to achieve a high and honorable race destiny: Therefore be it

"*Resolved by the house of delegates (the senate concurring)*, That the General Assembly of Virginia memorialize the Congress of the United States to make provisions for the colonization of persons of African decent, with their own consent, in Liberia, or at any other place or places on the African continent."

I have already stated that Liberia has an area of 45,000 square miles and a population of 2,000,000.

I will admit that Liberia alone is not large enough in area to take care of 12,000,000 Negroes in addition to the 2,000,000 who are already citizens of that republic, but it would be a very easy matter for the Congress to respond to the petition of the Virginia Legislature. Congress could direct the President of the United States and the Secretary of State, Mr. Hull, to open negotiations with the French Government and with the British Government. We could buy all the territory needed to colonize 12,000,000 Negroes. In fact, we could get almost as much territory in Africa as we have now in the United States. The French own all the African territory to the north of Liberia, all the way up to the Mediterranean Sea, and the British own the territory to the south, all the way to the Cape of Good Hope. Since both France and England are considerably in arrears on their war debts, there is no reason why we should not give them an opportunity to pay their just and honest obligations to this country by selling to us as much territory as the Negro race would need for the next several hundred years. This region in Africa is a wonderfully fine country; it is noted for the fertility of its soil and for its great resources; in fact, I am told that this part of Africa has more, greater, and better resources than has the United States, in coal, in metals, in gold, in timber, and practically in every other resource needed for the establishment of a great nation for our colored brethren now living in this country.

The peace movement's appeal to President Roosevelt would be classed, I think, as the most extraordinary Negro racial document in the history of the Nation. The program of the organization is restricted to a single purpose: "To return people of African descent to their motherland, Africa." It marks, however, but one of an historical series of Negro effort to effect racial repatriation. It was but a decade ago that the Universal Negro Improvement Association, under leadership of Marcus Garvey, was proclaiming the ideals of Negro blood integrity, Negro advancement culturally and racially, and a repatriation movement with Liberia as its initial objective.

Before we survey, historically, Negro effort to reestablish the American portion of the race in the land of its ancestors, we should know something of the history of the British colony of Sierra Leone on the west coast of Africa in which recaptured slaves and certain blacks from Great Britain, the United States, and the British West Indies had been colonized.

Mine is not a new idea.

President Jefferson corresponded with the Sierra Leone Co. and sought to secure the consent of that country to receive Negro emigrants from the United States. The British rejected Jefferson's proposal and gave as one reason for their refusal to receive emigrants from the United States what amounted to a severe condemnation of the character of the American Negro as a nation builder. It was stated that the British Negro—those that had been received from Great Britain and the British West Indies—had the qualities requisite for freedom, and for establishing a nation of their kind, but that the American emigrants were a worthless and troublesome element.

This is the British indictment against the American Negroes.

An unfair estimate, we think, and one not so favorable to the British; for the American Negroes that have been repatriated by that country were those who had been lured from their masters in the Revolutionary War; and this condemnation of their late war comrades seemed to imply that only worthless Negroes had joined the British forces.

Mr. President, someone may brand me as a crank, as an impossible dreamer, but I have entertained this idea for many years. "God works in a mysterious way His wonders to perform." The African colony is the home of the Negro. He is there in his wild state; he is there uncivilized; he has no religion except that of cannibalism and fetichism; he knows nothing of the Christian religion. I have entertained the idea that God, in His wondrous way, was looking to the day when Africa would be rejuvenated, revolutionized, and the black man of the African jungle would be brought to the Christian religion; and He is doing it and has done it through the slaves that were brought to America. As we, the Christian people of America, have given the Negro the culture, the refinement, the education and the ideals and the spirit that a great many of them possess, and there are some splendid individuals among the Negroes; we have put them in shape, a position where they can take care of themselves, and I believe that some day in the near future the movement will take hold of the American people, it will take hold of the Negroes of America, and that the Negroes will be peacefully—not forcibly but peacefully and willingly—repatriated to the land of their fathers, and that the Negroes who have been brought from cannibalism and savagery to the status of education and have had engrafted into them and upon them the white man's civilization and culture can return to the land of their fathers, and there be the instruments, in the hands of God Almighty, in the final salvation and Christianizing and civilizing of the African race in Africa.

Within a decade an able American Negro—Paul Cuffe—succeeded in doing what President Jefferson had failed in doing.

Jefferson tried to make deals with the Sierra Leone British Co. for a place for the Negroes, but he failed. This Negro, however, Paul Cuffe—

Obtained the consent of Sierra Leone to a program for reception of American free Negroes. Paul Cuffe was a native of Massachusetts. He was the son of Cuffe Slocum, a slave who by industry had purchased freedom. Because it pertained to former slave status, the surname "Slocum" was abandoned. When Paul had become adult he was described as tall, well formed, and athletic; a man of remarkable dignity, tact, and piety.

At the age of 16 Paul Cuffe was a sailor on a whaling vessel. He was captured by the British and held prisoner for some months. He studied arithmetic and navigation. When he was 21, he and his brother John contested the legality of denying suffrage to colored citizens who paid taxes and shortly afterwards Negroes acquired legal rights and privileges in Massachusetts.

That was away back yonder before the Civil War, before the adoption of the fourteenth and fifteenth amendments.

When he was 34 years old he built a public schoolhouse and employed a teacher. He became captain of his own vessel, acquired other vessels, and at the age of 47 owned one ship, two brigs, several smaller boats, beside property in houses and lands. He early became interested in Negro repatriation and in 1811, with a crew of Negro seamen, sailed to Sierra Leone and made arrangements there for the reception of Negro emigrants from the United States. The second war with Great Britain intervened and it was not until 1815 that he could begin his plan. In that year, at his own expense, he carried a shipload of emigrants, free Negroes, from Massachusetts to Sierra Leone. He died in 1817.

the year in which white Americans decided upon a plan to assist Negro repatriation.

In the General Assembly of Virginia, 1777, a committee of which Thomas Jefferson was chairman, reported favorably on a measure for the emancipation and colonization of Virginia slaves.

Virginia was one of the Southern States that seceded, yet there were a great many people in the slave States who did not believe in slavery and who were just as much opposed to slavery as were Garrison, Harriet Beecher Stowe, John Brown, or any of the other great abolitionists of the Nation. I do not hesitate to say that my father was bitterly opposed to slavery; he was a soldier in the Confederate Army; he followed the South; like Lee and others, who, possibly, did not believe in secession, he followed his State and was a soldier in the Confederate Army. Yet he never believed in slavery, but always condemned it.

Its term required the acquisition of territory and a plan for gradual colonization, sending out young men at the age of 21, young women at the age of 18. It was proposed to establish and sustain them until the colony had acquired strength.

And that is what I am proposing, that, in our attempt to repatriate the Negroes, the Government shall not only pay the expense of transporting and colonizing them but shall sustain and oversee them and be a father to the repatriated, colonized Negroes until they are ready to carry on as an independent republic of their own, just as we have been a father to the Cubans, as we have been a father to the Filipinos.

After the War for Independence several of the States emancipated their slaves and a number of leading white men in these States sought to promote a colonization movement to repatriate the freedmen. Before definite measures could be effected the French Revolution had begun and the world was in discord and uncertainty until Napoleon had fought his last battle at Waterloo in 1815.

With the exile of Napoleon there was a general peace for the first time in 40 years. Immediately we find the friends of Negro repatriation at work. Charles Fenton Mercer, a member of the Virginia House of Delegates, introduced a resolution requesting the President to acquire land for a colony for free Negroes and for slaves who should be made free.

I want you to keep your eye on this man Mercer. He is one of the great Americans.

This memorial was passed by an almost unanimous vote December 1816. Tennessee and Maryland made similar requests. Early in 1817 a group of distinguished citizens gathered in Washington and formed the American Colonization Society. The purpose of the organization was to promote the cause of Negro repatriation. Land would have to be acquired for a colony, and ways and means for its settlement would need to be formulated. The task would be too great for a group of private citizens, but it was believed that the society, if aided by the Federal Government, could begin the repatriation movement, and that thereafter the Federal Government could take over the movement.

When it had set forth its purpose of Negro repatriation, the American Colonization Society enlisted in its ranks probably the most distinguished body of citizens that have ever been enrolled by any organization during our national history. Bushrod Washington was its first president. Francis Scott Key, John Randolph, Thomas Jefferson, James Madison, James Monroe, Charles Fenton Mercer, John Marshall, Andrew Jackson, Daniel Webster, Henry Clay, Abraham Lincoln, and a host of other able Americans, men and women, as members of the society sought to make Negro repatriation a reality.

It is a pity we cannot today get some of these alleged leaders on the Republican side and the Democratic side to join in doing what the rank and file of the Negroes really want done, and that is to repatriate them back in their fatherland.

Rufus King, in the United States Senate, proposed that proceeds from the sale of the public lands, after certain obligations had been paid, be used by the Federal Government in a general scheme of Negro colonization. Madison and Marshall, as private citizens, concurred in the King proposal. But the Federal Government was not to take over the repatriation movement, for in Congress the slave power raised its head and struck at every move that was made to assist the cause of emancipation and colonization of the slaves.

You will recall that in the days just preceding the Civil War—and they were hectic days—as the great leaders of the Nation were laying plans and trying to devise some means of not only emancipating the Negro but colonizing or repatriating him in Africa, the southern Senators and Representatives who were representing the slaveholders of the South were found fighting the movement for repatriation. Today, when we find the southern Senators and southern Representatives pleading for the repatriation of the Negro, the northern Senators are opposed to it, because they are afraid of the Negro's political power, and they need him in their business. There is your picture.

While that condition may exist today, however, I predict that it will not be many years before our northern Senators, Democrats and Republicans, will be joining hands with the southern Democrats in a general white man's movement throughout the Nation to help the Negro go back to his fatherland, because you are going to have trouble. The more and more the Negro becomes amalgamated, and the more he becomes educated, the more trouble he is going to give. If you do not believe that, just wait and see.

Let me digress right here and read you something from Pennsylvania to substantiate just what I have been telling you.

Mr. RUSSELL. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. BILBO. Yes, sir.

Mr. RUSSELL. Has the Senator stated the place of residence of the 1,000,000 Negroes who, he states, have associated themselves together in an organization requesting that they be repatriated to Africa?

Mr. BILBO. Yes, sir. They are all north of the Mason and Dixon's line. They live in Chicago and other parts of the Midwest.

Mr. RUSSELL. If I correctly understand the Senator, this movement is not being promoted by men who live in the South.

Mr. BILBO. No; they do not know anything about it. They have not had a chance. I made the statement that I believed that the great majority of the Negroes of the South would be glad to join in the "back to Africa" movement.

Mr. RUSSELL. So, if I correctly understand the Senator, this is a wholly voluntary movement, and does not contemplate any force or persuasion other than argument and demonstration of the fine possibilities for colonists in this section of Africa adjacent to Liberia?

Mr. BILBO. The Senator is correct. I have never advocated the use of force or intimated any such thing; and these persons whose names are already on the petition, who say they have made arrangements to go and are ready to move, are persons who live north of the Mason and Dixon's line. The Negroes of the South, where we have 8,000,000 out of the 12,000,000, have not had a chance to join the movement; but I think I can speak for the great majority of them when I say that they will be glad to go unless they are influenced by some of these highbrows who do not want to go. They are afraid to go.

I just want to show you what is taking place in Pennsylvania right now as a result of the white man's desire to control the Negro vote politically. I received a letter, reading as follows:

You have it right. The Guffey-Earle government in Pennsylvania and the Kelley government in Philadelphia have curried favor with the colored people until now it is unsafe to walk on the streets at night if you are white.

We have nigger cops, postmen, magistrates, and judges who like nothing better than impose on white folks. They get away with murder.

The white people are puzzled and afraid.

This is over in Pennsylvania.

The law no longer protects. Have a colored criminal arrested, and the police discharge him. A Democratic division or ward leader is always on hand to see that the nigger gets the best of it.

Preference and laxity in the courts have become notorious where colored defendants are concerned.

Senator, you ought to see how Federal relief money is thrown away on these nigger friends. * * *

Candor demands that the blame for the start of this crime in Pennsylvania must be placed at the door of the G. O. P.

That is, the Republican Party. You see, this is not a Republican writing this letter. He says:

Candor demands that the blame for the start of this crime in Pennsylvania must be placed at the door of the G. O. P.

Beginning 30 years ago, Republican ward leaders in Philadelphia started to colonize nigger families and roomers in houses along the borders of many of the wards here. The purpose was to use these fellows for repeaters at election time, plus any other skulduggery they could be used for.

These colonies gained great growth right after the World War, and since have further been encouraged by Messrs. Guffey et al., only now they vote Democratic instead of Republican.

The Democrats have them.

Partly it is God's just punishment to our white people here for not putting a check on this thing when it was first recognized. However, sympathy for the colored folks, especially hard-working colored women, prevented direct action by the whites.

Scores of thousands of Negro women and minors are working, at least part time, in Philadelphia and elsewhere in Pennsylvania, and their families at the same time are drawing relief money.

The Government recently sent out a post-card canvass to the citizens, asking report on those employed in domestic work, etc.

Many white families either didn't report or lied in order to serve the interests (as they thought) of the women and minors (mostly colored) doing housework in white homes. This prevents the authorities from purging the relief rolls, of course.

Senator, it is like a breath of fresh air to us here, to have you come out as you did.

We don't want to oppress colored folks, or Jews, or others, but we expect them to obey the laws and do their rightful part to support our Government.

We don't want our Congressmen to support any legislation that would be harmful in the South, or would help to make more bitter the problem you always have had with the colored population.

We here in Pennsylvania know well enough that you folks in the South know a lot better than anybody else how to run your own affairs.

Thank God for one honest expression.

We only wish you representatives of the Southern States would form a commission to come up here to Philadelphia and New York City and offer advice to our authorities on how to handle the Negro problem, both for our benefit as white citizens, and also to prevent the Negroes from being used and misled by—

Certain elements. There is more of this. It gets worse the farther you go.

That letter merely shows you what happens when amalgamation is endorsed, and the mixing and interbreeding of the races are winked at, and civil rights are granted the Negro.

I shall return to read the steps taken to repatriate the Negroes of this country. I want to get this before the country.

When Congress would not grant aid, and the repatriationists themselves were without strength to acquire and colonize a territory, it seemed that the cause was a hopeless one. But it was not hopeless. Charles Fenton Mercer, who had sponsored the Virginia memorial which requested the President to acquire land for a Negro colony, had been elected to Congress. He was known as an able man. He now was to prove that he was a great man, possessed of political genius in dealing with his own race, and a humanitarian spirit which was to stamp him as a foremost benefactor of the Negro race. Mercer moved by indirection and involved the Federal Government in the acquisition of land and the transportation of colonists.

The importation of slaves was illegal, but they were being "bootlegged" into the United States. Mercer struck at this traffic. In the Anti-Slave-Trade Act of March 3, 1819, initiated and aided through Congress by Mercer in such manner as to secure the unanimous support of that body, an appropriation of funds was made to return to Africa, slaves illegally brought into the United States.

The slave trade was outlawed in 1808.

When the time came to execute the provisions of this act Mercer is found advancing to President Monroe the plausible theory that if the unfortunate captives should be returned to the coast of Africa and released there they would probably be reinslaved and possibly some of them returned again to the United States.

Our Yankee friends were then in the slave-trade business.

President Monroe was in full sympathy with the colonizationists. He determined to obtain land on the west coast of Africa where slaves illegally imported into the United States could be placed and cared for by the Federal Government. In cooperation with the Colonization Society, he sent out agents to acquire territory and sent out American free Negroes to aid in its administration. This was the initial step in obtaining the land now known as Liberia, the capital of which—Monrovia—was named for President Monroe.

The act of 1819, however, was merely the beginning of Mercer's work in opposition to the slave trade and in behalf of Negro repatriation. In 1820 he succeeded in having citizens of the United States who engaged in the slave trade adjudged pirates, who, "on conviction, shall suffer death." In 1823 he submitted a resolution, which was passed:

"*Resolved*, That the President of the United States be requested to enter upon and prosecute from time to time such negotiations with the several maritime powers of Europe and America as he may deem expedient for the effectual abolition of the African slave trade and its ultimate denunciation as piracy under the laws of nations, by consent of the civilized world."

In his resolution of 1824, which was passed, the President was requested to lay before the House the result of his correspondence with other nations "relative to the denunciation of the African slave trade as piracy." In 1830 Congress published a volume of 293 pages (Rept. No. 348) dealing almost excusively with Mercer's official efforts for the promotion of Negro repatriation and the suppression of the African slave trade. It is probable that his subsequent efforts were equally as great.

Mercer led three great movements, any one of which should give him a high place in American history. There is no portion of the African Continent now under political control of Negro people save that portion reserved for them principally through the labor of Mercer. The colonists who established a Negro republic were aided by many white men, but their chief indebtedness is to Mercer. And when the slave trade, the age-long agony of Africa, had ceased, no one more than Charles Fenton Mercer had influenced its suppression.

Mercer had been supported and protected by the great men of his day, but he was younger than most of them, and when his efforts had brought upon him the wrath of the growing slave power, he stood alone. The records of his great achievements were submerged beneath the rising tide of pro-slavery oratory, sermons, editorials, laws, and literature. But Negro students are showing an interest in Mercer's labors, and it may be that a Negro historian will reveal him as a benefactor of the Negro race, who served it in such measure as to cause his own race to grow cold in its memory of him.

With the acquisition of territory and the evidence of Negroes volunteering for colonization in far greater numbers than the colonization society could accommodate, there arose high hope that the Negro race could be transplanted to the land of its ancestors if Government assistance could be obtained. In answer to the "State rights" pleas of Federal inability to aid the movement, a far-reaching step was taken by the State of Ohio.

The legislature of that State, through its Governor, communicated to the other States a request that the several Governors submit to their respective legislatures a plan by which the free States, with the consent of the slave States, would enter with them into a scheme for the emancipation and colonization of all slaves. This "Ohio plan" provided that the institution of slavery might continue while repatriation was being effected and that slaves who would not volunteer to take part with their blood brethren in building a nation should not be deemed worthy of freedom.

The epochal effort of the Ohio plan is difficult to ignore, but it is a difficulty which the historian has succeeded in surmounting. The free States acceded to the Ohio plan. The slave States rejected it. Here is the first division between the North and the South on the Negro race question. It was over Negro colonization. The free States were alined in a program which would tend to achieve the ideal of a white race in a white nation, an ideal which was rejected by the slave States.

However much this sectional division over emancipation and colonization of the slaves may have been ignored by the historian, it was not ignored in its day, for the rejection of the Ohio plan led to the rise of the Garrisonian abolitionists. William Lloyd Garrison was a supporter of the American Colonization Society. In Congress the slave power had held that constitutional limitations rendered the Federal Government incapable of effecting Negro repatriation. It had, however, given evidence of a sympathy with the idea. The result of the proposals revealed the slave States in a true light as supporters of slavery, and as opponents of Negro repatriation on any large scale, for not only had they denied Federal ability to aid the cause, they had refused State's cooperation which would effect the same purpose.

Garrison turned upon the Colonization Society—

This is where William Lloyd Garrison got in his dirty work—

Garrison turned upon the Colonization Society and characterized it as being merely an instrument of the slave power for removing troublesome free Negroes from the presence of the slaves, with the intention of perfecting the subjection of the hapless Africans who were not free. The general plan of the society was to colonize "Those who were free, and those who should be made free." The latter provision drew forth the frenzied ire of the slave power. It accused the society of being an instrument of the Garrisonian abolitionists. The sustained attacks upon the colonization movement by Garrison and the slave power would have obliterated it had it not been supported by men of great eminence, for Garrison and the slave power had the ears of the Nation. Reputedly they were arch enemies, but in reality they had much in common. Both opposed colonization of the Negro. Both sought to destroy the Union. Garrison, at least in theory, advocated amalgamation of the races. The slave power opposed amalgamation as a theory, but some of the slave owners seem to have practiced it.

I call attention now to a book which is being read by more Negroes than is any other book in the United States. The title of the book is "Brown America—The Story of a New Race." It is by Edwin R. Embree. The book was copyrighted in 1931. Let me read the titles of the chapters, and Senators will get an idea of what it is all about:

The New Race.
Peregrinations.
Keeping Alive the New Environment.
Learning the New Civilization.
Making a Living.
Brown Ballots.
Odds Against the Nigger.
Soil and Soul.
A Few Portraits.

This book is being read today as religiously and as universally by the educated Negro citizen of this country as the Christians ever read the Bible or the Chinese ever read the Book of Confucius. This is the Negro bible right now, because the author of the book, Mr. Embree, advances the theory, the idea, the scheme, the dream, that by the amalgamation of the Negroes and the whites, which he admits is taking place, there will be created in the United States a new race, which will take the place of the black race and will take the place of the white race. This new race will be a brown race; in other words, that after a while all the inhabitants of this country will be "high brown," octoroons, quadroons, mulattoes, mongrel. The author says that upon the civilization, the culture, advancement, inventions, and achievements in music, art, and literature of the Caucasian white race of America, with what the Negro has contributed to it, this brown race, the "high browns," will build a still greater civilization, and that this country will never reach the glorious heights to which it is destined until the whites have been wiped out and the blacks have been wiped out and all the inhabitants of the country become "high browns" in the new race, the new civilization for America.

And oh, how those Negroes are eating this book up. Go into some of the Government Departments, where one will find Negroes occupying sinecure jobs as messenger boys, as elevator operators, and so forth—in one of the Departments one can find nothing but Negroes—and on the desk of nearly every Negro will be found a copy of Brown America. All of them are reading it. They believe in it and they see in it the new race, the new day, the new civilization that shall outshine and be more glorious than any civilization that may be built by the inventive genius of the Caucasians, who have given to America this splendid civilization of ours.

Mr. President, I will admit that our civilization is not yet ideal. We are still in a way barbarians, we are not yet completely civilized, but our civilization is about as good a civilization as will be found anywhere in the world. I believe that if the Caucasian bloodstream is kept pure, and we are permitted to struggle on to higher ideals, the American people, the Caucasians, if there be no amalgamation with the colored races, will yet give to the world the highest type of civilization. I believe that the fondest dreams of those who dare to dream of what is possible of accomplishment in the uplift of the Caucasian here in America will be realized to their fullness.

The politicians who have been preaching civil rights for the Negroes and who have been endorsing intermarriage, and even permitting it, and who refuse to stop it, who encourage social contacts of whites with the Negroes, mixing up with them, ought to read this book "Brown America," because they will find that they are doing their part toward bringing about the "high brown" race that is going to be, in the opinion of most mulattoes the "great race" of America in the future. Such politicians are parties to that movement. They ought to read the book as the Negroes are reading it. Those politicians are having as much to do in bringing about this hoped for condition as the Negroes are. What the book says is true in some respects. If we do not bring about the repatriation of the Negroes and the separation of the two races, I care not what is said about it or what is thought about it, there will take place in America what the author of the book predicts, complete amalgamation, and authentic history of 10,000 years proves that he is right. It will not take place in 300 years, nor will it take place in a thousand years, or perhaps 2,000 or 3,000 years, but eventually it will take place.

In the old days the Egyptians had a wonderful civilization. They moved on step by step to great heights for 3,000 years. During those 3,000 years there came, however, the hordes of the Nubians from the upper stretches of the Nile and flooded Egypt. What was the result? At the end of 3,000 years complete decay set in, there was a perfect stagnation of the Egyptian culture and civilization, and the Egyptians went to the bottom, and although white men from England, from France, from Persia, from Syria and other parts of the world have attempted to graft their culture onto this decayed civilization of Egypt, yet all they have put into Egypt has been like dropping something in a bog—it has been swallowed up in the bog of mongrel civilization which is to be found in Egypt as the result of amalgamation of the white with the colored race.

I shall now go on with the story of repatriation in this country. I want the country to understand it. I want everyone to know what has been done along this line.

Garrison and the slave power limited the activities of the Colonization Society, but they could not destroy the society. Some 12,000 emigrants were established in Liberia. The Civil War merely suspended its operations. Important movements to Liberia continued after the Civil War. It was the reconstruction era which devitalized the society as an agency for Negro repatriation. In 1870—

That was just before Mississippi elected the Negro Senator—

In 1870, though emigrants were sent to Liberia, we find agents of the society reporting to the parent organization that reconstruction politicians were everywhere among the Negroes urging them to abandon the idea of a Negro nation, and prepare instead to take over the land of their late masters.

That is what broke up the repatriation society that was organized under the leadership of Mercer and Thomas Jefferson, the great men before the Civil War, and was fostered and encouraged by great men, including Abraham Lincoln and President Grant after the Civil War. It was the carpetbaggers in reconstruction days who took the Negroes' minds away from it and held them away from it, who held out greater things to them in America, just as the politicians now hold out greater things to the Negroes during political campaigns. We shall hear some of them this summer, as soon as Congress adjourns and they get back home. We shall hear them say: "Oh, what I did for the Negro, and what I am going to do for the Negro!" And the Negroes, some of them, are so childlike in mind that they actually believe that these Senators and Representatives have actually been doing something for them. No one has done anything for the Negro except President Roosevelt, who has given them the W. P. A.

That is about all that has been done for them.

The American Colonization Society has maintained its charter and has a complement of officials. When it relinquished control of Liberia to the American Negroes and their children residing there, the society retained substantial portions of that country for settlement by future emigrants from the United States.

So there is the land waiting and ready.

It is this land, thus held in trust for emigrants from the United States, which is referred to in the 1936 Virginia memorial to Congress.

I have already read that memorial and put it in the RECORD. In other words, when this society which owned Liberia relinquished its claim and control in 1870, it had these lands dedicated to the settlement of Negroes who might want to go to Liberia.

In 1834, when Garrison and the slave power were well under way in their attack upon those who sought to colonize the Negro, there was born near Abbeyville, S. C., a Negro boy, Henry McNeal Turner, who was destined to be the outstanding advocate of Negro repatriation when the Negro had been made a citizen, and

suffrage could not be denied because of race, color, or previous condition of servitude.

Turner, like Cuffe, was free-born. It is a significant fact that the eminent Negro leaders who encouraged the race to achieve race progress through race nationality, as other races had done, were men who had never been slaves. In most of the slave States it was unlawful to teach a Negro to read or to write. This law could not be completely enforced, for many Negro youths of marked intelligence who were liked by white people were taught to read and write. Young Turner did menial service for certain white lawyers and was not only taught to read and write but taught a fair amount of history and arithmetic. In Baltimore he studied grammar, Latin, Greek, and Hebrew.

Isaiah Montgomery, the outstanding Negro of all time in my State, was a kind of bodyguard and a secretary to President Jefferson Davis of the Confederacy. He wrote a beautiful hand and was a very smart Negro. In an attempt to segregate his own race he established in my State a town in Bolivar County, Miss., known as Mound Bayou, where no white man lives. There are only Negroes in this town. Isaiah Montgomery had practical sense about the relationship that should exist between the white man and the Negro in the South, and he had good sense about whether or not the Negro was qualified to vote, because he, as the leader of the Negroes in Mississippi, was a member of the constitutional convention of 1890 in my State, and made a famous speech in which he objected to giving to the Negro the right to vote in the State.

Turner—

The South Carolina Negro—

Turner entered the ministry and after some years became a bishop in the African Methodist Episcopal Church, an all Negro organization. In Washington he attracted the attention of President Lincoln who appointed him Army chaplain for the first colored troops used in the Union Army. When the war was over he was sent with the reconstruction forces into Georgia, but resigned his commission in order to build up his church. He continued in politics. He was a delegate to the Georgia Constitutional Convention in 1867, and was a member of the State legislature for Bibb County. In 1869 he was appointed postmaster of Macon through the influence of Senator Charles Sumner, but relinquished the position in deference to opposition of white people to the appointment. In the church he was made manager of its book concern, became bishop of Georgia, and for 12 years was chancellor of the Negro school which is now Morris Brown University, in Atlanta. During his official visits to Africa he introduced Methodism there, and became a stanch advocate of Negro repatriation.

Bishop Turner is described as being very tall, with powerful frame and massive head. Like Paul Cuffe, he had a commanding personality. When we consider the personality and the achievements of these two eminent Negroes we are aware that they were not ordinary individuals but capable men who boldly proposed that the Negro in America cut loose from his moorings and voyage to a land and a government of his own.

All the really great intellectual Negroes favor repatriation. We have a few surface mulattoes who cannot see far enough ahead to know what is best for their own race.

Bishop Turner knew that the race problem was more than a problem of slavery and that it would continue as long as white women bred white children and Negro women bred Negro children. He held that the Negro would more likely obtain 400 acres of land and a hippopotamus in Africa than obtain the promised 40 acres of land and a mule in America.

The carpetbaggers who went South in the reconstruction days obtained the vote of the Negro by promising him 40 acres of his former master's plantation and a mule. If they found a particularly difficult case, they would supplement it with the promise of a red wagon to go with the mule. That is the way the carpetbaggers voted the Negroes in reconstruction days. That is why we had a Negro named Bruce here as a United States Senator. That is why we had a Negro legislature in Mississippi. That is why we had a Negro superintendent of education and a Negro Lieutenant Governor in my State. They got the vote of the Negro by this and other methods.

Now, instead of giving them 40 acres of land and a mule, we give them civil rights. We allow them to swim in the swimming pool with our white women. We allow them to eat in the same restaurants and cafes. We allow them to sleep in the same hotels. We give them all the social rights, instead of the 40 acres and the mule. That is what is done in the North. We have not yet got to it in the South. It will be some time before we do. Gabriel will "toot his tooter" before we do.

When told that the Negro, if he remained here, could profit by the achievements of the whites and there was no need for racial and national independence, he held that freedom for racial initiative was a prerequisite for racial progress, and that in this respect the Negro would be better off in hell than in the United States.

That was Bishop Turner. I think I had better read that again.

When told that the Negro, if he remained here, could profit by the achievements of the whites and there was no need for racial and national independence, he held that freedom for racial initiative was a prerequisite for racial progress, and that in this respect the Negro would be better off in hell than in the United States.

Bishop Turner was one of the great representatives of the Negro race.

Cuffe had not witnessed organized opposition to Negro repatriation. The life span of Turner, however, covered the development of organized opposition. Daniel Webster proclaimed, in the Senate, that he would be disposed to favor the appropriation of almost any sum of money for Negro repatriation if a southern Senator would bring forth a measure to effect it. But the slave power was adamant. Turner also witnessed the complete reversal of the splendid northern position held for a half a century. The slave power held the Negro for his labor.

We do not deny that.

The Garrisonians had long promised the Negro's vote to the politicians who could free them and confer suffrage upon them. Turner saw the complete triumph of the Garrisonians, but an incomplete triumph for the Negro, in his opinion, for when he had become an old man he wrote to W. P. Pickett, who was preparing a publication, The Negro Problem—Abraham Lincoln's Solution, the following letter, January 12, 1907: "* * * I pray God that you will continue in the great work in which you are engaged, and move this country to help the Negro to emigrate to the land of his ancestors."

That is what took place in the mind of this great leader of the North. Before I get through, in the next 28 days, I am going to show what Francis Adams said when he was converted.

This is what Bishop Turner says about Africa:

I know all about Africa. I have been from one end of it to the other. I have visited that continent as often as I have fingers upon my hand, and it is one of the richest continents under heaven in natural resources. This country is not compared to it, and millions of colored people in this country want to go. But to pay our way to New York, then to Liverpool, and then to Africa is too much for the little wages the white people pay to our workers. Give us a line of steamers from Savannah, Ga.; Charleston, S. C.; Pensacola, Fla.; or New Orleans, La., and let us pay as much as the million or more white immigrants pay coming from Liverpool, London, and Hamburg to this country, and the Negro will leave by thousands and by tens of thousands—yes, by millions * * *.

As I said once before, in the 10 years preceding the World War immigrants came to this country from all over Europe, especially from southern Europe. Some of them were undesirable. If we had carried back to Africa as many Negroes as we brought foreigners into this country, we would not have a Negro in America today.

Let us return to the colonizationists' struggle with the slave power and with Garrison. The closing phase of the struggle was marked by the rise of the greatest of the colonizationists—Abraham Lincoln—to the exalted position of President of the United States. For many years Garrison's Liberator had carried "No union with slave owners" as a motto on its front page. Garrison had oftimes declared that nothing could bend his will, but, under the leveled gaze of Abraham Lincoln Garrison recoiled and future issues of the Liberator were singularly free from proposals to abolish the Union. The other advocate of disunion was not easily suppressed. The President believed that the forces which had proclaimed a dissolution of the Union had been rallied by and were rallying around the slave power. The slave power sought to destroy the Union. It was a fitting thing, then, that the Union should destroy the slave power.

That is why Lincoln issued his Emancipation Proclamation as a war measure.

The emancipation proclamation states that the effort to colonize persons of African descent, with their consent, would be continued. It will be found that the Executive efforts which were to be continued had been directed toward obtaining land upon which Negro emigrants might settle; devising plans for compensated emancipation of the slaves; obtaining an appropriation from Congress with which to begin colonization; and an official request to

Congress for a constitutional amendment to sustain a colonization program.

Abraham Lincoln went that far with it. He first wanted to pay the slave owners of the South for the Negroes; and then, when he was finally forced to do so, as he believed, as a war measure, he emancipated them; but through it all Abraham Lincoln was trying, by means of a constitutional amendment, to force Congress to provide the funds and the means to bring about this repatriation of the Negro.

When the President considered voluntary emancipation of the slaves he at the same time proposed their colonization. When he proposed compensated emancipation of the slaves he proposed their colonization. When he proclaimed their forceful emancipation he promised their colonization, and in keeping with the promise he submitted certain definite colonization plans to Congress. Wherever there is found a proposal for the solving of the slavery phase of the race problem there will be found a supplementary proposal for the solution of the problem in its entirety.

The executive efforts with regard to Negro colonization were not measures for the preservation of the Union. Emancipation was a war measure, but colonization was to be a post-war measure, by its nature contingent upon maintenance of the Union. Racial separation is a concept which extends beyond politics into the realm of race.

The President had not suddenly jumped to conclusions with regard to racial separation. In the years of his public life, which were the background of his Executive decisions, there is found a clear view of his philosophy of the race problem. A race problem, produced by contact of races, was a problem that could not be solved except through the separation of the races or by their blood amalgamation. Racial separation is not a necessity. It is a possible choice between the alternatives. Its execution would be a Herculean task. No capable mind would propose such a task without having considered the issues involved in holding the races together. For many years "separation" had been Mr. Lincoln's choice between the alternatives. The slave power had stood between the Nation and the choice of "separation." The Emancipation Proclamation was an instrument designed to destroy the slave power, and was a fit instrument to bring forward the concept of racial separation, though its attainment would be a post-war program.

The racial philosophy of Abraham Lincoln differs little, if any, from that of Thomas Jefferson. Each weighed the "alternatives" and each chose separation. They considered the issues involved in holding the races together. Mr. Jefferson said: "Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government." He declared that he wished for the Negroes the full liberties of men, but in a country of their own and in a climate congenial to them.

Shortly before his election to the Presidency, Mr. Lincoln went into more detail in this respect. In a Douglas-Lincoln debate, Senator Douglas had said, "For one I am opposed to Negro citizenship in any and every form. I believe this Government was made by white men, for the benefit of white men and their posterity forever." To these sentiments Mr. Lincoln replied, "I will say, then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races—that I am not, nor ever have been, in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people, and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality."

Those were the ripe convictions of a matured brain just before Lincoln was elected to the Presidency. The fourteenth amendment and social equality and political equality that we have now in this country were brought about as the result of a war-crazy atmosphere immediately after the war. After Lincoln was assassinated, and was out of the way, then Andrew Johnson appeared on the scene as President, and when Johnson refused to go along with crazy, mad leaders, such as Thaddeus Stevens, Charles Sumner, and others of the kind, they proceeded to impeach Johnson and, as I recall, there was just one vote lacking on the floor of the Senate to bring about his conviction.

Why was it sought to impeach Andrew Johnson? Because Johnson believed as Abraham Lincoln believed; he approved the philosophy of treating the Negro as Abraham Lincoln proposed, and it was desired to get rid of him. His enemies did weaken his power, and then proceeded to pass the unthinkable measures of reconstruction and to adopt the fourteenth and fifteenth amendments. Every thinking, intellectual man of the North and South knows that those measures were mistakes in those days.

Thus we see the background of the mental processes which led the President to include a plan of Negro colonization in the emancipation proclamation. The views of the President, however, and the similar positions held by Mr. Jefferson, and by Mr. Douglas, on this matter, were not views peculiar to these men but were similar to those held by other eminent statesmen from the foundation of the Republic until the triumph of the Garrisonian abolitionists. Had any of the previous Presidents had the power, and the will, to free the slaves, it is improbable that the concept of racial separation would have been omitted from the document ordaining freedom. The ideal of emancipation and colonization may be said to have been a national ideal, not opposed save by the limited number who owned slaves, and by a lesser number, probably, who had continued in support of Garrison.

There could be no better preface for President Lincoln's executive acts than his precise statement in a debate with Senator Douglas: "Such separation, if effected at all, must be effected by colonization; and no political party as such is now doing anything directly for colonization. Party operations at present only favor or retard colonization incidentally. * * * What colonization most needs is a hearty will. * * * Let us be brought to believe that it is morally right, and at the same time favorable to, or at least not against, our interests to transfer the African to his native clime, and we shall find a way to do it, however great the task may be." It was in this speech that Mr. Lincoln declared that separation of the races was the only "perfect way" to prevent amalgamation of the races, thus placing opponents of separation in the position of not desiring a "perfect way" to prevent amalgamation.

Today it is not a difficult nor an impossible task to bring about the repatriation of the Negro. There are only 12,000,000 Negroes in this country out of a population of 130,000,000. The majority of the Negroes want to go. The United States is abundantly able to provide means with which to pay the Negroes of America for all the property they own; it is abundantly able to provide all the land that is requisite in one of the most wonderful and fertile countries in the world, a beautiful country, with ideal climate suited to the Negro and his nature. In that country the Negroes can get all the land they need. There is nothing impossible about the suggestion.

Of course, there are obstructionists here and there, but why should not the white man of America give his all in all to bring about this one great objective? If he is intelligent, I am inclined to think he will look favorably on the proposition, because if he is intelligent he knows that, so far as his race is concerned, so far as his civilization is concerned, and so far as this country is concerned, it is headed for the rocks; it is headed for amalgamation; it is headed for the brown race; it is headed for a mongrel race; it is headed for a downfall and a leveling down and a dragging down of our civilization, as every civilization of the white man everywhere in the history of the world has been dragged down when amalgamation has taken place between the whites and the blacks.

If that be true, then, why is not every intelligent white man willing to accept the repatriation proposal; and why is not every intelligent Negro willing to accept it? The Negro knows that he has no place in this country; he knows that, as time moves on and competition between the whites and the blacks becomes keener and keener, the Negro is going to be discriminated against. He knows that he is discriminated against now; he is discriminated against in the North and the South alike. The Negro knows he does not get an equal chance. Here and there, once in awhile, come negrophilist will obtain office and appoint a Negro to a fairly decent job, but it will not be long until he will be booted out for a white man. The Negroes have got to take the lower position in the economic and industrial life everywhere. The Negro, knowing that, and also knowing that a benign government would be willing to furnish the money and provide the land and the means of transportation to his own fatherland, where he could work out his own salvation, where there would be no discrimination, and where his children would have an opportunity to obtain the things which they dream about in this country but which they will never attain, should not object. Why he should object, I cannot understand, and I prophesy the time is coming when the Negroes who are now abusing me through the press and in unsigned letters will realize that I am their best friend on the floor of the Senate, because I have advocated the solution of the troubles which they now have and the greater troubles which they are going to encounter in the future. The time-serving politicians who

promise them so many things will not get them anywhere. They have not gotten them anywhere so far.

Compelled to use military forces to maintain the Union, the General Government was soon in possession of Negroes liberated from persons in arms against the Union. President Lincoln acted in keeping with his race ideals, and with his conception that Negro repatriation was properly a concern for a political party, and properly a function for the Federal Government. In his first annual message he referred to this class of liberated Negroes and proposed that Congress consider colonizing them "at some place or places in a climate congenial to them. * * * If it be said that the only legitimate object of acquiring territory is to furnish homes for white men, this measure effects that object, for the emigration of colored men leaves additional room for white men remaining or coming here."

In other words, as the president of this "back to Africa" movement, backed by more than a million Negroes of the Middle West, has said, if repatriation could be carried out it would solve our unemployment troubles over night, and there would be a white man or a white woman or a white boy or a white girl waiting to take every place vacated by a Negro who had been repatriated to his fatherland. Of course today, under our system of caste, there are certain jobs that white men do not want, because they say those are Negroes' jobs. That is discrimination against the Negro. But if the Negro was repatriated to his fatherland, then there would not be that objection on the part of the white man and the white woman, when it was necessary in order to make a living, to taking any job for which they would be competent and by which they could render service.

President Lincoln knew that southern economy was based on cheap Negro labor, and white men's labor made cheap through competition with Negro labor.

You see, we had that trouble here in the fight for the wage and hour bill. We had some few folks from the South fighting the wage and hour bill. They were afraid that the scale of wages would be so lifted among the lower brackets in the South that they would not be permitted longer to capitalize and to profiteer and to racketeer upon the cheap labor of the Negro. As a result of that, the poor white laborer of the South has had his wage scale dragged down, because it is possible to get the Negro for a low wage.

I am one of the 15 Senators from the South who voted for the wage and hour bill. There were only nine Southern Senators who voted against it on the floor of the Senate. I favored it because it was a "lick" in the right direction. It was an effort to raise the wage of the laboring man in the lower brackets, whether he be a white man or a black man. I do not believe in slavery in any form, although you may have it, and you have it in some sections of the country.

(At this point Mr. BILBO yielded to Mr. JOHNSON of California, who submitted a resolution which appears elsewhere in today's RECORD under the appropriate heading.)

Mr. BILBO. Mr. President, it afforded me very great pleasure to yield to the Senator from California to submit his resolution. I am rather glad he submitted it at this time, because I desire to talk about it before I get through in the next 28 days.

As I was saying:

President Lincoln knew that southern economy was based on cheap Negro labor and white men's labor made cheap through competition with Negro labor. He was of Anglo-Saxon descent, born in the South. He knew that the "upper class" southerners, so-called, while boasting of Saxon blood, for the first time in Saxon history were maintaining an economy under which the poor of the race were compelled to compete against the lowly and helpless Negro in order to get food for their children. Again, in his second annual message, he refers to the competition of the races:

"Reduce the supply of black labor by colonizing the black laborer out of the country, and by precisely so much you increase the demand for, and wages of, white labor."

That is one reason why I am trying to enlist the support of the leaders of both whites and blacks in this country to my proposition of repatriation. I should like to call upon all of these preachers throughout the Nation, and these school teachers and editorial writers, to give some consideration to the advantages and advisability of repatriation of the Negro, and join me in the demand that steps be taken to bring about this great dream of making secure the white bloodstream of the Anglo-Saxon throughout all the ages to come.

The question of what classes of Negroes would be entitled to Government assistance in the President's scheme of colonization is easily settled—his plans included all classes. There were three classes—free Negroes, slaves held by loyal citizens, and slaves held by persons in arms against the General Government. July 12, 1862, the President assembled Members of Congress from the border States and told them he favored compensated emancipation and colonization. August 14 he assembled free Negroes in the White House, urged colonization upon them, and asked for volunteers. September 22 he issued the Emancipation Proclamation, which would affect slaves held by citizens in arms against the Union; and more than half of that document, prior to announcing freedom for the slaves, is given to the question of Negro colonization.

When you get back home you ought to take up Abraham Lincoln's Emancipation Proclamation and read it and analyze it. You will find a lot of food for thought in it.

The boldness of Abraham Lincoln's spirit and the comprehensiveness of his plans would justify our statement above that he is the greatest of the colonizationists. A distinguished British Jew, Lord Melchett, considered the application of the "selective age" principle to the colonization of Polish Jews to relieve the race pressure in that country. Discussing the effect of transferring vigorous youths, he said:

"Careful statistical inquiry shows that the effect on the future numerical strength of a given population, if all persons of the age group are removed annually, is very striking. The effect of such a transference would be to nearly halve the original population in 20 years, and in about 40 years to reduce it to about 14 percent of its former size."

Those are some very interesting statistics which have been worked out. In other words, if we should repatriate the young Negroes—the males at 21 and the females at 18—over a period of 20 years, by that time half of the race would be repatriated by just letting these young ones go and start their homes and colonizing them in this black country; and in 40 years they would all be gone but about 14 percent. That is a wonderful picture. It shows you what can be accomplished.

President Lincoln knew that a race could be transferred by removing only a portion of its members, and so did Thomas Jefferson, for the latter proposed that the selective-age group be composed of males of the age of 21, females of the age of 18. The effect of this method would be that the increase of the race would tend to be in its new home, its decrease be in its old home.

In other words, the population in the Republic of Liberia would increase, while the population of the Negroes here would decrease, in such a ratio that in 40 years there would be only 14 percent of the Negroes left in this country, and it would not be necessary to disturb any of the old-time "mammies" and "daddies" of the Negro race, but let these young ones who are ambitious go on and help settle up their new country.

The tragic death of President Lincoln gave opportunity for men of lesser mold to suppress the Negro repatriation movement in the North, just as the slave power in the South had brought to naught the initial repatriation movement which had been set in motion by the most eminent statesmen that the South had produced. There is ample evidence that these little men in both North and South were actuated by prospects of personal gain, and that their unwillingness to give the Negro a nation of his own was not unrelated to their plan to retain the Negro here and use him for their own peculiar advantage.

That strikes me as something that ought to impress the Negro more than anything else—that in the case of these people who, as public men, as preachers, as teachers, as newspapermen, and as editors of newspapers, are not willing to take the lead in repatriation of the Negro, there is a sure-enough "nigger in the wood pile." The reason they will not do it might be because they are afraid it will hurt their business. I can readily understand some of these ephemeral politicians and officeholders who do not want to step out in the open, because they are afraid they might antagonize a few votes, and jeopardize the prospect of their return to one of these easy seats at $10,000 a year per. I can understand all that; and it strikes me that the Negro, if he thinks he is smart at all, ought to be smart enough to know that the reason these folks who ought to be taking the lead in trying to save the white race and trying to help the black race do not take hold of the problem, the reason why they do not step

out in the open, is because they want the Negro for his own personal gain and personal use here in this country.

Oh, yes, we would all regret to lose our Negro servants. I have one who has been with me for 7 or 8 years. He is a college graduate, a "high brown." He has lots of white in him. He is a wonderful servant, a loyal servant, and faithful, and I think a great deal of him. But I know that he and his kind will be servants as long as they live in this country, and I know it would be better for this man if he would go to Africa, to a new country, with a young wife, and there build his own home, in a land where he would be free, in a land where a white man could not go, because the Negroes saw to it when they established the Republic of Liberia in 1847 that no one could vote in that country unless he had Negro blood in him. They were not taking any chances with the white man any longer.

I read further:

The conferring of citizenship upon the Negro, however, did not suppress the Negro's desire for independent nationality. As a "citizen" the Negro clamor for separate nationality continues, and its expression exceeds that of the free Negro in the days of slavery.

When the venerable Turner wrote the letter quoted above, there was in Jamaica (British West Indies) a young Negro, Marcus Garvey, who was destined to be the greatest advocate of race progress, race integrity, and race nationality that the Negro race has produced. With good education, Garvey in his youth, brooded over the disadvantages suffered by his race in contrast with other races. Highly endowed with qualities which made him the outstanding champion of Negro race advancement, he organized the Universal Negro Improvement Association. An able publicist, he spoke in terms that interpreted the race's innermost desire for economic progress, blood integrity, and race nationality. With the purpose to unify the Negroes of the New World with those of the old, Garvey's organization became international. It developed into a far-flung empire of sentiment and practical effort. Its memberhhip is said to have reached a total of more than 6,000,000. The writer of this article has personal knowledge that the organization was widespread, for he corresponded with members of it in 26 of the States; in Jamaica, Panama, Honduras, Cuba, Haiti, Santo Domingo, and several other countries, including supporters of the movement in three or four of the political divisions of Africa.

The Garvey movement succeeded in doing well what other Negro repatriation movements had failed to do—it gained the attention of the American press. There was provision for organized hilarity among the Garvey following when their organization met in convention. The American press deals understandingly and leniently with the American Legion's "40 and 8," but the organized buffoonery of the Universal Negro Improvement Association's convention was played up by the press almost to the exclusion of the great ideals of the organization.

They overlooked the real purpose of Garvey's organization in the convention, and played up the ridiculous part of it.

This Negro organization, in a plan to aid Liberia, believed that it had acquired certain rights in that country and sent out a shipment of goods of the value, it is said, of $50,000, when the Liberian end of the agreement was rescinded. It was about this time that other American citizens were more successful in acquiring holdings in Liberia, but the other Americans, not being of Negro descent, could not become citizens of Liberia, nor hold title to its land. This obstacle was overcome by leasing a million acres of Liberian land for a period of 99 years.

Again I call attention to the fact that when the Negro went out and established his republic in Liberia he not only provided that no one could vote in that country unless he had Negro blood in him, but he would not even let the white man own land in that country. He was taking no chances at all.

Garvey had said much about the white man seizing Negro Africa and holding its people in subjection. He foresaw the time when Africa would be ruled by the Africans. In opposing the white occupation of Africa, Garvey was not more intemperate than Bishop Turner had been, but Turner's declaration to the effect that the British would be defeated and driven back to the waters of the Thames, attracted little attention in Europe. Garvey aroused interest there, for a vast concourse of Negroes in the Old World and the new, gave the nod of assent to Garvey's doctrine of Africa for the Africans.

Opposed by many Negro leaders who felt that they were being displaced, particularly by the type of leader who favored amalgamation and not separation as a solution of the race problem; opposed, possibly, also by whites in high places who feared international objection to the doctrine of Africa for the Africans; Garvey, nevertheless, was secure. His enemies were numerous, and some of them powerful, but they could not break his hold on the common people of the Negro race. But Garvey undertook to finance the Black Star Line of steamships to trade among Negro peoples and assist in carrying emigrants to Africa. He was convicted of having used the mails to sell worthless stock in the Black Star Line, stock deemed by a white judge and jury not to have been of immediate or prospective value. This conviction was before the mighty economic collapse known as "the depression" which began in 1929. Garvey had been considered an impractical dreamer, "afflicted with a Messianic complex," from whom the stock purchasing individuals of his race should be protected. Shortly after his conviction much stock issued by "practical" men, not afflicted with a Messianic complex in any form, was as worthless as the stock of the Black Star Line.

So Garvey was not so bad after all.

President Coolidge commuted Garvey's sentence, but Garvey was an alien and was automatically exiled from the United States. His popularity was not greatly reduced by the prison sentence, for his followers generally were in sympathy with the purpose of the Black Star Line. But his imprisonment deprived him of active leadership. His exile from the United States separated him from the largest group of his followers, and the world-wide depression was to work a mighty havoc in the organization's great membership. It continues, however, and is rebuilding a large membership. Its 1937 international convention was held in Toronto, Canada. Efforts will be made to secure a temporary permit for Garvey to reenter the United States which, if successful, will permit the 1938 convention to be held here.

I for one am ready to say that if Garvey will come back to the United States and help lead in organizing the Negroes throughout the United States to join in the repatriation movement, I will be glad to see him come.

As the Universal Negro Improvement Association began to disintegrate—it is said that at the present time its membership does not exceed 100,000—there arose Negro leaders, several of them, who sought to effect a minor program of Negro repatriation. Their particular interest was directed toward securing and developing small concessions in Liberia, or in effecting small settlements on Liberian land, or upon the land in Liberia which is held in trust for American Negro colonists. Garvey had proved to be the greatest of the Negro publicists and the greatest of the Negro organizers. There was now to arise a mighty Negro repatriation movement not dependent upon press publicity. Garvey aided the cause of Negro repatriation, but his organization also carried other concepts of racial uplift. The new movement is confined to a single ideal—to return people of African descent to their motherland, Africa. It was this new movement, a peace movement, which prepared the giant Negro memorial to President Roosevelt, as given above.

Which I have already discussed and inserted in the RECORD.

The leading personage in securing this great petition to the President is a woman, Mrs. M. M. L. Gordon, president of the Peace Movement; an indomitable spirit, making hundreds of speeches, carrying on extensive correspondence, rallying those whose hope is weak, and instilling a rugged enthusiasm for the cause of Negro repatriation. It is safe to say that if any American white woman had obtained so great a memorial for presentation to the President of the United States, for any purpose whatsoever, she would quickly gain the attention of the Nation. But the Negro woman remains nationally unknown. The memorial is wholly the work of Negroes. In its implications it would affect the future of the white race—and the black—as no other measure brought forward since the days of Abraham Lincoln could affect them. In the scant space given in the press to the Negro memorial there was a tendency to treat it lightly. It has, however, been greatly increased in signatures, and the memorialists plan to ask the President to permit a select committee submit to him the enlarged memorial.

For some unknown, hidden reason—selfishness, I presume—afraid they will offend some reader or some subscriber, it is a hard matter to get the press of the country to play up the fact that this Negro woman in Chicago has brought together over a million Negroes in the Middle West—not in the South—who are begging the United States Government and appealing to the Government to provide the ways and means to carry them back to their fatherland. Yet the papers do not carry it. There is a reason.

Paul Cuffe relied upon his personal resources to begin the repatriation movement. Marcus Garvey sought to have Negroes buy their own ships.

Garvey was not waiting on the Government.

Cuffe's purpose was understood and supported by eminent white people. Garvey begged for white understanding and support, but it was not accorded him. Bishop Turner frankly recognized that any effective program of racial repatriation was beyond the power of the American Negro, and he held that the movement should have biracial support, for both races would profit by it.

In other words, the white people of this country should join hands with this Negro woman of Chicago and her or-

ganization, which is paying its own expenses. She does not charge any fee. It is not a racket. She is imbued with the spirit of benefiting both races. The white people of the country should join her and help her to carry on her work, because it is as much to their interest as it is to hers that it shall succeed.

The president of the Peace Movement, her capable advisers, and the signers of the mighty memorial ask for white support on the assumption that the movement would benefit the condition of the whites, particularly white laborers. Lincoln and Clay often used a similar approach—an economic one. But the signers of the memorial show as well a spiritual longing to live among a people of their own kind.

In other words, here is work for the American Federation of Labor and here is work for Brother Lewis and his C. I. O., to join hands with this Negro woman, Gordon, in Chicago and her organization, because no other class of persons in the American set-up ought to be more interested in the repatriation of the Negro than "General" Green and "General" Lewis, heading the American Federation of Labor and the C. I. O. movement, respectively. They should get behind it, because in their struggle with the problem of unemployment here is a solution which will do away with all unemployment. If they want to render real service to the country, and to be far-seeing leaders of their labor organizations they should get behind this movement. Here is a chance for them to step out and be real leaders. I do not know what they will do. No one else knows. However, here is a chance for them to step out into the open and courageously advocate a movement, and if these two great labor organizations and their leaders will get behind it, they can help this "Back to Africa" movement in Chicago, and they will constitute a real force which will begin that movement in America.

I am afraid it might mean the loss of some dues to those organizations. I understand there are some 50,000 Negroes who belong to the American Federation of Labor. I do not know how many Brother Lewis has in his C. I. O. However this may be, they had better join hands with these Negroes in the Midwest, get behind his movement, and put it over for the benefit of their labor organizations.

American Negroes are divided on the question of repatriation as a solution of the race problem. This we know, for some of the Negroes openly advocate amalgamation of the races. The failure of the repatriationists to gain the support of the whites, is held by the amalgamationists to be an evidence that their own preferred solution is to win public approval, and that in no distant future the two races will merge into a mulatto type.

With Garvey exiled and Gordon ignored, the amalgamationists feel secure, but not quite secure, for a recent memorial to Congress by a great State asking that body to assist Negroes who desire to settle in Liberia, encouraged the repatriationists, and at the same time created misgiving and uncertainty in the hitherto confident ranks of the amalgamationists. There are not many white people who know of this division in the Negro race for it seems to be generally assumed by the whites that all Negroes would welcome the chance to lose their race identity by mixing with the whites. What type of Negro, then, are the repatriationists who propose to maintain the Negro type under conditions which would insure race integrity?

Racially, those who propose to maintain their racial type and achieve conditions to insure this purpose, would be the biological element upon which the race would have to depend. Racially, this element would be the elite of the race, while, racially, those with adverse proposal would be racial refuse, however valuable their qualities as individuals.

The fact that Negro leaders, the eminent ones named in this article, and a host of others less known to fame, have always obtained an important following when advocating Negro nationality is evidence that the Negro has pride in his race and a practical desire for it to stand alone and strive as other races. But it is evidence ignored by many white people who glibly state that the Negro has neither desire for race integrity nor ambition to achieve race nationality.

Thank God, there is a very wholesome element in the Negro race which believes in the Negro nationality, which believes in race purity, and they resent, and resist, and abhor, and detest the mealymouthed politicians who are trying to offer them social equality and everything else to get their votes. They resent the intermarriage of the races. They resent the illegitimate interbreeding of the races. We have some Negroes who are that way. That is the class of Negro which wants to take its race and go back to the fatherland. However, it is the mongrel, the octoroon, that element of Negroes which tries to exploit its own race, which does not want the members of the Negro race to have anything to do with repatriating the race back to Africa.

It is evident that the reconstruction amendments to the Federal Constitution did not operate to deaden the Negro desire for race nationality. In addition to the Negro nationalists who have kept their ideal since these amendments, there also have been capable white individuals who advocated Negro nationalism, President Grant; United States Senators Ingalls, of Kansas; Morgan, of Alabama; Tillman, of South Carolina; Vardaman, of Mississippi; and Caraway, of Arkansas; Governors Jelks, of Albama, and Broward, of Florida, are on record as favoring racial separation.

The Negro nationalists were profoundly grateful for the Virginia memorial to Congress on their behalf. But there is, I believe, equal if not better evidence of potential white support for their cause in a measure brought forward in Mississippi a decade ago. It was passed by a great majority in the senate, reported favorably by the house committee on Federal relations but lost in the last days of the session. In Virginia, Negroes appeared before committees and sympathetic white citizens gave them support. In Mississippi no Negroes had requested aid. The measure originated within the senate, and it is a majestic one, showing a lofty sense of responsibility of the white race to provide for and to give full aid to Negroes who desire a national home. Its reproduction here is a fitting close to this article.

Here it is. In other words this is the last fact that I have to offer in the history of what has been done in this country toward repatriation. This resolution was introduced in the Senate of Mississippi and passed unanimously. It was conceived and written by Senator McCallum, of Laurel, Miss. I desire to read it to the Senate:

Senate concurrent resolution

Be it resolved by the Senate of the State of Mississippi (the house of representatives concurring therein), That we do hereby most solemnly memorialize the Congress of the United States of America to request the President to acquire by treaty, negotiations, or otherwise from our late war allies—

They might have said "our late war debtors"—

sufficient territory on the continent of Africa to make a suitable, proper, and final home for the American Negro, where under the tutelage of the American Government he can develop for himself a great republic, to become in time a free and sovereign state and take its place at the council boards of the nations of the world, and to use such part of our allied war debt as may be necessary in acquiring such territorial concession, to the end that our country may become one in blood as in spirit, and that the dream of our forefathers may be realized in the final colonization of the American Negro on his native soil, and that the spirit of race consciousness now so manifest in the American Negro may be given an opportunity for development under the most advantageous circumstances.

That is the sentiment of the Mississippi legislators.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. RUSSELL. I did not hear the Senator from Mississippi state the year that action was taken by the Mississippi Legislature. I was interested in knowing when that action was taken.

Mr. BILBO. In 1926. In other words, here are two legislatures which have gone on record memorializing the President and the Congress of the United States to do the very thing for which I have been arguing and pleading for the last 4 days, and for which I will continue to plead for the next 28 days.

In this connection I wish to read into the RECORD a statement which assembles under one heading all the efforts of Abraham Lincoln in trying to make America a white country. The would-be Negro leaders who are not sympathetic with the idea of repatriating the Negro, are going to celebrate the birthday of Abraham Lincoln in a few days. It might be well for them to read and to analyze and think about what this man Lincoln really tried to do, and his contribution to the cause of the repatriation of the Negro, and making this country primarily a white man's country.

Lincoln favored limiting suffrage to whites.—"I stand for admitting all whites to the right of suffrage who pay taxes and bear arms, by no means excluding females." Announcing his candidacy for the legislature, 1836. He was then 27 years old.

He believed that Congress had no power to interfere with slavery. "* * * that the Congress of the United States has no power under the Constitution to interfere with the institution of slavery in the different States." (Resolution to the General Assembly of Illinois, 1837.)

That was Lincoln's resolution in 1837, just 100 years ago.

In other words, if Abraham Lincoln were here on the floor of the Senate, feeling as he felt about our dual scheme of government, he would vote against the antilynching bill, because he went so far as to say that the Federal Government has no power to interfere with slavery in the States. The only thing he did about it was to issue the Proclamation of Emancipation as a war measure, to weaken the Confederacy and to help defeat the Confederacy in the war.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. LEWIS. I am sure the able Senator will agree with me that upon that basis President Lincoln's action would be called unconstitutional, not only in taking the property of the people without a hearing, but also in issuing his proclamation in the manner he did, without submitting it to Congress.

Mr. BILBO. Of course it was unconstitutional. Of course he violated the Constitution, just as the antilynchers are proposing to violate the Constitution with this bill. But Lincoln did it as a war measure. He did it as a means to help win the Civil War. In other words, he was violating the Constitution to save the Nation.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Does the Senator from Mississippi yield to the Senator from Texas?

Mr. BILBO. I shall be glad to yield.

Mr. CONNALLY. Does not the Senator recall that Mr. Lincoln, in a letter to Alexander Stephens, in December 1860, openly avowed that he, as President, had no power under the Federal Constitution to interfere with slavery in any of the States?

Mr. BILBO. He voted for a resolution in the Illinois Legislature in 1837 in which it was declared that the Congress of the United States had no power under the Constitution to interfere with the institution of slavery in the different States.

Mr. CONNALLY. He reiterated that, as I recall, as late as December 1860, after he had been elected President of the United States, in a letter to Alexander H. Stephens. The Senator from Mississippi is pointing out that when Mr. Lincoln issued the Emancipation Proclamation he did it as an act of war.

Mr. BILBO. Certainly.

Mr. CONNALLY. On the ground that by freeing the slaves he would thereby weaken the Confederacy and make it easier to overcome it.

Mr. BILBO. To show that he was keeping faith with his declaration and his belief as to our dual scheme of government, the Proclamation of Emancipation did not free the slaves in any of the States except the States which were then in rebellion against the Government.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. LEWIS. Let me ask my able friend if it is his position that the attitude of Lincoln was not so much to favor the liberty of the Negro as it was to serve the war purposes by an assault upon those States which, as my able friend says, were in rebellion.

Mr. BILBO. Lincoln never at any time contended or intimated that he was fighting the Civil War to free the slaves. That was not the issue so far as Lincoln was concerned. Lincoln was prosecuting the war only to conserve and preserve the Union of the States.

He was not in favor of social or political equality of the white and black races and opposed intermarriage of whites and blacks.—"I will say, then, that I am not, nor ever have been, in favor of bringing about in anyway the social and political equality of the white and black races—that I am not, nor ever have been, in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality."

But they are trying it now in New Jersey.

"And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race." (Speech at Charleston, Ill., September 18, 1858.)

In New Jersey they have already done away with the idea of superiority and inferiority as between the whites and the blacks. They are all on a dead level. There is no apparent difference in New Jersey.

He supported the returning of the Negroes to Africa.—"If, as the friends of colonization hope, the present and coming generations of our countrymen shall by any means succeed in freeing our land from the dangerous presence of slavery, and at the same time restoring a captive people to their long-lost fatherland with bright prospects for the future, and this, too, so gradually that neither races nor individuals shall have suffered by the change, it will indeed be a glorious consummation. And if to such a consummation the efforts of Mr. Clay shall have contributed, it will be what he most ardently wished, and none of his labors will have been more valuable to his country and his kind." (Memorial address following the death of Henry Clay, who for many years had been president of the American Colonization Society.)

THE SUDDEN FREEING AND COLONIZATION OF THE NEGRO NOT POSSIBLE

"My first impulse would be to free all the slaves and send them to Liberia, to their own native land. But a moment's reflection would convince me that whatever of high hope (as I think there is) there may be in this in the long run, its sudden execution is impossible." (Debate with Senator Douglas, October 16, 1854.)

Lincoln believed that it should be done. He knew it ought to be done, and he devoted his life to the great proposition until he was assassinated. Yet he was of the opinion that it could not be done suddenly; and no real thinker who has ever advocated repatriation of the Negro has believed that it could be done overnight, or that we could put them all on the ship the same day. Lincoln believed that the process of moving them should be gradual. Mr. Tugwell, when he moved a great number of people from the Dust Bowl area of the Middle West to Alaska, did not move them all on one ship. He took them at different times.

What colonization needs most is a hearty will. Such separation, if effected at all, must be effected by colonization; and no political party, as such, is now doing anything directly for colonization.

I am sorry that is as true now as it was when Lincoln was talking.

Party operations at present only favor or retard colonization incidentally. The enterprise is a difficult one; "but where there is a will there is a way," and what colonization needs most is a hearty will. Will springs from the two elements of moral sense and self-interest. Let us be brought to believe that it is morally right, and at the same time favorable to, or at least not against, our interests to transfer the African to his native clime, and we shall find a way to do it, however great the task may be. (Debate with Senator Douglas, June 26, 1857.)

Lincoln was right. Wherever there is a will, there is a way. I am one of those who think there is no limit to the possibilities of the human mind if intelligently and indefatigably applied to the solution of any problem or the accomplishment of any fact. Thank God, there is no limit to what the human mind can do. That is why I am in favor of the repatriation of the Negro, because I know that the Negro, not being of the Caucasian race, is inferior when it comes to creative genius, when it comes to intellect, or when it comes to any mental powers. His head is not suitably built, and it does not grow in such a manner as to permit intellectual development, because, as the scientists and ethnologists tell us, the bones which make up the skull are joined together by sutures; and, in the case of the Negro, by the time he has reached the age of puberty, these sutures have become ossified and solidified, and there is no room thereafter for the brain to expand.

Lincoln knew that. He called attention to it.

Proposed to colonize Negroes liberated from persons in arms against the Government. * * * at some place or places in a climate congenial to them. * * * If it be said that the only legitimate object of acquiring territory is to furnish homes for white men, this measure effects that object; for the emigration of colored men leaves additional room for white men remaining or coming here.

Lincoln had the right idea about it. He agreed with Douglas, he agreed with Jefferson, Clay, and others that this is primarily a white man's country. That is why we have left the doors open, and, through our immigration laws, have permitted whites from various sections of Europe to come into the United States. We have kept the gates open for, lo, these many years, possibly too long; but the United States have been the haven of refuge for the oppressed of all the white races of the earth. They have come; they have settled here; they are with us; and, possibly, are causing congestion in some of our great industrial centers; but if we will give the Negro a chance to be repatriated—and I know he wants to be, if he has any sense, if he knows what is good for him and his offspring—he will leave vacant lands and homes and opportunities and jobs for the white men who are already bringing about congestion now in this country.

Lincoln further asked for free Negroes to volunteer for colonization, and he said:

Your race suffers very greatly, many of them by living among us, while ours suffer from your presence. In a word, we suffer on each side. If this is admitted, it affords a reason, at least, why we should be separated.

That is a quotation from the address of Abraham Lincoln to a committee of free Negroes on August 14, 1862. I quote further from Lincoln's Emancipation Proclamation of September 22, 1862:

And that the effort to colonize persons of African descent with their consent upon this continent or elsewhere, with the previously obtained consent of the governments existing there, will be continued.

In his speech at Springfield, Ill., on June 26, 1857, Abraham Lincoln contended that colonization is the only preventative of amalgamation.

Lincoln knew what was happening in the South, in the North, and in the West.

Colonization will settle the Negro problem forever. "Our strife pertains to ourselves—to the passing generation of men; and it can without convulsion be hushed forever with the passing of one generation."

He then proposed an amendment to the United States Constitution, giving the right to Congress to appropriate money for colonization:

Congress may appropriate money and otherwise provide for colonizing free colored persons with their own consent, at any place or places without the United States.

Mr. President, I think I shall give Senators a chance to decide whether they believe in white supremacy, whether they believe in keeping the white race pure, whether they believe in keeping the white bloodstream pure, or whether they believe in amalgamation with the brown race that is to come. So, I think I shall dig up this suggested amendment by President Lincoln and offer it to the Congress and see how they feel about it. Let us submit it to the 48 States and ascertain whether the legislatures of those States are willing to give the Congress power to provide the funds and means to bring about a peaceful, friendly, sympathetic repatriation, with the consent of the Negro.

The colonization of the Negro will benefit the Negro and benefit the laboring people, North and South.

Listen to Lincoln in his second annual message.

Reduce the supply of black labor by colonizing the black labor out of the country, and by precisely so much you increase the demand for, and wages of, white labor.

I know also that jobs would be provided for the white men and the white women of this country.

He began to realize the Negroes would reluctantly go, but in his second message he said, "Opinion among them in this respect is improving."

As I recited a while ago, it was the carpetbaggers who overran the South in reconstruction days, who tried to sow the seeds of discontent and remove from the Negro's mind the idea of bettering his condition by repatriation to Africa. The Negro is learning better now.

Conscious that the war for the preservation of the Union had been won, he commissioned Gen. Benjamin F. Butler, April 1865, to inquire into and give his views as to whether the Negroes could be exported (Butler Memoirs on p. 903). Lincoln was assassinated. Other forces instituted other ideals and the race which Lincoln sought to colonize has today increased to 12,000,000 in our midst.

And over 8,000,000 of the 12,000,000 live in the solid South.

There are but two possible outcomes to the American Negro problem—separation or amalgamation. As a nation, we are confronted with these alternatives and from them there can be no escape. White America can be attained only by sane and constitutional methods.

That is what I have been advocating for 4 days.

Congress may appropriate money and otherwise provide for colonizing persons of African descent at any place or places without the United States.

Those are, in substance, the words of the constitutional amendment proposed by Abraham Lincoln before he was assassinated by John Wilkes Booth.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. BILBO. I am delighted to yield.

Mr. SMATHERS. Since when has Abraham Lincoln become authority to be quoted by the Senator from Mississippi?

Mr. BILBO. I am glad the Senator asked that question. We are dealing with a race problem, and in dealing with it we have to deal with Republicans and Democrats who seemingly do not believe in our constitutional American dual form or scheme of government; and, since Abraham Lincoln was the President who issued the proclamation to free the Negroes of the South, it strikes me that his views might have some effect upon our Republican friends who claim Abraham Lincoln as the father of their party. I was also hoping that it might have effect upon my Democratic friends from the North who are now ready, for the sake of the Negro vote, to repudiate our democratic ideal of government, the dual scheme of government. If we are not able to convince them by reference to Thomas Jefferson and Andrew Jackson and other great Democrats who preached and believed in State rights, and believed in the dual form of government, under which there should exist two sovereignties, and neither should violate the sovereignty of the other, I thought, perhaps, the words of the father of the Republican Party might have some effect upon my northern Democratic friends.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BILBO. Yes.

Mr. CONNALLY. Let me ask the Senator from Mississippi if it is not rather amusing to hear a Senator who is advocating this bill, as we claim purely for political effect, resent the fact that the name of Abraham Lincoln, who was the best friend that the colored man probably ever had, at least, up to his day and time, should be mentioned and his authority and his generous attitude toward the Negro should be quoted in this debate?

Mr. BILBO. I certainly think the Senator is correct in his observation; in fact, I think the whole attitude of the northern Democrats who are espousing this un-American, undemocratic, unconstitutional antilynching bill is amusing.

Mr. SMATHERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield further to the Senator from New Jersey?

Mr. BILBO. I am delighted to yield.

Mr. SMATHERS. Mr. President, in answer to the Senator from Texas, inasmuch as there has been proceeding for a period of more than a month long debate in opposition to this measure on the part of Senators from the South, where opposition to it is exceedingly popular, I think the most amusing thing about it all is to hear it charged that

Senators who may be advocating this bill are doing so for political purposes.

Mr. BILBO. In response to the Senator's observation, I think there is another thing more amusing than the fact recited by the Senator from New Jersey. It is to see a southern man, born and reared in the South and imbued with southern ideals and sentiments, one who has been taught that the Negro belongs to an inferior race and that he is not entitled to social equality or civil rights or political rights, move to the North and then reverse his whole philosophy, and the sentiments of the people amongst whom he was reared, to such an extent that he is not only in favor of giving the Negro political rights but is in favor of giving him social rights and civil rights, and has reached the point where he is willing to go in swimming with him. I think that is funnier than anything else that has occurred.

Mr. SMATHERS. Mr. President, will the Senator further yield?

Mr. BILBO. I yield.

Mr. SMATHERS. In response to the Senator's observation, I desire to say that there is nothing unusual about a man moving away from his prejudice and moving out into the open, where he can see things as they actually should be seen. It would be a nice thing for the Senator from Mississippi if he could move away from the picture for a few years, so that he could get the true concept of it.

Mr. BILBO. Mr. President, my attention was distracted by a remark of the Senator from Indiana [Mr. VAN NUYS], and I did not catch the latter part of the Senator's observation. I should be glad to have him repeat it.

Mr. SMATHERS. The latter part of my observation was that travel is good for a man's education. It may broaden his concept a little.

Mr. BILBO. I think the Senator's observation is perfectly correct. I think his position is well taken, because I notice that when Turner, this great Negro from Georgia, and Mr. Adams, and all of the great leaders, traveled a while, and went into different parts of the country, and had a chance to see face to face what had happened in those parts of the country as a result of amalgamation of the races, as a result of the races living side by side, all of them were converted to the very thing I am advocating, and were in opposition to the position taken by the Senator from New Jersey. The intimation of the Senator from New Jersey is that I am more or less of a provincial, that I live in a very small territory, that my vision has been limited, and my opportunity for observation has been limited. I have not always stayed in Mississippi. I finished my education at the University of Michigan. I even went to school with a Negro. Not only that, but I have visited seven countries in Europe, and I had a chance there to observe what was happening; and if the Senator would go a little farther than New Jersey in his journeys out of North Carolina, I think possibly he would change his view.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. SMATHERS. I just want to say to the Senator from Mississippi that there are exceptions to all rules. [Laughter.]

Mr. BILBO. Yes; I think the Senator is right in that position, because I think he is the only exception I have noted in some time of the southern born, trained, and educated southern man crossing Mason and Dixon's line and then turning Yankee 100 percent. [Laughter.]

(At this point Mr. BILBO yielded to Mr. VAN NUYS, who presented certain petitions which are noted under their appropriate heading elsewhere in today's RECORD.)

Mr. BILBO. Mr. President, I was happy to suspend to permit the Senator from Indiana [Mr. VAN NUYS] to present these petitions. If the society which presents these petitions, together with the one in New York, of which Walter White is the head, would use the money they are extracting from the Negro masses and a few misguided whites in this country to put on a campaign to generate a sentiment and an atmosphere in the United States for the repatriation of the Negro back to his fatherland, they would do more good than they can do in a thousand years with the meaningless petitions they submit here. I appreciate the fact that prominent people have been associated with these Negro organizations, and I would that I could appeal to them—and I should do it in all sincerity, for the sake of the common good, the good of the white and the black races—to divert their efforts along other lines than trying to encourage the Negro in his efforts to secure more and more of civil and social rights here, there, and elsewhere. Instead of doing that, I hope they will give their time to developing a sentiment for bringing about the speedy repatriation of the Negro to his native land, where he will have a real chance, and where he will not have to suffer the discriminations of the past.

We have a prominent leader in the Department of Agriculture in Washington, Dr. Alexander, who for a number of years was the head of a Negro racial association in Atlanta, Ga. If men of that type, outstanding leaders in government, would give some of their time and thought to the solution not only of the lynching question but of all the racial questions of all the years to come, instead of trying to pacify and placate and monkey around with a piece of foolishness like this, we should get somewhere in solving our racial troubles.

Mr. LEWIS. Mr. President——

Mr. BILBO. I yield to the Senator from Illinois.

Mr. LEWIS. I should like my friend, the able Senator from Mississippi, to answer a question.

Upon the theory that the Negro is to be sent out of the country, if it can be arranged, to what we may call his fatherland, in the case of a Negro who was born here in the United States from a father who was born in the United States, and he from a father who was born in the United States, and there are four generations of colored people all born in the United States, would not the able Senator regard this country as his fatherland?

Mr. BILBO. I am glad the Senator from Illinois has propounded that question. The Negro ought to be a better judge of the answer to that question than the Senator from Illinois or the Senator from Mississippi. If the Negro himself calls Africa his motherland or his fatherland, he is the one best able to judge. I am talking about the Negroes of the present generation. It has been conceded by all historians and everyone who has given any thought to the matter that Africa has always been the homeland of the Negro race. That is where they originated. That is where they started, so far as any known history is concerned. From that one point they have migrated to different parts of the world—to India, to Asia, to Europe, to the United States, to South America, and to the islands of the sea, except to the continent of Australia. The Australians provide in their constitution that no Negro may enter Australia and make it his homeland. That is one land that is white. That is one land where the people propose to keep the white bloodstream pure, and where they are not going to take the risk of intermarriage, interbreeding, or amalgamation, as we have done in this country.

So I think the Negro and the historian will agree that regardless of the fact that the Negro was born here, when he traces his ancestry back it will be found that he came direct from Africa, and that Africa is in fact the homeland of the Negro throughout the world, not only the United States but other countries. Being more or less descended from the Irish, I know that I feel very kindly toward Ireland.

We are going to have trouble in this country with the Negro. We are going to have trouble with the Negro in the North. That trouble is just as sure to come, and just as certain to come, as it is certain—as I am sure my friend from New Jersey will agree—that the activities of the Communist Party in America are going to give the American people trouble. The Negro is the most fertile field for the dissemination of the Communist doctrine.

I desire to call the attention of the Senate to a letter I have just received from New York. I want to read it and

put it in the RECORD, because it is an eye-opener to exactly what is taking place in this country.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. BILBO. Yes.

Mr. SMATHERS. Am I to understand that the Senator is now going to talk about Communism?

Mr. BILBO. I am still talking about the Negro as an easy prey for the Communist doctrine that is being disseminated in this country.

Mr. SMATHERS. The Senator will have to excuse me, then. I am going.

Mr. BILBO. Surely. I trust the Senator will find time to read my observations along this line.

I received this letter dated February 3, 1938. This is "hot off the bat":

Senator THEODORE G. BILBO,
Senate Office Building, Washington, D. C.

DEAR SENATOR BILBO: With reference to a news item in the final edition of the New York World-Telegram of the 2d instant, re girls employed in Government offices at Washington living with male Negroes, in connection with the general subject I have enclosed a copy of a set of resolutions passed at Moscow in 1930 to regulate the Negro question in America. You will note that these resolutions were duplicated and brought up to January 1937—

This is new stuff—

for the purpose of using at all Communist classes in the United States, and to supply delegates and lay members of the Negro race in the United States at their National Negro Conference held at Philadelphia, October 15, 16, and 17, 1937, in a mass drive to start the Negroes after "equality" for their race, as accorded to the white race under the Constitution.

At this conference there were many white Jewish girls sent there to live at same hotels, be seen in the company of Negroes on the streets, at theaters, restaurants, etc., for the purpose of firing the imagination of the Negroes on the question of "equality" for the colored race under a soviet America.

These are the machinations and operations and schemes of the leaders of the Communist Party.

At this conference there were over 1,100 delegates from 27 States, representing approximately 12,000,000 Negroes in the States, not to speak of our possessions. From this you can faintly grasp what the Communist program for America is. Thousands of copies of those resolutions have been spread through your Southern States, and at the New York Communist "Workers' School" at 50 East Thirteenth Street, there are registered 10,000 students in this year's study period who will take the course on the Negro equality question in America as an important part of the Communist activity. What do you and other American Senators, Representatives, and the lay citizenry, propose to do about it?

Here is the news item. Ten thousand students are now registered at the "Workers' School" at 50 East Thirteenth Street, New York City, N. Y., taking a course on the Negro equality question in America.

What do you * * * propose to do about it? Lay down and take it, or stand firm against such a movement? America is on its way for communism or fascism at the next national election. What are people south of the Mason and Dixon's line going to do? That is the burning subject for you to aid in getting before the American people. Now; not a minute to lose. Time is of the essence—

And so forth.

I do not entertain any fear that the Communist Party will be any considerable factor in the 1940 campaign. Of course, there are Communist organizations here and there and everywhere throughout the United States; but I say to Senators from the North who are trying to placate and line up the Negro vote by the support of this bill that the Communists are busy organizing the same Negro population, the same Negro vote; and you, sailing under the Democratic banner, may wake up on election morning and find that some candidate on the Communist ticket has taken the Negro vote and run away with it.

I read further from this letter:

There is a movement spreading around the Nation to combat these influences that would destroy American traditions.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BILBO. I am glad to yield.

Mr. CONNALLY. I suppose the Senator has seen copies of the resolution recently adopted by the Communist Party of America, in New York, advocating the pending bill?

Mr. BILBO. I did not see it. I have a copy of resolutions adopted last year in Philadelphia, proposing to go to the South and organize all the Negroes in the Black Belt, encouraging them to kill off the owners of the white plantations and take the farms of the South in the Black Belt.

Mr. CONNALLY. Propounding another inquiry, I have copies here of resolutions adopted in New York by the Communist Party advocating the bill, and I also have in my possession a number of telegrams to me bitterly denouncing me, and accusing me for not favoring the passage of the bill, from various communistic locals in New York City. I ask the Senator whether he has also seen an official statement from the Communist organization that the Senator from Texas is to be defeated in the next election because he does not advocate this particular measure, the statement officially signed by the Communist Party in New York City?

Mr. BILBO. I have not had opportunity of seeing the telegrams and having the information contained in them, but I have also been the recipient of many threats, and one among the threats is that they will proceed at once to qualify and vote all the Negroes in Mississippi, and that my days in the Senate are numbered. I do not know whether it is possible for them to carry out that purpose or not. Whether it is or not, for fear there might be a remote possibility of it, I will try to make use of the few hours I have left on the floor of the Senate. [Laughter.]

I wish to finish reading the letter to which I have been calling attention because I want it in the RECORD:

There is a movement spreading around the Nation to combat these influences that would destroy American traditions and its constitution for this wild, devilish, subversive, alien-devised and directed Communist movement which I take the liberty of calling to your attention that you may contact them and learn of activities that will make your blood run cold; it includes a plan to sabotage military units which no one in Washington dares attempt to interfere with but which when you hear its plans I feel sure you will dare move it out into the daylight of exposure and let the American people learn through their Senate and Congress what they face, therefore I furnish the names and address of Mr. and Mrs. L. D. Edwards, Carnegie Studio Building, Fifty-seventh Street and Seventh Avenue, New York City, N. Y., Studio No. 92, phone Circle 6-7154.

You may arrange with Mr. or Mrs. Edwards to meet you in Washington with material to establish beyond a doubt the truth of the assertions made in this letter. In conclusion I wish to offer my sincere congratulation for your fearless stand in exposing the vile trespass on American womanhood by the Negro and the more vicious attempt of communism to educate the Negro that it is an inherent right for the Negro to marry white women. Read the "resolutions" herewith carefully and read it to America in a senatorial investigation that shall be broadcast without interruption into every nook and corner of the Nation; then let the American rise in the might and rightful indignation and settle the question of communism in America for all time, let it be done before there is Russian revolution that will destroy all that is dear to Americans. Do not forget that communism staged the first move in their planned Soviet America revolution at Jersey City, N. J., where Mayor Hague stopped them only to have them attempt to lead him to slaughter. Do not let them win. Help beat them by seating JOHN MILTON as Senator from New Jersey against whom the guns of communism are now trained through the Senate.

I now wish to offer to the Senate a resolution adopted by the Communist Internationale in St. Louis. I shall ask unanimous consent that it be printed at this juncture in my speech as a part of my remarks.

Mr. CONNALLY. Without affecting the Senator's right to the floor.

Mr. BILBO. Yes. I request that I be permitted to include it as a part of my remarks without reading it, and I do not wish to lose the floor.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that he may have certain matters printed in the RECORD without prejudicing his right to the floor. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[Workers School—Negro America and the struggle against reaction—Resolution of the Communist International on the Negro question in the United States]

RESOLUTION OF COMMUNIST INTERNATIONAL OCTOBER 1930 (RENEWED JANUARY 1937)

1. The Communist Party of the United States has always acted openly and energetically against Negro oppression and has thereby

won increasing sympathy among the Negro population. In its own ranks, too, the party has relentlessly fought the slightest evidences of white chauvinism, and has purged itself of the gross opportunism of the Lovestoneites. According to the assertions of these people, the "industrial revolution" will sweep away the remnants of slavery in the agricultural South, and will proletarianize the Negro peasantry, so that the Negro question, as a special national question, would thereby be presumably solved, or could be put off until the time of the Socialist revolution in America. But the party has not yet succeeded in overcoming in its own ranks all underestimation of the struggle for the slogan of the right of self-determination, and still less succeeded in doing away with all lack of clarity on the Negro question. In the party discussion the question was often wrongly put and much erroneous counterposing of phases of the question occurred; thus, for instance, should the slogan of social equality or the slogan of the right of self-determination of the Negroes be emphasized? Should only propaganda for the Negroes' right of self-determination be carried on, or should this slogan be considered as a slogan of action? Should separatist tendencies among the Negroes be supported or opposed? Is the southern region, thickly populated by Negroes, to be looked upon as a colony, or as an integral part of the national economy of the United States, where presumably a revolutionary situation cannot arise independent of the general revolutionary development in the United States?

In the interest of the utmost clarity of ideas on this question, the Negro question in the United States must be viewed from the standpoint of its peculiarity, namely, as the question of an oppressed nation, which is in a peculiar and extraordinarily distressing situation of national oppression, not only in view of the prominent racial distinctions (marked difference in the color of skin, etc.), but above all, because of considerable social antagonism (remnants of slavery). This introduces into the American Negro question an important, peculiar trait which is absent from the national question of other oppressed peoples. Furthermore, it is necessary to face clearly the inevitable distinction between the position of the Negro in the South and in the North, owing to the fact that at least three-fourths of the entire Negro population of the United States (12,000,000) live in compact masses in the South, most of them being peasants and agricultural laborers in a state of semiserfdom, settled in the Black Belt, and constituting the majority of the population, whereas the Negroes in the northern States are for the most part industrial workers of the lowest categories who have recently come to the various industrial centers from the South (having often even fled from there).

The struggle of the Communists for the equal rights of the Negroes applies to all Negroes, in the North as well as in the South. The struggle for this slogan embraces all or almost all of the important special interests of the Negroes in the North, but not in the South, where the main Communist slogan must be: The right of self-determination of the Negroes in the Black Belt. These two slogans, however, are most closely connected. The Negroes in the North are very much interested in winning the right of self-determination of the Negro population of the Black Belt and can thereby hope for strong support for the establishment of true equality of the Negroes in the North. In the South the Negroes are suffering no less, but still more than in the North from the glaring lack of all equality; for the most part the struggle for their most urgent partial demands in the Black Belt is nothing more than the struggle for their equal rights, and only the fulfillment of their main slogan, the right of self-determination in the Black Belt, can assure them of true equality.

I. THE STRUGGLE FOR THE EQUAL RIGHTS OF THE NEGROES

2. The basis for the demand of equality of the Negroes is provided by the special yoke to which the Negroes in the United States are subjected by the ruling classes. In comparison with the situation of the other various nationalities and races oppressed by American imperialism, the yoke of the Negroes in the United States is of a peculiar nature and particularly oppressive. This is partly due to the historical past of the American Negroes as imported slaves, but is much more due to the still-existing slavery of the American Negro, which is immediately apparent, for example, in comparing their situation even with the situation of the Chinese and Japanese workers in the West of the United States, or with the lot of the Filipinos (Malay race) who are under colonial repression.

It is only a Yankee bourgeois lie to say that the yoke of Negro slavery has been lifted in the United States. Formally it has been abolished, but in practice the great majority of the Negro masses in the South are living in slavery in the literal sense of the word. Formally they are "free" as "tenant farmers" or "contract laborers" on the big plantations of the white landowners, but actually they are completely in the power of their exploiters; they are not permitted, or else it is made impossible for them to leave their exploiters; if they do leave the plantations, they are brought back and in many cases whipped; many of them are simply taken prisoner under various pretexts and, bound together with long chains, they have to do compulsory labor on the roads. All through the South the Negroes are not only deprived of all rights and subjected to the arbitrary will of the white exploiters, but they are also socially ostracized; that is, they are treated in general not as human beings but as cattle. But this ostracism regarding Negroes is not limited to the South. Not only in the South but throughout the United States the lynching of Negroes is permitted to go unpunished. Everywhere the American bourgeoisie surrounds the Negroes with an atmosphere of social ostracism.

The 100-percent Yankee arrogance divides the American population into a series of castes, among which the Negroes constitute, so to speak, the caste of the "untouchables" who are in a still lower category than the lowest categories of human society, the immigrant laborers, the yellow immigrants, and the Indians. In all big cities the Negroes have to live in special segregated ghettoes (and, of course, have to pay extremely high rent).

[Moscow questions the right of Americans to segregate Negroes, this in spite of a promise to Roosevelt not to propagate.]

In practice, marriage between Negroes and whites is prohibited, and in the South this is even forbidden by law. In various other ways the Negroes are segregated; and if they overstep the bounds of the segregation, they immediately run the risk of being ill-treated by the 100-percent bandits. As wage earners the Negroes are forced to perform the lowest and most difficult work; they generally receive lower wages than the white workers and do not always get the same wages as white workers doing similar work, and their treatment is the very worst. Many American Federation of Labor trade-unions do not admit Negro workers in their ranks and a number have organized special trade-unions for Negroes so that they will not have to let them into their "good white society."

This whole system of "segregation" and "Jim Crowism" is a special form of national and social oppression under which the American Negroes have much to suffer. The origin of all this is not difficult to find. This Yankee arrogance toward the Negroes stinks of the disgusting atmosphere of the old slave market. This is downright robbery and slave-whipping barbarism at the peak of capitalist "culture."

3. The demand for equal rights in our sense of the word means not only demanding the same rights for the Negroes as the whites have in the United States at the present time but also demanding that the Negroes should be granted all rights and other advantages which we demand for the corresponding oppressed classes of whites (workers and other toilers). Thus in our sense of the word the demand for equal rights means a continuous work of abolishment of all forms of economic and political oppression of the Negroes, as well as their social exclusion, the insults perpetrated against them, and their segregation. This is to be obtained by constant struggle by the white and black workers for effective legal protection for the Negroes in all fields, as well as actual enforcement of their equality and the combating of every expression of Negrophobia. One of the Communist slogans is "Death for Negro lynching."

The struggle for the equal rights of the Negroes does not in any way exclude recognition and support for the Negro's right to their own special schools, Government organs, and so forth, wherever the Negro masses put forward such national demands of their own accord. This will, however, in all probability occur to any great extent only in the Black Belt. In other parts of the country the Negroes suffer above all from being shut out from the general social institutions and not from being prohibited from setting up their own national institutions. With the development of the Negro intellectuals (principally in the "free" professions) and of a thin layer of small capitalist business people, there have appeared lately not only definite efforts for developing a purely national Negro culture, but also outspoken bourgeois tendencies toward Negro nationalism. The broad masses of the Negro population in the big industrial centers of the North are, however, making no efforts whatsoever to maintain and cultivate a national aloofness. They are, on the contrary, working for assimilation. This effort of the Negro masses can do much in the future to facilitate the progressive process of amalgamating the whites and Negroes into one Nation, and it is under no circumstances the task of the Communists to give support to bourgeois nationalism in its fight with the progressive assimilation tendencies of the Negro working masses.

4. The slogan of equal right of the Negroes without a relentless struggle in practice against all manifestations of negrophobia on the part of the American bourgeoisie can be nothing but a deceptive liberal gesture of a sly slave owner or his agent. This slogan is in fact repeated by "socialist" and many other bourgeois politicians and philanthropists, who want to get publicity for themselves by appealing to the "sense of justice" of the American bourgeoisie in the individual treatment of the Negroes, and thereby sidetrack attention from the one effective struggle against the shameful system of "white superiority"; from the class struggle against the American bourgeoisie. The struggle for equal rights for the Negroes is, in fact, one of the most important parts of the proletarian class struggle in the United States.

The struggle for equal rights for the Negroes must certainly take the form of common struggle by the white and black workers.

The increasing unity of the various working-class elements provokes constant attempts on the part of the American bourgeoisie to play one group against another, particularly the white workers against the black, and the black workers against the immigrant workers, and vice versa, and thus to promote the divisions within the working class, which contribute to the bolstering up of American capitalist rule. The party must carry on a ruthless struggle against all these attempts of the bourgeoisie and do everything to strengthen the bonds of class solidarity of the working class on a lasting basis.

In the struggle for equal rights for the Negroes, however, it is the duty of the white workers to march at the head of this struggle. They must everywhere make a breach in the walls of

segregation and Jim Crowism which have been set up by bourgeois slave-market morality. They must most ruthlessly unmask and condemn the hypocritical reformists and bourgeois "friends of Negroes" who, in reality, are only interested in strengthening the power of the enemies of the Negroes. They, the white workers, must boldly jump at the throat of the 100-percent bandits who strike a Negro in the face. This struggle will be the test of real international solidarity of the American white workers.

It is the special duty of the revolutionary Negro workers to carry on tireless activity among the Negro working masses to free them of their distrust of the white proletariat and draw them into the common front of the revolutionary class struggle against the bourgeoisie. They must emphasize with all force that the first rule of proletarian morality is that no worker who wants to be an equal member of his class must ever serve as a strike-breaker or a supporter of bourgeois politics. They must ruthlessly unmask all Negro politicians corrupted or directly bribed by American bourgeois ideology, who systematically interfere with the real proletarian struggle for equal rights for the Negroes.

Furthermore, the Communist Party must resist all tendencies within its own ranks to ignore the Negro question as a national question in the United States; not only in the South but also in the North. It is advisable for the Communist Party in the North to abstain from the establishment of any special Negro organizations, and in place of this to bring the black and white workers together in common organization of struggle and joint action. Effective steps must be taken for the organization of Negro workers in the Trade Union Unity League and revolutionary trade unions. Underestimation of this work takes various forms: Lack of energy in recruiting Negro workers, in keeping them in our ranks, and in drawing them into the full life of the trade unions, selecting, educating, and promoting Negro forces to leading functions in the organizations.

The party must make itself entirely responsible for the carrying through of this very important work. It is most urgently necessary to publish a popular mass paper dealing with the Negro question, edited by white and black comrades, and to have all active followers of this paper grouped organizationally.

II. THE STRUGGLE FOR THE RIGHT OF SELF-DETERMINATION OF THE NEGROES IN THE BLACK BELT

5. It is not correct to consider the Negro zone of the South as a colony of the United States. Such a characterization of the Black Belt could be based in some respects only upon artificially construed analogies and would create superfluous difficulties for the clarification of ideas. In rejecting this estimation, however, it should not be overlooked that it would be none the less false to try to make a fundamental distinction between the character of national oppression to which the colonial peoples are subjected and the yoke of other oppressed nations. Fundamentally, national oppression in both cases is of the same character and is in the Black Belt in many respects worse than a number of actual colonies. On one hand the Black Belt is not in itself, either economically or politically, such a united whole as to warrant its being called a special colony of the United States. But, on the other hand, this zone is not either economically or politically such an integral part of the whole United States as any other part of the country. Industrialization in the Black Belt is not as is generally the case in colonies, properly speaking, in contradiction with the ruling interests of the imperialist bourgeoisie, which has in its hands the monopoly of all the industry; but insofar as industry is developed here, it will in no way bring a solution to the question of living conditions of the oppressed Negro majority nor to the agrarian question, which lies at the basis of the national question. On the contrary, this question is still further aggravated as a result of the increase of the contradictions arising from the procapitalist forms of exploitation of the Negro peasantry and of a considerable portion of the Negro proletariat (miners, forestry workers, etc.) in the Black Belt, and at the same time, owing to the industrial development here, the growth of the most important driving force of the national revolution, the black working class, is especially strengthened. Thus the prospect for the future is not an inevitable dying away of the national revolutionary Negro movement in the South, as Lovestone prophesied, but, on the contrary, a great advance of this movement and the rapid approach of a revolutionary crisis in the Black Belt.

6. Owing to the peculiar situation in the Black Belt (the fact that the majority of the resident Negro population are farmers and agricultural laborers and that the capitalist economic system as well as political class rule there is not only of a special kind, but to a great extent still has precapitalist and semicolonial features), the right of self-determination of the Negroes as the main slogan of the Communist Party in the Black Belt is appropriate. This, however, does not in any way mean that the struggle for equal rights for the Negroes in the Black Belt is less necessary or less well founded than it is in the North. On the contrary, here, owing to the whole situation, this struggle is even better founded; but the form of this slogan does not sufficiently correspond with the concrete requirements of the liberation struggle of the Negro population. Anyway, it is clear that in most cases it is a question of the daily conflicts of interest between the Negroes and the white rulers in the Black Belt on the subject of infringement of the most elementary equality rights of the Negroes by the whites. Daily events of the kind are: All Negro persecutions, all arbitrary economic acts of robbery by the white exploiters (Black Man's Burden) and the whole system of so-called Jim-Crowism. Here, however, it is very important in connection with all these concrete cases of conflict to concentrate the attention of the Negro masses not so much on the general demands of mere equality, but much more on some of the revolutionary basic demands arising from the concrete situation.

The slogan of the right of self-determination occupies the central place in the liberation struggle of the Negro population in the Black Belt against the yoke of American imperialism. But this slogan, as we see it, must be carried out only in connection with two other basic demands. Thus, there are three basic demands to be kept in mind in the Black Belt, namely, the following:

(a) Confiscation of the landed property of the white landowners and capitalists for the benefit of the Negro farmers: The landed property in the hands of the white American exploiters constitutes the most important material basis of the entire system of national oppression and serfdom of the Negroes in the Black Belt. More than three-quarters of all Negro farmers here are bound in actual serfdom to the farms and plantations of the white exploiters by the feudal system of "sharecropping." Only on paper and not in practice are they freed from the yoke of their former slavery. The same holds completely true for the great mass of black contract laborers. Here the contract is only the capitalist expression of the chains of the old slavery, which even today are not infrequently applied in their natural iron form on the roads of the Black Belt (chain-gang work). These are the main forms of present Negro slavery in the Black Belt, and no breaking of the chains of this slavery is possible without confiscating all the landed property of the white masters. Without this revolutionary measure, without the agrarian revolution, the right of self-determination of the Negro population would be only a Utopia, or, at best, would remain only on paper without changing in any way the actual enslavement.

(b) Establishment of the state unity of the Black Belt: At the present time this Negro zone—precisely for the purpose of facilitating national oppression—is artificially split up and divided into a number of various states which include distant localities having a majority of white population. If the right of self-determination of the Negroes is to be put into force, it is necessary wherever possible to bring together into one governmental unit all districts of the South where the majority of the settled population consists of Negroes. Within the limits of this state there will of course remain a fairly significant white minority which must submit to the right of self-determination of the Negro majority. There is no other possible way of carrying out in a democratic manner the right of self-determination of the Negroes. Every plan regarding the establishment of the Negro state with an exclusively Negro population in America (and of course, still more exporting it to Africa) is nothing but an unreal and reactionary caricature of the fulfillment of the right of self-determination of the Negroes, and every attempt to isolate and transport the Negroes would have the most damaging effect upon their interests. Above all, it would violate the right of the Negro farmers in the Black Belt not only to their present residences and their land, but also to the land owned by the white landlords and cultivated by Negro labor.

(c) Right of self-determination: This means complete and unlimited right of the Negro majority to exercise governmental authority in the entire territory of the Black Belt, as well as to decide upon the relations between their territory and other nations, particularly the United States. It would not be right of self-determination in our sense of the word if the Negroes in the Black Belt had the right of self-determination only in cases which concerned exclusively the Negroes and did not affect the whites, because the most important cases arising here are bound to affect the whites as well as Negroes. First of all, true right to self-determination means that the Negro majority and not the white minority in the entire territory of the administratively united Black Belt exercises the right of administering governmental, legislative, and judicial authority. At the present time all this power is concentrated in the hands of the white bourgeoisie and landlords. It is they who appoint all officials, it is they who dispose of public property, it is they who determine the taxes, it is they who govern and make the laws. Therefore, the overthrow of this class rule in the Black Belt is unconditionally necessary in the struggle for the Negroes' right to self-determination. This, however, means at the same time the overthrow of the yoke of American imperialism in the Black Belt on which the forces of the local white bourgeoisie depend. Only in this way, only if the Negro population of the Black Belt wins its freedom from American imperialism even to the point of deciding itself the relations between its country and other governments, especially the United States, will it win real and complete self-determination. One should demand from the beginning that no armed forces of American imperialism should remain on the territory of the Black Belt.

7. As stated in the letter of the political secretariat of the E. C. C. I. of March 16, 1930, the Communists must "unreservedly carry on a struggle" for the self-determination of the Negro population in the Black Belt in accordance with what has been set forth above. It is incorrect and harmful to interpret the Communist standpoint to mean that the Communists stand for the right of self-determination of the Negroes only up to a certain point but not beyond this—to, for example, the right of separation. It is also incorrect to say that the Communists are only to carry on propaganda or agitation for the right of self-determination but not to

develop any activity to bring this about. No; it is of the utmost importance for the Communist Party to reject any such limitation of its struggle for this slogan. Even if the situation does not yet warrant the raising of the question of uprising, one should not limit oneself at present to propaganda for the demand "right to self-determination" but should organize mass actions, such as demonstrations, strikes, tax-boycott movements, etc.

Moreover, the party cannot make its stand for the slogan dependent upon any conditions, even the condition that the proletariat has the hegemony in the national revolutionary Negro movement or that the majority of the Negro population in the Black Belt adopts the soviet for (as PEPPER demanded), etc. It goes without saying that the Communists in the Black Belt will and must try to win over all working elements of the Negroes, that is, the majority of the population, to their side and to convince them not only that they must win the right of self-determination but also that they must make use of this right in accordance with the Communist program. But this cannot be made a condition for the stand of the Communists in favor of the right of self-determination of the Negro population. If, or so long as, the majority of this population wishes to handle the situation in the Black Belt in a different manner from that which we Communists would like, its complete right to self-determination must be recognized. This right we must defend as a free democratic right.

8. In general, the Communist Party of the United States has kept to this correct line recently in its struggle for the right of self-determination of the Negroes, even though this line—in some cases—has been unclearly or erroneously expressed. In particular, some misunderstanding has arisen from the failure to make a clear distinction between the demand for "right of self-determination" and the demand for governmental separation, simply treating these two demands in the same way. However, these two demands are not identical. Complete right to self-determination includes also the right to governmental separation, but does not necessarily imply that the Negro population should make use of this right in all circumstances; that is, that it must actually separate or attempt to separate the Black Belt from the existing governmental federation with the United States. If it desires to separate, it must be free to do so; but if it prefers to remain federated with the United States, it must also be free to do that. This is the correct meaning of the idea of self-determination, and it must be recognized quite independently of whether the United States is still a capitalist state or whether a proletarian dictatorship has already been established there.

It is, however, another matter if it is not a case of the right of the oppressed nation concerned to separate or to maintain governmental contact; but if the question is treated on its merits, whether it is to work for State separation, whether it is to struggle for this or not. This is another question, on which the stand of the Communists must vary according to the concrete conditions. If the proletariat has come into power in the United States, the Communist Negroes will not come out for, but against, separation of the Negro republic from federation with the United States. But the right of the Negroes to governmental separation will be unconditionally realized by the Communist Party; it will unconditionally give the Negro population of the Black Belt freedom of choice even on this question. Only when the proletariat has come into power in the United States the Communists will carry on propaganda among the working masses of the Negro population against separation in order to convince them that it is much better and in the interest of the Negro nation for the Black Belt to be a free republic, where the Negro majority has complete right of self-determination but remains governmentally federated with the great proletarian republic of the United States. The bourgeois counterrevolutionists, on the other hand, will then be interested in boosting the separation tendencies in the ranks of the various nationalities in order to utilize separatist nationalism as a barrier for the bourgeois counterrevolution against the consolidation of the proletarian dictatorship.

But the question at the present time is not this. As long as capitalism rules in the United States the Communists cannot come out against governmental separation of the Negro zone from the United States. They recognize that this separation from the imperialist United States would be preferable, from the standpoint of the national interests of the Negro population, to their present oppressed state, and therefore the Communists are ready at any time to offer all their support if only the working masses of the Negro population are ready to take up the struggle for governmental independence of the Black Belt. At the present time, however, the situation in the national struggle in the South is not such as to win mass support of the working Negroes for this separatist struggle; and it is not the task of Communists to call upon them to separate without taking into consideration the existing situation and the desires of the Negro masses.

The situation in the Negro question in the United States, however, may undergo a radical change. It is even probable that the separatist efforts to obtain complete State independence of the Black Belt will gain ground among the Negro masses of the South in the near future. This is connected with the prospective sharpening of the national conflicts in the South, with the advance of the national revolutionary Negro movement, and with the exceptionally brutal Fascist aggressiveness of the white exploiters of the South, as well as with the support of this aggressiveness by the Central Government authority of the United States. In this sharpening of the situation in the South, Negro separatism will presumably increase, and the question of independence of the Black Belt will become the question of the day. Then the Communist Party must also face this question and, if the circumstances seem favorable, must stand up with all strength and courage for the struggle to win independence and for the establishment of a Negro republic in the Black Belt.

9. The general relation of Communists to separatist tendencies among the Negroes, described above, cannot mean that Communists associate themselves at present, or generally speaking, during capitalism, indiscriminately and without criticism with all the separatist currents of the various bourgeois or petty bourgeois Negro groups. For there is not only a national revolutionary, but also a reactionary Negro separatism for instance that represented by Garvey. His Utopia of an isolated Negro state (regardless of whether in Africa or America, if it is supposed to consist of Negroes only) pursues only the political aim of diverting the Negro masses from the real liberation struggle against American imperialism.

It would be a mistake to imagine that the "right of self-determination" slogan is a truly revolutionary slogan only in connection with the demand for complete separation. The question of power is decided not only through the demand of separation, but just as much through the demand of the right to decide the separation question and self-determination in general. A direct question of power is also the demand of confiscation of the land of the white exploiters in the South, as well as the demand of the Negroes that the entire Black Belt be amalgamated into a state unit.

Hereby every single fundamental demand of the liberation struggle of the Negroes in the Black Belt is such that—if once thoroughly understood by the Negro masses and adopted as their slogan—it will lead them into the struggle for the overthrow of the power of the ruling bourgeoisie, which is impossible without such revolutionary struggle. One cannot deny that it is just possible for the Negro population of the Black Belt to win the right of self-determination during capitalism; but it is perfectly clear and indubitable that this is possible only through successful revolutionary struggle for power against the American bourgeoisie, through wresting the Negroes' right of self-determination from American imperialism. Thus the slogan of right to self-determination is a real slogan of national rebellion which, to be considered as such, need not be supplemented by proclaiming struggle for the complete separation of the Negro zone, at least not at present. But it must be made perfectly clear to the Negro masses that the slogan "Right to self-determination" includes the demand of full freedom for them to decide even the question of complete separation. We demand freedom of separation, real right of self-determination, wrote Lenin, "certainly not in order to 'recommend' separation, but on the contrary, in order to facilitate and accelerate the democratic rapprochement and unification of nations." For the same purpose Lenin's party, the Communist Party of the Soviet Union, bestowed after its seizure of power on all the peoples hitherto oppressed by Russian Tsarism, the full right to self-determination, including the right of complete separation, and achieved thereby its enormous successes with regard to the democratic rapprochement and voluntary unification of nations.

10. The slogan for the right of self-determination and the other fundamental slogans of the Negro question in the Black Belt do not exclude but rather presuppose an energetic development of the struggle for concrete partial demands linked up with the daily needs and afflictions of wide masses of working Negroes. In order to avoid, in this connection, the danger of opportunist backsliding, Communists must above all remember this:

(a) The direct aims and partial demands around which a partial struggle develops are to be linked up in the course of the struggle with the revolutionary fundamental slogans brought up by the question of power, in a popular manner corresponding to the mood of the masses. (Confiscation of the big landholdings, establishment of governmental unity of the Black Belt, right of self-determination of the Negro population in the Black Belt.) Bourgeois-socialist tendencies to oppose such a revolutionary widening and deepening of the fighting demands must be fought.

(b) One should not venture to draw up a complete program of some kind or a system of "positive" partial demands. Such programs on the part of petty bourgeois politicians should be exposed as attempts to divert the masses from the necessary hard struggles by fostering reformist and democratic illusions among them. Every positive partial demand which might crop up is to be considered from the viewpoint of whether it is in keeping with our revolutionary fundamental slogans or whether it is of a reformist or reactionary tendency. Every kind of national oppression which arouses the indignation of the Negro masses can be used as a suitable point of departure for the development of partial struggles, during which the abolition of such oppressions, as well as their prevention through revolutionary struggle against the ruling exploiting dictatorship, must be demanded.

(c) Everything should be done to bring wide masses of Negroes into these partial struggles. This is important—and not to carry the various partial demands to such an ultraradical point that the mass of working Negroes are no longer able to recognize them as their own. Without a real mobilization of the mass movements—in spite of the sabotage of the bourgeois reformist Negro politicians—even the best Communist partial demands get hung up. On the other hand, even some relatively insignificant acts of the Ku Klux Klan bandits in the Black Belt can overcome the occasion of important political movements, provided the Communists are able to organize the resistance of the indignant Negro masses. In such cases mass movements of this kind can easily develop into real rebellion. This rests on the fact that, as Lenin said, "Every

act of national oppression calls forth resistance on the part of the masses of the population, and the tendency of every act of resistance on the part of oppressed peoples is the national uprising."

(d) Communists must fight in the forefront of the national liberation movement and must do their utmost for the progress of this mass movement and its revolutionization. Negro Communists must clearly dissociate themselves from all bourgeois currents in the Negro movement, must indefatigably oppose the spread of the influence of the bourgeois groups on the working Negroes. In dealing with them they must apply the Communist tactic laid down by the Sixth C. I. Congress with regard to the colonial question, in order to guarantee the hegemony of the Negro proletariat in the national liberation movement of the Negro population, and to coordinate wide masses of the Negro peasantry in a steady fighting alliance with the proletariat.

(e) One must work with the utmost energy for the establishment and consolidation of Communist Party organizations and revolutionary trade unions in the South. Furthermore, immediate measures must be taken for the organizations of proletarian and peasant self-defense against the Ku Klux Klan. For this purpose the Communist Party is to give further instructions.

11. It is particularly incumbent on Negro Communists to criticize consistently the half-heartedness and hesitations of the petty-bourgeois national-revolutionary Negro leaders in the liberation struggle of the Black Belt, exposing them before the masses. All national reformist currents as, for instance, Garveyism, which are an obstacle to the revolutionization of the Negro masses, must be fought systematically and with the utmost energy. Simultaneously, Negro Communists must carry on among the Negro masses an energetic struggle against nationalist moods directed indiscriminately against all whites, workers as well as capitalists, Communists as well as imperialists. Their constant call to the Negro masses must be: Revolutionary struggle against the ruling white bourgeoisie, through a fighting alliance with the revolutionary white proletariat. Negro Communists must indefatigably explain to the mass of the Negro population that even if many white workers in America are still infected with Negrophobia, the American proletariat, as a class, which, owing to its struggle against the American bourgeoisie, represents the only truly revolutionary class, will be the only real mainstay of Negro liberation. Insofar as successes in the national-revolutionary struggle of the Negro population of the South for its right to self-determination are already possible under capitalism, they can be achieved only if this struggle is effectively supported by proletarian mass actions on a large scale in the other parts of the United States. But it is also clear that "only a victorious proletarian revolution will finally decide the agrarian question and the national question in the South of the United States, in the interest of the predominating mass of the Negro population of the country" (Colonial Thesis of the Sixth World Congress).

12. The struggle regarding the Negro question in the North must be linked up with the liberation struggle in the South, in order to endow the Negro movement throughout the United States with the necessary effective strength. After all, in the North, as well as in the South, it is a question of the real emancipation of the American Negroes, which has in fact never taken place. The Communist Party of the United States must bring into play its entire revolutionary energy, in order to mobilize the widest possible masses of the white and black proletariat of the United States, not by words but by deeds, for real effective support of the struggle for the liberation of the Negroes. Enslavement of the Negroes is one of the most important foundations of the imperialist dictatorship of United States capitalism. The more American imperialism fastens its yoke on the millions-strong Negro masses the more must the Communist Party develop the mass struggle for Negro emancipation, and the better use it must make of all conflicts which arise out of the national difference as an incentive for revolutionary mass actions against the bourgeoisie. This is as much in the direct interest of the proletarian revolution in America. Whether the rebellion of the Negroes is to be the outcome of a general revolutionary situation in the United States, whether it is to originate in the whirlpool of decisive fights for power by the working class, for proletarian dictatorship, or whether, on the contrary, the Negro rebellion will be the prelude of gigantic struggles for power by the American essential for the Communist Party to make an energetic beginning now—at the present moment—with the organization of joint mass struggles of white and black workers against Negro oppression. This alone will enable us to get rid of the bourgeois white chauvinism which is polluting the ranks of the white workers in America, to overcome the distrust of the Negro masses caused by the inhuman barbarous Negro slave traffic still carried on by the American bourgeoisie—inasmuch as it is directed even against all white workers—and to win over to our side these millions of Negroes as active fellow fighters in the struggle for the overthrow of bourgeois power throughout America.

Mr. BILBO. Mr. President, I wish I had the time and patience to read to the Senate what I have just had inserted. But I have put it into the RECORD so that the people of the country may know just what the leaders of the Communist Party are thinking about and are dreaming of accomplishing in the South. When any political party advances the proposal to go to the South and take advantage of 8,000,000 Negroes and organize them and encourage and incite them to revolution, holding out to them the hope that they will be able to take the white man's land away from him and elect the officers—which is all covered in this resolution—and control the making of the laws and control the Government, the people of the country should know it. They emphasize the fact that the South should be dedicated and set aside as the Black Belt of America, and that the Negro should be put in control of that entire territory. That is the Communist program in the South. Of course, that is a dream. Some Negroes will fall for it, but there will be a sad awakening if the attempt is made to put it into effect.

Since this debate on the antilynching bill has been in progress I announced that I had received a petition from a very wonderful lady of my State, who is the head of the antilynching organization of Mississippi, asking if I would give my aid in doing whatever I could to put a stop to lynching in the State, and I am glad to announce to the Senate and to the country that while in Mississippi we have laws providing for the removal from office and prosecution of any sheriff who would wink at mob violence or a lynching, yet we are attempting to fortify, to make stronger the law, and I now ask permission to include as part of my remarks at this point, without affecting my position on standing, a bill which has just been introduced in the Mississippi Legislature imposing a heavy penalty upon one who is guilty of lynching or any sheriff who would wink at it. This measure provides a heavier penalty than the bill we now have under consideration here.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that a certain matter may be printed in the RECORD without prejudicing his right to the floor. Is there objection? The Chair hears none, and it is so ordered.

The bill referred to is as follows:

An act to define lynching and to provide penalties therefor, and for other purposes

MOBS AND LYNCHING DEFINED

SECTION 1.

Be it enacted by the Legislature of the State of Mississippi—That a collection of people, assembled for the purpose and with the intention of committing an assault and/or battery upon any person and without authority of law, shall be deemed a "mob" for the purpose of this act; and any act of violence by a "mob" upon the body of any person, which shall result in the death of such person, shall constitute a "lynching" within the meaning of this act.

LYNCHING DEEMED MURDER

SEC. 2. The "lynching" of any person within this State by a "mob" shall be deemed murder, and any and every person composing a "mob" and any and every accessory thereto, by which any person is lynched, shall be guilty of murder, and upon conviction, shall be punished as provided by law.

ASSAULT AND BATTERY BY MOB CONSTITUTES FELONY

SEC. 3. Any and every person composing a "mob" which shall commit an assault and/or battery upon any person without authority of law, shall be guilty of a felony, and upon conviction, shall be confined in the penitentiary for not less than 1 year nor more than 10 years: *Provided, however*, That if such injury shall result in the death of such person, each and every principal and accessory of such "mob," and accessory thereto, shall be guilty of murder, and, upon conviction, shall be punished as provided by law.

DUTY OF DISTRICT ATTORNEY IN COUNTY WHERE LYNCHING OCCURRED

SEC. 4. It shall be the duty of the attorney for the district or city in which a "lynching" may occur, to promptly and diligently endeavor to ascertain the identity of the persons who in any way participated therein, or who composed the "mob" which perpetrated the same, and have them apprehended, and to promptly proceed with the prosecution of any and all persons so found; and to the end that such offenders may not escape proper punishment, such district attorney may be assisted in all such endeavors and prosecutions, by the attorney general, or other prosecutors designated by the Governor for the purpose; and the Governor shall have full authority to spend such sums out of his contingent fund as he may deem necessary for the purpose of seeking out the identity, and apprehending the members of such guilty "mob."

CIVIL LIABILITY FOR LYNCHING

SEC. 5. Nothing herein contained shall be construed to relieve any member of any such mob from civil liability to the personal representative of the victim of such lynching.

PERSONS SUFFERING DEATH FROM MOB ATTEMPTING TO LYNCH ANOTHER PERSON

SEC. 6. Any person suffering death from a mob attempting to lynch another person, shall come within the provisions of this act,

and his personal representatives shall be entitled to relief in the same manner and to the same extent as if he were the originally intended victim of such mob.

JURISDICTION

SEC. 7. Jurisdiction of all actions and prosecutions under any of the provisions of this act, shall be in the circuit court of the county wherein a lynching may occur.

SEC. 8. That this act shall take effect and be in force from and after its passage.

Mr. BILBO. Mr. President, in this morning's mail I received a letter from a distinguished citizen of Washington in which he enclosed an article which he has prepared for publication on the question I have been urging before the Senate—the question of repatriation—and I desire to read it into the RECORD, because it is an exceedingly able document. It was published in the Southern Churchman of July 15, 1919:

WILL EDUCATION SOLVE THE RACE PROBLEM?

(By M. D. Carter)

In a recent issue of one of our leading southern journals, under the caption "Better Negro Schools," occurred a statement which will, I think, have a tendency to mislead public opinion, becloud one of the gravest issues right now before the country, and strengthen the common fallacy that education will eventually solve the race question and make the Negro an assimilable element in the national life of this country.

That is a thought which I desire to burn home into the minds of my hearers and the minds of the readers of the Nation, and in the mind of every citizen of this country. There are a few misguided educators, so-called, negrophilists, or Negro lovers, sociologists, philanthropists, Christian fanatics, who have an idea that by educating the Negro he can be made the equal of the white man. The difference betwixt the white man and the Negro is not because of the color of the skin. The difference is the difference in the intellect, in the brain, in the mind, in that something in the mind that will be found in the Anglo-Saxon, in the Caucasian race, that mysterious force which has made the white man throughout all time the leader, which has made his race the superior race, the ruling race, the race of creative power, the race of art, the race of literature, the race of music that moves the soul. President Theodore Roosevelt said that within 50 years the Negro melodies of the South will be considered the classic music of America. He never made a greater mistake in his life. But I wish to drive home to Senators and to the country that education will not make the change. The difference between the races comes from something that is inborn.

I read further from Mr. Carter's article:

I refer to the following extract: "Taking $100 as the yearly production of the uneducated Negro, the bulletin gives a careful estimate of the financial loss to the State * * * The State also bears its share of soil devastation in the South where 100,000,000 acres are cultivated by Negro farmers, tenants, and laborers, most of whom have never been taught the rudiments of successful agriculture."

The acreage given above covers approximately the entire arable acreage of the South, and this statement leads fairly to the conclusion that all the farm work in the South is done by Negroes and that an educated Negro is a more efficient farm hand than an uneducated one. These inferences are not borne out by the facts.

In the last census report it was stated that only three-tenths of the farm work was at that time being done by Negroes; the remaining seven-tenths being done by white labor.

Many of the negrophilists have been charging that we white farmers of the South have reduced the Negro to slavery and that he is in peonage. Senators have been reading a good deal of "rot" like that issued by some of the Communist leaders and newspapers of the North. I have here statistics which show that three-tenths of the farm labor of the South is done by the Negroes, and the balance is performed by the white people of the South.

Let us bear in mind that it is now nearly 9 years since the last census report was made, and since that time there has been a steady and ever-increasing exodus of the Negro from the country to the city; so it is doubtful if now even two-tenths of the farm work is done by him.

In other words, when the Negro is educated he cannot be kept on the farm. He is then caught in the spell of the bright lights of the city. The close union he has with others in the congested city life, and the noise and the music of the city, calls him as soon as he is educated, whether he is educated to be a farmer or something else. He leaves the farm and goes to the city. It is not possible to keep him on the farm.

I read in a recent Philadelphia paper that in 3 months over 20,000 Negroes had come to that city alone, that the authorities were taxed to the uttermost to provide for them, but still they continued to come. Now I do not say that a Negro could not be made a more productive farmer if given special training for his work, but I do say that the present education given him in the country schools rather impairs than increases his efficiency on the farm. I live in an agricultural district and come in contact with Negro farm workers, and my experience leads fairly to this conclusion. But even giving him a special agricultural education would not assist in the solution of this question if he refuses to live on the farm or decides to go to the city, which he is evidently doing very rapidly; so in considering this problem we are forced to think of it in the main as a city problem.

In other words, the Negro is rapidly leaving the farm. On my little farm, out of twenty-odd tenants or families, I think three are Negro. It is a hard matter to get the Negro to stay on the farm. Once you educate him and give him a little vision, he goes to the city or to the town. That is happening all through this country. They are segregated and piled up, 15 or 20 in a one-room house in town, living off the W. P. A. That is true all over this country, especially in the South. They have quit work. They have "taken out." They have called it a day—"the end of a perfect day."

Will education solve, or help to solve, our city race problem, which will soon be the only phase of it with which we will have to deal? I question it. In all of our cities the Negro has the same educational advantages as his white neighbor. Has this lessened the friction between the races? As he becomes more highly educated, does his race pride increase, and make him willing to develop along race lines and become the highest exponent of his own race? Does it not rather make him more anxious to force his presence on his reluctant white neighbors? Witness what is going on right now in Baltimore and Washington and other cities, how he is constantly becoming more aggressive as he becomes better educated.

In other words, as the Negro is educated, it seems he becomes more desirous of amalgamation with the whites.

Witness how the whites move out as the Negroes move into a neighborhood, how real-estate values decrease as the Negro population increases. Witness the frantic efforts being made by the Equal Rights League for the abolition of the Jim Crow laws and all other restrictions that permit the white race to flock by itself, if it wishes. Witness also the action of the returned Negro soldiers forcing themselves into white restaurants, and the resulting riotings. This does not augur well for the happiness of either race.

That reminds me of a story about a couple of Negroes who went to France, where they were received socially by the French women. On their way back to America, one Negro said:

"Do you know what I'se goin' to do when I gets back to America?"

"What are you goin' to do?"

"I is goin' to get me a white gal, and I is goin' to the theater, I is goin' to church, I is goin' to picnics, and I is goin' to have the time of my life."

The other Negro said:

"I'll tell you what I is goin' to do."

"What is you goin' to do?"

"I is goin' to buy me a long-tailed coat, and get me some white gloves and a beaver hat."

"What is you goin' to dress up that-a-way for?"

"I is fixing to go to your funeral." [Laughter.]

That is what is happening in the cities now. The Negroes are pushing in as they become more and more educated. I think we have just about performed our Christian duty to them, and it is now time that the education and culture imposed on the Negroes in America by the white race be utilized by the Negroes in settling a country of their own in Africa. I think they are ready to go.

How does the educated Negro propose to solve this problem? Listen to the faith of a few of them: A distinguished Negro college professor recently expressed himself as to the future of the American Negro, in one of our great periodicals as follows:

"All race prejudice will be eradicated. Physically the new race will be much stronger than either the white or black race. It will be endowed with a higher intelligence and a clearer concep-

tion of God than the whites of the West have ever had. It will be much less material than the American white of today. It will be especially concerned with the things of the mind and moral excellence will become the dominant factor in the life of the new nation. The new race is to gain more from the black element than from the white."

I wonder how some of our white negrophilists feel about that statement. The "theme song" of this future brown race is just what I have read. I am reading from the statement of one of the leading Negro intellectuals in the United States. I read it again:

All race prejudice will be eradicated.

I notice my good Methodist friends had a meeting in Chicago the other day. As a part of their program all race prejudice was to be eradicated and civil rights enforced.

Physically the new race will be much stronger than either the white or black race.

That is what the Negro thinks when he mixes with the whites by cross-breeding.

It will be endowed with a higher intelligence and a clearer conception of God than the whites of the west have ever had. It will be much less material than the American white of today.

Contact some of our "high browns" and see if that statement is true. This is the way that state of mind is working:

It will be especially concerned with the things of the mind, and moral excellence will become the dominant factor in the life of the new nation. The new race is to gain more from the black element than from the white.

How do the negrophilists feel about that statement? The college professor I mentioned is referring to the new brown race which will be the result of amalgamation of the two races living side by side. This prominent Negro says that as the result of the amalgamation of the two races, the new race will get more from the black man than it gets from the white man.

Professor DuBois, author of The Souths of Black Fork, undoubtedly believes this. Charles W. Chestnut, the Negro novelist, believes in amalgamation. Professor Kelly, of Washington, believes in it. In an article written sometime ago, he declares:

"It is, of course, impossible to conceive of two races occupying the same area, speaking the same language, worshiping according to the same ritual, and endowed with the same political and civil privileges, without ultimately fusing. Social equality is not an individual matter, as many contend, but is rigorously under the control of public sentiment."

That is what Negro Kelly, of Washington, says. I want to read that again for the benefit of some Washingtonians:

It is, of course, impossible to conceive of the two races occupying the same area—

Washington—

speaking the same language—

Washington—

worshiping according to the same ritual—

Washington—

and endowed with the same political and civil privileges—

Washington—

without ultimately fusing.

That means intermarriage, interbreeding, coalescing, complete blending. Then there will be produced the yellow race, of which many of those living today will be in part the paternal and maternal originators.

Booker Washington was too wise to express his real sentiments on this subject for fear it would put an end to his career in the South, yet he who reads between the lines of his written and spoken words will find the same purpose and the same faith which his more blunt and fearless brethren have honestly and boldly proclaimed. He shows this in his worship of Frederick Douglass. In his book, The Future of the American Negro, we find this careful statement:

"To state in detail just what place the black man will occupy in the South as a citizen is beyond the wisdom of anyone."

Booker Washington would not say it.

Again he says on page 66: "The Jew, who was once in about the same position as the Negro today, has now recognition because he has entwined himself about America in a business and industrial way."

On behalf of the Jew, I deny that statement. Some of the greatest citizens of this Republic and some of the greatest benefactors of the human race have been of Jewish extraction. They came from the Caucasian strain, and were of Caucasian blood. They were white people.

His conclusion is obvious. The absurdity of the comparison, however, is the important point in this sentence, not only for the pathetic ignorance of history it displays, but for the revelation of the writer's secret hopes and dreams.

Are we willing to accept the educated Negro's solution of this problem? Are we willing to solve our race problem as Central America has solved hers? If not, is it not high time for the consipracy of silence on this subject to be broken, and for us to let him know frankly our position, and to seek, before conditions become too acute, some other solution?

Since the War between the States this country has spent about $1,000,000,000 on the education of the Negro, and if this education has increased the friction between the races, as it seems at first sight to have done, it looks discouraging; but there are some indications right now that we have been building wiser than we knew when we spent this immense sum on him, for the education that is a liability for him in this country, that unfits him for peaceful assimilation here, may be an asset to him somewhere else.

I quote below some very significant extracts from recent periodicals, which open up a vast vista of possibilities for the educated Negro, and that point to a solution of this vexed question, in the interests of both races, a solution that will give the educated Negro a broad scope for all his talents—an opportunity to be of untold use to his own race, both industrially and spirtually, which will also help us to solve the biggest and most difficult item in our 5-year missionary program, i. e., the evangelization of Africa, and eventually and gradually leave the United States free for the Caucasian races.

CHANCE TO EMIGRATE

"TUSKEGEE, ALA., December 1.—President Robert R. Moton, of Tuskegee Normal and Industrial Institute, who was called to Washington last week for a conference with President Wilson and Secretary of State Lansing, sailed for France today, according to a telegraphic despatch here this evening. Professor Moton goes on a special mission for the Government.

"January 25. 'Judging from a close observation of the daily proceedings of the Peace Commission, now in session in Paris, it appears that the grand dream of the American Negro, "A mule and 40 acres," may at last be realized.' Thus spoke a prominent official of the Federal Government yesterday at his office in the customhouse * * * 'I do not really know what to term it,' he resumed, 'but you will doubtless recall that at the Peace Conference the proposition has been made that something more than 3,000,000 square miles of territory in South Africa will be opened and devoted to the settlement of the colored persons who are now residents of the United States and other points.'

"Here, then, is the one grand opportunity for the Negro race to emigrate to the 'Promised Land.' In the great expanse of fertile fields in unexplored Africa, their future rests entirely in their own hands."

Extracts from a letter written in a New York paper by a Presbyterian missionary living in Liberia:

Now, listen to this:

"Rev. Dr. Cassell, president of the College of Liberia, has been touring the States, pleading the interests of that Negro republic. He says that Africa, in the readjustment which is now taking place at the world's great conference, is going to be assigned its proper place; and its people are to be no longer exploited, but that justice and fair play will be established there.

"He says that God places a duty upon Afro-Americans, to whom He has given such wonderful opportunities, to go into Africa and build it up and establish their democracy in religion, in politics, in sociology, and to prove Liberia to be the open door to democracy."

Thus it seems that the education given the Negro may have been really the first step in God's plan for his repatriation, and later his use as an instrument for the industrial development and evangelization of his own race and continent. Also, the realization of the plan of the southern Protestant denominations, who in antebellum days worked so indefatigably for his industrial and spiritual development. This may mean also a fulfillment, at last, of the prayer and hope of the highest spiritual exponent of the Negro race in this country, Bishop Henry M. Turner (of Georgia).

Mr. President, I wish to read for the delectation and gratification of the Senate a copy of resolutions adopted on January 20, 1938, by Branch 2, Communist Party, 114 Lexington Avenue, New York City.

RESOLUTION ON WAGNER-VAN NUYS ANTILYNCHING BILL

JANUARY 20, 1938.

At a meeting of Branch 2 of the Communist Party of the United States of America attended by members, friends, and neighbors of the Twelfth Assembly District, Manhattan, the following resolution was passed.

Whereas, the reactionary filibuster of the 11 Senators who are leading the shameful fight against the Wagner-Van Nuys anti-lynching bill is a criminal sabotage of the democratic rights, not only of the Negro people, but of the rights of the entire American people; and

Whereas, the passage of the Van Nuys-Wagner antilynching bill is of vital importance in order to preserve elementary human and civil rights as guaranteed by the thirteenth, fourteenth, and fifteenth amendments of the Constitution of the United States, for the Negro people, rights which are daily being flouted, as witnessed by the hundreds of lynchings which have taken place in this country, and which are a blot on the democratic traditions of this country, and

Whereas, the cynical behavior of the 11 Senators in supporting the filibuster is a shocking action which does not express the sentiments of the working and liberty-loving people of this country:

I wonder what a Communist knows about "liberty-loving"?

Therefore be it

Resolved, That we, the members of Branch 2 of the Communist Party of the United States of America go on record—

Mr. CONNALLY. Mr. President, may we have order in the Senate while the Senator from Mississippi is reading the resolution adopted by the Communist Party denouncing some of the Members of the Senate?

The PRESIDING OFFICER rapped with his gavel.

Mr. BILBO. I thank the Senator from Texas for the silence I should like to have while I read the "resoluting" part of this resolution.

Therefore be it

Resolved, That we, the members of Branch 2 of the Communist Party of the United States of America go on record as strongly supporting this bill; and be it further

Resolved, That since the Communist Party has always been in the forefront of the fight for Negro and other minority group rights and against all forms of racial intolerance and bigotry, that we demand the immediate cessation of the filibuster against this bill and urge that everything possible be done for its speedy passage.

BRANCH 2, COMMUNIST PARTY,
114 Lexington Avenue, New York City.

There is an example of the Russian Government in action in America.

I wish now I had read the resolution adopted by the Communist meeting in Philadelphia, but I have put it in the RECORD so that the people of the country may read it in the light of the resolution I have just read attacking those of us on the floor of the Senate who are trying to conserve, preserve, save, and pass on an unravished Constitution to our children and our children's children by defeating the efforts of some of our friends to pass a measure that would destroy the dual scheme of government in this country.

Mr. President, as the hour of taking a recess is approaching, I wish to make some observations off the immediate subject pending before the Senate. I have sufficient material to enable me to discuss this question for about 60 days, as I promised, but some things have happened recently to which I should like to advert for a few moments.

Mr. LEWIS. Mr. President, may I ask the able Senator from Mississippi, in view of the resolution he has just read, coming from those who call themselves Communists and making allusion to actions here in the Senate, and particularly allusion to the Negro as being a political protégé of their own, has the Senator had put before him some of the resolutions in which the Negroes themselves have condemned this attempt upon the part of the Communists and in which they have renounced the Communists as being their representatives?

Mr. BILBO. I am sorry to say, in response to the Senator, that I have not; I have no such resolutions; and I seriously doubt whether there are any in existence, because I think the private organization that is operating in this country is making considerable headway in enlisting the sympathy of a certain element of the Negro population for the Communist set-up in our land. It might be worth our while to do a little investigating. I put into the RECORD a letter from a gentleman in New York who gave me the names of the persons who were in position to give us the basis upon which the investigation may be made and the truth be brought to the attention of the country.

The extraneous matter to which I wish to direct the attention of the Senate for a minute is the proposed boycotting of Japan by American citizens through their refusing to buy or wear any silk hosiery or silk wearing apparel.

I do not hesitate to state as a Senator that my sympathies are entirely with the Chinese in their fight against the aggressions and conquest of their more fortunate neighbors, the Japanese—who, by the way, have during the past 60 years adopted the ideas of the western man, and imbibed his culture and civilization, and taken advantage of his creative genius. They are using his machinery, his ammunition, and his guns to carry on their conquest of China.

Ordinarily I should say that I should be in sympathy with the boycott against Japan, in the refusal of Americans to wear silk hosiery or silk apparel of any kind. But, as has been said, there are two sides to that question, and I desire to call the attention of the Senate to the other side. I thought I had the material with me, but I seem to have left it at my office; there is so much of it.

The manufacturers of silk wearing apparel in this country and the manufacturers of silk hosiery have considerable money invested in the industry. They buy only the raw silk in bales from the Japanese. Here, in this country, it is twisted together and made into the thread that is used in the manufacture of the hosiery, the silk wearing apparel, and so forth. In other words, it requires expensive machinery and considerable investment on the part of the American manufacturer to get ready to handle the manufacture of silk in this country. Not only would a boycott of silk products be a hardship on our citizens who have so much money invested in this specially designed machinery for weaving and manufacturing hosiery out of silk, but there are 75,000 or 100,000 citizens of this country who through a number of years have been trained to operate this particular kind of machinery, and are engaged in the manufacture of silk hosiery and silk fabrics. Therefore, there are two sides to the question, and while we may be able to affect the Japanese in his finances—and that is the attempt; that is where we are trying to strike him and cripple him—by not buying his raw silk, while we are doing that we shall be destroying very valuable industries of our own, and putting out of employment a great many of our own people. God knows we now have enough unemployment in this country, and I doubt whether we shall do the Japanese very much harm in proportion, because the amount of actual Japanese money represented by a pair of silk stockings is only about 10 cents. If you pay 85 cents for the pair of stockings, the Jap has gotten only 10 cents out of it, and 75 cents goes to the American industrialist and to American labor. In other words, we get the raw silk very cheaply.

I should be willing to join in any movement and to encourage any movement which would make it impossible for Japan to carry on its war of aggression in China, because I think it is cruel. It is heartless. It is inexcusable. I know that as a result of this war of aggression there have been brought about complications that do not speak well for the relationship between this country and Japan. I know there is a feeling and a strained relation, possibly, as the result of sinking the *Panay*, and also as the result of slapping the face of one of our representatives in the Far East; and there is a possibility of other complications unless we get our forces out of the disturbed territory in the Far East.

I desire to take this occasion to state that I have no patience with the resolution which was read earlier in the day, whereby an attempt is to be made to ask the Secretary of State to reveal to the Senate the delicate international relationships which sometimes exist, the inference being left that we are on our way to war. I think there is nothing to it. It is a scarecrow. It is a false alarm. It is a play of politics. It is the kind of play that does not speak well for the country, and is not good for the country.

I am willing to trust the Secretary of State and the President and the others in authority to do everything that is humanly and governmentally possible to keep this country out of war. There is no intention of engaging in war just because the President has asked for $800,000,000 to build

us an adequate Navy for our defense. On the other hand, I have no patience with the pacifists who are all the time trying to sabotage any scheme or any effort that is made to give us the best army and the best navy on the face of the earth. I am in favor of that kind of navy and that kind of army; and I should be glad to add a couple of hundred million dollars to the appropriation to build more airplanes and bombing planes in this program of $800,000,000 for the Navy, and the necessary vessels that go with the warships. Not enough airplanes are provided for.

In other words, so far as the pacifists are concerned, I want to put myself on record once for all as being in favor of the United States having the biggest, strongest army and navy of any nation on earth. Then we shall be respected. Then we shall not be insulted. Then our ships will not be sunk. Then our officials abroad, representing the American flag, will not be slapped in the face by some greasy oriental.

Mr. REYNOLDS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. BILBO. I shall be glad to yield.

Mr. REYNOLDS. In order that I may intelligently propound to the Senator the question I have in mind, I should like to be privileged to preface the question with a statement.

Mr. BILBO. The Senator has my permission.

Mr. REYNOLDS. I think, under the rules, it will be perfectly permissible.

The PRESIDING OFFICER. The Senator from Mississippi may yield for a question to the Senator from North Carolina without losing the floor.

Mr. REYNOLDS. In view of the fact——

Mr. BILBO. It is understood I am not losing the floor.

Mr. CONNALLY. A point of order. I think the Chair ought to put the unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none.

Mr. CONNALLY. That the Senator from North Carolina be allowed to interrupt the Senator from Mississippi without the Senator from Mississippi losing the floor.

Mr. BILBO. The Senator from North Carolina wishes to preface his question with a short declamation.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. REYNOLDS. Mr. President, I have in mind a very excellent statement which my able colleague, the Senator from the State of Mississippi, has just made with reference to national defense. I am heartily in accord with all he has said in reference to the expenditure of money in sufficient amount to provide the United States of America a Navy unsurpassed by any in the world.

In view of the fact that we shall eventually be called upon, and at a not very distant date in the future, for appropriations for this purpose, I invite attention to the fact that the Aleutian Islands are a part and portion of the great Territory of Alaska, which we purchased from Russia for $7,200,000; that we are in a large sense protected on the Pacific, at least will be when we provide the proper naval and airplane bases in the northern section of the Pacific, that is to say, adjacent to our possessions there; that we have in a large sense a very fine protection in the Hawaiian Islands. In view of these facts, and the further consideration that we are well provided for by way of the Panama Canal, through which our fleet may pass from the Pacific to the Atlantic, does not the Senator think we should have other points of vantage in respect to bases on the Atlantic coast?

Of course, we have protection at the present time by way of the island of Cuba, and we are on friendly terms with Haiti, and the other republic which occupies a portion of the same island, the Dominican Republic. We are the possessors of the Virgin Islands, having bought them in 1916 for $25,000,000; but does not the Senator think that in addition to that protection in the South Atlantic we should have points of protection in the northern portion of the Atlantic, for instance, Bermuda, Bimini, and Nassau, which islands and 200 other smaller ones lie just a few hundred miles directly off the coast of my State of North Carolina? If we possessed these islands, I am of the opinion that we would be much better protected in the northern Atlantic than we are at the present time.

Does not the Senator think that the United States should likewise be protected by becoming the possessors perhaps of Halifax and of Newfoundland? Labrador, indeed, would be a little too far north.

I make these suggestions because one of these days the United States might have difficulty with a friendly nation, Great Britain. One can never tell what is going to happen, as the able Senator from Mississippi realizes. He recalls that we had some controversy with Great Britain in the Revolutionary days, in 1776, and again in 1812, and we cannot tell what is going to happen in the future.

In view of the fact that my very courteous colleague has provided me this opportunity, I respectfully suggest that if Great Britain wants to be friendly with us, if she wants the respect and the love of the American people, if Great Britain wants to show that she is on the "up and up," in other words, to use the everyday street parlance, that she is "on the level" with the people of the United States, I ask the able Senator from the State of Mississippi whether it would not be well for Great Britain to evidence that desire in a spirit of honesty and integrity by saying, "We shall be very happy, Uncle Sam, to turn over to you Bermuda, Nassau, Bimini, and other possessions in the North Atlantic, if you will be good enough to apply them on the $6,000,000,000 indebtedness we have owed you, for which we have the money to pay you now, but do not want to pay you."

I thank the able Senator from Mississippi.

Mr. BILBO. In response to the Senator's question, I should be perfectly willing to apply whatever amount was left upon the proposed purchase of the islands referred to after we have purchased enough territory in Africa to take care of 12,000,000 American Negroes. [Laughter.]

Going back now to the warfare upon the Japanese through a boycott, because of our sympathies for the Chinese nation, which is being harassed, invaded, oppressed, wrecked, and destroyed by the ambitious Japanese, I cannot say that I could approve of a boycott, of a declaration that we should not buy more silk hosiery or any more silk fabrics if made in this country, but I wish to make an observation and advance a suggestion which will go to the very heart of the Japanese nation, and we can accomplish our purpose in a very short time.

Anyone who knows anything about the production of silk by the silkworm, I am sure, would be convinced, if he would make an investigation, that in the southern part of the United States there is an ideal climate and an ideal territory for the growing of the silkworm and the production of silk. All we need is the silkworm and the mulberry tree, and the mulberry tree grows wild, grows in abundance, grows luxuriantly, and grows without limit in my home State and throughout the South. I am sure that the culture of the silkworm can be introduced into the Southern States, and that we can become a self-sufficient Nation so far as the need for silk is concerned in this country, and that we will not have to buy it from Japan.

Mr. President, we are in exactly that situation in the case of tung oil. The manufacturers of linoleum, of paint, of varnish, and of enamel, have been importing from China from ten to fifteen million dollars worth of tung oil for many years. In the last few years we discovered that there were certain sections along the Gulf of Mexico where the soil and climate were ideal for the growing of the tung nut tree. Within the last 6 years there have been planted in my native home county, Pearl River County, over a hundred thousand acres to the tung nut tree, and in that county we have the largest tung nut plantation in the whole world. In that county we have the largest crushing plant in the world for extracting the oil from the tung nut

after it is grown. I repeat, the tung nut is being produced in commercial quantities, and there seems to be no limit. In the next few years we will not have to go to the Far East to get tung oil for use in the manufacture of varnish and paint and linoleum in this country. If we can produce tung oil in this country, and the climate is congenial, and is adapted to its production, why can we not produce raw silk in the United States? It is a very simple process.

In Japan, where raw silk is produced, there are government-owned moth farms where the eggs are produced. The farmers go to a moth farm and buy the requisite number of eggs, which have been laid by the moth. They take the eggs to a local incubator, and after 6 or 8 days an egg hatches, and there emerges a tiny worm about the size of an ant. The eggs are put upon the shelves, stacked in the humble homes of the Japanese farmers, and for 20 days the little worm is fed mulberry leaves, which food is what is needed to grow the silkworm.

At the end of 20 days this little ant-sized bug has become 3½ inches long, is now the silkworm, and at the end of 20 days it begins to weave its cocoon, in which to store itself and undergo the period of transition and become the flitting, flying silken moth in the days to come.

At the end of the completion of the cocoon the humble Japanese farmer snatches his cocoon, dips it in hot water, and kills the worm before its transfiguration, or its day of resurrection, before it has a chance to rupture the cocoon. Then the cocoon is carried to the reelers, the factories, where girls with nimble fingers, with dexterity, find the end of the fine-spun filaments which the worm produces and emits from each side of his mouth, and seals together with a sericin. These girls find the ends of these filaments, they unweave the cocoon and wind the silk on a skein, and that is shipped to American as the raw silk.

Mr. President, it is a very simple process, and it is altogether feasible and possible in the United States, and there is no reason why, if we spend the millions of dollars suggested in trying to do something for the people, we should not inaugurate a project somewhere in the United States and encourage the growth and culture of the silkworm, and the production of raw silk in this country. In that way we can strike a death blow to that power which seems to have no respect for treaties, obligations, and the welfare of human beings in this country.

Mr. President, having been diverted for a moment from the pending measure, I wish to call the attention of the Senate and of the country to what is to my mind one of the ablest contributions to the question of the relationship between blacks and whites in the United States, an article written and published to the world in 1909 under the head "Is Friction Between Blacks and Whites in the United States Growing and Inevitable?" by Dr. Alfred Holt Stone.

Dr. Stone is one of the outstanding citizens of my State. He is now the distinguished chairman of all the taxing units of Mississippi. He has a doctor's degree from our State university. He has been a lecturer before all the leading universities of the country, and is without doubt one of the ablest students of the race question in America today. I want to call the attention of the Senate and of the country to this very splendid contribution to this very pertinent question. I read from his article:

On the evening of December 17, 1855, there assembled a gathering of the colored citizens of the city of Boston to do honor to a member of their race. The man was William C. Nell, a name familiar to students of Negro history. The occasion was the presentation to him of a testimonial of appreciation of his labors in behalf of the removal of the color line from the public schools of Boston. The event commemorated the crowning achievement of a purpose formed and work begun some 26 years before. It marked the close of a quarter-century of patient and unremitting struggle with established law and custom. The meeting was made memorable by the presence of such men as Wendell Phillips and William Lloyd Garrison, who rejoiced with their colored brethren that "the prejudice against color was dying out." This was the keynote of all the addresses made—the faith that the final surrender of this long-stormed citadel marked the passing of the prejudice of race.

Fifty-two years later, in November of the present year, a great concourse of Boston's colored citizens assembled in Faneuil Hall to protest against the steady and wide increase of race prejudice in America. The meeting was addressed by the gray-haired son of the great abolitionist, in tones which were far from sounding an echo of the hopeful, long-forgotten words of his father.

And after this more than half century of American advance in moral and intellectual and materials things we, too, have come together, in the free atmosphere of this academic seat, to consider coolly and dispassionately the causes which really lay behind these two meetings in Boston—farther apart in the spirit and in purpose than in time. We have come to inquire whether friction between the white and Negro races in America is growing and inevitable.

In the first place, what is race friction? To answer this elementary question it is necessary to define the abstract mental quality upon which race friction finally rests. This is racial "antipathy," popularly spoken of as "race prejudice." Whereas prejudice means a mere predilection, either for or against, antipathy means "natural contrariety," "incompatibility," or "repugnance of qualities." To quote the Century Dictionary, antipathy "expresses most of constitutional feeling and least of volition; it is a dislike that seems constitutional toward persons, things, conduct, etc.; hence it involves a dislike for which sometimes no good reason can be given." I would define racial antipathy then as a natural contrariety, repugnancy of qualities, or incompatibility between individuals or groups which are sufficiently differentiated to constitute what, for want of a more exact term, we call races. What is most important is that it involves an instinctive feeling of dislike, distaste, or repugnance, for which sometimes no good reason can be given. Friction is defined primarily as a "lack of harmony," or a "mutual irritation." In the case of races it is accentuated by antipathy. We do not have to depend on race riots or other acts of violence as a measure of the growth of race friction. Its existence may be manifested by a look or a gesture, as well as by a word or an act.

Our contention is that race friction in the United States is gradually increasing all the time. It is a ceaseless warfare, and the battle is going on, it is increasing, getting keener, and more intense everywhere throughout the United States. It is a smoldering fire. Some day someone will strike a match and explode the mine, and there will be hell to pay, and Senators will begin to understand what I have been talking about for 4 days.

A verbal cause of much useless and unnecessary controversy is found in the use of the word "race." When we speak of "race problems" or "racial antipathis," what do we mean by "race?" Clearly nothing scientifically definite, since ethnologists themselves are not agreed upon any classification of the human family along racial lines. Nor would this so-called race prejudice have the slightest regard for such classification if one were agreed upon. It is something which is not bounded by the confines of a philological or ethnological definition. The British scientist may tell the British soldier in India that the native is in reality his brother, and that it is wholly absurd and illogical and unscientific for such a thing as "race prejudice" to exist between them. Tommy Atkins simply replies with a shrug that to him and his messmates the native is a "nigger," and insofar as their attitude is concerned that is the end of the matter.

That is the British soldier expressing his attitude toward the East Indian.

The same suggestion, regardless of the scientific accuracy of the parallel, if made to the American soldier in the Philippines, meets with the same reply. We have wasted an infinite amount of time in interminable controversies over the relative superiority and inferiority of different races. Such discussions have a certain value when conducted by scientific men in a purely scientific spirit. But for the purpose of explaining or establishing any fixed principle of race relations they are little better than worthless. The Japanese is doubtless quite well satisfied of the superiority of his people over the mushroom growths of western civilization, and finds no difficulty in borrowing from the latter whatever is worth reproducing, and improving on it in adapting it to his own racial needs. The Chinese do not waste their time in idle chatter over the relative status of their race, as compared with the white barbarians who have intruded themselves upon them with grotesque customs, their heathenish ideas, and their childishly new religion. The Hindu regards with veiled contempt the racial pretensions of his conqueror, and while biding the time when the darker races of the earth shall once more come into their own, does not bother himself with such an idle question as whether his temporary overlord is his racial equal. Only the white man writes volumes to establish on paper the fact of a superiority which is either self-evident and not in need of demonstration, on the one hand, or is not a fact and is not demonstrable, on the other. The really important matter is one about which there need be little dispute—the fact of racial differences. It is the practical question of differences—the fundamental differences of physical appearance, of mental habit and thought, of social customs and religious beliefs, of the thousand and one things keenly and clearly appreciable, yet sometimes elusive and undefinable—these are the things which at once create and find expression in what we call race problems and race prejudices, for want of better terms. In just so far as these differences are fixed and permanently associated characteristics of two groups of people will the antipathies and problems between the two be permanent. We speak loosely of the race problems which are the result of European immi-

gration. These are really not race problems at all. They are purely temporary problems, based upon temporary antipathies between different groups of the same race, which invariably disappear in one or two generations, and which form only a temporary barrier to physical assimilation by intermarriage with native stocks.

The United States has always been called the melting pot of the nations, and it is here that we have provided a haven of refuge for the oppressed, the depressed, and the enslaved of all the royal governments of Europe from the crowded conditions of Europe. They have come here by the millions. But we can amalgamate those people. We can afford to intermarry with those people. We can afford to assimilate them, because they are of the white stock. They are of the Aryan race. It is altogether a different proposition when it comes to the mixing or assimilation of the black race.

Probably the closest approach we shall ever make to a satisfactory classification of races as a basis of antipathy will be that of grouping men according to color, along certain broad lines, the color being accompanied by various and often widely different but always fairly persistent differentiating physical and mental characteristics. This would give us substantially the white (not Caucasian), the yellow (not Chinese or Japanese), and the dark (not Negro) races. The antipathies between these general groups and between certain of their subdivisions will be found to be essentially fundamental, but they will also be found to present almost endless differences of degrees of actual and potential acuteness. Here elementary phychology also plays its part. One of the subdivisions of the Negro race is composed of persons of mixed blood. In many instances these are more white than black, yet the association of ideas has through several generations identified them with the Negro—and in this country friction between this class and white people is on some lines even greater than between whites and blacks.

Race conflicts are merely the more pronounced concrete expression of such friction. They are the visible phenomena of the abstract quality of racial antipathy—the tangible evidence of the existence of racial problems. The form of such expressions of antipathy varies with the nature of the racial contact in each instance. Their different and widely varying aspects are the confusing and often contradictory phenomena of race relations. They are dependent upon diverse conditions and are no more susceptible of rigid and permanent classification than are the whims and moods of human nature. It is more than a truism to say that a condition precedent to race friction or race conflict is contact between sufficient numbers of two diverse racial groups. There is a definite and positive difference between contact between individuals and contact between masses. The association between two isolated individual members of two races may be wholly different from the contact between masses of the same race groups. The factor of numbers embraces indeed the very crux of the problems arising from contact between different races.

A primary cause of race friction is the vague, rather inanible, but wholly real feeling of "pressure" which comes to the white man almost instinctively in the presence of a mass of people of a different race. In a certain important sense, all racial problems are distinctly problems of racial distribution. Certainly the definite action of the controlling race, particularly as expressed in laws, is determined by the factor of the numerical difference between its population and that of the inferior group. This fact stands out prominently in the history of our colonial legislation for the control of Negro slaves. These laws increased in severity up to a certain point as the slave population increased in numbers. The same condition is disclosed in the history of the antebellum legislation of the Southern, Eastern, New England, and Middle Western States for the control of the free Negro population. So today no State in the Union would have separate car laws where the Negro constituted only 10 to 15 percent of its total population. No State would burden itself with the maintenance of two separate school systems with a Negro element of less than 10 percent. Means of local separation might be found, but there would be no expression of law on the subject.

Just as a heavy increase of Negro population makes for an increase of friction, direct legislation, the protection of drastic social customs, and a general feeling of unrest or uneasiness on the part of the white population, so a decrease of such population, or a relatively small increase as compared with the whites, makes for less friction, greater racial tolerance, and a lessening of the feeling of necessity for severely discriminating laws or customs. And this, quite aside from the fact of a difference of increase or decrease of actual points of contact, varying with differences of numbers. The statement will scarcely be questioned that the general attitude of the white race, as a whole, toward the Negro become much less uncompromising if we were to discover that through two census periods the race had shown a positive decrease in numbers. Racial antipathy would not decrease, but the conditions which provoke its outward expression would undergo a change for the better. There is a direct relation between the mollified attitude of the people of the Pacific coast toward the Chinese population and the fact that the Chinese population decreased between 1890 and 1900. There would in time be a difference of feeling toward the Japanese now there if the immigration of more were prohibited by treaty stipulation. There is the same immediate relation between the tolerant attitude of whites toward the natives in the Hawaiian Islands and the feeling that the native is a decadent and dying race. Aside from the influence of the Indian's warlike qualities and of his refusal to submit to slavery, the attitude and disposition of the white race toward him have been influenced by considerations similar to those which today operate in Hawaii. And the same influence has been a factor in determining the attitude of the English toward the slowly dying Maoris of New Zealand.

The character and violence of race friction or conflict will depend upon the immediately provoking cause but will be influenced by a variety of accompanying considerations. Open manifestations of antipathy will be aggravated if each group feels its superiority over the other. They will be fewer and milder when one race accepts the position of inferiority outwardly, or really feels the superiority of the other. In all cases the element of individual or racial self-assertiveness plays an important part. The white man on the Pacific coast may insist that he does not feel anything like the race prejudice toward the Chinaman that he does toward the Japanese. In truth the antipathy is equal in either case, but the Chinaman accepts the position and imputation of inferiority—no matter what or how he may really feel beneath his passive exterior. On the other hand, the Japanese neither accepts the position nor plays the role of an inferior, and when attacked he does not run. Aside from all question of the relative commendable traits of the two races, it is easy to see that the characteristics of one group are much more likely than those of the other to provoke outbreaks of antipathy when brought into contact with the white race. We need not ask what would be the situation in India, and what the size of the British garrison there, if the Hindus had the assertive and pugnacious characteristics of the Japanese, veiled though the latter are behind a bland and smiling demeanor.

It is a common remark that the relations between the white and Negro races in this country are not "as good," as the expression runs, as they were before the war. The fundamental cause of most race friction is in the operation of racial antipathy which leads to the denial by one race of the racial equality of another, coupled with the assertion of equality by the other party to the contract. Postbellum racial difficulties are largely the manifestation of friction growing out of the novel claim to equality made by the Negro after emancipation, either by specific declaration and assertion, or by conduct which was equivalent to an open claim with the refusal of the white man to recognize the claim. The commonest mistake of race-problem discussions is that of treating such problems as a heritage from slavery. Slavery was responsible only insofar as it was responsible for bringing the races into contact. The institution, per se, was not only not the cause of the problem, but, on the other hand, it actually furnished a basis of contact which as long as it existed minimized the problems which result from racial contact upon a plane of theoretical equality. We may obtain a conception of an American race problem without the background of antecedent slavery relations, if we can imagine the situation which would be created by the precipitation upon the population of the Pacific coast of a million Japanese. The late Professor Shaler, of Harvard, summed up with absolute accuracy the function of slavery in making possible relations of mutual amity between the white and Negro races in this country when he declared that, "the one condition in which very diverse races may be brought into close social relations without much danger of hatred, destructive of social order, is when an inferior race is enslaved by a superior." His opinion was that "this form of union is stronger than it has appeared to those who have allowed their justifiable dislike of the relation to prejudice them as to its consequences."

Professor Shaler struck one of the keynotes of the ante-bellum situation when he said that slavery made impossible any sort of rivalry between the races. He declared his utter detestation of the institution, but said it should be recognized that "it was effective in the prevention of race hatreds." To quote his words:

"Moreover, it brought the two races into a position where there was no longer any instinctive repugnance to each other, derived from the striking differences of color or of form. If the Negroes had been cast upon this shore under any other conditions than those of slavery, they would have been unable to obtain this relation with the whites which their condition of bondage gave."

But Professor Shaler recognized the innate potential force of antipathy of race and he observed that "It remains to be seen whether the race hatred, which was essentially lost during the period of slavery, will return in the condition of freedom." Twenty-one years have elapsed since Professor Shaler wrote, and it is in the light of these two decades of additional experience that we are today attempting to answer his query.

It is impossible to discuss here, as I should like to do, the broader question of race relations as preliminary to an inquiry into relations in this country between whites and Negroes. We may, however, suggest some of the more elementary principles of such relations as a basis for reply to the concrete question before us. In the first place, I lay down as a fundamental law of racial contact the proposition that the terms and conditions of racial association will be dictated by the stronger of the two parties to such association, actuated by motives of self-interest or by instincts of self-preservation. In the second place, the resulting relations will be least conducive to friction when the terms insisted upon by the stronger race are accepted without protest by the weaker. The converse of this follows as a corollary, that the relations which are most conducive to friction are those under which the conditions laid down by the stronger party are not accepted by the weaker. The friction which racial contact engenders under such conditions will be in proportion to the degree

of the insistence of one party upon its terms of association and of the resistance to such conditions offered by the other.

The absence of antebellum racial friction was due to the general acceptance by the Negro of the status assigned him by the white race. The farther removed the two races are from this basis of association, which Professor Shaler declared to be the only one upon which they could safely have been brought together in the first place, the greater the probability that friction will follow contact between them. The whole matter resolves itself into very simple terms. The simpler the relations between diverse races, the less friction there will be; the more complex the relations, the greater the friction. The simplest relations possible are those in which the relative status of superior and inferior is mutually accepted as the historical, essential, and matter of fact basis of relationship between the two. The most complex relation possible between any two racial groups is that of a theoretic equality which one race denies and the other insists upon. The accepted relation of superior and inferior may exist not only without bitterness on one side, or harsh feelings upon the other, but it may be characterized by a sentiment and affection wholly impossible between the same groups under conditions demanding a recognition of so-called equality. We should try to gain a clear idea of the importance of this mutual recognition of a different racial status in minimizing racial friction, and of the significance of the converse condition in increasing it.

The northern white man often remarks upon the inconsistent position of the southern white man. The former objects more than the latter to personal contact and association with the Negro but theoretically, he is willing to grant to the Negro the full exercise of all the legal rights and privileges which he himself enjoys. The southern white man, on the other hand, does not object to personal association with the Negro—provided it be upon terms which contain no suggestion of equality of personal status—but he is not willing to grant the privileges which his northern brother concedes to the race in the mass. The truth is that the difference between their respective attitudes is largely a matter of fiction. It is more apparent than real. The attitude of the northern man toward the matter of personal association is really the natural attitude of the white man. It is the unconscious expression or feeling of instinctive racial antipathy in its elementary form.

The attitude of the southern man toward the same association is in reality the wholly artificial product of the relations made possible by slavery. The northern man prides himself on not "looking down on the Negro," as the expression goes. He regards him unconsciously as theoretically, potentially his racial equal. His unconscious mental attitude does not immediately upon personal contact establish between himself and the Negro the relation of superior and inferior. He is conscious only of strangeness, difference. But in the presence of this difference his mind reacts normally, and a sufficient degree of latent antipathy is aroused to create a natural barrier, which he merely "feels" and does not attempt to explain. On the other hand, through the influence of generations of association under the purely artificial relations of slavery, the mind of the southern white man instinctively responds to accustomed contact upon inherited lines with the unconscious concept of an inequality of racial status which neutralizes or prevents the operation of racial antipathy. In other words, to borrow Professor Shaler's illustration of the operation of slavery in destroying race hatred, the long-continued association has destroyed the normal operation of elementary racial antipathy. In its primary form it is simply not provoked by an association to which it has long become accustomed. It may be asked at once, if such association has been sufficient thus to impair what is claimed to be an instinctive mental impulse, and not only to do this but to establish in lieu of such a feeling relations and sentiments of genuine and unquestioned affection, why it is not able to destroy all racial antipathy and thereby in time enable the races to live together in absolute concord? Where is the ground for even the possibility of increased racial friction? The answer is not difficult. The potential results of long-continued racial contact and association may be fully granted for the sake of discussion. But the question is the primary one of accomplishing the association. Our original proposition is that racial harmony is greater under an association determined by one party and accepted by the other. This was precisely what made for such relations under slavery. But slavery is dead, and with the passing of the generation of whose life it was an accepted part, both black and white, the relations which it slowly evolved are passing also. A new basis of contact is presented—that of unconditional equality. It is a basis which the white race is not willing to concede in practice, whatever the white man may do in theory, and hence we have the essential elements of racial friction—a demand for and a denial of racial equality.

Whether or not race friction in the United States is increasing and inevitable depends upon the attitude of the two parties to the racial contact. Does the American Negro demand racial equality, and does the American white man deny it? The latter branch of the question we shall attempt to answer first. Racial antipathy, which we have said to be the basis for the "lack of harmony," and the "mutual irritation," which we translate as race friction, is practically universal on the part of the white race toward the Negro, and is beyond question stronger in the so-called Anglo-Saxon stocks than in any other. If it is less apparent in one place than in another, the difference is a mere incident to differences of local condition. It is protean in its manifestation—and subject to such a variety of provoking causes as to defy classification. It is exhibited here in the individual, and there in the mass, and elsewhere in both. One man may draw the line against association in a public conveyance, another at the relations of the domestic service. One may draw it in the public dining room of a hotel, another at his private table. One man or one section may draw it in the public schools, another only in fashionable establishments for fashionable young women, or in private academies for boys. Here and there we find a man who realizes no feeling at such contact, and he imagines himself to be "free from race prejudice." But even for him there exists the point of racial recoil, though it may be reached only at the altar or the grave. It is, after all, merely a difference of degree. Racial antipathy is a present, latent force in us all. As to this we need not deceive ourselves.

At no time in the history of the English-speaking people and at no place, of which we have any record, where large numbers of them have been brought into contact with an approximately equal number of Negroes, have the former granted to the latter absolute equality, either political, social, or economic. With the exception of five New England States, with a total Negro population of only 16,084 in 1860, every State in the Union discriminated against the Negro politically before the Civil War. The white people continued to do so—North as well as South—as long as they retained control of the suffrage regulations of their States. The determination to do so renders one whole section of the country practically a political unit to this day.

In South Africa we see the same determination of the white man to rule, regardless of the numerical superiority of the black. The same determination made Jamaica surrender the right of self-government and renders her satisfied with a hybrid political arrangement today. The presence of practically 100,000 Negroes in the District of Columbia makes 200,000 white people content to live under an anomaly in a self-governing country. The proposition is too elementary for discussion, that the white man, when confronted with a sufficient number of Negroes to create in his mind a sense of political unrest or danger, either alters this form of government in order to be rid of the incubus or destroys the political strength of the Negro by force, by evasion, or by direct action.

If we survey the field of economic contact we find but one considerable area in which the white man permits the Negro to share his occupancy practically upon equal terms. That field is the southern part of the United States. The unusual conditions there are the direct and immediate product of relations established or made possible by slavery, coupled with the maintenance of a rigid color line, which minimizes, if it does not prevent, racial friction. This condition, like the other purely artificial products of slavery favorable to amicable race relations, is changing, and will disappear with the increased tendency toward general uniformity of labor conditions and demands throughout the country. Such measures of freedom of economic opportunity as the Negro has is not due to any superior virtue on the part of southern people any more than is the larger political tolerance of the North due to any peculiar virtue of that section. Each situation is a mere incident of general racial conditions. Outside the South, whether in New York, Philadelphia, Chicago, the Middle West, or New England, the absence of economic racial friction is due to the economic segregation of the Negro.

The race outside the South is in the main confined to humbler occupations, where the absence of white competition makes for racial peace. I am speaking of the many, not of the exceptional few, who here and there are not discriminated against. What is true of the North is true of South Africa. Economically, every country apparently is either a "white man's country" or "black man's country." It does not exist half one and half the other—always excepting the South. In South Africa the great problem is to get white men to work at trades with black men or to permit black men to work at them at all. The white colonist either monopolizes a field himself—despite the fact that his numbers render the effort ruinous—or he permits the Negro to monopolize it. He will not share it equally.

But it is in the sphere of relations which the world calls social that the white man's attitude toward the Negro becomes most uncompromising—at least the attitude of the English-speaking white man. This, too, is universal. This social prejudice is no respecter of geographical lines. Its intensity varies, of course, with local influences—primarily with differences of numerical distribution. But that is a mere superficial consideration. This form of "race prejudice," if we elect so to designate it, is probably more fundamental and far reaching than any other.

The fact is clearly recognized by Prof. Kelly Miller, of Howard University, who says:

"Where two races of widely different corporal peculiarities and cultivated qualities are brought into contact serious frictional problems inevitably arise. * * * The American Negro may speak the same language, conform to the same institutions, and adopt the same mode of religious worship as the rest of his fellow men, but it avails him nothing in the scale of social eligibility, which is the one determinative test of all true equality. * * * Without social equality, which the Teuton is sworn to withhold from the darker races, no other form of equality is possible."

I shall add this further reflection: If slavery is the cause of race prejudice, why has slavery not produced it among the Arabs toward their Negro slaves? Slavery is not the cause, nor is the Christian religion its cure, nor does Mohammedanism or Catholicism prevent it. The reason of its nonexistence among the Mohammedans is not because of Mohammedanism, but because the Mohammedan is an Arab or a Moor. It does exist among the Berbers of Morocco, notwithstanding their Moslem faith. These

Berbers are not only prejudiced against the Negroes, but their prejudice has created continual unrest in Morocco, through their refusal to acknowledge fully the present sultan because of his Negro blood. The reason that this prejudice is less pronounced in Catholic than in Protestant countries is because of the fact that the Catholic countries which have had most to do with Negroes are mainly Latin countries, and the Latin's prejudice of color is nowhere as strong as the Teuton's. Under similar racial conditions the Catholic Teuton is just as much influenced by racial antipathy as his Protestant brother. It is not a question of religion or slavery, of Protestantism or Catholicism. It is finally and fundamentally a question of race.

In spite of all our protestations of democracy, the people of this country are not superior in their racial charity to the people of other parts of the world. I question if we are even as liberal in that regard as the average of Caucasian mankind. I sometimes feel that the very democracy among American white men of which we boast so much develops a concomitant intolerance toward men of another race or color. Without other fixed or established distinctions in our social order, we seem instinctively to take refuge in that of color as an enduring line of separation between ourselves and another class. Now and then, as the southern part of our country comes to be more dispassionately studied, an occasional observer will find himself puzzled by the conclusion that among its white population the South, taken as a whole, is the most democratic part of America. In the presence of the Negro, and by contrast and comparison, all white men are equal. A horizontal racial line is drawn between the two sections of the population.

All on one side of the line are conceded certain privileges and a certain status, based not upon merit but solely upon the accident of color. To the whole group on the other side of the line a certain status is assigned solely because of identity with another racial class. In each case what should be controlling differences within each group, along certain fairly tangible lines, are wholly ignored. In steadily increasing degree, it seems to me, certain privileges and a certain place in the larger life of the country are coming to be regarded as the peculiar and particular asset of Caucasian racial affiliation.

We have seen the fulfilling of De Tocqueville's prophecy that emancipation would be but the beginning of America's racial problems. The history of the world is a more open book today than it was a half or three-quarters of a century ago, and we have a larger perspective of racial contact. One of the editors of the Wealth of Nations has justly said that Adam Smith was instrumental in bringing different nations and cities closer together through a realization of their interdependence. But there is apparently a line which distantly related races cannot yet cross in safety. Such races have been brought into more intimate contact since the great economist lived, and the association has given rise to problems unknown to his generation, yet probably as old as the time when the first two groups of strangers on earth came together in suspicion and distrust. The diverse people of the world do not yet understand each other. Perhaps they never will. We have no excuse if we willfully blind ourselves to the stubbornest facts in human experience, and persist in regarding racial antipathy, or "race prejudice," as a mere passing relic of slavery, peculiar to one part of the country. We can make no progress even in the comprehension of our problem if we circumscribe our vision by any such narrow view. It was Jefferson's opinion that the emancipation of the American Negroes was one of the inevitable events of the future. It was also his conviction that the two races could never live together as equals on American soil. His solution was colonization, but the time for that had probably passed when he wrote. As late as 1862 Lincoln expressed practically the same opinion as Jefferson. To a delegation of Negroes he said:

"You and we are different races. * * * Your race is suffering, in my judgment, the greatest wrong inflicted on any people. But even when you cease to be slaves, you are yet far removed from being placed on an equality with the white race. * * * The aspiration of men is to enjoy equality with the best when free, but on this continent, not a single man of your race is made the equal of a single man of ours. Go where you are treated the best, and the ban is still upon you."

To me the problems of racial contact, of which friction is but one, seem as inevitable as apparently they did to DeTocqueville and Jefferson and Lincoln. But I have no solution, because of my conviction that in a larger, final sense there is no solution of such problems, except the separation of the races or the absorption of one by the other. And in no proper conception is either of these a "solution." We do not solve a problem in geometry by wiping from the blackboard the symbols which are the visible expression of its terms. The question which the American people must first be prepared to answer, if they demand a solution of their problem, is whether, within a period which may practically be considered, they will grant to another race, darker, physically different, and permanently distinguished from themselves, all and singular the rights, titles, and privileges which they themselves enjoy, with full and complete measure of equality in all things, absolutely as well as theoretically. If they can do this, they will reverse the whole history of their own people, and until they do it, not only will there be race friction here, but it will increase as the weaker race increases its demands for the equality which it is denied.

Thus we return to the first branch of our inquiry—the attitude of the Negro as one of the determining factors in the increase or decrease of race friction. It is more difficult to answer for him than for the white man. The latter has a history in the matter of his relations with other races, perfectly well defined to anyone who will study it candidly. He has either ruled or ruined, to express it in a few words, and pretty often he has done both. It has been frequently said that the Negro is the only one of the inferior, or weaker, or backward, or undeveloped races (the terms are largely interchangeable and not all important), which has ever looked the white man in the face and lived. But for all the significance the statement holds, we have only to go to Aesop's fable of the tree which would, and the tree which would not bend before the storm. I know of no race in all history which possesses in equal degree the marvelous power of adaptability to conditions which the Negro has exhibited through many centuries and in many places. His undeveloped mental state has made it possible for him to accept conditions, and to increase and be content under them, which a more highly organized and sensitive race would have thrown off, or destroyed itself in the effort to do so. This ability to accept the status of slavery and to win the affection and regard of the master race, and gradually but steadily to bring about an amelioration of the conditions of the slave status made possible the anomalous and really not yet understood race relations of the ante bellum South. The plain English of the situation was that the Negro did not chafe or fret and harass himself to death, where the Indian would have done so, or massacred the white man as an alternative. In many respects the Negro is a model prisoner—the best in this country. He accepts the situation, generally speaking; bears no malice, cherishes no ill will or resentment, and is cheerful under conditions to which the white man refuses to reconcile himself.

The adaptability of the Negro has an immediate bearing on the question before us. It explains why the Negro masses in the Southern States are content with their situation, or at least not disturbing themselves sufficiently over it to attempt to upset the existing order. In the main, the millions in the South live at peace with their white neighbors. The masses, just one generation out of slavery and thousands of them still largely controlled by its influences, accept the superiority of the white race, as a race, whatever may be their private opinion of some of its members. And, furthermore, they accept this relation of superior and inferior, as a mere matter of course—as part of their lives—as something neither to be questioned, wondered at, or worried over. Despite apparent impressions to the contrary, the average southern white man gives no more thought to the matter than does the Negro. As I tried to make clear at the outset, the status of superior and inferior is simply an inherited part of his instinctive mental equipment—a concept which he does not have to reason out. The respective attitudes are complementary, and under the mutual acceptance and understanding there still exist unnumbered thousands of instances of kindly and affectionate relations—relations of which the outside world knows nothing and understands nothing. In a Boston colored magazine some months since, Miss Augusta P. Eaton gives an account of her settlement work among Negroes in that city. In describing relations where colored and white families live in contact, she says, "The great bond of fellowship is never fully established. There is tolerance, but I have found few cases of friendly intimacy." Here is just the difference between the two situations. "Friendly intimacies," probably not in the sense meant by Miss Eaton but friendly and kindly intimacies, nonetheless, do exist in the South, despite all we hear to the contrary. They are the leaven of hope and comfort for white and black alike in what does appear to be a pretty big lump of discord. In the mass, the southern Negro has not bothered himself about the ballot for more than 20 years, not since his so-called political leaders let him alone; he is not disturbed over the matter of separate schools and cars, and he neither knows nor cares anything about "social equality."

I believe there may develop in process of time and evolution a group of contented people, occupying a position somewhat analogous to that of the Jamaican peasant class, satisfied in the enjoyment of life, liberty, and the pursuit of happiness, and afforded the full protection of the law. I believe it possible for each of the various groups of the two races which find themselves in natural juxtaposition to arrive at some basis of common occupancy of their respective territories which shall be mutually satisfactory, even if not wholly free from friction. I express a belief that this is possible, but to its accomplishment there is one absolute condition precedent; they must be let alone and they must be given time. It must be realized and accepted, whether we like it or not, that there is no cut-and-dried solution of such problems, and that they cannot be solved by resolutions or laws. The process must be gradual and it must be normal, which means that the final basis of adjustment must be worked out by the immediate parties in interest. It may be one thing in one place and another thing in another place, just as the problem itself differs with differences of local conditions and environment. We must realize that San Francisco is not Boston, that New Orleans is not New York. Thus much for the possibilities as to rank and file.

But what of the other class? The "masses" is at best an unsatisfactory and indefinite term. It is very far from embracing even the southern Negro, and we need not forget that 7 years ago there were 900,000 members of the race living outside of the South. What of the class, mainly urban and large in number, who have lost the typical habit and attitude of the Negro of the mass, and who, more and more, are becoming restless, and chafing under existing conditions? There is an intimate and very natural relation between the social and intellectual advance of the

so-called Negro and the matter of friction along social lines. It is in fact only as we touch the higher groups that we can appreciate the potential results of contact upon a different plane from that common to the masses in the South.

There is a large and steadily increasing group of men, more or less related to the Negro by blood and wholly identified with him by American social usage, who refuse to accept quietly the white man's attitude toward the race. I appreciate the mistake of laying too great stress upon the utterances of any one man or group of men, but the mistake in this case lies the other way. The American white man knows little or nothing about the thought and opinion of the colored men and women who today largely mold and direct Negro public opinion in this country. Even the white man who considers himself a student of "the race question" rarely exhibits anything more than profound ignorance of the Negro's side of the problem. He does not know what the other man is thinking and saying on the subject. This composite type which we poetically call "black," but which in reality is every shade from black to white, is slowly developing a consciousness of its own racial solidarity. It is finding its own distinctive voice, and through its own books and papers and magazines, and through its own social organizations, is at once giving utterance to its discontent and making known its demands.

And with this dawning consciousness of race there is likewise coming an appreciation of the limitations and restrictions which hem in its unfolding and development. One of the best indices to the possibilities of the increased racial friction is the Negro's own recognition of the universality of the white man's racial antipathy toward him.

This is the one clear note above the storm of protest against the things that are, that in his highest aspirations everywhere the white man's "prejudice" blocks the colored man's path. And the white man may with possible profit pause long enough to ask the deeper significance of the Negro's finding of himself. May it not be only part of a general awakening of the darker races of the earth? Captain H. A. Wilson, of the English Army, says that through all Africa there has penetrated in some way a vague confused report that far off somewhere, in the unknown, outside world, a great war has been fought between a white and a yellow race and won by the yellow man. And even before the Japanese-Russian conflict, "Ethiopianism" and the cry of "Africa for the Africans" had begun to disturb the English in South Africa. It is said time and again that the dissatisfaction and unrest in India are accentuated by the results of this same war. There can be no doubt in the mind of any man who carefully reads American Negro journals that their rejoicing over the Japanese victory sounded a very different note from that of the white American. It was far from being a mere expression of sympathy with a people fighting for national existence against a power which had made itself odious to the civilized world by its treatment of its subjects. It was, instead, a quite clear cry of exultation over the defeat of a white race by a dark one. The white man is no wiser than the ostrich if he refuses to see the truth that in the possibilities of race friction the Negro's increasing consciousness of race is to play a part scarcely less important than the white man's racial antipathies, prejudices, or whatever he may elect to call them.

In its final analysis, the sum and substance of the ultimate demand of those Americans of African descent whose mental attainments and social equipment identify them much more closely with the Anglo Saxon than with the Negro masses is definitely and clearly stated in the words of Dr. Dubois:

"There is left the last alternative—the raising of the Negro in America to full rights and citizenship. And I mean by this no halfway measure; I mean full and fair equality. That is, the chance to obtain work, regardless of color; to aspire to position and preferment on the basis of desert alone; to have the right to use public conveniences; to enter public places of amusement on the same terms as other people; and to be received socially by such persons as might wish to receive them. These are not extravagant demands, and yet their granting means the abolition of the color line. The question is, Can American Negroes hope to attain to this result?"

With equal clearness and precision, and with full comprehension of its larger meaning and significance and ultimate possibilities, the American white man answers the question in the language of another eminent American sociologist, Prof. Edward A. Ross, in contrasting the attitudes of Anglo-Saxons and Latins toward other races on this continent, says:

"The superiority of a race cannot be preserved without pride of blood and an uncompromising attitude toward the lower races. * * .* Whatever may be thought of the (latter) policy, the net result is that North America, from the Bering Sea to the Rio Grande, is dedicated to the highest type of civilization; while for centuries the rest of our hemisphere will drag the ball and chain of hybridism."

And thus the issue is joined. And thus also perhaps we find an answer to our own question whether racial friction in this country is increasing and inevitable.

There is the whole story of civil rights in the North.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICE. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. BILBO. I shall be delighted to yield for a question.

Mr. BARKLEY. The question is: Is the Senator from Mississippi ready to suspend at this hour?

Mr. BILBO. I shall be happy to suspend if I may continue tomorrow, because I have just started.

Mr. CONNALLY. Mr. President, I understand that that means that the Senator requests unanimous consent that suspending his remarks now shall not interfere with the continuation of his speech.

The PRESIDING OFFICER. Is there any objection to the Senator from Mississippi proceeding tomorrow?

Mr. CONNALLY. Without yielding.

The PRESIDING OFFICER. Without losing the floor.

Mr. CONNALLY. Without prejudicing at all his right to the floor.

The PRESIDING OFFICER. Is there any objection?

Mr. WAGNER. Mr. President, I inquire whether it is the intention of the Senator from Mississippi to hold the floor against some Senator who may wish to speak on the other side of this question?

Mr. BILBO. I have no evidence of any anxiety on the part of the proponents of the measure to explain it to the Senate.

Mr. BARKLEY. Mr. President, in that connection I desire to say that the Senator from Pennsylvania [Mr. GUFFEY] has advised me that he would like to speak briefly tomorrow, probably for 30 minutes; and I suppose an arrangement may be made by which the Senator from Mississippi will yield for that purpose without in any way prejudicing himself.

Mr. CONNALLY. Reserving the right to object——

Mr. BARKLEY. I am not making any request at all, because it is an arrangement that must be made between Senators.

Mr. CONNALLY. The Senator from Texas is rather astounded that the Senator from New York should make even a tentative objection to this procedure, because of the fact that the other day the Senator from Texas was somewhat instrumental in having the Senator from Utah [Mr. KING] give way and relinquish the floor in order that the Senator from New York might speak when, if, and how it was convenient to him. Now the Senator from New York asks that the Senator from Mississippi, instead of finishing his speech, shall stop and give way to some other Senator who has had 4 weeks in which to speak, and who during that time has been well and able and husky. The Senator from Texas is astonished that any Senator should insist on that sort of procedure.

Mr. WAGNER. Mr. President, I think the Senator from Texas misunderstood me. I understand that the Senator from Pennsylvania [Mr. GUFFEY] desires to address the Senate, if possible, tomorrow. I simply asked the Senator from Mississippi—I think it was a very polite question—whether he intended to hold the floor all day tomorrow, or whether he would agree to give way to the Senator from Pennsylvania if he desired to address the Senate. I think that was not an impolite question to ask.

The PRESIDING OFFICER. The Chair understands that the Senator from Mississippi will gladly yield, provided he does not lose the floor. Is that correct?

Mr. BILBO. Yes. I have made arrangements to finish the discussion of this subject in about 27 days. I shall be glad, though, to yield in the meantime to a speech from any Senator who wishes to bring us some information on the subject matter of the bill.

Mr. BARKLEY. In view of the fact that the Senator from Mississippi has just advised the Senate that he has 27 days more of his speech, it occurred to me that probably any Senator who might obtain an opportunity to speak on the subject on either side would have to do it through an arrangement with the Senator from Mississippi, who would yield to any Senator who wanted to speak more briefly, provided it was not taken out of his 27 days.

Mr. CONNALLY. Reserving further the right to object, I suggest that that is a matter which can be arranged on

tomorrow. If the Senator from Mississippi desires to give way to the Senator from Pennsylvania, well and good. I shall make no objection; but when the Senator from Mississippi has the floor, and is still making his speech, I do not see any reason why he should give way to some other Senator.

Mr. BILBO. I hope to finish this particular line of thought and give the Senator from Pennsylvania [Mr. GUFFEY] an opportunity to speak tomorrow.

Mr. WAGNER. Mr. President, I hope the leader on this side will also take note of the statement of the Senator from Mississippi that he proposes to hold the floor for 27 days.

Mr. BARKLEY. Yes; I did take note of it, with the suggestion that if any other Senator wants to make a speech within that time it will have to be through an arrangement with the Senator from Mississippi, who is threatening a 27-day oration to the Senate.

I am satisfied that there will be no difficulty in arranging the matter between the Senator from Mississippi and the Senator from Pennsylvania or any other Senator who wishes to speak on the subject. So much complaint has been made because the proponents of the bill have not been willing to speak that certainly there ought not to be any objection when one of them comes forth and offers to uphold his side of this question.

Mr. CONNALLY. Mr. President, reserving the right to object, let me say that no one objects to Senators speaking who wish to advocate the bill; but we think they are no better than other Senators, and that they ought to get the floor in the regular way, as other Senators have done. Merely because a Senator is going to speak for the bill, we see no reason why a traffic escort should march through the Senate and wave out of the way all those who are opposed to the bill and give him preferred time and preferred place.

There is no one in the Senate whom I would rather hear speak for the bill than the Senator who is expected to speak tomorrow.

Mr. MCNARY. Mr. President, I desire to announce that the Senator from Maine [Mr. HALE] wishes to speak tomorrow, if the opportunity shall offer itself.

Mr. CONNALLY. Mr. President, has the request been submitted?

The PRESIDING OFFICER. The request has been submitted. The Senator from Mississippi will have the floor tomorrow. There was no objection.

Mr. CONNALLY. The Senator may proceed without being interfered with.

The PRESIDING OFFICER. That is the agreement.

RESPONSIBILITY FOR ARTICLE ENTITLED "U. S. A. DOES AUSTRALIA A SECRET SERVICE"

Mr. NYE. Mr. President, would the Senator from Kentucky have any objection to the presentation of a resolution to lie on the table, and the offering of certain documents in support of the resolution?

Mr. BARKLEY. What is the nature of the resolution?

Mr. NYE. I send it to the desk and ask to have it read. It is very brief.

Mr. BARKLEY. I do not think I have objection to the offering of the resolution.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The resolution (S. Res. 230) was read, as follows:

Resolved, That the Secretary of State is requested to ascertain, through such channels as may be at his command, the authority or responsibility for the article entitled "U. S. A. Does Australia a Secret Service," appearing in the Australian newspaper "Smiths Weekly" of October 16, 1937, and report his findings to the Senate of the United States, if not incompatible with the public interest.

Mr. NYE. I ask that the resolution lie on the table.

The PRESIDING OFFICER. The resolution will lie on the table.

Mr. NYE. Mr. President, in connection with the resolution I should like to call to the attention of the Senate a rather amazing disclosure which comes from an Australian newspaper under date of Saturday, October 16, 1937, the publication being Smiths Weekly, which is very widely read. The front page of this particular issue is given over to a lengthy detail under the heading—

United States of America does Australia a secret service—Amelia Earhart search made the opportunity—Plane observers over Japanese Pacific bases—Tip was given our defense department.

The story proceeds to reveal that our Navy had gone out of its way during the Amelia Earhart search and had spied, so to speak, upon certain Japanese bases; moreover, that the information which the Navy obtained was shared with the British Admiralty.

When this matter first came to my attention I conveyed the evidence to the Secretary of State and to the Secretary of the Navy, and asked whether the report as published was authentic. I received from each of them a declaration that no such practice had been undertaken, that no information had been obtained to share with the British Admiralty or any other foreign officials. There is left in my mind, however, the question of what force is at work in our country and in other countries to build and breed fear and suspicion of one another to the end that there may be a larger indulging in the present-day international armament race.

I ask unanimous consent that there be printed in the RECORD in connection with my remarks the story as published in Smiths Weekly, to which I have referred, an article appearing in the Philadelphia Inquirer of yesterday, Sunday, February 6, my letters of inquiry to the Secretary of State and the Secretary of the Navy, and their responses thereto.

The PRESIDING OFFICER. Is there objection?

Mr. BARKLEY. Mr. President, in connection with the resolution offered by the Senator—although I do not care to discuss it at this time—it seems to me that, with all the burdens already on the Secretary of State, it is asking him to undertake a good deal to make an investigation as to the responsibility for and authorship of some article appearing in an Australian newspaper or magazine. Why center on the Secretary of State to find out who wrote the article?

Mr. NYE. The inquiry centers on the Secretary of State on the assumption that he is the only one having access to such channels as might reveal the information desired.

Mr. CONNALLY. Mr. President, reserving the right to object, why does not the Senator from North Dakota withhold this material until some action is had on his resolution? I do not see that this kind of publication is at all helpful to the foreign relations of the United States, as tending to our peace and to good fellowship between nations. I do not know what the material is. It seems to be some rigmarole about an article published in Australia raising some questions against our Government. I think we ought to wait for action on the resolution before the material is published in the RECORD.

Mr. NYE. Mr. President, I think the information should be in the RECORD for use when the resolution is considered.

Mr. BARKLEY. Mr. President, I think there is merit in the suggestion of the Senator from Texas. Personally I should like to have an opportunity to examine the material which the Senator desires to have inserted in the RECORD, and if he will withhold it until tomorrow, I may have no objection to it; but it is impossible to guess at what an article coming from Australia, with the implications carried in it, may convey. I do not know that there will be any serious objection to it being printed. Certainly the resolution offered by the Senator would not come up tomorrow, at any rate.

Mr. NYE. Certainly not.

Mr. BARKLEY. So that no time will be lost by withholding the material.

Mr. NYE. I have no objection to the Senator from Kentucky having access to the material, but I think it ought to be made a part of the RECORD so that other Members of the Senate may see what its general nature is. I may say that the publication of no part of it would reflect in any degree upon our own Government, or any official of it.

Mr. BARKLEY. I hope the Senator will not insist on its publication today. I should like to look it over.

Mr. NYE. Would the Senator object to having the letters from the Secretary of State and the Secretary of the Navy printed in the RECORD?

Mr. BARKLEY. They do not pertain to this Australian article, do they?

Mr. NYE. They pertain to the same article.

Mr. BARKLEY. I think, if they are to be inserted in the RECORD, all the matter should go in together.

Mr. NYE. Very well.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, February 8, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 7 (legislative day of January 5), 1938

COLLECTORS OF CUSTOMS

Fountain Rothwell, of University City, Mo., to be collector of customs for customs collection district No. 45, with headquarters at St. Louis, Mo. (Reappointment.)

Adrian Pool, of El Paso, Tex., to be collector of customs for customs collection district No. 24, with headquarters at El Paso, Tex. (Reappointment.)

REGISTER OF LAND OFFICE

Ellis Purlee, of California, to be register of the Land Office at Sacramento, Calif. Reappointment.

PUBLIC HEALTH SERVICE

Assistant Dental Surgeon Dwight K. Shellman to be passed assistant dental surgeon in the United States Public Health Service, to rank as such from March 1, 1938.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL ADMINISTRATIVE CORPS

To be second lieutenants with rank from date of appointment

Second Lt. Leonard Paul Zagelow, Infantry Reserve.
George Henry Wilson.
James Wheeler McCormley.
Ernest William Bye.
John Valdo Painter.

PROMOTIONS IN THE NAVY

Commander Joel W. Bunkley to be a captain in the Navy, to rank from the 3d day of June 1937.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 1st day of December 1937:

Joseph J. Clark
Albert M. Bledsoe

Lt. Corydon H. Kimball to be a lieutenant commander in the Navy, to rank from the 1st day of December 1937.

Lt. (junior grade) John W. Davison to be a lieutenant in the Navy, to rank from the 3d day of June 1937.

Ensign Warren S. Macleod to be a lieutenant (junior grade) in the Navy, to rank from the 31st day of May 1937.

Assistant Paymaster Jack O. Wheat to be a passed assistant paymaster in the Navy, with the rank of lieutenant, to rank from the 30th day of June 1937.

MARINE CORPS

Maj. John T. Walker to be a lieutenant colonel in the Marine Corps from the 1st day of December 1937.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 7, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Strong Son of God, Immortal Love, make us partakers of the strength and tenderness which Thou hadst before the world was; give glad assurance to each heart. O Thou who hast brought us safely to the beginning of this day, our souls wait for Thee. We pray Thee to make us worthy of Thy continued love and mercy and faithful to our calling. Lord God of the nations, let not Thy voice die away in the disconsolate and empty spaces of this world. Let there come a mighty spiritual power from Thy throne. Oh, give deliverance and make the wrath of men to praise Thee and save them from the tyrannies of war. Do Thou preserve Thy people forever against any government by massacre. We beseech Thee in these times of crises, hold our fellow citizens in the unity of patience, forbearance, and in the spirit of the Carpenter of Nazareth. Almighty God, upon our President, our Speaker, and the Congress have devolved great and even weary responsibilities. Do Thou preserve their strength and sustain them with sure directive wisdom. In the dear Redeemer's name. Amen.

The Journal of the proceedings of Friday, February 4, 1938, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendments of the House to the bill (S. 371) entitled "An act for the relief of William R. Kellogg," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. LOGAN, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate had adopted the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the engrossed bill (S. 2194) to provide for the semiannual inspection of all motor vehicles in the District of Columbia, together with the engrossed House amendments thereto.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address delivered by Gen. Julian Schley, Chief of Engineers, before the Mississippi Valley Flood Control Association in Washington on January 19, 1938, and also an address delivered by him on January 20 before the Rivers and Harbors Congress, Washington, D. C.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE FARM BILL

Mr. JONES. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tonight to file a conference report on the bill H. R. 8505, the farm bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SNELL. Mr. Speaker, reserving the right to object, I would not have any definite objection to the conferees having until midnight to file the report, provided we may have some understanding as to when the matter will be brought up and that we will have a reasonable time to discuss it. This is a rather unusual situation, because it is practically a new bill of one hundred and twenty-odd pages, and the House is entitled to reasonable time to know what is in the bill in order to determine what finally to do with it.

Mr. JONES. It is not quite a new bill. It has some changes. A print was made and has been available in the document room since Saturday morning. This contains provisions of the bill. In order to have it before the Members of the House we announced to the House there would be

available Saturday morning copies of the bill. We had hoped to take this up on tomorrow for final disposition.

Mr. SNELL. The gentleman knows it is hardly a reasonable request to have a report filed at midnight tonight on practically a new bill of 120 pages and take it up tomorrow.

Mr. JONES. You have had the bill.

Mr. SNELL. It is almost impossible to understand it. I have been trying to do that myself.

Mr. JONES. We would like to take more time and have it brought up later, but, as the gentleman knows, the farm question is far reaching and in order to have it available for the present year, this has to be acted upon just as early as possible because planting time is near in the southern area.

Mr. SNELL. The gentleman has had 4 weeks to look it over and now he wants us to have but 4 minutes.

Mr. JONES. We have talked with various Members.

Mr. SNELL. How long has the committee had it in conference?

Mr. JONES. All of this is in the bill. We have had a full discussion of the whole problem. We have had a thorough discussion in the House when we were here before, and there was full debate at that time. I may say to the gentleman this follows largely, in my judgment, the philosophy of the House bill.

Mr. SNELL. Perhaps it does, but we want to be sure it does. Some of us are opposed to it anyway. If the gentleman is willing to agree to take this up on Thursday and give us reasonable time, I shall not object to his filing a report tonight.

Mr. JONES. The gentleman would still be opposed to it Thursday.

Mr. SNELL. Individually, I am opposed to the bill, but that is another matter.

Mr. JONES. I cannot see any reason, when planting is to begin in so short a period of time, why we should let this go over until Thursday, because it must then go to the Senate.

Mr. SNELL. I cannot see why you should let it go 4 or 5 weeks until this late date.

Mr. JONES. We had some disagreement with reference to certain provisions as between the House and Senate. If it had been left to the House conferees we would have been back here a month ago.

Mr. SNELL. A couple of days is not going to make very much difference.

Mr. JONES. I may say to the gentleman we were doing our best to keep the House bill intact.

Mr. SNELL. Granted that, we want to know about the bill, and I think I have made a reasonable request to let it go over until Thursday.

Mr. JONES. It has been available since Saturday morning, and a great many Members have secured copies since Saturday.

Mr. SNELL. I know that. I do not think my request is unreasonable, and I am going to insist on it. If the gentleman wants to force it down our throats, all right, but I believe I am making a reasonable request.

Mr. JONES. If the gentleman wants to take that responsibility, all right. I understand the gentleman objects.

Mr. SNELL. Unless we can make a reasonable arrangement, I certainly do object; yes.

Mr. JONES. I am willing to take the whole of tomorrow to discuss it.

Mr. SNELL. Well, we want more time than that. We want to go over the report.

Mr. Speaker, I object.

The SPEAKER. Does the gentleman from New York [Mr. SNELL] object?

Mr. SNELL. Yes.

COMMITTEE ON RULES

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a rule on the farm bill.

Mr. SNELL. I object, Mr. Speaker.

PERMISSION TO ADDRESS THE HOUSE

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, the Committee on Rules will meet at 12:45.

Mr. SNELL. That is satisfactory.

COMMITTEE ON PATENTS

Mr. KRAMER. Mr. Speaker, I ask unanimous consent that the Committee on Patents may have permission to sit during the session of the House today. We have subpenaed witnesses to appear before our committee, and we should like to continue our hearings for the remainder of the day.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in four particulars: First, concerning my statement before the Committee on Ways and Means; second, on the Ludlow amendment; and third and fourth, on general taxation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief extract from a message from the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

INVESTIGATION OF T. V. A.—NO FRIEND SHOULD FEAR RESULTS

Mr. MAVERICK. Mr. Speaker, on the second day of this session of Congress, on January 4, I introduced two resolutions for the investigation of the Tennessee Valley Authority. One was for a select committee, House Resolution No. 391, and the other was House Joint Resolution No. 550, which provided for investigation by the Federal Trade Commission.

At the outset I said that I did not care who or what body made the investigation, but that I believed a thorough investigation or study should be made of the T. V. A. I do not fear the result; besides, if anything is wrong, it should be corrected.

Since the introduction of these two resolutions to investigate, T. V. A. has been charged with selling power to monopolies and big industrial units at less than cost of production. These attacks have been made by the bitterest enemies of T. V. A., those who are generally recorded on the side of unregulated big business and monopoly. These new "friends" are like the baby-faced bandits of recent times—sweet, suave, smiling fellows who would filch the pockets of T. V. A. and use a big butcher knife at the first opportunity.

SOME CHARGES AGAINST T. V. A. ARE TRUE

But I must say that some of the charges against T. V. A. by its enemies are true, though conclusions differ with the individual. While I am glad that defense of the T. V. A. has been made, I believe the friends of T. V. A. should defend no practice which is either unwise or improper.

Since cheap power means so much to the domestic consumers of a great section of our country, and since T. V. A. is charged with selling power to private monopolies at less than cost, a study of the question would seem to be necessary.

In addition there has been considerable public controversy concerning monopolies in all fields, as well as in big business and various combinations in restraint of trade. Therefore it would seem proper to expand the investigation to cover all phases of monopoly or combinations in restraint of trade.

DOES NEW DEAL FOSTER OR FIGHT MONOPOLY? WHAT IS ITS POLICY?

Besides, the New Deal and the Democratic Party have been charged with inconsistency in the matter of monopoly—of fostering private monopoly on the one hand and threatening to destroy it on the other.

Is this true?

If so, Congress should find out, determine policies, then demand these policies be carried out. That is only fair, both to private endeavor and to the Government.

I have, therefore, in addition to the two resolutions to investigate T. V. A., introduced a joint resolution (H. J. Res. 581) entitled "To create a joint congressional committee on monopoly," which will provide for a thorough investigation of the question of monopoly in all its phases, and including the premeditated attempt of private monopoly to hamstring the President's power program. But the information I now submit concerns the Tennessee Valley Authority.

SOME PERSONALITIES—THE THREE DIRECTORS

Personalities themselves, or in themselves, are not issues. But the fate of the T. V. A. has been bound up in the personalities of the members of the three directors, all of whom are honest men. A discussion of them at this point, therefore, and before we proceed, ought to be of value.

Dave Lilienthal is unquestionably intelligent and capable. However, he is either unduly shy or excessively arrogant, and I am unable to determine which it is.

Last summer, when the T. V. A. was about to enter into the Arkansas Power & Light contract, I opposed it, informing Mr. Lilienthal of my objections, and by statement in the press. My opposition was, and still is, based chiefly upon the grounds that it did not contain proper provisions for regulation of resale rates by T. V. A. as provided for in the act. (See below I, Arkansas Power & Light.)

Mr. Lilienthal knew my attitude and that of several other Members of the House before whom he appeared and defended this contract. Although we were all interested in private power contracts of T. V. A., I am sure he did not even mention any industrial contracts.

Moreover, he left the impression, or I got the impression, that all T. V. A. contracts were short-term agreements. I was somewhat astonished to find out afterwards that T. V. A. had entered into many long-term contracts with industrial organizations, some of them usually classified as monopolies.

CATERWAULING IN PUBLIC—HARCOURT MORGAN IN DOG HOUSE

During the conference mentioned Mr. Lilienthal volunteered no information, and I would not say that he scrambled down in any big hurry from Mount Olympus in order to let us shine in the light of his impeccable knowledge. I would not say that he was bubbling over with cooperation and frankness.

This lack of frankness is also true of Chairman Morgan. It has been said that Chairman Morgan has abandoned his love of public power and is the one who wants to give out contracts to private utilities and to have various "pools," which would, in actual effect, destroy the ideals of the T. V. A. But Dave Lilienthal favors the industrial contracts and the contract to the Arkansas Power & Light Co., and investigation may prove they are just as bad.

Any investigation, therefore, would determine the actual facts in reference to this and if either or both of them are right. Both of these gentlemen are evasive in answers to members of Congress, but both of them caterwaul in public at each other whenever they feel like it. The reason for this caterwauling might be determined by a congressional committee.

Insofar as the testimony of these two gentlemen which I have had the honor of hearing, about the only difference is that Mr. Lilienthal smiles and evades all questions, and Mr. Morgan looks solemn and evades all questions.

As for the third member of the board, Mr. Harcourt Morgan, a distinguished educator, he is an honest man, too, but he has been kept in the dog house, hidden out practically all the time by Chairman Morgan and Mr. Lilienthal. What he would say if he got out of the dog house I do not know. For all I know, and from what I can find out, the other two might be the ones who belong in the dog house. But in any event the wrangling must be stopped.

But one can only conclude that the attitude of the board as a whole is somewhat similar to that of certain executives of big corporations—they want business (T. V. A.) "to be let alone by the Government." This is no reflection upon the integrity of the T. V. A. directors; however, I seem to discern a superior attitude toward men of common clay (Congressmen) who are merely elected to serve the people.

This lofty attitude is possessed by some of the high bojums and key cockalorums of the T. V. A. My idea is that all of them should be requested to dismount from their high-horses and talk with us poor, benighted fellows in order that we may be enlightened.

ANALYSIS—ANNUAL REPORT OF THE T. V. A. FOR 1937

But let me analyze the annual report for 1937 of the T. V. A., which I have before me, and which was submitted to Congress on December 31, 1937, and which I have examined more thoroughly since I introduced the resolutions for investigation of T. V. A. on January 4.

A fair analysis of T. V. A. contracts is found on pages 23 and 24 (see below, II, Contracts of T. V. A.) and all these contracts are set forth in full in the report beginning on page 133.

What astonishes and deeply troubles me is that, according to this T. V. A. report, out of an installed generating capacity of 350,000 kilowatts—Wilson, Wheeler, and Norris Dam (see p. 90 of the annual report for 1937; the figure used by Senator McKELLAR was 348,000 kilowatts)—T. V. A. has contracted away for long terms of from 10 to 20 years approximately 287,350 kilowatts to some of the greatest and most notorious industrial monopolies in this country (see pp. 23 and 24 of annual report of 1937 and below) or a little over 82 percent of the installed generating capacity of these dams. Of this 287,350 kilowatts, approximately 137,850 kilowatts is primary or firm power.

This figure of 287,350 kilowatts was arrived at by simple addition of the figures shown on the T. V. A. table on page 24 of the annual report, and it includes the 40,000 kilowatts to the Arkansas Power & Light Co. It also includes 8,000 kilowatts to Sardis Dam, which is listed as an industrial contract, but may be operated by the War Department. This contract is not set forth in the annual report.

COOPERATIVES, CITIES PAY TWICE AS MUCH AS INDUSTRIALS

The charge for this power averages approximately 2½ mills per kilowatt, when the charge to municipalities is over double that amount. On page 20 of the annual report is the following:

> The average price of T. V. A. power sold to small municipalities and cooperative associations during the fiscal year was 5½ mills.

One of the most astonishing things to me about these contracts is that T. V. A. has contracted away to the Aluminum Co. of America alone 112,000 kilowatts of electric energy, which is more than the entire installed or future generating capacity of Norris Dam. This is the same Mellon Aluminum Trust that the Department of Justice is now proceeding against for violation of antitrust laws. It might be a good idea to change the name of the Norris Dam to "the Mellon Dam" and then there would be no inconsistency. The terms of these contracts as to time are more fully covered below. (See below III, Terms of contracts and information concerning Aluminum Co. of America.)

POLICY OF CONGRESS—HAS T. V. A. FOLLOWED IT?

Now, what does this mean? This means that there are only 62,650 kilowatts left for the Federal Government, States, municipalities, and cooperatives, when the law requires that

T. V. A. not only give preference to municipalities and cooperatives but that it is the declared policy of the T. V. A. Act to distribute this power primarily to domestic consumers.

The act specifically provides:

> • • • and in the sale of such current by the Board, it shall give preference to States, counties, municipalities, and cooperative organizations of citizens or farmers, not organized or doing business for profit, but primarily for the purpose of supplying electricity to its own citizens or members. (May 18, 1933, ch. 32, sec. 10, as amended August 31, 1935, ch. 836, sec. 6, 49 Stat. 1076.)

It further provided:

> It is hereby declared to be the policy of the Government so far as practical to distribute and sell the surplus power generated at Muscle Shoals equitably among the States, counties, and municipalities within transmission distance. This policy is further declared to be that the projects herein provided for shall be considered primarily as for the benefit of the section as a whole and particularly the domestic and rural consumers to whom the power can economically be made available, and accordingly that sale to and use by industry shall be a secondary purpose. • • • (May 18, 1933, ch. 32, sec. 11, 48 Stat. 64.)

(See also Annual Report of T. V. A. for 1936, pp. 8, 25.)

Congress laid down a policy; has T. V. A. followed this policy?

It appears from any reasonable inquiry into the law that T. V. A. in contracting away the greater part of this power to great industrial monopolies is in direct violation of the context and purpose of the act. When this power is contracted away to price-fixing industrial monopolies the domestic consumer cannot get any benefit from the power at all.

Manifestly T. V. A. in contracting away approximately 82 percent of this power to these industrials is reversing not only the intention of Congress but also the expressed policy as laid down in the act by making the distribution of power to industrials and cooperatives a "byproduct" of the primary sales to industrials.

It appears to be a case where the good old dog, T. V. A., owned by the public, is getting a terrific wagging from these industrial corporations. The Arkansas Power & Light Co. contract becomes insignificant when compared with these industrial contracts, but the Arkansas Power Co. precedents established are equally as bad, if not worse.

DEFENSE OF T. V. A.: LITIGATION, PLENTY OF POWER AVAILABLE?

On the other hand, T. V. A. defends these contracts by saying that the Authority has been tied up in all kinds of Power Trust litigation, and the statement that they have been tied up is true.

That is another reason for investigation—the Power Trust litigations.

T. V. A. claims that within a week after the three-judge court had definitely determined the T. V. A. was constitutional three municipalities were signed up; that before that people were afraid to sign up on account of litigation.

More, the T. V. A. says that plenty of power will be available for municipalities and cooperatives; that in the meantime they make $2,500,000 per annum out of four companies.

This sounds good; it makes good reading. But what is the purpose of the T. V. A.? Is the immense investment of the people to be diverted to selling power to monopolies, jeopardizing the sale to the consuming public at low rates? And if precedents are established similar to the Arkansas Power & Light Co., the result may be some trick contracts to holding companies who, with a series of other companies, will evade the intention of the act entirely.

It seems sickeningly futile and brazenly hypocritical for Congress to be setting out policies, for the New Deal to be fighting monopolies, and then turning around and playing the taxpayer's ball with holding companies and monopolies.

Because of the consistent fight of the President for public power, and the change in the complexion of our courts, especially the Supreme Court, the Power Trust has been beaten to its knees. The Power Trust is screaming, with one of its most artful screamers, Brother Wendell Willkie, screaming off a song that would make a man of iron heart weep like a water bucket punched with holes.

I ask—and I know the American people want to know—in such a case, are we going to sell our birthright for a very messy mess of pottage?

EIGHTY-TWO PERCENT POWER TO PRIVATE INDUSTRIAL MONOPOLIES

I wonder what is all this business of handing over some 82 percent of the installed generating capacity to these industrial monopolists. Was it a scheme to defeat the power program of the President by tieing up cheap power for 20 years or more; was it deliberate on the part of the T. V. A., or what was it?

I do not know, but Congress ought to find out and correct the situation and also force the following of its policies in the future. In any event, I have some interesting evidence; it should be considered.

It follows:

NEW YORK PUBLIC SERVICE COMMISSION OPINION CONCERNS AUTHORITY

In an opinion of the Public Service Commission for the State of New York, in case No. 9002, in the matter of the proceedings on motion of the commission as to rates, charges, classification, or regulations of the Niagara Falls Power Co., decided May 25, 1937—page 6—the commission quotes the following testimony of a representative of one of these large industrial combinations which have the cheap power at Niagara Falls tied up:

> We are approached by T. V. A. with offers of blocks of power such as we use here at a price as low or lower than we are paying in Niagara Falls, and also, as Mr. Gormerly has pointed out, for a term of 20 years.
>
> We do not doubt that we could get it with a provision for renewal of contract at the end of 20 years.

The Mr. Gormerly referred to is the same Mr. Gormerly whose signature is attached to the Electro Metallurgical contract with T. V. A., which contract cannot be canceled by T. V. A. for a period of 20 years. (See p. 320 of the Annual Report of T. V. A. for 1937.) Therefore, I think an investigation should determine whether T. V. A. has been actually peddling this power to these industrial monopolies for long-term periods.

Congress did not intend that the cheap power produced by T. V. A. should be exploited by the same industrial monopolies which have practically all the available cheap hydroelectric power tied up elsewhere in this country today, to the exclusion of the great masses of domestic consumers.

I believe that even the most enthusiastic friends of T. V. A., and I class myself as one, should welcome an investigation of the disposal of power from these projects. I do not like the way things are going.

SHALL T. V. A. BE SWALLOWED UP BY PRIVATE MONOPOLIES?

I am not interested in pulling anyone's chestnuts out of the fire. Let us have a full disclosure of the facts, and let it hit whomever, whatever practice or policy ought to be hit. Let us be certain that the people's electricity is not monopolized by a greedy few. It would be a silly and a tragic situation if this great public enterprise, paid for by the public and created by them and for them, should be diverted by giving its fruits to private, selfish monopolies. One thing is sure: The gobbling up of this power by these great monopolies must be stopped, because if it keeps on at the rate it is now going the great mass of the people will be deprived of a cheap source of electricity, produced by T. V. A.

Mr. Speaker, the matter which I have submitted is documented by the Annual Report of T. V. A. and other matter.

But I suggested in the beginning that this investigation be expanded to include all monopolies. And I think this should be done, for all independent business is directly affected by what monopolies do. If monopolies are permitted to go wholly unregulated, to raise prices at will, to indulge in practices of waste, this destroys the market of the capitalistic business or endeavor and destroys free competition.

Manifestly, certain great industrial and utility monopolies are making a desperate fight to hamstring and defeat the President's power program by monopolizing all of the cheap public power, and it looks as if the Power Trust has gotten in some very shrewd and hard knocks.

So, let us have the investigation.

I. ARKANSAS POWER & LIGHT

The Tennessee Valley Authority Act provides:

And provided further, That as to any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the Board shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, it shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be made to the ultimate consumer of such electric power at prices that shall not exceed a schedule fixed by the Board from time to time as reasonable, just, and fair; and in case of any such sale, if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Board, the contract for such sale between the Board and such distributor of electricity shall be voidable at the election of the Board (May 18, 1933, c. 32, sec. 12, 48 Stat. 65).

Notice that the word "shall" is used here. It is not discretionary, therefore, with the Authority to fix the resale rate for power, but it is mandatory. There is this further provision in this regard which should be noted, which was made a part of the act in 1935:

Provided further, That the Board is authorized to include in any contract for the sale of power such terms and conditions, including resale rate schedules, and to provide for such rules and regulations as in its judgment may be necessary or desirable for carrying out the purposes of this chapter, and in case the purchaser shall fail to comply with any such terms and conditions, or violate any such rules and regulations, said contract may provide that it shall be voidable at the election of the Board (May 18, 1933, c. 32, sec. 10, as amended Aug. 31, 1935, c. 836, sec. 6, 49 Stat. 1076).

However, this latter provision in no way modifies the Commission's obligation to fix resale rates under the first quoted provision. It will be noted that the word "may" is used in this latter provision instead of "shall."

Section 12, the Arkansas Power & Light contract (Annual Report of T. V. A., 1937, p. 299) provides:

12. Resale of power: (a) This agreement is made by Arkansas Co., in lieu of the construction by it of additional electric generating facilities, to supply power to meet the expanding requirements of Arkansas Co.'s own consumers, and in substitution for other power purchases by Arkansas Co., and not for resale to other utilities. It is recognized that Arkansas Co., in the ordinary conduct of its business, purchases power from and sells power to other utilities, and that the power purchased hereunder will form a part of the aggregate power supply from which such sales will be made. Arkansas Co. agrees, however, that except as it may sell power to other utilities in the ordinary conduct of its business, it will not, directly or indirectly, subcontract or resell to any utility all or any part of the power purchased by it hereunder.

(b) If Arkansas Co. shall resell to the ultimate consumer any power supplied by Authority hereunder, for an amount which is in excess of any applicable schedule fixed by Authority for the resale of such power, the remedy of Authority shall be to cancel this agreement; and if Authority shall elect to cancel this agreement for the cause aforesaid, such cancelation shall be effected by delivering to Arkansas Co. 2 years' written notice of intention to cancel this agreement. If any schedule for the resale of such power fixed by Authority shall in the judgment of Arkansas Co. be or become less than a fair and reasonable schedule of rates for the service to be rendered thereunder, and Arkansas Co. shall so advise Authority and Authority should within 60 days after written request so to do fail or refuse to agree to a new schedule of resale rates which in the judgment of Arkansas Co. shall be fair and reasonable, Arkansas Co. shall thereupon have the right to cancel this agreement at any time within 2 years after Authority shall have failed or refused to agree to such new schedule by delivering to Authority written notice of intention to cancel this agreement on a date within such 2-year period to be specified in such notice.

If either party shall notify the other of its intention to cancel this agreement pursuant to this section 12 (b), Arkansas Co. shall not be required to reduce its then applicable rate schedules prior to the effective date of the cancelation.

It will be noted that under section 12 (b) of this contract it is provided that T. V. A. may cancel the contract upon 2 years' written notice if the Arkansas Power & Light Co. does not fix its resale rates to domestic consumers according to the T. V. A. schedule. It will also be noted further that the Arkansas Power & Light Co. is not required to so reduce its rates according to the T. V. A. schedule during this 2-year period. In other words, under the provisions of this contract the Arkansas Power & Light Co. can continue for a period of 2 years to charge its domestic consumers any rate it sees fit for T. V. A. power. This, of course, appears to be in direct violation of the above-quoted section of the T. V. A. Act.

Why did not T. V. A. provide that if the T. V. A. resale schedule was not complied with immediately the contract would immediately be canceled as the act provided? Under the terms of this contract T. V. A. may not even elect to cancel the agreement, or may fix any sort of resale rates at any time which may be much higher than is charged by municipalities and cooperatives.

JOKER IN CONTRACT—IS IT A DELIBERATE TRICK?

Furthermore, there is a joker in this section 12. Section 12 (b) provides that T. V. A. shall have authority to fix the resale rates only in case the Arkansas Power & Light Co. sells the power to the ultimate consumer. Under the provisions of section 12 (a) it is possible that none of this power will be delivered to the ultimate consumers, but may be sold to other utilities, affiliates of the Arkansas Power & Light Co., or other companies, in which case T. V. A. would have no supervision over the resale of the power, in which case the contract would run for the full 5-year initial period without any resale supervision (sec. 1, p. 294). To say the least, this Arkansas Power & Light contract does not comply with the spirit of the act and it is very doubtful as to whether it comes within the letter of the act.

I am not in favor of any contracts with private utilities which provide for the sale of T. V. A. power, which do not provide that the power shall be resold to domestic consumers unless at prices fixed by T. V. A. schedules. I am not in favor of turning this power over to these utilities who have been robbing the people for years by charging excessive rates without seeing to it that they do not continue to charge the consumer high rates and pocket the profits of cheap T. V. A. power, but, as stated above, this Arkansas Power & Light contract is nothing as compared to the industrial contracts. If this power is contracted away to these great industrial price-fixing monopolists, the domestic consumers will get absolutely no benefit from the power whatsoever.

II. CONTRACTS OF T. V. A.

Analysis of T. V. A. power contracts for the disposition of power, October 1937

	Total customers served by contractors, June 30, 1937	Type of service under contract	Date of contract	Date of initial T. V. A. service	Character of load contracted for
MUNICIPALITIES NOW SERVED					
1. Amory, Miss.	880	Wholesale	Mar. 9, 1934	Sept. 2, 1934	Entire requirements.
2. Athens, Ala.	1,651	do	Apr. 6, 1934	June 1, 1934	Do.
3. Bolivar, Tenn.	310	do	Dec. 31, 1935	July 20, 1936	Do.
4. Dayton, Tenn.	838	do	Sept. 12, 1934	Feb. 19, 1935	Do.
5. Dickson, Tenn.	831	do	Oct. 23, 1935	May 12, 1936	Do.
6. Florence, Ala.	2,565	do	July 6, 1936	July 15, 1936	Do.
7. Holly Springs, Miss.	627	do	Nov. 12, 1935	May 15, 1936	Do.
8. Jackson, Tenn.[1]	(1)	do	Oct. 16, 1935	July 18, 1936	Do.
9. Milan, Tenn.	674	do	Dec. 31, 1935	do	Do.
10. Muscle Shoals City, Ala.	130	do	Jan. 19, 1935	Oct. 14, 1933	Do.
11. New Albany, Miss.	1,524	do	Sept. 13, 1934	Nov. 12, 1934	Do.
12. Okolona, Miss.	734	do	Apr. 23, 1935	July 14, 1935	Do.
13. Pulaski, Tenn.	1,021	do	Mar. 8, 1934	Jan. 4, 1935	Do.
14. Sheffield, Ala.	113	do	Mar. 16, 1936	Mar. 16, 1936	Do.
15. Somerville, Tenn.	261	do	Dec. 31, 1935	July 25, 1936	Do.
16. Tupelo, Miss.	1,947	do	Sept. 13, 1933	Feb. 7, 1934	Do.
17. Tuscumbia, Ala.	993	do	Mar. 8, 1937	Apr. 1, 1937	Do.

[1] Municipal service only.

II. CONTRACTS OF T. V. A.—continued

Analysis of T. V. A. power contracts for the disposition of power, October 1937—Continued

	Total customers served by contractors, June 30, 1937	Type of service under contract	Date of contract	Date of initial T. V. A. service	Character of load contracted for
COOPERATIVES NOW SERVED					
1. Alcorn County E. P. A.	2,401	Wholesale	June 1, 1934	June 1, 1934	Entire requirements.
2. Cullman County E. M. C.	972	do	Aug. 4, 1936	Aug. 8, 1936	Do.
3. Duck River E. M. C.	501	do	Oct. 31, 1936	May 27, 1936	Do.
4. Gibson County E. M. C.	790	do	Aug. 13, 1936	Aug. 13, 1936	Do.
5. Joe Wheeler E. M. C.		do	Sept. 24, 1935	Oct. 1, 1937	Do.
6. Meigs County E. M. C.	521	do	Oct. 14, 1935	Aug. 6, 1936	Do.
7. Middle Tennessee E. M. C.	671	do	Aug. 13, 1936	Dec. 10, 1936	Do.
8. Monroe County E. P. A.	373	do	July 19, 1935	Feb. 15, 1936	Do.
9. North Georgia E. M. C.	1,537	do	June 15, 1936	July 14, 1936	Do.
10. Pickwick E. M. C.	729	do	Aug. 26, 1936	Apr. 21, 1936	Do.
11. Pontotoc E. P. A.	1,026	do	Feb. 15, 1935	June 1, 1934	Do.
12. Prentiss County E. P. A.	953	do	June 13, 1935	do	Do.
13. Southwest Tennessee E. M. C.		do	Dec. 9, 1936	July 1, 1937	Do.
14. Tishomingo County E. P. A.	725	do	July 19, 1935	June 1, 1934	Do.
15. Tombigbee E. P. A.	2,369	do	Oct. 19, 1935	do	Do.
MUNICIPALITIES NOT YET SERVED					
1. Chatannooga, Tenn.		do	June 17, 1937		Do.
2. Knoxville, Tenn.		do	Feb. 19, 1936		Do.
3. Memphis, Tenn.		do	Nov. 23, 1935		Do.
4. Trenton, Tenn.		do	Aug. 23, 1937		Do.
5. Decatur, Ala.		do	Mar. 14, 1934		Do.
6. Russelville, Ala.		do	Mar. 13, 1934		Do.
7. Jackson, Tenn.		do	Sept. 1, 1937		Do.
8. Middlesboro, Ky.		do	July 29, 1937		Do.
9. Guntersville, Ala.		do	May 21, 1937		Do.
COOPERATIVES NOT YET SERVED					
1. Northeast Mississippi E. P. A.		do	Mar. 26, 1937		Do.
INDUSTRIALS NOW SERVED					
Alabama Asphaltic Limestone Co.		Direct	May 1, 1936	May 1, 1936	300 kilowatts firm.
Goodyear-Decatur Mills		do	do	do	3,000 kilowatts firm.
Lacey Asphaltic Limestone Co.		do	May 13, 1937	May 18, 1937	300 kilowatts firm.
L. & N. railroad shops		do	May 1, 1936	May 1, 1936	Do.
Rockwood, Ala., Stone Co.		do	do	do	1,000 kilowatts firm.
Robbins Rubber Co.		do	do	Dec. 4, 1934	300 kilowatts firm.
Wade & Richey Mining Co.		do	May 1, 1937	Apr. 28, 1937	150 kilowatts firm.
Monsanto Chemical Co.		do	June 15, 1936	Aug. 6, 1936	17,500 kilowatts firm, 32,500 kilowatts secondary.[2]
Aluminum Co. of America		Direct and interruptible	{July 17, 1936 / July 20, 1937}	Dec. 31, 1936 / June 1, 1938	30,000 kilowatts firm, 82,000 kilowatts secondary.[3]
INDUSTRIALS NOT YET SERVED					
Electro Metallurgical Co.		Direct	Aug. 17, 1937	June 1, 1939	24,000 kilowatts firm, 16,000 kilowatts secondary.[4]
Victor Chemical Co.		do	July 21, 1937	Feb. 1, 1938	16,000 kilowatts firm, 16,000 kilowatts secondary.[5]
Sardis Dam		Wholesale	June 3, 1937		8,000 kilowatts firm.
UTILITIES NOT YET SERVED					
Arkansas Power & Light Co.		do	June 16, 1937		20,000 kilowatts firm, 20,000 kilowatts secondary.[6]
TEMPORARY DIRECT SERVICE					
Alabama Power District	458	Direct		May 1, 1936	Entire requirements.
Colbert County, Ala.	497	do		Oct. 20, 1934	Do.
Lauderdale County, Ala.	1,076	do		Dec. 4, 1934	Do.
Lincoln County, Tenn.	646	do		Oct. 1, 1935	Do.
Knox, Roane, Union, and Anderson Counties, Tenn.	428	do			Do.

[2] Initial delivery after commencement of operations was 8,500 kilowatts firm and 8,000 secondary. Under contract customer can increase its load to 17,500 kilowatts firm and 32,500 kilowatts secondary, prior to Nov. 1, 1943.

[3] The contract of July 17, 1936, provided for an interchange of 12,000 kilovolt-amperes and the sale of 20,000 kilovolt-amperes of "at will power." This contract was amended as of July 20, 1937, to provide for the sale of an additional 20,000 kilovolt-amperes of "at will power." Another contract was entered into as of July 20, 1937, providing for the sale of 30,000 kilowatt firm and 30,000 kilowatt "run of stream" secondary; that is, power available 75 percent of the time.

[4] The contract calls for an initial delivery of 8,000 kilowatts firm but under the terms of the contract it is possible for the company to increase its requirements up to a total of 24,000 kilowatts firm and 16,000 kilowatts "run of stream" secondary prior to Oct. 1, 1941.

[5] The contract calls for an initial delivery of 8,000 kilowatts firm but under the terms of the contract it is possible for the company to increase its requirements up to a total of 16,000 kilowatts firm and 16,000 kilowatts "run of stream" secondary prior to Mar. 1, 1941.

[6] The contract provides for delivery of power as follows:
Date of initial service to June 30, 1938, 10,000 kilowatts interruptible.
July 1, 1938, to June 30, 1939, 15,000 kilowatts firm, 15,000 kilowatts interruptible.
July 1, 1939, to June 30, 1940, 20,000 kilowatts firm, 20,000 kilowatts interruptible.
July 1, 1940, to June 30, 1941, 25,000 kilowatts firm, 15,000 kilowatts interruptible.
July 1, 1941, to June 30, 1942, 30,000 kilowatts firm, 10,000 kilowatts interruptible.
After June 30, 1942, 35,000 kilowatts firm, 5,000 kilowatts "run of stream" secondary.

III. TERMS OF CONTRACTS AND INFORMATION CONCERNING ALUMINUM CO. OF AMERICA

The terms of the principal industrial energy contracts are as follows:

Aluminum Co. of America contracts cannot be canceled for a period of 10 years and may run for a period of 30 years. Section 5 of amendatory agreement of July 20, 1937, to agreement of July 17, 1936, page 314, Annual Report T. V. A., 1937, and section 18, contract of July 20, 1937, page 312.

Electro Metallurgical Co. contract of August 17, 1937, cannot be canceled by T. V. A. before the end of 20 years, but can be canceled by customer at any time (sec. 3, p. 316, 1937 Annual Report).

Victor Chemical Works contract, dated July 2, 1937. T. V. A. cannot cancel for a period of 20 years, but customer may at the end of 5 years (sec. 3, p. 303, 1937 Annual Report).

Monsanto Chemical Co. contract, dated May 15, 1936. T. V. A. cannot cancel for a period of 20 years if customer exercises option to extend (sec. 3, p. 196, of 1936 Annual Report).

These contracts are effective for a period of 10 to 20 years in spite of the fact that it is expressly provided in the T. V. A. Act (sec. 831 (i), title 16, U. S. C. A.):

That all contracts made with private companies or individuals for the sale of power which is resold for a profit shall contain a provision authorizing the Board to cancel said contract upon 5 years' notice in writing if the Board needs said power to supply the demands of States, counties, or municipalities. (May 18, 1933, c. 32, s. 10, as amended August 31, 1935, c. 1935, c. 836, s. 6, 49 Stat. 1076.)

Of course, from a technical standpoint probably this language may only prohibit T. V. A. from making contracts effective longer than 5 years with persons who resell the power or other public utilities. However, in any case when T. V. A. makes contracts with industrials which cannot be canceled for a period of 20 years, or even 10 years, it violates the spirit of the T. V. A. Act, if not the letter of the act. Under these industrial-energy contracts T. V. A. cannot cancel them for 10 to 20 years regardless of the fact that States, municipalities, and cooperatives may need the power.

ALUMINUM CO. OF AMERICA

In the case of the Aluminum Co. of America alone, T. V. A. has contracted away approximately 112,000 kilowatts (pp. 24, 150, 309, and 315 of the annual report for 1937), which is more than the installed or possible generating capacity of Norris Dam (pp. 61 and 62 of the annual report for 1937). These Aluminum Co. contracts are 20-year contracts, which cannot be canceled for a period of 10 years. (Authority above.)

The first sentence of section 5 of this amendatory agreement reads as follows:

This amendatory agreement shall take effect at midnight of December 31, 1937, and shall continue in effect until midnight of December 31, 1947, except that the parties may at any time prior thereto extend the agreement for an additional period of 5 years; and if so extended, the parties may at any time prior to midnight of December 31, 1952, by agreement extend this agreement until midnight of December 31, 1957.

As noted, the 1936 contract as amended by the amendatory agreement of December 31, 1937, may be extended until December 31, 1957, which makes it effective for a possible period of over 30 years, when the act provides that no contract shall be made for a term exceeding 20 years. (May 18, 1933, ch. 32, sec. 10, as amended August 31, 1935, ch. 836, sec. 6, 49 Stat., p. 1076.)

Moreover, T. V. A. is restricted by these contracts from selling power to any competitor of the Aluminum Co. of America or to a person producing commodities which might possibly compete with the Aluminum Co., or anyone else at a price less than it sells power to the Aluminum Co. What are we doing, building up private monopolies at the taxpayers' expense? (See sec. 6 of contract of July 17, 1936, p. 152 of the annual report, 1937; and sec. 2 of the amendatory agreement of July 20, 1937, p. 314; and sec. 10 of the contract of July 20, 1937, p. 311.) In other words, the Aluminum Co. is not content to gobble up the complete generating capacity of Norris Dam, but it fixed the price at which T. V. A. can sell power to other persons who might possibly compete with it.

Is this legal; and if legal, in the public interest? Congress should find out.

Is this preferential treatment for the Aluminum Co. of America and the Mellon family? Are we, the people, to build a dam at the people's expense, then accept an alleged $10,000,000 art gallery from the Mellon trustees, and then turn around and give the Aluminum Co. a $36,195,833.15 power project (p. 103 of the T. V. A. Annual Report, 1937)?

Moreover, T. V. A. has been crying about not having enough money to build transmission lines; but it had enough money to build a 35-mile transmission line from Norris Dam to Aluminum Co.'s plant at Alcoa, Tenn., over which to deliver this power. (See sec. 5 of the contract between the Aluminum Co. of America and T. V. A., dated July 17, 1936, p. 151 of the Annual Report of T. V. A. for 1937; and also p. 91.)

Furthermore, apparently the Aluminum Co. is now in the process of likewise tieing up the power from the Hiwassee Dam at the Fowler Bend site, now under construction, by the same process that it tied up the Norris Dam power. The Aluminum Co. agreement of July 17, 1936, provides for an interchange of power identical with the method used to tie up Norris Dam power. (See secs. 1, 3, and 13 of contract of July 17, 1936, p 151 of the annual report for 1937.)

As stated above, the other major industrial contracts cannot be canceled by T. V. A. until the end of 20 years, but may be canceled by the customer at any time.

PERMISSION TO ADDRESS THE HOUSE

Mr. SAUTHOFF. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

Mr. RAYBURN. Reserving the right to object, Mr. Speaker, I would be violating the promise I made the House if I did not object to a request to address the House for longer than 1 minute before the completion of the legislative program of the day.

Mr. SAUTHOFF. Would the gentleman object to a request to address the House for 1 minute?

Mr. RAYBURN. No.

Mr. SAUTHOFF. Mr. Speaker, I modify my request and ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SAUTHOFF. Mr. Speaker, I ask that the Clerk read the resolution which I send to the desk.

The Clerk read as follows:

Whereas under the Constitution the Congress is the only arm of the Government that has the right and the power to declare war; and

Whereas the right and the power to declare war carries with it the equally grave responsibility of keeping our people out of war; and

Whereas the President, in his special message of January 28, 1938, specifically sets forth that "at least one-fourth of the world's population is involved in merciless devastating conflict * * * armies are fighting in the Far East and in Europe"; and

Whereas in that same message the President urges a vast expenditure of funds for the building of additional ships for the Navy for the national defense of this country; and

Whereas the United States of America has for 150 years adhered to a policy which Washington expressed in his Farewell Address as "friendly relations with all; entangling alliances with none"; and

Whereas the people of the United States, as a free people, have departed from that policy only once, in 1917, and most of them now believe that that departure was an unqualified mistake; and

Whereas there seems to be great confusion in the public mind as to the purpose and policies of the present administration, the majority believing that this country is again to depart from its historic policy; and

Whereas we believe that a unified people is the strongest national defense, and an open, straightforward foreign policy wins the respect of all nations: Therefore be it

Resolved, That the House of Representatives respectfully requests the President of the United States to immediately make a statement to the House of Representatives as to the following matters:

1. Why should a policy of neutrality be enforced as to Europe and not as to the Far East?

2. Why should arms, munitions, and implements of war, loans and credits, and raw materials be furnished to so-called "pirate nations"?

3. For what war in 1942 or 1943 are we preparing, since this naval program cannot be completed until that time?

4. What understandings or agreements have been made with France and Great Britain, or either of them, relative to future wars?

5. Does the President of the United States intend to pursue the historic policy of the United States as laid down by Washington, or does he expect to depart from it, as was done in 1917?

Mr. WEST. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WEST. Mr. Speaker, shortly before the holidays the Florida delegation gave the Membership an opportunity to sample the merits of Florida grapefruit at which time the gentleman from Illinois [Mr. KELLER] made the statement on the floor the Texas delegation had boasted Texas grapefruit was the best in the world. He challenged them to furnish Congress a sample and let the Membership decide on the respective qualities. I am happy to announce on behalf of the Texas delegation we will tomorrow place Texas pinks in the cloakroom and invite each and all to sample them.

We desire particularly to call your attention to the fact that it is not necessary to take aspirin and bicarbonate of soda with Texas grapefruit, in fact you do not even need to add sugar, as it does not contain quinine. [Laughter and applause.]

EXTENSION OF REMARKS

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address I recently delivered on wildlife legislation.

I also ask unanimous consent to extend my own remarks in the RECORD and include therein an address made by Mr. Minor Hudson, national director of the United States Junior Chamber of Commerce, on the question of wildlife conservation.

Mr. RICH. Reserving the right to object, Mr. Speaker, may I ask my colleague if it is not contrary to the custom of the House to request the inclusion in the RECORD of addresses of under secretaries or minor officials of the various Government departments? If we continue this practice the CONGRESSIONAL RECORD will eventually be not a record of the proceedings of Congress but a record of the addresses of various men in the departments and men in different vocations all over the United States. In that event, the RECORD will not at all represent the proceedings of Congress.

Mr. CARTER. Does the gentleman desire to have my views on the subject?

Mr. RICH. The request should be objected to, but I am not going to object. I just want to call attention to the fact this practice is wrong.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, a few days ago I delivered an address on the floor of the House in which I touched on some of the incidents in the life of William McKinley. The editor of the Cincinnati Enquirer, one of the leading newspapers in America and a paper that has a wide circulation in my district and in all parts of southern Ohio, took occasion to criticize me with reference to one phase of my speech. I feel that one in public life must expect to be criticized if he does anything at all, and I recognize that one of the functions of a newspaper is to inform its readers on public questions; hence I seldom make any public comment on what they say about me. But, when I know that a man holding the position of editor of this famous and faithful old organ of the Democratic Party slips a little, in his failure to carefully differentiate between two very different principles of tariff legislation, I feel that I would be doing this gentleman a favor if I were to "put him in his place." Of course none appreciates more than I the impossible task that an average citizen has of keeping any editor "put," especially through that editor's own paper, so I shall not expect to engage this gentleman in any continued story battle.

He heads his editorial "Bad History." Far be it from me to suggest to this accomplished critic that there is no such thing as bad history. History is neither bad nor good, it is simply history. If it is not history it just is not history, that is all.

Here is what he said in the Cincinnati Enquirer of February 2.

> Representative THOMAS JENKINS of Ohio makes a practice of delivering a eulogy of President William McKinley each year. He did so this year before the House, but he made the grievous error—being a somewhat partisan Republican—of using McKinley as a peg on which to hang an indictment of the reciprocal-tariff program of Secretary Cordell Hull.
>
> Mr. JENKINS cited McKinley's tariff record as a justification of a high tariff. That is understandable. But he also cited McKinley's policies as a condemnation of reciprocal-trade pacts. If JENKINS knew as much about McKinley as an annual eulogist of McKinley should know, he would realize that the first President to negotiate reciprocal-trade pacts was none other than William McKinley, Republican, Ohio.
>
> The tariff bill of 1897 made provision for reciprocal-tariff treaties with foreign countries. President McKinley made the first bargains with foreign nations under this grant of authority. President Theodore Roosevelt followed this example and negotiated other treaties of the same sort. Between them these two Presidents made nine tariff agreements very similar in general nature to those made by Secretary Hull in the last 3 years.
>
> It's not important, this whole matter. But since Representative JENKINS wants to honor McKinley, he ought really to study McKinley's record as President, which changes considerably the impression one gets from his previous tariff activities as a Member of Congress.

In the first place he suggests that I am "a somewhat partisan Republican." I am a Republican and am against some of the programs of the present administration. Many lifelong Democrats in the House and Senate agree with me in this respect. Many of them do not agree with the Hull policies as to foreign-trade agreements. Their opposition and mine is not partisan but patriotic.

My very distinguished critic has this to say:

> If Mr. JENKINS knew as much about McKinley as an annual eulogist of McKinley should know, he would realize that the first President to negotiate reciprocal-trade pacts was none other than William McKinley, Republican, Ohio.

I can hardly understand this criticism in view of the fact that all editors admonish all their reporters to "get the facts." The facts are that I do realize that McKinley did negotiate trade agreements. I say in my address referred to by the editor:

> McKinley, who is considered by many as the father of reciprocity as it applies to the tariff maintained—

And so forth. That should be plain enough to advise the gentleman that I am glad to proclaim to the world that McKinley was the father of reciprocal-trade agreements.

Now that the trivialities are out of the way, let us proceed to that part of this article where the editor gives his version of the facts and let us see if it is not his statements that are "bad history." He says that President McKinley made trade agreements with foreign nations. Likewise, he says Theodore Roosevelt also made such agreements. That is all "good history." Then he says that these agreements were "very similar in general nature to those made by Secretary Hull." Here is where his history is "bad history." In fact, it is simply "awfully bad history."

By the act of 1897 Congress authorized the President to suspend the tariff duties on certain definitely designated articles if and when he could make advantageous tariff agreements with reference to American products. Congress gave the President direct and strict orders which he was authorized to carry out strictly as an Executive. He was to have no legislative discretion whatever. He was also given power to take from the free list certain specifically enumerated articles when any country from which they came discriminated against our products. The law specifically provided the duties that were to be levied in such cases. The President was given no authority to fix rates or to select the articles to be considered. He was given no legislative power.

This law also gave the President certain broad powers for the making of reciprocal-trade treaties. Let me quote:

> That whenever the President of the United States, by and with the advice and consent of the Senate, with a view to secure reciprocal trade with foreign countries, shall, within the period of 2 years from and after the passage of this act, enter into commercial treaty or treaties with any other country or countries concerning the admission into any such country or countries of the goods, wares, and merchandise of the United States and their use and disposition therein, deemed to be for the interests of the United States, and in such treaty or treaties, in consideration of the advantages accruing to the United States therefrom shall provide for the reduction during a specified period, not exceeding 5 years, of the duties imposed by this act, to the extent of not more than 20 percent thereof, upon such goods, wares, or merchandise as may be designated therein of the country or countries with which such treaty or treaties shall be made as in this section provided for; or shall provide for the transfer during such period from the dutiable list of this act to the free list thereof of such goods, wares, and merchandise, being the natural products of such foreign country or countries and not of the United States; or shall provide for the retention upon the free list of this act during a specified period, not exceeding 5 years, of such goods, wares, and merchandise now included in said free list as may be designated therein; and when any such treaty shall have been duly ratified by the Senate and approved by

Congress, and public proclamation made accordingly, then and thereafter the duties which shall be collected by the United States upon any of the designated goods, wares, and merchandise, from the foreign country with which such treaty has been made shall, during the period provided for, be the duties specified and provided for in such treaty, and none other.

In the first place you will notice the words "by and with the advice and consent of the Senate." That means that the President has been given no power except "by and with the consent of the Senate." It is further to be noted that this section carries this language, "and approved by Congress."

From all this it is seen under the foregoing provision of the 1897 law such trade treaties must be approved by Congress. Under the present law no consent of even the Senate is required to enter into treaties and agreements seeking to do the same thing, and no approval of such agreements thus entered into is required of Congress.

Thus it will be seen that under the first two categories of foreign-trade agreements provided for under the 1897 act the consent of Congress was not necessary to approve such agreements because Congress had specifically provided in advance what articles were to be considered and the amount of the reduction of the duty. In the third category, where general discretionary powers were given the President to enter trade agreements, provisions were made that his action must always be approved by the Congress. Under the former law, the President could do nothing except in an executive way and according to a definite formula laid down by Congress. Under the present law he can make treaties, reduce duties, in secret negotiations, just about as he pleases.

My critic may, if he please, take the position that it makes no difference whether Congress or the Senate has anything to do with these important matters. He may go so far as to say that the Senate and Congress are superfluous—and he will find some who agree with him, but I should like to point out to him that he is running right square into this solemn statement in the Constitution—

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

The Constitution itself gives Congress the exclusive power to levy duties. The President has no such power, and the courts have held that Congress cannot delegate its powers to the President.

The present act under which Secretary Hull is making his agreements provides as follows:—

For the purpose of expanding foreign markets for the products of the United States, etc., the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

(1) To enter into foreign-trade agreements with foreign governments or instrumentalities thereof; and

(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign-trade agreements as are required or appropriate to carry out any foreign-trade agreement that the President has entered into hereunder.

In the light of the provisions of the Constitution vesting the power to levy duties in the Congress it is difficult to see how this present act can stand. In my remarks which the editor criticizes, I say:

There is grave doubt as to the constitutionality of this present law, but those who prepared it have worded it so as to deny a complainant the same right of appeal as provided under section 516 of the old law. As a result of this refusal of the administration to prevent free open contest of the law in the courts no one has yet been able to bring a case to test the constitutionality of the act.

My critic may still maintain that the Hull agreements are "very similar" to the agreements made under the law of 1897 and subsequent laws, but to my mind his history is "bad history." For instance, this present act gives the President authority to enter into binding reciprocal-tariff agreements with foreign countries and to make concessions in duties pursuant to such agreements, without the necessity of congressional approval of his action. In the other acts Congress retained this power.

It is the theory of the present act that we should not produce in this country any article which can be more efficiently or more economically produced elsewhere. The administration believes that certain of our domestic industries should be sacrificed as a means of gaining larger foreign markets for other industries which are on an export basis. The former acts had as their cardinal principle the protection of the American workingman. Does the gentleman think that the Hull agreements follow the McKinley formula of reciprocity as laid down by himself in his inaugural address, as follows:

The end in view always to be the opening up of new markets for the products of our country by granting concessions to the products of other lands that we need and cannot produce ourselves and which do not involve any loss of labor to our own people but tend to increase their employment.

It is to be noted that McKinley stresses the fact that no goods are to be considered except those "that we need and cannot produce ourselves." And, further, it is to be noted that McKinley stresses the fact that no goods are to be considered which may "involve any loss of labor to our own people." Always he stressed the fact that all of our agreements should deal only with noncompetitive articles, and that the supreme object to be attained was to admit into our country under these agreements only those articles that would not compete with anything that we could produce but which would furnish to our people an opportunity for more work.

Under the present trade-agreements law there is a wide difference between the manner and method of entering into trade agreements as compared to the days of McKinley; but the principal and most disastrous difference and objection is that under the present trade-treaty program reductions have been made on a long list of competitive articles which are produced here in our own country the importation of which involves a loss of labor to our own people. This includes many kinds of articles manufactured from steel, cotton, wool, chemicals, pottery, and all other principal schedules of the Tariff Act.

And, again, the present treaties are not truly reciprocal-trade agreements, because there has been introduced into our trade agreements a new principle that was not employed in the days of McKinley. I refer to the most-favored-nation clause. The particular effect of this is to throw our market open to all the world, while we get concessions only from the treaty countries. The particular effect of this is that if we grant trade concessions to Great Britain, we must, under the most-favored-nation clause, grant the same concessions to Japan and other low-wage countries of the world. The result of this program is now being seen on every hand. Our own American-produced articles are being displaced on the shelves of the merchants of America by articles manufactured in Japan and other low-wage countries.

Further in particular I will say that under the McKinley tariff industry thrived and wages were easily maintained, while under the present theories, if carried out, the inevitable result will be that we will throw open the greatest market in the world to the nations of the world and get practically nothing in return. I am afraid that we will pay for this folly by a general reduction in our standard of living.

EXTENSION OF REMARKS

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I delivered a few days ago before the county commissioners of the great State of Ohio, together with some resolutions that organization adopted in line with recommendations I made to it at that time.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I call attention to the report made by the little-business men of this country who recently met here in conference last week at the invitation of the President. I am not going to ask to have this report placed in the RECORD, but the Members of the House ought to read it. The same business principles that apply to the little fellow apply to the big fellow. They apply to everybody in business. If you do not realize that fact, then you have no business ability nor any business sense. Are you going to encourage business and have the people of this country employed in industry, or is the Congress going to permit the recommendations of little business to go by unheeded, let business suffer an untimely death, let the people remain out of work? Or are you going to follow the recommendations, repeal some of your poor laws, give confidence to business, and jobs to the worker? It is up to this administration to stop experimenting with sound fundamental business principles. It is time this administration restored confidence in business, both small and large.

It is very essential that the Members of the House of Representatives read the report that was made to the President of the United States and then take some action on it if you want the people of this country to find employment. [Applause.]

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include two radio speeches delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

INSPECTION OF MOTOR VEHICLES IN DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I call up the bill (S. 2194) to provide for the semiannual inspection of all motor vehicles in the District of Columbia, and ask unanimous consent that the proceedings by which the bill was read a third time, passed, and motion to reconsider tabled be vacated.

The Clerk read the title of the bill.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, why does the gentleman want to vacate the proceedings?

Mr. PALMISANO. There was an error with respect to the money going into the general funds. The purpose is to have the receipts go into the funds raised by the gasoline tax.

Mr. COCHRAN. The gentleman is not going to do away with the legislation entirely?

Mr. PALMISANO. No; we are just seeking to make some correction.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. PALMISANO. Mr. Speaker, I offer an amendment to the bill, which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. PALMISANO: Page 1, line 5, after the word "year", strike out "1938" and insert "1939."

Page 1, line 7, strike out "1939" and insert "1940."

Page 2, line 5, strike out "1938" and insert "1939."

Page 2, line 1, strike out the words "revenues of the District of Columbia" and insert in lieu thereof the following: "special fund created by the act entitled 'An act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes', approved April 23, 1924, and the act entitled 'An act to provide additional revenue for the District of Columbia, and for other purposes', approved August 17, 1937."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "An act to provide for the annual inspection of all motor vehicles in the District of Columbia."

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the calendar.

RED LAKE BAND OF CHIPPEWA INDIANS

The Clerk called the first bill on the Consent Calendar, H. R. 4540, authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

UNITED STATES BOARD OF AWARDS

The Clerk called the next bill, H. R. 171, to create a United States Board of Awards and to provide for the presentation of certain medals.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ASSIGNMENT OF OFFICERS OF THE NAVY

The Clerk called the next bill, H. R. 7216, to provide for the assignment of officers of the Navy for duty under the Department of Commerce and appointment to positions therein.

Mr. HAMILTON, Mr. BLAND, and Mr. FADDIS objected, and, under the rule, the bill was stricken from the Consent Calendar.

OSAGE TRIBE OF INDIANS

The Clerk called the next bill, S. 670, authorizing an appropriation for the payment of the Osage Tribe of Indians on account of their lands sold by the United States.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SAN CARLOS APACHE INDIANS

The Clerk called the next bill, S. 1231, authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NATIONAL MONUMENT, CAMP MERRITT, N. J.

The Clerk called the bill (H. R. 71) to provide for the establishment of a national monument on the site of Camp Merritt, N. J.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no obejction.

CIVIL GOVERNMENT IN PUERTO RICO

The Clerk called the bill (H. R. 1486) to amend section 30 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 30 of the act entitled "An act to provide a civil government for Porto Rico, and for other

purposes," approved March 2, 1917, as amended, is amended to read as follows:

"SEC. 30. That the term of office of senators and representatives chosen by the first general election shall be until January 1, 1921, and the terms of office of senators and representatives chosen at subsequent elections shall be 4 years from the 2d of January following their election. In case of a vacancy in the office of any senator or representative of the legislature by death, resignation, or otherwise, the Governor, by and with the recommendation of the central committee of the political parties that elected the incumbent, shall appoint such senator or representative to fill the vacancy who shall serve until the next general election and until his successor is elected."

With the following committee amendment:

Page 2, line 6, strike out "parties" and insert "party."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CHOPAWAMSIC RECREATIONAL DEMONSTRATION PROJECT

The Clerk called the bill (H. R. 6351) to provide for the operation of the recreational facilities within the Chopawamsic recreation demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

DIVISION OF FUNDS OF CHIPPEWA INDIANS, MINNESOTA

The Clerk called the bill (H. R. 4544) to divide the funds of the Chippewa Indians of Minnesota between the Red Lake Band and the remainder of the Chippewa Indians of Minnesota, organized as the Minnesota Chippewa Tribe.

The SPEAKER pro tempore (Mr. WOODRUM). Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. ROGERS of Oklahoma. Mr. Speaker, I object to that. Why cannot the bill be passed today?

Mr. COCHRAN. I understand that this bill is coming up Wednesday. Why not let it come up at that time?

Mr. ROGERS of Oklahoma. One object would be to get rid of some of these bills now. If the gentleman has no objection to the bill, would it not better be passed at this time?

Mr. COCHRAN. Mr. Speaker, as far as I am concerned, I do not want the bill to go over without prejudice, but I believe it is the duty of the Members of Congress from that district to protect the funds of their Indians. These funds belong to the Indians, as I understand it. If they do not want to protect them, I am not going to protect them. I am going to protect the Treasury on these other bills. If the gentleman wants to consider the bill at this time, I withdraw my request.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to determine, as of the date of the passage of this act, the total sum of money in the Treasury of the United States to the credit of the Chippewa Indians of Minnesota derived from the provisions of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (25 Stat. L. 642).

SEC. 2. Upon so determining the amount of money to the credit of said Indians, the Secretary of the Interior is hereby directed to determine what part of said amount represents the interest of the Red Lake Band of Chippewa Indians of Minnesota on the basis of the proportion which the number of Indians on the official annuity roll of the Red Lake Band bears to the number of Indians on the official annuity rolls of all the other bands of Chippewa Indians of Minnesota. The last annuity rolls approved prior to the passage of this act shall be used in making this computation.

SEC. 3. The portion of the total funds of the Chippewa Indians of Minnesota so determined to represent the interest of the Red Lake Band shall be segregated from the said total funds in the Treasury of the United States as the exclusive property of the Red Lake Band and shall be held as a separate and distinct fund which shall be called the Red Lake Chippewa fund and shall be kept intact in the Treasury pursuant to the terms of the said act of January 14, 1889, and shall be administered by the Secretary of the Interior as the separate property of the Red Lake Band. The remainder of said total funds shall be held in the Treasury as the property of the tribal organization of the other Chippewa Indians of Minnesota, known as the Minnesota Chippewa Tribe, and shall be called the Minnesota Chippewa tribal fund. Such fund shall be kept intact in the Treasury pursuant to the terms of said act of January 14, 1889, and shall be administered by the Secretary of the Interior as the separate property of said tribe.

SEC. 4. All future funds derived from any source whatsoever under the provisions of said act of January 14, 1889, or from any use of funds accrued under said act as may have been directed by Congress, shall be divided in the same proportion as the division authorized herein between the said Red Lake Band as of one part and the Minnesota Chippewa Tribe as of the other part, and the portions thereof belonging to each group shall immediately be placed in the Treasury of the United States in the funds named in section 3 of this act, and shall be likewise administered.

With the following committee amendments:

Page 1, line 4, after the word "the", insert "close of the fiscal year next succeeding the."

Page 2, line 2, after the parentheses and the comma, insert "or from any other source."

Page 2, line 9, after the word "annuity", insert "or per-capital payment."

Mr. ROGERS of Oklahoma. Mr. Speaker, that is a typographical error, and I ask unanimous consent that that committee amendment be amended to read "or per capita payment."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Page 2, line 11, after the word "annuity", insert "or per capita payment."

Page 2, line 13, after the word "rolls", insert "or the latest per capita payment rolls, whichever are the later."

Page 2, line 24, after the figures "1899", insert "or other applicable acts."

Page 3, line 7, after the figures "1889", insert "or other applicable acts."

Page 3, line 10, after the word "from", strike out "every source whatsoever under."

Page 3, line 13, after the word "Congress", insert "or from any other source."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JURISDICTION OF COURT OF CLAIMS

The Clerk called Senate Joint Resolution 64, defining the jurisdiction of the Court of Claims under the act approved March 19, 1924 (43 Stat. 27), and April 25, 1932 (47 Stat. 137), and for other purposes.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REVENUES OF SHOSHONE POWER PLANT, WYOMING

The Clerk called the bill (H. R. 3786) providing for the allocation of net revenues of the Shoshone power plant of the Shoshone reclamation project in Wyoming.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the net revenues from the Shoshone power plant of the Shoshone irrigation project, properly and equitably allocable to the unconstructed portions of the Shoshone project from the operation of the Shoshone power plant, shall be applied, first, to the repayment of the proportionate construction cost of the power system; second, to the repayment of the proportionate construction cost of the Shoshone Dam; and, third, thereafter such net revenues shall be paid into the reclamation fund, and that the Secretary of the Interior is hereby authorized and directed to apply the net revenues properly and equitably apportioned or to be apportioned to the Garland and Frannie divisions of said project, in accord with the terms and provisions of existing contracts with the water users on said project.

SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TITLE TO INDIAN LANDS

The Clerk called the next bill, H. R. 2534, to authorize the Secretary of the Interior to investigate and report on the loss of title to or the encumbrance of lands allotted to Indians.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WAPATO INDIAN IRRIGATION PROJECT, YAKIMA, WASH.

The Clerk called the next bill, S. 558, amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. ROGERS of Oklahoma. Mr. Speaker, reserving the right to object, would the gentleman state whether or not he is opposed to the bill?

Mr. WOLCOTT. Mr. Speaker, I think, inasmuch as the Committee on Indian Affairs has the call on Wednesday, that because of the importance of this bill it should be considered on Calendar Wednesday.

Mr. ROGERS of Oklahoma. Mr. Speaker, I may say to the gentleman from Michigan that this is the only other bill we have on the Consent Calendar today. The reason we hoped this bill might be passed today was because we have so many bills to call up Wednesday and we hoped we might be able to conserve time. This bill has been approved by the Budget, and the Department. The gentleman from Missouri [Mr. COCHRAN] has gone over the bill. He usually checks them very carefully. He has no objection to the bill.

Mr. WOLCOTT. I do not know that I have any objection to the merits of the bill.

Mr. ROGERS of Oklahoma. It is the last of our bills on the Consent Calendar. The rest of our bills are very controversial.

Mr. WOLCOTT. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

COST LIMITATION ON BUILDINGS IN NATIONAL PARKS

The Clerk called the next bill, H. R. 6350, to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. DEROUEN. Mr. Speaker, will the gentleman withhold his request?

Mr. WOLCOTT. Mr. Speaker, I withhold my request to permit the gentleman to make a statement.

Mr. DEROUEN. Mr. Speaker, the purpose of this legislation is merely to place the Park Service on the same basis as the Forest Service in agriculture. There is a limitation upon buildings built by the National Park Service throughout the United States of $1,500, without special authorization. That has been the law since 1918; it has never been changed. The present limit in the Forest Service is $5,000. All that we are asking through this bill is that the Park Service be placed on a parity with the Forest Service in the amount they may spend for buildings to accommodate the Park Service throughout the Northwest.

Mr. WOLCOTT. Mr. Speaker, I may say to the gentleman that the Public Lands Committee had the call on February 2. I was given to understand that the reason why the committee did not bring this bill up for consideration was because of the controversial nature of the bill. If it is of such controversial nature that it could not be considered without a fight on Calendar Wednesday, it surely is not such a bill as should be passed by unanimous consent. I think it provides for a decided delegation of power to the executive branch of the Government. I think we should be rather careful in raising these limitations. About the only protection the taxpayers of the United States have against the misuse of park funds which we appropriate is in the limitations which the Congress has placed upon the use of them. To broaden the limitation upon the use of these funds means, of course, a further delegation of the people's prerogatives which they expect the Congress to protect.

Personally I do not think it is a good thing to raise this limitation to $5,000, because a building program costing a great many thousands of dollars to the prejudice of the taxpayers without any limitation or check upon it whatsoever might be evolved and put into practice, and we would have nothing to say about it.

Mr. DEROUEN. Does the gentleman really believe that this bill will cause the expenditure of a large amount of money to repair existing buildings and build a few more houses in the National Park Service throughout the cold country where they are needed? It was done in the case of the Forest Service. I feel that the gentleman is laboring under a false impression.

Mr. WOLCOTT. I do not think I am. If I understand this correctly, this allows the Park Service to build buildings up to $5,000 without advertising for them.

Mr. DEROUEN. The cost was put on the same basis as the Congress has given the Forest Service under the Agriculture Department. You have not helped these poor fellows in the Northwest since 1918.

Mr. WOLCOTT. I do not think the Park Service are poor fellows. We have done everything within our power to maintain our national parks and to make them accessible to the people. I do not think they are poor fellows at all. I want to protect the taxpayers of the United States from being imposed upon.

Mr. DEROUEN. I do not agree with the gentleman.

Mr. WOLCOTT. I am merely exercising my prerogative in calling the attention of the House to the fact we are increasing the limitation upon the cost of buildings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ERECTION OF TERMINAL MARKER FOR JEFFERSON DAVIS NATIONAL HIGHWAY

The Clerk called the next bill, S. 1468, authorizing the erection in the District of Columbia of a suitable terminal marker for the Jefferson Davis National Highway.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROTECTION OF PROPERTY OWNED BY FOREIGN GOVERNMENTS IN THE DISTRICT OF COLUMBIA

The Clerk called the joint resolution (S. J. Res. 191) to protect foreign diplomatic and consular officers and the buildings and premises occupied by them in the District of Columbia.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That it shall be unlawful to display any flag, banner, placard, or device designed or adapted to intimidate, coerce, or bring into public odium any foreign government, party, or organization, or any officer or officers thereof, or to bring into public disrepute political, social, or economic acts, views, or purposes of any foreign government, party, or organization, or to intimidate, coerce, harass, or bring into public disrepute any officer or officers or diplomatic or consular representatives of any foreign government, or to interfere with the free and safe pursuit of the duties of any diplomatic or consular representatives of any foreign government, within 500 feet of any building or premises within the District of Columbia used or occupied by any foreign government or its representative or representatives as an embassy, legation, consulate, or for

other official purposes, except by, and in accordance with, a permit issued by the superintendent of police of the said District; or to congregate within 500 feet of any such building or premises, and refuse to disperse after having been ordered so to do by the police authorities of the said District.

SEC. 2. The police court of the District of Columbia shall have jurisdiction of offenses committed in violation of this joint resolution; and any person convicted of violating any of the provisions of this joint resolution shall be punished by a fine not exceeding $100 or by imprisonment not exceeding 60 days, or both: *Provided, however*, That nothing contained in this joint resolution shall be construed to prohibit picketing, as a result of bona fide labor disputes regarding the alteration, repair, or construction of either buildings or premises occupied, for business purposes, wholly or in part, by representatives of foreign governments.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACQUISITION OF CERTAIN LANDS FOR THE TAHOE NATIONAL FOREST

The Clerk called the next bill, H. R. 7513, to provide for the acquisition of certain lands for and the addition thereof to the Tahoe National Forest, in the State of Nevada, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCRUGHAM. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, was not this bill passed on February 2?

Mr. SCRUGHAM. It is exactly the same bill, but I want to have it held over until the President either vetoes or signs the other bill. The only difference between this bill and the other bill is that the present bill does not contain the Big Smoky provision.

Mr. WOLCOTT. It was not this particular bill, then, but an almost identical bill?

Mr. SCRUGHAM. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

WESTERN BANDS OF SHOSHONE NATION, NEVADA, JURISDICTIONAL ACT

The Clerk called the next bill, S. 68, authorizing the Western Bands of the Shoshone Nation of Indians to sue in the Court of Claims.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADMINISTRATION OF OATH IN FEDERAL PRISONS

The Clerk called the next bill, S. 2387, to authorize certain officers and employees of Federal penal and correctional institutions to administer oaths.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the warden and associate warden, the chief clerk, the record clerk, and one other officer or employee, to be designated by the Attorney General, of each Federal penal or correctional institution, are hereby authorized and empowered to administer oaths to and take acknowledgements of officers and employees, as well as inmates, of such institutions.

With the following committee amendments:

Page 1, line 3, after the word "warden" strike out the remainder of the line and all of line 4 and line 5 to and including the word "general."

Page 1, after line 9, insert a new provision, as follows:

"SEC. 2. None of said officers or employees shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, acknowledgment, or affidavit under the authority conferred by this act."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROTECTION OF PROPERTY OWNED BY FOREIGN GOVERNMENTS IN THE DISTRICT OF COLUMBIA

Mr. FISH. Mr. Speaker, I ask unanimous consent that the proceedings by which Senate Joint Resolution 191, to protect foreign diplomatic and consular offices and the buildings and premises occupied by them in the District of Columbia, was passed be vacated, so that the joint resolution may be reconsidered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. KEE. Mr. Speaker, I object.

TRANSFERRING TO THE SECRETARY OF THE TREASURY A SITE FOR A QUARANTINE STATION TO BE LOCATED AT GALVESTON, TEX.

The Clerk called the next bill, H. R. 8972, to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby transferred to the jurisdiction and control of the Secretary of the Treasury the following tracts of land containing a total area of 3.73 acres, more or less, as shown on map (File No. 9-6-117-A), entitled "Fort San Jacinto Reservation, Galveston, Tex., Plot Sketch of Proposed Quarantine Station Site, U. S. Engineers' Office, Galveston, Tex.," dated December 1936 (as revised), more particularly described as follows:

Tract A: Quarantine station site: Beginning at the southwest corner of site from which mark "B" a brass plug set in cap rock on south jetty bears north 80°51' west, 27.1 feet; and running thence north 31°4' east, 300 feet parallel to and 25 feet distant from the center line of said south jetty, to the northwest corner of site; thence south 80°51' east, 413.6 feet, to the northeast corner of site; thence south 9°9' west, 278.3 feet, to the southeast corner of site; thence north 80°51' west, 525.6 feet, to the point of beginning, the tract containing an area of 3 acres, more or less.

Tract B: Right-of-way 50 feet wide: Beginning at a point on the southerly line of the hereinbefore described quarantine station site (course No. 4) from which the southwest corner of same bears north 80°51' west, 209.36 feet; and running thence south 80°51' east, 50 feet, along the southerly line of quarantine station site; thence south 9°9' west, 635.84 feet, to a point in the northerly line of the highway to ferry; thence north 80°51' west, 50 feet, along said northerly line; thence north 9°9' east, 635.84 feet, to the point of beginning, this tract containing an area of 0.73 acre, more or less.

SEC. 2. The Treasury Department shall submit for approval of the War Department plans for such structures or installations as may be contemplated to be erected channelward of the established harbor lines, or on or over the jetty, in accordance with the provisions of sections 10 and 14 of the act of March 3, 1899 (U. S. C., 1934 edition, title 33, secs. 403, 408).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING AN ACT TO PROVIDE FOR RETIREMENT OF JUSTICES OF THE SUPREME COURT

The Clerk called the next bill, H. R. 9043, to amend an act to provide for the retirement of Justices of the Supreme Court.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act to provide for retirement of Justices of the Supreme Court approved March 1, 1937, be, and is hereby, amended by adding thereto the following:

"SEC. 2. The term 'judicial circuit', as used in this act, includes the District of Columbia."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIDENCE REQUIREMENTS OF JUDGES

The Clerk called the next bill, S. 1691, to provide that residence requirements for judges shall not be held to apply to judges who have retired or resigned.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That no provision of law requiring any judge of any court of the United States to reside in any district or circuit shall be held or considered to apply to any such judge after he shall have retired or resigned.

With the following committee amendment:

Page 1, line 6, strike out the words "or resigned."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "An act to provide that residence requirements for judges shall not be held to apply to judges who have retired."

BRIDGES IN STATE OF MARYLAND

The Clerk called the next bill, H. R. 8714, authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State.

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, I have no particular objection to the merits of this bill, but I am constrained to object for the reason there are in it so many departures from the customary legislation authorizing the construction of bridges.

In the first place, all bridges to be built under authorizations of Congress are constructed under the General Act approved March 23, 1906, which appears in the United States Code as title 33, paragraph 496, and provides as follows:

Time for commencement and completion of bridge.

Whenever Congress shall by law authorize the construction of any bridge over or across any of the navigable waters of the United States, and no time for the commencement and completion of such bridge is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the bridge authorized in such act be commenced within 1 year and completed within 3 years from the date of the passage of such act.

In the bill before us we authorize the commencement and the completion of the bridges within 3 and 5 years, respectively. This is the first departure from custom.

The next departure is found on page 2 of the bill, in line 21. By this provision Congress seeks to recoup its jurisdiction over the construction of tunnels. Heretofore tunnels have been constructed without specific authority by the Congress of the United States. As I understand, the law empowers the President of the United States with the approval of the War Department to grant authority for the construction of tunnels. After all initially the Congress has jurisdiction over rivers and harbors because we want to make certain there shall be no obstruction of navigation. A tunnel is not an obstruction of navigation. For this reason, authority was given the President and the War Department to grant permission for the construction of tunnels. This bill is a recoupment by the Congress of the authority already given to the President and the War Department with respect to tunnels.

The other objectionable feature of the bill is found on page 3, in line 14. It might not be objectionable if there were some information on what authority had been granted to other municipal or private corporations for the construction of bridges at these particular places, but may I call the attention of the House to the language of the act, starting on line 14 on page 3, which is as follows:

The authority herein granted to construct, maintain, and operate any of the foregoing bridges shall not be deemed to be exclusive or to repeal the authority heretofore granted to any other corporation, public board, or agency to construct a bridge at the same location.

If authorizations have been granted to other municipal or private corporations to construct bridges at this same place, we might have the corporations, municipal or otherwise, competing with one another not only in the construction of the bridges but for the traffic over the bridges after they have been constructed.

For this reason, in view of the statement I have made, I believe the committee should go into this matter further, and I ask unanimous consent, Mr. Speaker, that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

BRIDGE FROM ROCK ISLAND, ILL., TO DAVENPORT, IOWA

The Clerk called the next bill, H. R. 8466, authorizing the city of Rock Island, Ill., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Ill., and to a place at or near the city of Davenport, Iowa.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the city of Rock Island, Ill., or its assigns be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Rock Island, Ill., and to a place at or near Davenport, Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the city of Rock Island, Ill., or its assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The city of Rock Island, Ill., or its assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed 40 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches; the expenditures for maintaining, repairing, and operating the same; and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 3, line 6, strike out the word "forty" and insert in lieu thereof the word "thirty."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATUE OF GEN. ROBERT E. LEE

The Clerk called the next bill (H. J. Res. 142), authoring the erection of an equestrian statue of Gen. Robert E. Lee in the Arlington National Cemetery.

Mr. WOLCOTT and Mr. RICH objected.

UNCOMPAHGRE VALLEY RECLAMATION PROJECT, COLORADO

The Clerk called the next bill (H. R. 7764), to authorize the sale of surplus power developed under the Uncompahgre Valley reclamation project, Colorado.

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, I call attention to the fact that while the Congress of the United States is authorizing the development of hydroelectric power, the coal miners in Pennsylvania, West Virginia, and the other States in which coal is mined, are having a terrible time to eke out an existence. I believe it is about time the Congress of the United States stops setting up competition with the coal miners of this country.

For this reason, Mr. Speaker, I object to the present consideration of the bill.

Mr. RICH. I also object, Mr. Speaker.

CERTIFICATES OF NATURALIZATION GRANTED BY THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

The Clerk called the next bill, H. R. 7369, to validate certain certificates of naturalization granted by the United States District Court for the District of Hawaii.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all certificates of naturalization granted by the United States District Court for the District of Hawaii between January 1, 1919, and July 1, 1922, are hereby declared to be valid insofar as failure of the record to contain final order under the hand of the court is concerned, but shall not be by this act further validated or legalized.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOWARD UNIVERSITY

The Clerk called the next bill, H. R. 9042, to amend section 2 of the act to incorporate The Howard University.

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, this bill amends existing law in that it changes the character of investments made by reason of endowments, gifts, and so forth, by including notes, bonds, stocks, and money, and, further, eliminates the proviso in the existing law—

That the same do not exceed the value of $50,000 net annual income over and above and exclusive of the receipts for the education and support of the students of said university.

These are two very vital amendments. The first one, in my opinion, might open the door for speculation in stocks. I believe the second one is of such a nature the controversial features of it speak for themselves.

Inasmuch as I really have not had time to go into the act with my esteemed colleague the gentleman from Indiana [Mr. LARRABEE], who undoubtedly has an explanation of these matters, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INTERNATIONAL SEED TESTING ASSOCIATION

The Clerk called the joint resolution (H. J. Res. 567) to authorize and request the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940, and to invite foreign countries to participate in that Congress; and also to provide for participation by the United States in that congress.

Mr. RICH. Reserving the right to object, Mr. Speaker, I should like to have somebody explain this bill, and also tell me what this is going to cost and where we are going to get the money.

If there is no one here who can tell us where we are going to get the money to operate this congress, I certainly will have to object.

Mr. McREYNOLDS. We do not ask for much, I may say to the gentleman. This is merely a seed matter, and we are asking for only $500.

Mr. RICH. Five hundred dollars?

Mr. McREYNOLDS. Yes.

Mr. RICH. Where are you going to get the money?

Mr. McREYNOLDS. I believe we can dig that up.

Mr. RICH. Where will we get it? Who is going to pay the $500?

Mr. McREYNOLDS. It will go to the Department of Agriculture.

Mr. RICH. The Department of Agriculture? That Department is one of the most expensive departments of the Federal Government today. They are squandering money recklessly and carelessly.

Mr. McREYNOLDS. If the gentleman objects to the bill, let him just object.

Mr. RICH. I want to find out about this. I would like to have some of the Members on this side explain to us where this money is coming from. Every time you bring in a bill it covers the expenditure of from $500 to $5,000,000,000, and not a Member of Congress knows where the money will come from, and I think they care less.

Mr. McREYNOLDS. The gentleman ought to be informed about that by this time, because he has been making the same inquiry for the last 2 years.

Mr. RICH. And there has not been one Member of the House of Representatives who has been able to tell us where we are going to get the money. They either do not know or do not care.

Mr. McREYNOLDS. I am not a financier. The gentleman ought to have found some source prior to this time where he could get the information.

Mr. HOOK. We are going to get the money from the same source that your Farm Board got it under Hoover.

Mr. RICH. The people of this country are just about taxed to death. You have placed more taxes upon the people of this country than they are able to stand. The little-business man and the big-business man are taxed to death, and there is nobody here who is making any effort to give the people of this country an opportunity to put men back to work, and that is what we want.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes.

Mr. GIFFORD. They are not going to get the money where Hoover got it. They are going to take it from the social-security fund.

Mr. RICH. And the people who are counting on having security in their old age are going to be humbugged because the administration is going to take the money to pay the expenses of this extravagant administration.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. RICH. Mr. Speaker, I want to find out where we are going to get this $500.

Mr. McREYNOLDS. Out of funds not otherwise appropriated. [Laughter.]

Mr. RICH. The Federal Treasury statement shows that we are further in the red than ever before in the history of this Nation. I want to tell my colleague here that the Federal Government is $37,373,859,489.28 in the red as of January 10. Statements have been issued since this time that show we are further than this in the red.

If, Mr. Speaker, as has been stated by the gentleman from Massachusetts, we are going to take money out of the fund intended for social security and pay for the unemployed, then we are doing an unethical thing and a thing that we should never permit. It is dishonest to even think of such a procedure.

Now, have you any Members present who can tell us where we are going to get the money?

Mr. MICHENER. Mr. Speaker, will the gentleman yield? I can tell the gentleman where we are going to get the money. There are just two places.

Mr. RICH. Where?

Mr. MICHENER. Raise it by increasing taxes or borrow it. The gentleman asks this question every day, and rightfully so. If others were as concerned, it would be better for the country. The gentleman is to be commended for his diligence. According to the statement——

Mr. RICH. The gentleman, being a good sound Republican and legislator, should be very careful what he says.

Mr. MICHENER. Let me finish my statement. The gentleman from Pennsylvania has in his hand the Treasury statement to which he has just called attention, which shows that the Government is running in the red. The estimates are that the Government will be around $1,000,000,000 in the red this year.

Mr. RICH. A billion and a half, I predict.

Mr. MICHENER. A billion and a half. Therefore we are going to get all this additional money we spend by borrowing it and paying interest on it, and if this $500 is appropriated, or authorized to be appropriated in this bill, the Congress

is voting, first, to spend the money and, second, to authorize this administration to borrow the money and to issue Federal bonds in that amount. The chairman of the Foreign Affairs Committee says the money is to come "out of funds not otherwise appropriated." He should have said out of additional funds to be borrowed.

Mr. McREYNOLDS. Regular order, Mr. Speaker.

Mr. MICHENER. I do not wonder the gentleman demands the regular order and uses this parliamentary method to cut off debate on the matter. The taxpayers, however, are cognizant of the necessities of the Treasury and want this spending stopped.

Mr. RICH. Certainly, they demand the regular order. They do not believe we should be here criticizing the administration like this. They do not like it, for it is a painful thing to them to hear it; and oh, how they do deserve it; and they know it only too well.

The SPEAKER pro tempore. The regular order has been demanded. Is there objection to the present consideration of the bill?

Mr. RICH. Let me ask you, Mr. Speaker, this question: Do you think this is a good bill to pass? If you think it is the right thing to do, Mr. Speaker, then I will let it pass. I believe, however, more in conferences than I do in war, so I shall not oppose its passage.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the President be, and he is hereby, authorized and requested to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940, and to invite foreign countries to participate in that congress.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500, or so much thereof as may be necessary for the expenses of official entertainment by the United States at the Ninth International Seed Testing Congress to be held in the United States in 1940, and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for the purpose herein specified, to be expended under the direction of the Secretary of State.

Mr. WOLCOTT (interrupting the reading of the joint resolution). Mr. Speaker, I ask unanimous consent that the further reading of the joint resolution be dispensed with.

Mr. RICH. No, Mr. Speaker.

The Clerk resumed and concluded the reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. COSTELLO. Mr. Speaker, this concludes the call of the Consent Calendar for today.

BOILEAU-M'NARY AMENDMENT TO FARM BILL

The SPEAKER pro tempore. Under an order previously made, the gentleman from Wisconsin [Mr. BOILEAU] is recognized for 30 minutes.

Mr. BOILEAU. Mr. Speaker, on January 25 the gentleman from Michigan [Mr. HOOK] made a speech on the floor in which he referred to the so-called McNary-Boileau amendment to the farm bill. It so happened that I was not present at the time and did not have his speech called to my attention until a couple of days ago, at which time I asked unanimous consent to address the House at this time. I notified the gentleman from Michigan that I was going to speak this afternoon in reply to his statement, and I am glad that he is here because I want him to know what I have to say with reference to the statements he made the other day. In this speech he said that if the so-called Boileau-McNary amendment were to be finally enacted into law, if it was retained in the farm bill, it would shackle the American farmers in its regimentation, and that there would be more regimentation under this amendment than the American farmers had ever known. I ask the gentleman's attention, because I want to tell him about some regimentation that is now going on under the present law. I call his attention to the fact that the only regimentation that would be provided for in the bill as the result of the Boileau-McNary amendment is already in the soil-conservation program with reference to other crops. In other words, we are merely asking for the same type of regimentation that the Department of Agriculture is already putting upon the producers of other crops. For instance, if at the present time a farmer is being paid money to divert his acreage from cotton, he cannot grow anything that he wants to. Other crops are protected, but dairy feeds are not protected. Under the present soil-conservation program that is being put out for 1938 there is this same type of regimentation with reference to the following commodities:

Corn, grain, sorghums, cotton, tobacco, sugar beets, sugarcane, rice, peanuts harvested for nuts, sweet sorghum, sudan grass, milled or close-drilled corn, except if used for green manure, summer fallow in certain areas unless seeded to perennial grasses or legumes, commercial mustard, hemp, broomcorn, mint, mangels and cowbeets, cultivated sunflowers, truck and vegetable crops, including vine fruits, field peas harvested for peas, soybeans harvested for seed for crushing, potatoes, bulbs and flowers, safflower, field beans, canning peas, wheat, except if used for green manure or pasture, oats, barley, rye, buckwheat, flax, emmer, spelt, rape, or mixture, except if used for green manure.

So we are only asking that this list include also feed for livestock, feed for poultry, and feed for dairy cattle. In other words, the regimentation the gentleman from Michigan complains about with reference to the amendment to which I am now addressing myself, is already perpetuated in the soil-conservation act with reference to these other commodities.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Certainly.

Mr. HOOK. Is it not a fact that flax, corn, and those products the gentleman mentioned, except fallow peas and beans are soil-depleting crops?

Mr. BOILEAU. Most of them are, but the regimentation is there just the same. The Department of Agriculture must do the same police work under the present farm program. It is just exactly the same from the standpoint of regimentation, and exactly the same with reference to any difficulty that might arise with reference to policing. So I submit that argument is specious.

Mr. GREEVER. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. GREEVER. Where does the gentleman's amendment appear in this conference print of the farm bill?

Mr. BOILEAU. I refuse to accept any responsibility for the amendment which appears in this conference committee print. The gentleman asks about my amendment. It has been emasculated so much that the gentleman would not recognize its parentage, but the subterfuge which appears in the conference print is on pages 8, 9, and 10.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Certainly.

Mr. ROBSION of Kentucky. I voted for the Boileau amendment to give some protection to the dairy industry, as it shows a larger value of farm products than any other in this country. Does the gentleman endorse what is presented in this conference print?

Mr. BOILEAU. Most assuredly I do not, and I am satisfied that if the friends of the original amendment study the conference proposal, they will not endorse it. I shall not have the time this afternoon to discuss that in detail, but will do so tomorrow.

Mr. ROBSION of Kentucky. Will it help the dairy industry?

Mr. BOILEAU. It is no help, it is a mere sop, and I submit to the representatives of the livestock and poultry industries of this country that there is no protection so far as livestock and poultry are concerned, except insofar as the Secretary of Agriculture might want to give them protection. He can do that now, and you gentlemen know what they have gotten in the past.

Mr. GREEVER. The gentleman feels that as far as the livestock and other dairy cattle are concerned that any protection that might be given is wholly up to the Secretary of Agriculture?

Mr. BOILEAU. Yes. This provision is merely a sop.

Mr. RAYBURN. I may say to the gentleman that I am in the dairy business myself, and my section is very much interested in dairying. Dairying has grown in that section of the country to the extent that Kraft has its southwestern headquarters in the district I represent. Does not the gentleman think that the agreement in the conference report is better than nothing?

Mr. BOILEAU. Absolutely not.

Mr. RAYBURN. Why?

Mr. BOILEAU. Because it gives no protection. The South and other sections of the country can, under the provisions of this so-called conference committee amendment, carry on their practices just as they have in the past and just as they would without the Boileau amendment at all. This does not give protection. I would be glad to discuss that this afternoon if I had a little more time. I intend to discuss that tomorrow when I shall discuss the amendment in detail, but today I want to address my remarks primarily to the statement made by the gentleman from Michigan. I do not want the gentleman from Texas to think that I am not able to answer his question, because I have spent plenty of time analyzing the conference committee amendment. It does not give us protection because you can raise all the grasses and legumes you want to under the provisions of the amendment; and there is no protection at all to dairy, livestock, or poultry, as far as I can see, that they do not already have under existing law; and we have not been protected in the past.

The gentleman from Michigan said:

> Hoard's Dairyman and the Wisconsin Agriculturist, and the leading authorities of the dairy industry, have repeatedly stated that any program built to advance the dairy industry must include the improvement of pastures and the increase in the growing of legumes.

That is exactly the point. I agree with that statement; that is exactly it. If you want to produce more dairy products increase your crops of grasses and legumes. That is all there is to that. We have been preaching that in our country for many years, that they should produce more grasses and legumes so they could produce more milk; but we have not done it under Government subsidy; we have not asked for the subsidy and we have not received it. I say to the gentleman from Michigan that that is the whole force of the argument I am making: That if they produce more grasses and legumes in sections not now engaged primarily in dairying they are going to produce more milk, they are going to demoralize prices. We do not care if they produce more milk for their own use; our amendment permits that, but we do not want them to produce more butter and cheese, with the aid of a Government subsidy.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. HOOK. Then what has the gentleman to say of the National Cooperative Milk Producers Federation meeting in Baltimore in November?

Mr. BOILEAU. I do not know to what the gentleman has reference. They endorsed the so-called Boileau amendment.

Mr. HOOK. The National Cooperative Milk Producers Federation at that time said in their report that the question was not overproduction of milk, but underconsumption.

Mr. BOILEAU. That is all very well and good. We are not trying to deny that. If you could get everybody to drink twice as much milk as they drink now it would mean we could produce twice as much milk as we now produce; but this program would not result in increased consumption of dairy products. I submit that we are entitled to ask protection just as other commodities are.

The gentleman from Michigan is advocating this bill which would reduce the production of wheat, corn, cotton, rice, and tobacco. Why does he not be consistent? If it is good to reduce the production of these commodities, it is certainly not good for the dairy industry to increase the production of milk. The gentleman's position, I submit, does not appeal to my reasoning. I do not see how the gentleman can take such an inconsistent position. If his position is right in regard to other commodities, why by the same logic is it not right in regard to milk? If he supports restriction of production for cotton, if he supports restriction of production for corn, wheat, tobacco, and rice, why should he support an increase for the dairy industry? That position is not consistent.

Mr. HOOK. The gentleman knows that the Committee on Agriculture was broken up into subcommittees to consider various phases of this bill. I happened to be on the subcommittee considering milk and dairying, and that is what I am protecting.

Mr. BOILEAU. The gentleman was on that subcommittee but he opposed everything we advocated.

Mr. SCHULTE. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. SCHULTE. The gentleman has made a number of very pertinent statements, among others that the dairy industry is being demoralized. I call his attention to the fact that in my State the producer gets 4½ cents a quart for milk and has to pay for the transportation or hauling of the milk into the city of Chicago where it is sold to the consumer for 13 cents. I wonder if anyone can break down the spread between what the producer gets and what the consumer pays and show us who gets it?

Mr. BOILEAU. Let me say to the gentleman that in my district we get only about half as much for our milk as the gentleman does in his district. Most of our milk goes into butter, cheese, and manufactured products.

Mr. CULKIN. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Yes; briefly.

Mr. CULKIN. Is it not a fact that the National Cooperative group and the National Cooperative Council went squarely on record in favor of the Boileau amendment and protested this procedure which gives the dairyman subsidized production?

Mr. BOILEAU. That is right. Not only this year but every year since we considered the original Agricultural Adjustment Act in 1933, the National Cooperative Milk Producers' Federation have gone on record favoring a similar provision. In the big farm meeting held last January and February here in Washington, the federation, together with the leaders of other farm organizations, went on record accepting the principle of the so-called Boileau amendment.

The gentleman from Michigan made some very pointed statements about a so-called lobby that was down here fighting for this amendment. The gentleman said that certain interests outside of the dairy industry were using their influence on the representatives of the dairy industry. He said that the fats and oils industry and the concentrated feeds industry were supporting this amendment. I challenge the gentleman to show where any lobbyist for the fats and oils industry or for the concentrated feeds industry even as much as sent one letter to the membership of this House in support of the amendment.

Mr. HOOK. Pernicious lobbyists do not work that way and the gentleman knows it. I say to him it is my opinion, and I said it was reported at that time and I still contend, the fats and oils industry were behind the Boileau amendment and they would like to see it put into effect.

Mr. BOILEAU. The gentleman will notice that the principal fats and oils industry of the country is in the South. That includes cottonseed oil. I would like to know one single cotton producer in the South that has been supporting the amendment except men living in the South like the commissioner of agriculture from the State of Texas who states he believes the principle is right. There is not a single fats and oils industry man from the South supporting it; not a one. That includes cottonseed oil, the principal edible fat, the one that would be most interested if there was any benefit to them.

I submit to the gentleman he cannot name one single lobbyist from the fats and oils industry that has been down

here favoring this amendment; not one. I yield to him in my time to tell me.

The bad part of it is that the inferences of his statement would make it appear that Charlie Holman, executive secretary of the National Cooperative Milk Producers' Federation, was being influenced by the fats and oils industry and that he was selling the dairymen down the river. I say that inference is wrong and the gentleman should be up here correcting it. He should say where he got such information. No one who knows Charlie Holman can say one word against his honesty or integrity. He is not a double-crosser. I have had occasion to disagree with him many times as to what is best for the dairy industry, but Charlie Holman is a man of honor and the unfavorable inference created by the gentleman's remarks should be corrected. I yield to the gentleman from Michigan to do so.

Mr. HOOK. The gentleman from Wisconsin put that shoe on Holman's foot, not me.

Mr. BOILEAU. Where?

Mr. HOOK. Because of the fact that I mentioned Holman talking for the amendment and previous to that time I had mentioned fats and oils, at the time I mentioned fats and oils and processed feeds I did not mention Holman. The gentleman put that shoe on Holman. I might have my own opinion about what might be going on.

Mr. BOILEAU. I regret very much this has gotten to the point where I have to discuss private conversations I have had with the gentleman from Michigan. When I saw his statement in the RECORD I wanted to be sure what he had in mind. I did not want to come up here on the floor of the House to find out what he meant. To me the inference was obvious. So I went and talked to the gentleman and he said that certain people had informed him that Charlie Holman was being influenced by the fats and oils industry. I challenge him to name one person who will make such a statement. He says there were four people who told him that, and I challenge him to name one now. I had not intended to bring in here on the floor personal conversations which took place between the gentleman and myself when I took the precaution to ask the gentleman what he had on this man and whether or not there was any justification for his statement. I asked him for an explanation because I was sure that I could explain any misunderstanding he might have had about Mr. Holman. But he reiterates the statement and now says that I am trying to put the shoe on the man's foot. I yield to the gentleman.

Mr. HOOK. The question was pointed toward whether Holman, after he had backed the gentleman's amendment, went other places and asked that the amendment be modified.

Mr. BOILEAU. Charlie Holman, in the last 5 years, has never compromised on this amendment. When people offer amendments there are objections for this reason or that reason. He has said, "We do not care about the language particularly. It is the principle we are interested in, and if you can work it out in better language and save the principle, well and good."

I want to say to the gentleman I am glad he absolves Charlie Holman. He should have done that the other day. He should have taken the time to come on the floor, and I would not be making the remarks I am today. Does the gentleman want to absolve him from any corruption or double dealings?

Mr. HOOK. I do not absolve any lobbyist that advocates the Boileau amendment.

Mr. BOILEAU. Will the gentleman admit then he has nothing to say against Charlie Holman?

Mr. HOOK. As far as fats and oils are concerned the gentleman has misconstrued my statements.

Mr. BOILEAU. The gentleman says he has no connection?

Mr. HOOK. I would like to have an investigation to determine who does pay some of these lobbyists.

Mr. BOILEAU. That clarifies the issue quite well. The gentleman says there is no inference with reference to fats and oils and he does not claim that Charlie Holman is involved.

Now, he talks about vicious lobbying. Does the gentleman know of any other organization which supported this amendment as an organization?

Mr. HOOK. The gentleman's amendment?

Mr. BOILEAU. Yes; as an organization.

Mr. HOOK. I was not interested in any organization that supported the amendment.

Mr. BOILEAU. The gentleman talks about vicious lobbying. Does the gentleman know who it was that supported it?

Mr. HOOK. The interests down here in Washington would know better than I do.

Mr. BOILEAU. You bet your life; and I am going to tell you right now.

Mr. HOOK. I know a very old and fine agricultural magazine that is not for it.

Mr. BOILEAU. Which one is not for it?

Mr. HOOK. I know the Wisconsin Agriculturalist is against it.

Mr. BOILEAU. We will see about that situation. The gentleman made that statement to me the other day. I know that magazine came out with an editorial in opposition to the amendment, not a very bitter one, but an editorial in opposition to it. The probable inference is that the Wisconsin Agriculturist and Farmer is opposed to it. There are other magazines circulating among the farmers of this country. Has the gentleman ever heard of Wallace's Farmer? Wallace's Farmer is one of the large farm magazines. Let us see who are the officers of the Wisconsin Agriculturist and Farmer and who are the publishers and editors of Wallace's Farmer. This may throw some light on why the Wisconsin Agriculturalist and Farmer opposes the Boileau-McNary amendment.

I may say with reference to the Wisconsin Agriculturist that I have never had occasion to accuse the men in charge of that magazine of doing other than the honorable thing, and this is just an honest disagreement between them and me. I do not mean to make accusations against anyone, but when we are talking about the support of certain magazines, we have a right to know who the editors and publishers are, and see if we can find any reason for their expressed views.

The publisher of the Wisconsin Agriculturist and Farmer is a man by the name of Dante M. Pierce. The publisher of Wallace's Farmer is Dante M. Pierce. The associate publisher of the Wisconsin Agriculturist and Farmer is Clifford V. Gregory. The associate publisher of Wallace's Farmer is Clifford V. Gregory. The editor of Wallace's Farmer is Henry A. Wallace, and there is a notation under his name—

Now on leave of absence as Secretary of Agriculture.

In other words, Wallace's Farmer is published by the same publisher and associate publisher who publish the paper to which the gentleman has referred. Is it any wonder there would be a like policy on a proposition of this kind? The influence of Secretary Wallace is easily understood, in view of the close association of the two magazines.

Then, that is not all. Among the list of the names of the editors of Wallace's Farmer appears "Editor, Donald R. Murphy," and we find under the heading "Editorial staff" of the Wisconsin Agriculturist and Farmer, "D. R. Murphy." Another editor of Wallace's Farmer is a man by the name of E. R. McIntyre. One of the editors of the Wisconsin Agriculturist and Farmer is E. R. McIntyre. Mr. McIntyre is about as fine a man as I know. I know him personally, and have agreed with him on many things with reference to agricultural programs. However, he is an editor of Wallace's Farmer and an editor of the other magazine, and naturally there would be a similiarity of viewpoints. Bear in mind, too, that he was down here working for the Agricultural Adjustment Administration under Secretary Wallace as one of its principal advisers not so many years ago. He has been very closely associated with this administration and its farm program.

On the editorial staff of Wallace's Farmer is a lady by the name of Mrs. Lois Johnson Hurley, in charge of the home department. The person in charge of the woman's department of the Wisconsin Agriculturist and Farmer is Lois Johnson Hurley.

Therefore, these people are in charge of both papers, and, naturally, with Secretary Wallace dictating the policy of Wallace's Farmer, as editor, even though on temporary leave, the policy of the two papers would be the same. I merely mention this so that the gentlemen in this body who might believe, because the Wisconsin Agriculturist and Farmer has come out against the amendment, that it represents the farmers of my State will not get the wrong impression. The farmers of my State are for the amendment, just as are the dairy farmers of the State of Michigan.

Mr. HOOK. The dairy farmers of Michigan are not for the amendment, because we expect to expand. The amendment would definitely restrict any expansion.

Mr. BOILEAU. I expected the gentleman to make that statement.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I cannot yield now.

I expected the gentleman to say the dairy farmers of Michigan are not for the amendment. However, I have here a telegram addressed to me, dated February 5, and it reads as follows:

> Contrary to Congressman HOOK's opinion, we milk producers of Sanilac County favor the Boileau-McNary amendment.
>
> ROSEBURG LOCAL,
> J. H. DEFOE.

This telegram was sent from Yale, Mich.

I have another telegram from the State of Michigan. This is dated February 5:

> Have read Congressman HOOK's statement and am sure he is misinformed because the farmers in Michigan are very much interested in having Congress arrange protection against competition of diverted acres upon which farmers have or will be paid. Every expression coming from Michigan dairy farmers voices this needed protection. This organization's actual membership is more than 17,000 Michigan dairy farmers.
>
> B. F. BEACH,
> *Secretary, Michigan Milk Producers Association.*

This telegram was sent from Detroit, Mich.

I have another telegram I should like to read before I yield. This is dated February 4, and is addressed to me:

> Congressman HOOK misinformed regarding use of land diverted from crop production. Dairymen object to use of this land for production of dairy feed.
>
> HENRY VANDEUSEN,
> *President of Hillsdale County Milk Producers.*
> I. K. MAYSTEAD,
> *Director of Michigan Milk Producers.*

Then I have another telegram of February 5 addressed to me which states:

> Dairymen of my section favor the Boileau-McNary amendment. It must be that the opposition to this must have been misinformed.

This is signed by "Bruce F. Clothier, director of the Michigan Milk Producers Association." Let me say to my friend from Michigan these men are associated with the same lobby that you condemn, but I want to say to you that they are honest-to-God dairy people representing the dairy interests. I want to make the record clear that this group is a well-organized group of cooperative milk producers, and they are not entitled to the treatment given them by the gentleman from Michigan.

Mr. HOOK and Mr. MICHENER rose.

Mr. BOILEAU. I must yield first to the gentleman from Michigan [Mr. HOOK].

Mr. Speaker, my time is about up and I ask unanimous consent that I may proceed for 10 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. HOOK. Did the gentleman have any information from Clark L. Brody, chairman of the Michigan State Farm Bureau?

Mr. BOILEAU. I do not know the gentleman.

Mr. HOOK. I happen to have a letter from him also saying I was misinformed on the Boileau amendment and that I should change my opinion and vote for the amendment, but I happen to know that Clark L. Brody is probably one of those who went ahead and incited those telegrams, and it was done for political purposes and to try to make the regimentation in the bill as tight as they could, so they could go out later and holler "Regimentation."

Mr. BOILEAU. Does the gentleman claim that these men I have referred to are not honest and sincere milk producers?

Mr. HOOK. I do claim they have been misinformed and do not understand the subject.

Mr. BOILEAU. But does the gentleman believe they are corrupt?

Mr. HOOK. I do not know anything about the gentlemen you refer to.

Mr. BOILEAU. The gentleman has certainly heard of these men. The gentleman claims to speak for the dairy industry of his State and he must know the dairy leaders of his State. The gentleman might stick me on names of one or two dairy leaders in my State, but certainly not on all of them, because I have been in touch with them. Does the gentleman know any of these men I have referred to?

Mr. HOOK. Yes; I have heard of them, and they are leaders in Republican politics.

Mr. BOILEAU. Well, Michigan is a Republican State.

Mr. HOOK. And these men are leaders in Republican politics.

Mr. BOILEAU. As a matter of fact, and I speak in all sincerity, unless you gentlemen change your policy you will find that every dairyman in the country, together with their leaders, will be in the Republican Party before long. You had better wake up. You have been treating us too shabbily, and unless you wake up all the dairymen are going to be in the Republican Party.

Mr. SCHULTE. I am sorry the gentleman has made that statement.

Mr. BOILEAU. I am saying that in all sincerity. The gentleman from Michigan claims that all the officers of the dairymen's associations in Michigan are Republicans, and I say in all fairness that unless you gentlemen protect our interests in the North you cannot expect to have the support of the dairy farmers.

Mr. SCHULTE. I supported the Boileau amendment and I shall continue to do so wholeheartedly, but——

Mr. BOILEAU. And the gentleman will have the support of the dairy industry of his district.

Mr. SCHULTE. But the gentleman has made the statement that they will be Republicans. They are Democrats at heart because they realize their salvation has been because of the present President.

Mr. BOILEAU. I know the dairy farmers in my State supported the Roosevelt administration, and they would like to keep on. They are going to keep on supporting the Democratic administration if they are given decent treatment. I want to take this occasion to thank many of the good Democrats who have favored this program. There are a lot of them, and some of them are from the cities, including New York and Chicago. I was glad to see them give us their support. I was glad to see the distinguished Chairman of the Rules Committee act in behalf of justice in supporting the amendment, and I hope he will stick by that. I know the gentleman and I know he is not going to change his position now. I know the gentleman from New York [Mr. O'CONNOR] is going to fight for the principles he advocated a few days ago. I know he is going to say that this original amendment is right and he will be glad to vote for it. I know he is going along with us. There are not enough bosses in the country to change his mind. I know he is going to stand, like the Rock of Gibraltar that he is, fighting for a principle. [Laughter and applause.]

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. HOOK. What would the gentleman have done, under his amendment as proposed in the original bill, if we had a drought in this country?

Mr. BOILEAU. Long before this amendment was finally agreed upon in the Senate I very frankly said that for one I would be willing to accept that amendment, and there is not a dairy leader in this country I know of who would not be willing to have that modification.

Mr. HOOK. Why was it not put in the original amendment, then?

Mr. BOILEAU. I will tell the gentleman why; because instead of having the expert advice of dairymen like the gentleman from Michigan, I had his opposition, and he did not offer the suggestion. As soon as that was called to my attention I was perfectly willing then, and am willing now, to have this slight modification which would necessitate only a minor change in the amendment. We are willing to accept reasonable and constructive criticism, and if the responsible officials of the Department of Agriculture had used one-tenth of the effort in cooperating with us that they have used in trying to defeat the amendment they would have been doing their duty in a way that would have reacted to their credit.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Yes; with pleasure.

Mr. MICHENER. I am rather surprised to hear the gentleman from Michigan [Mr. HOOK] attempt to represent the dairymen of Michigan. As a matter of fact, it would be just about as easy to find a commercial dairy in the gentleman's district as it would be to find an iron mine in my district.

Mr. HOOK. Just 1 minute. Will the gentleman from Michigan kindly repeat that statement?

Mr. KNUTSON. Oh, the gentleman is off.

Mr. HOOK. I am about as off as the gentleman from Minnesota [Mr. KNUTSON] was when he went over to the Senate and asked that the Boileau amendment be modified, after he had voted for it on the floor of the House.

Mr. KNUTSON. I deny that statement.

Mr. MICHENER. Mr. Speaker, if the gentleman from Wisconsin [Mr. BOILEAU] will permit, I do not want to be misunderstood, but it so happens that I do come from one of the greatest producing dairy districts not only in Michigan, but in the United States, and I think that I know what the attitude of the dairymen in Michigan is. I feel sure that I know what the attitude of every Member of Congress representing every district that simulates a dairy district is, and I believe we are unanimously in favor of the Boileau amendment. I have no commission, however, to represent the dairymen or the Congressmen in this regard. We realize that we cannot continue as dairymen as we have in the past, if the things happen that may happen under the conference report without the Boileau amendment. I opposed the compulsory regimentation in the farm bill and certainly am opposed to subsidizing the cotton farmer in order that he may go into dairying in competition with the dairyman who has no subsidy from the Government.

Mr. HOOK. I just want to know whether or not the gentleman believes in regimentation of that type for the farmers.

Mr. BOILEAU. Oh, let us not talk about regimentation unless the gentleman wants to talk against the whole bill. There is no regimentation provided for in this amendment that is not provided for in the bill with reference to other commodities. The gentleman cannot say that this proposal is different from the other provisions of the bill. The gentleman should not make a statement against regimentation unless he is willing to go through with it with respect to the rest of the bill. The trouble is, I fear, that he is quoting what somebody else has told him, and that he has not studied it himself.

Mr. HOOK. I have studied it completely myself, and, further, the gentleman would never have introduced such an amendment if he had studied it and looked at it himself.

Mr. BOILEAU. And I have a recollection that the gentleman supported something similar to that in our committee a few years ago.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. CASE of South Dakota. I would like to know what the effect of the Boileau amendment would be in the Great Plains region, where the farmers have been told that they should change from growing grain to producing livestock.

Mr. BOILEAU. Oh, that is all a fundamental principle of diversified farming. I believe in diversified farming; but the gentleman should not undertake here to say that we should pay some farmers for diversifying their farming, and not others who have been doing that for years. This does not stop any farmer from diversifying as much as he wants to, only we say that he shall not be paid for it or have an unfair advantage over his neighbor with a Government subsidy. The gentleman must determine whether he chooses to adopt a policy of paying farmers to reduce their production of certain commodities and at the same time permit them to contribute toward the creation of a surplus of the commodities produced by other farmers who do not get equivalent benefits. After all, it does not seem to me to make sense to help one farmer in a way that will ruin others. We ask for fair treatment. We do not think it is fair to pay your farmers to reduce the production of your commodities and increase your production of the crops we produce.

Mr. CASE of South Dakota. Does the gentleman think that grass crops should be grown for just the value of the scenery?

Mr. BOILEAU. If the gentleman wants to plant grass crops, do it; but do not expect us to pay you if you feed those crops to livestock in competition with us. Do not ask us to pay you for something that is going to hurt us. We cannot produce your crops; we cannot grow your cotton.

Mr. CASE of South Dakota. But we do not grow cotton in South Dakota.

Mr. BOILEAU. I refer generally to those in opposition to this amendment. We cannot successfully grow your wheat or corn. We are in the dairy business, and we can produce good dairy products, as you will see if you will just eat some Wisconsin cheese. Then you will know we can. Let us stay in the kind of farming to which we have adjusted our economy. Do not ruin us. If you want to ruin us, do it under your own power and do not come to the United States Government and ask to be paid for ruining us. You cannot blame us for resenting that.

I have been accused in the speech of the gentleman from Michigan [Mr. HOOK] of bringing up sectional questions. There is not an ounce of sectionalism in my body. I supported the Bankhead bill and the tobacco-control bill. I supported every farm bill that I have, in good conscience, been able to support, and have gladly done so without any thought of sectionalism. Some of my friends from the tobacco sections have been kind enough on numerous occasions to say that the work that I did on the Agriculture Committee was helpful to them, and whether it was or was not, I assisted them cheerfully and was glad to do so. I shall always try to help out the farmers of all sections of the country. But when in your efforts to help certain types of agriculture, you advocate legislation that will injure us, you cannot blame us for asking you to change your proposal if you expect our support. I am supporting a farm bill that will give cost of production to the producers of all agricultural commodities, without regard to the area in which they are produced. That is not sectionalism. So far as sectionalism is concerned, I have opposed some of the legislation designed to give special treatment to certain sections of the country at the expense of others because I thought the sponsors were bringing in sectionalism.

Last summer when we had the third deficiency bill up, cotton got $65,000,000 a year for this and the next fiscal year out of section 32 funds. I opposed it and stated that I thought cotton was getting too much; but that was not sectionalism. My position has been confirmed by this very report that we will consider tomorrow. This year and next

year cotton will receive more than 50 percent of the fund created by section 32 for all farm products. When the farm bill was previously before the House, my suggestion to limit the amount for any one commodity to 25 percent of the fund was agreed to, and the conferees have retained that limitation in the bill. My criticism was considered then by some to be sectionalism, but I am glad to say that after June 30, 1939, no one commodity will get such an unfair share of this money as cotton is getting in this and the next fiscal year.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FERGUSON. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Very briefly, but I wanted to disabuse the House of any idea that I had any feeling of sectionalism.

Mr. FERGUSON. The gentleman made a very splendid speech and got the votes from the city districts for his bill.

Mr. BOILEAU. And many of the farm districts; do not forget.

Mr. FERGUSON. Does the gentleman think we should carry this allocation of the privilege of growing or producing certain products to certain territory to its logical conclusion? In doing that should we, the cattle and beef producers of the Midwest say to the dairymen: "Since you have the privilege of curtailing the production of dairy products you cannot market your cattle for beef purposes?"

Mr. BOILEAU. All I say is that if we are going to pay farmers to keep out of the production of certain commodities, let them stay out entirely, let them keep that part of their land idle; that is the sensible thing to do. If, however, we want to make exceptions, we should make reasonable ones, requiring that the crops produced on lands on which we pay benefits be used on the farm, and not for market. It does not make sense to pay a farmer to take 10 acres out of the production of cotton and permit him to put it into the production of some other agricultural crop of which there is already a sufficient supply.

Mr. FERGUSON. But we are paying the dairymen on a dairy reduction program; so the dairymen ought not to be allowed to sell their cattle as beef cattle.

Mr. BOILEAU. There is but one fair way to handle this proposition; that is, if you are going to have production control, the best way is to control the land, so that if you take it out of the production of one crop you cannot put it into the production of another commercial crop. Under the present Soil Conservation Act all the commodities in the list I read in the early part of my remarks are protected; if a farmer takes land out of cotton production he cannot grow tobacco, he cannot grow wheat on that land, he cannot grow soy beans except under certain circumstances. The sugar-beet farmers are protected on their sugar beets, and so on down the line. To refuse to make the same exception in the case of the dairy industry is unfair and unjust.

Mr. MAAS. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. MAAS. Is it not true that unless we solve the problem as a whole we are just passing it along from one section to another?

Mr. BOILEAU. The gentleman is absolutely correct. I believe in diversification; but we should not subsidize one group of farmers to diversify and not another group. That is the only principle for which I am contending, and I think it is a sound principle. Now, the gentleman from Oklahoma got me off this matter of sectionalism.

Mr. FERGUSON. Mr. Speaker, will the gentleman yield further?

Mr. BOILEAU. He will just get me further off.

Mr. FERGUSON. I merely wanted to tell the gentleman that I voted against the bill; I am against the bill.

Mr. BOILEAU. That is fine. Then, if the gentleman goes along with us and votes against the conference report, I do not think he and I will have any argument about it.

Mr. FERGUSON. I shall be glad to do that.

Mr. BOILEAU. I am delighted. To get back to this matter of sectionalism, let me go back to this cotton subsidy that was enacted in the closing days of the last regular session. I could not oppose it more vigorously, because we did not have time to consider it. I did all I could. I pointed out that cotton was getting too much money out of the farm fund. Even the Members from the cotton South and the other members of the conference committee agree that too much is being given to cotton, because they have accepted the limitation of 25 percent after this subsidy is paid—of course they did not agree to forego this unjustified dipping into section 32 funds—but this year and next year cotton alone will receive more than 50 percent of this fund which was intended to aid all surplus farm commodities.

Another reason for my protest at that time was that we did not have any idea as to what the conditions would be that would entitle cotton farmers to receive the subsidy. The proposal was that they would get these payments provided they complied with the 1938 program, but we did not have any idea what the 1938 program would be. There were many reasons to justify my opposition to that proposal, and I was not prompted by any spirit of sectionalism.

Getting back to the conference committee's proposed substitute for the McNary-Boileau amendment: The conferees have disregarded the expressed wishes of a majority in both Senate and House; they are guilty of a betrayal of the amendment agreed to by the House and Senate. I say it is a betrayal, because the Congress has spoken, the House and the Senate have agreed upon an amendment, and the conferees have crucified it.

The question resolves itself into the proposition of who is the master and who is the servant. Are the conferees whom the House appointed to serve on the conference committee our servants or our masters? You will decide that question tomorrow when you vote on this conference report. [Applause.]

[Here the gavel fell.]

THE FARM BILL

Mr. O'CONNOR, from the Committee on Rules, submitted the following report (No. 1766) (to accompany H. Res. 416) for printing:

House Resolution 416

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of the conference report on the bill H. R. 8505, an act "To provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, and for other purposes"; that all points of order against said conference report are hereby waived; and that after debate on said conference report which may continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the previous question shall be considered as ordered on agreeing to the conference report.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, doubtless you and the other Members of the House noted in yesterday's and today's paper the tragic suicide of a man by the name of Joseph Danca who lived in Woburn in my district. This man had a wife, mother, and seven children. He had been granted a loan by the Home Owners' Loan Corporation. There was a foreclosure and an eviction. Temporary quarters were found for this family, but he had no employment and the strain was too great. He committed suicide.

Mr. Speaker, on the 7th of December I sent a letter to the Director of the Home Owners' Loan Corporation, Mr. Fahey, advising him of the great number of foreclosures and

evictions in the State of Massachusetts. I may say I never received an answer from Mr. Fahey to my letter protesting against the large number of evictions. I stated in the original letter a great hardship was being worked upon the owners because of the winter months and pointed out the fact that these homes could be of no present value to the Home Owners' Loan Corporation or to the Government and that it was very much better for the homes to be occupied.

I am going to read one paragraph of a letter written by me to Mr. Fahey on February 7:

Since my letter to you of December 7, 1937, several more families in pitiable circumstances have appealed to me for assistance and I have taken up their matters with your Corporation, but the evictions have continued. Your records show that the percentage of foreclosures in Massachusetts is higher than in any other State. Your Corporation, instead of giving sympathetic consideration to the home owners, seems to be taking advantage of the fact that foreclosure and eviction costs are low in Massachusetts. Your figures also show that in communities that suffered from flood and poor industrial conditions your foreclosures have been largest.

Mr. Speaker, I think there is something radically wrong in this situation. I believe Mr. Fahey has conducted his administration in a businesslike manner, too businesslike perhaps, but without sufficient consideration for the families involved. I earnestly hope the membership of the House will join with me in trying to prevent these evictions, particularly during the winter months. [Applause.]

Following is the letter which I wrote to Chairman Fahey today:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 7, 1938.

Hon. JOHN H. FAHEY,
Chairman, Board of Directors,
Home Owners' Loan Corporation, Washington, D. C.

MY DEAR MR. FAHEY: As I have not received a reply to my letter to you of December 7, 1937, I am writing again urging that the Home Owners' Loan Corporation discontinue its practice of evicting families from their homes, especially during the next few winter months.

You have undoubtedly read in the newspapers of yesterday and today that Mr. Joseph Danca, of Woburn, Mass., 50 years old, with his wife, his mother, and seven children, was evicted from his home by the Home Owners' Loan Corporation on February 4 and committed suicide in his temporary home on February 5. The eviction order was secured on January 15 and the family asked to remain in the home until spring. The deputy sheriff served the eviction order on February 4 and found the family temporary quarters. Mr. Danca had been unemployed for several months and had been unable to make payments on the mortgage.

As pointed out in my previous letter, it is almost impossible to secure other tenants during the winter months. Leaving the homes vacant after eviction will result in heavy damage, depreciation, and heavy loss to the Home Owners' Loan Corporation. I have been informed that the records of your Corporation show that you are able to rent, under the most favorable circumstances, only about one-half of the homes from which you evict the owners.

Since my letter to you of December 7, 1937, several more families in pitiable circumstances have appealed to me for assistance and I have taken up their matters with your Corporation, but the evictions have continued. Your records show that the percentage of foreclosures in Massachusetts is higher than in any other State. Your Corporation, instead of giving sympathetic consideration to the home owners, seems to be taking advantage of the fact that foreclosure and eviction costs are low in Massachusetts. Your figures also show that in communities that suffered from flood and poor industrial conditions your foreclosures have been largest.

As I suggested when I talked with you at your office this morning, I urge that you investigate immediately the foreclosures and evictions in Massachusetts in order to grant sympathetic consideration as far as possible to the families whose homes are mortgaged to your Corporation. This consideration I hope may permit many of the families to keep title to their homes. From the large number of homes now in the possession of the Corporation and the large number of these homes unoccupied, financial loss to the Corporation is not likely to result from this consideration.

I also urge, in order to relieve as much suffering as possible on account of your foreclosures and evictions, that the representatives of your Corporation secure the cooperation and assistance for needy families of the Works Progress Administration, the welfare agencies, and other Government officials.

With best wishes, I am

Very sincerely yours,

EDITH NOURSE ROGERS.
(Mrs. John Jacob Rogers.)

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts asked and was given permission to revise and extend her own remarks in the RECORD.

THE FARM BILL

Mr. JONES submitted the following conference report and statement to accompany the bill H. R. 8505, the Agricultural Adjustment Act of 1938:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'Agricultural Adjustment Act of 1938'.

"DECLARATION OF POLICY

"SEC. 2. It is hereby declared to be the policy of Congress to continue the Soil Conservation and Domestic Allotment Act, as amended, for the purpose of conserving national resources, preventing the wasteful use of soil fertility, and of preserving, maintaining, and rebuilding the farm and ranch land resources in the national public interest; to accomplish these purposes through the encouragement of soil-building and soil-conserving crops and practices; to assist in the marketing of agricultural commodities for domestic consumption and for export; and to regulate interstate and foreign commerce in cotton, wheat, corn, tobacco, and rice to the extent necessary to provide an orderly, adequate, and balanced flow of such commodities in interstate and foreign commerce through storage of reserve supplies, loans, marketing quotas, assisting farmers to obtain, insofar as practicable, parity prices for such commodities and parity of income, and assisting consumers to obtain an adequate and steady supply of such commodities at fair prices.

"TITLE I—AMENDMENTS TO SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

"POWERS UNDER SOIL CONSERVATION

"SEC. 101. Section 8 (b) and (c) of the Soil Conservation and Domestic Allotment Act, as amended, are amended to read as follows:

"'(b) Subject to the limitations provided in subsection (a) of this section, the Secretary shall have power to carry out the purposes specified in clauses (1), (2), (3), (4), and (5) of section 7 (a) by making payments or grants of other aid to agricultural producers, including tenants and sharecroppers, in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes during the year with respect to which such payments or grants are made, and measured by (1) their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, or the prevention of erosion; (2) changes in the use of their land; (3) their equitable share, as determined by the Secretary, of the normal national production of any commodity or commodities required for domestic consumption; or (4) their equitable share, as determined by the Secretary, of the national production of any commodity or commodities required for domestic consumption and exports adjusted to reflect the extent to which their utilization of cropland on the farm conforms to farming practices which the Secretary determines will best effectuate the purposes specified in section 7 (a); or (5) any combination of the above. In arid or semiarid sections, (1) and (2) above shall be construed to cover water conservation and the beneficial use of water on individual farms, including measures to prevent run-off, the building of check dams and ponds, and providing facilities for applying water to the land. In determining the amount of any payment or grant measured by (1) or (2) the Secretary shall take into consideration the productivity of the land affected by the farming practices adopted during the year with respect to which such payment is made. In carrying out the provisions of this section in the continental United States, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided. The Secretary shall designate local administrative areas as units for administration of programs under this section. No such local area shall include more than one county or parts of different counties. Farmers within any such local administrative area, and participating or cooperating in programs administered within such area, shall elect annually from among their number a local committee of not more than three members for such area and shall also elect annually from among their number a delegate to a county convention for the election of a county committee. The delegates from the various local areas in the county shall, in a county convention, elect, annually, the county committee for the county which shall consist of three members who are farmers in the county. The local committee shall select a secretary and may utilize the county agricultural extension agent for such purpose. The county committee shall select a secretary who may be the county agricultural extension agent. If such county agricultural extension agent shall not have been elected secretary of such committee, he shall be ex officio a member of the county committee. The county agricultural extension agent shall not have the power to vote. In any county in which there is only one local committee the local committee shall also be the county committee. In each State there shall be a State committee for the State composed of not less than three or more

than five farmers who are legal residents of the State and who are appointed by the Secretary. The State director of the Agricultural Extension Service shall be ex officio a member of such State committee. The ex officio members of the county and State committees shall be in addition to the number of members of such committees hereinbefore specified. The Secretary shall make such regulations as are necessary relating to the selection and exercise of the functions of the respective committees, and to the administration, through such committees, of such programs. In carrying out the provisions of this section, the Secretary—shall, as far as practicable, protect the interest of tenants and sharecroppers; is authorized to utilize the agricultural extension service and other approved agencies; shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing Acts of Congress and as will tend to promote efficient methods of marketing and distribution; shall not have power to acquire any land or any right or interest therein; shall, in every practicable manner, protect the interests of small producers; and shall in every practical way encourage and provide for soil-conserving and soil-rebuilding practices rather than the growing of soil-depleting crops. Rules and regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, wherever practicable, they shall be classified on two bases, (a) Soil-depleting crops and practices, (b) soil-building crops and practices.

"'(c) (1) In apportioning acreage allotments under this section in the case of wheat and corn, the National and State allotments and the allotments to counties shall be apportioned annually on the basis of the acreage seeded for the production of the commodity during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during the applicable period.

"'(2) In the case of wheat, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

"'(3) In the case of corn, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acreage, type of soil, topography, and crop-rotation practices.

"'(4) Notwithstanding any other provision of this subsection, if, for any reason other than flood or drought, the acreage of wheat, cotton, corn, or rice planted on the farm is less than 80 per centum of the farm acreage allotment for such commodity for the purpose of payment, such farm acreage allotment shall be 25 per centum in excess of such planted acreage.

"'(5) In determining normal yield per acre on any farm under this section in the case of wheat or corn, the normal yield shall be the average yield per acre thereon for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any reason there is no actual yield, or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable cause, the yield in any year of such ten-year period is less than 75 per centum of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre.

"'(d) Any payment or grant of aid made under subsection (b) shall be conditioned upon the utilization of the land, with respect to which such payment is made, in conformity with farming practices which the Secretary finds tend to effectuate any one or more of the purposes specified in clause (1), (2), (3), (4), or (5) of section 7 (a).

"'Any payment made under subsection (b) with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be used for grazing purposes only) shall, if the number of cows kept on such farm, and in the county in which such farm is located, for the production of milk or products thereof (for market), exceeds the normal number of such cows, be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on an acreage equal to the land normally used for the production of soil-depleting crops but, as a condition of such payment, not permitted to be so used, shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm, and not for market. Whenever it is determined that a county, as a whole, is in substantial compliance with the provisions of this paragraph, no payment shall be denied any individual farmer in the county by reason of this paragraph; and no payment shall be denied a farmer by reason of this paragraph unless it has been determined that the farmer has not substantially complied with the provisions of this paragraph. Whenever the Secretary finds that by reason of drought, flood, or other disaster, a shortage of feed exists in any area, he shall so declare, and to the extent and for the period he finds necessary to relieve such shortage, the operation of the condition provided in this paragraph shall be suspended in such area and, if necessary to relieve such shortage, in other areas defined by him. As used in this paragraph, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged; and such term shall not include consumption on the farm. An agricultural commodity shall be deemed consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm; or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area from such sources is being adversely affected by increases in the supply for market of such livestock or poultry, as the case may be, arising as a result of programs carried out under this Act, he shall make an investigation with respect to the existence of such facts. If, upon investigation, the Secretary finds that the income of producers of such livestock or poultry, as the case may be, in any area from any such source is being adversely affected by such increases, he shall, as soon as practicable, make such provisions in the administration of this Act with respect to the use of diverted acres as he may find necessary to protect the interests of producers of such livestock or poultry in the affected area.'

"REDUCTION AND INCREASES IN PAYMENTS UNDER SOIL CONSERVATION PROGRAM

"SEC. 102. Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is further amended by adding a new subsection as follows:

"'(e) Payments made by the Secretary to farmers under subsection (b) shall be divided among the landlords, tenants, and sharecroppers of any farm, with respect to which such payments are made, in the same proportion that such landlords, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which such payments are made, except that payments based on soil-building or soil-conserving practices shall be divided in proportion to the extent which such landlords, tenants, and sharecroppers contribute to the carrying out of such practices. Such payments shall be paid by the Secretary directly to the landlords, tenants, or sharecroppers entitled thereto, and shall be computed at rates which will permit the Secretary to set aside out of the funds available for the making of such payments for each year an amount sufficient to permit the increases herein specified to be made within the limits of the funds so available. If with respect to any farm the total payment to any person for any year would be:

"'(1) Not more than $20, the payment shall be increased by 40 per centum;

"'(2) More than $20 but not more than $40, the payment shall be increased by $8, plus 20 per centum of the excess over $20;

"'(3) More than $40 but not more than $60, the payment shall be increased by $12, plus 10 per centum of the excess over $40;

"'(4) More than $60 but not more than $186, the payment shall be increased by $14; or

"'(5) More than $186 but less than $200, the payment shall be increased to $200.

"'In the case of payments of more than $1, the amount of the payment which shall be used to calculate the 40-, 20-, and 10-per-centum increases under clauses (1), (2), and (3) shall not include that part, if any, of the payment which is a fraction of a dollar.

"'Beginning with the calendar year 1939, no total payment for any year to any person under such subsection (b) shall exceed $10,000. In the case of payments made to any individual, partnership, or estate on account of performance on farms in different States, Territories, or possessions, the $10,000 limitation shall apply to the total of the payments for each State, Territory, or possession, for a year and not to the total of all such payments.'

"TENANT PROVISIONS

"SEC. 103. Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is further amended by adding the following new subsections:

"'(f) Any change between the landlord and the tenants or sharecroppers, with respect to any farm, that would increase over the previous year the amount of payments or grants of other aid under subsection (b) that would otherwise be made to any landlord shall not operate to increase such payment or grant to such landlord. Any reduction in the number of tenants below the average number of tenants on any farm during the preceding three years that would increase the payments or grants of other aid under such subsection that would otherwise be made to the landlord shall not hereafter operate to increase any such payment or grant to such landlord. Such limitations shall apply only if the county committee finds that the change or reduction is not justified and disapproves such change or reduction.

"'(g) A payment which may be made to a farmer under this section, may be assigned, without discount, by him in writing as security for cash or advances to finance making a crop. Such assignment shall be acknowledged by the farmer before the county agricultural extension agent and filed with such agent. The farmer shall file with such county agricultural extension agent an affidavit stating that the assignment is not made to pay or secure any pre-existing indebtedness. This provision shall not authorize any suit against or impose any liability upon the

Secretary or any disbursing agent if payment to the farmer is made without regard to the existence of any such assignment.'

"APPORTIONMENT OF FUNDS

"SEC. 104. Section 15 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by inserting at the end thereof the following new paragraph:

"'The funds available for payments (after allowing for estimated administrative expenses, and not to exceed 5 per centum for payments with respect to range lands, noncrop pasture lands, and naval stores) shall be allocated among the commodities produced with respect to which payments or grants are to be computed. In allocating funds among the commodities the Secretary shall take into consideration and give equal weight to (1) the average acreages planted to the various commodities (including rotation pasture), for the ten years 1928 to 1937, adjusted for abnormal weather and other conditions, including acreage diverted from production under the agricultural adjustment and soil conservation programs; (2) the value at parity prices of the production from the allotted acreages of the various commodities for the year with respect to which the payment is made; (3) the average acreage planted to the various commodities during the ten years 1928 to 1937, including the acreage diverted from production under the agricultural adjustment and soil conservation programs, in excess of the allotted acreage for the year with respect to which the payment is made; and (4) the value based on average prices for the preceding ten years of the production of the excess acreage determined under item (3). The rate of payment used in making payments to the producers of each commodity shall be such that the estimated payments with respect to such commodity shall equal the amount of funds allocated to such commodity as herein provided. For the purpose of allocating funds and computing payments or grants the Secretary is authorized to consider as a commodity a group of commodities or a regional or market classification of a commodity. For the purpose of computing payments or grants, the Secretary is authorized to use funds allocated to two or more commodities produced on farms of a designated regional or other classification to compute payments with respect to one of such commodities on such farms, and to use funds, in an amount equal to the estimated payments which would be made in any county, for making payments pursuant to a special program under section 8 approved by the Secretary for such county: *Provided*, That farm acreage allotments shall be made for wheat in 1938, but in determining compliance wheat shall be considered in the group with other crops for which special acreage allotments are not made.'

"EFFECTIVE TIME OF SECTIONS 101, 102, 103, AND 104

"SEC. 105. The amendments made by sections 101, 102, 103, and 104 shall first be effective with respect to farming operations carried out in the calendar year 1938. Nothing contained herein shall require reconstituting, for 1938, any county or other local committee which has been constituted prior to February 1, 1938.

"TITLE II—ADJUSTMENT IN FREIGHT RATES, NEW USES AND MARKETS, AND DISPOSITION OF SURPLUSES

"ADJUSTMENTS IN FREIGHT RATES FOR FARM PRODUCTS

"SEC. 201. (a) The Secretary of Agriculture is authorized to make complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products, and to prosecute the same before the Commission. Before hearing or disposing of any complaint (filed by any person other than the Secretary) with respect to rates, charges, tariffs, and practices relating to the transportation of farm products, the Commission shall cause the Secretary to be notified, and, upon application by the Secretary, shall permit the Secretary to appear and be heard.

"(b) If such rate, charge, tariff, or practice complained of is one affecting the public interest, upon application by the Secretary, the Commission shall make the Secretary a party to the proceeding. In such case the Secretary shall have the rights of a party before the Commission and the rights of a party to invoke and pursue original and appellate judicial proceedings involving the Commission's determination. The liability of the Secretary in any such case shall extend only to liability for court costs.

"(c) For the purposes of this section, the Interstate Commerce Commission is authorized to avail itself of the cooperation, records, services, and facilities of the Department of Agriculture.

"(d) The Secretary is authorized to cooperate with and assist cooperative associations of farmers making complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products.

"NEW USES AND NEW MARKETS FOR FARM COMMODITIES

"SEC. 202. (a) The Secretary is hereby authorized and directed to establish, equip, and maintain four regional research laboratories, one in each major farm producing area, and, at such laboratories, to conduct researches into and to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and byproducts thereof. Such research and development shall be devoted primarily to those farm commodities in which there are regular or seasonal surpluses, and their products and byproducts.

"(b) For the purposes of subsection (a), the Secretary is authorized to acquire land and interests therein, and to accept in the name of the United States donations of any property, real or personal, to any laboratory established pursuant to this section, and to utilize voluntary or uncompensated services at such laboratories. Donations to any one of such laboratories shall not be available for use by any other of such laboratories.

"(c) In carrying out the purposes of subsection (a), the Secretary is authorized and directed to cooperate with other departments or agencies of the Federal Government, States, State agricultural experiment stations, and other State agencies and institutions, counties, municipalities, business or other organizations, corporations, associations, universities, scientific societies, and individuals, upon such terms and conditions as he may prescribe.

"(d) To carry out the purposes of subsection (a), the Secretary is authorized to utilize in each fiscal year, beginning with the fiscal year beginning July 1, 1938, a sum not to exceed $4,000,000 of the funds appropriated pursuant to section 391 of this Act, or section 15 of the Soil Conservation and Domestic Allotment Act, as amended, for such fiscal year. The Secretary shall allocate one-fourth of such sum annually to each of the four laboratories established pursuant to this section.

"(e) The Secretary shall make a report to Congress at the beginning of each regular session of the activities of, expenditures by, and donations to the laboratories established pursuant to subsection (a).

"(f) There is hereby allocated to the Secretary of Commerce for each fiscal year, beginning with the fiscal year beginning July 1, 1938, out of funds appropriated for such fiscal year pursuant to section 391 of this Act, or section 15 of the Soil Conservation and Domestic Allotment Act, as amended, the sum of $1,000,000 to be expended for the promotion of the sale of farm commodities and products thereof in such manner as he shall direct. Of the sum allocated under this subsection to the Secretary of Commerce for the fiscal year beginning July 1, 1938, $100,000 shall be devoted to making a survey and investigation of the cause or causes of the reduction in exports of agricultural commodities from the United States, in order to ascertain methods by which the sales in foreign countries of basic agricultural commodities produced in the United States may be increased.

"(g) It shall be the duty of the Secretary to use available funds to stimulate and widen the use of all farm commodities in the United States and to increase in every practical way the flow of such commodities and the products thereof into the markets of the world.

"SEC. 203. Section 32, as amended, of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935, is amended by striking out ': *Provided further*, That no part of the funds appropriated by this section shall be used for the payment of benefits in connection with the exportation of unmanufactured cotton', and is further amended by adding at the end thereof the following: 'Notwithstanding any other provision of this section, the amount that may be devoted, during any fiscal year after June 30, 1939, to any one agricultural commodity or the products thereof in such fiscal year, shall not exceed 25 per centum of the funds available under this section for such fiscal year.'

"CONTINUATION OF FEDERAL SURPLUS COMMODITIES CORPORATION

"SEC. 204. The Act entitled 'An Act to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation', approved June 28, 1937 (Public, numbered 165, Seventy-fifth Congress), is amended by striking out 'continued, until June 30, 1939,' and inserting in lieu thereof 'continued, until June 30, 1942,'. The Federal Surplus Commodities Corporation shall submit to Congress on the first day of each regular session an annual report setting forth a statement of the activities, receipts, and expenditures of the Corporation during the previous fiscal year.

"TITLE III—LOANS, PARITY PAYMENTS, CONSUMER SAFEGUARDS, AND MARKETING QUOTAS

"SUBTITLE A—DEFINITIONS, LOANS, PARITY PAYMENTS, AND CONSUMER SAFEGUARDS

"DEFINITIONS

"SEC. 301. (a) General definitions: For the purposes of this title and the declaration of policy—

"(1) 'Parity', as applied to prices for any agricultural commodity, shall be that price for the commodity which will give to the commodity a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodity in the base period; and, in the case of all commodities for which the base period is the period August 1909 to July 1914, which will also reflect current interest payments per acre on farm indebtedness secured by real estate, tax payments per acre on farm real estate, and freight rates, as contrasted with such interest payments, tax payments, and freight rates during the base period. The base period in the case of all agricultural commodities except tobacco shall be the period August 1909 to July 1914, and, in the case of tobacco, shall be the period August 1919 to July 1929.

"(2) 'Parity', as applied to income, shall be that per capita net income of individuals on farms from farming operations that bears to the per capita net income of individuals not on farms the same relation as prevailed during the period from August 1909 to July 1914.

"(3) The term 'interstate and foreign commerce' means sale, marketing, trade, and traffic between any State or Territory or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State or Territory or within the District of Columbia or Puerto Rico, through any place outside

thereof; or within any Territory or within the District of Columbia or Puerto Rico.

"(4) The term 'affect interstate and foreign commerce' means, among other things, in such commerce, or to burden or obstruct such commerce or the free and orderly flow thereof; or to create or tend to create a surplus of any agricultural commodity which burdens or obstructs such commerce or the free and orderly flow thereof.

"(5) The term 'United States' means the several States and Territories and the District of Columbia and Puerto Rico.

"(6) The term 'State' includes a Territory and the District of Columbia and Puerto Rico.

"(7) The term 'Secretary' means the Secretary of Agriculture, and the term 'Department' means the Department of Agriculture.

"(8) The term 'person' means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or any agency of a State.

"(9) The term 'corn' means field corn.

"(b) Definitions applicable to one or more commodities: For the purposes of this title—

"(1) (A) 'Actual production' as applied to any acreage of corn means the number of bushels of corn which the local committee determines would be harvested as grain from such acreage if all the corn on such acreage were so harvested. In case of a disagreement between the farmer and the local committee as to the actual production of the acreage of corn on the farm, or in case the local committee determines that such actual production is substantially below normal, the local committee, in accordance with regulations of the Secretary, shall weigh representative samples of ear corn taken from the acreage involved, make proper deductions for moisture content, and determine the actual production of such acreage on the basis of such samples.

"(B) 'Actual production' of any number of acres of cotton on a farm means the actual average yield for the farm times such number of acres.

"(2) 'Bushel' means in the case of ear corn that amount of ear corn, including not to exceed 15½ per centum of moisture content, which weighs seventy pounds, and in the case of shelled corn, means that amount of shelled corn including not to exceed 15½ per centum of moisture content, which weighs fifty-six pounds.

"(3) (A) 'Carry-over', in the case of corn and rice, for any marketing year shall be the quantity of the commodity on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"(B) 'Carry-over' of cotton for any marketing year shall be the quantity of cotton on hand either within or without the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"(C) 'Carry-over' of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, except that in the case of cigar-filler and cigar-binder tobacco the quantity of type 46 on hand and theretofore produced in the United States during such calendar year shall also be included.

"(D) 'Carry-over' of wheat, for any marketing year shall be the quantity of wheat on hand in the United States at the beginning of such marketing year, not including any wheat which was produced in the United States during the calendar year then current, and not including any wheat held by the Federal Crop Insurance Corporation under Title V.

"(4) (A) 'Commercial corn-producing area' shall include all counties in which the average production of corn (excluding corn used as silage) during the ten calendar years immediately preceding the calendar year for which such area is determined, after adjustment for abnormal weather conditions, is four hundred and fifty bushels or more per farm and four bushels or more for each acre of farm land in the county.

"(B) Whenever prior to February 1 of any calendar year the Secretary has reason to believe that any county which is not included in the commercial corn-producing area determined pursuant to the provisions of subparagraph (A), but which borders upon one of the counties in such area, or that any minor civil division in a county bordering on such area, is producing (excluding corn used for silage) an average of at least four hundred and fifty bushels of corn per farm and an average of at least four bushels for each acre of farm land in the county or in the minor civil division, as the case may be, he shall cause immediate investigation to be made to determine such fact. If, upon the basis of such investigation, the Secretary finds that such county or minor civil division is likely to produce corn in such average amounts during such calendar year, he shall proclaim such determination, and, commencing with such calendar year, such county shall be included in the commercial corn-producing area. In the case of a county included in the commercial corn-producing area pursuant to this subparagraph, whenever prior to February 1 of any calendar year the Secretary has reason to believe that facts justifying the inclusion of such county are not likely to exist in such calendar year, he shall cause an immediate investigation to be made with respect thereto. If, upon the basis of such investigation, the Secretary finds that such facts are not likely to exist in such calendar year, he shall proclaim such determination, and commencing with such calendar year, such county shall be excluded from the commercial corn-producing area.

"(5) 'Farm consumption' of corn means consumption by the farmer's family, employees, or household, or by his work stock; or consumption by poultry or livestock on his farm if such poultry or livestock, or the products thereof, are consumed or to be consumed by the farmer's family, employees, or household.

"(6) (A) 'Market', in the case of cotton, wheat, and tobacco, means to dispose of by sale, barter, or exchange, but, in the case of wheat, does not include disposing of wheat as premium to the Federal Crop Insurance Corporation under Title V.

"(B) 'Market', in the case of corn, means to dispose of by sale, barter, or exchange, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or to be so disposed of.

"(C) 'Market', in the case of rice, means to dispose of by sale, barter, or exchange of rice used or to be used for human consumption.

"(D) 'Marketed', 'marketing', and 'for market' shall have corresponding meanings to the term 'market' in the connection in which they are used.

"(7) 'Marketing year' means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

"Corn, October 1–September 30;

"Cotton, August 1–July 31;

"Rice, August 1–July 31;

"Tobacco (flue-cured), July 1–June 30;

"Tobacco (other than flue-cured), October 1–September 30;

"Wheat, July 1–June 30.

"(8) 'National average yield' as applied to cotton or wheat shall be the national average yield per acre of the commodity during the ten calendar years in the case of wheat, and during the five calendar years in the case of cotton, preceding the year in which such national average yield is used in any computation authorized in this title, adjusted for abnormal weather conditions and, in the case of wheat, but not in the case of cotton, for trends in yields.

"(9) 'Normal production' as applied to any number of acres of corn, cotton, or wheat means the normal yield for the farm times such number of acres.

"(10) (A) 'Normal supply' in the case of corn, cotton, rice, and wheat shall be a normal year's domestic consumption and exports of the commodity, plus 7 per centum in the case of corn, 40 per centum in the case of cotton, 10 per centum in the case of rice, and 15 per centum in the case of wheat, of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"(B) The 'normal supply' of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"(11) (A) 'Normal year's domestic consumption', in the case of corn and wheat, shall be the yearly average quantity of the commodity, wherever produced, that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"(B) 'Normal year's domestic consumption', in the case of cotton and tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"(C) 'Normal year's domestic consumption', in the case of rice, shall be the yearly average quantity of rice produced in the United States that was consumed in the United States during the five marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"(12) 'Normal year's exports' in the case of corn, cotton, rice, tobacco, and wheat shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years (or, in the case of rice, the five marketing years) immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

"(13) (A) 'Normal yield' for any farm, in the case of corn, shall be the average yield per acre of corn for the farm during the ten calendar years immediately preceding the year in which such normal yield is used in computing any farm marketing quota or adjustment thereof, adjusted for abnormal weather conditions and trends in yields.

"(B) 'Normal yield' for any farm, in the case of wheat or cotton, shall be the average yield per acre of wheat or cotton for the farm, adjusted for abnormal weather conditions, and, in the case of wheat but not in the case of cotton, for trends in yields, during the ten calendar years in the case of wheat, and five calendar years in the case of cotton, immediately preceding the year with respect to which such normal yield is used in any computation authorized under this title.

"(C) In applying subparagraph (A) or (B), if for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year. In applying such subparagraphs, if, on account of drought,

flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such ten-year period or five-year period, as the case may be, is less than 75 per centum of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre.

"(D) 'Normal yield' per acre of rice for any land planted to rice in any year shall be the average yield per acre thereof during the five calendar years immediately preceding the calendar year for which such normal yield is determined. If, for any reason, there is no actual yield or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with the regulations of the Secretary, shall be used. If the average of the normal yields for all lands planted to rice in any year in the State (weighted by the acreage allotments therein) exceeds the average yield per acre for the State during the period used in determining normal yields, the normal yields for such lands in the State shall be reduced pro rata so that the average of such normal yields shall not exceed such State average yield.

"(14) (A) 'Reserve supply level', in the case of corn, shall be a normal year's domestic consumption and exports of corn plus 10 per centum of a normal year's domestic consumption and exports, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

"(B) 'Reserve supply level' of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

"(15) 'Tobacco' means each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the Department:

"Flue-cured tobacco, comprising types 11, 12, 13, and 14;

"Fire-cured and dark air-cured tobacco, comprising types 21, 22, 23, 24, 35, 36, and 37;

"Burley tobacco, comprising type 31;

"Maryland tobacco, comprising type 32;

"Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;

"Cigar-filler tobacco, comprising type 41.

"The provisions of this title shall apply to each of such kinds of tobacco severally.

"(16) (A) 'Total supply' of corn, cotton, rice, and wheat for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

"(B) 'Total supply' of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins, except that the estimated production of type 46 tobacco during the marketing year with respect to which the determination is being made shall be used in lieu of the estimated production of such type during the calendar year in which such marketing year begins in determining the total supply of cigar-filler and cigar-binder tobacco.

"(c) The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

"LOANS ON AGRICULTURAL COMMODITIES

"SEC. 302. (a) The Commodity Credit Corporation is authorized, upon recommendation of the Secretary and with the approval of the President, to make available loans on agricultural commodities (including dairy products). Except as otherwise provided in this section, the amount, terms, and conditions of such loans shall be fixed by the Secretary, subject to the approval of the Corporation and the President.

"(b) The Corporation is directed to make available to cooperators loans upon wheat during any marketing year beginning in a calendar year in which the farm price of wheat on June 15 is below 52 per centum of the parity price on such date, or the July crop estimate for wheat is in excess of a normal year's domestic consumption and exports, at rates not less than 52 per centum and not more than 75 per centum of the parity price of wheat at the beginning of the marketing year. In case marketing quotas for wheat are in effect in any marketing year, the Corporation is directed to make available, during such marketing year, to noncooperators, loans upon wheat at 60 per centum of the rate applicable to cooperators. A loan on wheat to a noncooperator shall be made only on so much of his wheat as would be subject to penalty if marketed.

"(c) The Corporation is directed to make available to cooperators loans upon cotton during any marketing year beginning in a calendar year in which the average price on August 1 of seven-eighths Middling spot cotton on the ten markets designated by the Secretary is below 52 per centum of the parity price of cotton on such date, or the August crop estimate for cotton is in excess of a normal year's domestic consumption and exports, at rates not less than 52 per centum and not more than 75 per centum of the parity price of cotton as of the beginning of the marketing year. In case marketing quotas for cotton are in effect in any marketing year, the Corporation is directed to make available, during such marketing year, to noncooperators, loans upon cotton at 60 per centum of the rate applicable to cooperators. A loan on cotton to a noncooperator shall be made on so much of his cotton as would be subject to penalty if marketed.

"(d) The Corporation is directed to make available loans upon corn during any marketing year beginning in the calendar year in which the November crop estimate for corn is in excess of a normal year's domestic consumption and exports, or in any marketing year when on November 15 the farm price of corn is below 75 per centum of the parity price, at the following rates:

"75 per centum of such parity price if such estimate does not exceed a normal year's consumption and exports and the farm price of corn is below 75 per centum of the parity price on November 15;

"70 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by not more than 10 per centum;

"65 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than 10 per centum and not more than 15 per centum;

"60 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than 15 per centum and not more than 20 per centum;

"55 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than 20 per centum and not more than 25 per centum;

"52 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than 25 per centum.

Loans shall be made to cooperators in the commercial corn-producing area at the applicable rate of the above schedule. Loans shall be made to noncooperators within such commercial corn-producing area but only during a marketing year in which farm marketing quotas are in effect and only on corn stored under seal pursuant to section 324, and the rate of such loans shall be 60 per centum of the applicable rate under the above schedule. Loans shall be made to cooperators outside such commercial corn-producing area, and the rate of such loans shall be 75 per centum of the applicable rate under the above schedule.

"(e) The rates of loans under subsections (b), (c), and (d) on wheat, cotton, and corn not of standard grade, type, staple, or quality shall be increased or decreased in relation to the rates above provided by such amounts as the Secretary prescribes as properly reflecting differences from standard in grade, type, staple, and quality.

"(f) For the purposes of subsections (b), (c), and (d), a cooperator shall be a producer on whose farm the acreage planted to the commodity for the crop with respect to which the loan is made does not exceed the farm acreage allotment for the commodity under this title, or, in the case of loans upon corn to a producer outside the commercial corn-producing area, a producer on whose farm the acreage planted to soil-depleting crops does not exceed the farm acreage allotment for soil-depleting crops for the year in which the loan is made under the Soil Conservation and Domestic Allotment Act, as amended. For the purposes of this subsection a producer shall not be deemed to have exceeded his farm acreage allotment unless such producer knowingly exceeded his farm-acreage allotment.

"(g) Notwithstanding any other provision of this section, if the farmers producing cotton, wheat, corn, or rice indicate by vote in a referendum carried out pursuant to the provisions of this title that marketing quotas with respect to such commodity are opposed by more than one-third of the farmers voting in such referendum, no loan shall be made pursuant to this section with respect to the commodity during the period from the date on which the results of the referendum are proclaimed by the Secretary until the beginning of the second succeeding marketing year for such commodity. This subsection shall not limit the availability or renewal of any loan previously made.

"(h) No producer shall be personally liable for any deficiency arising from the sale of the collateral securing any loan under this section unless such loan was obtained through fraudulent representations by the producer.

"(i) In carrying out this section the Corporation is directed, with the consent of the Secretary, to utilize the services, facilities, and personnel of the Department.

"PARITY PAYMENTS

"SEC. 303. If and when appropriations are made therefor, the Secretary is authorized and directed to make payments to producers of corn, wheat, cotton, rice, or tobacco, on their normal production of such commodities in amounts which, together with the proceeds thereof, will provide a return to such producers which is as nearly equal to parity price as the funds so made available will permit. All funds available for such payments with respect to these commodities shall, unless otherwise provided by law, be apportioned to these commodities in proportion to the amount by which each fails to reach the parity income. Such payments shall be in addition to and not in substitution for any other payments authorized by law.

"CONSUMER SAFEGUARDS

"SEC. 304. The powers conferred under this Act shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes

available for domestic consumption within any general class of food commodities. In carrying out the purposes of this Act it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

"SUBTITLE B—MARKETING QUOTAS

"PART I—MARKETING QUOTAS—TOBACCO

"LEGISLATIVE FINDING

"SEC. 311. (a) The marketing of tobacco constitutes one of the great basic industries of the United States with ramifying activities which directly affect interstate and foreign commerce at every point, and stable conditions therein are necessary to the general welfare. Tobacco produced for market is sold on a Nation-wide market and, with its products, moves almost wholly in interstate and foreign commerce from the producer to the ultimate consumer. The farmers producing such commodity are subject in their operations to uncontrollable natural causes, are widely scattered throughout the Nation, in many cases such farmers carry on their farming operations on borrowed money or leased lands, and are not so situated as to be able to organize effectively, as can labor and industry through unions and corporations enjoying Government protection and sanction. For these reasons, among others, the farmers are unable without Federal assistance to control effectively the orderly marketing of such commodity with the result that abnormally excessive supplies thereof are produced and dumped indiscriminately on the Nation-wide market.

"(b) The disorderly marketing of such abnormally excessive supplies affects, burdens, and obstructs interstate and foreign commerce by (1) materially affecting the volume of such commodity marketed therein, (2) disrupting the orderly marketing of such commodity therein, (3) reducing the price for such commodity with consequent injury and destruction of interstate and foreign commerce in such commodity, and (4) causing a disparity between the prices for such commodity in interstate and foreign commerce and industrial products therein, with a consequent diminution of the volume of interstate and foreign commerce in industrial products.

"(c) Whenever an abnormally excessive supply of tobacco exists, the marketing of such commodity by the producers thereof directly and substantially affects interstate and foreign commerce in such commodity and its products, and the operation of the provisions of this Part becomes necessary and appropriate in order to promote, foster, and maintain an orderly flow of such supply in interstate and foreign commerce.

"NATIONAL MARKETING QUOTA

"SEC. 312. (a) Whenever, on the 15th day of November of any calendar year, the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year.

"(b) Whenever in the case of burley tobacco, and fire-cured and dark air-cured tobacco, respectively, the total supply proclaimed pursuant to the provisions of subsection (a) of this section exceeds the reserve supply level by more than 5 per centum and a national marketing quota is not in effect for such tobacco during the marketing year then current, a national marketing quota shall also be in effect for such tobacco marketed during the period from the date of such proclamation to the end of such current marketing year, and the Secretary shall determine and shall specify in such proclamation the amount of such national marketing quota in terms of the total quantity which may be marketed, which will make available during such current marketing year a supply of tobacco equal to the reserve supply level. The provisions of this subsection shall not be effective prior to the beginning of the marketing year beginning in the calendar year 1938.

"(c) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. If in the case of burley tobacco, or fire-cured and dark air-cured tobacco, respectively, farmers would be subject to a national quota for the next succeeding marketing year pursuant to the provisions of subsection (a) of this section, and also to a national marketing quota for the current marketing year pursuant to the provisions of subsection (b) of this section, the referendum shall provide for voting with respect to each such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the Secretary shall, prior to the 1st day of January, proclaim the result of the referendum and such quota shall not be effective thereafter.

"(d) In connection with the determination and proclamation of any marketing quota for the 1938–1939 marketing year, the determination by the Secretary pursuant to subsection (a) of this section shall be made and proclaimed within fifteen days following the date of the enactment of this Act, and the proclamation of the Secretary pursuant to subsection (c) of this section shall be made within forty-five days following the date of the enactment of this Act.

"(e) Marketing quotas shall not be in effect with respect to cigar-filler tobacco comprising type 41 during the marketing year beginning in 1938 or the marketing year beginning in 1939.

"APPORTIONMENT OF NATIONAL MARKETING QUOTA

"SEC. 313. (a) The national marketing quota for tobacco established pursuant to the provisions of section 312, less the amount to be allotted under subsection (c) of this section, shall be apportioned by the Secretary among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the net acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period: *Provided, however*, That to prevent in any case too sharp and sudden reduction in acreage of tobacco production in any State, the marketing quota for flue-cured tobacco for any State for any marketing year shall not be reduced to a point less than 75 per centum of the production of flue-cured tobacco in such State for the year 1937.

"(b) The Secretary shall provide, through the local committees, for the allotment of the marketing quota for any State among the farms on which tobacco is produced, on the basis of the following: Past marketing of tobacco, making due allowance for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That, except for farms on which for the first time in 5 years tobacco is produced to be marketed in the marketing year for which the quota is effective, the marketing quota for any farm shall not be less than the smaller of either (1) three thousand two hundred pounds, in the case of flue-cured tobacco, and two thousand four hundred pounds, in the case of other kinds of tobacco, or (2) the average tobacco production for the farm during the preceding three years, plus the average normal production of any tobacco acreage diverted under agricultural adjustment and conservation programs during such preceding three years.

"(c) The Secretary shall provide, through local committees, for the allotment of not in excess of 5 per centum of the national marketing quota (1) to farms in any State whether it has a State quota or not on which for the first time in five years tobacco is produced to be marketed in the year for which the quota is effective and (2) for further increase of allotments to small farms pursuant to the proviso in subsection (b) of this section on the basis of the following: Land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That farm marketing quotas established pursuant to this subsection for farms on which tobacco is produced for the first time in five years shall not exceed 75 per centum of the farm marketing quotas established pursuant to subsection (b) of this section for farms which are similar with respect to the following: Land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

"(d) Farm marketing quotas may be transferred only in such manner and subject to such conditions as the Secretary may prescribe by regulations.

"PENALTIES

"SEC. 314. The marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced, except the marketing of any such tobacco for nicotine or other by-product uses, shall be subject to a penalty of 50 per centum of the market price of such tobacco on the date of such marketing, or, if the following rates are higher, 3 cents per pound in the case of flue-cured, Maryland, or burley, and 2 cents per pound in the case of all other kinds of tobacco. Such penalty shall be paid by the person who acquires such tobacco from the producer but an amount equivalent to the penalty may be deducted by the buyer from the price paid to the producer in case such tobacco is marketed by sale; or, if the tobacco is marketed by the producer through a warehouseman or other agent, such penalty shall be paid by such warehouseman or agent who may deduct an amount equivalent to the penalty from the price paid to the producer: *Provided*, That in case any tobacco is marketed directly to any person outside the United States the penalty shall be paid and remitted by the producer.

"PART II—MARKETING QUOTAS—CORN

"LEGISLATIVE FINDING

"SEC. 321. Corn is a basic source of food for the Nation, and corn produced in the commercial corn-producing area moves almost wholly in interstate and foreign commerce in the form of corn, livestock, and livestock products.

"Abnormally excessive and abnormally deficient supplies of corn acutely and directly affect, burden, and obstruct interstate and foreign commerce in corn, livestock, and livestock products. When abnormally excessive supplies exist, transportation facilities in interstate and foreign commerce are overtaxed, and the handling

and processing facilities through which the flow of interstate and foreign commerce in corn, livestock, and livestock products is directed become acutely congested. Abnormally deficient supplies result in substantial decreases in livestock production and in an inadequate flow of livestock and livestock products in interstate and foreign commerce, with the consequence of unreasonably high prices to consumers.

"Violent fluctuations from year to year in the available supply of corn disrupt the balance between the supply of livestock and livestock products moving in interstate and foreign commerce and the supply of corn available for feeding. When available supplies of corn are excessive, corn prices are low and farmers overexpand livestock production in order to find outlets for corn. Such expansion, together with the relative scarcity and high price of corn, forces farmers to market abnormally excessive supplies of livestock in interstate commerce at sacrifice prices, endangering the financial stability of producers, and overtaxing handling and processing facilities through which the flow of interstate and foreign commerce in livestock and livestock products is directed. Such excessive marketings deplete livestock on farms, and livestock marketed in interstate and foreign commerce consequently becomes abnormally low, with resultant high prices to consumers and danger to the financial stability of persons engaged in transporting, handling, and processing livestock in interstate and foreign commerce. These high prices in turn result in another overexpansion of livestock production.

"Recurring violent fluctuations in the price of corn resulting from corresponding violent fluctuations in the supply of corn directly affect the movement of livestock in interstate commerce from the range cattle regions to the regions where livestock is fattened for market in interstate and foreign commerce, and also directly affect the movement in interstate commerce of corn marketed as corn which is transported from the regions where produced to the regions where livestock is fattened for market in interstate and foreign commerce.

"Substantially all the corn moving in interstate commerce, substantially all the corn fed to livestock transported in interstate commerce for fattening, and substantially all the corn fed to livestock marketed in interstate and foreign commerce, is produced in the commercial corn-producing area. Substantially all the corn produced in the commercial corn-producing area, with the exception of a comparatively small amount used for farm consumption, is either sold or transported in interstate commerce, or is fed to livestock transported in interstate commerce for feeding, or is fed to livestock marketed in interstate and foreign commerce. Almost all the corn produced outside the commercial corn-producing area is either consumed, or is fed to livestock which is consumed, in the State in which such corn is produced.

"The conditions affecting the production and marketing of corn and the livestock products of corn are such that, without Federal assistance, farmers, individually or in cooperation, cannot effectively prevent the recurrence of disparities between the supplies of livestock moving in interstate and foreign commerce and the supply of corn available for feeding, and provide for orderly marketing of corn in interstate and foreign commerce and livestock and livestock products in interstate and foreign commerce.

"The national public interest requires that the burdens on interstate and foreign commerce above described be removed by the exercise of Federal power. By reason of the administrative and physical impracticability of regulating the movement of livestock and livestock products in interstate and foreign commerce and the inadequacy of any such regulation to remove such burdens, such power can be feasibly exercised only by providing for the withholding from market of excessive and burdensome supplies of corn in times of excessive production, and providing a reserve supply of corn available for market in times of deficient production, in order that a stable and continuous flow of livestock and livestock products in interstate and foreign commerce may at all times be assured and maintained.

"FARM MARKETING QUOTAS

"SEC. 322. (a) Whenever in any calendar year the Secretary determines from available statistics of the Department, including the August production estimate officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of corn as of October 1 will exceed the normal supply thereof by more than 10 per centum, marketing quotas shall be in effect in the commercial corn-producing area for the crop of corn grown in such area in such calendar year, and shall remain in effect until terminated in accordance with the provisions of this title.

"(b) The Secretary shall determine, on the basis of the estimated average yield of corn in such area for such crop, the acreage in such area which the Secretary determines would make available for the marketing year beginning October 1 a supply of corn (together with the estimated production of corn in the United States outside such area) equal to the normal supply. The percentage which the number of acres so determined is of the total number of acres of the acreage allotment under section 328 shall be proclaimed by the Secretary. Such percentage is referred to herein as the 'marketing percentage'.

"(c) The Secretary shall proclaim his determinations of facts under subsection (a) and his determination of the marketing percentage under subsection (b) not later than August 15.

"(d) Within twenty days after the date of the issuance of the proclamation provided for in subsection (c) of this section, the Secretary shall conduct a referendum, by secret ballot, of farmers who would be subject to such quotas to determine whether such farmers are in favor of or opposed to such quotas. If more than one-third of the farmers voting in the referendum oppose such quotas, the Secretary shall, prior to September 10, proclaim the result of the referendum and such quotas shall not become effective.

"(e) Whenever it shall appear from the September production estimates officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of corn as of the beginning of the next suceeding marketing year will not exceed the normal supply by more than 10 per centum thereof, the Secretary shall proclaim such fact prior to September 20, if farm marketing quotas have been proclaimed for such marketing year. Thereupon such quotas shall not become effective.

"AMOUNT OF FARM MARKETING QUOTA

"SEC. 323. (a) The farm marketing quota for any farm with respect to any crop of corn shall be an amount of corn equal to the sum of—

"(1) The amount of corn used as silage; and

"(2) The actual production of the acreage of corn not used as silage less the amount required for farm consumption and less the storage amount applicable to the farm as ascertained under section 324.

"(b) No farm marketing quota with respect to any crop of corn shall be applicable to any farm on which the normal production of the acreage planted to corn is less than three hundred bushels.

"STORAGE AMOUNTS

"SEC. 324. (a) If the acreage of corn on the farm does not exceed the marketing percentage of the farm acreage allotment, there shall be no storage amount.

"(b) If the acreage of corn on the farm exceeds the marketing percentage of the farm acreage allotment, the storage amount shall be a number of bushels equal to the smallest of the following amounts—

"(1) The normal production of the acreage of corn on the farm in excess of the marketing percentage of the farm acreage allotment;

"(2) The amount by which the actual production of the acreage of corn on the farm exceeds the normal production of the marketing percentage of the farm acreage allotment; or

"(3) The amount of the actual production of the acreage of corn on the farm not used for silage.

"(c) If the storage amount ascertained under subsection (b) is less than 100 bushels, there shall be no storage amount.

"PENALTIES

"SEC. 325. (a) Any farmer who, while any farm marketing quota is in effect for his farm with respect to any crop of corn, markets corn produced on the farm in an amount which is in excess of the aggregate of the farm marketing quotas for the farm in effect at such time, shall be subject to a penalty of 15 cents per bushel of the excess so marketed. Liability for such penalty shall not accrue until the amount of corn stored under seal on such farm or in storage cribs rented by the farmer or under his control is less than the storage amount applicable to such crop plus the storage amounts, if any, applicable to other crops.

"(b) If there is stored under seal on the farm or in such cribs an amount of corn equal at least to the storage amount applicable to such crop plus such storage amounts applicable to such other crops, the farmer shall be presumed not to be violating the provisions of subsection (a). When the amount of corn stored under seal on the farm or in such cribs is less than the storage amount applicable to such crop plus such storage amounts applicable to such other crops, the farmer shall be presumed to have marketed, while farm marketing quotas were in effect, corn in violation of the provisions of subsection (a) to the extent that the amount of corn so stored is less than the aggregate of such storage amounts. In any action brought to enforce the collection of penalties provided for in this section, the farmer, to the extent that the amount of corn so stored is less than the aggregate of such storage amounts shall have the burden of proving that he did not market corn in violation of the provisions of subsection (a).

"(c) For the purposes of this Part, corn shall be deemed to be stored by the farmer under seal only if stored in such manner as to conform to the requirements of such regulations as the Secretary shall prescribe in order more effectively to administer this Part.

"ADJUSTMENT OF FARM MARKETING QUOTAS

"SEC. 326. (a) Whenever in any county or other area the Secretary finds that the actual production of corn plus the amount of corn stored under seal in such county or other area is less than the normal production of the marketing percentage of the farm acreage allotments in such county or other area, the Secretary shall terminate farm marketing quotas for corn in such county or other area.

"(b) Whenever, upon any farm, the actual production of the acreage of corn is less than the normal production of the marketing percentage of the farm acreage allotment, there may be marketed, without penalty, from such farm an amount of corn from the corn stored under seal pursuant to section 324 which, together with the actual production of the then current crop, will equal the normal production of the marketing percentage of the farm acreage allotment.

"(c) Whenever, in any marketing year, marketing quotas are not in effect with respect to the crop of corn produced in the calendar year in which such marketing year begins, all marketing quotas applicable to previous crops of corn shall be terminated.

"PROCLAMATIONS OF SUPPLIES AND COMMERCIAL CORN-PRODUCING AREA

"SEC. 327. Not later than September 1, the Secretary shall ascertain and proclaim the total supply, the normal supply, and the reserve supply level for such marketing year. Not later than February 1, the Secretary shall ascertain and proclaim the commercial corn-producing area. The ascertainment and proclamation of the commercial corn-producing area for 1938 shall be made not later than ten days after the date of the enactment of this Act.

"ACREAGE ALLOTMENT

"SEC. 328. The acreage allotment of corn for any calendar year shall be that acreage in the commercial corn-producing area which, on the basis of the average yield for corn in such area during the ten calendar years immediately preceding such calendar year will produce an amount of corn in such area which the Secretary determines will, together with corn produced in the United States outside the commercial corn-producing area, make available a supply for the marketing year beginning in such calendar year, equal to the reserve supply level. The Secretary shall proclaim such acreage allotment not later than February 1 of the calendar year for which such acreage allotment was determined. The proclamation of the acreage allotment for 1938 shall be made as soon as practicable after the date of the enactment of this Act.

"APPORTIONMENT OF ACREAGE ALLOTMENT

"SEC. 329. (a) The acreage allotment for corn shall be apportioned by the Secretary among the counties in the commercial corn-producing area on the basis of the acreage seeded for the production of corn during the ten calendar years immediately preceding the calendar year in which the apportionment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period and for the promotion of soil-conservation practices: *Provided*, That any downward adjustment for the promotion of soil-conservation practices shall not exceed 2 per centum of the total acreage allotment that would otherwise be made to such county.

"(b) The acreage allotment to the county for corn shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of tillable acreage, crop-rotation practices, type of soil, and topography.

"PART III—MARKETING QUOTAS—WHEAT

"LEGISLATIVE FINDINGS

"SEC. 331. Wheat is a basic source of food for the Nation, is produced throughout the United States by more than a million farmers, is sold on the country-wide market and, as wheat or flour, flows almost entirely through instrumentalities of interstate and foreign commerce from producers to consumers.

"Abnormally excessive and abnormally deficient supplies of wheat on the country-wide market acutely and directly affect, burden, and obstruct interstate and foreign commerce. Abnormally excessive supplies overtax the facilities of interstate and foreign transportation, congest terminal markets and milling centers in the flow of wheat from producers to consumers, depress the price of wheat in interstate and foreign commerce, and otherwise disrupt the orderly marketing of such commodity in such commerce. Abnormally deficient supplies result in an inadequate flow of wheat and its products in interstate and foreign commerce with consequent injurious effects to the instrumentalities of such commerce and with excessive increases in the prices of wheat and its products in interstate and foreign commerce.

"It is in the interest of the general welfare that interstate and foreign commerce in wheat and its products be protected from such burdensome surpluses and distressing shortages, and that a supply of wheat be maintained which is adequate to meet domestic consumption and export requirements in years of drought, flood, and other adverse conditions as well as in years of plenty, and that the soil resources of the Nation be not wasted in the production of such burdensome surpluses. Such surpluses result in disastrously low prices of wheat and other grains to wheat producers, destroy the purchasing power of grain producers for industrial products, and reduce the value of the agricultural assets supporting the national credit structure. Such shortages of wheat result in unreasonably high prices of flour and bread to consumers and loss of market outlets by wheat producers.

"The conditions affecting the production and marketing of wheat are such that, without Federal assistance, farmers, individually or in cooperation, cannot effectively prevent the recurrence of such surpluses and shortages and the burdens on interstate and foreign commerce resulting therefrom, maintain normal supplies of wheat, or provide for the orderly marketing thereof in interstate and foreign commerce.

"The provisions of this Part affording a cooperative plan to wheat producers are necessary in order to minimize recurring surpluses and shortages of wheat in interstate and foreign commerce, to provide for the maintenance of adequate reserve supplies thereof, and to provide for an adequate flow of wheat and its products in interstate and foreign commerce. The provisions hereof for regulation of marketings by producers of wheat whenever an abnormally excessive supply of such commodity exists are necessary in order to maintain an orderly flow of wheat in interstate and foreign commerce under such conditions.

"PROCLAMATIONS OF SUPPLIES AND ALLOTMENTS

"SEC. 332. Not later than July 15 of each marketing year for wheat, the Secretary shall ascertain and proclaim the total supply and the normal supply of wheat for such marketing year, and the national acreage allotment for the next crop of wheat.

"NATIONAL ACREAGE ALLOTMENT

"SEC. 333. The national acreage allotment for any crop of wheat shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof. The national acreage allotment for wheat for 1938 shall be sixty-two million five hundred thousand acres.

"APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT

"SEC. 334. (a) The national acreage allotment for wheat shall be apportioned by the Secretary among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period.

"(b) The State acreage allotment for wheat shall be apportioned by the Secretary among the counties in the State, on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the net acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices.

"(c) The allotment to the county shall be apportioned by the Secretary through the local committees, among the farms within the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

"MARKETING QUOTAS

"SEC. 335. (a) Whenever it shall appear that the total supply of wheat as of the beginning of any marketing year will exceed a normal year's domestic consumption and exports by more than 35 per centum, the Secretary shall, not later than the May 15 prior to the beginning of such marketing year, proclaim such fact and, during the marketing year beginning July 1 and continuing throughout such marketing year, a national marketing quota shall be in effect with respect to the marketing of wheat. The Secretary shall ascertain and specify in the proclamation the amount of the national marketing quota in terms of a total quantity of wheat and also in terms of a marketing percentage of the national acreage allotment for the current crop which he determines will, on the basis of the national average yield of wheat, produce the amount of the national marketing quota. Marketing quotas for any marketing year shall be in effect with respect to wheat harvested in the calendar year in which such marketing year begins notwithstanding that the wheat is marketed prior to the beginning of such marketing year. No marketing quota with respect to the marketing of wheat shall be in effect for the marketing year beginning July 1, 1938, unless prior to the date of the proclamation of the Secretary, provision has been made by law for the payment, in whole or in part, in 1938 of parity payments with respect to wheat.

"(b) The amount of the national marketing quota for wheat shall be equal to a normal year's domestic consumption and exports plus 30 per centum thereof, less the sum of (1) the estimated carry-over of wheat as of the beginning of the marketing year with respect to which the quota is proclaimed and (2) the estimated amount of wheat which will be used on farms as seed or livestock feed during the marketing year.

"(c) The farm marketing quota for any farm for any marketing year shall be a number of bushels of wheat equal to the sum of—

"(1) A number of bushels equal to the normal production of a number of acres determined by applying the marketing percentage specified in the quota proclamation to the farm acreage allotment for the current crop; and

"(2) A number of bushels of wheat equal to the amount, or part thereof, of wheat from any previous crop which the farmer has on hand which, had such amount, or part thereof, been marketed during the preceding marketing year in addition to the wheat actually marketed during such preceding marketing year, could have been marketed without penalty.

In no event shall the farm marketing quota for any farm be less than the normal production of half the farm acreage allotment for the farm.

"(d) No farm marketing quota with respect to wheat shall be applicable in any marketing year to any farm on which the normal production of the acreage planted to wheat of the current crop is less than one hundred bushels.

"REFERENDUM

"SEC. 336. Between the date of the issuance of any proclamation of any national marketing quota for wheat and June 10, the Secretary shall conduct a referendum, by secret ballot, of farmers who

will be subject to the quota specified therein to determine whether such farmers favor or oppose such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the Secretary shall, prior to the effective date of such quota, by proclamation suspend the operation of the national marketing quotas with respect to wheat.

"ADJUSTMENT AND SUSPENSION OF QUOTAS

"SEC. 337. (a) If the total supply as proclaimed by the Secretary within forty-five days after the beginning of the marketing year is less than that specified in the proclamation by the Secretary under section 335 (a), then the national marketing quota specified in the proclamation under such section shall be increased accordingly.

"(b) Whenever it shall appear from either the July or the August production estimates, officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of wheat as of the beginning of the marketing year was less than a normal year's domestic consumption and exports plus 30 per centum thereof, the Secretary shall proclaim such fact prior to July 20, or August 20, as the case may be, if farm marketing quotas have been announced with respect to the crop grown in such calendar year. Thereupon such quotas shall become ineffective.

"TRANSFER OF QUOTAS

"SEC. 338. Farm marketing quotas for wheat shall not be transferable, but, in accordance with regulations prescribed by the Secretary for such purpose, any farm marketing quota in excess of the supply of wheat for such farm for any marketing year may be allocated to other farms on which the acreage allotment has not been exceeded.

"PENALTIES

"SEC. 339. Any farmer who, while farm marketing quotas are in effect, markets wheat in excess of the farm marketing quota for the farm on which such wheat was produced, shall be subject to a penalty of 15 cents per bushel of the excess so marketed.

"PART IV—MARKETING QUOTAS—COTTON

"LEGISLATIVE FINDINGS

"SEC. 341. American cotton is a basic source of clothing and industrial products used by every person in the United States and by substantial numbers of people in foreign countries. American cotton is sold on a world-wide market and moves from the places of production almost entirely in interstate and foreign commerce to processing establishments located throughout the world at places outside the State where the cotton is produced.

"Fluctuations in supplies of cotton and the marketing of excessive supplies of cotton in interstate and foreign commerce disrupt the orderly marketing of cotton in such commerce with consequent injury to and destruction of such commerce. Excessive supplies of cotton directly and materially affect the volume of cotton moving in interstate and foreign commerce and cause disparity in prices of cotton and industrial products moving in interstate and foreign commerce with consequent diminution of the volume of such commerce in industrial products.

"The conditions affecting the production and marketing of cotton are such that, without Federal assistance, farmers, individually or in cooperation, cannot effectively prevent the recurrence of excessive supplies of cotton and fluctuations in supplies, cannot prevent indiscriminate dumping of excessive supplies on the Nation-wide and foreign markets, cannot maintain normal carry-overs of cotton, and cannot provide for the orderly marketing of cotton in interstate and foreign commerce.

"It is in the interest of the general welfare that interstate and foreign commerce in cotton be protected from the burdens caused by the marketing of excessive supplies of cotton in such commerce, that a supply of cotton be maintained which is adequate to meet domestic consumption and export requirements in years of drought, flood, and other adverse conditions as well as in years of plenty, and that the soil resources of the Nation be not wasted in the production of excessive supplies of cotton.

"The provisions of this Part affording a cooperative plan to cotton producers are necessary and appropriate to prevent the burdens on interstate and foreign commerce caused by the marketing in such commerce of excessive supplies, and to promote, foster, and maintain an orderly flow of an adequate supply of cotton in such commerce.

"FINDING AND PROCLAMATION OF SUPPLIES, AND SO FORTH

"SEC. 342. Not later than November 15 of each year the Secretary shall find and proclaim (a) the total supply, the normal supply, and the carry-over of cotton as of August 1 of such year, (b) the probable domestic consumption of American cotton during the marketing year commencing August 1 of such year, (c) the probable exports of American cotton during such marketing year, and (d) the estimated carry-over of cotton as of the next succeeding August 1. For the marketing year 1937–1938 the Secretary shall make all the findings and proclamations provided for in this section not later than ten days after the date of the enactment of this Act.

"AMOUNT OF NATIONAL ALLOTMENT

"SEC. 343. (a) Not later than November 15 of each year the Secretary shall find and proclaim the amount of the national allotment of cotton for the succeeding calendar year in terms of standard bales of five hundred pounds gross weight. The national allotment shall be the number of bales of cotton adequate, together with the estimated carry-over as of August 1 of such succeeding calendar year, to make available a supply of cotton, for the marketing year beginning on such August 1, equal to the normal supply. The finding and proclamation of the national allotment for the calendar year 1938 shall be made not later than ten days after the date of the enactment of this Act.

"(b) If the national allotment for 1938 or 1939 is determined to be less than ten million bales, the national allotment for such year shall be ten million bales for such year, as the case may be. If the national allotment for 1938 or 1939 is determined to be more than eleven million five hundred thousand bales, it shall be eleven million five hundred thousand bales for such year, as the case may be.

"(c) Notwithstanding the foregoing provisions of this section, the national allotment for 1938 and for 1939 shall be increased by a number of bales equal to the production of the acres allotted under section 344 (e) for such year.

"APPORTIONMENT OF NATIONAL ALLOTMENT

"SEC. 344. (a) The national allotment for cotton for each year (excluding that portion of the national allotment provided for in section 343 (c)) shall be apportioned by the Secretary among the several States on the basis of the average, for the five years preceding the year in which the national allotment is determined, of the normal production of cotton in each State. The normal production of a State for a year shall be (1) the quantity produced therein plus (2) the normal yield of the acres diverted in each county in the State under the previous agricultural adjustment or conservation programs. The normal yield of the acres diverted in any county in any year shall be the average yield per acre of the planted acres in such county in such year times the number of acres diverted in such county in such year.

"(b) The Secretary shall ascertain, on the basis of the average yield per acre in each State, a number of acres in such State which will produce a number of bales equal to the allotment made to the State under subsection (a). Such number of acres is referred to as the 'State acreage allotment.' The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the years used in computing the allotment to the State, and the average, for the same period, of the acres planted and the acres diverted in the State.

"(c) (1) The State acreage allotment (less the amount required for apportionment under paragraph (2)) shall be apportioned annually by the Secretary to the counties in the State. The apportionment to the counties shall be made on the basis of the acreage planted to cotton during the five calendar years immediately preceding the calendar year in which the State allotment is apportioned (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such five-year period.

"(2) Not more than 2 per centum of the State acreage allotment shall be apportioned to farms in such State which were not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton; crop rotation practices; and the soil and other physical facilities affecting the production of cotton.

"(d) The allotment apportioned to the county under subsection (c) (1), plus any amount allotted to the county under subsection (e), shall be apportioned by the Secretary, through the local committees, among the farms within the county on the following basis:

"(1) To each farm on which cotton has been planted during any of the previous three years there shall be allotted the smaller of the following—

"(A) Five acres; or

"(B) The highest number of acres planted to cotton (plus the acres diverted from the production of cotton under the agricultural adjustment or conservation programs) in any year of such three-year period;

"(2) Not more than 3 per centum of the amount remaining, after making the allotments provided for under paragraph (1), shall be allotted, upon such basis as the Secretary deems fair and equitable, to farms (other than farms to which an allotment has been made under paragraph (1) (B)) to which an allotment of not exceeding fifteen acres may be made under other provisions of this subsection; and

"(3) The remainder of the total amount available to the county shall be allotted to farms on which cotton has been planted during any of the previous three years (except farms to which an allotment has been made under paragraph (1) (B)). The allotment to each farm under this paragraph, together with the amount of the allotment to such farm under paragraph (1) (A), shall be a prescribed percentage (which percentage shall be the same for all such farms in the county or administrative area) of the acreage, during the preceding year, on the farm which is tilled annually or in regular rotation, excluding from such acreage the acres devoted to the production of wheat, tobacco, or rice for market or for feeding to livestock for market: *Provided, however,* That if a farm would be allotted under this paragraph an acreage, together with the amount of the allotment to such farm under paragraph (1) (A), in excess of the largest acreage planted to cotton plus the acreage diverted from the production of cotton under the agricultural adjustment or conservation program during any of the preceding three years, the acreage allotment for

such farm shall not exceed such largest acreage so planted and diverted in any such year.

"(e) For 1938 and 1939, the Secretary shall allot to the several counties, to which an apportionment is made under subsection (b), a number of acres required to provide a total acreage for allotment under this section to such counties of not less than 60 per centum of the sum of (1) the acreage planted to cotton in such counties in 1937, plus (2) the acreage therein diverted from cotton production in 1937 under the agricultural adjustment and conservation program. The acreage so diverted shall be estimated in case data are not available at the time of making such allotment.

"(f) In apportioning the county allotment among the farms within the county, the Secretary, through the local committees, shall take into consideration different conditions within separate administrative areas within a county if any exist, including types, kinds, and productivity of the soil so as to prevent discrimination among the administrative areas of the county.

"MARKETING QUOTAS

"SEC. 345. Whenever the Secretary determines that the total supply of cotton for any marketing year exceeds by more than 7 per centum the normal supply thereof for such marketing year, the Secretary shall proclaim such fact not later than November 15 of such marketing year (or, in case of the marketing year 1937–1938, within ten days after the date of enactment of this Act), and marketing quotas shall be in effect during the next succeeding marketing year with respect to the marketing of cotton. Cotton produced in the calendar year in which such marketing year begins shall be subject to the quotas in effect for such marketing year notwithstanding that it may be marketed prior to August 1.

"AMOUNT OF FARM MARKETING QUOTAS

"SEC. 346. (a) The farm marketing quota for cotton for any farm for any marketing year shall be a number of bales of cotton equal to the sum of—

"(1) A number of bales equal to the normal production or the actual production, whichever is the greater, of the farm acreage allotment, and

"(2) A number of bales equal to the amount, or part thereof, of cotton from any previous crop which the farmer has on hand, which, had such amount, or part thereof, been marketed during the preceding marketing year in addition to the cotton actually marketed during such preceding marketing year, could have been marketed without penalty.

"(b) The penalties provided for in section 348 shall not apply to the marketing of cotton produced on any farm for which a farm acreage allotment has been made for the current crop if the production of the current crop does not exceed one thousand pounds of lint cotton.

"REFERENDUM

"SEC. 347. Not later than December 15 of any calendar year in which a proclamation of farm marketing quotas pursuant to the provisions of this Part has been made, the Secretary shall conduct a referendum, by secret ballot, of farmers who were engaged in production of the crop harvested prior to the holding of the referendum to determine whether they favor or oppose such quotas. If more than one-third of the farmers voting in the referendum oppose such quotas, the Secretary shall, prior to the end of such calendar year, proclaim the result of the referendum, and upon such proclamation the quotas shall become ineffective. If a proclamation under section 345 is made with respect to the 1938 crop, the referendum with respect to such crop shall be held not later than thirty days after the date of the enactment of this Act and the result thereof shall be proclaimed not later than forty-five days after such date.

"PENALTIES

"SEC. 348. Any farmer who, while farm marketing quotas are in effect, markets cotton in excess of the farm marketing quota for the marketing year for the farm on which such cotton was produced, shall be subject to the following penalties with respect to the excess so marketed: 2 cents per pound if marketed during the first marketing year when farm marketing quotas are in effect; and 3 cents per pound if marketed during any subsequent year, except that the penalty shall be 2 cents per pound if cotton of the crop subject to penalty in the first year is marketed subject to penalty in any subsequent year.

"INELIGIBILITY FOR PAYMENTS

"SEC. 349. (a) Any person who knowingly plants cotton on his farm in any year on acreage in excess of the farm acreage allotment for cotton for the farm for such year under section 344 shall not be eligible for any payment for such year under the Soil Conservation and Domestic Allotment Act, as amended.

"(b) All persons applying for any payment of money under the Soil Conservation and Domestic Allotment Act, as amended, shall file with the application a statement verified by affidavit that the applicant has not knowingly planted, during the current year, cotton on land on his farm in excess of the acreage allotted to the farm under section 344 for such year. Any person who knowingly swears falsely in any statement required under this subsection shall be guilty of perjury.

"LONG STAPLE COTTON

"SEC. 350. The provisions of this Part shall not apply to cotton the staple of which is 1⅛ inches or more in length.

"PART V—MARKETING QUOTAS—RICE

"LEGISLATIVE FINDING

"SEC. 351. (a) The marketing of rice constitutes one of the great basic industries of the United States with ramifying activities which directly affect interstate and foreign commerce at every point, and stable conditions therein are necessary to the general welfare. Rice produced for market is sold on a Nation-wide market, and, with its products, moves almost wholly in interstate and foreign commerce from the producer to the ultimate consumer. The farmers producing such commodity are subject in their operations to uncontrollable natural causes, in many cases such farmers carry on their farming operations on borrowed money or leased lands, and are not so situated as to be able to organize effectively, as can labor and industry, through unions and corporations enjoying Government sanction and protection for joint economic action. For these reasons, among others, the farmers are unable without Federal assistance to control effectively the orderly marketing of such commodity with the result that abnormally excessive supplies thereof are produced and dumped indiscriminately on the Nation-wide market.

"(b) The disorderly marketing of such abnormally excessive supplies affects, burdens, and obstructs interstate and foreign commerce by (1) materially affecting the volume of such commodity marketed therein, (2) disrupting the orderly marketing of such commodity therein, (3) reducing the prices for such commodity with consequent injury and destruction of such commerce in such commodity, and (4) causing a disparity between the prices for such commodity in interstate and foreign commerce and industrial products therein, with a consequent diminution of the volume of interstate and foreign commerce in industrial products.

"(c) Whenever an abnormally excessive supply of rice exists, the marketing of such commodity by the producers thereof directly and substantially affects interstate and foreign commerce in such commodity and its products, and the operation of the provisions of this Part becomes necessary and appropriate in order to promote, foster, and maintain an orderly flow of such supply in interstate and foreign commerce.

"NATIONAL ACREAGE ALLOTMENT

"SEC. 352. The national acreage allotment of rice for any calendar year shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years immediately preceding the calendar year for which such national average yield is determined, produce an amount of rice adequate, together with the estimated carry-over from the marketing year ending in such calendar year, to make available a supply for the marketing year commencing in such calendar year not less than the normal supply. Such national acreage allotment shall be proclaimed not later than December 31 of each year.

"APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT

"SEC. 353. (a) The national acreage allotment of rice for each calendar year shall be apportioned by the Secretary among the several States in which rice is produced in proportion to the average number of acres of rice in each State during the five-year period immediately preceding the calendar year for which such national acreage allotment of rice is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for trends in acreage during the applicable period.

"(b) Not less than 97 per centum of the acreage allotted to any State shall be apportioned annually by the Secretary through local and State committees of farmers among the persons producing rice within such State on the basis of past production of rice; land, labor, and available equipment for the production of rice; crop-rotation practices, soil fertility, and other physical factors affecting the production of rice: *Provided*, That not exceeding 3 per centum of the acreage allotted to each State shall be apportioned annually by the Secretary through local and State committees of farmers among persons who for the first time in the past five years are producing rice on the basis of the applicable standards of apportionment set forth in this subsection: *Provided further*, That a person producing rice for the first time in five years shall not be allotted an acreage in excess of 75 per centum of the allotment that would be made to him if he were not producing rice for the first time in such five years.

"DOMESTIC ALLOTMENT OF RICE

"SEC. 354. (a) Not later than December 31 of each year the Secretary shall ascertain from the latest available statistics of the Department and shall proclaim the total amount of rice which will be needed during the next succeeding marketing year to meet the requirements of consumers in the United States. Such amount is hereinafter referred to as the 'domestic allotment of rice.'

"(b) The domestic allotment of rice for each marketing year shall be apportioned by the Secretary among the several States in which rice is produced in proportion to the average amount of rice produced in each State during the five-year period including the calendar year in which such domestic allotment is announced (plus, in applicable years, the normal production of any acreage diverted under previous agricultural adjustment and conservation

programs), with adjustments for abnormal weather conditions and trends in acreage during the applicable period.

"(c) The Secretary shall provide, through local and State committees of farmers, for the allotment of each State apportionment among persons producing rice in such State. The apportionment of the domestic allotment of rice among persons producing rice in each State shall be on the basis of the aggregate normal yields of the acreage allotments established with respect to such persons.

"MARKETING QUOTAS

"SEC. 355. (a) If at the time of any proclamation made under the provisions of section 354 (a) it shall appear from the latest available statistics of the Department that the total supply of rice exceeds the normal supply thereof for the current marketing year by more than 10 per centum of such normal supply, the Secretary shall also proclaim that, beginning on the first day of the marketing year next following and continuing throughout such year a national marketing quota shall be in effect for marketings of rice by producers: *Provided*, That no marketing quota shall be in effect for the marketing year commencing August 1, 1938. The Secretary shall also ascertain and specify in such proclamation the amount of the national marketing quota in terms of the total quantity thereof which may be marketed by producers which shall be that amount of rice which the Secretary determines will make available during such marketing year a normal supply.

"(b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum, by secret ballot, of producers who would be subject to the national marketing quota for rice to determine whether such producers are in favor of or opposed to such quota. If more than one-third of the producers voting in the referendum oppose such quota, the Secretary shall, prior to the 15th day of February, proclaim the result of the referendum, and such quota shall not become effective.

"(c) The national marketing quota shall be apportioned among States and persons producing rice in each State, including new producers, in the manner and upon the basis set forth in section 354 for the apportionment of the domestic allotment of rice.

"(d) Marketing quotas may be transferred only in such manner and subject to such conditions as the Secretary may prescribe by regulations.

"PENALTIES

"SEC. 356. Any producer who markets rice in excess of his marketing quota shall be subject to a penalty of one-quarter of 1 cent per pound of the excess so marketed.

"SUBTITLE C.—ADMINISTRATIVE PROVISIONS

"PART I—PUBLICATION AND REVIEW OF QUOTAS

"APPLICATION OF PART

"SEC. 361. This Part shall apply to the publication and review of farm marketing quotas established for tobacco, corn, wheat, cotton, and rice, established under subtitle B.

"PUBLICATION AND NOTICE OF QUOTAS

"SEC. 362. All acreage allotments, and the farming quotas established for farms in a county or other local administrative area shall, in accordance with regulations of the Secretary, be made and kept freely available for public inspection in such county or other local administrative area. An additional copy of this information shall be kept available in the office of the county agricultural extension agent or with the chairman of the local committee. Notice of the farm marketing quota of his farm shall be mailed to the farmer.

"REVIEW BY REVIEW COMMITTEE

"SEC. 363. Any farmer who is dissatisfied with his farm marketing quota may, within fifteen days after mailing to him of notice as provided in section 362, have such quota reviewed by a local review committee composed of three farmers appointed by the Secretary. Such committee shall not include any member of the local committee which determined the farm acreage allotment, the normal yield, of the farm marketing quota for such farm. Unless application for review is made within such period, the original determination of the farm marketing quota shall be final.

"REVIEW COMMITTEE

"SEC. 364. The members of the review committee shall receive as compensation for their services the same per diem as that received by the members of the committee utilized for the purposes of the Soil Conservation and Domestic Allotment Act, as amended. The members of the review committee shall not be entitled to receive compensation for more than thirty days in any one year.

"INSTITUTION OF PROCEEDINGS

"SEC. 365. If the farmer is dissatisfied with the determination of the review committee, he may, within fifteen days after a notice of such determination is mailed to him by registered mail, file a bill in equity against the review committee as defendant in the United States district court, or institute proceedings for review in any court of record of the State having general jurisdiction, sitting in the county or the district in which his farm is located, for the purpose of obtaining a review of such determination. Bond shall be given in an amount and with surety satisfactory to the court to secure the United States for the costs of the proceeding. The bill of complaint in such proceeding may be served by delivering a copy thereof to any one of the members of the review committee. Thereupon the review committee shall certify and file in the court a transcript of the record upon which the determination complained of was made, together with its findings of fact.

"COURT REVIEW

"SEC. 366. The review by the court shall be limited to questions of law, and the findings of fact by the review committee, if supported by evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the review committee, the court may direct such additional evidence to be taken before the review committee in such manner and upon such terms and conditions as to the court may seem proper. The review committee may modify its findings of fact or its determination by reason of the additional evidence so taken, and it shall file with the court such modified findings or determination, which findings of fact shall be conclusive. At the earliest convenient time, the court, in term time or vacation, shall hear and determine the case upon the original record of the hearing before the review committee, and upon such record as supplemented if supplemented, by further hearing before the review committee pursuant to direction of the court. The court shall affirm the review committee's determination, or modified determination, if the court determines that the same is in accordance with law. If the court determines that such determination or modified determination is not in accordance with law, the court shall remand the proceeding to the review committee with direction either to make such determination as the court shall determine to be in accordance with law or to take such further proceedings as, in the court's opinion, the law requires.

"STAY OF PROCEEDINGS AND EXCLUSIVE JURISDICTION

"SEC. 367. The commencement of judicial proceedings under this Part shall not, unless specifically ordered by the court, operate as a stay of the review committee's determination. Notwithstanding any other provision of law, the jurisdiction conferred by this Part to review the legal validity of a determination made by a review committee pursuant to this Part shall be exclusive. No court of the United States or of any State shall have jurisdiction to pass upon the legal validity of any such determination except in a proceeding under this Part.

"NO EFFECT ON OTHER QUOTAS

"SEC. 368. Notwithstanding any increase of any farm marketing quota for any farm as a result of review of the determination thereof under this Part, the marketing quotas for other farms shall not be affected.

"PART II—ADJUSTMENT OF QUOTAS AND ENFORCEMENT

"GENERAL ADJUSTMENTS OF QUOTAS

"SEC. 371. (a) If at any time the Secretary has reason to believe that in the case of corn, wheat, cotton, rice, or tobacco the operation of farm marketing quotas in effect will cause the amount of such commodity which is free of marketing restrictions to be less than the normal supply for the marketing year for the commodity then current, he shall cause an immediate investigation to be made with respect thereto. In the course of such investigation due notice and opportunity for hearing shall be given to interested persons. If upon the basis of such investigation the Secretary finds the existence of such fact, he shall proclaim the same forthwith. He shall also in such proclamation specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such commodity which which is free of marketing restrictions equal the normal supply.

"(b) If the Secretary has reason to believe that, because of a national emergency or because of a material increase in export demand, any national marketing quota for corn, wheat, cotton, rice, or tobacco should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary in order to effectuate the declared policy of this Act or to meet such emergency or increase in export demand. If, on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such finding (and if he finds an increase is necessary, the amount of the increase found by him to be necessary) and thereupon such quota shall be increased, or shall terminate, as the case may be.

"(c) In case any national marketing quota for any commodity is increased under this section, each farm marketing quota for the commodity shall be increased in the same ratio.

"(d) In the case of corn, whenever such proclamation specifies an increase in marketing quotas, the storage amounts applicable to corn shall be adjusted downward to the amount which would have been required to be stored if such increased marketing quotas had been in effect. Whenever in the case of corn, such proclamation provides for termination of marketing quotas, storage under seal shall no longer be required.

"PAYMENT AND COLLECTION OF PENALTIES

"SEC. 372. (a) The penalty with respect to the marketing, by sale, of wheat, cotton, or rice, if the sale is to any person within the United States, shall be collected by the buyer.

"(b) All penalties provided for in Subtitle B shall be collected and paid in such manner, at such times, and under such conditions as the Secretary may by regulations prescribe. Such penalties shall be remitted to the Secretary by the person liable for the penalty,

except that if any other person is liable for the collection of the penalty, such other person shall remit the penalty. The amount of such penalties shall be covered into the general fund of the Treasury of the United States.

"REPORTS AND RECORDS

"SEC. 373. (a) This subsection shall apply to warehousemen, processors, and common carriers of corn, wheat, cotton, rice, or tobacco, and all ginners of cotton, all persons engaged in the business of purchasing corn, wheat, cotton, rice, or tobacco from producers, and all persons engaged in the business of redrying, prizing, or stemming tobacco for producers. Any such person shall, from time to time on request of the Secretary, report to the Secretary such information and keep such records as the Secretary finds to be necessary to enable him to carry out the provisions of this title. Such information shall be reported and such records shall be kept in accordance with forms which the Secretary shall prescribe. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, the Secretary is hereby authorized to examine such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as he has reason to believe are relevant and are within the control of such person. Any such person failing to make any report or keep any record as required by this subsection or making any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

"(b) Farmers engaged in the production of corn, wheat, cotton, rice, or tobacco for market shall furnish such proof of their acreage, yield, storage, and marketing of the commodity in the form of records, marketing cards, reports, storage under seal, or otherwise as the Secretary may prescribe as necessary for the administration of this title.

"(c) All data reported to or acquired by the Secretary pursuant to this section shall be kept confidential by all officers and employees of the Department, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under this title.

"MEASUREMENT OF FARMS AND REPORT OF PLANTINGS

"SEC. 374. The Secretary shall provide, through the county and local committees, for measuring farms on which corn, wheat, cotton, or rice is produced and for ascertaining whether the acreage planted for any year to any such commodity is in excess of the farm acreage allotment for such commodity for the farm under this title. If in the case of any farm the acreage planted to any such commodity on the farm is in excess of the farm acreage allotment for such commodity for the farm, the committee shall file with the State committee a written report stating the total acreage on the farm in cultivation and the acreage planted to such commodity.

"REGULATIONS

"SEC. 375. (a) The Secretary shall provide by regulations for the identification, wherever necessary, of corn, wheat, cotton, rice, or tobacco so as to afford aid in discovering and identifying such amounts of the commodities as are subject to and such amounts thereof as are not subject to marketing restrictions in effect under this title.

"(b) The Secretary shall prescribe such regulations as are necessary for the enforcement of this title.

"COURT JURISDICTION

"SEC. 376. The several district courts of the United States are hereby vested with jurisdiction specifically to enforce the provisions of this title. If and when the Secretary shall so request, it shall be the duty of the several district attorneys in their respective districts, under the direction of the Attorney General, to institute proceedings to collect the penalties provided in this title. The remedies and penalties provided for herein shall be in addition to, and not exclusive of, any of the remedies or penalties under existing law.

"SUBTITLE D—MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

"PART I—MISCELLANEOUS

"COTTON PRICE ADJUSTMENT PAYMENTS

"SEC. 381. (a) For the purposes of the provisions (relating to cotton price adjustment payments with respect to the 1937 cotton crop) of the Third Deficiency Appropriation Act, fiscal year 1937, a producer shall be deemed to have complied with the provisions of the 1938 agricultural adjustment program formulated under the legislation contemplated by Senate Joint Resolution Numbered 207, Seventy-fifth Congress, if his acreage planted to cotton in 1938 does not exceed his farm acreage allotment for 1938 under the Soil Conservation and Domestic Allotment Act, as amended (including the amendments made by this Act), or under section 344 of this Act, whichever is the lesser. For the purposes of this subsection a producer shall not be deemed to have exceeded his farm acreage allotment unless such producer knowingly exceeded his farm acreage allotment. Such compliance shall not be required in any case where the producer is not engaged in cotton production in 1938. In cases where in 1937 a total or partial crop failure resulted from hail, drought, flood, or boll-weevil infestation, if the producer is otherwise eligible for payment, payment shall be made at the rate of 3 cents per pound on the same percentage of the producer's normal base production established by the Secretary as in the case of other producers. For the purpose of such provisions of the Third Deficiency Appropriation Act, fiscal year 1937, cotton not sold prior to July 1, 1938, shall be held and considered to have been sold on June 30, 1938, and all applications for price adjustment payments shall be filed with the Secretary not later than July 15, 1938. Such payments shall be made at the earliest practicable time. Application for payment may be made by the 1937 operator of a farm on behalf of all persons engaged in cotton production on the farm in 1937 and need be signed only by such operator, but payment shall be made directly to each of the persons entitled thereto. In case any person who is entitled to payment hereunder dies, becomes incompetent, or disappears before receiving such payment or is succeeded by another who renders or completes the required performance, payment shall, without regard to any other provisions of law, be made as the Secretary may determine to be fair and reasonable in all the circumstances and provide by regulations.

"(b) Any producer for whom a loan has been made or arranged for by the Commodity Credit Corporation on cotton of his 1937 crop and who has complied with all the provisions of the loan agreement except section 8 thereof, may, at any time before July 1, 1938, transfer his right, title, and interest in and to such cotton to the Corporation; and the Corporation is authorized and directed to accept such right, title, and interest in and to such cotton and to assume all obligations of the producer with respect to the loan on such cotton, including accrued interest and accrued carrying charges to the date of such transfer. The Corporation shall notify the Secretary of Agriculture of each such transfer, and upon receipt of such notice, the Secretary shall as soon as compliance is shown, or a national marketing quota for cotton is put into effect, forthwith pay to such producer a sum equal to 2 cents per pound of such cotton, and the amount so paid shall be deducted from any price adjustment payment to which such producer is entitled.

"(c) The Commodity Credit Corporation is authorized on behalf of the United States to sell any cotton of the 1937 crop so acquired by it, but no such cotton or any other cotton held on behalf of the United States shall be sold unless the proceeds of such sale are at least sufficient to reimburse the United States for all amounts (including any price-adjustment payment) paid out by any of its agencies with respect to the cotton so sold. After July 31, 1939, the Commodity Credit Corporation shall not sell more than three hundred thousand bales of cotton in any calendar month, or more than one million five hundred thousand bales in any calendar year. The proceeds derived from the sale of any such cotton shall be used for the purpose of discharging the obligations assumed by the Commodity Credit Corporation with respect to such cotton, and any amounts not expended for such purpose shall be covered into the Treasury as miscellaneous receipts.

"EXTENSION OF 1937 COTTON LOAN

"SEC. 382. The Commodity Credit Corporation is hereby authorized and directed to provide for the extension, from July 31, 1938, to July 31, 1939, of the maturity date of all notes evidencing a loan made or arranged for by the Corporation on cotton produced during the crop year 1937–1938. This section shall not be construed to prevent the sale of any such cotton on request of the person liable on the note.

"INSURANCE OF COTTON AND RECONCENTRATION OF COTTON

"SEC. 383. (a) The Commodity Credit Corporation shall place all insurance of every nature taken out by it on cotton, and all renewals, extensions, or continuations of existing insurance, with insurance agents who are bona fide residents of and doing business in the State where the cotton is warehoused: *Provided*, That such insurance may be secured at a cost not greater than similar insurance offered on said cotton elsewhere.

"(b) Cotton held as security for any loan heretofore or hereafter made or arranged for by the Commodity Credit Corporation shall not hereafter be reconcentrated without the written consent of the producer or borrower.

"REPORT OF BENEFITS

"SEC. 384. The Secretary shall submit to Congress an annual report of the names of persons to whom, during the preceding year, payments were made under the Soil Conservation and Domestic Allotment Act, as amended, together with payments under section 303 of this Act, if any, if the total amount paid to such person exceeded $1,000.

"FINALITY OF FARMERS' PAYMENTS AND LOANS

"SEC. 385. The facts constituting the basis for any Soil Conservation Act payment, parity payment, or loan, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary or by the Commodity Credit Corporation, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

"SEC. 386. The provisions of section 3741 of the Revised Statutes (U. S. C., 1934 edition, title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States (U. S. C., 1934 edition, title 18, secs. 204 and 205) shall not be applicable to loans or payments made under this Act (except under section 383 (a)).

"PHOTOGRAPHIC REPRODUCTIONS AND MAPS

"SEC. 387. The Secretary may furnish reproductions of such aerial or other photographs, mosaics, and maps as have been obtained in connection with the authorized work of the Department to farmers and governmental agencies at the estimated cost of furnishing such reproductions, and to persons other than farmers at such prices (not less than estimated cost of furnishing such

reproductions) as the Secretary may determine, the money received from such sales to be deposited in the Treasury to the credit of the appropriation charged with the cost of making such reproductions. This section shall not affect the power of the Secretary to make other disposition of such or similar materials under any other provisions of existing law.

"UTILIZATION OF LOCAL AGENCIES

"SEC. 388. (a) The provisions of section 8 (b) and section 11 of the Soil Conservation and Domestic Allotment Act, as amended, relating to the utilization of State, county, local committees, the extension service, and other approved agencies, and to recognition and encouragement of cooperative associations, shall apply in the administration of this Act; and the Secretary shall, for such purposes, utilize the same local, county, and State committees as are utilized under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. The local administrative areas designated under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended, for the administration of programs under that Act, and the local administrative areas designated for the administration of this Act shall be the same.

"(b) The Secretary is authorized and directed, from any funds made available for the purposes of the Acts in connection with which county committees are utilized to make payments to county committees of farmers to cover the estimated administrative expenses incurred or to be incurred by them in cooperating in carrying out the provisions of such Acts. All or part of such estimated administrative expenses of any such committee may be deducted pro rata from the Soil Conservation Act payments, parity payments, or loans, or other payments under such Acts, made unless payment of such expenses is otherwise provided by law. The Secretary may make such payments to such committees in advance of determination of performance by farmers.

"PERSONNEL

"SEC. 389. The Secretary is authorized and directed to provide for the execution by the Agricultural Adjustment Administration of such of the powers conferred upon him by this Act as he deems may be appropriately exercised by such Administration; and for such purposes the provisions of law applicable to appointment and compensation of persons employed by the Agricultural Adjustment Administration shall apply.

"SEPARABILITY

"SEC. 390. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances, and the provisions of the Soil Conservation and Domestic Allotment Act, as amended, shall not be affected thereby. Without limiting the generality of the foregoing, if any provision of this Act should be held not to be within the power of the Congress to regulate interstate and foreign commerce, such provision shall not be held invalid if it is within the power of the Congress to provide for the general welfare or any other power of the Congress. If any provision of this Act for marketing quotas with respect to any commodity should be held invalid, no provision of this Act for marketing quotas with respect to any other commodity shall be affected thereby. If the application of any provision for a referndum should be held invalid, the application of other provisions shall not be affected thereby. If by reason of any provision for a referndum the application of any such other provision to any person or circumstance is held invalid, the application of such other provision to other persons or circumstances shall not be affected thereby.

"PART II—APPROPRIATIONS AND ADMINISTRATIVE EXPENSES

"APPROPRIATIONS

"SEC. 391.(a) Beginning with the fiscal year ending June 30, 1938, there is hereby authorized to be appropriated, for each fiscal year for the administration of this Act and for the making of soil conservation and other payments such sums as Congress may determine, in addition to any amount made available pursuant to section 15 of the Soil Conservation and Domestic Allotment Act, as amended.

"(b) For the administration of this Act (including the provisions of title V) during the fiscal year ending June 30, 1938, there is hereby authorized to be made available from the funds appropriated for such fiscal year for carrying out the purposes of sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, a sum not to exceed $5,000,000.

"ADMINISTRATIVE EXPENSES

"SEC. 392. (a) The Secretary is authorized and directed to make such expenditures as he deems necessary to carry out the provisions of this Act, including personal services and rents in the District of Columbia and elsewhere, traveling expenses (including the purchase, maintenance, and repair of passenger-carrying vehicles), supplies and equipment, law books, books of reference, directories, periodicals, and newspapers.

"(b) In the administration of this title, sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and section 32, as amended, of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935, the aggregate amount expended in any fiscal year, beginning with the fiscal year ending June 30, 1939, for administrative expenses in the District of Columbia, including regional offices, shall not exceed 1 per centum of the total amount available for such fiscal year for carrying out such Acts, and the aggregate amount expended in any fiscal year for administrative expenses in the several States (not including the expenses of county and local committees) shall not exceed 2 per centum of the total amount available for such fiscal year for carrying out such Acts. In the event any administrative expenses of any county or local committee are deducted in any fiscal year, beginning with the fiscal year ending June 30, 1939, from Soil Conservation Act payments, parity payments, or loans, each farmer receiving benefits under such provisions shall be apprised, in the form of a statement to accompany the check evidencing such benefit payment or loan, of the amount or percentage deducted from such benefit payment or loan on account of such administrative expenses. The names and addresses of the members and employees of any county or local committee, and the amount of such compensation received by each of them, shall be posted annually in a conspicuous place in the area within which they are employed.

"ALLOTMENT OF APPROPRIATIONS

"SEC. 393. All funds for carrying out the provisions of this Act shall be available for allotment to bureaus and offices of the Department, and for transfer to such other agencies of the Federal Government, and to such State agencies, as the Secretary may request to cooperate or assist in carrying out the provisions of this Act.

"TITLE IV—COTTON POOL PARTICIPATION TRUST CERTIFICATES

"SEC. 401. There is hereby authorized to be appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, the sum of $1,800,000, or so much thereof as may be required by the Secretary to accomplish the purposes hereinafter declared and authorized. The Secretary of the Treasury is hereby authorized and directed to pay to, or upon the order of, the Secretary, such a part or all of the sum hereby authorized to be appropriated at the request of the Secretary.

"SEC. 402. The Secretary is hereby authorized to draw from the Treasury of the United States any part or all of the sum hereby authorized to be appropriated, and to deposit same to his credit with the Treasurer of the United States, under special symbol number, to be available for disbursement for the purposes hereinafter stated.

"SEC. 403. The Secretary is hereby authorized to make available, from the sum hereby authorized to be appropriated, to the manager of the cotton pool, such sum or sums as may be necessary to enable the manager to purchase, take up, and cancel, subject to the restrictions hereinafter reserved, pool participation trust certificates, form C–5–I, where such certificates shall be tendered to the manager, cotton pool, by the person or persons shown by the records of the Department to have been the lawful holder and owner thereof on May 1, 1937, the purchase price to be paid for the certificates so purchased to be at the rate of $1 per five-hundred-pound bale for every bale or fractional part thereof represented by the certificates C–5–I. The Secretary is further authorized to pay directly, or to advance to, the manager of the cotton pool, to enable him to pay costs and expenses incident to the purchase of certificates as aforesaid, and any balance remaining to the credit of the Secretary, or the manager, cotton pool, not required for the purchase of these certificates in accordance with provisions of this Act, shall, at the expiration of the purchase period, be covered into the Treasury of the United States as miscellaneous receipts.

"SEC. 404. The authority of the manager, cotton pool, to purchase and pay for certificates hereunder shall extend to and include the 31st day of July 1938: *Provided*, That after expiration of the said limit, the purchase may be consummated of any certificates tendered to the manager, cotton pool, on or before July 31, 1938, but where for any reason the purchase price shall not have been paid by the manager, cotton pool. The Secretary is authorized to promulgate such rules, regulations, and requirements as in his discretion are proper to effectuate the general purposes of this title, which purpose is here stated to be specifically to authorize the purchase of outstanding pool participation trust certificates, form C–5–I, for a purchase price to be determined at the rate of $1 per bale, or twenty one-hundredths cent per pound, for the cotton evidenced by the said certificates, provided such certificates be tendered by holders thereof in accordance with regulations prescribed by the Secretary not later than the 31st day of July 1938, and provided such certificates may not be purchased from persons other than those shown by the records of the Department to have been holders thereof on or before the 1st day of May 1937.

"SEC. 405. The Secretary is authorized to continue in existence the 1933 cotton producers pool so long as may be required to effectuate the purposes of this title. All expense incident to the accomplishment of purposes of this title may be paid from funds hereby authorized to be appropriated, for which purpose the fund hereby authorized to be appropriated shall be deemed as supplemental to such funds as are now to the credit of the Secretary, reserved for the purpose of defraying operating expenses of the pool.

"SEC. 406. After expiration of the time limit herein established, the certificates then remaining outstanding and not theretofore tendered to the manager, cotton pool, for purchase, shall not be purchased and no obligation on account thereof shall exist.

"SEC. 407. Nothing in this title shall be construed to authorize the manager, cotton pool, to pay the assignee or any holder of such cotton pool participation trust certificates, form C–5–I, transferred on or before May 1, 1937, as shown by the records of the Department of Agriculture, more than the purchase price paid by the assignee or holder of such certificate or certificates with interest

at the rate of 4 per centum per annum from the date of purchase, provided the amount paid such assignee shall not exceed $1 per bale. Before making payment to any assignee, whose certificates were transferred on or before May 1, 1937, such assignee shall file with the manager, cotton pool, an affidavit showing the amount paid by him for such certificate and the date of such payment, and the manager, cotton pool, is authorized to make payment to such assignee based upon the facts stated in said affidavit as aforesaid.

"TITLE V—CROP INSURANCE

"SHORT TITLE AND APPLICATION OF OTHER PROVISIONS

"SEC. 501. This title may be cited as the 'Federal Crop Insurance Act.' Except as otherwise expressly provided the provisions in titles I to IV, inclusive, shall not apply with respect to this title, and the term 'Act' wherever it appears in such titles shall not be construed to include this title.

"DECLARATION OF PURPOSE

"SEC. 502. It is the purpose of this title to promote the national welfare by alleviating the economic distress caused by wheat-crop failures due to drought and other causes, by maintaining the purchasing power of farmers, and by providing for stable supplies of wheat for domestic consumption and the orderly flow thereof in interstate commerce.

"SEC. 503. To carry out the purposes of this title, there is hereby created as an agency of and within the Department of Agriculture a body corporate with the name 'Federal Crop Insurance Corporation' (herein called the Corporation). The principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the Board of Directors.

"CAPITAL STOCK

"SEC. 504. (a) The Corporation shall have a capital stock of $100,000,000 subscribed by the United States of America, payment for which shall, with the approval of the Secretary of Agriculture, be subject to call in whole or in part by the Board of Directors of the Corporation.

"Any impairment of the capital stock described in this subsection shall be restored only out of operating profits of the Corporation.

"(b) There is hereby authorized to be appropriated not more than $100,000,000 for the purpose of subscribing to said stock. No part of such sum shall be available prior to July 1, 1938. The appropriation for such purpose for the fiscal year ending June 30, 1939, shall not exceed $20,000,000 and shall be made only out of the unexpended balances for the fiscal year ending June 30, 1938, of the sums appropriated pursuant to section 15 of the Soil Conservation and Domestic Allotment Act, as amended.

"(c) Receipts for payments by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership by the United States of America.

"MANAGEMENT OF CORPORATION

"SEC. 505. (a) The management of the Corporation shall be vested in a Board of Directors (hereinafter called the 'Board') subject to the general supervision of the Secretary of Agriculture. The Board shall consist of three persons employed in the Department of Agriculture who shall be appointed by and hold office at the pleasure of the Secretary of Agriculture.

"(b) Vacancies in the Board so long as there shall be two members in office shall not impair the powers of the Board to execute the functions of the Corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the Board.

"(c) The Directors of the Corporation appointed as hereinbefore provided shall receive no additional compensation for their services as such directors but may be allowed actual necessary traveling and subsistence expenses when engaged in business of the Corporation outside of the District of Columbia.

"(d) The Board shall select, subject to the approval of the Secretary of Agriculture, a manager, who shall be the executive officer of the Corporation with such power and authority as may be conferred upon him by the Board.

"GENERAL POWERS

"SEC. 506. The Corporation—

"(a) shall have succession in its corporate name;

"(b) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(c) may make contracts and purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of such property held by it upon such terms as it deems appropriate;

"(d) subject to the provisions of section 508 (c), may sue and be sued in its corporate name in any court of competent jurisdiction, State or Federal: *Provided*, That no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property;

"(e) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers granted to it by law may be exercised and enjoyed;

"(f) shall be entitled to the free use of the United States mails in the same manner as the other executive agencies of the Government;

"(g) with the consent of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officials, and employees thereof in carrying out the provisions of this title;

"(h) may conduct researches, surveys, and investigations relating to crop insurance for wheat and other agricultural commodities;

"(i) shall determine the character and necessity for its expenditures under this title and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds and such determinations shall be final and conclusive upon all other officers of the Government; and

"(j) shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation and all such incidental powers as are customary in corporations generally.

"PERSONNEL

"SEC. 507. (a) The Secretary shall appoint such officers and employees as may be necessary for the transaction of the business of the Corporation, which appointments may be made without regard to the civil-service laws and regulations, fix their compensation in accordance with the provisions of the Classification Act of 1923, as amended, define their authority and duties, delegate to them such of the powers vested in the Corporation as he may determine, require bond of such of them as he may designate, and fix the penalties and pay the premiums of such bonds. The appointment of officials and the selection of employees by the Secretary shall be made only on the basis of merit and efficiency.

"(b) Insofar as applicable, the benefits of the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this title, including the employees of the committees and associations referred to in subsection (c) of this section and the members of such committees.

"(c) The Board may establish or utilize committees or associations of producers in the administration of this title and make payments to such committees or associations to cover the estimated administrative expenses to be incurred by them in cooperating in carrying out this title and may provide that all or part of such estimated expenses may be included in the insurance premiums provided for in this title.

"(d) The Secretary of Agriculture may allot to bureaus and offices of the Department of Agriculture or transfer to such other agencies of the State and Federal Governments as he may request to assist in carrying out this title any funds made available pursuant to the provisions of section 516 of this Act.

"(e) In carrying out the provisions of this title the Board may, in its discretion, utilize producer-owned and producer-controlled cooperative associations.

"CROP INSURANCE

"SEC. 508. To carry out the purposes of this title the Corporation is authorized and empowered—

"(a) Commencing with the wheat crop planted for harvest in 1939, to insure, upon such terms and conditions not inconsistent with the provisions of this title as it may determine, producers of wheat against loss in yields of wheat due to unavoidable causes, including drought, flood, hail, wind, winterkill, lightning, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board: *Provided, however*, That for the first three years of operation under this title contracts of insurance shall not be made for periods longer than one year. Such insurance shall not cover losses due to the neglect or malfeasance of the producer or to the failure of the producer to reseed in areas and under circumstances where it is customary to reseed. Such insurance shall cover not less than 50 or more than 75 per centum, to be determined by the Board, of the recorded or appraised average yield of wheat on the insured farm for a representative base period subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just. The Board may condition the issuance of such insurance in any county or area upon a minimum amount of participation in a program of crop insurance formulated pursuant to this title.

"(b) To fix adequate premiums for such insurance, payable either in wheat or cash equivalent as of the due date thereof, on the basis of the recorded or appraised average crop loss of wheat on the insured farm for a representative base period subject to such adjustments as the Board may prescribe to the end that the premiums fixed for farms in the same area, which are subject to the same conditions, may be fair and just. Such premiums shall be collected at such time or times, in such manner, and upon such security as the Board may determine.

"(c) To adjust and pay claims for losses either in wheat or in cash equivalent under rules prescribed by the Board. In the event that any claim for indemnity under the provisions of this title is denied by the Corporation an action on such claim may be brought against the Corporation in the district court of the United States in and for the district in which the insured farm is located, and exclusive jurisdiction is hereby conferred upon such courts to determine such controversies without regard to the amount in controversy: *Provided*, That no suit on such claim

shall be allowed under this section unless the same shall have been brought within one year after the date when notice of denial of the claim is mailed to the claimant.

"(d) From time to time, in such manner and through such agencies as the Board may determine, to purchase, handle, store, insure, provide storage facilities for, and sell wheat, and pay any expenses incidental thereto, it being the intent of this provision, however, that, insofar as practicable, the Corporation shall purchase wheat only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly wheat sold to prevent deterioration; and shall sell wheat only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however*, That nothing in this section shall prevent prompt offset purchases and sales of wheat for convenience in handling. The restriction on the purchase and sale of wheat provided in this section shall be made a part of any crop insurance agreement made under this title. Notwithstanding any provision of this title, there shall be no limitation upon the legal or equitable remedies available to the insured to enforce against the Corporation the foregoing restriction with respect to purchases and sales of wheat.

"INDEMNITIES EXEMPT FROM LEVY

"SEC. 509. Claims for indemnities under this title shall not be liable to attachment, levy, garnishment, or any other legal process before payment to the insured or to deduction on account of the indebtedness of the insured or his estate to the United States except claims of the United States or the Corporation arising under this title.

"DEPOSIT OF FUNDS

"SEC. 510. All money of the Corporation not otherwise employed may be deposited with the Treasurer of the United States or in any bank approved by the Secretary of the Treasury, subject to withdrawal by the Corporation at any time, or with the approval of the Secretary of the Treasury may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States. Subject to the approval of the Secretary of the Treasury, the Federal Reserve banks are hereby authorized and directed to act as depositories, custodians, and fiscal agents for the Corporation in the performance of its powers conferred by this title.

"TAX EXEMPTION

"SEC. 511. The Corporation, including its franchise, its capital, reserves, and surplus, and its income and property, shall be exempt from all taxation now or hereafter imposed by the United States or by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

"FISCAL AGENT OF GOVERNMENT

"SEC. 512. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and it may also be employed as a financial agent of the Government; and it shall perform all such reasonable duties, as a depository of public money and financial agent of the Government, as may be required of it.

"ACCOUNTING BY CORPORATION

"SEC. 513. The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary of Agriculture a complete report as to the business of the Corporation. The financial transactions of the Corporation shall be audited at least once each year by the General Accounting Office for the sole purpose of making a report to Congress, together with such recommendations as the Comptroller General of the United States may deem advisable: *Provided*, That such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report.

"CRIMES AND OFFENSES

"SEC. 514 (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Corporation, or for the purpose of obtaining for himself or another money, property, or anything of value, under this title, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

"(b) No person shall, while acting in any official capacity in the administration of this title, speculate, directly or indirectly, in any agricultural commodity or product thereof, to which this title applies, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product. Any person violating this subsection shall upon conviction thereof be fined not more than $10,000 or imprisoned not more than two years, or both.

"(c) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to the Corporation or pledged or otherwise entrusted to it; or (2) with intent to defraud the Corporation, or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of, or to, the Corporation or draws any order, or issues, puts forth, or assigns any note or other obligation or draft, mortgage, judgment, or decree thereof; or (3) with intent to defraud the Corporation, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of the Corporation, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years or both.

"(d) Whoever willfully shall conceal, remove, dispose of, or convert to his own use or to that of another, any property mortgaged or pledged to, or held by, the Corporation, as security for any obligation, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

"(e) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act.

"(f) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C., title 18, secs. 202 to 207, inclusive) insofar as applicable, are extended to apply to contracts or agreements with the Corporation under this title: *Provided, however*, That the provisions of section 3741 of the Revised Statutes (U. S. C., title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States shall not apply to any crop-insurance agreements made under this title.

"ADVISORY COMMITTEE

"SEC. 515. The Secretary of Agriculture is authorized to appoint from time to time an advisory committee, consisting of not more than five members experienced in agricultural pursuits and appointed with due consideration to their geographical distribution, to advise the Corporation with respect to carrying out the purposes of this title. The compensation of the members of such committee shall be determined by the Board but shall not exceed $10 per day each while actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu thereof.

"APPROPRIATIONS AND REGULATIONS

"SEC. 516. (a) There are hereby authorized to be appropriated such sums, not in excess of $6,000,000 for each fiscal year beginning after June 30, 1938, as may be necessary to cover the operating and administrative costs of the Corporation, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine: *Provided*, That expenses in connection with the purchase, transportation, handling, or sale of wheat may be considered by the Corporation as being nonadministrative or nonoperating expenses. For the fiscal year ending June 30, 1939, the appropriation authorized under this subsection is authorized to be made only out of the unexpended balances for the fiscal year ending June 30, 1938, of the sums appropriated pursuant to section 15 of the Soil Conservation and Domestic Allotment Act, as amended.

"(b) The Secretary and the Corporation, respectively, are authorized to issue such regulations as may be necessary to carry out the provisions of this title.

"SEPARABILITY

"SEC. 517. The sections of this title and subdivisions of sections are hereby declared to be separable, and in the event any one or more sections or parts of the same of this title be held to be unconstitutional, the same shall not affect the validity of other sections or parts of sections of this title.

"RIGHT TO AMEND

"SEC. 518. The right to alter, amend, or repeal this title is hereby reserved."

And the Senate agree to the same.

Amend the title to read as follows: "To provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, and for other purposes."

MARVIN JONES,
H. P. FULMER,
WALL DOXEY,
CLIFFORD R. HOPE,
Managers on the part of the House.

E. D. SMITH,
GEO. MCGILL,
J. H. BANKHEAD,
CARL A. HATCH,
J. P. POPE,
LYNN J. FRAZIER,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

This explanation of the effect of the action of the committee of conference follows the general order of the House bill. The discussion of each of the subjects treated in the House bill or the

Senate amendment is set forth under a separate heading. Under each heading will be found in the following order (1) an explanation of the effect of the House provision, if any, (2) an explanation of the effect of the Senate amendment, if any, and (3) the action recommended by the conference committee with an explanation thereof if a provision different from that of the House bill or Senate amendment is recommended by the committee. The subjects are treated under the following headings:

1. Short title.
2. Declaration of policy.
3. Amendments to Soil Conservation and Domestic Allotment Act.
(a) Generally.
(b) Acreage allotments generally.
(c) Farm acreage allotments—wheat.
(d) Farm acreage allotments—cotton.
(e) Farm acreage allotments—corn.
(f) Farm acreage allotments—rice.
(g) Acreage planted less than farm acreage allotment.
(h) Normal yield.
(i) Conditions of payments.
(j) Use of diverted acres.
(k) Reductions in payments.
(l) Tenant provisions.
(m) Apportionment of funds.
(n) Effective date.
4. Definitions.
5. Adjustments in freight rates.
6. New uses and markets.
7. Amendments to section 32.
8. Continuation of Federal Surplus Commodities Corporation.
9. Loans on agricultural commodities.
10. Consumer safeguards.
11. Adjustment contracts (corn and wheat).
12. Parity payments (cotton, corn, and wheat).
13. Ever-normal granary and acreage diversion for wheat and corn.
14. Base acreages for wheat and corn.
15. Marketing quotas—tobacco.
16. Marketing quotas—corn.
17. Marketing quotas—wheat.
18. Marketing quotas—cotton.
19. Export bounty on cotton.
20. Marketing quotas—rice.
21. Publication and review of quotas, etc.
22. 1937 cotton price adjustment payments.
23. 1937–38 cotton loan.
24. Utilization of local agencies.
25. Personnel.
26. Separability.
27. Appropriations.
28. Administrative expenses.
29. Allotment of appropriations.
30. Report of money payments to Congress.
31. Miscellaneous provisions of Senate amendment not contained in House bill.
32. Surplus Reserve Loan Corporation.
33. Cotton pool certificates.
34. Investigation for crop insurance.
35. Crop insurance.

1. SHORT TITLE

The House bill (sec. 1) and the Senate amendment (sec. 1) have the short title "Agricultural Adjustment Act of 1937." The conference agreement adopts the same provision with a clerical change in the date.

2. DECLARATION OF POLICY

The House bill (sec. 1) declares the policy of Congress to be to continue the Soil Conservation and Domestic Allotment Act to conserve and restore soil resources; to encourage soil-building crops and practices, and to regulate in interstate and foreign commerce soil-depleting crops; to assist farmers to accomplish such purposes by securing, so far as practicable, parity of prices and income; and to assist in marketing farm commodities through storage, providing for reserve supplies, and to assist in marketing commodities for domestic consumption and export. It relates to all agricultural commodities.

The Senate amendment (sec. 2) declares the policy of Congress to be to regulate interstate and foreign commerce in cotton, wheat, corn, tobacco, and rice to the extent necessary to provide such flow of those commodities as will maintain parity of prices and income for farmers marketing them, and, without interfering with parity prices, will provide an ever-normal granary for each such commodity and conserve soil resources and prevent the wasteful use of soil fertility.

The conference agreement (sec. 2) retains the substance of both provisions and emphasizes the exercise of the interstate-commerce power in connection with the regulation of the marketing of cotton, wheat, corn, rice, and tobacco, and also indicates that the powers are to be exercised to assist consumers to obtain an adequate and steady supply of these commodities at fair prices.

3. AMENDMENTS TO SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

(A) GENERALLY

The House bill (sec. 2) and the Senate amendment (sec. 80 (a), (b), (c), and (e)) amend the Soil Conservation and Domestic Allotment Act, generally, as follows:

(1) The House bill (sec. 2) and the Senate amendment (sec. 80 (a)) authorize the Secretary to exercise his powers to make payments or grants of aid under that act so as to carry out the purpose of reestablishment of the ratio of farmers' income to the income of other persons that prevailed during the base period. The conference agreement retains this provision.

(2) The House bill (sec. 2) added to section 8 (b) of that act a provision under which the Secretary is authorized to measure payments or grants to agricultural producers by their equitable share, as determined by him, of the normal national production of any commodity (1) required for domestic consumption, or (2) required for domestic consumption and export.

The Senate amendment (sec. 80 (b)) authorizes a measure based upon producers' equitable share of the production of any commodity required for domestic consumption and export, but provides for an adjustment to reflect the extent to which producers' utilization of cropland conforms to farming practices which the Secretary determines will best effectuate the purposes of section 7 (a) of the present law. The conference agreement retains the Senate provision.

The Senate amendment (sec. 80 (c) also provides that in determining the amount of any payment or grant so measured the Secretary shall take into consideration and give equal weight to two factors. First, the national acreage required to be devoted to the crop or group of crops, or farming practices, in order to provide adequately for domestic consumption and exports and the value of the production of the commodity or commodities on such national acreage on the basis of average values during the previous 10 years. Second, the national average acreage (including diverted acres) devoted to production in excess of the acreage for the 10-year period so required and the value of production from the excess acres on the basis of average values during the 10-year period. The House bill contained no comparable provision. The conference agreement omits this provision.

(3) The House bill (sec. 2) provided that in arid and semi-arid regions the authority to make payments or grants measured by farmers' treatment or use of land for soil restoration and conservation and payments or grants on account of land use shall be construed to include water conservation and beneficial use of water on individual farms. The Senate amendment contains no comparable provision. The conference agreement retains this provision.

(4) The House bill (sec. 2) directed the Secretary to utilize in the administration of the Soil Conservation and Domestic Allotment Act local committees upon which tenants and sharecroppers should have fair representation. The members were to be appointed by the Secretary from among agricultural producers on the advice and recommendation of producers in the locality who are participators in the program. The comparable provision of the Senate amendment (sec. 62 (b) (1)) does not directly amend the Soil Conservation and Domestic Allotment Act. It provides for designation by the Secretary of local administrative areas as units for administration of programs under the Soil Conservation Act, the Senate amendment, and such other agricultural laws as the Secretary may specify. Farmers in the local area who are participating or cooperating are to elect a local committee from their number. The chairman of the local committees are to constitute the county committee. The county committee elects an administrative committee of three. The county agent is secretary of the county committee and is the Secretary of Agriculture's representative in the county. A State committee of five farmers who reside in the State is to be appointed by the Secretary. Before appointing members of the State committee, the Secretary is to consult with and give consideration to recommendations of the State director of agricultural extension and of representatives of leading State-wide farm organizations. The Secretary is given power to issue regulations to carry out the provisions described above. No payment is to be made to a State, county, or local committee, except for services performed or expenses incurred in the State.

The conference agreement authorizes the Secretary to designate local administrative areas as units for the administration of programs under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act. Local areas so designated cannot extend beyond county lines but may include less than a county. Cooperating farmers in the local area are to elect annually from their number a local committee of not more than three farmers. The local committee is to select a secretary and may utilize the county agent for the purpose. If there is only one local area in the county, the local committee is the county committee and has all the powers of a county committee.

Farmers in each local area are to elect annually a delegate to a county convention. The delegates from the local areas are to elect a county committee of three farmers in the county. The county committee is to select a secretary who may be the county agent. If the county agent is not elected secretary, he is to be ex officio a member of the county committee. In no case is the county agent to have power to vote on the county or local committee.

The conference agreement provides for a State committee composed of not less than three nor more than five farmers in the State. They are appointed by the Secretary. The State director of the Extension Service is ex officio a member of the State committee.

The Secretary is given power under the conference agreement to prescribe regulations relating to the selection of committees and the exercise of their powers and to the administration of programs under their jurisdiction.

Section 388 of the conference agreement makes the provisions described above apply so that the same local committees and areas are used for the new programs contemplated under the bill. Section 388 (b) requires the Secretary to make payments to county committees to cover estimated administrative expenses under acts under which they cooperate. These expenses may be deducted pro rata from payments under soil conservation, loans, or other payments. Such payments to committees may be made in advance of performance by farmers.

(5) The House bill (sec. 2) added to the present law a provision under which in the administration of the Soil Conservation and Domestic Allotment Act the Secretary is to accord such recognition and encouragement to cooperatives owned and controlled by producers as is in harmony with the policy toward cooperatives of existing acts and will tend to promote efficient methods of marketing and distribution. The Senate amendment contains no comparable provision. The conference agreement retains this provision.

(6) The House bill (sec. 2) omits the provision of the present law under which the Secretary is denied power to enter into contracts binding upon producers. The Senate amendment (sec. 80 (e)) affirmatively grants him power to enter into contracts with producers. The conference agreement is the same as the House provision.

(7) The House bill (sec. 2) adds a provision to the present law under which rules and regulations governing payments or grants are to be as simple and direct as possible and payments are to be classified, so far as practicable, on two bases: First, soil-depleting crops and practices, and, second, soil-building crops and practices. The Senate amendment contains no comparable provision. The conference agreement retains the House provision.

(B) ACREAGE ALLOTMENTS GENERALLY

The House bill (sec. 2) inserted in section 8 of the Soil Conservation and Domestic Allotment Act a new subsection, paragraph (1) of which provides for ascertainment and apportionment of acreage allotments in the case of cotton, wheat, corn, and rice. The national acreage allotment for each of these commodities is to be ascertained annually by the Secretary. That amount is to be apportioned annually among the States, and the State acreage allotment among the counties or other areas in the State, on the basis of acreage devoted to the production of the commodity during the previous 5 years in the case of cotton and rice, and the previous 10 years in the case of wheat and corn. For applicable years there are to be added the acres diverted under previous adjustment and conservation programs. Adjustments are to be made for abnormal weather conditions and trends in acreage during the period. The Senate amendment contains no comparable provision. The conference agreement omits the provisions relating to cotton and rice. It retains the provisions relating to wheat and corn but the ascertainment of the number of acres is based upon acres seeded for the production of wheat or corn rather than acres devoted to the production of such commodities. Further, there is to be no allotment to administrative areas. The allotment is made to the county.

(C) FARM ACREAGE ALLOTMENTS—WHEAT

Paragraph (2) of the amendment added to section 8 of the Soil Conservation and Domestic Allotment Act by section 2 of the House bill provides for the apportionment of the wheat allotment which is made to the county or other administrative area among farms in the county or area. Ninety-seven percent of the local allotment is to be apportioned by the Secretary, through the local committee, among farms so that the allotment to each farm is a uniform percentage throughout the locality of the average of the tilled acres (during the previous 5 years) on the farm. An exception is made to this rule under which if wheat has been planted during 2 years or less of the 5-year period the allotment is one-half what it would otherwise be. Similarly, if wheat has been planted 3 years, the allotment is three-fourths, or if planted 4 years, the allotment is four-fifths of the amount it would otherwise be. Three percent of the local allotment is to be apportioned to farms on which wheat has been planted during none of the previous 5 years. In determining all wheat allotments to farms under the paragraph the Secretary is to take into consideration the acreage devoted during the 5-year period to cotton, field corn, and rice.

The Senate amendment contains no comparable provision.

The conference agreement substitutes for the House provision a rule under which the county allotment is allotted to farms in the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 percent of the county allotment may be given to farms on which wheat has not been planted during any of the 3 years immediately preceding the year in which the allotment is made.

(D) FARM ACREAGE ALLOTMENTS—COTTON

Paragraph (3) of the amendment added to section 8 of the Soil Conservation and Domestic Allotment Act by section 2 of the House bill provides for the apportionment of the State cotton allotment to counties and other local areas and for the apportionment of the local allotment to farms. Ninety-five percent of the State allotment is to be apportioned to the counties or other local areas. This apportionment is made in the manner described above on the basis of a 5-year average. That amount is then apportioned to the cotton farms in the county on a uniform tilled acreage basis. As in the case of wheat, the allotment to farms on which cotton has been planted not more than 2 years, is one-half; if planted 3 years it is three-fourths; and if planted 4 years, is four-fifths of the allotment which would otherwise be made. Two and one-half percent of the State allotment is to be allotted to farms in the State which were not used for cotton production during any one of the previous 5 years. Two and one-half percent of the State allotment (plus any amount not used under the other 2½ percent provision) is to be allotted to farms operated by owners, tenants, or sharecroppers, to which an allotment of not exceeding 15 acres has been made out of the allotment to the locality. The Secretary is to take into consideration in making all allotments under the paragraph the acreage devoted during the 5-year period to the production of wheat, rice, and corn. In the case of farms on which during the 5-year period the cash income from other cash crops was greater than the cash income from cotton and cottonseed, appropriate reductions in allotments are to be made according to ratios representing current relative values per acre or per unit of cotton and the other commodities, and due consideration is to be given to current trends in uses of the farm.

In no case can the cotton allotment to a farm exceed 60 percent of the tilled acres of the farm.

The Senate amendment contains no comparable provision.

The conference agreement omits the provisions relating to cotton.

(E) FARM ACREAGE ALLOTMENTS—CORN

Paragraph 4 of the amendment added by section 2 of the House bill to section 8 of the Soil Conservation and Domestic Allotment Act provides for the apportionment, through the local committee, of the local corn allotment to farms on the basis of tillable acreage, type of soil, topography, crop-rotation practices, and production facilities. There is no comparable provision in the Senate amendment.

The conference agreement adopts the House provision except that production facilities is omitted as a factor in determining allotments, and there is no apportionment of the allotment to a local administrative area, for allotments are made only to counties.

(F) FARM ACREAGE ALLOTMENTS—RICE

Paragraph (5) of the amendment added by section 2 of the House bill to section 8 of the Soil Conservation and Domestic Allotment Act provides for the apportionment of the State acreage allotment for rice to rice producers in the State. Not less than 97 percent of the State acreage allotment is to be apportioned among such rice producers on the basis of past production; land, labor, and equipment for rice production; crop-rotation practices; and the soil fertility and other physical factors affecting the production of rice. Not more than 3 percent of the State acreage allotment is to be apportioned among producers who for the first time in the past 5 years are producing rice. No such new producer is to be allotted an acreage in excess of 75 percent of the allotment which would otherwise be made to him. There is no comparable provision in the Senate amendment. The conference agreement omits the House provision.

(G) ACREAGE PLANTED LESS THAN FARM ALLOTMENT

Paragraph (6) of the amendment added by section 2 of the House bill to section 8 of the Soil Conservation and Domestic Allotment Act provides that if the acreage planted to any commodity is less than 80 percent of the farm acreage allotment for the commodity the farm acreage allotment is to be 25 percent in excess of the planted acreage. This is merely to provide a rule for payment in case the acres actually conserved prove to have been greater than required under the program. The rule does not affect allotments to other farms. There is no comparable provision in the Senate amendment. The conference agreement retains the provision specifically relating it to corn, wheat, cotton, tobacco, and rice.

(H) NORMAL YIELD

Paragraph (7) of the amendment added by section 2 of the House bill to section 8 of the Soil Conservation and Domestic Allotment Act provides a rule for determining normal yield per acre in the case of cotton, wheat, field corn, and rice. In the case of cotton, wheat, and corn the normal yield is the average yield during the 10 calendar years previous to the year of determination adjusted for abnormal weather conditions and trends in yield. In the case of cotton, wheat, or corn, if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the production in any year of the 10-year period is less than 75 percent of the average of the other years in the period, that year is to be eliminated in calculating normal yield. In the case of rice the normal yield per acre is to be the average yield during the 5 immediately preceding calendar years. If the normal yield for all lands planted to rice in any year in the State (weighted by the acreage allotments in the State) exceeds the average yield per acre for the State during the period used, the normal yield for the lands shall be reduced pro rata so that the average of normal yields does not exceed the State average yield. In the case of cotton, wheat, corn, and rice, if for any reason there is no actual yield or the data therefor are not available for any year, an appraised yield for the year is to be used. There is no comparable provision in the Senate amendment.

The conference agreement adopts the House provision but confines its operation to wheat and corn.

(I) CONDITIONS OF PAYMENT

Subsection (d) of the amendment added by section 2 of the House bill to section 8 of the Soil Conservation and Domestic Allotment Act provides that payments or grants of aid under subsection (b) of section 8 of that act shall be conditioned upon the

utilization of the land with respect to which such payment is made in conformity with farming practices which the Secretary finds tend to effectuate any one or more of the purposes specified in clause (1), (2), (3), (4), or (5) of section 7 (a).

Section 80 (f) of the Senate amendment contains similar provisions. It amends section 8 (c) of the Soil Conservation and Domestic Allotment Act by striking out "specified in clause (1), (2), (3), or (4)". The effect of both the House bill and the Senate amendment is the same. Both permit the Secretary to condition payments or grants upon the utilization of the land in conformity with farming practices which he finds tend to effectuate the purposes of clause (5) of section 7 (a) under which the Secretary is given authority to provide for the reestablishment and maintenance of parity of farm income, as well as clause (1), (2), (3), or (4).

The conference agreement adopts the House provision.

(J) USE OF DIVERTED ACRES

Subsection (d) of the amendment added by section 2 of the House bill to section 8 of the Soil Conservation and Domestic Allotment Act further provides that payments or grants of aid under subsection (b) of section 8 of that act shall (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only) be conditioned upon the utilization of the land so that soil-building and soil-conserving crops planted or produced on lands normally used for the production of cotton, wheat, rice, tobacco, or field corn, shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm, and not for market. The term "for market" is defined to mean for disposition by sale, barter, exchange, or gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are to be sold, bartered, exchanged, or given away. Such term does not include consumption on the farm. An agricultural commodity is deemed consumed on the farm if consumed by the farmer's family, employees, or household, or by his livestock; or if fed to poultry or livestock on his farm and such poultry or livestock, or the products thereof, are to be consumed by his family, employees, or household.

Section 66 of the Senate amendment does not expressly amend the Soil Conservation and Domestic Allotment Act but it conditions payments in the same manner.

The provision of the conference agreement amends the Soil Conservation and Domestic Allotment Act. Payments with respect to a farm (except land that the Secretary determines should not be utilized for the harvesting of crops but for grazing purposes only) shall, if the number of cows kept on the farm and the number of cows in the county used for the production of milk or products of milk for market exceeds the normal number, be conditioned so that soil building and conserving crops planted or produced on acreage equal to the land normally used for production of soil-depleting crops, but not to be so used if the producer is to qualify for payment, shall be used for conserving the soil or for the production of crops for home consumption and not for market. If the county as a whole is in substantial compliance no farmer in the county is to be denied payment. If the county as a whole does not substantially comply then no farmer is denied payment unless the farmer has not substantially complied. Suspension of the provision is provided for in case of shortage of feed by reason of drought, flood, or other disaster. Provision is made for investigation of adverse effects of programs under the act on livestock producers (other than producers of dairy cattle) and poultry raisers. If the Secretary finds such effects, he is to make such provisions with respect to use of diverted acres as he finds necessary to protect the interests of such producers.

(K) REDUCTIONS IN PAYMENT

Section 3 of the House bill adds to section 8 of the Soil Conservation and Domestic Allotment Act a new subsection which provides that any payment that would otherwise be made under section 8 of that act shall be reduced by 25 percent of the amount thereof in excess of $1,000, and that no total payment to any producer for his share of the payment shall exceed $7,500. Amounts paid to a landlord which represent a tenant's or sharecropper's share of the payment are to be excluded in determining the amount to which the reduction is to be applied in the case of payments made to a landlord. There are also to be excluded amounts representing the landlord's share of a payment with respect to land operated under a tenancy or sharecropper relationship if the division of the payment between the landlord and the tenant or sharecropper is determined by the local committee to be in accordance with fair and reasonable standards of sharing prevailing in the locality. In computing reductions, payment is to be computed separately with respect to performance in any State, Territory, or possession for each year, and the determination of the Secretary as to the status of any producer is to be final. In any such determination, there is to be taken into account the status, if any, of any producer or his predecessor in interest, as of January 1, 1937.

The Senate amendment (sec. 64 (i)) provides that payments to farmers thereunder, and under the Soil Conservation and Domestic Allotment Act, are to be divided among the landowners, tenants, and sharecroppers on any farm, with respect to which the payments are made, in the same proportion that such landowners, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which the payments are paid. The payments are to be paid directly to the landowners, tenants, or sharecroppers entitled thereto. If the total amount of such payments, except payments under section 6 (c) of the Senate amendment (relating to payments computed under the Soil Conservation and Domestic Allotment Act in case they are greater than the parity payments computed under the Senate amendment) to any person with respect to any year would exceed $600, such amount is to be reduced by 25 percent of that part of the amount in excess of $600 but not in excess of $1,000, by 60 percent of that part of the amount in excess of $1,000 but not in excess of $1,500, by 90 percent of that part of the amount in excess of $1,500 but not in excess of $2,500, and by 95 percent of that part of the amount in excess of $2,500.

The conference agreement (Sec. 102) adopts the provisions of the Senate amendment relating to division of payments between landlords, tenants, and sharecroppers, except that payments based on soil-building and soil-conserving practices are to be divided between such persons in proportion to the extent to which they contribute to carrying out the practices. The conference agreement adopts the provisions of the Senate amendment under which payments are to be made directly to the landlords, tenants, or sharecroppers entitled thereto. The conference agreement also provides that payments to all persons shall be computed at rates which will permit the Secretary to set aside enough (within the limits of the appropriation) to make the increased payments provided for. The increases range from a 40-percent increase if the payment to any person for any farm is less than $20 to an increase of $14 if the payment is more than $60. In no case is the effect of the increase to raise the payment above $200. The agreement provides for ignoring fractions of a dollar in calculating the percentage increase. Thus if the base payment is $21.36 the calculation of the percentage increase is made as if the amount were $21, but the whole $21.36 is to be added to the increase in computing the total payment.

The conference agreement adopts a provision under which no total payment can exceed $10,000. This goes into effect with respect to performance in 1939. It does not apply to payments in 1939 for performance in 1938. This $10,000 limitation is applicable to the total payments made in a State, Territory, or possession in the case of payment to an individual, partnership, or estate. That is, if performance in such cases is in two States, the limitation is computed separately for each State. In all other cases, all performances are added together to apply the limitation.

(L) TENANT PROVISIONS

The House bill (sec. 4) added to section 8 of the Soil Conservation and Domestic Allotment Act two new subsections, subsections (f) and (g). The former provides that any change in the relationship between the landlord and the tenants or sharecroppers, with respect to any farm, that would increase over the previous year the amount of payments or grants under section 8 (b) of that act that would otherwise be made to any landlord, shall not operate to increase such payment or grant to such landlord. Similarly, any reduction in the number of tenants over the average number on the farm during the preceding 3 years that would increase the payments or grants to the landlord that would otherwise be made is not hereafter to operate to increase the payment or grant to the landlord. These provisions do not apply if on investigation the local committee finds that the change is justified and approves such change in relationship. Such change is not to be approved if in the judgment of the committee the major objective of the landlord in making it is to effect an increase in his benefits. The conference agreement (sec. 103) adopts the substance of the House provision. It omits the language relating to the major objective of the landlord. It also provides that the limitations apply only if the county committee affirmatively finds that the change or reduction is not justified and disapproves it.

The new subsection (g) added to section 8 of the Soil Conservation and Domestic Allotment Act by section 4 of the House bill provides that the whole or any part of a payment which may be made to a tenant or sharecropper may be assigned by him, in writing, to his landlord as security for cash or advances. The assignment, to be valid, must be acknowledged by the tenant or sharecropper and the landlord before the county agent and filed with the county agent. These provisions for assignments are not to authorize any suit against or impose any liability upon the Secretary or any disbursing agent if payment is made without regard to the assignment.

The Senate amendment does not contain any comparable provisions.

The conference agreement (sec. 103) adopts the House provision and makes it applicable to any farmer. The assignment may be made only as security for cash or advances to finance making a crop. An affidavit must be filed stating that the assignment is not made to pay or secure a preexisting indebtedness. Assignments may be made only without discount.

(M) APPORTIONMENT OF FUNDS

The House bill (sec. 5) amends section 15 of the Soil Conservation and Domestic Allotment Act (the appropriations section of that act) by adding at the end of section 15 a new paragraph containing a rule for apportioning funds. The funds available for payments (after allowing not to exceed 5 percent for administrative expenses, payments with respect to naval stores, and payments in Hawaii, Alaska, and Puerto Rico) are to be allocated among the commodities produced in continental United States with respect to which payments or grants are to be computed. The Secretary, in making the allocation, is to take into consideration and give equal weight to (1) the average acreages of the various commodities for the 10 preceding years, including an

acreage of pasture which bears the same proportion to the acreage of all crops that the farm value of livestock and livestock products produced from pasture bears to the farm value of all crops; (2) the value of parity prices of the production from the allotted acreages of the various commodities, including with respect to pasture the value at parity prices of that portion of livestock and livestock products produced from pasture; (3) the average acreage during the preceding 10 years in excess of the allotted acreage for the year with respect to which the payment is made; and (4) the value based on average prices for the preceding 10 years of the production of the excess acreage determined under (3). The rate of payment to the producers of each commodity is to be such that the estimated total payments with respect to the commodity shall equal the funds allocated to it. For the purpose of allocating funds and computing payments or grants the Secretary may consider as one commodity a group of commodities or a regional or market classification of a commodity.

The Senate amendment does not contain any comparable provision.

The conference agreement (sec. 104) amends section 15 of the Soil Conservation and Domestic Allotment Act by adding a rule for apportioning funds. Allowance for administrative expenses is to be made in addition to a 5-percent allowance for payments with respect to range lands, noncrop pasture lands, and naval stores. The conference agreement contains no provision for allowance for payments in Hawaii, Alaska, and Puerto Rico. In allocating the funds to commodities the Secretary is to take into consideration and give equal weight to (1) the average for the 10 years, 1928 to 1937, of the acreage planted to the various commodities (including the acreage of rotation pasture) adjusted for abnormal weather and other conditions plus the acreage diverted in such years from production of such commodities under agricultural adjustment and conservation programs; (2) the value at parity prices of the production, as determined by the Secretary, of the various commodities on their allotted acreage for the year with respect to which the payment is made; (3) the excess, over the allotted acreage for the year with respect to which the payment is made, of the average for the 10 years, 1928–37 of the acreage planted to the various commodities, including the acreage diverted in such years from the production of such commodities; (4) the value, based on average prices for the preceding 10 years, of the production, as ascertained by the Secretary, on the excess acreage determined under item 3.

The rate of payment to the producers of each commodity is to be such that the estimated total payments with respect to the commodity shall equal the funds allocated to it. For the purpose of allocating funds and computing payments or grants, the Secretary is authorized to consider as one commodity a group of commodities or a regional or market classification of a commodity. The Secretary is authorized to use funds allocated to two or more commodities produced on farms of a designated regional or other classification in computing payments with respect to one of such commodities on farms on which both are produced and to use for special programs for a county an amount equal to the estimated payments which would be made in the county. The conference agreement contains also a provision that farm-acreage allotments shall be made for wheat in 1938, but that in determining compliance wheat shall be considered with other crops for which special acreage allotments are not made.

(N) EFFECTIVE DATE

The House bill (sec. 6) provides that the amendments made by the bill to the Soil Conservation and Domestic Allotment Act are first to be effective with respect to farming operations carried out in the calendar year 1938.

The Senate amendment does not contain any comparable provision.

The conference agreement (sec. 104) adopts the House provision.

4. DEFINITIONS

The House bill (sec. 7 (a) (1)) defined "parity" of prices so that it applied to all commodities. The Senate amendment definition applies only to cotton, wheat, corn, tobacco, and rice. Both definitions provide for a price which will give the commodity its purchasing power during the base period. The Senate amendment (sec. 61 (a) (2)) provides that the price shall reflect contrasts in freight rates between the base period and the time of ascertaining parity, which the House bill does not. The Senate amendment makes adjustments on account of contrasts in interest payments, tax payments, and freight rates applicable to tobacco, which has a base period 1919 to 1929. The similar provision of the House bill made its adjustments only to commodities having a base period 1909 to 1914; that is, commodities other than tobacco.

The conference agreement (sec. 301 (a) (1)) adopts the House provision, except that freight rates are to be considered in reflecting contrasts.

Parity of income is defined in the House bill (sec. 7 (a) (2)) to mean the net aggregate income of farmers that bears to the income of persons other than farmers the relation of the 1909 to 1914 period. The Senate definition (sec. 61 (a) (3)) is the same, except that "aggregate" is omitted and "individuals" is substituted for "persons." The conference agreement (sec. 301 (a) (2)) defines parity of income to be that per capita net income of individuals on farms from farming operations that bears to the per capita net income of individuals not on farms the same relation that prevailed during the period August 1909 to July 1914.

The definition of "interstate and foreign commerce" in the House bill (sec. 7 (a) (3)) and "interstate or foreign commerce" in the Senate amendment (sec. 61 (a) (16)) is the same, except that the House bill includes within that term commerce wholly within a Territory, Puerto Rico, or the District of Columbia, which the Senate amendment does not. The conference agreement (sec. 301 (a) (3)) adopts the House provision.

The House bill (sec. 7 (a) (4)) defines "affect interstate commerce and foreign commerce" and the Senate amendment (sec. 61 (a) (7)) defines "affect interstate or foreign commerce" in the same manner, except that the Senate amendment is more extensive in including within it "other things." The conference agreement (sec. 301 (a) (4)) defines "affect interstate and foreign commerce" but in other respects adopts the Senate provision.

The terms "United States," "State," "Secretary," "Department," and "person" are defined the same way in the House bill, the Senate amendment, and the conference agreement.

The differences between the other definitions in the House bill and the Senate amendment and the effect of the definitions used in the conference agreement are discussed in connection with the subjects to which the definitions relate.

Under the House bill, the latest available statistics of the Federal Government are to be used by the Secretary in ascertaining "total supply," "normal year's domestic consumption," "normal year's exports," "reserve supply level," "parity" as applied to prices and income, and national average yields. Under the Senate amendment, the latest available statistics of the Department of Agriculture are to be used by the Secretary in ascertaining "total supply," "normal year's domestic consumption," "normal year's exports," "parity" as applied to prices and income, and "current average farm price." The conference agreement (sec. 301 (c)) requires the Secretary to use the latest available statistics of the Federal Government in making determinations required to be made by him under the bill.

5. ADJUSTMENTS IN FREIGHT RATES

The House bill (sec. 201) authorized the Secretary of Agriculture to make complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of any farm products, and to prosecute such complaints. Before proceeding to hear and dispose of any complaint filed by any person other than the Secretary, involving the transportation of farm products, the Interstate Commerce Commission must cause the Secretary to be notified, and upon his application must permit him to appear and be heard. For the purpose of these provisions the Interstate Commerce Commission is authorized to avail itself of the cooperation, records, services, and facilities of the Department of Agriculture. The Secretary is also authorized to cooperate with and assist cooperative associations of farmers making complaint to the Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products.

The Senate amendment contains no comparable provisions.

The conference agreement (sec. 201) adopts the House provision with changes. If the application (brought either by the Secretary or any other person) is one involving the public interest, upon request of the Secretary, the Commission is required to make the Secretary a party to the proceeding. In such case the Secretary is to have all the rights of a party before the Commission. Furthermore, the Secretary has the rights of a party to bring and prosecute judicial proceedings involving the Commission's decision. Such proceedings may be original or appellate. In any such case the liability of the Secretary is limited to costs.

6. NEW USES AND MARKETS

The House bill (sec. 202 (a)) authorizes not to exceed $10,000,000 of the sums made available under appropriations authorized by the bill for each fiscal year to be utilized by the Secretary for the establishment, equipment, maintenance, and administrative expenses of laboratories and other research facilities for research into and development of new, scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products thereof; $1,000,000 of the fund is allocated to the Secretary of Commerce to be expended for the promotion of the sale of farm commodities and the products thereof in such manner as he shall direct. The sum available to the Secretary of Agriculture is to be available for such purposes, in such amounts, and for such work, carried on by the Department of Agriculture alone or by States and Territories and their agencies and subdivisions in cooperation with the Department, as the Secretary shall determine. No part of the sum is to be available for expenditure in any State or Territory in cooperation with such State or Territory or its agencies or subdivisions unless the State, Territory, agency, or subdivision has (heretofore or hereafter) appropriated not less than $250,000 for the establishment of physical facilities suitable for use in carrying out the section.

The Senate amendment (sec. 67 (a)) authorizes and directs the Secretary to establish, equip, and maintain four regional research laboratories for the development of industrial uses for agricultural products, to conduct at such laboratories researches into and development of new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products thereof. Such laboratories are to be known, respectively, as the Northeast Regional Farm Products Utilization Laboratory, the Mid-West Regional Farm Products Utilization Laboratory, the Western Regional Farm Products Utilization Laboratory, and the Southern Regional Farm Products Utilization Laboratory. The northeast region is to be composed of the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia. The midwest region is to be composed of the States of Illinois,

Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. The western region is to be composed of the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The southern region is to be composed of the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

Each regional laboratory is to be established only if the State in which it is to be located provides suitable lands without expense to the United States, and the sum of $250,000 to defray the expenses of the construction of suitable buildings. The Secretary not later than 10 days after the enactment of the act must transmit to the Governor of each of the States in each of the farm regions information concerning the lands necessary to provide a suitable site for the laboratory. If on or prior to March 1, 1939, any of the States submit to the Secretary an offer to provide the lands and money required, with satisfactory guarantees of performance, the Secretary is to accept, from among the offers submitted from each region, the offer of the State in each region deemed by him most desirable for the location of the laboratory for that region. Upon the acceptance of the offer of any State, the Secretary is to accept in the name of the United States title to the land offered, and the money offered by the States is to be covered into the United States Treasury as a public fund to be used for the purposes described. A separate account is to be kept for each region (sec. 67 (b)).

The Secretary is authorized and directed to construct on the lands acquired, laboratories, suitable buildings, and appurtenances thereto at a cost not to exceed $250,000, and is authorized to acquire necessary equipment, apparatus, and supplies. He is further authorized to cooperate with other Federal agencies, and with State agencies, universities, experiment stations, and other agencies and institutions, and with other organizations, corporations, associations, societies, and individuals, upon such terms and conditions as he may prescribe (sec. 67 (c)).

Out of funds made available by the Senate amendment, not to exceed $2,000,000 is authorized to be utilized by the Secretary for the fiscal year ending June 30, 1939. One-fourth of this amount is to be allocated to each of the laboratories, and one-half of the amount allocated to each laboratory is to be used for furnishings and equipment of the laboratory. The other half, or so much thereof as may be necessary, is to be used for the operation, maintenance, and administrative expenses of the laboratory for the fiscal year ending June 30, 1939. For the fiscal year beginning July 1, 1939, and for each succeeding fiscal year, a sum of not to exceed $1,000,000 is authorized to be appropriated for operation, maintenance, and administrative expenses of the laboratories. One-fourth of this sum is to be allocated to each of the laboratories. Ten percent of the appropriations may be expended for administrative purposes in the District of Columbia (sec. 67 (d)).

The Secretary is further authorized to establish from time to time, as funds are provided other than funds available under the Senate amendment, additional units on land acquired under the amendment for expanding the facilities in any one or all of the laboratories. The additional units are to be used for research into any or all farm products or byproducts grown with any of the States comprising the region, where such products or byproducts offer promising possibilities for new and wider industrial outlets for such agricultural products (sec. 67 (e)).

The Secretary is directed in the Southern Regional Farm Products Utilization Laboratory, first, to conduct research with respect to chemical, physical, and physiological properites and utilization and preservation of cotton and its byproducts, and the collection, harvesting, preservation, and industrial utilization of whole cotton as a raw material for the manufacture of cellulose, cellulosic materials, and lignin and lignin derivatives, etc., with a view to development of wider uses of cotton by industry. The results of the research, experiments, investigations, tests, and demonstrations in all the laboratories are to be made public (sec. 67 (g)).

The conference agreement (sec. 202) requires the Secretary to establish, equip, and maintain four regional research laboratories. A laboratory is to be established in each major farm area. The research conducted is to be into new scientific, chemical, and technical uses and new and extended markets for farm commodities and their products and byproducts. The extension of markets is not to include dissemination of market information and reports. The research is to be devoted primarily to those commodities of which there are regular or seasonal surpluses.

Beginning with the fiscal year 1939 the Secretary is authorized out of whatever appropriations may be made under the act or out of Soil Conservation and Domestic Allotment Act appropriations, to use not to exceed $4,000,000 annually for the purpose. One-fourth of the sum is to be allotted to each of the laboratories.

The Secretary is given power to acquire land and other property for the laboratories, and to accept donations from any source and utilize voluntary and uncompensated services. Donations to any particular laboratory must be devoted to its use and not to others. The Secretary is given power to cooperate with Federal and State agencies and private research and scientific and other organizations. The Secretary is also required to submit an annual report of the activities and expenditures of each laboratory and of the donations made to it.

Out of sums appropriated under the act or from sums under the Soil Conservation and Domestic Allotment Act, $1,000,000 is allocated to the Secretary of Commerce for each fiscal year beginning after June 30, 1938, for the promotion of the sale of farm commodities. One hundred thousand dollars of the fund for the fiscal year 1939 is to be devoted to a survey of causes of reduction in exports of American farm commodities and of methods by which sales to foreign countries may be increased (sec. 202 (f)).

Both the House bill (sec. 202 (b)) and the Senate amendment (sec. 67 (f)) make it the duty of the Secretary to utilize available funds to stimulate and widen the use of farm products and to increase the flow of such products in world markets. This provision is retained in the conference agreement (sec. 202 (g)).

7. AMENDMENTS TO SECTION 32

The House bill (sec. 203) amends section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes" by omitting the prohibition on the use of funds therein appropriated for the payment of benefits in connection with the exportation of unmanufactured cotton. Section 32 is further amended by adding to it a provision providing that after June 30, 1939, not more than 25 percent of the funds made available by section 32 shall be devoted during any fiscal year to any one agricultural commodity or the products thereof. The Senate amendment does not contain comparable provisions. The conference agreement (sec. 203) adopts the House provision with clarifying changes.

8. CONTINUATION OF FEDERAL SURPLUS COMMODITIES CORPORATION

The House bill (sec. 204) continues the Federal Surplus Commodities Corporation as an agency of the United States without limitation as to time.

The Senate amendment does not contain any comparable provision.

The conference agreement (sec. 204) continues the Corporation as an agency until June 30, 1942, and requires an annual report of its activities, receipts, and expenditures.

9. LOANS ON AGRICULTURAL COMMODITIES

The House bill (sec. 221) authorized the Commodity Credit Corporation, upon recommendation of the Secretary and with the approval of the President, to make loans on agricultural commodities (including dairy products). The amount, terms, and conditions of the loans were to be fixed by the Corporation with the approval of the Secretary and the President.

The Senate amendment (sec. 5 (a)) provides for the making of loans on agricultural commodities by the Surplus Reserve Loan Corporation created under the amendment.

Section 5 (a) of the Senate amendment provides the terms of loans upon wheat and corn produced for market. These loans are mandatory. In the case of corn the rate of loans is fixed under a schedule and in accordance with the relationship of total supply to normal supply. (Under the Senate amendment "normal supply" is a normal year's domestic consumption and exports plus 5 percent; "total supply" is carry-over plus estimated production of the current year.) The loan rate varies from 85 percent of parity when the total supply is 100 percent of normal supply to 52 percent of parity when the total supply is 114 percent or more of the normal supply. The rate on wheat loans ranges (but not in accordance with a prescribed schedule of relationships to any factor) from 52 percent to 85 percent (inclusive) of parity. Wheat loans and corn loans can be made only to cooperators; that is, to persons who have entered into adjustment contracts provided for in the amendment. An exception, applicable to corn only, directs the Corporation to make loans to noncooperators when farm marketing quotas are in effect on their stock of the crop in excess of their farm marketing quotas. Such loans are to be at a rate of 70 percent of the rate of loans to cooperators. Loans on wheat and corn are to be made only on the security of stocks insured and stored under seal.

Section 5 (b) of the Senate amendment authorizes the Corporation to make loans on all other agricultural commodities. Such loans are to be made only on the security of stocks insured and stored. The amount, terms, and conditions of such loans are to be fixed by the Corporation, taking into account maintenance of foreign outlets and the effect of prospective production on the value of the stock held or to be acquired as security.

Section 5 (c) of the Senate amendment contains a provision, applicable to all commodities on which loans may be made, under which they shall be deemed stored under seal only if stored in such places as conform to requirements prescribed by the Secretary.

Under section 5 (d) of the Senate amendment loans are not to be available on cotton, wheat, corn, tobacco, or rice from the time the results of a referendum for marketing quota purposes are announced, if the vote is against the quota, until the beginning of the second succeeding marketing year.

The conference agreement (sec. 302) provides that the loans are to be made by the Commodity Credit Corporation upon recommendation of the Secretary and with the approval of the President. The general authority to make loans contained in the House bill is retained. The amounts, terms, and conditions of the loans are to be fixed by the Secretary with the approval of the Corporation and the President. This statement is subject to exceptions in cases in which the bill fixes rates, amounts, and terms of loans which may not be varied.

Mandatory loans are provided for on wheat in a marketing year if on July 15 the farm price of wheat is below 52 percent of parity or the July crop estimate is in excess of a normal year's domestic consumption and exports. Loans are then to be made to cooperators at not less than 52 percent and not more than 75 percent of parity price as of the beginning of the marketing year. Loans

shall be made to noncooperators if marketing quotas are in effect for the marketing year. These loans are at rates equal to 60 percent of the rate to cooperators and may be made only on the wheat of a noncooperator which is subject to marketing quota restrictions.

Similarly, mandatory loans are made on cotton if on August 1 the average price on the 10 markets of seven-eighths middling spot cotton is below 52 percent of parity or the August crop estimate for cotton is in excess of a normal year's domestic consumption and exports. The rates are to be not less than 52 percent and not more than 75 percent of parity price for cotton at the beginning of the marketing year. These rates apply to loans to cooperators. If marketing quotas are in effect for the marketing year, loans are to be made to noncooperators at 60 percent of the rate to cooperators. Such loans may be made only on the amount subject to marketing quota restrictions.

Mandatory loans are provided for on corn during any marketing year when the November crop estimate is in excess of a normal year's domestic consumption and exports or if at the beginning of the marketing year the farm price of corn is below 75 percent of parity price. The rates of the loans are specified and range from 75 percent of parity to 52 percent of parity. In general, it can be said that the rate is lower as the supply increases. These are the rates applicable to cooperators in the commercial corn-producing area. Loans to noncooperators in the commercial corn-producing area shall be made when marketing quotas are in effect, but only on corn stored under seal in compliance with the storage requirements of the bill. The rate in such cases is 60 percent of the rate to cooperators. Loans shall be made to cooperators outside the commercial corn-producing area at 75 percent of the rate of loans to cooperators within the commercial corn-producing area.

The Secretary is given the power to modify the rate of loans on commodities above or below standard so as to reflect differences from standard.

Cooperators are producers on whose farms the acreage planted does not exceed the applicable amount under the farm acreage allotment of the marketing quota provisions. In the case of a producer outside the commercial corn-producing area, he is a cooperator if his acreage planted to soil-depleting crops does not exceed his acreage allotment for such crops under the Soil Conservation and Domestic Allotment Act. A producer is deemed to have exceeded his acreage allotment only if he knowingly did so.

Loans are not to be made on a commodity after an adverse referendum on marketing quotas with respect to the commodity until the beginning of the second succeeding marketing year following the vote.

Provision is made under which no producer is to be personally liable for deficiencies arising out of sale of the collateral unless the loan was obtained by fraudulent misrepresentation.

The Commodity Credit Corporation is directed, with the consent of the Secretary, to utilize the services, facilities, and personnel of the Department of Agriculture in carrying out the loan provisions.

10. CONSUMER SAFEGUARDS

The House bill (sec. 222) provides that powers under the bill shall not be used to discourage the production of supplies of food and fiber sufficient to maintain normal domestic consumption as determined by the Secretary from the records for such consumption in 1920–29, taking into consideration increased population, quantities forced into domestic consumption because of decline in exports, current trends in domestic consumption and exports, and substitutes available. Due regard is to be given, in carrying out the bill, to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

Section 7 of the Senate amendment provides for consumer safeguards. The Secretary is required whenever the current average price of cotton, wheat, corn, tobacco, or rice is proclaimed to be more than 10 percent above parity to (1) call surplus reserve loans on the commodity; (2) release stocks stored under seal; (3) release stocks held under marketing quota restrictions; (4) dispose of stocks acquired by the Surplus Reserve Loan Corporation. The Secretary is to take these steps to the extent necessary to stabilize the current average price at parity. Stocks acquired by the Corporation, if current average price does not exceed parity, may be disposed of only for human relief, export, or surplus reserve purposes.

The conference agreement (sec. 304) adopts the House provision.

11. ADJUSTMENT CONTRACTS (CORN AND WHEAT)

Section 3 of the Senate amendment requires the Secretary to tender adjustment contracts to farmers who produce corn or wheat for market. There is no comparable provision in the House bill. Corn or wheat is deemed produced for market (and so the farmer is eligible to be tendered and to accept an adjustment contract) in all cases except two. First, when the amount of corn or wheat produced and consumed annually on the farm is more than 75 percent of the aggregate normal yield of the farm's base acreage for the commodity. (The base acreage for each farm for wheat is ascertained by dividing up among all wheat farmers a national base acreage of 67,400,000 acres. Similarly, in the case of corn, a national base acreage of 102,450,000 is divided. See discussion below under 14, Base acreage for wheat and corn.) Second, whenever the aggregate normal yield of the soil-depleting base acreage of the farm is less than 300 bushels in the case of corn, or 100 bushels in the case of wheat, but in either such case the acreage devoted to the commodity must not exceed the base acreage for that commodity. Even if the aggregate normal yield of the base acreage is less than 300 bushels of corn or 100 of wheat, and if 25 percent or more of the aggregate yield is marketed, the farmer may become a cooperator, and so eligible to be tendered an adjustment contract, by indicating his desire to do so to the Secretary (sec. 3 (f)).

Contracting farmers who produce wheat or corn are eligible for Soil Conservation Act payments, surplus reserve loans (see discussion under surplus reserve loans), and parity payments (see discussion under parity payments) (sec. 3 (b)).

The first adjustment contracts are to cover wheat and corn planted for harvest in 1938. They are to be tendered to farmers not later than June 1, 1938.

For years subsequent to 1938 new contracts are to be prepared for such periods (not to exceed 2 years) as the Secretary determines.

Only one contract may be in force for the same period and it must apply to both wheat and corn.

A general limitation provides that adjustment contracts shall not be in effect unless 51 percent of the farmers to whom contracts are required to be tendered have signed them. For 1938 contracts, the date prior to which 51 percent must have signed is June 1; for contracts applicable to succeeding years, the date is January 1 of that year (sec. 3 (d)).

In preparing adjustment contracts, the Secretary is to take into consideration and protect the interests and equities of tenants, landowners, and sharecroppers (sec. 3 (e)).

Contracting farmers who produce wheat or corn are eligible for surplus reserve loans (see discussion under surplus reserve loans), and parity payments (see discussion below under "12. Parity Payments") (sec. 3 (b)).

If a farmer is eligible to enter into an adjustment contract, Soil Conservation Act payments are to be made to him only if he has entered into such a contract (sec. 4). In lieu of Soil Conservation Act payments with respect to wheat and corn produced for market, cooperators are to get parity payments. If the farmer is eligible to become a cooperator, but produces no wheat or corn for market, he is not to be denied Soil Conservation Act payments, notwithstanding his failure to enter into an adjustment contract, if he devotes to soil-conserving uses the acreage customarily devoted to wheat or corn.

Adjustment contracts require the cooperator to divert acreage from wheat or corn and to store a stated percentage of the commodity under seal (see discussion under "13. Ever-normal granary and acreage diversion").

The House bill contained no comparable provisions. The conference agreement does not provide for adjustment contracts.

12. PARITY PAYMENTS

Section 6 of the Senate amendment provides for parity payments in the case of wheat, corn, and cotton. There is no comparable provision in the House bill.

The Secretary is authorized to make parity payments in the case of each such commodity promptly following the close of the marketing year for the commodity (sec. 6 (a)). The first year with respect to which payments may be made is the marketing year ending in 1938 (sec. 6 (d)). The payments are to be made only to cooperators who are engaged in producing the commodity for market. They are to be in lieu of payments with respect to the commodity under the Soil Conservation and Domestic Allotment Act (sec. 6 (a)).

The rate of payment in the case of each commodity is determined in accordance with a schedule of relationships between total supply and normal supply. (Under the Senate amendment "normal supply" is a normal year's domestic consumption and exports plus 10 percent in the case of wheat, 5 percent in the case of corn, and 35 percent in the case of cotton; "total supply" is carry-over plus estimated production of the current year.) The payment rate varies from 15 percent of parity when the total supply is 10 percent of the normal supply to 30 percent of parity when the total supply is 114 percent or more of normal supply. A different rule for computing parity payments is provided by section 6 (b) where the difference between the current average farm price and the maximum income rate (as set forth in the schedule) is less than the applicable parity payment rate. The maximum income rate ranges from 100 if the total supply is 100 percent or less of the normal supply to 82 when the total supply is 114 percent or more of the normal supply. In case the difference between the current average farm price and the amount computed by applying to the parity price the applicable percentage found in the maximum income-rate column of schedule A is less than the amount computed by applying to the parity price the applicable percentage found in the parity-payment-rate column of schedule A, the rate payment is to equal such difference. Since the rates of payment depend upon the relationship between total supply and normal supply, a situation would be possible in which the total supply was excessive and at the same time the current average farm price near parity. The maximum income-rate provisions so operate that in the situation described the farmer will get a payment which, when added to the current average farm price, will in no case exceed parity. In every case but one such payment will result in the farmer's receiving less than parity.

Section 64 (e) of the Senate amendment provides that notwithstanding any other of its provisions, if the aggregate of parity payments payable under schedule A for any marketing year are estimated by the Secretary to exceed the sum appropriated for such payments for such year, all such payments are to be reduced pro rata so that the estimated aggregate amount of such payments will not exceed the funds available for such payments.

Section 64 (f) provides that parity payments may be made, subject to the consent of the farmer, in the form of the commodity with respect to which the payment is made, in such amounts as the Secretary determines are equivalent to money payments at the rates determined under schedule A.

The quantity of the production of the farm on which payment is made in the case of wheat and corn is the aggregate normal yield of the soil-depleting base acreage planted to the commodity during the year just closed. If the acreage devoted is more than 90 percent but not more than 100 percent of the permitted acreage, the cooperator is conclusively presumed to have devoted 100 percent of the permitted acreage to production. In the case of cotton the payment is made on the basis of the quantity of cotton produced on the farm. If marketing quotas are in effect on cotton, each farmer is considered a cooperator unless he knowingly fails to comply with his cotton quota allotment (sec. 6 (a)).

The conference agreement provides that if and when appropriations are made for this purpose, the Secretary is to make parity payments to producers of corn, wheat, cotton, rice, and tobacco.

Payments, if made, are to be made on the producer's normal production of the commodity in amounts, together with the proceeds from the commodity, which will provide a return as nearly equal to parity price as the funds will permit. Provision is made that the amounts apportioned to the several commodities will be apportioned in proportion to the amount by which they fail to reach parity income.

13. EVER-NORMAL GRANARY AND ACREAGE DIVERSION (WHEAT AND CORN)

Section 9 of the Senate amendment provides for acreage diversion and storage requirements in the case of wheat and corn. These requirements are independent of any marketing quotas on wheat or corn. There are no comparable provisions in the House bill.

Acreage diversion and storage are required only of cooperators, and provision is made by which these requirements are a part of the adjustment contract.

The Secretary is required, after he has proclaimed the total supply of the commodity, to establish and proclaim the ever-normal granary for the year. Ever-normal granary is defined (sec. 61 (a) 13) as a supply adequate for a surplus reserve and is not more than 110 percent of a normal supply. Normal supply is 110 percent in the case of wheat and 105 percent in the case of corn of a normal year's consumption and exports. The Secretary also ascertains and proclaims the percentage, if any, of acreage diversion for the year. No ever-normal granary is to be established for wheat or corn for any year if the Secretary has reason to believe that during the first 3 months of the marketing year the current average farm price will exceed parity. The percentage of acreage to be diverted is the percentage of the national soil-depleting base acreage which the Secretary finds is necessary to be diverted in order to effectuate the declared policy of the act. In no event is the percentage to be so great that the total supply at the end of the marketing year is likely to be less than the normal supply. In no event is the percentage to be diverted from any type of wheat to be so great that the total supply of that type will be less than the domestic consumption of the type during the marketing year (sec. 9 (a)).

The cooperator is required by his adjustment contract to divert from his production the same percentage of his soil-depleting base acreage as the percentage of the national base which is proclaimed by the Secretary. The cooperator is also required to engage in such soil-maintenance, soil-building, and dairy practices with respect to the soil-depleting base acreage as the contract requires (sec. 9 (b)).

The adjustment contract also requires the cooperator to store under seal up to not exceeding the normal yield of 20 percent of his soil-depleting base acreage for wheat or corn. This happens only if the Secretary determines that storage is necessary to carry out the declared policy. It cannot be required if the Secretary has reason to believe that during the ensuing 3 months the current average farm price will be more than parity. The period of storage is the whole marketing year or such shorter period as the Secretary prescribes. Cooperators are entitled to surplus reserve loans on the stock stored (sec. 9 (c)).

Production on acreage in excess of base acreage or failure to divert when required deprives a cooperator of his status as a cooperator and deprives him of surplus reserve loans and parity payments. In determining these facts, wheat and corn are considered one commodity (sec. 9 (d)).

The conference agreement contains no express provisions relating to ever-normal granary or acreage diversion. The effect of the amounts fixed for marketing is to provide a normal supply and to result in there being diversion of acreage in order to keep within quotas.

14. BASE ACREAGES FOR WHEAT AND CORN

Section 8 of the Senate amendment provides for National, State, and farm base acreages for wheat and corn. These acreages furnish the acreage basis upon which the parity payment and acreage diversion provisions operate in the Senate amendment. There is no comparable provision in the House bill.

Section 8 (b) establishes a national soil-depleting base acreage of 67,400,000 acres for wheat and 102,500,000 acres for corn. These amounts are allotted by the Secretary among the several States on the basis of acreage devoted to production during the previous 10 years plus, in applicable years, the net acres diverted under adjustment and conservation programs, with adjustments for abnormal weather conditions and trends in acreage during the period. A similar allotment of the State acreage is made among the administrative areas in the State and adds to the standards for adjustment one for the promotion of soil-conservation practices. This last adjustment cannot exceed 2 percent of the total allotment to the local area (sec. 8 (c)).

The local allotment, after deducting the acreage devoted to production on farms on which wheat or corn is not produced for market, is allotted to farms in the locality. This is done through the local committees. The farm allotments are to be equitably adjusted among the farms according to tillable acreage, type of soil, topography, and production facilities (sec. 8 (d)).

The base acreage provisions apply to persons whether or not they are cooperators.

There are no comparable provisions in the House bill or in the conference agreement except to the extent that in the case of corn, wheat, and cotton, national acreage allotments are provided which will meet the requirements for marketing.

MARKETING QUOTAS—TOBACCO

Both the House bill and the Senate amendment contain a statement of the effect of the marketing of tobacco in interstate and foreign commerce. The statement in the House bill and the Senate amendment is the same except that the Senate amendment uses the expression "interstate or foreign commerce" whereas the House bill used the expression "interstate and foreign commerce." The conference agreement uses the expression "interstate and foreign commerce."

The House bill (sec. 302) declared it to be the policy of Congress to promote the maintenance of an adequate and balanced flow of tobacco in interstate and foreign commerce, to provide a reserve supply, and to establish, so far as practicable parity of income for farmers marketing tobacco. The Senate amendment did not contain any similar provision. The conference agreement omits this declaration of policy.

Both the House bill and the Senate amendment divided the various kinds of tobacco into separate classifications, and the marketing quota provisions were to apply to each of the kinds severally. The House bill treated fire-cured tobacco and dark air-cured tobacco as separate kinds, whereas the Senate amendment treated them as one kind. The conference agreement treats them as one kind.

The House bill omitted type 41 tobacco from the types comprising cigar-filler and cigar-binder tobacco. The Senate amendment included this type in cigar-filler and cigar-binder tobacco. The conference agreement treats type 41 as a separate kind of tobacco, and provides that marketing quotas are not to be effective with respect to type 41 prior to the marketing year beginning in 1940.

The House bill provided that upon a finding by the Secretary on November 15 that the total supply of tobacco as of the beginning of the marketing year exceeded the reserve supply level, marketing quotas were to be in effect during the marketing year next following. The Senate amendment provided that upon a finding by the Secretary on November 15 that the total supply of any type of tobacco as of the beginning of the marketing year exceeded the reserve-supply level, marketing quotas were to be in effect during the marketing year next following. The conference agreement limits the finding to kinds of tobacco instead of types of tobacco, and makes several clarifying changes.

In both the House bill and the Senate amendment the reserve supply level is the same.

In the case of burley tobacco and fire-cured tobacco, the Senate amendment contained special provisions for marketing quotas. The Senate amendment provided that whenever in the case of burley tobacco, or fire-cured tobacco, respectively, the total supply proclaimed by the Secretary exceeded the reserve supply level by more than 7 percent, and a national marketing quota was not in effect for the marketing year in which the proclamation was made, marketing quotas were to be in effect from December 1 to the end of such marketing year. The conference agreement also contains special provisions relating to burley tobacco and fire-cured tobacco. The effect of the conference agreement is the same as the Senate amendment in this respect except that (1) the special provisions apply to fire-cured and dark air-cured tobacco (in conformity with the action previously described respecting kinds of tobacco), (2) the provisions operate when the total supply exceeds the reserve supply level by more than 5 percent instead of 7 percent, (3) the provisions are not to apply to the marketing year beginning October 1, 1937, and (4) the quota is to be in effect from the date of the proclamation instead of from December 1.

Under the House bill, the Senate amendment, and the conference agreement, the Secretary is to specify the amount of the national marketing quota in terms of the quantity of tobacco which may be marketed. This amount is an amount which will make available for the marketing year for which the quota is in effect a supply of tobacco equal to the reserve supply level.

The House bill, the Senate amendment, and the conference agreement, provide that within 30 days after the quota proclamation the Secretary is to conduct a referendum. The House bill and the Senate amendment provided that the referendum should be conducted among farmers (and in the House bill, all farmers) who would be subject to the quotas. The conference agreement makes a clarifying change in this provision. Under the conference agreement, the farmers who are eligible to vote in the referendum are those who were engaged in the production of the crop harvested prior to the holding of the referendum. The requirement

of the House bill that the Secretary conduct a referendum among all the farmers is omitted from the conference agreement for administrative reasons. A referendum should not be subject to being held invalid because the Secretary, although exercising utmost diligence, which of course he is required to exercise, did not ascertain that a particular farmer was engaged in the production of the crop harvested prior to the holding of the referendum. The House bill contained a provision that the referendum should be by secret ballot. The Senate amendment did not contain any comparable provision. The conference agreement has the same effect as the Senate amendment in this respect.

In conformity with the action (described above) with respect to burley tobacco and fire-cured and dark air-cured tobacco, the conference agreement provides for voting separately with respect to each quota, the one for the current marketing year and the one for the next marketing year.

If more than one-third of the farmers voting in the referendum oppose the quota, the Secretary is to so proclaim prior to January 1, and the quota is not to be effective thereafter. This provision is found in the House bill, the Senate amendment, and the conference agreement.

The House bill, the Senate amendment, and the conference agreement contain special provisions in connection with the determination and proclamation of any marketing quota for the 1938–39 marketing year. Inasmuch as the data for the quota proclamation for the marketing year 1938–39 provided for in the House bill and the Senate amendment had already expired, the conference agreement provides that such quota proclamation shall be made within 15 days following the date of the enactment of the act, and the proclamation of the result of the referendum made within 45 days following such date of enactment.

Under the conference agreement, the national marketing quota, for tobacco (less the amount to be allotted to new farms and for increasing allotments to small farms) is to be apportioned by the Secretary among the several States on the basis of the total production of tobacco in each State during the 5 calendar years preceding the calendar year in which the quota is proclaimed (plus in applicable years the normal production of the acreage diverted under previous agricultural adjustment and conservation programs). Necessary adjustments for abnormal conditions of production, for small farms, and for trends in production, due consideration being given to seedbed and other plant diseases, are to be made. The marketing quota for flue-cured tobacco for any State is not to be reduced to a point less than 75 percent of the production of flue-cured tobacco in such State for the year 1937. The conference agreement differs from the House bill in the following respects: (1) There was no provision in the House bill for consideration to be given to seedbed and other plant diseases in making adjustments in the allotment to a State, and (2) there was no provision in the House bill for not reducing the quota for any State below 75 percent of the State's 1937 production. The conference agreement differs from the Senate amendment in only one respect: The Senate amendment provided that the quota for any State should not be reduced below 80 percent of the State's 1937 production.

Under the House bill (sec. 305 (b)) the Secretary was to provide, through the local committees, for the allotment of the quota for any State (less the amount for new farms and for increasing allotments to small farms) among farms on which tobacco is produced on the basis of past marketing of tobacco, crop-rotation practices, the soil and other physical factors affecting the production of tobacco, and the needs of the family for which the allotment is made. The allotment to any farm under these provisions was not to be less than the smaller of (1) 3,200 pounds in the case of flue-cured tobacco, and 2,400 pounds in the case of other tobaccos, or (2) the average tobacco production for the farm during the preceding 3 years, adjusted upward if necessary, so as to equal the normal production of the highest tobacco acreage grown on the farm in such year plus any tobacco acreage diverted under agricultural adjustment and conservation programs during any of such preceding 3 years. The comparable provisions of the Senate amendment were the same, except that (1) due allowance was to be made for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases; (2) there was no provision for making the needs of the family one of the bases for allotment. The conference agreement follows the provisions of the Senate amendment, except that in connection with the minimum allotment to any farm the provisions for adjusting the average tobacco production for the farm for the preceding 3 years upward is omitted, and in lieu thereof provision is made for adding to such average production the average normal production of any tobacco acreage diverted during such 3 years under previous programs.

The House bill (sec. 305 (c)) provided for the allotment of not in excess of 5 percent of the national marketing quota to new farms and for increasing allotments to small farms receiving the minimum allotment described above. Such allotments were to be made on the basis of land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco. The allotment to new farms was not to exceed 75 percent of the allotment to farms which were similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco. The Senate amendment contains provisions similar to those above described, except that it makes clear that the allotment to new farms is to be made whether or not the State in which the farm is situated has a State quota. The conference agreement follows the provisions of the Senate amendment.

The House bill, Senate amendment, and conference agreement contain a provision that farm marketing quotas may be transferred only in such manner and subject to such conditions as the Secretary may prescribe by regulations.

The provision in the House bill and the Senate amendment relating to the adjustment and suspension of quotas with respect to tobacco is carried in the conference agreement as a general provision applicable to the quotas with respect to each of the commodities. The same thing is true of the provision in the House bill and the Senate amendment relating to the power of the Secretary to terminate a quota because of a national emergency or because of material increase in export demand.

The House bill provided that the marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco was produced was subject to a penalty of 50 percent of the market price of the tobacco on the date of the marketing or if the following rates were higher, 3 cents per pound in the case of flue-cured, Maryland, or burley, and 2 cents per pound in the case of all other kinds of tobacco. The penalty was to be paid by the person who acquired the tobacco from the producer, but the buyer was required to deduct an amount equivalent to the penalty from the purchase price in case the tobacco was marketed by sale. If the tobacco was marketed through a warehouseman or other agent, the penalty was to be paid by the warehouseman or agent who was required to make such deduction. If the tobacco was marketed to any person outside the United States, the penalty was to be paid by the producer. All penalties were to accrue to the United States and be remitted to the Secretary. The comparable provisions of the Senate amendment were the same as the provisions of the House bill except that (1) tobacco marketed for nicotine or other by-product uses was exempted from penalty, and (2) the buyer or warehouseman, as the case may be, was authorized to deduct an amount equivalent to the penalty from the purchase price instead of being required to make the deduction. The conference agreement follows the provisions of the Senate amendment, except that the provision for the penalty accruing to the United States and being remitted to the Secretary is carried in the conference agreement as a general provision applicable to all of the five commodities. The same thing is true of the provisions of the House bill and the Senate amendment relating to the requirement of reports and records, the provision relating to the jurisdiction of the district courts to specifically enforce the provisions relating to tobacco, the provision requiring information acquired by the Secretary to be kept confidential, and the provision directing the Secretary to prescribe rules and regulations with respect to the time and manner of payment of penalties, with respect to the identification of marketings, and such other regulations necessary for the enforcement of the penalties section.

16. MARKETING QUOTAS—FIELD CORN

Under the marketing-quota provisions of the House bill with respect to field corn the Secretary in each year before planting time announced the region which, under the rule laid down in the bill, constituted the commercial corn-producing area. Under the House bill the commercial corn-producing area included all counties in which the average production of field corn during the 10 calendar years immediately preceding the calendar year in which the area is determined, after adjustment for abnormal weather conditions, was 400 bushels or more per farm and 4 bushels or more for each acre of farm land in the county. The Secretary was given power, under very definite standards, to include counties within, and exclude counties from, the commercial corn-producing area.

The Secretary, before planting time, also determined, on the basis of the average yield per acre in such area, the number of acres which, if planted to field corn in such area, would produce an amount of field corn which, together with the estimated production outside such area, would equal the reserve supply level. The reserve supply level was defined in the House bill to be a normal year's domestic consumption and exports, plus 15 percent thereof, to insure adequate supplies in years of drought, flood, or other adverse conditions, as well as in years of plenty. After determining such acreage the Secretary allotted it to the various counties in the commercial corn-producing area in accordance with the standard laid down in the bill. The county allotment was then apportioned by the Secretary, through the local committee, to farms within the county on the basis of tillable acreage, type of soil, crop-rotation practices, topography, and production facilities. The acreage allotted to a farm was known as the farm-acreage allotment.

Whenever the Secretary determined in any year from the statistics of the Department, including the August production estimates of the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics, that the total supply of field corn as of October 1 of such year would exceed the normal supply by more than 15 percent, he so announced, and thereupon marketing quotas were to be in effect in the commercial corn-producing area with respect to crop of field corn grown in such area in such year.

In his announcement the Secretary specified, in terms of a percentage of the acreage allotment, the acreage in the commercial corn-producing area which, on the basis of the estimated yield, would make available, for the marketing year beginning on such October 1, a supply of field corn which, when added to the estimated production outside such area, would equal a normal supply. The

percentage thus specified was spoken of throughout the corn provisions of the House bill as the "marketing percentage." The acreage not used as silage in excess of the marketing percentage of the farm acreage allotment is spoken of as "surplus acres."

A farmer wishing to know how much field corn he might market from his farm had to know (1) his farm acreage allotment, (2) the marketing percentage specified in the Secretary's quota announcement, (3) the number of acres which he had planted to field corn, (4) his normal yield per acre, and (5) the number of acres of field corn which he used for silage.

Under section 323 of the House bill, the farm marketing quota, i. e., the amount which the farmer might market from the farm, was the actual production of his acreage not used as silage less the storage amount applicable to his farm. Section 324 contained the rules for computing the storage amount applicable to the farm.

If acreage planted to field corn not used as silage exceeded the marketing percentage of the farm acreage allotment, the storage amount was the normal production of the surplus acres.

To prevent hardship in the case of farmers whose actual yield was below their normal yield, the House bill provided that in no case should the storage amount exceed the difference between the estimated total production of field corn not used as silage on the farm and the normal production of the marketing percentage of the farm acreage allotment.

Under the House bill no farm marketing quota with respect to field corn was applicable to any farm where the normal production of the acreage planted to field corn was less than 400 bushels. No farm marketing quota, with respect to field corn, was applicable to any farm where the storage amount for the farm would be less than 100 bushels. No farm marketing quota with respect to field corn was applicable to any farm where the acreage of corn not used as silage did not exceed the marketing percentage of the farm acreage allotment.

The Secretary was required to make his quota announcement not later than August 15 of the year in which the quota was to go into effect.

The House bill provided that whenever it appeared from the September production estimates of the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department that the total supply of field corn as of October 1 would be less than the normal supply plus 15 percent thereof, the Secretary must announce such fact prior to September 20; and if farm marketing quotas had been announced, such quotas thereupon became ineffective.

Within 20 days after the announcement of quotas with respect to field corn, the Secretary was required to conduct a referendum. If more than one-third of the farmers voting opposed the quota, the quota was not to become effective.

The House bill provided that any farmer who, while any marketing quota was in effect with respect to any crop of field corn, marketed any field corn from such crop in excess of his farm marketing quota, was subject to a penalty for the excess so marketed at the rate of 15 cents per bushel. A farmer was presumed to have complied with his farm marketing quota with respect to any crop of field corn as long as there was stored under seal on his farm an amount of field corn equal to the applicable storage amount. If there was not stored under seal on the farm an amount of field corn equal to the applicable storage amount, the farmer was presumed to have marketed field corn in excess of his quota to the extent that the amount stored was less than the applicable storage amount. In an action brought to collect the penalties the farmer had the burden of proving that he did not market field corn in excess of his quota.

Under the House bill the Secretary had the power to terminate quotas on field corn or increase quotas and decrease storage amounts in circumstances such as those outlined generally in the case of tobacco. In addition, in the case of field corn, release of storage amounts was provided for within counties or areas and on farms under circumstances where it could be said that there was an inadequate supply in the county or area, or on the farm, for feeding or for market. These provisions were designed to provide an ever-normal supply for the county, area, or farm.

Under the House bill the Secretary was required to ascertain and announce the total supply, the normal supply, and the reserve supply level for a marketing year, not later than September 1 of the calendar year in which the marketing year began. The Secretary was required to ascertain and announce the commercial corn-producing area not later than February 1 of each year.

Under the marketing quota provisions with respect to corn of the Senate amendment, whenever on September 1 the Secretary has reason to believe that the total supply of corn as of October 1 will exceed the normal supply by more than 10 percent, he is to hold hearings at convenient places within the areas where corn is produced to ascertain the facts with respect to total supply. If the Secretary determines on the basis of the hearings that the total supply will exceed the normal supply by the percentage above specified, he is to proclaim the amount of the total supply and that beginning on the fifteenth day after the date of the proclamation, a national marketing quota is to be in effect with respect to the current crop. No proclamation is to be issued with respect to such crop if the Secretary has reason to believe that during the first 3 months of the marketing year the current average farm price for the commodity will be more than the parity price. The Senate amendment defines a normal supply of corn to be a normal year's domestic consumption and exports of corn plus 5 percent thereof as an allowance for a normal carry-over. The Secretary is to specify in the proclamation the amount of the national marketing quota both in terms of the quantity which may be marketed and in terms of a percentage of the soil-depleting base acreage for the commodity. The Senate amendment defines marketing so far as the term relates to corn (except in the case of corn normally used for ensilage) to be disposition by sale, barter, exchange, or gift, or by feeding (in any form) to livestock which, or the products of which, are to be sold, bartered, exchanged, or given away.

The Senate amendment provides a national soil-depleting base acreage for corn of 102,500,000 acres. Such acreage is to be allotted to the States, counties, and farms in accordance with the rule provided in the Senate amendment.

The amount of the national marketing quota for corn is to be so fixed as to make available during the marketing year at least a normal supply, and in no event is it to be less than the normal supply minus the carry-over and minus the quantity not produced for market. It is not to be greater than the ever-normal-granary supply level similarly adjusted.

Between the date of the quota proclamation and the effective date of the quota the Secretary is to conduct a referendum. If more than a third of the farmers voting oppose such quotas, the Secretary is to suspend the operation of the quota with respect to the current crop.

The Senate amendment provides that the Secretary shall provide, through the State, county, and local committees, for farm marketing quotas for each farm on which the farmer is engaged in producing corn for market. The amount of the farm marketing quota for any farm is to be the amount of the current crop produced on the farm less the amount consumed on the farm and used for seed, and less the normal yield of the acreage planted to corn in excess of the percentage of the base acreage specified in the quota proclamation. In no event is the farm marketing quota for any farm to be less than the normal yield of half the soil-depleting base acreage for the farm. Under the Senate amendment corn is deemed consumed on the farm only if consumed by the farmer's family, employees, or household, or by his work stock, or if fed to poultry or livestock on his farm, only if such poultry or livestock, or the products thereof, are to be consumed by his family, employees, or household. Corn used as ensilage is also deemed consumed on the farm to the extent of the amount normally so used on the farm.

The Senate amendment declares it to be an unfair agricultural practice for any farmer to market corn in excess of his farm marketing quota unless prior to such marketing the Secretary has released the commodity from marketing quota restrictions or unless the farmer has absorbed such excess marketing by diverting from the production of corn an acreage the normal production of which equals or exceeds such excess marketing. It is declared to be a violation of law for a farmer to engage in any unfair agricultural practice that affects interstate or foreign commerce. For each such violation the farmer is liable to pay a penalty of 25 percent of the parity price for the commodity as proclaimed at the beginning of the marketing year. The penalties are to accrue to the United States and be payable to and collected by the Secretary.

Provision is made in the Senate amendment for the collection of the penalties in civil suits brought by the district attorneys under the direction of the Attorney General.

The provisions of the Senate amendment with respect to corn, relating to reports and records, relating to farmers' making reports of their acreages, etc., relating to the Secretary's keeping information acquired by him confidential, and relating to the power of the Secretary to increase quotas in case of national emergency or material increase in export demand are discussed below.

If the total supply as proclaimed by the Secretary within 45 days after the beginning of the marketing year for corn is less than that specified in the quota proclamation, the Senate amendment provides for increasing the quotas accordingly.

Under the marketing quota provisions of the conference agreement with respect to corn whenever the Secretary finds that the total supply of corn as of October 1 of any year will exceed the normal supply by more than 10 percent, marketing quotas are to be in effect in the commercial corn-producing area for the current crop of corn, and are to remain in effect until terminated either by the Secretary in accordance with the various provisions for termination of the quotas or by an unfavorable referendum either in the current year or some subsequent year.

Under the conference agreement the commercial corn-producing area is defined to include all counties in which the average production of corn (excluding corn used as silage) during the 10 calendar years immediately preceding the year for which the area is determined, after adjustment for abnormal weather conditions, is 450 bushels or more per farm and 4 bushels or more for each acre of farm land in the county. The Secretary is given the power, as in the House bill, to include counties in and exclude counties from the commercial area.

Under the conference agreement a normal supply of corn is defined to be a normal year's domestic consumption and exports plus 7 percent thereof to allow for a normal carry-over.

The Secretary is to determine, on the basis of the estimated average yield of corn in the commercial area for the crop, the acreage in such area which would make available for the marketing year for the crop a supply of corn which, together with the estimated production in the United States outside such area, will equal a normal supply. The percentage which this acreage is of the acreage allotment is spoken of as the marketing percentage. The

Secretary is to proclaim all the facts above referred to and the marketing percentage prior to August 15.

Within 20 days after the date of the quota proclamation the Secretary is to conduct a referendum by secret ballot of the farmers who would be subject to the quotas. If more than one-third of the farmers voting oppose the quotas, the Secretary is to proclaim the result of the referendum prior to September 10, and such quotas are not to become effective.

If the Secretary finds from the September production estimates that the total supply of corn as of October 1 will not exceed the normal supply by more than 10 percent, he must so proclaim prior to September 20 if quotas have already been proclaimed. Thereupon such quotas are not to become effective.

Under the conference agreement the amount of corn which may be marketed from any farm subject to quotas is to be—

First. All the corn used as silage; plus

Second. The actual production of the acreage of corn not used as silage less the amount required for farm consumption and less the storage amount applicable to the farm.

Actual production of any acreage of corn is defined as the number of bushels of corn which the local committee determines would be harvested as grain from such acreage if all the corn on such acreage were so harvested. If the farmer and the local committee disagree as to the actual production, or if the local committee determines that the actual production is substantially below normal, the local committee, in accordance with regulations of the Secretary, is to weigh representative samples of ear corn taken from the acreage involved, make proper deductions for moisture content, and determine the actual production of such acreage on the basis of such samples.

The conference agreement defines "bushel" in the case of ear corn to mean that amount of ear corn, including not to exceed 15½ percent of moisture content, which weighs 70 pounds, and in the case of shelled corn to mean that amount of shelled corn, including not to exceed 15½ percent of moisture content, which weighs 56 pounds.

Under the conference agreement a farm marketing quota is not to be applicable to any farm on which the normal production of the acreage planted to corn is less than 300 bushels.

As indicated above the amount of grain which may be marketed from a farm depends on the storage amount applicable to the farm. If the acreage of corn on the farm does not exceed the marketing percentage of the farm-acreage allotment, there is to be no storage amount. If such acreage exceeds the marketing percentage of the farm-acreage allotment, the storage amount is a number of bushels equal to the smallest of the following amounts:

(1) The normal production of the acreage in excess of the marketing percentage of the farm acreage allotment;

(2) The amount by which the actual production exceeds the normal production of the marketing percentage of the farm-acreage allotment; or

(3) The amount of the actual production of the acreage of corn not used as silage.

A few examples will illustrate the operation of the storage provisions of the conference agreement. In all of the examples it is assumed that the farm acreage allotment is 100 acres, the marketing percentage 80 percent, the marketing percentage of the farm acreage allotment (80 percent times 100) 80 acres, and the normal yield per acre 30 bushels.

Example A: If the acreage planted is 100 acres, no corn is used for silage, and the yield is normal or better, the storage amount is ascertained under (1) above. It is the normal production of the acreage in excess of the marketing percentage of the farm acreage allotment, or 30 (normal yield) times 20 (acreage in excess), or 600 bushels.

Example B: If the acreage planted is 100 acres, 40 acres are used for silage, and the yield is normal or better, the storage amount is also ascertained under (1) above, and will be the same as in Example A.

Example C: If the acreage planted is 100 acres, no corn is used for silage, and the actual yield is 20 bushels to the acre (less than normal), the storage amount will be ascertained under (2) above. It will be the amount by which the actual production (100 acres times 20 bushels), or 2,000 bushels, exceeds the normal production of the marketing percentage of the farm acreage allotment (30 bushels times 80 acres) or 2,400 bushels. Since 2,000 is less than 2,400, there is no storage amount.

Example D: If the acreage planted is 100 acres, 30 acres of corn is used for silage, and the actual yield is 20 bushels (less than normal) the storage amount will be ascertained under (2) above, and will be the same as in Example C, where there was no storage amount.

Example E: If the acreage planted is 100 acres, 90 acres of corn is used for silage, and the yield is normal, the storage amount will be ascertained under (3) above. It will be the actual production of the acreage not used for silage (30 bushels times 10 acres), or 300 bushels.

Under the conference agreement, any farmer who, while any farm-marketing quota is in effect with respect to any crop of corn, markets corn produced on the farm in an amount which is in excess of the aggregate of the farm-marketing quotas for the farm then in effect, is subject to a penalty of 15 cents per bushel of the excess so marketed. Liability for the penalty is not to accrue until the amount of corn stored is less than the sum of the storage amounts applicable to such quotas. Hence although a farmer markets his farm-consumption corn, he is not liable for the penalty for such marketing until he takes corn from storage. If there is stored an amount of corn equal to the sum of the storage amounts applicable to such quotas, the farmer is presumed not to be violating the marketing provisions. When the corn stored is less than such storage amounts, he is presumed to have marketed, while quotas were in effect, corn in violation of the marketing provisions, to the extent that the amount of corn stored is less than such storage amounts. In any action brought for the collection of the penalties, the farmer, to the extent that the amount stored is less than such storage amounts, is to have the burden of proving that he did not market corn in violation of the marketing provisions.

Corn is deemed stored under seal only if stored in such manner as to conform to the requirements of such regulations as the Secretary prescribes in order to more effectively administer the corn quotas.

Under the conference agreement if the Secretary finds that the actual production of corn in any county or other area plus the corn stored under seal in such county or other area is less than the normal production of the marketing percentage of the farm acreage allotments in such county or other area, the Secretary is to terminate the quotas in such county or other area. Similarly if on any farm the actual production of the acreage of corn is less than the marketing percentage of the farm acreage allotment, there may be marketed from the corn stored under seal an amount of corn which, together with the actual production will equal the normal production of the marketing percentage of the farm acreage allotment.

Whenever in any marketing year corn quotas are not in effect all previous quotas are to terminate.

As indicated above, the farm marketing quota for any farm depends on the farm acreage allotment for the farm. Not later than February 1 of each year (or as soon as practicable after the enactment of the act in the case of 1938) the Secretary is to proclaim the acreage allotment for corn. The acreage allotment is to be that acreage in the commercial area which, on the basis of the average yield in such area during the preceding 10 years, will produce an amount of corn which the Secretary determines will, together with the production in the United States outside such area, make available a supply for the marketing year beginning on the October 1 after the allotment proclamation, equal to the reserve supply level. The reserve supply level is defined in the conference agreement to be a normal year's domestic consumption and exports plus 10 percent thereof to insure a supply adequate to meet the domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The acreage allotment is to be apportioned by the Secretary among the counties in the commercial area on the basis of the acreage seeded for the production of corn during the preceding 10 calendar years (plus in applicable years the acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for abnormal weather conditions and for trends in acreage and for the promotion of soil conservation practices. Any downward adjustment on account of soil conservation practices is not to exceed 2 percent of the total acreage allotment that would otherwise be made to the county.

The county allotment is to be apportioned by the Secretary, through the local committees, among farms within the county, on the basis of tillable acreage, crop-rotation practices, type of soil, and topography.

Both the House bill and the Senate amendment contained a statement of the effect of the marketing of corn on interstate and foreign commerce. The conference agreement contains material taken from both the House bill and the Senate amendment in this respect.

17. MARKETING QUOTAS—WHEAT

The House bill and the Senate amendment both contained statements of facts concerning the effects of the marketing of wheat in interstate and foreign commerce which make necessary the exercise of the power of the Congress to regulate such marketing. The conference agreement combines the provisions of both bills in order to give a more accurate and complete statement of these facts.

Under the House bill the Secretary was required each year to ascertain the national acreage allotment for wheat. This amount was the acreage which, on the basis of the national average yield, would produce an amount, together with carry-over, which would make available for the next marketing year a supply equal to the reserve supply level. Reserve supply level was a normal year's domestic consumption and exports plus 32 percent of such consumption and exports. He was to announce the national acreage allotment not later than July 15.

The Senate amendment established a national soil-depleting base acreage for wheat of 67,400,000 acres. The conference agreement adopts the national acreage allotment approach of the House bill and provides for an acreage allotment estimated to yield 130 percent of a normal year's domestic consumption and exports, less the estimated carry-over. The acreage allotment for 1938 is fixed by the bill at 62,500,000 acres.

Under both the House bill and the Senate amendment the acreage so determined was to be apportioned among the several States on the basis of acreage during the previous 10 years. Adjustments were made to add acreage diverted under agricultural adjustment and conservation programs, and for abnormal weather

conditions and trends in acreage. The State acreage allotments were apportioned among the counties or other local administrative areas in accordance with the same standard, except that the Senate amendment also provided for adjustments for the promotion of soil-conservation practices with a limitation of 2 percent on downward adjustments for such purpose. The conference agreement retains the Senate provision for adjustments for the promotion of soil-conservation practices, without the 2-percent limitation.

The House bill provided for the local acreage allotment to be apportioned, through the local committees, to the farms on the basis of tillable acres, crop-rotation practices, type of soil, topography, and production facilities. The allotment to the farm was to be reduced if for any reason other than flood or drought the acreage planted was less than 80 percent of the allotment. In such cases, the allotment was to be 25 percent above the allotment otherwise made.

The Senate amendment provided for deducting from the local allotment the acreage on farms on which wheat was not produced for market and apportioning the balance of the local allotment to farms on which wheat was produced for market, according to tillable acreage, type of soil, topography, and production facilities.

The conference agreement provides that allotments to counties shall be apportioned to farms on the basis of tillable acres, crop-rotation practices, type of soil, and topography, with not more than 3 percent to go to farms on which wheat has not been produced during the preceding 3 years.

Both the House bill and the Senate amendment provided for national-marketing quotas when the Secretary found the total supply of wheat as of the beginning of a marketing year would exceed a certain level. In the House bill this level was fixed at the normal supply plus 25 percent thereof. In the Senate amendment it was fixed at normal supply plus 10 percent thereof. (Normal supply was fixed at a normal year's domestic consumption and exports plus 20 percent thereof in the House bill, and plus 10 percent thereof in the Senate amendment, and is fixed at a normal year's domestic consumption and exports plus 15 percent thereof in the conference agreement.) The level at which marketing quotas go into effect under the conference agreement is a normal year's domestic consumption and exports plus 35 percent thereof. The conference agreement does not contain the provision of the Senate amendment which provided that quotas should not go into effect if the Secretary had reason to believe the farm price would exceed the parity price.

The House bill did not contemplate that marketing quotas for wheat would go into effect for the marketing year beginning in 1938. The Senate amendment did provide for quotas in such marketing year. The conference agreement provides that quotas for such marketing year shall be effective only if, prior to the date of the marketing quota proclamation, provision has been made by law for payment in 1938 of parity payments with respect to wheat.

Under the House bill the amount of the national quota was to be the reserve supply level less the estimated carry-over and the amount required for seed and livestock feed. Under the Senate amendment it was to be the amount needed to make available a normal supply. The conference agreement fixes it at a normal year's domestic consumption and exports plus 30 percent thereof and less (1) the estimated carry-over and (2) the estimated amount that will be used for seed and livestock feed.

The national marketing quota was to be proclaimed in terms of total amount and, in the House bill in terms of a percentage of the farm acreage allotment, or under the Senate amendment a percentage of the base acreage of each farm, estimated to produce the amount of the national quota. The marketing quota for each farm was fixed in the House bill as the normal production, and in the Senate amendment as the actual production of the acreage so determined for the farm. The conference agreement fixes the farm marketing quota as the normal production of such acreage, and makes it clear that excess wheat produced in 1 year may be marketed in a subsequent year if the farmer produces less than the amount of his quota during the subsequent year.

The House bill provided for exemption from farm marketing quotas of farms having a normal production of less than 200 bushels, and the Senate amendment provided a like exemption for farms with a base acreage having a normal yield of less than 100 bushels. The conference agreement provides an exemption for farms on which the normal production of the acreage planted is less than 100 bushels.

The provisions for referendums in the case of wheat in both bills were similar to those for the other commodities discussed above. The conference agreement provides for holding such referendums, and provides that if the result of a referendum is adverse the marketing quotas shall be suspended.

The conference agreement retains a provision of the Senate amendment providing for an increase in marketing quotas if within 45 days after the beginning of the marketing year the Secretary finds that the total supply is less than that specified in the marketing quota proclamation, and also retains a provision of the House bill providing that quotas shall become ineffective if on the basis of the July or August estimates it appears that the total supply is less than a normal year's domestic consumption and exports plus 30 percent thereof. The agreement also contains general provisions for the increase or termination of quotas when it appears that a normal supply will not be available free of marketing restrictions or it is necessary by reason of a national emergency or increase in export demand.

The conference agreement retains the House provision relating to the transfer of quotas.

The House bill provided a penalty of 15 cents per bushel on the excess marketing of wheat. The Senate amendment fixed the penalty at 25 percent of the parity price. The conference agreement fixes the penalty at 15 cents per bushel.

The Senate amendment contained administrative provisions relating to the collection of penalties and the keeping of books and records incidental to the enforcement of the quotas. These provisions are included among the general administrative provisions in the conference agreement.

For the purpose of marketing quotas on wheat, the House bill (sec. 333) authorized the Secretary after due notice and public hearing to interested parties to treat as a separate commodity any regional or market classification, type, or grade of wheat if he found such treatment necessary in order adequately to effectuate the policy of the bill with respect to such classification, type, or grade. The Senate amendment (sec. 61 (a) (1)) contains a similar provision which applies to all of the five commodities. The conference agreement omits this provision.

18. MARKETING QUOTAS—COTTON

Both the House bill and the Senate amendment contained statements of the facts relating to the marketing of cotton in interstate and foreign commerce and the effect on such commerce of excessive or fluctuating supplies of cotton. The conference agreement combines provisions from both bills for the purpose of stating the basis on which Congress is exercising its power.

The House bill provided that not later than November 15 of each year the Secretary should announce a national acreage allotment for cotton. The national acreage allotment was to be the acreage which the Secretary determines would, on the basis of the national average yield per acre, produce an amount of cotton which, together with estimated carry-over at the end of the marketing year ending in the calendar year for which the allotment is made, make available for the next marketing year a supply of cotton equal to the normal supply. (Normal supply was defined as a normal year's domestic consumption and exports plus 40 percent thereof.) The bill provided that the national acreage allotment should not be less than 60 percent of the average acreage planted to cotton during the 10-year period ended December 31, 1932.

The national acreage allotment was to be apportioned by the Secretary among the several States, and the State allotments to the several counties or other administrative areas therein, in accordance with the standard laid down in the bill.

Ninety-five percent of the State allotment of any State was to be apportioned by the Secretary among the counties in the State in accordance with such standard, and the county allotment was to be apportioned, through the local committee, among farms within the county on which cotton has been planted at least once during the 5 years immediately preceding the year for which the allotment was made. The allotment to each farm was to be a prescribed percentage of the average during the 5 years of the tilled acres of the farm, and this percentage must be uniform for all farms in the county or area. The allotment to a farm on which cotton had been planted less than 5 years was to be a stated fraction of the farm-acreage allotment which would otherwise be made, depending on the number of years of such 5-year cotton had been planted. The Secretary was also to take into consideration the acreage devoted to wheat, corn, tobacco, or rice. If the farm noncotton income was greater than the cotton income, the allotment was to be appropriately reduced.

The remaining 5 percent of the State allotment was to be made available for apportionment to farms in the State not used for cotton production during any of the 5 years above referred to, and to small farms, in accordance with the terms of the bill.

Under the House bill whenever the Secretary determined that the total supply of cotton as of August 1 of any year exceeded by more than 15 percent the normal supply for the marketing year commencing on that date, the Secretary was directed to so announce not later than November 15. Thereupon marketing quotas were to be in effect for the marketing year beginning on August 1 of the following year with respect to the crop of cotton grown in such year.

The amount of cotton which could be marketed from any farm was known as the farm marketing quota for the farm. This amount was the normal production, or the actual production, whichever was the greater, of the farm-acreage allotment for the farm.

The Senate amendment provided that the Secretary should, within 10 days after the approval of the act, and prior to November 15 of each year, announce the amount of the national marketing quota for cotton for the approaching marketing year, in terms of bales. The number of such bales was not to be less than 70 percent of the average annual number of bales produced during the 10 years ended December 1932.

The national marketing quota was to be apportioned among the States on the basis of the number of bales produced in such States during the preceding 5 years, with a proviso that the quota apportioned to any State should not be less than 70 percent of the normal yield of the acreage planted to cotton in such State in 1937.

The allotment to any State was to be apportioned among the counties or subdivisions thereof in the State on the basis of their production of cotton during the preceding 5 years. The Secretary was authorized to use not more than 5 percent of the State's allotment to adjust evident discriminations against any county or the growers therein.

The quota for any county or subdivision was to be apportioned by distributing among the farms therein an acreage which, on the basis of the normal yield, would produce the amount of the county quota. This acreage was to be apportioned to farms by allotting 7½ acres for each family engaged in the production of cotton, or the largest number of acres cultivated during the preceding 5 years if that was less than 7½ acres. At least 95 percent of the remaining acreage was to be apportioned to farms in the same proportion that the tilled lands (excluding lands devoted to crops for market other than cotton) on the farm bears to the total of such tilled lands in the county. The remainder of the acreage was to be distributed equitably on the basis of factors set forth in the bill. Not in excess of 3 percent of the allotment to any State could be apportioned to areas and farms in the State producing cotton for the first time in 10 years.

The amount of cotton produced on the acreage allotted as set forth above was to prevail as the national marketing quota and all of it could be marketed in interstate and foreign commerce.

The conference agreement provides that not later than November 15 of each year the Secretary shall proclaim as the national allotment of cotton for the succeeding year the number of bales adequate, together with the estimated carry-over to make available a normal supply. (Normal supply is defined as a normal year's domestic consumption and exports plus 40 percent thereof.) The national allotment for 1938 is to be proclaimed within 10 days after the enactment of the act. The national allotment for each of the years 1938 and 1939 is to be not less than ten million and not more than eleven and one-half million bales.

The national allotment for each year is to be apportioned among the several States on the basis of their production of cotton during the 5 preceding years, with allowances for acres diverted under previous agricultural adjustment and conservation programs. The Secretary then fixes the State acreage allotment as a number of acres which, on the basis of the average yield for the State, will produce a number of bales equal to the allotment to the State.

Not more than 2 percent of the State acreage allotment is to be apportioned to farms in the State on which cotton was not produced during any of the preceding 3 years. The remainder of the State acreage allotment is to be apportioned annually among the counties in the State on the basis of the acreage planted to cotton during the 5 preceding years (plus, in applicable years, acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for abnormal weather conditions and trends in acreage.

For each of the years 1938 and 1939 there is to be added to the acreage allotment made to any county under the above provisions a number of acres sufficient to provide a total number of acres for allotment in such county of not less than 60 percent of (1) the acreage planted to cotton in such county in 1937, plus (2) the acreage therein diverted from cotton production under the agricultural adjustment and conservation program in 1937.

The conference agreement provides that the acreage allotted to any county shall be apportioned, through the local committees, among the farms within the county on the following basis: There is to be allotted to each farm on which cotton has been planted during any of the previous 3 years the smaller of (1) five acres, or (2) the highest number of acres planted to cotton (plus acres diverted under agricultural adjustment or conservation programs) in any one of such 3 years. Not more than 3 percent of the remainder is to be allotted, on such basis as the Secretary deems equitable, to farms which receive allotments of not less than 5 and not more than 15 acres under the other provisions. The remainder of the acreage available to the county is to be apportioned to farms (other than farms to which an allotment of less than 5 acres has been made under the foregoing provisions) on which cotton has been planted during any of the previous 3 years, on the basis of the acreage, during the preceding year, on such farms which are tilled annually or in regular rotation, excluding acreage devoted to the production of wheat, tobacco, or rice for market. In no event is any such farm to receive an allotment in excess of the largest acreage on such farm planted to cotton, plus the acreage diverted from the production of cotton under the agricultural adjustment or conservation program, during any of the preceding 3 years.

The conference agreement provides that in apportioning the county allotment among the farms, the Secretary, through the local committees, shall take into consideration different conditions within separate administrative areas within the county, if any exist, including types, kinds, and productivity of the soil, so as to prevent discriminations between such areas.

The conference agreement provides that whenever the Secretary determines that the total supply of cotton exceeds the normal supply by more than 7 percent, marketing quotas shall be in effect during the succeeding marketing year. When marketing quotas are in effect the farm marketing quota for any farm shall be the actual production or normal production, whichever is the greater, of the farm acreage allotment plus any cotton which the producer has on hand and could have sold without penalty during the preceding marketing year.

Both the House bill and the Senate amendment provided for a referendum before quotas went into effect. The conference agreement provides that a referendum of farmers engaged in producing the last crop shall be held and that if more than one-third of those voting in the referendum oppose the quotas, the quotas shall become ineffective.

Both the House bill and the Senate amendment contained provisions relating to the increase or termination of marketing quotas when it was found necessary to make available a normal supply, and the House bill provided for termination of quotas when it became necessary by reason of a national emergency or increased export demand. These provisions are retained in the conference agreement in the general provisions relating to adjustment of quotas.

The House bill provided for a penalty of 2 cents a pound on the excess marketing of cotton. The Senate amendment provided for a penalty of 75 percent of the purchase price. The conference agreement provides that the farmer shall be subject to a penalty of 2 cents per pound for the excess marketing of cotton of the first crop with respect to which penalties are in effect, and 3 cents per pound of the excess marketing of subsequent crops.

The Senate amendment provided that persons who knowingly sell cotton grown on acreage not included in their acreage allotments shall not be eligible for soil-conservation payments. The conference agreement retains this provision with clarifying changes.

Administrative provisions from both the House bill and the Senate amendment relating to the collection of penalties and the enforcement of quotas are included in the general administrative provisions for quotas in the conference agreement.

19. EXPORT BOUNTY ON COTTON

The Senate amendment (sec. 32 (b)) provided for a bounty of $10 a bale in certain cases in lieu of all other awards for cotton producers.

This provision is omitted from the conference agreement.

20. MARKETING QUOTAS—RICE

The only substantial differences between the provisions for marketing quotas for rice in the House bill and the Senate amendment related to the determination of the amounts required for consumers, the method of apportioning the amount to be produced, the basis for making soil-conservation payments, and the penalty for excess marketing.

The Senate amendment provided that in determining consumption requirements there should be included the amount necessary to meet the requirements of such markets as may exist in Cuba. The conference agreement does not include this provision.

The House bill provided for a national acreage allotment to be apportioned among the States on the basis of the acreage of rice for the preceding 5 years. The State acreage allotments were to be apportioned among producers, and the domestic allotment of rice for a State was to be apportioned among producers on the basis of the normal yield of the acreage allotments established for such producers.

The Senate amendment did not provide for acreage allotments, but provided for a domestic allotment of rice which was to be apportioned between California and the other rice-producing States on the basis set forth in the bill. The allotment to each State was then to be apportioned among rice producers in the State.

The conference agreement follows the provisions of the House bill.

The Senate amendment contained a provision for making soil-conservation payments to rice producers on the basis of the allotments made to them under the marketing-quota provisions. The conference agreement eliminates this provision.

The House bill provided for a penalty of one quarter of a cent a pound for excess marketing, which could be collected from the producer or the purchaser. The Senate amendment fixed the penalty at five-tenths of a cent per pound. The conference agreement provides a penalty of one-quarter of a cent per pound, payable by the producer.

21. PUBLICATION AND REVIEW OF QUOTAS, ETC.

Part VI of title III of the House bill provides for administrative and court review of the marketing quotas established under the preceding parts. The provisions of the part apply to each of the commodities, with respect to which quota provisions are applicable, tobacco, corn, wheat, cotton, and rice, separately. The comparable provision of the Senate amendment (sec. 60) relates not only to the publication and review of marketing quotas but to the publication and review of soil-depleting base acreages and normal yields in the case of commodities for which these are established.

The conference agreement relates to the publication and review of marketing quotas.

Under the House bill, acreage allotments and farm marketing quotas were to be made and kept freely available for public inspection in the locality. In the case of tobacco, the farm marketing quotas were to be made available for public inspection by imposting in a conspicuous place the name of the farmer, the number of tenants or sharecroppers on the farm, the total cultivated acres of the farm, the amount of the allotment or marketing quota, and the percentage of the total cultivated acreage devoted to tobacco (sec. 382). Under the Senate amendment, a list of soil-depleting base acreages, normal yields, and farm quotas is to be posted in the county, and a certified copy of the list is required to be filed with the recorder of deeds or similar county official (sec. 60 (a)).

The conference agreement requires the acreage allotments and quotas to be made available and kept available for public inspection in the county or local area. An additional copy is to be kept available in the office of the county agent or with the chairman of the local committee.

Under the House bill, notice of the quota established for his farm is required to be mailed to the farmer (sec. 382). The Senate amendment does not expressly require mailing of such a notice. The conference agreement adopts the House provision.

Under the House bill, a farmer dissatisfied with his quota could within 15 days after mailing of notice to him have the quota reviewed by a local committee of three farmers appointed by the Secretary. This committee could not include any person who had been a member of the local committee which determined the farm allotment, normal yield, or quota for the farm. Unless application is made within such 15 days, the original determination is final (sec. 383). The comparable provision of the Senate amendment relates to the review of soil-depleting acreages and normal yield as well as marketing quotas and is the same as the House provision, except that (1) the 15 days run from the time of making public the determination, and (2) no provision expressly relates to the manner of selection of the review committee (sec. 60 (b)). The conference agreement adopts the House provision.

Section 384 of the House bill provided the same per diem for members of the review committee as in the case of the local committees utilized under the Soil Conservation and Domestic Allotment Act, but prohibited compensation for more than 30 days in a year. There is no comparable provision in the Senate amendment. The conference agreement adopts the House provision.

The Senate amendment provided for a review of the review committee's determination by a reviewing officer, designated by the Secretary (sec. 60 (c)). There is no similar review in the House bill. In the Senate amendment review by the reviewing officer was to be had by filing a written petition with the reviewing officer. An opportunity for full hearing is thereupon afforded in the county in which the farm is located. The reviewing officer thereafter is to report his findings and conclusions and make an order affirming or modifying the review committee's determination. A copy of this report and order is to be served on the farmer by sending it to him by registered mail (sec. 60 (c)).

The conference provision does not provide for review by a reviewing officer.

Provision is made in the House bill (sec. 385) and the Senate amendment (sec. 60 (d)) for review by a court of the determination of the review committee or reviewing officer, as the case may be. Within 15 days after mailing (in the House bill) or after receipt (in the Senate amendment) of the notice of determination a farmer could bring a bill in equity against the review committee (in the House bill) or the Secretary (in the Senate amendment). Such bill is brought in a court where the land is located. In the House bill the suit may be brought in the United States district court or in a court of record of the State. Under the Senate amendment review is confined to a United States district court. The House bill provided for the giving of bond satisfactory to the court to secure costs. The Senate amendment contains no such provision. The bill of complaint is served on any member of the review committee (under the House bill) or the Secretary or a person designated by the Secretary in the Senate amendment. The review committee in the House bill then certifies to and files in the court a transcript of the record. The Senate amendment is the same except that the reviewing officer certifies and files (sec. 60 (d)).

The conference agreement adopts the House provision and authorizes the suit in a United States district court or a State court of record having general jurisdiction. Necessary technical changes are made to adopt the procedure to State court procedure.

Section 386 of the House bill and the last part of section 60 (d) of the Senate amendment provide the usual provisions for court review of administrative orders. The differences are that under the House bill an objection can be heard by the court notwithstanding it has not been urged below, and the House bill expressly provides for hearing the case in vacation as well as in term time. The conference agreement adopts the House provision.

Judicial proceedings do not stay the effect of the order unless the court so requires (sec. 387 and sec. 60 (e)). The conference agreement adopts this provision. Under the Senate amendment, the method of review therein provided is made exclusive (sec. 60 (e)), whereas there was no such provision in the House bill. The conference agreement adopts the Senate provision.

Section 388 of the House bill provides that an increase in a farm quota shall not affect the quotas for other farms. The Senate amendment (sec. 60 (f)) provides that an increase of a soil-depleting base acreage or marketing quota for a farm shall result in a pro rata decrease, under regulations of the Secretary, of the acreages and quotas of all other farms in the local area if such action is necessary to prevent a substantial increase of quotas in the local area. The conference agreement adopts the House provision.

The conference agreement consolidates and clarifies the various general provisions relating to the adjustment and suspension of quotas on tobacco, wheat, corn, cotton, and rice. Authority is given the Secretary to increase or suspend marketing quotas when he ascertains that the effect of quotas in effect will make the amount available for marketing free of restriction less than the normal supply.

Provision is also made for increase or termination because of a national emergency or material increase in export demand.

When national quotas are increased farm quotas are increased in the same ratio and in the case of corn, storage requirements are reduced.

The conference agreement consolidates in one place the provisions of the House bill and Senate amendment relating to the collection of penalties in the case of marketing of corn, wheat, cotton, or rice. If the commodity is marketed by sale to any person in the United States, such person is to collect the penalty. The Secretary is given power to provide by regulations for the manner, time, and conditions of collecting penalties. The person liable for the penalty is to remit it to the Secretary. An exception is made which requires the penalty to be remitted by the person liable for the collection of the penalty if he is one whom the bill charges with that duty.

The conference agreement similarly consolidates the provisions relating to reports to be furnished and records to be kept by persons who fall within classes who may be described as dealers or handlers of the commodity. Such reports are to be furnished and records kept on request of the Secretary, and a criminal penalty is provided for failing to furnish the report or keep the record or for making a false report or record.

Data reported to or acquired by the Secretary are to be kept confidential and may be disclosed only in a suit or administrative hearing under the title.

The conference agreement adopts a provision similar to that of the Senate amendment under which farms on which corn, cotton, wheat, or rice is produced are to be measured and for ascertainment and report of cases where farm acreage allotments are exceeded.

The provisions of the House bill and Senate amendment which relate to authority under regulations to prescribe for identification of quantities of commodities which are subject to or free from marketing quota restrictions are consolidated in one place.

The conference agreement adopts the provision of the Senate amendment authorizing the Secretary to prescribe regulations to enforce the provisions of the title.

The provisions of the House bill and Senate amendment relating to court jurisdiction are consolidated in one place. The several district courts are given jurisdiction to enforce specifically the provisions of the title, and the several district attorneys are given power to bring suit to collect penalties.

22. COTTON PRICE-ADJUSTMENT PAYMENTS

Section 401 of the House bill provides a rule of construction for the administration of the cotton price-adjustment payments contemplated with respect to the 1937 crop under the Third Deficiency Appropriation Act for the fiscal year 1937. Under that act a producer must, in order to be entitled to the payment with respect to his 1937 crop, comply with the provisions of the 1938 agricultural-adjustment program. This section 401 provides that such a producer shall be deemed to have complied if he does not exceed the cotton farm acreage allotment for 1938 which is apportioned to his farm under the Soil Conservation and Domestic Allotment Act, as amended, and for that purpose he must have complied not only with the original act but also with the amendments made to it by this bill.

Section 64 (h) of the Senate amendment omits the 3 cents per pound limitation on payment of the present law, and the requirement of the present law under which cotton producers in order to receive the benefits of the price-adjustment payment must comply with the 1938 agricultural adjustment program contemplated under Senate Joint Resolution 207. The subsection also provides that cotton which on July 1, 1938, is under a 1937 Commodity Credit Corporation loan and which if it had been sold before then would have been eligible for payment, shall be treated as if it had been sold at the time application for a loan was made. In such case there is to be deducted from the adjustment payment and paid to the lending agency the unpaid carrying charges under the loan due June 30, 1938. Payment is to be made only on applications filed prior to October 1, 1938.

Section 64 (j) of the Senate amendment provides that the cotton price-adjustment payment shall be paid at the earliest practicable time. There is no comparable provision in the House bill.

The conference agreement provides that a producer shall be deemed to have complied with the 1938 program if his cotton acreage does not exceed his acreage allotted under the Soil Conservation and Domestic Allotment Act or the acreage for marketing quota purposes under the bill. A producer is not deemed to have exceeded his acreage allotment unless he knowingly did so. Compliance is not required of a 1937 producer if he is not engaged in cotton production in 1938. Provision is made for payment of the adjustment payment to producers in cases where crop failure resulted from hail, drought, flood, or boll weevil on a percentage of the producer's normal base production. Cotton not sold prior to July 1, 1938, is deemed to be sold on June 30, 1938, thus establishing a price basis for the payment. Applications for payment are to be filed prior to July 15, 1938, and payments are to be made at the earliest practicable time. An application on behalf of all persons who were engaged in cotton production on a farm in 1937 may be made by the 1937 operator, but payment is to be made to those entitled to it. Provision is made for payment in case the person entitled dies, becomes incompetent, or disappears, or is succeeded by another who renders or completes performance.

The conference agreement also authorizes the transfer to the Commodity Credit Corporation of cotton on which a loan on the 1937 crop was made or arranged for by the Corporation. Upon transfer to the Corporation of the cotton, upon a showing of compliance by the producer or a national marketing quota is put into effect, the Secretary is to pay the producer 2 cents per pound, which is to be deducted from any price-adjustment payment to which the producer is entitled. The Commodity Credit Corporation is authorized to sell cotton of the 1937 crop so acquired by it. No cotton may be sold by the Corporation unless the proceeds

of the sale are at least sufficient to reimburse the United States for all amounts (including the price-adjustment payment) paid out with respect to cotton. After July 31, 1939, the Corporation is not to sell more than 300,000 bales in any month or more than 1,500,000 bales in any year. The proceeds from the sale of such cotton are to be used to discharge obligations of the Corporation with respect to the cotton, and any amounts not expended for that purpose are to be covered into the Treasury.

23. 1937–38 COTTON LOAN

The Senate amendment (sec. 35) authorizes and directs the Commodity Credit Corporation to extend the maturity date of all notes evidencing a loan made by the Corporation on cotton produced during the crop year 1937–38 from July 31, 1938, to July 31, 1939. The Corporation is further authorized and directed to waive its right to reimbursement from warehousemen accruing because of improper grading of cotton as provided in the loan agreement. The Corporation is also directed to place all insurance of every nature taken out by it on cotton with insurance agents in the State where the cotton is warehoused if such insurance may be secured at a cost not greater than similar insurance offered elsewhere. There is no comparable provision in the House bill.

The conference agreement provides for such extension of maturity date, and contains the provision for insurance with clarifying changes.

Section 64 (g) of the Senate amendment provides that all cotton of the 1937 crop warehoused in 1937 and held as security for a Government loan shall, on the request of the borrower, be reclassified, restapled, and reweighed by a licensed Government classer. This is to be done at Government expense, without cost to the borrower and without taking the cost thereof out of the borrower by reduction in prices. Hereafter there is to be no reconcentration or reclassification of such cotton without the written request of the producer or borrower. There is no comparable provision in the House bill.

The conference agreement contains a provision under which such cotton may not be reconcentrated without the written consent of the producer or borrower.

24. UTILIZATION OF LOCAL AGENCIES

The House bill (sec. 402) provides that the provisions of the Soil Conservation and Domestic Allotment Act (described in part above under "3. Amendment to Soil Conservation and Domestic Allotment Act, (a) Generally") relating to the utilization of local committees, the extension service, and other approved agencies, and to the recognition and encouragement of cooperative associations, are to apply in the administration of the bill. The Secretary is directed, for such purposes, to utilize the same local committees as are utilized under the Soil Conservation and Domestic Allotment Act.

The Senate amendment (sec. 62 (b)) directs the Secretary to designate local administrative areas as units for the administration of programs carried out pursuant to title VI of the Senate amendment, the Soil Conservation and Domestic Allotment Act, and such other agricultural laws as he may specify. Farmers having farms in the area designated, and participating or cooperating in programs administered in such area, are to elect annually from among their number a local committee for the area. The chairmen of the local committees within any county are to constitute a county committee for the county. The members of the county committee are to elect three of its members as an administrative committee. The county agent is to be the secretary, ex officio, of the county committee and is to represent the Secretary of Agriculture in the county. There is also to be a State committee for each State. The State committee is to be composed of five farmers who are residents of the State, to be appointed by the Secretary. Before appointing any appointive member of a State committee the Secretary of Agriculture is directed to consult with, and give consideration to such recommendations as are made by, the State director of agricultural extension, and representatives of leading State-wide farm organizations in the State. The Secretary is to make such regulations as are necessary to carry out the provisions of the subsection (62 (b)), including regulations to carry out the functions of the respective committees and for the administration through such committees of the various programs. No payments are to be made to any member of a committee for compensation or otherwise except solely for services performed or expenses incurred in administering such programs in the State in which the committee functions.

The Secretary of Agriculture is authorized and directed to make payments to the committees above described to cover the estimated administrative expenses incurred or to be incurred by them in cooperating in carrying out the Senate provisions. All or a part of such administrative expenses may be deducted pro rata from the Soil Conservation Act payments, parity payments, or surplus reserve loans made under adjustment contracts, and the adjustment contracts are to so provide. Such deductions are not to be made if the payment of expenses is otherwise provided by law. The Secretary of Agriculture may make such payments to the committees in advance of determination of performance by farmers under their adjustment contracts. The Secretary of Agriculture in the administration of title VI is directed to accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing acts of Congress and as will tend to promote efficient methods of marketing and distribution.

The conference agreement provides for substantially the same matters as the Senate amendment except that the committees are selected differently (see discussion under the Soil Conservation Act amendments).

25. PERSONNEL

The House bill (sec. 403) authorizes and directs the Secretary to provide for the execution by the Agricultural Adjustment Administration of such of the powers conferred upon him by the bill as he deems may be appropriately exercised by it. For such purposes the provisions of law applicable to appointment and compensation of persons employed by the Agricultural Adjustment Administration are to apply.

The Senate amendment (sec. 63 (a)) contains provisions having the same effect as section 403 of the House bill with the following exceptions: (1) The Senate amendment authorizes and directs the Secretary to provide for the execution of his powers in the manner described except as otherwise may be provided in the amendment, and (2) the Senate amendment applies also to the personnel of the Surplus Reserve Loan Corporation the provisions of law applicable to the appointment and compensation of persons employed by the Agricultural Adjustment Administration.

The conference agreement adopts the House provision.

26. SEPARABILITY

The House bill (sec. 404) and the Senate amendment (sec. 68) contain provisions in regard to separability of provisions. The conference agreement further elaborates these provisions with respect to the powers exercised, separability with respect to commodities, and separability on account of referendum provisions.

27. APPROPRIATIONS

The House bill (sec. 421 (a)) provides that beginning with the fiscal year ending June 30, 1938, there is authorized to be appropriated, for each fiscal year for the administration of the bill and for the making of soil conservation and other payments, such sums as Congress may determine, in addition to any amount made available pursuant to section 15 of the Soil Conservation and Domestic Allotment Act. The conference agreement adopts the House provision.

The House bill (sec. 421 (b)) makes available from funds appropriated for carrying out sections 7 to 17 of the Soil Conservation and Domestic Allotment Act during the fiscal year ending June 30, 1938, a sum not to exceed $5,000,000 for the administration of the bill during such fiscal year. The Senate amendment makes the amount $10,000,000. Under the conference agreement the amount is $5,000,000. The conference agreement makes it clear that such funds may be made available for 1938 for the crop-insurance title.

The House bill (sec. 421 (c)) authorizes funds appropriated pursuant to section 421 (a) to be made available for the purposes of further carrying out the provisions of section 32, as amended, of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935, and in section 421 (d) authorizes sums appropriated pursuant to section 15 of the Soil Conservation and Domestic Allotment Act to be made available for any one or more of the purposes for which sums appropriated pursuant to the bill are authorized to be made available. The conference agreement does not contain such a provision.

The Senate amendment (sec. 64 (a)) provides that beginning with the fiscal year commencing July 1, 1938, there is authorized to be appropriated for each fiscal year for the administration of the Senate amendment and for the making of Soil Conservation Act payments and parity payments, such sums as are necessary. There is made available for parity payments with respect to cotton, wheat, and field corn for any year commencing on or after July 1, 1938, 55 percent of all sums appropriated for the purposes of sections 7 to 17 of the Soil Conservation and Domestic Allotment Act for such year. Sums due and payable under the Soil Conservation Act for payments and practices as to crops other than corn, wheat, and cotton are not to be diminished by reason of the diversion of funds above described. The conference agreement omits this provision.

28. ADMINISTRATIVE EXPENSES

The House bill (sec. 422) authorizes and directs the Secretary to make such expenditures as he deems necessary to carry out the provisions of the bill, including personal services and rents in the District of Columbia and elsewhere, traveling expenses (including the purchase, maintenance, and repair of passenger-carrying vehicles), supplies and equipment, law books, books of reference, directories, periodicals, and newspapers. The Senate amendment and the conference agreement are the same as the House provision. Under the House bill (sec. 422) the aggregate amount expended in any fiscal year for administrative expenses to carry out the purposes of the bill, the Soil Conservation and Domestic Allotment Act, and section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," is not to exceed 5 percent of the aggregate amount appropriated for such fiscal year for such purposes.

The Senate amendment (sec. 64 (b)) provides that in the administration of the amendment the Soil Conservation and Domestic Allotment Act, and section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," the aggregate amount expended in any fiscal year for administrative expenses in the District of Columbia, including regional officers, is not to exceed 1 percent of the total amount

available for such fiscal year for carrying out the amendment and such acts. It further provides that the aggregate amount expended in any fiscal year for administrative expenses in the several States (not including the expenses of county and local committees) is not to exceed 2 percent of the total amount available for such fiscal year for carrying out the amendment and such acts. In the event any administrative expenses of any county or local committee are deducted from Soil Conservation Act payments, parity payments, or surplus reserve loans, each farmer receiving benefits under the amendment is to be notified, in the form of a statement to accompany the check evidencing the benefit payment or loan, of the amount deducted therefrom on account of such administrative expenses. The names and addresses of the members and employees of the county or local committee, and the amount of the compensation received by each of them, are to be posted annually in a conspicuous place in the area within which they are employed.

The conference agreement is substantially the same as the Senate amendment except that the provisions are made applicable to the fiscal year 1939 and subsequent years.

29. ALLOTMENT OF APPROPRIATIONS

The House bill (sec. 423) and the Senate amendment (sec. 64 (d)) and the conference agreement contain identical provisions which provide that all funds for carrying out its provisions are to be available for allotment to bureaus and offices of the Department and for transfer to such other agencies of the Federal Government or to such State agencies as the Secretary may request to cooperate and assist in carrying out such provisions.

30. REPORT OF PAYMENTS TO CONGRESS

The Senate amendment (sec. 22 (f)) provides that money benefits or rentals of $1,000 or more shall be reported to the Congress with the names of the payees. The Secretary is directed to report to the Congress all money benefits, parity payments, or rental allowances heretofore made under his administration of $1,000 or more, with the names and addresses of the respective payees and the amounts paid to each. The amount of any allotment or payment to any person is to be disclosed to any Member of Congress on demand. There are no comparable provisions in the House bill. The conference agreement requires an annual report to be submitted by the Secretary to Congress of those who under the Soil Conservation Act receive payments, together with parity payments, if any, of more than $1,000.

31. MISCELLANEOUS PROVISIONS OF SENATE AMENDMENT NOT CONTAINED IN HOUSE BILL

Hearings

The Senate amendment (sec. 62 (a)) provides for hearings at convenient places and after not less than 3 days' notice prior to prescribing and proclaiming terms of adjustment contracts and loans, regulations under the amendment, regulations with respect to contracts, regulations respecting the time and manner of keeping records and making reports, and the amount of the ever-normal granary and of any diversion percentage. The House bill and the conference agreement contain no comparable provision.

Proclamation of parity, farm prices, and total supply

The Senate amendment (sec. 62 (c)) requires the Secretary to ascertain and proclaim parity price and current average price for each commodity on the 1st day of each month. Within 45 days after the beginning of the marketing year he is to ascertain and proclaim current average farm price for the preceding marketing year and to proclaim total supply as of the beginning of the current marketing year. There is no comparable provision in the House bill or the conference agreement.

Finality of payments and loans

Section 62 (e) of the Senate amendment provides that the facts constituting the basis for any Soil Conservation and Domestic Allotment Act payment, parity payment, or surplus reserve loan shall be final and not reviewable when officially determined by the Secretary or the Surplus Reserve Loan Corporation. There is no comparable provision in the House bill. The conference agreement adopts the House provisions.

Benefits available to Members of Congress

Section 62 (f) of the Senate amendment removes limitations on contracts with or payments to Members of Congress under the amendment. The House bill contained no comparable provisions since general law removes such limitations. The conference agreement adopts the Senate provision but makes Members ineligible to act as insurance agents in connection with the insurance of Commodity Credit Corporation cotton.

Protographic reproductions, etc.

The Senate amendment (sec. 62 (g)) authorizes the Secretary to furnish reproductions of such aerial or other photographs, mosaics, and maps as have been obtained in connection with the authorized work of the Department of Agriculture to farmers and governmental agencies at the estimated cost of furnishing such reproductions. Such reproductions may also be furnished by the Secretary to persons other than farmers at such prices as the Secretary may determine, not less than the estimated cost of furnishing such reproductions. The money received from such sales is to be deposited in the Treasury to the credit of the appropriation charged with the cost of making such reproductions. This provision is not to affect the power of the Secretary to make other disposition of such or similar materials under any other provisions of existing law. There are no comparable provisions in the House bill. The conference agreement adopts the Senate provision.

32. SURPLUS RESERVE LOAN CORPORATION

For the purpose of making and administering surplus reserve loans, title VII of the Senate amendment establishes as an agency of and within the Department of Agriculture the Surplus Reserve Loan Corporation. Since the conference agreement provides for loans by the Commodity Credit Corporation this title is omitted.

33. COTTON POOL CERTIFICATES

The Senate amendment (title IX) and the conference agreemnt (title IV) authorize and direct the Secretary of the Treasury to pay to or upon the order of the Secretary of Agriculture such part or all of the sum of $1,800,000 (which is authorized to be appropriated to accomplish the purposes of the title) at the request of the Secretary of Agriculture. The Secretary of Agriculture is authorized to draw from the Treasury of the United States any part or all of such sum and to deposit the same to his credit with the Treasurer of the United States, under special symbol number, to be available for disbursement for the purposes hereinafter described. The Secretary of Agriculture is authorized to make available, from such sum, to the manager of the cotton pool such sum or sums as may be necessary to enable the manager to purchase, take up, and cancel, subject to the restrictions hereinafter described, pool participation trust certificates, Form C–5–I, where such certificates are tendered to the manager by the person or persons shown by the records of the Department to have been the lawful holder and owner thereof on May 1, 1937. The purchase price to be paid for the certificate so purchased is to be at the rate of $1 per 500-pound bale for every bale or fractional part thereof represented by the certificates. The Secretary of Agriculture is further authorized to pay directly to, or to advance to, the manager of the cotton pool, to enable him to pay costs and expenses incident to the purchase of the certificates, and any balance remaining to the credit of the Secretary or the manager not required for the purchase of the certificates is to be covered into the Treasury of the United States as miscellaneous receipts at the expiration of the purchase period.

The authority of the manager to purchase and pay for certificates under this title is to extend to and include January 31, 1938, except that after the expiration of the limit, the purchase may be consummated of any certificates tendered to the manager on or before January 1, 1938, but where for any reason the purchase price has not been paid by the manager. The conference agreement extends the date to July 31, 1938.

The Secretary of Agriculture is authorized to continue in existence the 1933 cotton producers' pool as long as may be necessary to effectuate the purposes of this title. All expenses incident to the accomplishment of such purposes may be paid from funds which the title authorizes to be appropriated, for which purpose the fund so authorized to be appropriated is to be deemed as supplemental to such funds as are now to the credit of the Secretary, reserved for the purpose of defraying operating expenses of the pool.

After the expiration of the time limit the certificates then remaining outstanding and not theretofore tendered to the manager for purchase are not to be purchased and no obligation or account thereof is to exist.

Nothing in title IX of the Senate amendment is to be construed as authorizing the Secretary to pay the assignee or any holder of cotton pool participation trust certificates (other than the original owner or holder) more than the purchase price paid by the assignee or holder of such certificate or certificates with interest at the rate of 4 percent per annum from the date of purchase, provided such purchase price is $1 per bale, or twenty one-hundredths of 1 cent per pound, or less. If the assignee or holder other than the original holder receives less than $1 per bale, or twenty one-hundredths of 1 cent per pound, then the remainder between such payments so received by the assignee or holder and $1 per bale, or twenty one-hundredths of 1 cent per pound, shall be paid to the producer or original holder of the certificate or certificates.

The conference agreement rewrites the section described above so as to provide that nothing in the title is to be construed to authorize the payment to a transferee who received a certificate on or before May 1, 1937, more than the amount he paid for it plus 4 percent interest from the date of its acquisition by him and not more than $1 per bale. Any such assignee must file an affidavit showing the amount he paid for the certificate and the date he acquired it.

The House bill does not contain any comparable provision.

34. INVESTIGATION FOR CROP INSURANCE

The Senate amendment (sec. 80 (d)) provides that Congress recognizes the insecurity which those engaged in agriculture and horticulture experience on account of the hazards to which they are subject in producing their crops, and that Congress desires to do everything possible to diminish such hazards and to stabilize agricultural yield against such hazards. Therefore, there is authorized to be appropriated to the Secretary of Agriculture the sum of $150,000, or so much thereof as may be necessary, until such study is completed, for making a study of a feasible and practicable plan of crop insurance for fruits, vegetables, and all other crops. The Secretary is directed as soon as he has completed such study, or has sufficient information available to justify a report, to report his findings and recommendations with respect to such plan or plans to the Congress at the earliest practicable date.

The House bill and the conference agreement do not contain any comparable provisions.

35. CROP INSURANCE

The House bill does not contain any provisions with respect to crop insurance.

Title X of the Senate amendment and title V of the conference agreement contain provisions with respect to crop insurance on wheat. A corporation is created with the name "Federal Crop Insurance Corporation." The Corporation is to have a capital stock of $100,000,000 subscribed by the United States. Payment for subscriptions is to be subject to call by the board of directors with the approval of the Secretary of Agriculture. An appropriation of $100,000,000 is authorized for the purpose of subscribing to the stock, only $20,000,000 of which may be appropriated during the fiscal year 1938. The conference agreement postpones this date to 1939 and provides that this sum may be appropriated only out of money unexpended from 1938 appropriations under section 15 of the Soil Conservation and Domestic Allotment Act.

The management of the Corporation is vested in a board of directors consisting of three persons employed in the Department of Agriculture who are to be appointed by and hold office at the pleasure of the Secretary. The directors are not to receive any additional compensation for their services as such.

Employees of the Corporation are appointed by the Secretary. They may be appointed without regard to the civil-service laws, but their compensation is to be fixed in accordance with the Classification Act of 1923, as amended. Appointments are to be made solely on the basis of merit and efficiency.

The Corporation is given corporate powers necessary to enable it to perform its duties in addition to the usual formal powers.

To carry out the purposes of the title the Corporation is given power to insure producers of wheat against loss in yields due to unavoidable causes, including drought, flood, hail, wind, winterkill, lightning, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the board of directors. The Senate amendment authorized insurance beginning with the crop to be harvested in 1938. The conference agreement postpones this provision until the crop harvested in 1939. Such insurance is not to cover losses due to neglect or malfeasance of the producer or to the failure of the producer to reseed where customary. Such insurance is to cover not less than 50 or more than 75 percent of the recorded or appraised average yield on the insured farm for a representative period subject to such adjustments as the Board may prescribe to the end that average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just. The issuance of insurance in any county or area may be conditioned upon a minimum amount of participation in the program.

The Corporation is authorized to fix adequate premiums for the insurance, payable either in wheat or cash equivalent, on the basis of the recorded or appraised average crop loss of wheat on the insured farm for a representative period subject to such adjustments as the Board may prescribe to the end that premiums fixed for farms in the same area, which are subject to the same conditions, may be fair and just.

The Corporation is authorized to adjust and pay claims for losses either in wheat or in cash equivalent under rules prescribed by the board of directors. Provision is made for bringing action on claims denied by the Corporation in the district in which the insured farm is located. Such action is to be brought within 1 year after the date when notice of denial of the claim is mailed to the claimant.

The Corporation is given power to purchase, handle, store, insure, provide storage facilities for, and sell wheat, and pay any expenses incidental thereto. Restrictions are placed on the power of the Corporation to purchase and sell wheat to prevent the Corporation from making unnecessary purchases or sales and to prevent the Corporation from speculating in wheat. Such restrictions are required to be made a part of the crop-insurance agreement. There is to be no limitation on the legal or equitable remedies available to the insured to enforce against the Corporation the restrictions with respect to purchases and sales.

Claims for indemnities under the title are not to be liable to attachment, levy, garnishment, or any other legal process before payment to the insured or to deduction on account of the indebtedness of the insured or his estate to the United States, except claims of the United States or the Corporation arising under the title.

The Corporation, including its franchise, its capital, reserves, and surplus, and its income and property, is to be exempt from all taxation now or hereafter imposed by the United States or by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

When so designated by the Secretary of the Treasury, the Corporation is to be a depository of public money, except receipts from customs. It may also be employed as a financial agent of the Government.

The Corporation must at all times maintain complete and accurate books of account and file annually with the Secretary of Agriculture a complete report as to the business of the Corporation. The financial transactions of the Corporation are to be audited at least once each year by the General Accounting Office for the sole purpose of making a report to Congress, together with such recommendations as the Comptroller General may deem advisable. Such report is not to be made until the Corporation has had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which is to be submitted by the Comptroller General with his report.

In addition to the usual penal provisions relating to employees of and transactions with Federal corporations, the crop-insurance title of the Senate amendment makes it unlawful for any person, while acting in any official capacity in the administration of the title, to speculate, directly or indirectly, in any agricultural commodity or product thereof to which the title applies, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product. Any person violating this provision is upon conviction thereof subject to a fine of not more than $10,000, or to imprisonment for not more than two years, or both.

The Secretary of Agriculture is authorized to appoint from time to time an advisory committee, consisting of not more than five members experienced in agricultural pursuits and appointed with due consideration to their geographical distribution, to advise the Corporation with respect to carrying out the provisions of the title. The compensation of the members of such committee is to be determined by the Board but is not to exceed $10 per day each while actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu thereof.

To cover the operating and administrative costs of the Corporation, other than payments of claims for indemnities, not in excess of $10,000,000 for each fiscal year is authorized to be appropriated under the Senate amendment. The conference agreement reduces this sum to $6,000,000, provides that the appropriation shall be made only for 1939 and subsequent years, and provides that for 1939 the appropriation shall be made only out of funds unexpended out of appropriations for 1938 under the Soil Conservation and Domestic Allotment Act. The conference agreement further provides that expenses in connection with purchase, transportation, handling, or sale of wheat may be considered by the Corporation as nonadministrative or nonoperating expenses. Such sum is to be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine.

The Secretary and the Corporation, respectively, are given power to issue rules and regulations to carry out the title.

The conference agreement amends the title of the bill so as to conform to the title of the House bill with one change. The conference agreement adds "and for other purposes" to the language contained in the title of the House bill.

MARVIN JONES,
H. P. FULMER,
WALL DOXEY,
CLIFFORD R. HOPE,
Managers on the part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. RYAN (at the request of Mr. O'CONNOR of New York), indefinitely, on account of death of his wife.

To Mr. MCSWEENEY (at the request of Mr. MOSIER of Ohio), for 2 days, on account of illness.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 51 minutes p. m.), the House adjourned until tomorrow, Tuesday, February 8, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON ROADS

The Committee on Roads will resume public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Tuesday, February 8, 1938, at 10 a. m.

COMMITTEE ON NAVAL AFFAIRS

A full Committee on Naval Affairs, House of Representatives, will hold a meeting Tuesday, February 8, 1938, at 10 a. m., for the consideration of building program for the Navy. Very important.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, February 8, 1938. Business to be considered: Continuation of hearings on S. 69—train length. Railroad interests will be heard.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, February 8, 1938, at 10:30 a. m., to continue hearings on

H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON THE POST OFFICE AND POST ROADS

A meeting of Subcommittee No. 10 of the House Committee on the Post Office and Post Roads, will be held Tuesday, February 8, 1938, at 10 a. m., to consider Postal Service matters relative to conditions complained of on floor of House when Post Office appropriation bill was under consideration.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will hold public hearings Tuesday, February 8, 1938, in the committee room, the Capitol Building, at 10 a. m., on H. R. 9154 to provide for cooperation between the United States and foreign nations producing tin ore and other materials to assure to the United States continuing supplies of the same to supplement deficient domestic resources and production, and for other purposes.

COMMITTEE ON PATENTS

The Committee on Patents will hold public hearings February 8, 9, 10, and 11, 1938, in the caucus room of the House Office Building at 10 a. m. each morning on House Joint Resolution 79, providing for the establishment of a Department of Science, Art, and Literature.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, February 9, 1938, and Thursday, February 10, 1938, at 10:30 a. m. In re hearing of private bills. Hearings in committee room 445, House Office Building.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 3 of the Committee on the Judiciary at 10:30 a. m. Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill H. R. 8339, providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will held a public hearing in room 219 House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 o'clock a. m., eastern standard time, on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1066. A letter from the secretary, National Institute of Arts and Letters, transmitting a report of the National Institute of Arts and Letters for the period from January 31, 1937, to January 31, 1938; to the Committee on the Library.

1067. A letter from the Acting Secretary of the Treasury, transmitting the draft of a bill entitled "An act declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailing and providing penalty"; to the Committee on the Post Office and Post Roads.

1068. A letter from the Secretary of the Interior, transmitting a copy of legislation passed by the Municipal Council of St. Thomas and St. John, and approved by the Governor of the Virgin Islands; to the Committee on Insular Affairs.

1069. A letter from the president, Board of Commissioners of the District of Columbia, transmitting the draft of a bill entitled "A bill to create a commission to procure a design for a flag for the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

1070. A communication from the President of the United States, transmitting six estimates of appropriation, totaling $16,880,000, for the War Department, as supplemental, and in addition, to the amounts contained under the same heads in the Budget for the fiscal year ending June 30, 1939 (H. Doc. No. 519); to the Committee on Appropriations and ordered to be printed.

1071. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Supreme Court of the United States, for the fiscal year 1939, amounting to $4,560 (H. Doc. No. 518); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CELLER: Committee on the Judiciary. H. R. 2709. A bill to provide for the appointment of one additional United States district judge for the eastern district of Louisiana; without amendment (Rept. No. 1760). Referred to the Committee of the Whole House on the state of the Union.

Mr. HEALEY: Committee on the Judiciary. H. R. 8565. A bill defining the compensation of persons holding positions as deputy clerks and commissioners of United States district courts, and for other purposes; without amendment (Rept. No. 1761). Referred to the Committee of the Whole House on the state of the Union.

Mr. CELLER: Committee on the Judiciary. H. R. 8826. A bill to amend section 35 of the Criminal Code, as amended (U. S. C., title 18, sec. 82), relating to purloining, stealing, or injuring property of the United States; without amendment (Rept. No. 1762). Referred to the House Calendar.

Mr. CELLER: Committee on the Judiciary. S. 2381. An act to amend the Criminal Code by providing punishment for impersonation of officers and employees of Government-owned and Government-controlled corporations; with amendment (Rept. No. 1763). Referred to House Calendar.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 4201. A bill to amend section 4414 of the Revised Statutes of the United States to include Port Arthur, Tex.; with amendment (Rept. No. 1764). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. House Joint Resolution 504. Joint resolution to authorize compacts or agreements between the States bordering on the Great Lakes with respect to fishing in the waters of the Great Lakes, and for other purposes; without amendment (Rept. No. 1765). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 416. Resolution providing for the consideration of H. R. 8505, a bill to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, and for other purposes; without amendment (Rept. No. 1766). Referred to the House Calendar.

Mr. COLDEN: Joint Committee on the Disposition of Executive Papers. House Report No. 1768. Report on the disposition of records in the War Department. Ordered to be printed.

Mr. COLDEN: Joint Committee on the Disposition of Executive Papers. House Report No. 1769. Report on the disposition of records in the Navy Department. Ordered to be printed.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9281) extending the time for filing a claim for reimbursement for the funeral expenses of Harold P. Straus; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8753) for the relief of the Choctaw Cotton Oil Co. of Ada, Okla.; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9305) directing the payment to William H. Carter of travel allowances from Manila, P. I., to San Francisco, Calif.; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREWSTER: A bill (H. R. 9355) to impose a tax upon imported bread; to the Committee on Ways and Means.

By Mr. HOPE: A bill (H. R. 9356) to provide for holding terms of the district court of the United States at Hutchinson, Kans.; to the Committee on the Judiciary.

By Mr. REECE of Tennessee: A bill (H. R. 9357) to authorize the officers of the Veterans' Administration to execute, or cause to be duly executed, a lease of a parcel of land, a part of the reservation of the Veterans' Administration at Mountain Home, Tenn., to the John Sevier Chapter of the Daughters of the American Revolution, a nonprofit corporation, at Johnson City, Tenn.; to the Committee on World War Veterans' Legislation.

By Mr. DIMOND: A bill (H. R. 9358) to authorize the withdrawal and reservation of small tracts of the public domain in Alaska for schools, hospitals, and other purposes; to the Committee on Indian Affairs.

By Mr. MAY: A bill (H. R. 9359) to amend the National Defense Act of June 3, 1916, as amended by reestablishing the Regular Army Reserve, and for other purposes; to the Committee on Military Affairs.

By Mr. STEAGALL: A bill (H. R. 9360) to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes; to the Committee on Banking and Currency.

Also, a bill (H. R. 9361) to maintain unimpaired the capital of the Commodity Credit Corporation at $100,000,000, and for other purposes; to Committee on Banking and Currency.

Also, a bill (H. R. 9362) to simplify the accounts of the Treasurer of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. BLOOM: A bill (H. R. 9363) to establish a Podiatry Corps in the Medical Department of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 9364) to establish a Podiatry Corps in the Medical Department of the Navy; to the Committee on Naval Affairs.

By Mr. LUCKEY of Nebraska: A bill (H. R. 9365) to regulate interstate and foreign commerce in agricultural products yielding exportable surpluses; to prevent unfair competition by forbidding the purchase of certain percentages of such products from producers for less than parity farm prices; to provide for the orderly marketing of such products; to set up emergency reserves from, and to make loans on, certain export percentages; to provide for the general welfare; and for other purposes; to the Committee on Agriculture.

By Mr. RANDOLPH: A bill (H. R. 9366) to promote the general welfare through the appropriation of funds to assist the States in establishing and developing demonstration centers in adult civic education during a 3-year period; to the Committee on Education.

By Mr. TOWEY: A bill (H. R. 9367) to improve the efficiency of the Federal judiciary; to the Committee on the Judiciary.

By Mr. BLAND: A bill (H. R. 9368) to amend the act of March 4, 1915, as amended; the act of June 23, 1936; section 4551 of the Revised Statutes of the United States, as amended; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SAUTHOFF: Resolution (H. Res. 417) requesting the President of the United States to furnish to the House of Representatives certain data with reference to neutrality; to the Committee on Foreign Affairs.

By Mr. O'CONNOR of New York: Joint Resolution (H. J. Res. 590) relating to the continuance on the pay roll of certain employees in cases of death or resignation of Members of the House of Representatives; to the Committee on Accounts.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By The SPEAKER: Memorial of the Legislature of the State of Kentucky, memorializing the President and the Congress of the United States to consider their resolution No. 28 of their regular session of 1938, with reference to the Agricultural Adjustment Act; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASE of South Dakota: A bill (H. R. 9369) granting a pension to Augustine Whitebird; to the Committee on Pensions.

Also, a bill (H. R. 9370) granting a pension to Scholastica Bobtail Bull; to the Committee on Pensions.

By Mr. DEMPSEY: A bill (H. R. 9371) authorizing the grant of a patent for certain lands in New Mexico to Mitt Taylor; to the Committee on Patents.

By Mr. GREENWOOD: A bill (H. R. 9372) for the relief of Mina Keil; to the Committee on Claims.

By Mr. KRAMER: A bill (H. R. 9373) granting a pension to Fannie Steinberg and five minor children; to the Committee on Invalid Pensions.

By Mr. McGEHEE: A bill (H. R. 9374) for the relief of the Robert E. Lee Hotel; to the Committee on Claims.

By Mr. MAY: A bill (H. R. 9375) for the relief of Fulton Combs; to the Committee on Claims.

By Mr. TEIGAN: A bill (H. R. 9376) to place Arthur A. Caswell, formerly of the United States Army, on the emergency officers' retired list; to the Committee on Military Affairs.

By Mr. TOLAN: A bill (H. R. 9377) for the relief of Sara Lee Dorsey; to the Committee on Claims.

By Mr. SCHUETZ: A bill (H. R. 9378) for the relief of John Klasek; to the Committee on Claims.

By Mr. O'NEILL of New Jersey: Concurrent resolution (H. Con. Res. 30) recognizing the services of David L. Pierson, of East Orange, N. J., in connection with the founding of Constitution Day; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3985. By Mr. COLDEN: Resolution adopted by the general grievance committee, Brotherhood of Locomotive Firemen

and Enginemen, Southern Pacific Co., and Northwestern Pacific Railroad, San Francisco, Calif., recommending the passage of House bill 147, providing for the limitation of the length of trains; to the Committee on Interstate and Foreign Commerce.

3986. By Mr. FLAHERTY: Petition of Ward 3, Labor's Non-Partisan League, concerning the Schwellenbach-Allen resolution; to the Committee on Education.

3987. By Mr. FORD of California: Resolution of Studio Local Union, No. 946, Los Angeles, Calif., calling upon all organized labor affiliated with the American Federation of Labor to refrain from handling or using any or all sea food which is a product of a Japanese industry; to the Committee on Labor.

3988. By Mr. JARRETT: Petition of John H. Kiser and other signers, of Clarion, Pa., endorsing the universal service bill (H. R. 6704); to the Committee on Military Affairs.

3989. Also, petition of Walter L. Smith and other signers, of Clarion, Pa., urging passage of Sheppard-Hill bill (H. R. 6704), known as the universal service bill; to the Committee on Military Affairs.

3990. Also, petition of William H. Thompson, H. W. Spindler, and other signers, of Clarion, Pa., urging passage of the universal service bill (H. R. 6704); to the Committee on Military Affairs.

3991. Also, petition of Mr. and Mrs. J. H. Kahle and Mr. and Mrs. C. N. Kahle, and other signers, of Clarion, Pa., urging passage of House bill 6704, known as the universal service bill; to the Committee on Military Affairs.

3992. By Mr. KEOGH: Petition of the Chamber of Commerce of the State of New York concerning Federal Government reorganization; to the Committee on Government Organization.

3993. Also, petition of the Chamber of Commerce of the State of New York, concerning the withdrawal of additional water from Lake Michigan for waterway purposes; to the Committee on Military Affairs.

3994. Also, petition of the Chamber of Commerce of the State of New York, concerning the Norris, Mansfield, Rankin, and similar bills dividing the United States into seven conservation regions; to the Committee on Rivers and Harbors.

3995. Also, petition of the Chamber of Commerce of the State of New York, concerning proposed changes in Federal tax laws; to the Committee on Ways and Means.

3996. By Mr. KRAMER: Resolution of the Eagle Rock Post, No. 276, American Legion, department of California, relative to passage of the universal service bill, etc.; to the Committee on Military Affairs.

3997. Also, resolution of the board of public works of the city of Los Angeles, Calif., relative to gasoline tax, etc.; to the Committee on Ways and Means.

3998. By Mr. LAMNECK. Resolution of the Charles Bloce Post, No. 157, the American Legion, Columbus, Ohio, urging the passage of the universal service bill; to the Committee on Military Affairs.

3999. By Mr. LEAVY: Petition signed by 15 sportsmen of Spokane, Wash., and the inland empire, protesting against House bill 8323, which proposes to amend the National Fire Arms Act by including within the term "firearm" a pistol or revolver whose caliber is .32 or more and levying a tax of $1 upon each .32-caliber pistol and revolver imported into the United States; to the Committee on Ways and Means.

4000. By Mr. MEAD: Petition of Veterans of Foreign Wars, Southwestern Post, Angola, N. Y., recommending passage of House bills 8690 and 8729; to the Committee on Pensions.

4001. By Mr. PFEIFER: Petition of the Chamber of Commerce of the State of New York, New York City, concerning proposed changes in the Federal tax laws held likely to retard recovery and unlikely to produce adequate revenue; to the Committee on Ways and Means.

4002. Also, petition of the Chamber of Commerce of the State of New York, New York City, concerning the Norris, Mansfield, Rankin, and other similar bills; to the Committee on Interstate and Foreign Commerce.

4003. Also, petition of the Military Order of the Purple Heart, Inc., Department of New York, concerning inclusion of their organization in any proposed distribution of the stars and stripes fund; to the Committee on the Judiciary.

4004. Also, petition of the Chamber of Commerce of the State of New York, New York City, concerning Federal Government reorganization; to the Committee on Government Organization.

4005. Also, petition of the United Federal Workers of America, Marine Hospital Local, No. 58, Stapleton, N. Y., concerning the 5-day week for Federal workers; to the Committee on Labor.

4006. Also, petition of the National Association of Manufacturers, New York City, concerning the Clark-Connery bill; to the Committee on Labor.

4007. By the SPEAKER: Petition of the Allen-Sackhoff Tire Co., Inc., Birmingham, Ala., petitioning consideration of their resolution concerning House bill 4722, with reference to unfair competition; to the Committee on Interstate and Foreign Commerce.

4008. Also, petition of the State Bar of California, San Francisco, Calif., petitioning consideration of their resolution with reference to House Joint Resolution No. 19, which provides that the residuary fund left by the late Justice Oliver Wendell Holmes of the Supreme Court of the United States be credited to the Library of Congress Trust Fund Board; to the Committee on the Library.

SENATE

TUESDAY, FEBRUARY 8, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, February 7, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 191) to protect foreign diplomatic and consular officers and the buildings and premises occupied by them in the District of Columbia.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 1691. An act to provide that residence requirements for judges shall not be held to apply to judges who have retired or resigned;

S. 2194. An act to provide for the semiannual inspection of all motor vehicles in the District of Columbia; and

S. 2387. An act to authorize certain officers and employees of Federal penal and correctional institutions to administer oaths.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1486. An act to amend section 30 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes";

H. R. 3786. An act providing for the allocation of net revenues of the Shoshone power plant of the Shoshone reclamation project in Wyoming;

H. R. 4544. An act to divide the funds of the Chippewa Indians of Minnesota between the Red Lake Band and the remainder of the Chippewa Indians of Minnesota, organized as the Minnesota Chippewa Tribe;

H. R. 7369. An act to validate certain certificates of naturalization granted by the United States District Court for the District of Hawaii;

H. R. 8466. An act authorizing the city of Rock Island, Ill., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Ill., and to a place at or near the city of Davenport, Iowa;

H. R. 8972. An act to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex.;

H. R. 9043. An act to amend an act to provide for the retirement of Justices of the Supreme Court; and

H. J. Res. 567. Joint resolution to authorize and request the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940 and to invite foreign countries to participate in that congress, and also to provide for participation by the United States in that congress.

ADMINISTRATION OF OATHS IN PENAL AND CORRECTIONAL INSTITUTIONS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2387) to authorize certain officers and employees of Federal penal and correctional institutions to administer oaths, which were, on page 1, line 3, to strike out all after "warden" down to and including "General", in line 5; and on page 1, after line 9, to insert:

SEC. 2. None of said officers or employees shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, acknowledgment, or affidavit under the authority conferred by this act.

Mr. ASHURST. Mr. President, this bill as it passed the Senate authorized the warden and assistant warden and certain clerks in Federal penitentiaries and correctional institutions to administer oaths to the inmates. The House has stricken out the provision authorizing any one other than the warden and the assistant warden to administer oaths and has added an amendment providing that no fee shall be charged. So the bill, in the form as amended by the House, provides that the warden and the assistant warden may administer oaths to inmates in Federal penitentiaries and other correctional institutions, and that no fee shall be charged. I move that the Senate concur in the House amendments.

The motion was agreed to.

RESIDENCE REQUIREMENTS FOR RETIRED JUDGES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1691) to provide that residence requirements for judges shall not be held to apply to judges who have retired or resigned, which were, on page 1, line 6, to strike out "or resigned"; and to amend the title so as to read: "An act to provide that residence requirements for judges shall not be held to apply to judges who have retired."

Mr. HATCH. I move that the Senate concur in the House amendments.

The motion was agreed to.

SERVICE OF RETIRED SUPREME COURT JUSTICES IN JUDICIAL DISTRICTS

The VICE PRESIDENT laid before the Senate the bill (H. R. 9043) to amend an act to provide for the retirement of Justices of the Supreme Court, which was read twice by its title.

Mr. ASHURST. Mr. President, the Senator from New Mexico [Mr. HATCH] was chairman of the subcommittee which took charge of a similar Senate bill, and I yield to him.

Mr. KING. I should like an explanation of the bill.

Mr. HATCH. Mr. President, this bill, as the Senator from Utah will recall, provides that the rule which applies to retired Justices of the Supreme Court with reference to service by them in circuit courts shall be extended to include service in the District of Columbia.

Mr. KING. I am in favor of the bill, and hope it will be passed.

Mr. HATCH. I ask unanimous consent for the present consideration of the House bill. It is identical with a Senate bill which has been reported favorably by the Senate Committee on the Judiciary and is now on the Senate calendar.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed as follows:

Be it enacted, etc., That the act to provide for retirement of Justices of the Supreme Court approved March 1, 1937, be, and is hereby, amended by adding thereto the following:

"SEC. 2. The term 'judicial circuit' as used in this act includes the District of Columbia."

On motion by Mr. HATCH, the bill (S. 3232) to amend an act to provide for the retirement of justices of the Supreme Court, being Calendar No. 1356, was indefinitely postponed.

DISPOSAL OF CLOTHING AND SUPPLIES ISSUED TO CERTAIN VETERANS

The VICE PRESIDENT laid before the Senate a letter from the Administrator of Veterans Affairs, transmitting a draft of proposed legislation to amend section 35 of the United States Criminal Code to prohibit purchase or receipt in pledge of clothing and other supplies issued to veterans maintained in Veterans' Administration facilities which, with the accompanying paper, was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was ordered to lie on the table:

FEBRUARY 2, 1938.

Whereas the Legislature of the State of New York has previously memorialized the Congress of the United States to enact such legislation as will effectively prevent lynching outrages which continue to occur from time to time in some of the southern and southwestern States; and

Whereas such legislation is urgently needed to restore in our people respect for law and order: Now, therefore, be it

Resolved (if the Senate concur), That the Senate of the United States be, and is hereby, respectfully memorialized to enact with all convenient speed any appropriate legislation which will prevent the punishment or destruction of persons accused or suspected of crime in any other way or by any other authority than by due process of law and by a duly constituted court of justice: And be it further

Resolved (if the Senate concur), That a copy of this resolution be transmitted to the Secretary of the Senate and to each Member of Congress elected from the State of New York, and that the latter be urged to use his best efforts in obtaining the passage of the legislation referred to herein.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the board of governors of the State Bar of California, urging that the Committee on the Library of the Senate make a favorable report on the joint resolution (H. J. Res. 19) for the establishment of a trust fund to be known as the Oliver Wendell Holmes Memorial Fund, which was referred to the Committee on the Library.

He also laid before the Senate a letter in the nature of a petition from Local No. 84, State, County, and Municipal Workers of America, of Los Angeles, Calif., praying for the enactment of the joint resolution (S. J. Res. 176) favoring employment by the Works Progress Administration of persons unable to find employment in private industry, which was ordered to lie on the table.

He also laid before the Senate a letter in the nature of a memorial from Local No. 84, State, County, and Municipal Workers of America, of Los Angeles, Calif., remonstrating against an investigation of the affairs of the National Labor Relations Board and favoring the making of an adequate appropriation for the Board for the next fiscal year, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill (S. 3259) limiting the duties of the Chief Clerk and Chief Inspector of the Health Department of the District of Columbia, reported it without amendment and submitted a report (No. 1323) thereon.

Mr. OVERTON, from the Committee on the District of Columbia, to which was referred the bill (S. 2615) to exempt from taxation certain property of the Society of the

Cincinnati, a corporation of the District of Columbia, reported it with an amendment and submitted a report (No. 1324) thereon.

Mr. WAGNER, from the Committee on Banking and Currency, to which was referred the bill (S. 3409) to maintain unimpaired the capital of the Commodity Credit Corporation at $100,000,000, and for other purposes, reported it without amendment and submitted a report (No. 1326) thereon.

ACTIVITIES OF AMERICAN COTTON COOPERATIVE ASSOCIATION—LIMIT OF EXPENDITURES

Mr. SMITH. Mr. President, from the Committee on Agriculture and Forestry I report back favorably, without amendment, the resolution (S. Res. 205) continuing Senate Resolution 137, relative to an investigation of certain activities of the American Cotton Cooperative Association, and increasing the limit of expenditures therefor, submitted by me on December 2, 1937, and I submit a report (No. 1325) thereon. I understand that the Senator from Louisiana [Mr. ELLENDER] will submit the views of the minority.

Mr. ELLENDER. Mr. President, on behalf of the Senator from Alabama [Mr. BANKHEAD] and myself I submit the views of the minority of the committee on the resolution.

The VICE PRESIDENT. Without objection, the report and minority views will be received and printed; and, under the rule, the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On February 3, 1938:

S. 676. An act for the relief of Heinrich Schmidt, G. m. b. H., of Flensburg, Germany;

S. 2606. An act for the relief of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

S. 2768. An act authorizing the Comptroller General to adjust and settle the claim of Leo L. Harrison;

S. 2769. An act authorizing the Comptroller General to adjust and settle the claim of Irvin H. Johnson;

S. 2773. An act to authorize the issuance of an unrestricted patent to Judson M. Grimmet; and

S. 2832. An act authorizing the adjustment of the claims of Frank Pashley and Brown Garrett.

On February 4, 1938:

S. 1255. An act for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel, K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald;

S. 2418. An act for the relief of John Prosser;

S. 2602. An act for the relief of George Yuhas; and

S. 2759. An act authorizing the sale of certain lands to the regents of the Agricultural College of New Mexico.

On February 8, 1938:

S. 2583. An act to provide for the acquisition of certain lands for and the addition thereof to the Tahoe National Forest, in the State of Nevada, and the acquisition of certain other lands for the completion of the acquisition of the remaining lands within the limits of the Great Smoky Mountains National Park, in east Tennessee.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. CONNALLY, from the Committee on Finance, reported favorably the nomination of Adrian Pool, of El Paso, Tex., to be collector of customs for customs collection district No. 24, with headquarters at El Paso, Tex. (Reappointment.)

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MILLER:

A bill (S. 3420) to amend and reenact the act entitled "An act to amend the act entitled 'An act for the control of floods on the Mississippi River and its tributaries, and for other purposes', approved June 15, 1936"; to the Committee on Commerce.

By Mr. MALONEY:

A bill (S. 3421) for the relief of Joseph Arcysesky; to the Committee on Finance.

A bill (S. 3422) for the relief of Antonio Passafume; to the Committee on Naval Affairs.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 1486. An act to amend section 30 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes"; to the Committee on Territories and Insular Affairs.

H. R. 3786. An act providing for the allocation of net revenues of the Shoshone power plant of the Shoshone reclamation project in Wyoming; to the Committee on Irrigation and Reclamation.

H. R. 4544. An act to divide the funds of the Chippewa Indians of Minnesota between the Red Lake Band and the remainder of the Chippewa Indians of Minnesota, organized as the Minnesota Chippewa Tribe; to the Committee on Indian Affairs.

H. R. 7369. An act to validate certain certificates of naturalization granted by the United States District Court for the District of Hawaii; to the Committee on Immigration.

H. R. 8466. An act authorizing the city of Rock Island, Ill., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Ill., and to a place at or near the city of Davenport, Iowa; to the Committee on Commerce.

H. R. 8972. An act to transfer to the Secretary of the Treasury a site for a quarantine station to be located at Galveston, Tex.; to the Committee on Public Buildings and Grounds.

H. J. Res. 567. Joint resolution to authorize and request the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940 and to invite foreign countries to participate in that congress; and also to provide for participation by the United States in that congress; to the Committee on Foreign Relations.

AMENDMENT RELATING TO CERTAIN LUMBER PRODUCTS: TARIFF ACT, 1930

Mr. McNARY (for himself and Mr. BONE) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

DAVID L. PIERSON, ESQ.

Mr. MILTON submitted the following concurrent resolution (S. Con. Res. 23), which was referred to the Committee on the Judiciary:

Whereas the Constitution of the United States of America was completed and signed by the delegates in convention on the 17th day of September in the year 1787; and

Whereas the Constitution of the United States of America has been properly termed the greatest document, with the exception of the Bible, ever to have been conceived by the human mind; and

Whereas the Constitution of the United States of America has stood out in all times as a bulwark for the preservation of life, liberty, and the pursuit of happiness and for all that makes a true democracy; and

Whereas on the 17th day of September of each year the people of the United States observe, celebrate, and commemorate the anniversary of the completion and signing by the delegates in convention of the Constitution of the United States of America; and

Whereas David L. Pierson, Esq., a loyal son of East Orange, Essex County, N. J., and a past secretary of the New Jersey Society of the Sons of the American Revolution, has been the pioneer in the yearly observance of the said historic date and was the originator of the movement for the celebration of the said date as Constitution Day: Therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the appreciation of the people of the United States of America be extended to David L. Pierson, Esq., of East Orange, Essex County, N. J., for his noble and patriotic work as the originator of the observance of the 17th day of September of each year as Constitution Day.

Resolved further, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the said David L. Pierson, Esq.

INVESTIGATION OF CONDITIONS IN THE MERCHANT MARINE

Mr. COPELAND submitted the following resolution (S. Res. 231), which was referred to the Committee on Commerce:

Whereas the Committees on Commerce and on Education and Labor of the Senate have before them a bill to amend the Merchant Marine Act of 1936, and, in the course of hearings in relation thereto Chairman Kennedy, of the United States Maritime Commission, testified regarding insubordination and general lack of discipline on American vessels; and

Whereas in the economic survey of the American merchant marine made by the United States Maritime Commission, it is also stated that "Labor conditions in the American merchant marine are deplorable. Unless something is done to reduce interunion friction, to increase the efficiency of our crews, and to restore order and discipline upon our ships, all Government efforts to develop a strong American fleet will be futile. A merchant marine built upon inadequate and unsatisfactory personnel is little better than no merchant marine at all"; and

Whereas Admiral Leahy, Chief of Naval Operations, has appeared before committees of the Senate and other committees of Congress to explain the needs of extensive auxiliary naval additions to promote the national defense; and

Whereas the naval building program that is contemplated necessitates the enlistment of dependable and loyal crews; and

Whereas such committees have had before them an endless number of other witnesses, many of whom have complained about the unsatisfactory conditions of American shipping; and

Whereas the testimony of such witnesses is in effect a challenge to existing conditions which have to do with the welfare of our merchant marine and the national defense; and

Whereas the existing committees of the Senate are not equipped to pursue to an authentic conclusion the necessary study of this problem without expert professional and clerical assistance: Therefore be it

Resolved, That a special committee of five Senators, to be appointed by the President of the Senate, is authorized and directed to make a full and complete investigation of all matters relating to existing conditions in the American merchant marine. The committee shall report to the Senate, as soon as practicable, the results of its investigation, together with its recommendations for necessary remedial legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth and succeeding Congresses, to employ such experts, and such clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

THE AMERICAN SPIRIT—ADDRESS BY SENATOR DAVIS

[Mr. GIBSON asked and obtained leave to have printed in the RECORD a radio address delivered by Senator DAVIS on February 4 during the period devoted by the Columbia Broadcasting System to the discussion of current questions before the Senate, which appears in the Appendix.]

FEDERAL WAGE AND HOUR LEGISLATION—ADDRESS BY SENATOR PEPPER

[Mr. MINTON asked and obtained leave to have printed in the RECORD a radio address delivered by Senator PEPPER on the 6th instant at Washington, D. C., on the subject Federal Wage and Hour Legislation, which appears in the Appendix.]

TRADE, PROSPERITY, AND PEACE—ADDRESS BY SECRETARY OF STATE HULL

[Mr. LEWIS asked and obtained leave to have printed in the RECORD a radio address delivered by the Honorable Cordell Hull, Secretary of State, on the subject Trade, Prosperity, and Peace, on February 6, 1938, which appears in the Appendix.]

EFFECT OF RECIPROCAL TRADE AGREEMENT WITH CANADA ON AMERICAN AGRICULTURE—ADDRESS BY F. E. MOLLIN

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an address entitled "What Price Trade," delivered by F. E. Mollin, secretary, American National Live Stock Association, on February 8, 1938, at St. Paul, Minn., before the annual meeting of the Central Cooperative Association, which appears in the Appendix.]

THE OIL INDUSTRY—EDITORIAL FROM OIL AND GAS JOURNAL

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD an article with reference to the oil industry, published in the Oil and Gas Journal of January 27, 1938, which appears in the Appendix.]

ORDER OF BUSINESS

The VICE PRESIDENT. The question before the Senate is the amendment of the Senator from Florida [Mr. PEPPER] to the amendment, as modified, of the Senator from Illinois [Mr. LEWIS]. The Chair understood the Senator from Mississippi [Mr. BILBO] had the floor last evening and gave notice that he should like to continue his remarks today.

Mr. PITTMAN. Mr. President, I ask unanimous consent, if it is agreeable, of course, to the Senator from Mississippi, that he yield the floor to me in order that I may present a letter from the Secretary of State.

The VICE PRESIDENT. Without impairing the rights of the Senator from Mississippi?

Mr. PITTMAN. Without impairing the rights of the Senator from Mississippi.

The VICE PRESIDENT. Is there objection? The Chair hears none.

CALL OF THE ROLL

Mr. MCNARY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the followng Senators answered to their names:

Adams	Davis	Johnson, Colo.	Pope
Andrews	Dieterich	King	Radcliffe
Ashurst	Donahey	La Follette	Reynolds
Austin	Duffy	Lee	Russell
Bailey	Ellender	Lewis	Schwartz
Bankhead	Frazier	Lodge	Schwellenbach
Barkley	George	Logan	Sheppard
Berry	Gerry	Lonergan	Shipstead
Bilbo	Gibson	Lundeen	Smathers
Bone	Gillette	McAdoo	Smith
Borah	Glass	McGill	Thomas, Okla.
Brown, N. H.	Green	McKellar	Thomas, Utah
Bulkley	Guffey	McNary	Townsend
Bulow	Hale	Maloney	Truman
Burke	Harrison	Miller	Tydings
Byrd	Hatch	Milton	Vandenberg
Byrnes	Hayden	Minton	Van Nuys
Capper	Herring	Murray	Wagner
Caraway	Hill	Neely	Walsh
Chavez	Hitchcock	O'Mahoney	Wheeler
Clark	Holt	Overton	
Connally	Hughes	Pepper	
Copeland	Johnson, Calif.	Pittman	

Mr. LEWIS. I announce that the Senator from Michigan [Mr. BROWN] is detained from the Senate on important public business.

The Senator from Nevada [Mr. MCCARRAN] is detained in his State on official business.

Mr. AUSTIN. I announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from North Dakota [Mr. NYE] are necessarily absent by reason of having to testify at a proceeding being tried in Baltimore today.

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

ALLEGED AGREEMENTS BETWEEN UNITED STATES AND OTHER NATIONS

Mr. PITTMAN. Mr. President, on yesterday the distinguished senior Senator from California [Mr. JOHNSON] introduced Senate Resolution 229 and asked that it lie on the table.

The resolution reads as follows:

Resolved, That the Secretary of State be, and he is hereby, requested, if it be not incompatible with the public interest, to advise the Senate (a) whether or not any alliance, agreement, or understanding exists or is contemplated with Great Britain relating to war or the possibility of war; (b) whether or not there is any understanding or agreement, express or implied, for the use of the Navy of the United States in conjunction with any other nation; (c) whether or not there is any understanding or agreement, express or implied, with any nation, that the United States Navy, or any portion of it, should police or patrol or be transferred to any particular waters or any particular ocean.

I am this morning in receipt of a letter addressed to me, as chairman of the Foreign Relations Committee, by the Secretary of State, which I will read:

FEBRUARY 8, 1938.

The Honorable KEY PITTMAN,
Chairman, Committee on Foreign Relations,
United States Senate.

MY DEAR SENATOR PITTMAN: My attention has been called to Senate Resolution No. 229, introduced by Senator JOHNSON of California on January 5 (calendar day, February 7), 1938, and ordered to lie on the table.

Under the terms of the proposed resolution the Secretary of State is requested, if it be not incompatible with the public interest, to advise the Senate in response to three inquiries.

For your information, and for such use as you may desire to make thereof, I desire to state to you very definitely that in response to point (a) which reads "whether or not any alliance, agreement, or understanding exists or is contemplated with Great Britain relating to war or the possibility of war," the answer is, "No"; in response to point (b) which reads "whether or not there is any understanding or agreement, express or implied, for the use of the Navy of the United States in conjunction with any other nation," the answer is, "No"; with regard to point (c) which reads, "whether or not there is any understanding or agreement, express or implied, with any nation, that the United States Navy, or any part of it, should police or patrol or be transferred to any particular waters or any particular ocean," the answer is, "No."

Sincerely yours,

CORDELL HULL.

Under the rules, a resolution which is submitted and asked to lie on the table does not automatically come up the next day, but comes up only subject to call. I should like to be apprised by the Senator from California what his thoughts are with regard to the resolution.

Mr. JOHNSON of California. Mr. President, I compliment the Secretary of State upon the prompt manner in which he has responded to the resolution submitted yesterday. Ugly rumors were going about the Capitol and all through the country as to alliances, understandings, agreements, and the like which might have been entered into by this country. We have now, in the way that is appropriate, the categorical and the explicit denial of the Secretary of State in reference to all agreements, understandings, and the like.

I am very glad indeed that I submitted the resolution. I am very glad indeed for the response. It is the way in which we ought to deal with such subjects. We ought to deal with them in the open. We ought to deal with them through the Senate. The Secretary of State has done a very wise thing in dealing with them promptly, and in dealing with the Senate as the Senate ought to be dealt with by every Cabinet official.

I am very glad, sir, that the answer has come. I hope that in the future we may be in accord in what may be the consequences of the particular action and activity.

Mr. PITTMAN. Mr. President, now that the resolution has accomplished its purpose, will the Senator withdraw it? The resolution is lying on the table subject to any action the Senator may desire to take regarding it.

Mr. JOHNSON of California. May we not consider the resolution answered and at an end? I do not want to withdraw it, because that would result in withdrawing part of the record.

Mr. BARKLEY. Mr. President, if the Senator will yield, would it not be appropriate to postpone the resolution indefinitely?

Mr. JOHNSON of California. I am willing to have that done, sir.

Mr. PITTMAN. I ask unanimous consent that that may be done.

The VICE PRESIDENT. Without objection, the resolution is indefinitely postponed.

Mr. WALSH subsequently said: Mr. President, I wish to make a very brief statement with reference to the letter read by the Senator from Nevada [Mr. PITTMAN], and the reply made by the Senator from California [Mr. JOHNSON].

As chairman of the Committee on Naval Affairs, I think the atmosphere has been very much cleared for possible legislation looking toward the expansion of the Navy by reason of the resolution offered by the Senator from California, and the candid and frank reply of the Secretary of State to it. The American people, in my opinion, are against a forceful entry of the United States into world affairs.

Mr. President, I am one of those who have been disturbed at the effect of the speeches, newspaper articles, and comments throughout the country to the effect that the naval expansion program of our Government is part of a naval alliance program and not one of our own independent making. Many of us who believe the time has come for an expansion of our Navy insist that our naval program be based solely upon our own needs, independent of agreements, understandings, or alliances of any kind with other powers.

Until this frank and decisive statement of the Secretary of State was made, I had feared that the issue would be confused and that there would be a possibility of the naval legislation being jeopardized by rumors and statements and claims that our program was part of an alliance or agreement with other nations, and smacked of an aggressive naval attitude. Personally I feel that, in view of conditions in the world, there is need of an expanded naval defense program, but it ought to be an American program. It ought to be independent of the actions of any other nation, except that we ought to obtain information from all sources as to what the military activities of other nations may be, so as to determine the extent of our defense program.

Therefore, Mr. President, I believe that the resolution offered by the distinguished Senator from California and the letter written by the Secretary will be effective in quieting the claim of a naval alliance and making the issue solely what it ought to be—whether the time has come for a reasonable expansion of our Navy in the interest of our own insurance, and not an adventure into a naval program which may be involved with or part of an agreement or understanding with other powers.

AGRICULTURAL RELIEF—CONFERENCE REPORT

Mr. POPE and other Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi [Mr. BILBO] yielded for the purpose of permitting the Senator from Nevada [Mr. PITTMAN] to make a statement. With the permission of the Senator from Mississippi, the Chair will recognize various Senators for the introduction of bills, resolutions, reports, and so forth.

Mr. POPE. Mr. President, on yesterday the Senator from Oregon [Mr. MCNARY] requested that the House bill, the Senate bill, and the final committee print of the conference report on the farm bill be printed in parallel columns for the benefit of the Senate.

I call the attention of the Senate to page 1585 of yesterday's RECORD, which contains the conference report on the farm bill. It contains first the bill which was agreed upon by the conferees, and then on page 1599 there is contained a statement made by the House managers, showing the effect of the House bill and the Senate bill and the changes which were made by the conference report. The statement is so complete that I think it will be of value to Senators who may be interested in reading it before the conference report is considered.

With reference to one point in the conference report in connection with the farm marketing quota for corn, and the storage amount for corn, some change was made by the conference committee from the provisions of both bills; and I have here some data giving an illustration how the present formula in connection with marketing quotas and storage amounts for corn will work. Therefore, I ask that this memorandum be made a part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

FARM MARKETING QUOTA AND STORAGE AMOUNT FOR CORN

The farm marketing quota is calculated by subtracting the farm storage amount and the farm consumption requirement from the actual production of corn not used as silage and then adding the amount of corn used as silage. (Sec. 323.)

The farm storage amount is determined as in the following illustration:

(1) Assume that national marketing percentage (see sec. 322 (b)) for all farms is 80 percent;

(2) Assume that corn acreage allotment for a particular farm is 100 acres; and

(3) That the normal corn yield for the farm is 30 bushels per acre;

(4) Assume that the actual acreage of corn on the farm is 110 acres;

(5) That the actual production is 3,520 bushels; and

(6) That 20 acres are used for silage leaving 90 acres and 2,880 bushels not used for silage.

Then the storage amount for the farm is the smallest of the following amounts (sec. 324 (a)):

(1) The normal production of the acreage of corn in excess of the marketing percentage of the acreage allotment which is:

Actual acres	acres	110
Less 80 percent of 100 acres	do	80
Which is	do	30
At 30 bushels per acre	bushels	900

(2) The amount by which the actual production of the acreage of corn on the farm exceeds the normal production of the marketing percentage of the farm acreage allotment:

	Bushels
Actual production	3,520
Normal production of marketing percentage acreage allotment 80 acres at 30 bushels	2,400
An excess of	1,120

(3) The amount of the actual production of the acreage of corn on the farm not used for silage, which is 2,880 bushels.

The first of these three calculations gave the smallest amount so that amount, 900 bushels, is the storage amount for the farm.

The marketing quota for the farm is the sum of:

	Bushels
(1) The amount of corn used as silage	640
(2) The actual production of the acreage not used for silage	2,880
Less farm consumption requirements which is assumed to be 350	
And the storage amount 900	1,250
	1,630
(3) A total of	2,270

Mr. McNARY. Mr. President——

Mr. POPE. I yield to the Senator from Oregon.

Mr. McNARY. I wish to inquire whether the Senator from Idaho is objecting to the request I made, which later became the unanimous expression of the Senate, that the House bill, the Senate bill, and the conference report be printed in parallel columns?

Mr. POPE. Not at all. I understood that that request was granted on yesterday.

Mr. McNARY. It was.

Mr. POPE. I merely call attention to the fact that the statement on the part of the House managers will afford information which it would take Senators a long time to get by examining the House bill and the Senate bill and comparing them with the conference report. In other words, it is all worked out by the Legislative Counsel and by the managers on the part of the House and is contained in the statement to which I refer.

Mr. McNARY. May I inquire where that record is to be found?

Mr. POPE. It is to be found in yesterday's CONGRESSIONAL RECORD at page 1599.

The VICE PRESIDENT. The Chair will state that the order was made yesterday, as the Chair understands, for printing these reports in parallel columns. Just why they have not yet been printed the Chair does not know.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

The VICE PRESIDENT. The Senator from Mississippi [Mr. BILBO] is entitled to the floor.

Mr. GUFFEY. Mr. President, will the Senator from Mississippi yield to me at this time, without losing his right to the floor?

Mr. BILBO. Mr. President, I ask unanimous consent that I may yield the floor without losing my right to continue my speech, so that the Senator from Pennsylvania may speak in behalf of the pending bill, the Senator from Alabama [Mr. BANKHEAD] to reply.

The VICE PRESIDENT. The Senator from Mississippi asks unanimous consent that he may yield without prejudice to the Senator from Pennsylvania, the Senator from Alabama to follow. Is there objection? The Chair hears none, and the Senator from Pennsylvania is recognized.

Mr. GUFFEY. Mr. President and Members of the Senate, so much time has been consumed in what many Senators have called debate on the antilynching bill that I shall not burden you with an extended speech. However, I do want to register my personal attitude not only toward the bill itself but toward the treatment the bill has received at the hands of some of the Members of this august body.

Reputation is a great thing. Individuals vie with each other not only to attain worth-while reputations, but to defend and perpetuate them.

Nations are jealous of their reputations, and even they are quick to claim credit for any and every achievement performed by the least of their citizens. We all like to claim credit for whatever we do. The world is full of bright minds close behind one another in the pursuit of good reputations and full credit for worth-while achievements.

Mr. President, to illustrate what I mean, just last year the Nobel Prize in physics was awarded to a Hungarian professor. Immediately a professor of the University of Pittsburgh arose and laid claim to the same award on the ground that he, a United States citizen, had preceded the Hungarian student in the particular branch of science for which the award was made.

Discovery and invention follow so rapidly in one country and another that it has become difficult and often impossible truthfully to tell to which nation the rightful credit belongs. Men and nations dispute with one another over honors claimed, so jealous are the men of the earth of good reputations and credit for noble things achieved.

But, Mr. President, when we come to discuss the question of lynching, no country on earth disputes our right to the claim that we, the citizens of the United States, are the originators of the most dastardly crime known to civilization. No nation disputes our claim to the right to be called the father of lynching. This is our reputation, well-earned and well-defended. Lynching is a form of mob murder peculiar only to the United States of America. A lynching dishonors our Nation and dishonors every citizen thereof.

I have listened to the experienced orators on the floor of the Senate, and I have tried to follow to a logical conclusion the reasons they have advanced in support of their opposition to the antilynching bill. I confess I have been unable to do so.

It seems to have been lost to the minds of many that the bill proposed was intended to stop mob violence, whether that violence be directed against black man or white man. The bill does not specify that certain people shall be protected against lynching. The bill provides that all people shall be protected against lynching by the strong arm of the Federal Government. I mention this because nearly every one of my colleagues opposing the bill has injected into his argument the idea that the bill is intended to protect only citizens of darker skin.

Such an interpretation cannot be placed upon the bill, regardless of how we read its provisions. For this reason, I have been unable to sympathize with the opposition to the bill. The opponents of the bill have flatly refused to interpret the bill as a measure proposed to protect all citizens, regardless of race, creed, or color.

Some of my friends on this floor, men who are eminently learned constitutional lawyers, have argued pro and con on the constitutionality of this measure. I am not a lawyer, but for some years I served as the head of several very large corporations. As such, I had under my jurisdiction legal staffs at the top of which were very able lawyers. Therefore, I have had considerable experience as a businessman with lawyers. Because of that experience, I am not disposed to accept as final the opinions of the able Senator from Idaho [Mr. BORAH] and other Senators, that this bill is unconstitutional.

Some years ago, while vice president and general manager of a large utility company, a natural-gas company, I was very much interested in legislation pending before the legislature of the State of West Virginia. A bill had been prepared for presentation to the legislature, but the general counsel of my company, an honored and able lawyer, declared it to be unconstitutional and recommended strongly against its introduction. This general counsel was then and is now one of the most outstanding lawyers in this country.

He is a man who was elected to the House of Representatives from the State of West Virginia, who later was appointed Solicitor General of the United States, and, later on, as Ambassador to a foreign country. At the present time he enjoys one of the most lucrative law practices in this country.

I was not satisfied with his opinion on that bill and asked him if he would have any objection to my going to a lawyer outside of the firm. With his approval I went to another well-known lawyer, who expressed the opinion that the bill, as drawn, was constitutional.

The bill was introduced in the legislature. After the bill had passed the house of delegates, the speaker pro tempore of the senate, having heard that my own general counsel had expressed the opinion that the bill was unconstitutional, wrote to him and asked to have his opinion in writing. The general counsel had the courage of his convictions and sent the opinion to the speaker pro tempore, who showed it to those members of the State senate who were opposed to the bill.

These same opponents to the bill, because of the high esteem in which they held the company's general counsel, and because of the implicit confidence they had in his legal judgment, permitted the bill to be passed, in the belief that the Supreme Court of the State of West Virginia would declare it unconstitutional.

The legislation was contested in the courts and was unanimously upheld as constitutional by the supreme court of the State.

My able friend the Senator from Idaho [Mr. BORAH] and other able constitutional lawyers on this floor, who have attacked the constitutionality of this bill, should have the same courage of their own convictions as did the able general counsel of my company. They should permit this body to vote on this measure and permit the Supreme Court of the United States to pass upon its constitutionality. They should not, as Members of this body, usurp the functions of the judiciary.

I have another case in mind. Just a few years ago a Republican Governor of Pennsylvania—at least he was elected Governor on the Republican ticket—vetoed an election reform bill on the recommendation of his attorney general that the bill was unconstitutional. Later when the party of service and election reform took possession of the government of Pennsylvania, then, under the brilliant leadership of Governor Earle this measure was enacted into law, and when formally submitted to the Republican Supreme Court of Pennsylvania, was unanimously sustained. I merely give that as another instance in which the best lawyers may be entirely wrong with respect to the constitutionality of certain legislation.

Much has been stated on this floor relative to the provisions of the bill which penalize a sheriff and a county in which a lynching takes place. In my judgment those provisions are well merited and will be effective.

In 1877 the famous railroad riots occurred in Allegheny County, Pa. The union railway station was burned to the ground. Roundhouses, locomotives, and railway cars were destroyed. Merchandise loaded in cars was unloaded and strewn all over the place. The Pennsylvania Railroad Co. sued Allegheny County and obtained a judgment of $5,000,000.

That $5,000,000 was paid by the issuance of bonds. Every year when the taxpayers of Allegheny County received their tax bills they saw prominently set out on those bills an item calling for the payment of so many mills with which to help pay the interest charges on riot bonds and to amortize those bonds.

Never since that riot has a similar affair taken place in that county. Those tax bills with the riot bonds' item thereon were a constant reminder to three generations of taxpayers that mob violence does not pay.

The passage of this bill, with the provisions referred to, in my judgment, will be a constant reminder to the taxpayers of the country, no matter in what county they may be located, of the costliness of mob rule, and I think those provisions will have a tendency to greatly lessen lynchings.

However, there is a more fundamental reason which impels me to address myself to this bill. I believe in majority rule. Democracy is based upon the principle that the will of the majority shall prevail. Let us look at the figures. The population of the United States is approximately 130,000,000. Not more than approximately 30,000,000 of the total number of citizens live in what we call the solid South, and of that 30,000,000, Mr. President, approximately one-fourth is composed of colored citizens.

The other 100,000,000 citizens live in the Northern States, the border States, and the Western States. According to the argument of my southern friends, who represent at most only approximately 30,000,000 of our total population, the 100,000,000 other citizens of this country, who represent a clear majority, must forever yield to the minority of 30,000,000 simply because they would have it so.

Based, then, upon the theory of majority rule, which is the bulwark of democracy, 100,000,000 citizens in this country, every so often, are told to relinquish their right as a majority and let 30,000,000 have complete rule on the question of lynching. I admit, Mr. President, that I have not been trained in this particular type of democracy.

My colleagues from the South are numbered among my personal friends. We have little or no difficulty on other matters pertaining to the welfare of our Nation. They know that I deplore sectionalism; they know that I have sought, at every opportunity, to wipe out sectionalism, both real and imaginary. On this question of a bare minority of 30,000,000 defeating the right of 100,000,000 to express itself on the question of lynching, my southern colleagues present a most glaring inconsistency.

They seem to feel that a majority of 100,000,000 would be helpless to protect them against invasion of their rights, only with respect to the question of lynching. On all other public matters my southern colleagues feel and know that their every right is safe in the hands of the 100,000,000.

I am firmly of the belief that the American people, as a whole, are opposed to lynching. I believe it so firmly that I regret my southern colleagues flatly refuse to allow the American people, even though they be in the majority, to express their will on this all-absorbing subject of lynching.

Mr. President, I, for one, am ashamed that the proud name of this country must be tarnished because the majority of the American people are not given an opportunity to keep it unblemished. I have gone on record here—and I am proud of that record—as opposing crime of every kind, and any man who opposes crime automatically favors a law to abolish crime. I do not know what repercussions may follow the defeat of this bill, if it shall be defeated. I hesitate to predict. I shall continue to lift my voice against crime of every sort and in favor of a law which effectively penalizes crime.

I am fortified in this opinion by my knowledge of what has been said by many of the leading civic, religious, and social

bodies of the South. I am doubly fortified by the attitude of the leading newspapers and journals of the South.

Mr. President, I am looked upon as a northerner. I prefer to be looked upon as an American, free to move in any and every State of the Union.

Let me, a northerner, if you please, recite to you a partial list of the stalwart southern organizations which have expressed their condemnation of the lynching evil:

The Disciples of Christ, in their Florida convention, resolved against lynching. The Women's Missionary Society, in their Florida, Georgia, and Kentucky conventions, resolved against lynching. The Women's Auxiliary to the National Council of the General Convention of the Protestant Episcopal Church, in the diocese of Alabama, Georgia, Florida, Kentucky, south Florida, and Mississippi, resolved against lynching. The Women's Advisory Committee of the Presbyterian Church in the United States, of Georgia and Virginia, resolved against lynching. The Women's Missionary Council of the Methodist Episcopal Church South, embracing Alabama, central Texas, Florida, Kentucky, Arkansas, Louisiana, Mississippi, north Alabama, north Georgia, North Carolina, north Mississippi, Oklahoma, South Carolina, south Georgia, Tennessee, upper South Carolina, Virginia, and West Texas, have resolved against lynching.

Further, Mr. President, the Methodist Episcopal Church South, embracing Arkansas, Mississippi, north Alabama, north Georgia, North Carolina, north Mississippi, south Georgia, western North Carolina conferences, and the Northern Mississippi Young People's Conference, have gone on record against lynching. The Women's Missionary Union of the Southern Baptist Convention resolved against lynching. The Southwestern Regional Conference of the National Federation of Business and Professional Women's Clubs, representing the Arkansas Democratic Women's Club, the Georgia Council of Federated Church Women, the Georgia Woman's Christian Temperance Union, the Louisiana Association of Peace Officers, the Mississippi Woman's Christian Temperance Union, and the North Carolina Society of Friends resolved against lynching. And, Mr. President, one of the most notable groups of women of the entire South, namely, the Association of Southern Women for the Prevention of Lynching, has been combating this crime for a number of years.

These organizations represent the opinions of the thinking people, not only of the South, but of the United States, and this opinion is reflected throughout the South by some of the most outstanding journals of our land. Let me recite a few—the Richmond Times-Dispatch, the Richmond News-Leader——

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. GUFFEY. I should like to finish this one paragraph. The Norfolk Virginian-Pilot, the Raleigh News and Observer, the Charlotte Observer, the Columbia State, the Charleston News and Courier, the Florida Times-Union, the Greensboro, (N. C.) Daily News, the Atlanta Constitution, the Atlanta Journal, the Birmingham Age-Herald, the Montgomery Advertiser, the Mobile Review, the New Orleans Times-Picayune, the Arkansas Gazette, the Memphis Commercial Appeal, and the Houston Post.

Mr. President, it can be seen at a glance that all of the healthy sentiment of the 20,000,000 white persons of the South is alined against the crime of lynching, and I suppose it is fair to assume that the other 10,000,000 Southern citizens of darker skin are also opposed to lynching.

The other day I read an editorial in the most widely read and most widely publicized Negro newspaper of our land, the Pittsburgh Courier, in which it plainly stated that my filibustering colleagues of the South do not represent the sentiment of the enlightened South. In view of what I have recited above, and the facts are available to anyone who desires to know the truth, I must subscribe to the editorial opinion of the leading Negro newspaper of our land when it says that my filibustering friends of the South do not represent the progressive and enlightened sentiment of the progressive and enlightened people of our Southland.

Therefore, Mr. President, I register my objection to the fight against this bill for these reasons: First, I am against crime of any and every kind; second, I believe that the majority of the people of the United States of America are opposed to lynching; and third, that the majority should be permitted to express their views through the votes of their representatives in this body.

I now yield to the Senator from Texas.

Mr. BANKHEAD obtained the floor.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Pope
Andrews	Dieterich	King	Radcliffe
Ashurst	Donahey	La Follette	Reynolds
Austin	Duffy	Lee	Russell
Bailey	Ellender	Lewis	Schwartz
Bankhead	Frazier	Lodge	Schwellenbach
Barkley	George	Logan	Sheppard
Berry	Gerry	Lonergan	Shipstead
Bilbo	Gibson	Lundeen	Smathers
Bone	Gillette	McAdoo	Smith
Borah	Glass	McGill	Thomas, Okla.
Brown, N. H.	Green	McKellar	Thomas, Utah
Bulkley	Guffey	McNary	Townsend
Bulow	Hale	Maloney	Truman
Burke	Harrison	Miller	Tydings
Byrd	Hatch	Milton	Vandenberg
Byrnes	Hayden	Minton	Van Nuys
Capper	Herring	Murray	Wagner
Caraway	Hill	Neely	Walsh
Chavez	Hitchcock	O'Mahoney	Wheeler
Clark	Holt	Overton	
Connally	Hughes	Pepper	
Copeland	Johnson, Calif.	Pittman	

The PRESIDENT pro tempore. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. BANKHEAD. Mr. President, since Congress met in special session in November my time and thoughts have been devoted to the principal topic of the call for the special session, namely, the farm bill. Since the regular session assembled on the 3d of January the conference committees of the two Houses have been constantly at work, morning and afternoon, endeavoring as best they could to reconcile the conflicting views between the two Houses as shown in the bills separately passed. For that reason I have not had the benefit of attendance upon the Senate during the discussion of the so-called antilynching bill. I say "discussion" deliberately. There has not been, as indicated by the Senator from Pennsylvania [Mr. GUFFEY], any debate upon the bill. The proponents of the bill are proposing to enter upon a new field of administration of Federal law in America. They are advocating a program which is inconsistent with the views of national legislators in the past, so far as the passage of legislation is concerned. They are advocating a measure which evidently has been inherited by the sponsors of the bill. The proposal has not come up to them, in my judgment, as the result of any public demand for the enactment of such legislation.

Notwithstanding that unique situation, notwithstanding the novel efforts of the proponents, notwithstanding the challenge of a group of Senators who have been protesting against the passage of this bill and urgently appealing that the proponents come out in the open upon the floor of the Senate and endeavor to establish the constitutionality of the measure as well as the necessity for its passage, during all the time of the pendency of the measure we have heard but two speeches in its support. We have heard only one effort to maintain the constitutionality of this new Federal program.

Mr. President, permit me to ask why the advocates of this bill, who are asserted to be the overwhelming majority, many of whom are able lawyers, and most of whom are effective speakers, have not endeavored to present reasons for the passage of this bill, both from the standpoint of the letter of the Constitution and its spirit and from the standpoint of the supposed benefit this bill would accord to the colored people in the event of its passage? I have heard of but one Senator who is a lawyer who has had the

temerity to undertake to argue that the Congress has the power to invade the police power of the respective States, except with reference to subjects over which power has been expressly granted to Congress, such as interstate commerce and a few other subjects as provided in the Constitution, in connection with which the exercise of some police power is incident at times to the execution of the laws enacted by Congress on those specific subjects.

The Senator from Pennsylvania [Mr. GUFFEY], who has just preceded me, did not undertake to present any views from a legal standpoint. I can well understand his position. One who has familiarized himself with the recent legislation of his day relating to the race question cannot help but note, as I have noted with grave regret, that the new Democratic administration which has come into power in Pennsylvania, succeeding a Republican administration, has become a "copycat" and adopted the old program of the Republican Party. The Democratic Party there has passed laws which provide that no hotel, restaurant, public eating or lodging house, park, amusement place, or theater—and I understand swimming pools are also included—shall deny the Negro the right of admission.

That is a matter of choice with the people of Pennsylvania; I have nothing to do with the passage or administration of laws in Pennsylvania, and I do not seek in any way to supervise or to control such action or to advise about it. It is evident, however, that when the State administration, with which the Senator from Pennsylvania is so closely allied, secures the passage of such a law, the Senator from Pennsylvania must be in line with any program which appears on its surface to be an appeal to the colored race.

I am astonished, Mr. President, that so many Senators seem to think that the members of the colored race are going to be Esaus, sell their birthright for a mess of pottage in the form of the passage of such a bill as the one now pending, which affects only a few lives—less than a dozen a year—and, as citizens, support bodily individuals or even a party merely because of the sponsorship of a measure of this kind. Some Senators seem to think—and they may be right; I do not know—that their position upon this subject, involving half a dozen lives, or such a matter, possibly, a year, for the last 2 years, is going to determine whether or not the colored voters in their respective States are pleased with their public record or displeased with it and are going to judge the Senators upon their votes upon this one particular bill. They may be right, I do not know, but I do not think so. I believe I know the colored race better than do those who are trying to force this bill upon a section of the country that is resisting it and resenting it, because the people residing there know it is violative of the old constitutional rule of State sovereignty; they know this bill is an invasion of the police power of the States; they know that the Senator from New York and other advocates of the bill are doing a disservice to the colored men of the South in urging the passage of the bill. We know that.

Ah, the Senator from Pennsylvania read a list of organizations which had resolved against lynching. I am glad he read that list. It has been stated here from the beginning of this debate that all the responsible citizens of the South, men and women, were earnestly opposed to lynching. If a vote could be taken of the group of Senators who are resisting this effort upon the part of the Senator from New York and the Senator from Indiana, who is not present, they would vote unanimously, just as the Senator from Pennsylvania says so many societies and churches in the South have voted, to condemn lynching in any form. I am glad that he has directed attention to this splendid array of sentiment against lynching on the part of so many splendid organizations in the South. I regret, however, that the Senator from Pennsylvania did not, while reminding the Senate and the public of the newspapers and the many Christian organizations which had denounced lynching, direct attention at the same time to those among the number he mentioned who had also denounced the pending bill. He did not discuss, when dealing with that subject, this bill. He dealt with the subject of lynching, a crime which is prohibited by the State laws of most of the Southern States; a crime which is unanimously denounced, as he knows and as we all know, by all the intelligent citizenship of the Southern States. He was unwilling to go on beyond the attitude of our people on the subject of lynching; he was unwilling to go forward and show that many of those who denounce lynching also denounce him and the Senator from New York and this bill, because those who are familiar with the facts know that it is a disservice to the colored people of the South, aside from all other questions involved.

Mr. President, why should southern Senators oppose the passage of this bill, if they were not convinced of its futility as well as its unconstitutionality? It is well known that every Member of the Senate from the Southern States heartily opposes the crime of lynching; it is well known that those Senators have no racial prejudice or unkind feeling against the colored people of this country. I submit we are better friends to the colored people than are the Senator from New York and the Senator from Indiana who are pressing this measure.

I submit that the thoughtful, intelligent Negroes of the South know that we are better friends to them than are those northern Senators who are using the race question to stir up strife.

Nobody has heard anything on this subject from the colored citizens of the South. So far as I have ever heard, they are not interested in this program, although the program has been pending here for a number of years. I want to say to Senators who are ignorant on the race question, but who think they are the epitome of wisdom in dealing with it, that the intelligent colored men of the South regret having race issues stirred up and agitated; and the same colored men despise those who seek to capitalize upon them by any program which tends to create race feeling or race prejudice. They do not want to be used in politics any more than do the Catholics or the Jews. They want to be let alone. They know who their friends are. They stay there in the South, with perfect freedom and liberty of action to go anywhere in this country that they want to go. They stay there of their own accord, with satisfactory relations existing between the races.

The colored people in that part of the country en masse despise and denounce the criminals who bring mob violence upon them. Some of the advocates of this measure apparently seem to think this is a plan in the interest of the colored man of the South. I do not know whether they really think that or whether they think it is a plan for political purposes in the North. I am sometimes doubtful in my own mind upon that subject.

The Senator from Pennsylvania [Mr. GUFFEY] said that this bill did not seek to reach the race question, or, at any rate, did not raise it. Not only will these men not speak in favor of the bill, but we cannot keep them on the floor to hear sound doctrine. I do not believe there is a Senator on the floor—well, perhaps there are one or two—who has manifested any real interest in the passage of this bill. They will not stay here. They do not want to hear the arguments.

I have read in the CONGRESSIONAL RECORD throughout this discussion similar statements. I have passed through the Chamber from time to time during the discussion and always I have found just a little handfull of Senators sitting around here as watchmen, I suppose, to see that nothing is "slipped over," while the others are out engaged in their work. At any rate, I am sorry the other Senators are not here. I cannot wait on them. If they will let me move a recess until they come back, I will do that; but I assume that that might be counted against me, or some technical parliamentarian might seek to take some advantage of it. But I wish to quote a statement in refutation of a statement quoted at one time by the Senator from New York [Mr. WAGNER] and quoted today by the Senator from Pennsylvania [Mr. GUFFEY]. They said that no race question was involved in this bill. Apparently, they have forgotten the record of the past.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. Yes.

Mr. CONNALLY. Adverting to what the Senator said a moment ago, does it not seem rather unfair to the Senator from Alabama and to the rest of us that some of the Senators who are loudest in their claims that this measure ought to be acted upon will not remain in the Senate Chamber and attend to the public business at all?

Mr. BANKHEAD. I will say to the Senator from Texas that it seems to me to be perfectly outrageous that men who proclaim all over the United States their devotion to this measure, and who get into the newspapers every time they can in support of it, will not stay here and give anybody an opportunity to try to convince them that the measure ought not to be passed.

Mr. CONNALLY. Is it not probably true that the Senators to whom reference is made do not want to writhe and suffer under the hammering conviction which the Senator from Alabama and others will be able to force on them as to the unsoundness of this bill, and that they are escaping, as it were, to some comfortable places, in their offices or somewhere else, rather than to stay here and be lashed by the white heat of argument and sound constitutional doctrine?

Mr. BANKHEAD. I think they absent themselves for the reasons intimated and suggested by the Senator from Texas and also because they are totally unable to stand sound doctrine. They simply cannot stand it.

I do not want to take advantage of the absence of a Senator. I desire to observe the proprieties of parliamentary bodies.

Mr. CONNALLY. Mr. President, will the Senator again yield for a question?

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Alabama yield to the Senator from Texas?

Mr. BANKHEAD. I do.

Mr. CONNALLY. I ask the Senator from Alabama if it is not true that the Senator from Mississippi [Mr. BILBO] yielded out of his regular turn to the Senator from Pennsylvania [Mr. GUFFEY] to deliver a speech in favor of this bill, and that the Senator from Pennsylvania appeared and read a nice little piece, and then left the Chamber, and will not remain even to hear the Senator from Alabama reply to his speech.

Mr. BANKHEAD. He got out just as quickly as he could.

Mr. CONNALLY. Is not that a sample of the so-called tactics of the Senators who force this bill to our lips, and demand that we drink this poisonous potion, and then skedaddle off the floor as soon as they have fired their little popguns? [Laughter.]

Mr. BANKHEAD. That properly and accurately describes their conduct. It is exactly the way they do. They do not undertake to justify themselves, or to excuse themselves, or to plead illness. By his conduct, for instance, the Senator from Pennsylvania in effect says—I am not now quoting his language; I am inferring this from his conduct—that he has 277,355 reasons for being for this bill, and they are all colored persons in Pennsylvania over 21 years of age. [Laughter.] That is the way he acts. There is no chance to convert him; no chance to put him right.

It has been intimated that the Senator from Pennsylvania is running for Governor. I hope he wins if he is nominated, but I do not believe the colored people of Pennsylvania will support him because of his attitude on this bill. I have too much respect for them to believe that, Mr. President. I respect them more than he does, and more than the Senator from New York [Mr. WAGNER] does. I have lived among some of the best men, good men, good citizens, of the colored race. They respect their race. They respect themselves. They respect their constitutional rights. They do not like to be treated as the Indians were treated. They do not like to have self-imposed guardians placed over them. They do not like to have political orators coming around in a political campaign and saying, "Regardless of all the issues that come before the Congress of this country, although I may have voted against the interests of the colored people on all other subjects, my vote on this subject ought to swing the colored vote for me."

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Texas?

Mr. BANKHEAD. Yes. I am making a good point now, though.

Mr. CONNALLY. I think the absence of Senators is wholly unfair to the Senator from Alabama after what has been said here in the remarks of the Senator from Pennsylvania and others; and I ask unanimous consent that I may make the point of the absence of a quorum without its operating to take the Senator from Alabama from his feet.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that he may suggest the absence of a quorum without taking the Senator from Alabama from the floor, or changing the status which the Senator from Alabama occupies. Is there objection? The Chair hears none.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Pope
Andrews	Dieterich	King	Radcliffe
Ashurst	Donahey	La Follette	Reynolds
Austin	Duffy	Lee	Russell
Bailey	Ellender	Lewis	Schwartz
Bankhead	Frazier	Lodge	Schwellenbach
Barkley	George	Logan	Sheppard
Berry	Gerry	Lonergan	Shipstead
Bilbo	Gibson	Lundeen	Smathers
Bone	Gillette	McAdoo	Smith
Borah	Glass	McGill	Thomas, Okla.
Brown, N. H.	Green	McKellar	Thomas, Utah
Bulkley	Guffey	McNary	Townsend
Bulow	Hale	Maloney	Truman
Burke	Harrison	Miller	Tydings
Byrd	Hatch	Milton	Vandenberg
Byrnes	Hayden	Minton	Van Nuys
Capper	Herring	Murray	Wagner
Caraway	Hill	Neely	Walsh
Chavez	Hitchcock	O'Mahoney	Wheeler
Clark	Holt	Overton	
Connally	Hughes	Pepper	
Copeland	Johnson, Calif.	Pittman	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. I ask the clerk, did the roll call reveal the presence of the Senator from Pennsylvania [Mr. GUFFEY]?

The PRESIDING OFFICER. The Chair rules that that is not a parliamentary inquiry.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. BANKHEAD. I do.

Mr. CONNALLY. I ask the Senator from Alabama if the clerk should say that the Senator from Pennsylvania [Mr. GUFFEY] answered the roll call, would the Senator mind saying whether the Senator from Pennsylvania is now in the Chamber or not?

Mr. BANKHEAD. He got out as quickly as he could. I said in his absence—and I should be glad to have him present—that he had about 277,000 reasons for supporting this bill, and those 277,000 were that many colored men and women over the age of 21 years who are supposed to be voters in the State of Pennsylvania. I want him to know that I said it, and I am sorry he left the Senate Chamber before I said it. I do not want to be offensive to my friend the Senator from Pennsylvania; that is not my purpose at all, but I greatly regret that the Senator, along with some other Senators, thinks that persons of the colored race are going to be Esaus and sell their birthright in order to gain senatorial votes for a measure which they say is against lynching in the South. Some Senators may think the colored voters are Esaus. In my judgment when they go to the polls they will find out that the colored voters have more respect for themselves than some Senators apparently seem to have for them.

Some persons have conceived the idea that those of us who are standing here in opposition to the passage of this bill are not sympathetic with the colored people. I suspect, Mr. President, that there are some supporting the movement for the passage of the bill who were as quiet as the graveyard tomb when the Ku Kluxers were operating throughout this country, assaulting not only Catholics and Jews, but Negroes, wherever they lived in America. When that great storm was brewing, when it seemed popular and personally helpful to be with a great mass of people who were practicing and preaching racial and social and religious bigotry, there were Senators, some of whom are here now, some of them active in support of this measure, who never protested through the columns of the newspapers, who never went upon the stump to denounce that sort of religious and racial bigotry and prejudice. Although living in one of the States where nearly half of the population is colored, I did not take that course. I know other Members of the Senate from the Southern States who did not take that course. In the Senate Chamber at this time sits our great leader in this protest, the junior Senator from Texas [Mr. CONNALLY], the man who organized and has led this fight so effectively, who pitched it upon such high grounds, and who has the support and confidence of those of his associates who are following his leadership. He is consistent. In the days of the hooded mob, when the Negroes were taking refuge wherever they could find cover, the Senator from Texas, like the then senior Senator from Alabama, now Justice Black, and other Senators, in the open on the stump, and in the press, was protesting against that sort of racial and religious bigotry, and contending for freedom of thought and action and for the rights not only of the Catholics and the Jews but of the good colored eople of the country.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BANKHEAD. I yield for a question.

Mr. WALSH. Through extreme modesty the Senator would not mention it, but it is greatly to the credit of the Senator from Texas, it may be added, that although he came from a State where it was not always politically popular and for one's welfare to take that stand against bigotry, yet the Senator took it. Am I not correct in that statement?

Mr. BANKHEAD. Yes; and it seemed for a time to mean his political death. Do not classify as enemies of the colored race the men who have stood up for that race when the winds of intolerance were blowing, when the storms of bigotry were raging, when the rights of the colored people, American citizens, were involved. Do not talk about men who took the stand which some of us did as being unfriendly to the colored people, as being unkind to them, when we oppose the passage of this bill. When we stood up for the rights of American citizens who were being assailed we did not act as political opportunists. We acted in the face of tremendous opposition from our own neighbors and friends and political associates. So I say that at least we have the right to be recognized here as taking our position on worthy ground, in the belief that in resting this measure we are not only protecting our constitutional form of government, but that we are true to the ancient Democratic landmarks, that we are faithful to the founder of our party, Thomas Jefferson, who said on numerous occasions that our dual form of government, with the Federal Government restrained from invading the rights of the States, was essential to the continuance of our republican form of government.

We are fighting here, true to those principles and in line with those traditions. I am pleased to know that in these days of rapid progress, of advancement or of movement, whatever it may be called, we find more and more people, regardless of political alinement, who are convinced that it is becoming more and more necessary to resist encroachments upon the rights of the States, that it is becoming more and more important to stop in their tracks, if we can, those who would tear down and destroy State lines, who would break them down and arrange for the Federal Government to cross over and go into the States in the exercise of the clearest sort of police power.

I am glad that the great senior Senator from Idaho [Mr. BORAH] has so ably and courageously presented that view from a constitutional standpoint. I have always had great admiration for the senior Senator from Idaho. I inherited that admiration. My father sat in the Senate with him. It may not help the political record of the Senator from Idaho, but several times since I first came here I have told him, and I take the liberty of repeating it, that my father, who was a great admirer of Senator BORAH, said that upon the question of State rights and of true, pure Jeffersonian doctrines Senator BORAH was a Democrat and did not know it. So the Senator from Idaho has entertained those views all down through the years.

There is a trend in this country toward centralized government. That was the issue upon which the founders of our Republic fought out the great battles of the post-revolutionary days. That was the line of cleavage which divided the American people into political parties nearly 150 years ago. That is the line of demarcation which has separated the Democratic Party from all of its political enemies from the earliest days of our history down to this good day. Sometimes it greatly disturbs me being a Jeffersonian Democrat by birth, by inheritance, by study, and conviction when I observe members of the Democratic Party in high position inclined to abandon entirely opposition to centralized government, and to bring the seat of our Government concentrated powers which were never thought of in the ancient days, or even in more modern and recent days.

O Mr. President, there must be at some time, in some way, a scotch upon the constant movement and drift toward centralized power.

I condemn no one for what is taking place. I often find myself guilty. I have noted in my own record—and I have observed it in the record of colleagues—that the question of whether we should centralize power, or whether we should stand more firmly for the ancient doctrine of State rights, depends upon how we feel about the immediate measure upon which we are called to act. It is easy for any one of us who has a strong feeling or an outstanding sympathy for those interested in any cause that comes here—too easy, I think, today—to find reconciliation, to find reasons and grounds to make an exception in a particular case, even when the Constitution does not forbid proposed legislation by direction, implication, or construction.

There are many things which we must decide upon the spirit of the Constitution as well as its letter. There are many measures which lie along the borderline between a strict construction and a loose construction of the Constitution. Of course, when a matter does fall in that category, it is then left merely to the judgment of those of us who have the power and the responsibility of action to decide whether the proposed action is best in the long run. We attempt to look down the years ahead of us, observing as best we may, and lifting up the curtain on the future, and we decide whether or not the proposed action, though possibly permissible, is wise for our country and our people, not merely for today but for the future. Our function is not merely to gratify a group—whether in the minority or in the majority—who are advocating a plan which, if enacted, may be a precedent, and may be an encouragement for other steps leading toward centralization of our Government.

I will say frankly that I was disturbed about the agitation regarding the Supreme Court. I recognized that much of the criticism of the Court, and much of the objection to its personnel were due to a difference in opinion as to whether or not we should continue along the Jeffersonian democratic lines of strict construction, holding back or reserving our affirmative action wherever we could, and wherever the power was doubtful. I denounced—more bitterly, perhaps, than any other Member of the Senate—the reasons given by Mr. Justice Roberts in striking down the Agricultural Adjustment Act. I still resent that decision. I think the

decision, if possible, should be expunged from the records of the Supreme Court. I felt strongly about it. But, Mr. President, that did not drive me to the conclusion that those who were inclined to stand in a reasonable way for a fair construction of the Constitution, rather than to tear it down and permit the Congress to go wherever it saw fit to go, were bad judges. I did not concur in the view that the Judges who were inclined to disregard and veto efforts to get away absolutely from the powers granted in the Constitution were bad Judges. I did not agree with some of the things they decided; but we are bound, in frankness and sincerity, to recognize that the questions involved in the decisions which many of us denounced grew out of the old, fundamental differences between strict construction and loose construction of the Constitution.

I tried to induce the Senator from Pennsylvania [Mr. GUFFEY] and the Senator from New York to remain in the Chamber. They will not do it. I wanted to tell the Senator from New York——

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. The Senator means the junior Senator from New York; does he not?

Mr. BANKHEAD. I mean Senator WAGNER, whether he is junior or senior.

Mr. MINTON. Neither one of the Senators mentioned is in the Chamber at this moment.

Mr. BANKHEAD. I wanted to tell the Senator from New York that in my opinion he had 220,069 reasons for supporting this bill, among other reasons. I wanted him to be present and hear what I have to say. Both the Senators to whom I refer have said that the race question is not involved in this proposed legislation. The Senator from New York ought to know better. His memory is exceedingly short. The Senator from Pennsylvania was not here at the time to which I refer. I do not know what information he had on the subject, but this is not the first time an effort has been made to pass what the senior Senator from Virginia [Mr. GLASS] calls "this infernal bill."

On a former occasion since I have been a Member of the Senate, within the last 2 or 3 years, the same proposal was brought before the Senate in the name of the then Senator from Colorado, Mr. Costigan, and the Senator from New York [Mr. WAGNER]. A report was filed by the committee. The Senator from New York was not a member of the committee, and he did not join in the report; but a report was filed by the committee on the bill which the junior Senator from New York calls "antilynching," and which I call "lynching," because it lynches a good many doctrines and, in my judgment, its passage would lead to the lynching of more colored persons than would be lynched if it were not passed. At any rate, the committee filed a report on the bill. The committee did not undertake to make an argument in support of its constitutionality.

It seems that the Senator from New York has just recently looked into its constitutionality. He stated on the floor of the Senate the other day that he had recently made an investigation of its legal aspects, and was convinced of its constitutionality. He did not go into the constitutional question at the time to which I refer. He did not file any report, except by way of submitting along with the report, and in support of it, a brief by Mr. Charles H. Tuttle, who, it was said in the report, was an eminent attorney of New York City. The brief was adopted by the committee and used as a basis and justification for the constitutionality of the bill as well as for its philosophy.

The document to which I refer constituted the legal support and the reasoning at that time in behalf of the measure sponsored by the junior Senator from New York and reported by the committee.

The junior Senator from New York said that the race question has nothing to do with this matter. The junior Senator from Pennsylvania made a similar statement today, as I understood him.

Let me read from the report made to the Senate on a bill under the name of the junior Senator from New York as joint author, along with former Senator Costigan. I quote from the report which was adopted and made an official record of the Senate:

> The bill applies only to persons injured or killed through mob violence on account of race, creed, or color.

I am sorry the Senator from New York [Mr. WAGNER] and the Senator from Pennsylvania [Mr. GUFFEY] either ignore what they know, or decline to investigate the record of this legislation. I wanted the Senator from New York to hear my statement. I helped to get him here in answer to a roll call, but I presume he was hungry, or was behind with his correspondence, or was not interested. At any rate, he remained in the Senate Chamber long enough only to answer to his name to help make up the constitutional quorum required, and then disappeared. I wanted him to hear the extract to which I refer from the official report of the committee on the Costigan-Wagner antilynching bill, as it was called.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. I wonder if the Senator realizes that about the only way he will be able to have the Senator from New York know what he is saying is to send him a registered letter enclosing a copy of his speech; and, even then, I hardly suppose the Senator could make him read it.

Mr. BANKHEAD. No; he would not read it, not if he thought it had an argument in it in opposition to his viewpoint.

Mr. MINTON. Mr. President, would that be a reflection upon the Senator from New York or the Senator from Alabama?

Mr. BANKHEAD. I think on both of us; I will be frank with the Senator. Some people never learn anything and never forget anything. I am not sure, but, perhaps, I will say to the Senator from Indiana, we both fall under that classification. I am at least certain that the Senator from New York is unwilling to learn so that he may forget. At any rate, that seems to be so.

I regret the absence of the Senator from New York, because it is always disturbing in a public way—I am not talking about him personally—and in his absence, to talk about a colleague or anyone else who is engaged in the same activity. But I cannot help it; I have done the best I could. I cannot refrain from bringing these matters out simply because the Senator from New York wills that I cannot do it if I will not do it in his absence. No, I cannot follow that rule, and I know the Senator from New York would not expect me to do so. I have been as fair to the Senator as I could. I helped to get a quorum call in order that the Senator from New York might be here because, as I stated on the floor, I wanted him and the Senator from Pennsylvania to be present and hear what I was going to say about their position and about their records.

I quote further from the report of the committee:

> The bill applies only to persons injured or killed through mob violence on account of race, creed, or color, or with the purpose or consequence of depriving the victim of due process of law or the equal protection of the laws, where such person is suspected, accused, or convicted of any crime or offense or is in the custody of any peace officer.

Still we hear protestations from the junior Senator from New York and the junior Senator from Pennsylvania that the race question has nothing to do with this measure. Unfortunately the record is against them.

If there is any race question involved, we who are opposing this bill are opposing it in order to protect the Negroes in our States. In my judgment, those who are pressing for the passage of the bill are doing the colored people a distinct disservice. They are not helping the colored people in the Southern States; they are not reflecting, in my judgment, the desire or wishes of the colored people in the Southern States. They have never consulted the colored people down there. They

have taken the advice of the colored society or association for the advancement of the colored people. It is a case of long-distance diagnosing, Mr. President. From New York City comes the diagnosis of what is good for the colored men and for race conditions in the Southern States.

New York City. I do not know whether or not Tammany, because of Harlem, is responsible for this situation. I find a member of Tammany introduced the bill in the body at the other end of the Capitol; I heard that he represented the Harlem district, but I do not know that to be true, and I do not assert it. At any rate, he is from New York City and is a Tammany man. On this side we find a Tammany man, or an ex-Tammany man, introducing the bill in the Senate. So we have a combination of two New York representatives, one in this body and one in the other House, both members of the Tammany organization, sponsoring the bill. I do not know what importance should be attached to that combination.

I am sorry the junior Senator from New York has not been present throughout my remarks. I would yield to him and give him time to explain. He may have become tired of Tammany; I do not know as to that, but I read in a New York newspaper a few days ago that Mr. Mahoney, who was his former partner and the recent Democratic nominee for mayor of New York, had denounced Tammany and said it ought to be disbanded. I take no part in those criticisms. I have never been an enemy of Tammany. I always extend the right hand to any group of patriotic citizens who support, in a regular way, their party organization and their party nominees. At any rate, that condemnation came from Mr. Mahoney, of Tammany Hall. I am not going to draw the junior Senator from New York into it, but I say I should like to have my mind cleared as to the sponsorship of this bill originating with a member of Tammany in the Senate and a member of Tammany in the House.

Mr. President, it has been asserted here that a colored man sat in the gallery and wigwagged to the Senator from New York. I have heard no denial of that statement; it may be true and it may not be. I do not condemn the colored man. If he can get the Senator from New York to take orders from him, it is all right; he is smart; he is doing his job well; he is earning his pay and is putting over what his associates want him to do. I have no criticism of him. If I criticize anybody, it will be someone else; it will not be he. I admire a man, whether white or black or yellow, who stands up for the performance of his duty, whether before an applauding multitude or in the face of censure and condemnation.

At any rate, we have that sort of sponsorship for a bill which is designed to break down State lines, to inject the Federal Government into the States and authorize it to exercise the local police power of the States.

As we all know, a movement seems to be growing in strength and force to make of our States mere provinces or territories. There is a movement—I do not know how well it is sponsored nor how strongly it is supported—which shows its signs here and there, in the direction of centralized power and the elimination of the dual form of government, leading toward fascism or communism or some other form of dictatorship. And here in the form of the pending bill we find the first necessary step in such a program, unless it may be said that the first necessary step for such a program is to call out the Army. However, so far as legislation is concerned, we find in the pending bill the first necessary step in wiping out our dual form of government and destroying the integrity of our State institutions and State powers. Those who support the bill say we will stretch the Constitution, we will do something that the American bar, intelligent American judgment, and every Member of the Senate from the Southern States and some outside of the Southern States say there is no power under the Constitution to do. Some people do not seem to care whether or not there is such power. If resistance is present, they want to break it down. They are willing to ride pell-mell over State lines and go where even the reconstruction leaders during the dark and tragic period following the Civil War were not willing to go. Even Thad Stevens, who was, doubtless, the most ardent friend the colored race had during that period, was totally unwilling to break down State lines under the fourteenth amendment to the Constitution.

Now we find a group of statesmen coming along here—they may be statesmen, but they are not the sort of statesmen I have been accustomed to recognize as such—we find a group appearing here upon the scene of action, led by Senators or Representatives from New York City. We find them "putting on the spot," my friends, every Senator north of the Mason and Dixon's line. That is what they are doing. They know that there is no real sentiment in this country for the passage of this bill. They know that the outstanding newspapers of this country in large volume, both Democratic and Republican, are opposed to the passage of the bill, not because they favor lynching—no—but they do oppose destroying States' rights. They oppose destroying our dual system of government. They are satisfied that the enactment of this bill will not be helpful to the colored people. Still we find these leaders, so to speak, bringing in this bill with the knowledge that there are a large number of colored voters in all of these States, constituting in some of the States the balance of power.

Let us be frank with each other about this matter. What can a Senator do under these conditions unless he has the greatest sort of courage, unless he is willing to defy the current sentiment possibly among the large group of voters? What can he do but go along, if he wants to stay in office? In other words, whether he is a Democrat or a Republican, the Senator from New York is "putting him on the spot."

Mr. President, there is at least one legal question relating to this bill which I should like to have the Senator from New York [Mr. WAGNER] hear, but I suppose it would not do any good. I know only one man who could get him here, and I do not know whether he would guarantee to get him here or not. I could not get him here. The Senate's order for a quorum would not keep him here. I am responsible for what I am saying. I prefer to say it to the Senator's face. I will say it to his face anywhere else he wishes me to say it. I am responsible for what I am saying; and I desire to present here a legal question which, so far as I know, has not yet been injected into this debate. I withdraw the term; it is not debate. We cannot have debate when all the argument is on one side, and that is what has been the case here.

I call the attention of lawyers to this matter. Of course, I can get only one or two of them here. The junior Senator from Indiana [Mr. MINTON] is courteously attending and giving his attention to what is said. I am glad he is doing so, and I appreciate it. He has been faithful in his attendance on the sessions of the Senate; and nothing I have said in any way applies to the activity or attitude of the junior Senator from Indiana. He has been here, listening and courteous, attentive to his duties. Whether I agree with him or not, I respect him. But possibly some lawyer somewhere else will hear about this proposition, and it may be at least of academic interest.

I assert as a lawyer that when the Constitution specifically provides a remedy or a procedure or a right, that remedy or procedure or right is exclusive. The subject cannot be approached or handled in other ways, because the requisite grant of power is not there; and, by implication, the way to handle the matter is governed and controlled by the specification put into the Constitution.

I call the attention of anyone who may be interested to section 4 of article IV of the Constitution. Listen:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion—

Now, listen, Senators—

> and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

What is mob lynching but domestic violence? It cannot be defined in any other way than as domestic violence, an

uprising by a number of persons. The framers of the bill have distinguished a murder by one or a murder by two from a murder by three, whom they call a mob. That is what the bill provides—"domestic violence." The Government will guarantee to help a State protect itself against "domestic violence." No one doubts that this is domestic violence.

What is "domestic"? It means "within the State." What is "violence"? Will anyone say that a mob taking a man either out of jail or elsewhere, and punishing him, hanging him to a tree or otherwise taking his life, is not committing violence? Is not that domestic violence? Was it not intended so to be by the very language of this section of the Constitution? The very language of the Constitution excludes, in a matter of domestic violence, interposition by the Federal Government within the internal affairs of a State. It is expressly so provided. Jealous, my friends, were the authors of the Constitution of the United States of the rights of the States; more jealous than any of us are in this moving period of rushing history in our governmental affairs. There they were.

I can hear the old statesmen talking when they were assembled over here at the Constitutional Convention: "If we are going to grant these powers to a Federal Government, if we are going to give away the rights which the people within the States now have, let us make sure that the Federal Government cannot come into our State with its police power in a matter of order, or law enforcement, except against domestic violence."

I am glad and happy to see that the Senator from New York [Mr. WAGNER] and the Senator from Pennsylvania [Mr. GUFFEY] have returned to the Chamber. I want them to hear right now a little sound doctrine which I shall have to repeat. I am glad somebody sent for them. I am glad they are here. I am now raising a question which I have not heard discussed in connection with this bill, though it may have been discussed. Unfortunately, I have been absent all the time in the performance of duties imposed upon me by the Senate. So, at the expense of repetition, I shall restate the proposition.

It is a pity, of course, to waste time. Time is precious, and it is a pity to waste it. I may be accused by somebody of indulging in some sort of tactics when I repeat; but I must repeat, since the junior Senator from New York [Mr. WAGNER] and the junior Senator from Pennsylvania [Mr. GUFFEY] have appeared in the Chamber; but the Senator from Pennsylvania has gone again. [Laughter.]

I am laying down the proposition that the Constitution specifically provides a method for dealing with the things with which this bill seeks to deal, and that, when the Constitution so provides, the power is exclusive, and there is no way to roll around it, to jump over it, or to crawl under it. That is the exclusive remedy provided in the Constitution, and Congress must follow that remedy or take no action at all.

I call attention to section 4 of article IV:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

What is a mob? What is it doing? It is not engaged in Sunday-school work. It is not engaged in promoting order, and peace, and quietude. If it is engaged in lynching, if it is engaged in violence within a State, it is engaged in domestic violence. Therefore, the provisions of the bill for the Government aiding States in the matter of domestic violence being limited to a call by a State—"We are unable to handle the situation, we have insurrection, therefore we want the Government to come and guarantee us and help us to have a republican form of government," or "We have domestic violence of such a kind that the State is unable to stamp it out"—under those conditions, when the State says it needs Government aid, through its legislature, or through its Governor, when the legislature cannot be convened, to terminate mob violence, then the way is given, the specification is there, and it is controlled by the language in the section of the Constitution I have read.

I submit, Mr. President, that if the Senator from New York has not given consideration to this section of the Constitution, he ought to do so. I want someone to explain why the acts described in the bill pending before us do not constitute domestic violence. If they constitute domestic violence, then the only excuse for the Federal Government going to the aid of the State is that a call is made by the proper representative of the State, the legislature acting for the people, or, when it cannot be gotten together, the Governor acting, calling upon the Federal Government under this guaranty, calling upon the Federal Government to carry out the guaranty and stop the domestic violence.

I submit that the Constitution never intended for the Federal Government to move into a State in the matter of police power, in the matter of enforcement of the laws, in the matter of carrying out a prohibition against a State, that it was never intended that it should move in so long as the courts were functioning in the State. The courts of the United States could provide protection under the equal protection clause and the due process clause of the Federal Constitution.

Mr. President, that is the procedure under normal circumstances. There is a provision for affirmative action by a State which falls under the condemnation of the fourteenth amendment. The courts provide the remedy. The Constitution guarantees the right, and if it is not enforced, the court stands there to see that the law insuring due process is not violated, and it will protect the injured party.

The pending bill is not for the protection of any innocent party. It proceeds upon the strange formula that the best way to protect either the deceased or his heirs is by punishing the women and children of the county, the taxpayers, even to the exhaustion of their funds for the operation of public schools and the purchase of books for use in the public schools.

Mr. WAGNER. Mr. President, will the Senator yield so that I may get an understanding of his position? I do not want to interfere with the trend of his argument.

Mr. BANKHEAD. I yield with the understanding that I shall not lose any rights.

Mr. WAGNER. Does the Senator take the position that the only ground for intervention by the Federal Government, if equal protection of the law has been denied by a State, is when there has been a trial in a State court and the trial has been conducted in such a way as to deny equal protection of the law to the defendant?

Mr. BANKHEAD. I did not make that statement. I think laws may be enacted the enforcement of which might be enjoined because they do not provide equal protection.

Mr. WAGNER. I understood the Senator to limit intervention to a case where there has been a trial.

Mr. BANKHEAD. No. I say there is a remedy. I never heard of the Government bringing a suit to enforce any rights under the fourteenth amendment. There are courts. If one is deprived of due process of law, he has the Federal courts to which to appeal.

Mr. WAGNER. Exactly.

Mr. BANKHEAD. And thereby one can have an assurance and a guaranty of due process.

Mr. WAGNER. When there has been a trial and the Supreme Court has found the due process and equal protection of the law were not accorded to the defendant in the course of the trial because of mob dominance, or whatever the ground may be, the Senator concedes that the Federal Government has a right to intervene under the fourteenth amendment of the Constitution, does he not?

Mr. BANKHEAD. No; I did not concede that. I concede that there is a right in the Federal court to secure to any aggrieved person the rights provided by the fourteenth amendment.

Mr. WAGNER. Did not the Senator state——

Mr. BANKHEAD. I stated that I never heard of the Government bringing a suit for the enforcement of a right under the fourteenth amendment.

Mr. WAGNER. I was wondering whether the Senator was attempting to argue for a limitation of the application of the fourteenth amendment when a State, through any of its agencies, denies equal protection of the law, and whether he takes the position that the only instance in which the Federal Government may intervene is a case where there has been a trial in a State court and that trial is reviewed by the United States Supreme Court to determine whether or not the defendant was accorded equal protection of the law.

Mr. BANKHEAD. The Senator's question relates entirely to procedure. I do not recall any instance of the Government going into court to bring about the protection of an individual's rights under the fourteenth amendment. The Senator knows, as we all know, that the books are full of cases where individuals have gone to court to secure the equal protection or the due process guaranteed by the Federal Constitution.

Mr. WAGNER. Am I interrupting the Senator by pursuing this inquiry?

Mr. BANKHEAD. Oh, no.

Mr. WAGNER. The Senator will concede, will he not, that when the United States Supreme Court intervenes under the fourteenth amendment, as in the Scottsboro case——

Mr. BANKHEAD. Why does the Senator say the United States intervenes?

Mr. WAGNER. Because the United States Supreme Court acts only under the United States Constitution.

Mr. BANKHEAD. I thought the Senator was referring to the United States intervening as a party.

Mr. WAGNER. No; I am referring to the ground upon which the United States Supreme Court intervenes in a case where there has been a trial within a State. The fourteenth amendment guarantees to every person in a State the equal protection of its laws, and due process, and the Court intervenes because a State—not an individual, but a State—acting through a judge, one of the agencies of the State, violates a provision of the Federal Constitution. So, when the United States Supreme Court intervenes, it does so because the State has violated a provision of the Federal Constitution; that is, a case where there has been a trial.

Now, suppose a State official, other than a judge, acts. That means action by the State, for I am sure the Senator will concede that the Supreme Court has said time and time again that we cannot deal with a State as an abstract thing, but that the State acts through its agents, through its officials. Does the Senator take the position that when a State official, having authority on behalf of the State over individuals within the State, by his acts denies the equal protection of the law, and thus violates the fourteenth amendment, the Federal Government is powerless to intervene and protect such a citizen?

Mr. BANKHEAD. The Senator seems to conglomerate, mix, and confuse the action by the governmental agency and action by the individual whose rights are supposed to be involved. The Senator has constantly said that the Government intervened in the Scottsboro case. Of course, the Government did not intervene. The Federal Constitution, to which any citizen could go, was in existence, and the defendants went to the Federal court and invoked the guarantees of the Federal Constitution. There was no action by the Government, except that it had set up the Constitution for the benefit of the people. The Government did not get into it. I do not concede that the Government gets into a case simply because a man makes some use of a provision in the Federal Constitution. That is not the Government intervening. The Government merely promulgated the Federal Constitution.

Mr. WAGNER. Mr. President, may I ask the Senator another question?

Mr. BANKHEAD. Certainly.

Mr. WAGNER. The United States Supreme Court is one of the branches of the Federal Government; it is the judicial branch of the Federal Government.

Mr. BANKHEAD. I do not agree with the Senator in that. I do not think it belongs to the Federal Government any more than it belongs to individuals. It is simply an agency set up by the Federal Government.

Mr. WAGNER. Yes; an agency of the Federal Government.

Mr. BANKHEAD. That is correct.

Mr. WAGNER. Therefore, as an agency of the Federal Government, one of its duties is to see that the provisions of the Federal Constitution are obeyed in any matter called to its attention. It is upon that ground, is it not, that the Supreme Court took jurisdiction in the Scottsboro case to determine only the question whether the State had accorded equal protection of the law to the individual?

Mr. BANKHEAD. The Supreme Court granted an application to the court made by a defendant, but that is far from being equivalent to saying that the Government intervened in the case. That is purely an academic question.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Does the Senator from Alabama yield to the Senator from Texas?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. I ask the Senator from Alabama if it is not true that under our constitutional system the Supreme Court of the United States cannot act on any question until that question arises in the course of a judicial case; that is, in litigation?

Mr. BANKHEAD. Yes; and it must be brought before it by a litigant or litigants.

Mr. CONNALLY. It must be brought before the Supreme Court under judicial acts which define jurisdiction and procedure, and unless it reaches the Supreme Court in that way the Court has no more power than has the Senator from Texas or the Senator from Alabama to go snooping around trying to see that the law is enforced. It must come up in a judicial proceeding.

Mr. BANKHEAD. The question must arise in a litigated proceeding.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. WAGNER. Of course, there was no way that the United States Supreme Court could be apprised of a violation of the fourteenth amendment unless the case came before it. I think I know enough to understand that. But what I am trying to learn from the Senator is whether he contends that the power of the United States Government to carry out the constitutional provision, the mandate to see that each person within a State is accorded equal protection of the law, is limited only to cases which are tried in a State court, a record thus being made of them, and which are subsequently reviewed by the Supreme Court.

Mr. BANKHEAD. I have never contended that a case must originate in the State court. It may originate in the Federal court if the Federal court has jurisdiction.

Mr. WAGNER. Then, I ask the Senator this question. I think the Senator and I can agree that a sheriff is a State officer.

Mr. BANKHEAD. I think he is.

Mr. WAGNER. The courts have said so time and time again.

Mr. BANKHEAD. In the executive department.

Mr. WAGNER. In the executive department of the State.

Mr. BANKHEAD. Yes.

Mr. WAGNER. So that when a sheriff acts he acts for the State.

Mr. BANKHEAD. Not necessarily. He may act in violation of the rights of the State, and then he does not act for the State. I do not think the State is liable in trespass for an unlawful action by a sheriff. An unlawful action on his part does not bind the State. He is an administrative officer

whose duty it is to carry out the laws passed by the legislature and approved by the Governor. He has no responsibility as a general agent to bind the State by his action, whether it be authorized or unauthorized.

Mr. WAGNER. Then I ask this question of the Senator: When a judge so conducts a trial as to permit mob domination, or he ignores evidence and the rights of the defendants, he certainly is not acting in accordance with the laws of the State?

Mr. BANKHEAD. No; he is not administering due process.

Mr. WAGNER. Exactly. He is acting contrary to the laws of the State.

Mr. BANKHEAD. But there is no liability against the State.

Mr. WAGNER. Wait a minute. He is acting contrary to the law of the State, and yet the United States Supreme Court may review a case of that kind and determine the question, though the judge might have acted in violation of the laws of his own State only. If by his acts he did not accord equal protection of the law to the individual, the United States Supreme Court says the State has failed to give equal protection of the law. If the State had not failed, the Supreme Court would have no authority to review the case at all.

I cannot see the distinction, I may say to the Senator—and this is in the form of a question—between a judge acting on behalf of the State, although violating and acting contrary to the State laws, and thus denying equal protection of the law, and a sheriff who while acting as an official of the State—let us take the extreme case—deliberately hands over to a mob a prisoner who is in his custody as a State official, and thus denies that particular individual a trial by his peers to determine his innocence or guilt. He, too, in that case has failed or willfully neglected to give equal protection of the law to the individual, and while doing it he was a State official. I cannot see the distinction between the judge who violates the laws of the State and the sheriff who violates his oath by delivering a prisoner over to a mob.

Mr. BANKHEAD. The Senator seems to decline to recognize the difference between affirmative action by agents carrying out the authority vested in them and the right to apply to a Federal court for the carrying out of the guaranty under the fourteenth amendment. There is a very fundamental difference between the two. That, however, has nothing to do with the proposition I have presented, which is that the bill deals with domestic violence. The Constitution provides a method of dealing with that matter which excludes other methods. It excludes intervention by the Federal Government unless Federal intervention is requested by the legislature, or by the Governor when the legislature cannot be convened.

Mr. WAGNER. May I ask the Senator another question?

Mr. BANKHEAD. Yes; I shall be glad to answer questions asked by the Senator from New York until 5 o'clock.

Mr. WAGNER. I thank the Senator. It is a fact, is it not, that without any legislation being enacted by Congress the Supreme Court has taken jurisdiction of cases in connection with which there has been violation of the fourteenth amendment, upon the ground that the fourteenth amendment itself authorizes the intervention by the United States Supreme Court to see that the State carries out its provisions?

Mr. BANKHEAD. That is, that the Supreme Court has power, when its jurisdiction is properly invoked, to determine what constitutes due process under the fourteenth amendment. But that is entirely different from moving into a State to guarantee against domestic violence.

I assume that this bill is based upon the predicate laid down here that the States are unable to enforce due process, and are unable to enforce equal protection of the law when mobs engage in lynchings. Let me ask this question: The bill proposes to invade the police power of the States. The bill proposes to inflict punishment upon the innocent taxpayers of a county who had no notice of what was to be done, who had no opportunity to shield the prisoner; the bill proposes to inflict punishment upon those taxpayers, as I said before, even to the point of the exhaustion of the public-school money of the county, or to the taking of the money used for buying books used in the public schools.

Mr. CONNALLY. Mr. President, will the Senator yield for a question on that point?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. In the course of the Senator's able speech—I know he has already touched on it—will he not develop the idea that under the decisions of the Supreme Court of the United States the Federal Government cannot even tax the income of any State officer, whether he be sheriff or governor? I believe that point was decided in the case of Collector against Day. On the other hand, in the old case of McCulloch against Maryland the Supreme Court held that under the dual system the State cannot impede or interfere with the agencies of the Federal Government. Of course, the converse of the proposition that the Federal Government cannot interfere with the State is sound as well. One proposition goes along with the other.

If the Federal Government cannot tax the salary of the sheriff, by what authority could it possibly impose a civil penalty on the sheriff or a civil penalty on the county? Taxation is fundamental to the support of the Federal Government. Every government must have money in order to perform its functions; and if the Federal Government, in its direst extremity, may not tax a county or a sheriff a thin dime under the Federal Constitution, how can it be said that the Government may lay a $10,000 penalty on the county or a penalty on the sheriff and create a cause of action between a citizen of a State and his own State or his own county or subdivision of the State? How can such contrary doctrines and theories be reconciled at all under the Federal Constitution?

Mr. BANKHEAD. I do not know of any lawyer in this body, except the Senator from New York, who believes they can be reconciled. I assume that he believes they can.

Let me suggest further to the Senator that the bill not only imposes a new civil liability upon the county, but it also carries with it, of necessity, the power to do what the Senator just mentioned; namely, the power of the courts, under the necessary circumstances, to require the county officials to levy a tax for the collection of that liability. So we have not only the proposition of a new, independent, heretofore unknown civil liability against a public agency of the people, but we have with it necessarily the right of the court, in looking after the collection of a judgment against a county, to supervise all expenditures by the county. If a judgment is rendered against a county, the county may be unable to pay the money. That is true of many rural counties, especially in the areas where we have had domestic violence of the sort sought to be stopped by the proposed legislation. In those areas the counties are nearly always in a state of poverty, without money to administer many desirable public services, especially in the matter of schools. The Senator, by reason of his familiarity with the public-works program and the unemployment-relief program, knows that in recent times many different political subdivisions in this country—counties as well as States—have been totally without funds. They have come to Congress begging for money to continue the operation of their schools. I think the city from which the Senator from New York comes was one of those in such a situation. I do not say that by way of disparagement or obloquy. An unfortunate financial status prevailed in a widespread area throughout our country.

The Senator seeks by this bill no direct aid of the person against whom violence has been committed, and no direct punishment against the members of the mob which committed the violence. We should all like to see them punished. But the Senator does not seek to punish them by his bill. He leaves the mob alone. He does nothing to protect the prisoner or the person suspected, except to create a possible and contingent civil liability in the courts, together

with a possible criminal punishment of the officers for violating their duty.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. WAGNER. The punishment of the mob is left entirely to the State itself. If I had attempted by this measure to create a crime on the part of the mob which did the lynching, the Senator could make a valid argument against the constitutionality of the bill, because the Federal Government has no right to deal with the individuals who participate in a mob. That is a matter purely for the jurisdiction and control of the State. It is up to the State to provide punishment for the individuals who participate in a mob.

The Senator said a moment ago—and I put this in the form of a question—that this bill goes on the assumption that the State cannot execute its own laws to punish mobs for mob violence or for lynching. The bill does not provide for any interference whatsoever on the part of the Federal Government if the State meets its responsibility. There is no difference between the situation existing when a sheriff violates the fourteenth amendment and the situation existing when a State court violates the fourteenth amendment. There is no difference in the interference of the Federal Government. I will say to the Senator that I am surprised at his argument and the argument of other Senators to the effect that Federal action, under the circumstances I have described, is a violation of State rights.

In a case where a State judge has violated the fourteenth amendment by not giving the equal protection of the law, no Senator has contended that when the United States intervenes, such intervention constitutes interference with State rights. The Supreme Court has said that it does not. The fourteenth amendment is a Federal mandate, and we are proceeding under that mandate.

I ask the Senator for further enlightenment. I cannot understand the difference between the situation of a judge, by a court proceeding, practically bringing about the conviction of a defendant without evidence and the situation of a sheriff, acting as a State official, bringing about a lynching by handing the accused over to a mob to be lynched before he has had a trial. In both cases the State officials would be violating the fourteenth amendment; and that is the basis for this proposed legislation.

Mr. BANKHEAD. Mr. President, the Senator from New York has agreed that one basis for the proposed legislation is the inability of the State to enforce the rights guaranteed by the Federal Constitution.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield,

Mr. WAGNER. I did not say that.

Mr. BANKHEAD. I beg the Senator's pardon.

Mr. WAGNER. I said that the only occasion for Federal intervention in accordance with the provisions of the bill is when a State has failed to meet its responsibility.

The United States Supreme Court intervenes in the trial of a defendant only when the State, acting through the judge, has violated the fourteenth amendment.

Mr. BANKHEAD. Mr. President, the statement of the Senator from New York is rather difficult to follow. The distinction he seeks to draw is so fine that the ordinary mind finds it difficult to see it. I have pointed out to him a fact which he declines to observe, that the remedy is through the courts and not through legislation of this type, because the courts have been set up by the Federal Constitution to protect the rights guaranteed under the fourteenth amendment. The courts have been administering such rights. They have been exercising jurisdiction, whenever called upon, to protect both the right to equal protection under the law and the right to due process under the law. So the remedy is already provided. But there is no authority in the Constitution, and there is no power in the fourteenth amendment to the Constitution, by implication or otherwise, for the Federal Government to go into a State, on account of disturbances there in violation of municipal or police laws, and enforce such personal and individual responsibility and liability. I think it is generally conceded by practically all Senators who are opposing this bill that no such power exists.

Mr. WAGNER. Mr. President, will the Senator yield for another question?

Mr. BANKHEAD. Yes.

Mr. WAGNER. Does the Senator recall the case which I cited in my original speech? I do not remember the name of the case, although I recall the facts very distinctly. A defendant had been convicted in a State court on the charge of murder. He appealed to the United States Supreme Court for a review of the case. The fact was called to the attention of the United States Supreme Court that threats were being made that the defendant would be lynched before the case could be heard by the United States Supreme Court; so the United States Supreme Court, in its order, directed the sheriff to use all proper means to protect the defendant from the lynching mob. Does the Senator remember that case?

Mr. BANKHEAD. It was a Tennessee case, was it not?

Mr. WAGNER. It was a Tennessee case.

Mr. BANKHEAD. I remember it. The next day, before the Supreme Court had a chance to hear the case, the mob entered the prison, took out the defendant, and lynched him. The Supreme Court reviewed the evidence in a contempt proceeding as to the care which was taken by the sheriff to protect the defendant from the lynching mob. The appeal, of course, had been taken under the authority of the fourteenth amendment that the defendant was not given equal protection of the law. The Supreme Court found that the sheriff had failed to put deputies in charge, and, though he had heard about the formation of a lynching mob at a certain time, he was not even there present. So the court found him guilty of contempt and punished him by a prison sentence. I am citing that case to show that there the Supreme Court dealt with a sheriff as a State official.

Mr. President, the Senator again fails to distinguish between the fundamental question involved and the situation then pending before the Supreme Court. I have not read the case lately, but am familiar with it in a general way. The defendant made application to the Supreme Court, as the Senator has stated, for protection under the due-process clause of the Constitution, alleging that it was going to be violated by the State and its officials.

Mr. WAGNER. That it had been violated.

Mr. BANKHEAD. No; that they were going to violate it. It was alleged that they were not going to protect him; that a mob was going "to get him" or something of that kind; that the due-process clause was going to be violated, and he sought protection of the Court. As I said before, the Court provides the remedy when there is a complaint that the fourteenth amendment is violated in contravention of individual rights. In the case to which the Senator refers, the Court, as I think the Senator will agree, did not pass upon any question except one of fact.

The court had issued an order, and, under the circumstances developed, the court found that the sheriff had not in good faith carried out the order of the court, and therefore, not asserting that there was any violation of the fourteenth amendment, not asserting that Congress had any power to enact legislation, but that an order of the court issued to guarantee protection under the Constitution had been violated, the officer was punished for contempt, and nothing else, as the court will always do when such a finding has been made, unless the order, in the first place, is absolutely void on its face.

Mr. WAGNER. Mr. President, may I follow that up with another question?

Mr. BANKHEAD. I yield.

Mr. WAGNER. That was a case where the Supreme Court acted because they had the record of a trial. I am going to ask the Senator what can the Federal Government do in the case of a sheriff, a State official, when there has been no trial

at all and no record upon which an appeal to any court may be based, but that sheriff, who, not according equal protection of the law to a person charged with a crime, but not tried, deliberately hands the defendant over to a mob to be lynched?

The sheriff is a State official at the time, and yet, unless there is some such procedure provided as proposed by the pending bill, what remedy has the Federal Government in a case of that kind?

Mr. BANKHEAD. It is not a matter of the Federal Government.

Mr. WAGNER. But the fourteenth amendment is violated by a State official. We are trying to provide a remedy by the pending bill in such cases.

Mr. BANKHEAD. I regret that the very able argument of the Senator from Idaho [Mr. BORAH] that nonaction will not and does not create liability against a State seems to have made no impression on the Senator from New York.

Mr. WAGNER. I may say to the Senator I hope to say a few words again on that subject, and I will cite any number of cases to show that the court has intervened in instances where there was nonaction as well as where there was affirmative action in violation of the fourteenth amendment.

Mr. BANKHEAD. The Senator must always bear in mind that the rights protected by the fourteenth amendment are rights guaranteed for the benefit of citizens or other persons entitled to invoke the jurisdiction of the court, and that, under no circumstance and at no time in our history, so far as I know, has the Federal Government itself ever felt that it had the right or the power or the duty itself to go into court for the protection of individual rights under the due-process clause or the equal-protection clause of the fourteenth amendment. The Senator cannot and never will see it right until he gets that distinction in his mind. It is not a question of what the Government can do or ought to do, but it is a question of the right of the people of the United States under the guarantees contained in the fourteenth amendment.

The Federal Government has no right to go into the States until they have broken down in the exercise of their power. I want to know what right, under that doctrine, the Government has to invade the police power of the State of Massachusetts, represented, in part, by the distinguished Senator from that State [Mr. LODGE], who is present? I should like to know what right it has to go into the State of Maine, so well represented by the Senators from that State [Mr. HALE and Mr. WHITE], both splendid gentlemen?

Mr. WAGNER. Mr. President, may I ask the Senator a further question?

Mr. BANKHEAD. I yield.

Mr. WAGNER. Would not the right exist when there has been a violation of a provision of the Federal Constitution, namely, the fourteenth amendment, in which event the Federal Government can interfere in any case?

Mr. BANKHEAD. I am contending that there is no such right in cases of the character for which the Senator seeks jurisdiction at the hands of the Federal courts.

Mr. WAGNER. If there is no ground for intervention, of course, there cannot be such a proceeding.

Mr. BANKHEAD. What right, then, has the Congress to enact a law of this sort creating a liability——

Mr. WAGNER. That comes——

Mr. BANKHEAD. Wait a moment—based upon the failure of States to guarantee and protect rights, if they have never failed to do so? It is proposed merely to create a liability for the future when the Congress has no power to do so unless in the past the States have failed to perform their duty.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BANKHEAD. Yes; I yield.

Mr. WAGNER. The fourteenth amendment provides that the States—that is a restriction on State authority—that the States must accord due process of law and equal protection of the law to all persons within the State, and in the fifth section of that amendment it is provided that the Congress may pass appropriate legislation to carry out that provision. That is the authority if any is needed—the express provisions of the Constitution.

Mr. BANKHEAD. The Senator, of course, did not aptly quote—and I do not blame him; I could not well do it from memory—the fourteenth amendment. It is a prohibition against the State that is contained in the fourteenth amendment, not a duty imposed on the State.

Mr. WAGNER. The Court has also stated that it is not only a prohibition but a guaranty and that the Federal Government will support and back up the States to see that there is accorded equal protection of the law.

Mr. BANKHEAD. That is that the individual is not deprived of the protection of the law.

Mr. WAGNER. Exactly.

Mr. BANKHEAD. Very well. Then where is the law? The Senator is trying to make a law; he is not complaining that citizens are deprived of the benefit of some existing law. The provision of the fourteenth amendment is, I believe, that the person shall not be deprived of life, liberty, or happiness without due process of law.

Mr. WAGNER. Exactly; and this is a proposal to pass appropriate legislation to carry out the provisions of the fourteenth amendment.

I may say to the Senator that I am required to leave the Chamber for a moment, but I will be back shortly.

Mr. BANKHEAD. I regret the Senator has to leave. We are getting along nicely, however, and I hope the Senator will soon return.

Mr. WAGNER. I may say to the Senator that one of his distinguished colleagues, a Senator from one of the Southern States, has asked me to confer with him briefly.

Mr. BANKHEAD. I criticized the Senator earlier when he was not in the Chamber, but I will not do it this time.

Mr. WAGNER. The Senator from Alabama was not present when I was making my speech.

Mr. BANKHEAD. I heard a little of the Senator's remarks, as much as I could stand.

Mr. WAGNER. That is the point.

Mr. BANKHEAD. I was engaged at the time.

Mr. WAGNER. I am glad if I made such an impression on the Senator that he did not want to hear any more of my remarks.

Mr. BANKHEAD. I read the Senator's speech.

The PRESIDING OFFICER. Senators will address the Chair.

Mr. BANKHEAD. I am sure the Senator will not do me that honor. I understand, however, that the Senator is coming back, and I will withhold for the present the line of argument I had intended to follow. I hope I will not forget it.

We have found that this bill is not so holy and pure and lacking in sectionalism as Senators have stated on the floor, including the Senator from New York [Mr. WAGNER] and the Senator from Pennsylvania [Mr. GUFFEY]. It started out as a race question, and everybody who wants to be fully frank knows it still is a race question—that is, in the main. I do not wish to impugn the motives of any Senator. That is not my purpose, but we all know that if it were not for the colored people, this bill would not be here. We know it would not get three votes. Nobody else is complaining, and I do not think the colored people are complaining in any widespread way, such as to demand the attention of Congress day in and day out for weeks and weeks and months and months, as this measure has done.

What is the need for this legislation?

Before I go into that subject, however, I wish to develop one other decision of the Supreme Court which to my mind completely disposes of the power of Congress to pass legislation dealing with mobs and with lynchings.

Some years ago we had in Alabama a splendid judge who was appointed by a Republican President, though he himself was a Democrat. As a young man he was an orderly upon the staff of Gen. Robert E. Lee. Later he was Governor of the State of Alabama; and then I think Mr. Roosevelt or

Mr. Taft appointed him Federal judge, largely because he had courageously and openly defended the rights of the colored people. He was a very able man and a splendid lawyer, respected by everyone in Alabama. I refer to Judge Thomas G. Jones. He is gone now. He left a splendid memory, and a fine tradition, and a splendid son who is now a judge in our capital at Montgomery, Ala.

Some years ago, while Judge Jones was judge of the Federal court, a Negro named Horace Maples was arrested and put in jail, charged with murdering an old veteran who was a peddler. Great excitement and resentment developed, and the mob stormed the jail, overpowered the sheriff, took out this colored man, and hung him in the public square at Huntsville. Judge Jones, out of his indignation and his aroused sense of justice, went to Huntsville, where a Federal court was authorized to be held, assembled the grand jury, and charged the grand jury that under certain Federal statutes which I shall develop here in a few moments—passed, as it was supposed, in order to carry out the thirteenth and fourteenth amendments—the mob had deprived this colored man of due process of law and the equal protection of the law, and was guilty under the Federal statutes made, as I said, for the enforcement of the thirteenth and fourteenth amendments.

The grand jury, acting under the instructions and really, it was said, under the urging of Judge Jones, found indictments against members of the mob. One of them sued out a writ of habeas corpus on the ground that there was no authority in the Federal Constitution for the passage by Congress of the acts under which the members of the mob had been indicted. A severance was obtained, and one of the defendants sued out a writ of habeas corpus before Judge Jones, seeking his release and liberation on the ground that the statutes under which he was indicted were void.

The case came before Judge Jones, and was decided against the defendant, because Judge Jones had instructed the grand jury that there was a right to indict. The case was appealed to the Supreme Court. I am now referring to either the Riggins case or the Powell case, which the Senator from New York [Mr. WAGNER] mentioned in his speech the other day, showing that I did him the honor at least to read his speech. I shall refer a little later to the Hodges case, but it was either the Riggins case or the Powell case—they are both here—in which a writ of habeas corpus was sued out, and the matter was appealed to the Supreme Court of the United States by the defendant.

Judge Jones had declined to grant the writ. About the same time, a mob in the State of Arkansas—the Senator from Arkansas [Mr. MILLER] may be familiar with that old case, the Hodges case; it was a long time ago, though—decided that they would not permit a gang of colored men to work at a sawmill; so the mob went there, and pursued the Negroes, and ran them off, and probably injured some of them. Some of the members of the mob were indicted in the Federal court. The judge there sustained the indictment. I am now talking about the Hodges case. The case was appealed to the Supreme Court of the United States, involving the question whether or not there was power under the thirteenth or fourteenth amendments to pass the same statutes under which the Maples case at Huntsville, Ala., was prosecuted.

Both cases were submitted to the Supreme Court of the United States. At the same term the Court dismissed the habeas corpus case, without passing upon the validity of the Federal statutes, on the ground that habeas corpus was not the proper remedy; that demurrer, or some other form of disposition of the case, was necessary before the Court would pass upon the question.

At the same time, however, the Court passed on the Hodges case. The other defendant in Alabama—as I stated, there had been a severance—had a case still pending there before Judge Jones. Judge Jones for months withheld passing upon that case, or putting the defendant to trial, because of the wide publicity given to the Arkansas case all over the country, and because the same questions were involved; and after the habeas corpus case tried before him had been disposed of, he continued to delay during that term of the Supreme Court, awaiting final action on the Arkansas case, the Hodges case. Finally, the Supreme Court acted upon that case.

I desire to direct attention to the decision in that case, because I assert that if Judge Jones was right in his opinion in the second case which is reported here, it disposes of the question of the right of Congress to pass legislation of this kind. Judge Jones was as anxious as an honorable and brave man could be to proceed with that prosecution. His expression of the action of the Supreme Court in the Arkansas case was never challenged. That man, Judge Jones, standing just as the Senator from New York [Mr. WAGNER] stands here today, anxious, if possible, consistently with his duty, to do something to punish the members of that mob, held that under the Hodges case there was no power in the Congress to pass any legislation for the protection of personal rights against mobs and against lynchings.

If Judge Jones was right, as I say, under all the circumstances—and he had the conviction that he was right—long ago this question has been settled and disposed of, notwithstanding the insistence now of those who may have pride of authorship, in the face of such a decline in the number of lynchings, that they still are anxious, for some sympathetic or other reason, to pass this legislation.

Let me read you what Judge Jones said in *Ex parte Riggins* (134 Fed. Rep. 404). After discussing the constitutional question, he says (p. 416):

This opinion might well stop here—

He held in this case, you recall—the case went up on habeas corpus—that the Federal court had power under the Constitution to prosecute the members of this lynching party; but he says:

This opinion might well stop here; but, in view of the great importance of the subject, the fullest discussion cannot be out of place. The equal-protection clause makes but one demand upon the State and gives the citizen a single right only. It is that the State must make and execute its laws fairly and impartially. It must not grant rights to one which under similar circumstances it denies to another. This command is fully obeyed when the State passes impartial laws and provides proper officers to execute them and they endeavor to do so. The constitutional command is only that the State create and enforce a legal status. When that status is created and the State's officers endeavor to maintain it, the State, under this clause, has done its full duty to the citizen. The citizen is thereby put in full possession and actual enjoyment of the right the Constitution confers upon him. No act of a private citizen can defeat the enjoyment of this status, since it can be created only by the exercise of legislative power, and impaired only by acts of officers, those who wield State authority, by refusing to enforce these laws, or enforcing them with uneven hand or vicious purpose. State power, which a private citizen does not possess and cannot wield, alone can impair the enjoyment of the right. When the State, including therein officers who wield its power, has done its duty, the system of the State, the laws for the prevention and punishment of wrongs and enforcement and vindication of rights, in which consists the thing which constitutes "the equal protection of the laws," is wholly and entirely the creation of the State, deriving its origin and force solely from the power of the State. The State may grant what it pleases and withhold what it pleases, doing so impartially; for this clause neither commands the State to give any particular right, nor forbids it to withhold any particular right. Whatever is actually given is a gift of the State, in nowise secured by or dependent upon the Constitution of the United States. Whether these laws are obeyed or resisted by private individuals, it amounts to nothing more than loyalty or disloyalty to State authority. The resistance to these laws by private individuals cannot blot out the fact that the State has passed proper laws and appointed proper officers to execute them, and thereby afforded "the equal protection of the laws"—the status the Constitution commanded it to confer upon the citizen—and that in consequence he has full enjoyment of the right or status.

He holds that the equal protection of the law guaranteed in the fourteenth amendment is purely a matter of State action, and then proceeds to hold that in this matter the due-process clause is the one which gives the protection to the members of the mob.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Alabama yield to the Senator from Washington?

Mr. BANKHEAD. I yield.

Mr. SCHWELLENBACH. Does the Senator accept the statement he has just read?

Mr. BANKHEAD. No; I do not. I am merely pointing out that Judge Jones distinguished between equal protection of the law and due process; but that just starts the story. I have said that Judge Jones was an ardent advocate of the doctrine contended for by the Senator from New York. I have read this merely to point out that he, in line with his views upon the subject, made a clear-cut distinction between the equal-rights doctrine and the due-process doctrine. Of course, there must be a distinction, or both would not be used in the same section of the Constitution.

Now I come to the Hodges case, decided in 1905, reported in Two Hundred and Third United States Reports, beginning on page 1. The decision first sets out the facts. The statement of the facts is not so voluminous, and I will read it. I am not doing this in order to consume time. I am not opposed to doing that, but I am not doing it on this occasion. There are so many other things in which the time might be occupied. I read:

On October 8, 1903, the grand jury returned into the District Court of the United States for the Eastern District of Arkansas an indictment charging that the defendants (now plaintiffs in error), with others, "did knowingly, willfully, and unlawfully conspire to oppress, threaten, and intimidate Berry Winn, Dave Hinton, Percy Legg, Joe Mardis, Joe McGill, Dan Shelton, Jim Hall, and George Shelton, citizens of the United States of African descent, in the free exercise and enjoyment of rights and privileges secured to them and each of them by the Constitution and laws of the United States, and because of their having exercised the same, to wit: The said Berry Winn, Dave Hinton, Percy Legg, Joe Mardis, Joe McGill, Dan Shelton, Jim Hall, and George Shelton, being then and there persons of African descent and citizens of the United States and of the State of Arkansas, had then and there made and entered into contracts and agreements with James A. Davis and James S. Hodges (not the plaintiff in error), persons then and there doing business under the name of Davis & Hodges as copartners, carrying on the business of manufacturers of lumber at White Hall, in said county, the said contracts being for the employment by said firm of the said Berry Winn, Dave Hinton, Percy Legg, Joe Mardis, Joe McGill, Dan Shelton, Jim Hall, and George Shelton as laborers and workmen in and about their said manufacturing establishment, by which contracts the said Berry Winn, Dave Hinton, Percy Legg, Joe Mardis, Joe McGill, Dan Shelton, Jim Hall, and George Shelton were on their part to perform labor and services at said manufactory and were to receive, on the other hand, for their labor and services, compensation, the same being a right and privilege conferred upon them by the thirteenth amendment to the Constitution of the United States and the laws passed in pursuance thereof, and being a right similar to that enjoyed in said State by the white citizens thereof, and while the said Berry Winn, Dave Hinton, Percy Legg, Joe Mardis, Joe McGill, Dan Shelton, Jim Hall, and George Shelton were in the enjoyment of said right and privilege the said defendants did knowingly, willfully, and unlawfully conspire as aforesaid to injure, oppress, threaten, and intimidate them in the free exercise and enjoyment of said right and privilege, and because of their having so exercised the same and because they were citizens of African descent, enjoying said right, by then and there notifying the said Berry Winn, Dave Hinton, Percy Legg, Joe Mardis, Joe McGill, Dan Shelton, Jim Hall, and George Shelton that they must abandon said contracts and their said work at said mill and cease to perform any further labor thereat, or receive any further compensation for said labor, and by threatening in case they did not so abandon said work to injure them, and by thereafter then and there willfully and unlawfully marching and moving in a body to and against the place of business of the said firm while the said Berry Winn, Dave Hinton, Percy Legg, Joe Mardis, Joe McGill, Dan Shelton, Jim Hall, and George Shelton were engaged thereat and while they were in the performance of said contracts thereon, the said defendants being then and there armed with deadly weapons, threatening and intimidating the said workmen there employed, with the purpose of compelling them by violence and threats and otherwise to remove from said place of business, to stop said work and to cease the enjoyment of said right and privilege, and by then and there willfully, deliberately, and unlawfully compelling said Berry Winn, Dave Hinton, Percy Legg, Joe Mardis, Joe McGill, Dan Shelton, Jim Hall, and George Shelton to quit said work and abandon said place and cease the free enjoyment of all advantages under said contracts, the same being so done by said defendants and each of them for the purpose of driving the said Berry Winn, Dave Hinton, Percy Legg, Joe Mardis, Joe McGill, Dan Shelton, Jim Hall, and George Shelton from said place of business and from their labor because they were colored men and citizens of African descent, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States."

A demurrer to this indictment, on the ground that the offense created by sections 1977 and 5508, Rev. Stat., under which it was found, was not within the jurisdiction of the courts of the United States but was judicially cognizable by State tribunals only, was overruled, a trial had, and the three plaintiffs in error found guilty, sentenced separately to imprisonment for different terms and to fine, and to be thereafter ineligible to any office of profit or trust created by the Constitution or laws of the United States. Sections 1977, 1978, 1979, 5508, and 5510 read as follows:

"SEC. 1977. All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, to be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

* * * * * * *

"SEC. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than 10 years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States."

The case was argued and submitted. Former Senator Clarke, of Arkansas, was one of the attorneys appearing in the case.

Mr. LEWIS. Mr. President, will the Senator yield so as to permit me to place a matter in the RECORD?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. BANKHEAD. I shall gladly yield, if my yielding can be done without prejudice to my position. I ask unanimous consent that I may yield to the Senator from Illinois without prejudice to my position.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that without prejudice he may yield to the Senator from Illinois. Is there objection? The Chair hears none.

Mr. LEWIS. I asked the Senator from Alabama to yield in order that I may tender for printing at the appropriate place in the RECORD an address of the Honorable Cordell Hull, Secretary of State, delivered over the radio last night, touching upon matters of the general policy of Government.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Did the Chair submit to the Senate the request for unanimous consent made by the Senator from Alabama? He requested that if he yielded it should not disturb his status.

The PRESIDING OFFICER. The status of the Senator from Alabama has not been disturbed by yielding to the Senator from Illinois.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield only upon condition that I shall not lose the floor by yielding. I yield without prejudice to my position.

The PRESIDING OFFICER. With that understanding is there objection? The Chair hears none.

Mr. WAGNER. From the Committee on Banking and Currency I report favorably Senate bill 3409 for the calendar.

(The report submitted by Mr. WAGNER appears under the proper heading elsewhere in today's RECORD.)

Mr. BANKHEAD. I continue to read from the Hodges case in Two Hundred and Third United States Reports. The Court said:

That prior to the three post bellum amendments to the Constitution the National Government had no jurisdiction over a wrong like that charged in this indictment is conceded; that the fourteenth and fifteenth amendments do not justify the legislation is also beyond dispute, for they, as repeatedly held, are restrictions upon State action, and no action on the part of the State is complained of. Unless, therefore, the thirteenth amendment vests in the Nation the jurisdiction claimed the remedy must be sought through State action and in State tribunals subject to the supervision of this Court by writ of error in proper cases.

In the *Slaughterhouse cases* (16 Wall. 36, 76), in defining the privileges and immunities of citizens of the several States, this is quoted from the opinion of Mr. Justice Washington in *Corfield* v. *Coryell* (4 Wash. Cir. Ct. 371, 380).

" 'The inquiry,' he says, 'is, What are the privileges and immunities of citizens of the several States? We feel no hesitation in

confining these expressions to those privileges and immunities which are, in their nature, fundamental; which belong, of right, to the citizens of all free governments; and which have, at all times, been enjoyed by citizens of the several States which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are, it would be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: Protection by the Government, the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; subject, nevertheless, to such restraints as the Government may prescribe for the general good of the whole.' "

And after referring to other cases this Court added (p. 77):

"It would be the vainest show of learning to attempt to prove by citations of authority that up to the adoption of the recent amendments no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States and without that of the Federal Government."

Notwithstanding the adoption of these three amendments, the National Government still remains one of enumerated powers, and the tenth amendment, which reads "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," is not shorn of its vitality. True, the thirteenth amendment grants certain specified and additional power to Congress, but any congressional legislation directed against individual action which was not warranted before the thirteenth amendment must find authority in it. And in interpreting the scope of that amendment it is well to bear in mind the words of Mr. Chief Justice Marshall, in *Gibbons* v. *Ogden* (9 Wheat. 1, 188), which, though spoken more than fourscore years ago, are still the rule of construction of constitutional provisions:

"As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they have said."

The thirteenth amendment reads:

"SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

The meaning of this is as clear as language can make it. The things denounced are slavery and involuntary servitude, and Congress is given power to enforce that denunciation. All understand by these terms a condition of enforced compulsory service of one to another. While the inciting cause of the amendment was the emancipation of the colored race, yet it is not an attempt to commit that race to the care of the Nation. It is the denunciation of a condition and not a declaration in favor of a particular people. It reaches every race and every individual, and if in any respect it commits one race to the Nation it commits every race and every individual thereof. Slavery or involuntary servitude of the Chinese, of the Italian, of the Anglo-Saxon are as much within its compass as slavery or involuntary servitude of the African. Of this amendment it was said by Mr. Justice Miller in *Slaughterhouse cases* (16 Wall. 36, 69), "Its two short sections seem hardly to admit of construction." And again: "To withdraw the mind from the contemplation of this grand yet simple declaration of the personal freedom of all the human race within the jurisdiction of this Government * * * requires an effort, to say the least of it."

I shall not proceed to read it all. However, I should be willing to read it if any Senator wishes me to do so.

Mr. CONNALLY. It is a good case. Will the Senator yield to me for a question?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. I ask the Senator to develop one point if he has not already done so. I was obliged to leave the Chamber for a few moments, and I missed a portion of the Senator's speech. I hope the Senator will develop the theory which the Senator from New York has advanced, that under this particular measure the sheriff of a county can be held responsible on the theory that he is the agent of the State and, therefore, under the decisions which limit the operations of the fourteenth amendment to State action, the sheriff's action would be considered to be State action. I ask the Senator to develop the idea which he has already suggested, that a sheriff when he is not performing duties enjoined on him by law is not a sheriff; that when he commits an unlawful act he is just like any other lawbreaker or any other individual.

All the States have laws against robbery, and it is the duty of the sheriff to enforce the laws against robbery. Let us assume that a sheriff in violation of his duty holds up some one, that he himself robs a person, not while wearing his insignia as sheriff, but with a mask on his face and as a highjacker. Would the Senator from New York or anyone else claim that simply because that man happened to be sheriff and was violating the laws of his own State, the man who was robbed could proceed in a suit against the county, or that the Federal Government could establish liability in a case of that kind? Suppose the sheriff should take a notion to commit rape on some defenseless woman, not with his badge on, and not while carrying out any supposed duty as a sheriff, but in complete defiance of the law, would anyone contend that the victim or the family of the woman who was ravished could proceed against the county on the theory that the sheriff was acting for the county and was the agent of the State in committing the rape in violation of the State's own law or in committing a robbery in violation of the State's own law? Will the Senator discuss that suggestion at some appropriate time in his presentation?

Mr. BANKHEAD. Yes. I think the Senator has shown the absurdity of the proposition. Sometime ago I discussed in the Senate the proposition that neither the State, nor the county, nor any other political subdivision was liable for the improper conduct of the sheriff or the police force.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. WAGNER. I take it, then, from the argument the Senator makes, that when a judge is trying a case, and he permits the introduction of improper evidence or permits a mob to dominate the entire trial, the moment he does that he is no longer the judge of a State, but he is just some individual? The difficulty is that the Supreme Court says that he is a judge and that he acts for the State.

Mr. BANKHEAD. The most outrageous thing in the bill is the liability imposed on a judge by reason of a mistake in ruling on the law in a case. I have never before heard the doctrine advocated in any civilized country that a judge can be jailed because he makes a mistake in ruling on some question of law in a case.

Mr. CONNALLY. I ask the Senator from Alabama if the Senator from New York is not wholly in error in his premise when he assumes that the action of a judge is no different from the other cases we have pointed out. For example, when a judge is holding court and trying persons, of course he is acting for the State, because that is his duty. The law requires that he hold court, and enforce the laws, and try individuals brought before him. In doing what the State commands, and performing a statutory duty, his action becomes State action in the sense that he is exercising a State power. Neither I nor the Senator from New York can go out and just call a court somewhere and try persons. The Senator from New York did so at one time, but that was because he was a judge. The judge in a sense is the agency of the State to try cases. The power he exercises is not his power. It is not the muscle in his arm that makes the judge a functionary. He exercises judicial power, and that power belongs, of course, to the State. Therein lies the distinction.

On the other hand, when the sheriff goes out and highjacks somebody, or when gangsters in New York walk down the street in front of the office of the Senator from New York and rob somebody, or hit somebody on the head, or smash a jewelry-store window, or pull down the three balls in front of a pawn shop, they are not acting as officials. They are not exerting the power of the State. They are acting as criminals. They are not being animated by some statute of a State commanding them to do something. They are animated by the criminal impulses of a criminal heart; the heart of a vile wretch bent on destruction and mischief.

So I submit that there is a distinction between the two theories.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. WAGNER. I am sure the Senator from Alabama will not contend that when a judge who is presiding over a trial admits improper evidence, or permits a mob to dominate the trial—as happened in several cases that came before the Supreme Court—in such a way that there is no chance for a fair trial, he is acting in accordance with the laws of the State and in accordance with his judicial functions.

Mr. BANKHEAD. No; I have never so contended. I do not think the State is liable for the conduct of such an officer.

Mr. WAGNER. But the Supreme Court has said——

Mr. BANKHEAD. I do not think the county is liable, especially if he is a State officer.

Mr. WAGNER. The difficulty is that the Supreme Court, in all the cases that have been reviewed, has said that in his capacity as judge he was acting on behalf of the State, even though he might have defied the State laws. That is the distinction I am trying to make.

Take the case of a sheriff who deliberately lets a prisoner go, although it is his duty to hold the prisoner in custody until he has had a trial and is either acquitted or convicted; while acting as a State official the sheriff undoubtedly is defying the State law. Nevertheless, he is acting on behalf of the State, in just the same way that a judge acts on behalf of the State, although defying the State laws. The Supreme Court has passed upon that question, so I do not think there is any controversy about it.

Mr. BANKHEAD. Mr. President, I became diverted from the Arkansas case to which I was referring. I think we ought to have a little better understanding of that case before we are switched off.

Mr. WAGNER. I hope the Senator does not hold me responsible for switching him off.

Mr. BANKHEAD. I am not holding anybody responsible. I will get back to it. I do not mind being switched off. I do not dodge anything. I shall try to be frank with the Senator. If he gets me in a hole, I shall try to admit it.

I desire to call attention to the decision of Judge Jones in winding up the case we were discussing. I have stated the history of the Arkansas case to which I referred, and of the cases before Judge Jones, except that I have not yet enlightened the Senator upon the final outcome of those cases and the final decision reached by Judge Jones. I am sure the Senator has read it. I think the opinion by Judge Jones in support of his viewpoint is about the strongest argument that has been made on the other side of the question before us.

The case from Arkansas went to the Supreme Court of the United States, and was acted upon there. I have read a part of the decision. In the beginning of the opinion the Supreme Court summarily held that the statutes under consideration did not permit, authorize, or justify a prosecution under the fourteenth amendment. Without any detailed discussion, that is the chief value of the decision. Apparently the Supreme Court took for granted a doctrine which all of us thought was the true doctrine, until the contrary doctrine was announced in the proposed program under a lynching bill. I do not know why anybody wants to call it an "antilynching" bill.

The Senator from Pennsylvania [Mr. GUFFEY] today read a long list of societies and churches which condemn lynching. Of course, everybody condemns lynching, but many of us from the South believe that the pending bill, if enacted, will bring about more lynchings than it will avoid.

In the first place, there is the problem of the sheriff. Responsibility can never be traced to him if he does not show up at the scene of action, or where the mob is gathering. It would not be difficult for him, if he knew a mob was gathering, to stand aside and allow the mob to complete its task. Then neither he nor the taxpayers would be involved, because it would be impossible to prove that the sheriff was negligent in not being present to prevent action by the mob.

The Senators who are responsible for the bill do not understand much about the psychology and processes of reasoning of many colored people, especially those who have not reached the proper point in the development of their mental processes. There are many, many ignorant members of the colored race, as well as of the white race in sections where the Negroes live, as the Senator doubtless knows. Let me point out wherein the Senator is doing the Negroes a disservice. In my judgment the enactment of his bill will not prevent lynchings. I am speaking the sentiment that prevails throughout the South. The Senator is doing the Negro race a positive injury and disservice. His bill, if it becomes a law, is likely to result in many lynchings that otherwise would not take place. The impression is being created in the minds of ignorant members of the colored race that the Federal Government will stand behind them, and will come to their rescue if anything happens. Such ignorant persons are unable to distinguish, as intelligent people do, between rights, remedies, and procedure. The word goes out to them that the Government is behind them. They have great faith in the Federal Government.

In my judgment, and in the judgment of many, many persons in the South, the pending bill, if enacted into law, will result in more lynchings than would otherwise occur. I make that statement as earnestly as I know how, supported by a great volume of public opinion in the South among persons who understand the situation and who are not diagnosing it, as some other persons are, from a distance of a thousand miles.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. WAGNER. Of course, the Senator knows that I have never questioned the sincerity of anyone, whatever position he takes upon this proposed legislation. I have stated on several occasions that we are all trying to reach the same objective—namely, to stop lynching—although we may disagree as to methods.

In connection with the very question which the Senator raised, I suggest the reading of an article from the Montgomery Advertiser of January 12, 1938, this very year, since the discussion of the bill began. There was a threatened lynching. I read from a newspaper published in Greensboro——

Mr. BANKHEAD. No; the Senator is confused as to his facts. The trouble took place in Greensboro, Ala.

Mr. WAGNER. Yes. I am glad the Senator has corrected me.

Mr. BANKHEAD. That is immaterial to the point the Senator is making.

Mr. WAGNER. It is quite material, because there was a threatened lynching. The newspaper account goes on to say—

I told them—

That is, the crowd—

that I was the aggrieved person, and that I ought to have the final say. I also reminded them our southern Senators were fighting an antilynching bill in Washington and any violence might hamper them.

So the very fact that the bill was pending seems to have stopped this particular lynching, according to the story told in the newspaper account to which I have referred.

Mr. BANKHEAD. Mr. President, I am familiar with the reported facts as to the situation at Greensboro. Mr. Green is one of our best citizens. Under any and all circumstances, even though the disgraceful conduct was within his own home, I am quite sure that he would oppose lynch action. He is a man of that type and that quality and entertains pretty well the viewpoint of nearly all the better people of the South.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BANKHEAD. Just a moment. Mr. Green's statement was simply an argument to others who were not so composed and so well balanced as is Mr. Green to dissuade them from taking any action of that sort, because it might injure the situation here, and they did not want a bill such as this to be passed on account of the public good in the South.

Mr. CONNALLY. Mr. President, may I ask the Senator from Alabama a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Texas?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. Developing the thought along the line already so well suggested by the Senator in connection with this bill causing more lynching, would it not have two effects? Would it not have the effect of stimulating the basest sort of criminal to greater lawlessness, because he would conclude, if the antilynching law should be passed, that the Federal Government would not let anything be done to him? Therefore criminals would be bolder and would commit more horrible crimes. That would be one effect. The other effect would be, as pointed out by the Senator, that not many sheriffs would care to risk going to the penitentiary if, by any chance, they should lose a prisoner, and so they would not arrest one who was accused but would let the mob get him and go with him to the creek bottom.

Mr. BANKHEAD. I think that would be the situation, as I have outlined.

Mr. MINTON. Mr. President, will the Senator yield to me to enable me to ask a question so that I may see if I get the proposition clearly? The Senator thinks, if this bill should be passed, that it would have a tendency to encourage fellows to go out and get lynched in order that their families might have a suit against the county?

Mr. BANKHEAD. I made no such statement.

Mr. MINTON. That would seem to follow from the statements which have been made.

Mr. BANKHEAD. Many believe that there will be suits against the county, that Negroes will disappear in order that suits may be filed. We hear that argument advanced sometimes.

Mr. MINTON. But, in order for them to get any benefits under this proposed act, they must be lynched?

Mr. CONNALLY. Mr. President, the suggestion I made was that the passage of the bill would increase the propensity of at least a lot of criminals to commit greater lawlessness, because they would say, "The Federal Government will not let them do anything to me."

Mr. BANKHEAD. Mr. President, I suggest the absence of a quorum.

Mr. WAGNER. Mr. President, does the Senator feel that simply assuring to an accused person the right to a trial by jury of his peers and making every effort to assure such a trial is going to produce more criminals? Does the Senator mean there will be more lynching, then, without trial?

Mr. BANKHEAD. The question of the Senator very clearly discloses how little he knows about the problem he is trying to deal with.

Mr. WAGNER. I know something about Anglo-Saxon justice.

Mr. BANKHEAD. And how little he knows about the psychology of the ignorant colored people who will do things in reliance upon the protection of the Government and without any analytical reasoning which would justify such a conclusion.

Mr. WAGNER. I have those humane impulses which induce me to believe that the humblest person should not be punished or killed or lynched without trial. I believe that he is entitled, after he is accused, to a trial in a court of justice by his peers. That is a fundamental of our democratic form of government. With that gone, democracy goes.

Mr. BANKHEAD. I hope the Senator the next time he tries to diagnose a national case will get down to the ground with the people and try to learn something about it.

The PRESIDING OFFICER. The Senator from Alabama suggested the absence of a quorum——

Mr. BANKHEAD. Mr. President, I withdraw that suggestion for the moment. I wish to bring out one other point, because if I do not go on I may not soon get a chance to connect this matter up. I wish to quote from the decision of Judge Jones. I have tried to do that several times, but it seems that I have been diverted in some way or another, not purposely, but the arguments led away from it.

After the Arkansas case, Judge Jones then took up the other case pending in his court. I will read a part of his decision disposing of that case after he had argued and reasoned with himself in every way he could, just as the Senator from New York does with himself and with us, that there was power in Congress to deal with the lynching problem. Judge Jones wound up his decision dismissing the case with the following statement:

Influenced by these considerations, the Court felt compelled to hold—

That is, after setting out the arguments on the other side—

in Ex parte Riggins, notwithstanding the gravity and novelty of the ruling, that the indictment charged violation of rights secured by the amendment, and that sections 5508 and 5509 of the Revised Statutes (U. S. Comp. Stat. 1901, p. 3712) applied, and were "appropriate" means for redressing the violation of those rights. The Government again urges the same argument as decisive of this case, and insists that it is the duty of the court to follow Ex parte Riggins—

That is the case in which he held that the indictments were good and were justified by the fourteenth amendment and by the statutes passed under the fourteenth amendment—

and insists that it is the duty of the court to follow Ex parte Riggins, unless it now be of opinion that the doctrine of that case is unsound—

That is the case that went up on habeas corpus—

or, what is the same thing, that the precise question has never been decided by the Supreme Court adversely to the views of the circuit court. The insistence is pressed that what he said in the Hodges case, as to the power of Congress under the fourteenth amendment, "went beyond the case," then before the court, and "ought not to control the judgment," under the Supreme Court's own rule in *Cohens* v. *Virginia* (6 Wheat. 2645 L. Ed. 257) and *Boyd* v. *Alabama*, because the Government admitted in the Hodges case that the right there in question if secured at all, could rest only on the thirteenth amendment, and declined to claim or contend for anything under the fourteenth amendment. It is also urged that the Supreme Court, in view of its uniform habit not to pass upon constitutional questions when a ruling upon them can fairly be avoided, never intended, by what it said in the Hodges case, to lay down the law for a case like this, and that this court ought not to follow what is there said on this point. Ordinarily, this might be proper, and this court acted upon that view as to a series of obiter remarks in deciding the Riggins case. There are circumstances, however, which make it improper, in the opinion of the court, to follow that rule in this case. The Riggins decision was made upon the very indictment.

As in this case—

It was appealed to the Supreme Court, where it was submitted at the same term with the Hodges case—

That was the Arkansas case—

The Government, raising no objection to the mode of procedure, rested the identical constitutional questions here presented upon the opinion of the circuit court. The Supreme Court ordered the writ quashed because habeas corpus, under the circumstances, was not the proper remedy (*Riggins* v. *United States*, 199 U. S. 547, 26 Sup. Ct. 147, 50 L. Ed., 303). Shortly afterward the Supreme Court rendered its decision in the Hodges case. The atrocity of this mob attracted attention throughout the country at the time. Public attention was again directed to the case by the refusal of the circuit court to discharge Riggins on habeas corpus. His appeal brought the constitutional questions here before the Supreme Court, challenging its attention and judgment. They were before it in imposing form, and it determined not to pass upon them because they were not properly presented. All these circumstances suggested to the minds of the Justices at the very time the Hodges case was under advisement, and when it was decided, consideration of the effects of its remarks in that case regarding the fourteenth amendment upon all other cases where there had not been actual denial of the right by the State. It would be hazardous for this court, in view of the circumstances, to hold that these remarks were made without consideration of their effect upon other cases of the kind. If they were not inadvertently made, and the court intended to bind itself on this point, it is the duty of this court to follow unhesitatingly. While there may be doubt as to what is intended, the Supreme Court is the only Court which can properly solve that doubt. If this court solves its own doubts as to the meaning of the Supreme Court against the defendant, and puts him to trial, and it turns out that this court is mistaken, it will inflict needless hardship upon the defendant and put the Government to much useless expense. On the other hand, if the court

errs in solving its doubts against the Government, it has a speedy remedy on writ of error from the Supreme Court under a recent act of Congress. A deep sense of the judicial subordination which all inferior tribunals owe to the Supreme Court compels this court, in view of the circumstances of this case, not to run counter to these last utterances of the Supreme Court, though, strictly speaking, "they went beyond the case." It must therefore take the Hodges case as a binding authority that no right, privilege, or immunity in respect of due process, at any stage in the duty of affording it, arises under the fourteenth amendment, unless there be denial of the right by the State or its officers, and that no immunity whatever is secured under the Constitution or laws, in a case like this, against lawlessness of private individuals which frustrates the State's efforts to perform its constitutional duty, although thereby all enjoyment of the benefits of due process be prevented.

Let an order be entered sustaining the demurrer to the indictment and each count thereof, and that the defendant go hence without day.

Let me say that this man was in jail. The sheriff was there with him, and the military had been assembled by the State to protect him. Notwithstanding the presence of these double agencies of the State—the sheriff and the National Guard—the man was seized and mobbed; and this court, Judge Jones, finally said that under the decision of the Supreme Court, as he felt obliged to construe it, there was no authority for the Federal court to interfere with or have jurisdiction in those cases.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HILL in the chair). The point of no quorum is made. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Andrews	Caraway	Hitchcock	O'Mahoney
Bankhead	Connally	Johnson, Calif.	Pope
Barkley	Copeland	Johnson, Colo.	Schwellenbach
Berry	Ellender	Lodge	Sheppard
Bilbo	Frazier	Logan	Smith
Bulkley	Gibson	McGill	Townsend
Bulow	Guffey	McNary	Truman
Burke	Hale	Minton	Vandenberg
Byrd	Hill	Murray	Wagner

The PRESIDING OFFICER. Thirty-six Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. ADAMS, Mr. ASHURST, Mr. AUSTIN, Mr. BAILEY, Mr. BONE, Mr. BORAH, Mr. BROWN of New Hampshire, Mr. BYRNES, Mr. CAPPER, Mr. CHAVEZ, Mr. CLARK, Mr. DAVIS, Mr. DIETERICH, Mr. DONAHEY, Mr. DUFFY, Mr. GEORGE, Mr. GERRY, Mr. GILLETTE, Mr. GLASS, Mr. GREEN, Mr. HARRISON, Mr. HATCH, Mr. HAYDEN, Mr. HERRING, Mr. HOLT, Mr. HUGHES, Mr. KING, Mr. LA FOLLETTE, Mr. LEE, Mr. LEWIS, Mr. LONERGAN, Mr. LUNDEEN, Mr. MALONEY, Mr. MCADOO, Mr. MCKELLAR, Mr. MILLER, Mr. MILTON, Mr. NEELY, Mr. OVERTON, Mr. PEPPER, Mr. PITTMAN, Mr. RADCLIFFE, Mr. REYNOLDS, Mr. RUSSELL, Mr. SCHWARTZ, Mr. SHIPSTEAD, Mr. SMATHERS, Mr. THOMAS of Oklahoma, Mr. THOMAS of Utah, Mr. TYDINGS, Mr. VAN NUYS, Mr. WALSH, and Mr. WHEELER answered to their names when called.

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. ELLENDER obtained the floor.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. Is it likely that the Senator will desire to continue his speech tomorrow?

Mr. ELLENDER. Yes.

Mr. CONNALLY. Will the Senator then not ask unanimous consent that when the Senate meets tomorrow he may proceed with his speech without interruption? I think it is well to make the request now at the beginning of his remarks. I make the suggestion because I do not think the Senator should be forced to proceed with his speech this afternoon unless there is such an agreement.

Mr. BARKLEY. Mr. President, I do not think such an agreement is necessary. No one likes to assume that a Senator will occupy more than 1 day, and, if the Senator from Louisiana shall do so, we will deal with the matter when we reach it.

Mr. SCHWELLENBACH. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. SCHWELLENBACH. Can the Senator give us some assurance that he will not take as long with this address as he did with the last?

Mr. ELLENDER. I will not make any promises. [Laughter.]

I shall ask the indulgence of the Senate to permit me to review some of the facts submitted to the Senate when I spoke on the pending bill a few days ago. I contended then, and I contend now, that the question involved in the present bill presents a grave social problem; a problem which, unless it is considered in time, will, I believe, threaten the civilization of our Nation.

A week ago I produced historical facts which showed conclusively that when a civilized nation permitted the dominant white people of that nation to amalgamate or to become mongrelized with the colored race, that eventually it led to the decay of its civilization.

I believe that I have demonstrated that such a condition prevailed in ancient Egypt. I went into detail to show how the white race occupied that great country in its early history, and how those white people were responsible for Egypt's advanced civilization, and how after mongrelization set in that civilization was reduced to nil within a few decades.

I produced historical facts to show that the same condition prevailed in India. I proved that India at one time had a superior civilization, that it boasted many great architects and scientists, and had developed to the extent that it became famous, but by amalgamation of the then dominant white race, the race which was responsible for India's progress, with the Negro, the race became mongrelized, and decay resulted.

Then I brought the facts nearer home. I showed that in the island of Haiti, not far from our shores, the same conditions existed, not thousands of years ago but just a few centuries back. In that island of Haiti, as long as the white race predominated—not in numbers, but in the government of the island—as long as the people of the Caucasian race ruled, there was progress.

However, as soon as the Government of France freed the slaves of Haiti and emancipated them to the same extent as the Negro slaves were emancipated in America, the Negroes took possession of the Government of Haiti, and then followed decay, revolution, war, and utter demoralization, which tended to destroy the island's government. And today our Federal Government is forced to keep an agent on the island of Haiti, whose duty and business it is to help collect the revenues, to help collect the tariffs in order to repay the United States the money which was borrowed by the Haitian Government.

I pointed out to the Senate that the same condition prevailed in some countries of South America, and I believe I demonstrated that in some of those South American countries, which have the same facilities that this country has, which have the same climatic conditions, the same natural resources, the people have not progressed as have the people of the United States, because the settlers who came to those countries in the early days intermarried with the Indians whom they found in those countries, and interbred with the Negro slaves whom they imported from Africa and also those brought in from China. As the result of such contacts an amalgamation between the Europeans and the darker races resulted, and it was because of that amalgamation that progress stagnated. It is only in those parts of Brazil, in those parts of Chile, and in those parts of Argentina where the whites predominate and where they control the government that real progress is to be found.

The same condition has prevailed in many other countries of the world. Whenever the dominant white race in any particular country is permitted to amalgamate and mix with the Negro race a condition of decline sets in.

I repeat what I have said on the floor of the Senate many times: that if political equality is given to the Negro it will lead to social equality, and social equality will eventually lead to decay of our American civilization, and certainly we must guard against that.

I have contended that if the bill before us is passed, that it in itself will not give to the Negro race social equality, but it is going to lead him nearer to it than he has ever been before. I pointed out to the Senate that in as many as 18 States—I mention particularly the State of Pennsylvania and the State of New Jersey, because the statutes in those States are so complete—the legislatures have given to the Negroes of those States the same social rights that are accorded to the white people. Whether or not the white people of those various States actually permit the Negroes to go into the restaurants which they patronize, or the hotels they occupy, or the bathing beaches, or the cemeteries, is not the question, but they have given them something to look forward to, although deep down in their hearts the white people of those States did not expect or intend that the Negro should be on the same social plane as the white people.

I contend that a little clique of Negro voters here and there have been responsible for the enactment of such social legislation. It is my contention that if the Congress shall pass this bill, which leads nearer to that equal social rights legislation for which Negroes are all striving, that the next thing they will do will be to come around asking for the passage of a bill to do away with certain marriage laws which exist in some States, which prevent the intermarriage of Negroes with whites. Enact uniform marriage and divorce laws. I will again name to the Senate during the course of the debate the States in this Union which actually permit the intermarriage of Negroes with whites.

I am going to show to the Senate that four of those States actually had laws on their statute books preventing the intermarriage of whites and Negroes, and those States, through their legislatures, saw fit to repeal those sacred statutes. I ask now: How did that come about? I do not believe that the white people of Massachusetts, one of the States which repealed the marriage laws, went before the legislature of that State and demanded the repeal of that law. I contend that that law was repealed by the action of little Negro political groups here and there who worked on the various members of the State Legislature of the State of Massachusetts and had that law repealed. I contend that that same method was used by the Negro voters of the other three States in which the laws prohibiting intermarriages were repealed.

During the course of my remarks I attempted to bring closer home the picture of conditions prevailing in foreign countries. I demonstrated to the Senate the work of Father Divine, the "god" of Harlem, and I compared the religious work of that great "god" in Harlem to earlier similar practices of people in Egypt, in India, and in Haiti. I proved, I believe, the fact that whenever the Negro is left to himself, and is not interfered with by the whites in the matter of religion, he goes back to what I termed "barbaric lunacy."

Imagine people in America calling the son of a slave from Georgia, God. Praying to him, falling to his feet, and asking for divine assistance. In the course of this debate I intend to read to the Senate some letters I have received from some of Father Divine's "angels" in the "heavens" in Washington, in New York, in Indianapolis, in Chicago, and, in fact, all over the country. I shall show how these "angels" took offense at my remarks criticizing them for praying to Father Divine, the "god" of Harlem, and resented my differing with their belief in his divine earthliness. I say again that the same practices which are now being followed by Father Divine were followed in Egypt, in India, and in Haiti, and I repeat that whenever the Negro is left to himself he reverts to his earliest ancestry, and once again he follows the religion of his native land, where Christianity is unknown; where religion, as we know it, is not practiced; and where the people pray to elephants and other animals, as well as to vegetables.

What is going to happen to the 30,000,000 people who profess in Father Divine's doctrines, at the close of his life? He claims he has 30,000,000 stalwart believers. Some writers say he has as many as 5,000,000; others credit him with a few more than that. What will become of these ardent fans of Father Divine when he dies? Are they going to reincarnate a new god among themselves? This deserves some thought. But the thing I do not like to think about is the fact that thousands upon thousands of people in this country—American people—actually make themselves believe that this human being, the son of a former Georgia Negro slave, is God. Think of that condition existing in America today, where millions are being spent to bring enlightenment to its citizens through education.

I contend that if we give to the Negro people of this country the social equality for which they are striving, and the same social rights which are accorded the white people, the result may be that the United States Senate, the United States House of Representatives, and the various State legislatures may be invaded by the colored people. In that way they will more quickly reach the social equality they are demanding from State legislatures and similar legislation that has been proposed before the Congress.

I am not going to attempt to describe conditions in the South following the Civil War when a similar situation was forced upon it. I would rather read to the Senate a few passages from a book by a well-qualified author. The book is entitled "Dixie After the War," and was written by Mrs. Myrta Lockett Avary. In referring to these passages, I hope Senators who seem to know little of the South will try to picture the condition of its white people after the Civil War.

True, they were conquered. They were a defeated part of the Nation, as it were. The Negroes of the South at that time, with the aid of the Federal Government, almost dominated the situation. If the Federal Government had been sympathetic in trying to ameliorate the condition, as the Great Emancipator desired to do, and had reached out with its strong arm to help, we should not have had such tragedy. The difficulty was that the South was treated as a conquered nation by a group of politicians in Washington who did not look to the future of America, and did not care whether the South survived or not, but who, for their own selfish interests, prevailed upon the Federal Government to take charge of the situation in the South and thereby caused much humiliation and distress.

As I stated in this Chamber sometime ago, it is my sincere belief that but for the fact that the white women and the white men of the South fought for the supremacy of the white race, today this Nation of ours might be nearer a mongrel race than otherwise.

Just stop and think! If Federal rule had remained in the South, and had held at the head of each State government a Negro Governor, such as we had in Louisiana, or a Negro-dominated legislature, such as we had in Louisiana, Mississippi, Alabama, and other Southern States, we would undoubtedly be much nearer this realization than we are. The noble fight made by the white people of the South prevented Negro domination, and, in my humble opinion, saved the Nation from deterioration. That struggle by the brave white people of the South saved the white race in America, and I say this without fear of contradiction.

We of the South ask the Federal Government now, in all sincerity, to let us manage our own affairs. We can handle our own internal problems. We know the Negro and we sympathize with him. And we have taken care of him ever since he was brought to our shores centuries ago.

I shall not have the time this afternoon, but tomorrow I propose to call the attention of the Senate to some facts and figures that will be astounding, that show how we in the South have been able to cope with the Negro problem in comparison with the North.

I will prove that crime among the Negroes of the North, representing less than 10 percent of the population, is almost as great and in fact greater in some sections than crime among the 90 percent of whites. Those numerous figures

paint a more vivid picture than I could express if I remained on the floor of this Chamber for 6 days longer. I do not care to go into the question this afternoon for lack of time. But later I will demonstrate, with actual figures, to the Senator from Wyoming [Mr. O'MAHONEY] that the South is able, and in the past has been able, to cope with the Negro situation more intelligently than the North or East or the West. We do not want to be hampered in our efforts by the Federal Government. I say that in a charitable spirit. If we in the South are subjected to interference by the Federal Government, such interference will not in any manner help the Negro people. As I have said before, the law-abiding people of the South are as much opposed to lynching as are the law-abiding people of the North. We have done everything in our power to prevent it. The records show that we have succeeded, and that we shall continue to succeed if let alone to solve our own problem.

Mr. President, I now propose to read a few passages from a little book entitled "Dixie After the War," by Myrta Lockett Avary. The first chapter from which I propose to read is chapter VIII, entitled "The Wrath of the North."

I believe that by reading from this book I can more clearly demonstrate the condition of the South and the attitude of the North soon after the Civil War. I wish it were possible to incorporate in the RECORD most of this book, because it paints a picture which I hope can be appreciated, let me say, by the Senator from Indiana [Mr. MINTON], and I am satisfied that if that able Senator were to read this book and consider it very seriously, he might be prone to view the situation as I do.

I read from page 89:

> The mad act of crazy Wilkes Booth set the whole country crazy. The South was aghast, natural recoil intensified by apprehension. The North, convulsed with anguish, was newly inflamed, and even when the cooler moment came and we were acquitted of any responsibility for Booth's crazy act, the angry humor of a still sore heart was against us.

In other words, the finger of guilt was pointed toward the South, when Booth murdered Lincoln. Why should the South desire to murder Lincoln when he exhibited so much sympathy for it following the war. As I pointed out in the course of the debate last month, Lincoln did not even favor giving to the Negro political equality with the whites, much less social equality. Had he lived, our country would not be confronted with the threat of social equality that faces us today.

> We of both sections, who suffered so lately as one people in the death of President McKinley, can comprehend the woe and unreason of the moment.
>
> Indignation and memorial meetings simply flayed the South alive. At one in the New York customhouse, when the grieving, exasperated people did not know whether to weep or to curse the more, or to end it by simply hanging us all. Mr. Chittenden rose and said: "Peace, be still!" And declared the death of Lincoln providential, God removing the man of mercy that due punishment might be meted out to rebels. Before the pacific orator finished, people were yelling, " Hang Lee!" And, "The rebels deserve damnation!" Pulpits fulminated. Easter sermons demanded the halter, exile, confiscation of property for "rebels and traitors"; yet some voices rose benignly, as Edward Everett Hale's, Dr. Huntington's, and Rufus Ellis', in words fitting the day. Beecher urged moderation.
>
> The new President, Andrew Johnson, was breathing out threatenings and slaughter before Lincoln's death. Thousands had heard him shout from the southern portico of the Patent Office, "Jeff Davis ought to be hung 20 times as high as Haman!"
>
> In Nicolay and Hay's Life of Lincoln, the following paragraph follows comment upon unanimity in southern and northern sentiment: "There was one exception to the general grief too remarkable to be passed over in silence. Among the extreme radicals in Congress, Mr. Lincoln's determined clemency and liberality toward the southern people had made an impression so unfavorable that though they were shocked at his murder, they did not, among themselves, conceal their gratification that he was no longer in the way. In a political caucus held a few hours after the President's death, 'the thought was nearly universal,' to quote the language of one of their most representative members, 'that the accession of Johnson to the Presidency would prove a godsend to the country.'"

Why was that? Simply because Lincoln believed in emancipating the Negro. He did not believe in slavery; and they felt that the plan he had worked out in order to save the Negro probably would have been accomplished if he had lived. But Johnson, who succeeded him, took an opposite view, as it were; and the Members of Congress whom I shall name in a few minutes passed the necessary legislation, took charge of the South, sent Union soldiers down there to take possession of our government, and, of course, anarchy and rebellion followed.

> The only people who could profit by Lincoln's death were in the radical wing of the Republican Party. These extremists thought Johnson their man. Senator Wade, heading a committee that waited on him, cried: "Johnson, we have faith in you! By the gods, it will be no trouble now running the Government!"
>
> "Treason," said the new President, "is the highest crime in the calendar, and the full penalty for its commission should be visited upon the leaders of the rebellion. Treason should be made odious." It is told as true "inside history" that the arrest and execution of General Lee had been determined upon; General Grant heard of it and went in the night to see President Johnson and Secretary Stanton and said to them: "If General Lee or any of the officers paroled by me are arrested while keeping the terms of their parole I will resign my commission in the United States Army."
>
> But on April 15 even General Grant was of a divided mind, for he wired General Ord: "Arrest J. A. Campbell, Mayor Mayo, and members of the old council who have not yet taken the oath of allegiance and confine them in Libby Prison. * * * Arrest all paroled officers and surgeons until they can be sent beyond our lines unless they have taken the oath of allegiance. Extreme rigor will have to be observed whilst assassination is the order of the day with rebels."

I will skip a few paragraphs that describe the actions of a few in charge and read the following appearing at the bottom of page 97:

> After Mr. Lincoln's death, leniency to "rebels" was accounted worse than a weakness. The heavy hand was applauded. It was the fashion to say hard things of us. It was accounted piety and patriotism to condemn "traitors and rebels." Cartoonists, poets, and orators were in clover; here was a subject on which they could "let themselves out."

Mr. President, I could read on and on to show how the North treated the South, even after the South humbled itself and was starved into submission.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. BARKLEY. Is the Senator ready to suspend at this time?

Mr. ELLENDER. If I do not lose the floor, I shall be glad to suspend.

Mr. BARKLEY. I ask unanimous consent that the Senator from Louisiana may yield to me for the purpose of moving a recess without in any way interfering with his status.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, February 9, 1938, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 8, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, the Lord of Life, with solemn thought, let us have a glimpse of Thy light, a vision that transfigures darkness, that conquers fears, and immortalizes hopes. We pray that the angel of goodness may be wooed and won by all hearts. The universe, Almighty God, is conceived in Thy goodness. Thou, O Christ, art good; Thou went about doing good. Do Thou inspire us with this heaven-born virtue. It will outlast greatness, outshine gold, and outweigh fame. As we pass these days, help us to practice those golden fidelities which alone can make character and create genuine moral worth. Oh, make the atmosphere of this Chamber vibrant with a sense of cooperation, personal responsibility, and with the obligations we owe the people of our Republic.

and unto Thy holy name be eternal praises. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1691. An act to provide that residence requirements for judges shall not be held to apply to judges who have retired; and

S. 2387. An act to authorize certain officers and employees of Federal penal and correctional institutions to administer oaths.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief statement with respect to a report of the Treasury Department.

Mr. RICH. Reserving the right to object, Mr. Speaker, may I ask the gentleman if he will also request permission to place in the RECORD the Treasury financial statement, so the Members of Congress may know in what condition the country is now?

Mr. COCHRAN. The gentleman is placing in the RECORD almost every day remarks about the Treasury statement. This is in the form of a report from the Treasury Department.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. KRAMER. Mr. Speaker, today is the twenty-eighth anniversary of the founding of the Boy Scouts of America. Last evening President Roosevelt made a beautiful address on this subject.

I ask unanimous consent, Mr. Speaker, to extend my own remarks in the RECORD at this point and include the address by President Roosevelt.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KRAMER. Mr. Speaker, the address of the President, broadcast from the White House to the Boy Scouts of America, is as follows:

Fellow Scouts, I am happy to receive this report from Mr. Head on the accomplishments of our organization. On this twenty-eighth birthday of the Boy Scouts of America we should be especially thankful for a youth movement which seeks merely to preserve such simple fundamentals as physical strength, mental alertness, and moral straightness—a movement to support the ideals of peace.

I congratulate our leaders and especially our scoutmasters who have made an outstanding record possible. We have increased in numbers and I am confident on the basis of what I, myself, have observed that we also are improving in the quality of scouting. Last summer I had the opportunity to visit with thousands of you, from all parts of the country, in your great Jamboree camp here in Washington. I am really sorry that every citizen of the country did not see, as I did, the great national encampment of Scouts here along the Potomac River. I have seen no more cheering sight from the standpoint of the national future.

The theme chosen for our Boy Scout Week Observance—"Building a Stronger Generation"—is thoroughly worth while. I have always believed that scout training does help to build health for boys and young men. It encourages them to get out into the open, to develop good health habits. It helps to make them hardy and vigorous. Of course, we all recognize that "Building a Stronger Generation" involves more than good health. It involves strong character, initiative, resourcefulness, and ideals of service—qualities that you practice in your scouting experiences.

But it involves, also, learning all about other people—your neighbors and their problems, the people who live in the other end of town and their problems, the people who live in the next town and their problems, those who live in the next State and their problems—in other words, the problems of every part of the United States. When you have accomplished that you will realize, also, that there are problems outside the United States which affect you and your family and friends. Thus, the ideals of scouting include not only character and service but also knowledge. They will be as real and vital to you in your manhood as they are to you today in your boyhood.

It is my conviction that, through work with our youth, we shall secure the greatest assurance of maintaining our democracy in the face of those forces which advocate forms of government not consistent with our cherished American traditions. And the strength of this youth movement will develop in exact proportion to the support accorded it by communities who are interested in preserving our democracy.

I extend to you my best wishes for the year to come. Boy Scouts today—you will be the citizens tomorrow, with a nation's keeping in your charge. I believe that you will be worthy of the trust.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, yesterday there died in Lowell, Mass., one of America's outstanding heroes of the Spanish-American War, Lt. George Charette, a gallant officer and a fine citizen. He received the highest honors it is possible for this country to give when he was awarded the Congressional Medal of Honor by an act of Congress in November 1899. This great honor was bestowed for his services as a member of the crew of the U. S. S. *Merrimac*, which was scuttled in the attempt to bottle the enemy fleet in the harbor of Santiago, Cuba, on June 2, 1898.

All of us remember the details of that daring feat, when the late Admiral Richmond Pearson Hobson and seven of his men volunteered to sink the *Merrimac* across the entrance to the harbor. It was Lieutenant Charette, then gunner's mate, first class, United States Navy, who touched off the fuze which sank the vessel. Hobson and his handful of men took their lives in their hands to explode the ship under the fire of the Spanish guns. Escape from the doomed vessel at the last moment resulted in the volunteers drifting to the Spanish territory, where they were made prisoners by the enemy. On July 6, 1898, Lieutenant Charette was returned to the United States authorities after spending a month as prisoner of war in the famous Morro Castle prison. His release was brought about through the exchange of prisoners.

It is particularly fitting at this time to give the wording of his citation, which accompanied the Congressional Medal of Honor. It reads:

Gunner's mate, first class, United States Navy, for extraordinary heroism in connection with the sinking of the U. S. S. *Merrimac* at the entrance to the harbor of Santiago de Cuba, on the night of June 2, 1898, under heavy fire from the Spanish batteries. (G. O. 529, November 2, 1899.)

This brave man, who will be buried in Arlington Cemetery on Friday morning, at 10 o'clock, with highest military honors, spent his life in the service of our country. His record is one of the finest examples of patriotic devotion to one's country. Charette enlisted in the United States Navy at the age of 16 years, after receiving his education in the elementary schools of Lowell, where he was born on June 6, 1867. Records of the Navy Department show that he enlisted at Boston on September 2, 1884, as an apprentice, first class. Up to the time of the Santiago Harbor incident his life as a sailor in the service of Uncle Sam was uneventful. After that his rise was meteoric. He was elevated to the rank of gunner, then to chief gunner. He saw service on many of the famous ships of our Navy, both in home waters and abroad. At the opening of the World War he was stationed on the U. S. S. *Kansas*, on which he served until November 1917, convoying American troops to France. Because of his fine record and experience, he was then placed in charge of the Naval Ammunition Depot at Hingham, Mass., with the rank of lieutenant, junior grade (temporary). Later he was promoted and commissioned as lieutenant in the Regular Navy, on August 3, 1920. He was retired on May 31, 1925, and lived quietly with his wife at his home on 38 Gershon Avenue, Lowell.

It is with a deep feeling of pride that I call attention to this great hero's service. It is with profound sorrow that I announce his passing. My sympathy, and I am sure yours, goes out to his widow. His was truly a lifetime of service—40 years, 8 months, and 29 days of exemplary service. We at Lowell, the city where I live and which I have the honor

to represent, and all the people of Massachusetts, are extremely proud of and grateful to Lieutenant Charette. His name will not be forgotten. [Applause.]

[Here the gavel fell.]

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that on tomorrow, after disposition of business on the Speaker's desk and following the legislative program of the day, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent that on next Monday, after disposition of business on the Speaker's desk and following the legislative program of the day, I may be permitted to address the House for 20 minutes on the subject of the remedy for the 1937 relapse and the 1929 depression.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may be permitted to sit on tomorrow and Thursday, February 9 and 10, during the sessions of the House.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

CALL OF THE HOUSE

Mr. LAMBERTSON. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred forty-three Members are present, not a quorum.

Mr. JONES. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 15]

Buckley, N. Y.	Gamble, N. Y.	O'Connor, Mont.	Smith, Okla.
Champion	Gasque	Rankin	Smith, Wash.
Clark, Idaho	Gingery	Reilly	Sullivan
Cole, Md.	Griswold	Robsion, Ky.	Wadsworth
Daly	Hill, Wash.	Ryan	Whelchel
Deen	Lesinski	Sabath	
Ditter	Magnuson	Shannon	

The SPEAKER. Three hundred and ninety-seven Members have answered to their names, a quorum.

On motion of Mr. JONES, further proceedings under the call were dispensed with.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent that on Thursday next, immediately after disposition of matters on the Speaker's desk and following the legislative program of the day, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF REMARKS

Mr. SCOTT, Mr. BINDERUP, and Mr. SHANLEY asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. PETTENGILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including the recommendations of the small-business men's conference recently held here.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including an address by Prof. Edwin Borchard, of Yale University, world-famous authority on international law delivered at the Bronson Cutting Memorial last night.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose at this time.

THE FARM BILL

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 416.

The Clerk read as follows:

House Resolution 416

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of the conference report on the bill H. R. 8505, an act to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, and for other purposes; that all points of order against said conference report are hereby waived; and that after debate on said conference report, which may continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the previous question shall be considered as ordered on agreeing to the conference report.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. Speaker, this is a very considerable resolution. In a few lines, first, it waives points of order against the conference report, and, second, it increases the usual time of 1 hour to 4 hours for general debate on the conference report.

With this preliminary statement, and I may have something to say later, I reserve the balance of my time, Mr. Speaker.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I do not wonder that the gentleman from New York was very brief in his remarks. It must be difficult for the able and generally liberal chairman of the Rules Committee to bring such a parliamentary outrage upon the floor of the House. To consider this legislation under the pending rule is an insult to the intelligence of every Member of the House.

This farm bill, a measure which affects the destiny of every farmer in the country and affects everyone who lives in the country, is brought into the House under a gag rule; a gag both as to time and procedure.

Think of the situation that confronts us today. Here is a bill the conferees have been considering for 1 month or more. It took the conferees all of that time to agree on a bill and now they come in and ask the membership of this House to vote intelligently upon this great question in 4 hours. The report of the conferees is 35 pages of small type and it was not available until this morning. No Member can hardly read the report in the time we are going to be given to consider the legislation. Certainly he cannot digest it.

Mr. DIES. Mr. Speaker, will the gentleman yield for a question?

Mr. MARTIN of Massachusetts. I yield.

Mr. DIES. The gentleman from Massachusetts will agree that if it were not for the rule the House would only have 1 hour of time to debate the conference report.

Mr. MARTIN of Massachusetts. Oh, that is not so. Unless this bill was brought in under a gag rule, the House would have some way to determine just what the farm bill should be and we would also have an opportunity to discuss it fully.

Mr. DIES. You would have only an hour's time.

Mr. MARTIN of Massachusetts. Wait a moment. More than that; we would have an opportunity to make points of order against the legislation which is included here, because the bill brought in by the conferees goes far beyond either the bill of the House or of the Senate. It contains legislation the Members of the House never contemplated when the original bill was passed. It contains legislation which the House Rules Committee refused to permit to come up in a separate bill. We should not be deceived by the fact ordinarily we get only 1 hour of general debate. Here you are getting only 4 hours of debate, but then you must vote the

report up or down and there is no discretion in the matter. If we voted down the previous question when a conference report was considered under the general rules of the House, we could secure unlimited debate. The rule certainly is an abridgement of the rights of the House.

Mr. DIES rose.

Mr. MARTIN of Massachusetts. I do not yield further, as my time is short.

How many know just what is in the bill, or, for instance, what the cost will be? It is true that immediately you cannot spend over one-half billion dollars when additional funds are provided. Before we are through with this legislation it will cost the taxpayers of this country a great many million dollars more than the amount allocated here. How is the additional money to be secured? In order to get more money it will not be necessary to come to the House, because under the authorization here all that will be necessary in the future is for the Ways and Means Committee to bring in a bill for taxes that will provide the additional cost. A processing tax could be reported in a tax bill and the money could automatically be assigned for farm donations.

Look at the situation we are in. The Appropriations Committee only the other day tried to chisel a million dollars from the substitute postal clerks and carriers of the country, but today we pass a bill no one knows what will be the cost. The Appropriations Committee can do some cheese paring, but it will be put in the position of not being able to accomplish anything in the line of savings. I cannot conceive how the President can sign this bill, in view of his announced attitude the other day when he vetoed a bill for the scrubwomen who work for the Government, who were to get 5 cents an hour more than they are paid at the present time. He vetoed this small compensation to the poorest workers of the country upon the ground it was discriminatory—that similar poor people could not also benefit. The scrubwomen in the post-office buildings were denied a chance to live more decently because women of other departments were not included. This bill is discriminatory against the dairy people of the country, against the livestock people of the country, and against the poultry dealers. In fact, it is discriminatory against all but three or four phases of agriculture. If the President is correct when he vetoed the bill for the scrubwomen on the ground of discrimination, he will veto this bill upon the same ground.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. Yes.

Mr. GIFFORD. Does not the gentleman think that 4 hours is sufficient for the Members of this House to tell all that they know about this bill?

Mr. MARTIN of Massachusetts. I think that 4 hours is sufficient time for the Members to tell all they have been able to gather in the short time which has elapsed since the report was filed. I also believe those who are trying to railroad this bill through under a gag rule do not want the membership of the House to know very much about it. The less knowledge the more votes will be cast for it. The bill gives the Secretary of Agriculture great power over industry, the railroads, because under certain conditions they can regulate railroad rates; and under certain conditions the Secretary of Agriculture can say to the textile owner in New England, "You must close your mill, because, perchance, in some way you are using in your mills cotton which has been grown on submarginal lands." The mill owner might not be aware of the fact, but he could be punished just the same. It provides for three paid agents in every precinct in the country, but, of course, that would not be used for a political machine.

Let us be sensible about this. If Members will look at the notice the "whips" have sent out, they will realize there is not much going on this week. Two days are entirely open and free for discussion and debate. We ought to use this time debating a live issue, and one which profoundly affects all the people. If we are to justify ourselves as Congressmen, we will do this. We talk about hurrying the legislation. Does anyone believe this bill will be hurried through the Senate? Of course it will not. The other branch will spend many days before they will give their approval to this bill and we could well afford to do likewise. We can achieve our purpose in a very simple way. Let us vote down the previous question, and then we can amend the rule so there will be plenty of opportunity for debate. We can also pass on the question of whether we want to waive these points of order. We can determine whether they are really in the interest of the farmer or whether he is being regimented and controlled. I hope when the roll is called we will vote down the previous question and get more time to debate and consider this question properly. If we fail to vote down the previous question, then let us vote down the rule, because in that event the bill will go back to the conferees and it will be brought in here in the usual way. It will not mean the death of the conference report, but it will mean we want to have a chance to determine the bill and do not accept it upon the blind faith in a few men. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, the gentleman from Massachusetts [Mr. MARTIN] speaks of this rule as being a parliamentary outrage, but it has been used frequently within the last 15 years since I have been a Member of Congress by both sides. In the first place, as to time, it extends the time from 1 hour to 4 hours, besides the hour upon the rule, which will make 5 hours' discussion. In the next place the conference report cannot be amended. It must be voted up or down. Therefore, we have but the single proposition on which to vote. Surely that amount of debate is sufficient to discuss the bill.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. No; I have only 5 minutes. With the divergent views held by different Members of the House, I compliment the conference committee for having worked out a bill which I think will be satisfactory. In the first place, this legislation is highly experimental, with much difference of view. The committee has worked out these differences, these inequalities. I approve the policy that is expressed in the report and in the bill—soil conservation, payments of local allotment to permit soil-building crops, and at the same time reducing surpluses, the reduction of soil-depleting crops, to stabilize prices of farm products at somewhere near parity. I know that some from the cities feel that this is a raise of farm prices, and feel that that would be adverse to their constituents. But all the people who live in the industrial cities have their opportunity of employment and wages, because this great purchasing power on the farm buys the products of the city. If in my own country and in the agricultural sections of the country the farmers are not able to receive somewhere near a parity price for their crops, immediately the purchases of automobiles and farm implements and house furnishings will drop off, and then unemployment occurs in the cities. It is to stabilize those prices and give stable purchasing power that will also help pay the workers in all cases, that this committee has worked out this bill. Industry is able to control its production and has for many years, with the aid of a high protective tariff. It has never overproduced, and has rarely reduced prices for its commodities. Farm implements and automobiles stay about the price whether there is abundance in the warehouse, whether they are overproduced or not. So the farmer has to pay that price, and unless you give him purchasing power to do it, he cannot do it, and that is what this bill undertakes to do.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I would rather not. So I compliment the committee for taking into consideration a national fact. None of us will get everything that we would like to have for our particular districts, but if they will attempt to stabilize the prices by controlling production of five basic crops mentioned in the bill, it will go a long way toward producing a purchasing power that will buy the

product of the factory and tend to turn the wheels of industry and help lift the whole economic condition to a higher and better plane. So we must accept this bill, after all the tedious activity and endeavor on the part of this committee as the best compromise measure, perhaps, that can be obtained.

We were called into special session for this particular measure. Having this in mind, we discussed it for days here in the House of Representatives. It was discussed in the Senate an even longer time. It went to conference, and now they have worked out the divergent views of the two Houses in this compromise measure, which I believe is the best bill that can be obtained under the circumstances at this time. I think it would be tragic to send it back to the committee. We should adopt the conference report. [Applause.]

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. McLEAN.]

Mr. McLEAN. Mr. Speaker, if there is such a thing as legislative honesty, the procedure suggested here violates its fundamental principles. This resolution does violence to the rules of orderly procedure which experience has developed for confining issues, expediting business, and protecting our rights as Representatives; rules which are understood and relied upon.

The rules of the House of Representatives as they relate to conference reports are rules of limitation and exclusion. Their purpose is to limit jurisdiction of conference committees. A conference committee is a joint committee consisting of managers representing both Houses. The purpose of such committee is to settle and compose the differences between the two Houses, not to create legislation. There are two general rules which govern conferences: The first is that the conferees cannot inject into a bill an absolutely new subject; the second is that what they do inject into a bill must be germane. This is the language of Speaker Clark, and it is borne out by many precedents. Conferees should approach the discharge of their duties as the agents of those they represent within the well-defined and well-understood rules of their agency.

It developed at the hearing before the Committee on Rules that except for the Boileau amendment this entire proposal which will come before the House on the adoption of this resolution violates these rules. Although you may give it the name, this is not a conference report. It is new legislation. It is for this reason that action on this resolution is necessary and is sought by its proponents. It is not within the province of a conference committee to write entirely new legislation, but the conference committee to which was referred this bill (H. R. 8505) has reported under the same number and title what is admittedly a new measure. Because of hopeless disagreement between the two Houses on this farm relief measure a new proposal emerges from the conference.

The effort is to enact any sort of bill to comply with political promises; and for this purpose all the rules of procedure, all limitations, are to be put aside and the door opened for those who constitute the conference committee to force upon the Congress the enactment of their own ideas. The entire matter will be under their control. The only rules governing the consideration of this proposal are to be such as may be considered applicable to accomplish these purposes. Such procedure is wrong. It is not only wrong, it is entirely unfair. It is unfair because the measure should take the course of all legislation; it should be regularly introduced, it should have committee consideration, it should be brought before the House for debate and opportunity offered for amendment. We are asked to determine after 4 hours of consideration, by a single vote on the whole proposition, whether we will place on the statute books that which it has taken the conference committee 2 months to prepare and portions of which have been heretofore rejected by action of this House.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. McLEAN. I yield.

Mr. BOILEAU. The gentleman from New York [Mr. O'CONNOR] and the gentleman from Texas [Mr. DIES] said that the purpose of the rule was to give more debate. I challenge that statement and say that if we vote down this rule we can put it within our own power to have as much debate on this conference report as we want, because the chairman of the committee of conference, the gentleman from Texas [Mr. JONES] can have 1 hour. If he fails to move the previous question, or if we vote down the previous question, we could take 10 days under the ordinary rules of the House.

Mr. McLEAN. The resolution now before us provides three things. First, that the proposed measure shall have immediate consideration; that it have right of way over all other matters now pending in the House; second, it limits the consideration to 4 hours, all of which will be in control of friends of the measure; and, third, it provides that no portion of the proposed measure shall be stricken out on points of order.

The rules of the House give preference to the reports of conference committees, and the time for their consideration is already limited. Hence, the resolution is unnecessary except as to points of order. The whole purpose of this resolution is to protect this new measure against destruction on points of order.

The bill has 121 pages. Much of its language is technical. It reached the desks of those who were available last Saturday. I charge that it has not been humanly possible for any Member of the House to complete a thoughtful or intelligent reading of the proposal. Also, there are in it many references to other acts which will be amended and made applicable which must be read in connection with this proposal, and frequent references are made to other portions which must be read and reread to make a really understandable concept of the objects and purposes of the bill and the manner in which they are to be carried out.

Under this resolution we are to be gagged by the limitation of debate; we are to be fettered by the provision which waives rules of order; we are to be "steam rollered" by giving the proposed act right of way over all other matters pending in the House. All this in spite of the fact that it is admitted by the friends of the bill that revision will be required and that the funds to be appropriated are insufficient to fully achieve the objectives of the measure.

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Speaker, I can see very little to get disturbed about on this rule. It is about four times as liberal as the ordinary rule; it is far more liberal than the general rules of the House. It simply avoids the waste of a lot of time in arguing points of order but gives plenty of time for consideration of the report. For this reason it is my purpose to support the rule.

I find myself, however, in a very uncomfortable position here today on this bill, for the reason that the party to which I belong, to my mind, in this bill is duplicating exactly the things we criticized when we came into power. We criticized our opponents for doing two things: Using the people's money to speculate in the grain markets and using the tariff to exploit one part of the country and one part of industry for the benefit of another. In this bill we are doing exactly that thing. We are discriminating against the people of Ohio, Indiana, Wisconsin, Puerto Rico, and a part of Pennsylvania and New York in favor of a small group of people in Lancaster County, Pa., and we are dissipating the money of the United States Treasury to buy up farm products which, by the provisions of this bill, it will be practically impossible for the Government to sell. This is to be on a scale which will make the Hoover Farm Board speculations dwarf to insignificance. For example, by reference to page 45 you will find in the marketing provisions

that type 41 tobacco is excluded. Type 41 tobacco is raised in Lancaster County, Pa. It is a binder and filler tobacco which differs in almost no respects from types 42, 43, and 44 raised in Ohio and Indiana. Some experts say that type 41 is somewhat superior for cigar binder use, but this is very energetically disputed. Why is type 41 tobacco excluded? I have gone to the committee members to try to find out some reason, with no results. There is nothing in the record, nothing in the testimony before the committee. The Secretary of Agriculture sent down the original draft and type 41 was included. Type 41 was also included in the bill passed by the Senate. It was excluded in our House committee executive session, obviously because a member of that committee happened to represent the one county where type 41 tobacco is grown in Pennsylvania.

We have taken one little spot out of the United States, for no reason at all, not recommended by the Department of Agriculture, and we have excluded it from all marketing control. We have left the rest of the filler tobacco territory under the control of the provisions of the bill. Wisconsin tobacco is under this bill. Ohio and Indiana tobacco is under this bill. But the type 41, which is a substantial competitor of types 42, 43, 44, and 46 is freed from all marketing control until 1940. How can anybody who does not believe in the use of this Government for the preference of certain districts or certain industries at the expense of others vote for a bill of this kind?

On page 45 it says that flue-cured tobacco quota cannot be reduced to more than 75 percent of the normal marketing quotas. Why pick out flue-cured tobacco? All other kinds of tobacco fire cured, air cured, cigar filler, and cigar binder can be reduced to any extent at all but not flue cured. The reason is obvious, it is because a certain gentleman in another legislative body represented the flue-cured tobacco section.

This brings me to the up-to-date Democratic type of the Hoover Farm Board. It is provided in this bill that when the price of cotton goes below 52 percent of parity—page Mr. Einstein to figure out parity—good old Uncle Sam steps in and gives the cotton farmer a loan, which must be not less than 52 percent of parity, and may be 75 percent of parity. Immediately after the loan is made the farmer is authorized to transfer, and the Agriculture Department directed to receive, the cotton bales on which the loan is made.

Then the Government must hold that cotton until it receives at least as much as it paid for it, and when that mythical time comes it can sell no more than 1,500,000 bales a year. In other words, by this bill Uncle Sam contracts to take the cotton crop at any price from zero to 100 percent above the market price, and then hold it until Joe Doakes offers to relieve the Government from the bad bargain. By comparison the money that Hoover wasted on his Farm Board speculations will be historically recorded as small change.

Mr. Speaker, how can we defend a bill of this kind? This is not a Democratic measure. It is a measure by which people in places of power and advantage have received subsidies for their districts, and their crops at the expense of the rest of the country, the very thing we excoriated our opponents for doing during the Harding, Coolidge, and Hoover administrations. [Applause.]

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, we are today going to consider one of the most important pieces of legislation that has come before Congress in recent years. The bill itself embraces 121 pages and was only made available for study by the membership of the House on last Saturday morning. It was only this morning that we were able to get copies of the conference report, which occupies 61 columns of fine print in the CONGRESSIONAL RECORD.

Is there anyone in this House who can excuse such procedure as we are about to blindly embark upon in bringing this measure in under a gag rule? Oh, I remember how you of the majority used to rave against gag rules when we were in control, and may I remind you that we rarely resorted to the use of gag rules. I have seen more gag rules brought into this House in the last 4 or 5 years than in all the previous 16 years of my service. You are going to put through this measure by means of a gag rule.

Mr. Speaker, I can understand why it is brought in here under a gag rule. The conferees know if the Members of the House were aware of some of the provisions in this bill it would never pass. That is the reason for the gag rule, which will limit study and debate to 3 hours. We should take at least a week to such an important matter.

May I say to the Members on both sides of the House that with 1 year's operation of this proposed law, everyone who voted for it will be on the defensive? You will never be able to repeal it—certainly not while the present administration is in office—because it takes a two-thirds vote to pass a bill over a Presidential veto.

Mr. Speaker, this measure affects every farmer in the United States—all agriculture from coast to coast and from the Great Lakes to the Gulf—and we are asked to pass it in 3 hours. No wonder the people are losing confidence in the Congress, nor may we wonder that the Supreme Court has time and again been compelled to hold unconstitutional half-baked legislation that has been forced through this House and the other body with little debate and less understanding the past few years.

The several farm organizations, with representatives in Washington, are in disagreement over the measure. It is my information that the farm organizations were a unit in opposition to this measure up until last evening when the Farm Bureau swung over to its support because of the adoption of the Coffee amendment. At this point I desire to read several telegrams and letters sent to me.

CANBY, MINN., *February 8, 1938.*

Congressman HAROLD KNUTSON,
House Office Building, Washington, D. C.:
Minnesota Farmers Union endorsed cost-of-production farm legislation and condemns regimentation farm bill. Therefore advise vote to defeat administration farm bill.

J. C. ERP.

MINNEAPOLIS, MINN., *February 8, 1938.*

We are of the opinion present farm bill coming out of conference does not properly protect dairy, livestock, and poultry. Urge you vote for redraft amendment giving necessary protection.

JOHN BRANDT,
Land O'Lakes Creameries, Inc.

ST. PAUL, MINN., *February 8, 1938.*

Conference report Boileau amendment makes same worthless in our opinion. Urge you work for real protection dairying, livestock, and poultry.

TWIN CITY MILK PRODUCERS' ASSOCIATION,
W. S. MOSCRIP, *President.*
F. M. ROHE, *Secretary.*

• • • This bill has been in conference for more than 30 days and it affects the rights and liberties of both producers and consumers. The printed report of the conference committee has been available but a few hours. There certainly is no justification for attempting to pass this measure under gag rule. We ask that this legislation be stripped of its compulsory features before it is enacted.

Yours sincerely,

THE NATIONAL GRANGE,
FRED BRENCKMAN,
Washington Representative.

Of course Minnesota farmers are against the passage of this legislation because it does nothing for us. Nowhere can we find where it will benefit the dairyman, the livestock man, the poultry raiser, or the rye grower—most important crops in our part of the country.

As I understand, this is a cotton bill drafted by Senators and Congressmen from the Cotton Belt. It is regimentation in its most obnoxious form, and I fear it would be possible to so operate the law as to convert the American farmer into serf and peasant.

If you are sincere in your desire to help the farmer, and you have the votes to do so because we would join you, why not give him parity price or cost of production? You are not going to solve the farm problem by creating another cumbersome and expensive bureau in Washington that will have its tentacles reaching into every township and school district

in the land. My colleague [Mr. ANDRESEN] estimates it will require over 100,000 new Government employees to administer this law.

Why is it that you of the majority operate on the theory that it is necessary to set up these vast organizations that continually eat their heads off whenever you try to do anything? Why not use a little horse sense in the consideration of the farm problem? You demonstrated that you are capable of doing so when you brought out the Soil Conservation Act 2 years ago, for which I voted. That has been of considerable help to all parts of the country, and for my part I am willing to continue along with it until we can get something better. Certainly this is no improvement on what we now have. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. WARREN].

Mr. WARREN. Mr. Speaker, if the Democratic majority in the House of Representatives proposes to follow the leadership of my friend, the assistant minority leader [Mr. MARTIN of Massachusetts], then, of course, we will have no farm bill.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. WARREN. I refuse to yield, because I only have 3 minutes.

It is well known that my friend from Massachusetts has consistently opposed every farm bill that has been presented by the majority party since we came into power.

In the debate on this measure when it first came to the House, it devoted more time on this bill than has ever been given to any bill during the last 14 years. The House passed one bill and the Senate another. Of course, the conferees who have been working on this measure since December 18 have had to bring in extraneous matter because they were working on two separate bills, and this, of course, is the purpose of the rule.

Imagine, if you will, voting down this rule and seeing the utter chaos that will exist in the House. Of course, points of order could be made and, of course, points of order would be sustained. As a result we would have no bill at all.

Mr. Speaker, the planting season is just about to begin. The farmers of the Nation have certainly shown to the American Congress that they desire the legislation now. The Congress has responded and has brought in here the best bill that can be secured under the circumstances. I appeal to the Members of the House, in order to have responsible majority legislation and in order that we may write our program on the statute books, to vote for the rule and for the adoption of the conference report. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield myself one-half minute.

Mr. Speaker, the gentleman from North Carolina pays me a great compliment when he said I opposed every farm bill that has been brought to the House by the present administration. I admit this is true, and the fact there is another bill brought in here at this time for the same objective of the other bills indicates I was right every time I voted against the previous farm bills. He is wrong, however, when he said a vote against this rule will kill farm legislation. It will simply mean the measure will go back to the conferees and will retain its privileged status and may come up again at any time for consideration.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, the statements of the gentleman from New York and the gentleman from Texas might be misunderstood by some Members of the House. If we vote down this rule, the conference report will have to come up under the regular rules of the House. The gentleman from New York and the gentleman from Texas intimated this rule was so generous it was giving us more time for debate. Let me say that if we vote down this rule the gentleman from Texas [Mr. JONES] will then be privileged to call up the conference report and will be recognized for 1 hour, at the end of which he does not have to move the previous question. If he does not then move the previous question, any Member who can get recognition is entitled to 1 hour. If the gentleman from Texas does move the previous question and try to preclude further debate, we can then vote down the previous question and every Member of the House is entitled to recognition for 1 hour until we do vote the previous question. Therefore, if we vote down this rule, and if we have enough votes to vote down this rule we have enough votes to vote down the motion for the previous question in the event the gentleman from Texas should make such a motion, we can have enough time to consider this matter intelligently.

There is one other matter I want to call to your attention. I observed in reading the so-called Boileau amendment in the conference report that the word "permanently" was stricken out of the bill at one point, where the provision referred to the use of lands for pasture purposes.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Texas.

Mr. JONES. I may say that was an oversight. We are offering a resolution to restore the word "permanently."

Mr. BOILEAU. How is the gentleman going to offer such a resolution?

Mr. JONES. Immediately following the adoption of the conference report it will be offered. I have the resolution already drafted, to authorize the insertion of the word "permanently." I do not think the matter is important, but we will offer the resolution.

Mr. BOILEAU. In other words, after we conclude debate on this rule the gentleman is not going to move the previous question, but is going to offer an amendment to the rule or to the conference report?

Mr. JONES. After the adoption of the conference report such a resolution is offered when there is a printed error or some such matter to be corrected. It is not important, but we will offer the resolution.

Mr. BOILEAU. After the adoption of the conference report the gentleman is going to offer an amendment to the conference report?

Mr. JONES. No.

Mr. BOILEAU. Will the gentleman state how he intends to get at that situation?

Mr. JONES. I intend to do it as it is usually done, and it has been done frequently. The procedure is to offer a simple concurrent resolution providing that in the enrollment of the bill the Clerk is authorized to reinsert the word "permanently."

Mr. BOILEAU. I submit to the Members of the House that this typographical error did more damage to the amendment than all the other typographical errors. If that is a typographical error, then it is a typographical error the way the committee of conference has emasculated this amendment. If such an important typographical error can creep into this bill, and if such an important error can be made with no action on it being suggested by the conferees until the matter is brought to their attention, then I say to all Members of the House who have in the bill something of vital importance to your districts you had better examine the conference report pretty carefully. I submit you cannot do it in the short time you have today. There is not a single Member of the House, with the exception of the members of the committee of conference, who can make an intelligent explanation of this bill, not one.

I served on the Committee on Agriculture last summer when we considered this general type of legislation. I served on this committee from the 25th of October until we brought the bill into the House during the special session, and I do not believe I missed a single session of the committee. I do not claim to have any more intelligence than the average human being, but I made a careful study of the bill, and I believe I know what it contained when it came in here. It

took all that time and all that study for me to obtain that knowledge. I have tried my level best to try to figure out what is in the bill now before us. The Members of the House can figure it out if they have the time. However, one section of this bill requires 4 or 5 hours of study before you can pick the bugs out of it. I spent that much time on it before I knew this typographical error existed.

Mr. Speaker, we ought to vote down the conference report. [Applause.]

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, many of those who are opposing this bill are opposing it because it is giving the farmers a little something. It is not giving them much. I am for the rule and I am for the conference report. It is not going as far as I should like to see it go. We should have parity prices for farmers on all basic agricultural commodities.

PARITY PRICES FOR BASIC AGRICULTURAL PRODUCTS

This morning the Coal Commission issued an order to the effect that all coal operators in the State of Kansas are in interstate commerce, although they are operating wholly within that State. On the theory they are in competition with interstate commerce. If you can give parity prices to coal operators for the purpose of giving fair wages to the workers and operators, you can give parity prices to the cotton farmers, the wheat farmers, and growers of other basic agricultural commodities on the same theory. The same principle is involved, and this principle is to give a parity price for at least domestic consumption. We can still have production control. Our soil must be conserved and production control is one of the best ways to conserve it. We have passed a coal law that gives this benefit—a fair price—to the coal operators. If we can do it for coal we can do it for the cotton growers. You cannot consistently argue that we cannot give parity prices to the cotton farmers, the wheat farmers, or any other farmers, and at the same time contend it is right to have a coal law which will give the wage earners a fair wage for what they earn. [Applause.]

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the balance of the time to the gentleman from Minnesota [Mr. ANDRESEN].

Mr. ANDRESEN of Minnesota. Mr. Speaker, we are about to consider one of the most important pieces of legislation ever taken up in any Congress. When we asked for time to consider this measure in the proper manner we were denied that right by the Committee on Rules and those in charge of the legislation. They said it was necessary to put this bill through on account of spring planting; that the farmers had to have this legislation so they could put in their crops. I do not know where the gentlemen received that impression, because the passage of this bill makes no difference whatever in the planting of 1938.

This bill—H. R. 8505—is already in operation under the Soil Conservation Act passed in 1936, and whether we pass this conference report today or defeat it makes no difference. The law is already in effect under interpretation of the Soil Conservation Act by the Secretary of Agriculture, and the plantings will go on and the farmer will receive the same benefits that he would if this conference report became law. He gets nothing more or nothing less, with the exception of the cotton farmers, and one thing I want to talk to you about is what the cotton farmers are getting.

A section was included in the bill by the conferees that was never considered by either House of Congress. I had in mind making a point of order against that section, but when the Rules Committee brought out this so-called gag rule, which stops us from raising points of order, the only thing I can do is to mention it to you so that you may use your own judgment in voting on the conference report. They did take good care of cotton, and I think every man who represents a cotton district should vote for this conference report, because this is more or less a cotton bill. It provides that the cotton farmers who have made loans on cotton and who make loans on their 1937 crop at 9 cents a pound up to the 1st of April may transfer title and sell that cotton to the Commodity Credit Corporation at 9 cents a pound and receive 2 cents a pound more, or a total of 11 cents, in addition to such other benefits as the Soil Conservation Act and this bill may provide for them.

The Commodity Credit Corporation is lending now at the rate of 100,000 bales a day. The market price is approximately 8½ cents a pound, and it is estimated that before the 1st of April the Commodity Credit Corporation will have loaned 9 cents a pound on more than 10,000,000 bales of cotton, and all the borrowers have to do under the provisions of this bill, as set up by the conferees, is to tender title to the Commodity Credit Corporation and the Commodity Credit Corporation will assume all carrying charges, insurance, and storage, and everything that goes with it, and Mr. Farmer is relieved from any obligation; and, on top of this, he gets the 2 cents a pound as additional subsidy and such other benefits as he might receive under the Soil Conservation Act. I have figured it up and I estimate that the cotton farmer will get for his 1937 Crop between 12 and 14 cents a pound with a market price of only 8½ cents a pound. Surely you should vote for it, but this proposition was never discussed in the House. It was never discussed in the Senate. It was put in by the conference, and we are not given an opportunity to vote for or against it or even to discuss it in a proper or intelligent manner so as to bring out the facts.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. ANDRESEN of Minnesota. I am sorry, I cannot yield.

Another provision that is subject to a point of order, which we are stopped from considering under the so-called gag rule, is that the responsibility for collecting all of the penalties against the rice farmer, against the wheat farmer, against the cotton farmer, against the corn farmer, and against the tobacco farmer is left with the man who buys the commodity. If you can tell me how a butcher, when he buys a rooster or a pig or a cow, can tell whether or not any bootleg corn or wheat was fed to that animal, you know more about it than I do; but here they are bringing up an unworkable and unsound proposition, placing the responsibility and the burden upon the buyer to go to work and collect these penalties and serve as an agency of the Federal Government in the handling of its affairs to bring about this compulsory control, with heavy penalties and the snooping on the American farmer that goes with it. This is another provision that is subject to a point of order, and one that should be stricken from the bill.

We have here 15 or 20 pages of the bill devoted to a new insurance program. I am not saying I am opposed to it; but the measure was never considered here in the House, neither was it discussed deliberately in our Committee on Agriculture. It sets up a huge insurance corporation for crop insurance on wheat. In the State of Pennsylvania alone there are 82,000 farmers who grow wheat. They will need about 50,000 agents for a certain distinguished gentleman from that State to hire and put on the pay roll in order to contact all of these 82,000 farmers.

This might be a good bill; it might be a wonderful experiment; but it seems to me that if we are setting up a Nation-wide organization for the insurance or protection of any one commodity or all of the farm commodities, we should at least have ample time to discuss it and work out the merits of the proposition in order to make it worth while.

Mr. Speaker, I hope the rule will be voted down. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield the remainder of my time to myself, and ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, there has been a good deal of talk here today about this House Resolution 416 being a gag rule. The use of that phrase "gag rule" on the floor of the House and in the press has

become very loose. I noticed some newspaper headings today stating that the farm bill would be brought in under a gag rule.

In all fairness to the procedure of this House, Mr Speaker, this rule is the opposite of a gag rule. I expected some snickers from the Republican side and from those who oppose certain features of this farm bill when I said that, but I heard none, because they all know it is not a gag rule.

Let us look at the question fairly. If this conference report on the farm bill were brought up in the usual way, the gentleman from Texas [Mr. JONES], the distinguished chairman of the Committee on Agriculture, would call it up and would be entitled to 1 hour, which he would control. At any time within that 1 hour he could move the previous question on the conference report and the sole vote then would be on voting up or down the conference report. The distinguished gentleman from Wisconsin [Mr. BOILEAU], who has made such an outstanding fight on this farm bill, assumes that by some possibility the gentleman from Texas [Mr. JONES] may have lost all sense of parliamentary procedure, so that he would not move the previous question. Such could not happen while Mr. JONES or any other chairman was compos mentis.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. BOILEAU. If the gentleman wanted to give us 4 hours, as provided in this rule, he would not have to move the previous question until the 4 hours were used, and the House could then vote down the previous question if it wished.

Mr. O'CONNOR of New York. The gentleman from Texas could of course do that, but this rule itself increases debate upon this conference report from 1 hour to 4 hours. And please never lose sight of the fact that no rule is effective until approved by a majority of the House. The Rules Committee only suggests. You know, I served on the Rules Committee for 8 years at the feet of the distinguished minority leader, the gentleman from New York [Mr. SNELL], and I saw him bring in rules just like this for the consideration of conference reports. The prime purpose of such rules is to waive points of order that might be raised and that might unduly delay consideration of the subject. Points of order are often raised arbitrarily. Sometimes they are raised to exhibit the parliamentary erudition of the raiser.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. TABER. If this rule were not adopted, the conference report would be subject to amendment, and each amendment would be entitled to an hour of discussion under the rule.

Mr. O'CONNOR of New York. That is not correct, unless the previous question on the conference report were voted down, which can happen here. This rule does not change that situation.

Mr. BOILEAU. Does not the rule provide that after debate the previous question shall be considered as ordered?

Mr. O'CONNOR of New York. That is correct. I was in error, but as to my answer to the distinguished gentleman from New York, I was correct in saying that the mere voting down of the rule would not permit amendments. In that event the gentleman from Texas could call up the conference report in the usual way and unless he permitted amendments or his motion for the previous question was voted down, amendments would not be in order.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. MICHENER. As a matter of fact, the conference committee is presumed to deal with the House bill and the Senate bill; and is not the reason that the rule is brought in here the fact that the conference committee included in the bill provisions which are not in order, and which have never been considered by the House—and is not the purpose to prevent consideration by the House of those new matters?

Mr. O'CONNOR of New York. That is a disputed question. There is no one who can say at this one moment that any provision of this bill would be held out of order if the point of order were made against it as going beyond the differences between the two Houses. There is one provision in this report, however, which is questionable, and that is concerning an appropriation. Time and again the Rules Committee has brought in a rule to make in order a bill or a conference report because of an appropriation improperly carried in it.

Let us now pursue this question of gag rule a little further. The general rules of this House are gag rules, if you want to call them that. For whose benefit the appeal is made about gag rules I do not know. The usual 1-hour rule is a gag rule. The 2-hour rule on Calendar Wednesday is a gag rule. The 5-minute rule is a gag rule. In fact, every rule of the House in effect to expedite public business is a gag rule, if it pleases you to call it such. Some people sincerely wish that another body had similar rules in their procedure. It is easy to harp about gag rules. Committees that have a privileged status, like a conference committee, come to the Committee on Rules primarily to expedite and again to lengthen the time for debate. That is true in this instance. I feel sure the membership of this House will not go off with the idea that anybody is being gagged. If we want to vote down the conference report, the House can do it, and then the whole subject is open as long as the House sees fit to continue it. That is a much more practical method than voting down the rule, I might say to my good friend from Wisconsin.

We Members from the North and from New York, for instance, from the metropolitan areas, have been fairly consistent in voting in favor of farm bills. As a matter of fact, from the days of the McNary-Haugen bill there have been few farm bills which would have passed this House if it had not been for the support of the Members from the North and especially by getting sufficient votes from New York. For instance, I remember just at the close of the first session of this Congress, when a cotton bill was under consideration and it became necessary to change enough votes to pass that bill. We got enough changes from New York and the surrounding territory to pass the bill. The McNary-Haugen bill was passed by votes from New York, just a handful. The Bankhead cotton bill was passed by just a few votes from New York. Of course, at those times we had certain assurances of reciprocity. For instance, at the time in the closing days of the first session of this Congress when some of us stood at this door to the Speaker's lobby and got the votes necessary to pass the cotton bill, we had pretty definite assurances that we would get considerable help from a certain section of this country on the wage and hour bill. History records the result of that hard and fast agreement.

Since 1920, when the farm problem first came acutely before Congress, because the ills of the farmers long preceded the depression of 1929, every farm bill has been unsatisfactory to the farmers except possibly the Agricultural Adjustment Act. We Members from the city have made the supreme effort to support such bills time and again only to hear the Members from the farm communities later say, "Oh, well, the thing was not any good anyway." Many Members in the House are now saying that this farm bill is no good anyway. Now, when are you going to find out what the farmers want, what the Members from the farm districts want, because we are anxious to help you? We are anxious that the farmer gets a fair price for his commodity. We hope, likewise, that they are anxious that industry get a fair price for its products. [Applause.]

Mr. CUMMINGS. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. CUMMINGS. The gentleman will find out what the farmers want when we can stop these paid lobbyists from speaking for the farmer when they have no authority to do so.

Mr. O'CONNOR of New York. The gentleman is not talking about sugar, is he? [Laughter.]

Mr. CUMMINGS. No.

Mr. O'CONNOR of New York. On yesterday, when he appeared before the Rules Committee, the distinguished chairman of the Committee on Agriculture [Mr. JONES] was asked this question: "Will this bill increase the price of commodities to the farmer?" Some of us hope it does but his reply was not very definite. He thought it would in some instances. He was then asked if he could reconcile that program of increasing farm commodity prices with certain statements that prices of industrial products should be reduced and at the same time wages maintained.

In my mind, if there is any equation in mathematics from simple addition to differential calculus, it is that high prices equal high wages; add them together and you have prosperity. You cannot have prosperity without either item of that sum total. Low prices mean low wages—increased production is no part of the equation—this farm bill proposes curtailment of farmer production as a solution of the farm problem, while on the other hand, we are told that increased industrial production is a solution of the ills of business and unemployment. [Applause.] If anybody can successfully pursue the economic theory, new to me at least, that low prices and high wages mean prosperity, then he has got to be a greater magician than the fellow who pulls the rabbit out of the hat. It is a good trick if you do it. [Applause.]

I am for high farm prices that pay the farmer a fair profit for his toil and investment. [Applause.] I am for high wages for the workingman, but I know he cannot get high wages unless also the prices of industrial products are reasonable and represent a profit. Some of us still believe in the profit motive which inspires the farmer, the businessman, and the worker. It has not yet been ecclesiastically decreed immoral.

The farmer is the friend of the city dweller, the city worker is the friend of the farmer, business is the friend of the farmer. All must pull together. Destroy one element of this national unity of common purpose and you destroy America.

I hope this farm bill will go farther in the solution of the farmers' immediate problems and the solution of the Nation's problems than any farm bill we have had heretofore. We should then vote for the rule and the consideration of the conference report. [Applause.]

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. SNELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 251, nays 141, not voting 37, as follows:

[Roll No. 16]

YEAS—251

Aleshire	Bulwinkle	Crosby	Dunn
Allen, Del.	Burch	Crowe	Eckert
Allen, La.	Caldwell	Cullen	Edmiston
Anderson, Mo.	Cannon, Mo.	Cummings	Elliott
Arnold	Carlson	Curley	Evans
Atkinson	Cartwright	Delaney	Faddis
Barden	Casey, Mass.	Dempsey	Farley
Barry	Celler	DeMuth	Ferguson
Beam	Chandler	DeRouen	Fernandez
Beiter	Chapman	Dickstein	Fitzpatrick
Bell	Citron	Dies	Flaherty
Biermann	Clark, N. C.	Dingell	Flannagan
Bland	Claypool	Disney	Fletcher
Bloom	Cochran	Dixon	Ford, Miss.
Boehne	Colden	Dockweiler	Frey, Pa.
Boland, Pa.	Colmer	Dorsey	Fries, Ill.
Boyer	Connery	Doughton	Fuller
Boykin	Cooley	Dowell	Fulmer
Boylan, N. Y.	Cooper	Doxey	Gambrill, Md.
Bradley	Costello	Drew, Pa.	Garrett
Brooks	Cox	Drewry, Va.	Gilchrist
Brown	Cravens	Driver	Gildea
Buck	Creal	Duncan	Goldsborough
Gray, Ind.	Kocialkowski	O'Brien, Mich.	Secrest
Gray, Pa.	Kopplemann	O'Connell, R. I.	Sheppard
Green	Kramer	O'Connor, N. Y.	Sirovich
Greenwood	Lambeth	O'Day	Smith, Va.
Greever	Larrabee	O'Leary	Smith, W. Va.
Gregory	Lesinski	O'Neal, Ky.	Snyder, Pa.
Griffith	Lewis, Colo.	O'Neill, N. J.	Somers, N. Y.
Hamilton	Lucas	O'Toole	South
Hancock, N. C.	Ludlow	Owen	Sparkman
Harlan	Luecke, Mich.	Pace	Spence
Harrington	McAndrews	Palmisano	Starnes
Hart	McClellan	Parsons	Steagall
Harter	McCormack	Patman	Swope
Healey	McGehee	Patrick	Tarver
Hendricks	McGranery	Patton	Terry
Hildebrandt	McGrath	Pearson	Thom
Hobbs	McKeough	Peterson, Fla.	Thomas, Tex.
Honeyman	McReynolds	Peterson, Ga.	Thomason, Tex.
Hook	Magnuson	Pfeifer	Thompson, Ill.
Hope	Mahon, S. C.	Pierce	Thurston
Houston	Mahon, Tex.	Poage	Tolan
Imhoff	Maloney	Polk	Transue
Izac	Mansfield	Quinn	Turner
Jacobsen	Martin, Colo.	Rabaut	Umstead
Jarman	Maverick	Ramsay	Vincent, B. M.
Jenckes, Ind.	May	Ramspeck	Vinson, Fred M.
Johnson, Luther A.	Mead	Rayburn	Vinson, Ga.
Johnson, Lyndon	Meeks	Richards	Voorhis
Johnson, Okla.	Merritt	Rigney	Wallgren
Johnson, W. Va.	Mills	Robertson	Walter
Jones	Mitchell, Ill.	Robinson, Utah	Warren
Kee	Mitchell, Tenn.	Rogers, Okla.	Wearin
Keller	Mosier, Ohio	Romjue	Weaver
Kelly, Ill.	Mouton	Sacks	Whittington
Kennedy, Md.	Murdock, Ariz.	Sanders	Wilcox
Kennedy, N. Y.	Murdock, Utah	Satterfield	Williams
Keogh	Nelson	Schaefer, Ill.	Wood
Kerr	Nichols	Schuetz	Woodrum
Kitchens	Norton	Schulte	Zimmerman
Kniffin	O'Brien, Ill.	Scrugham	

NAYS—141

Allen, Ill.	Engel	Leavy	Seger
Allen, Pa.	Englebright	Lemke	Shafer, Mich.
Amlie	Fish	Lord	Shanley
Andresen, Minn.	Fitzgerald	Luce	Short
Andrews	Fleger	Luckey, Nebr.	Simpson
Arends	Forand	McFarlane	Smith, Conn.
Ashbrook	Ford, Calif.	McGroarty	Smith, Maine
Bacon	Gamble, N. Y.	McLean	Smith, Wash.
Barton	Gavagan	Maas	Snell
Bates	Gearhart	Mapes	Stack
Bernard	Gehrmann	Martin, Mass.	Stefan
Bigelow	Gifford	Mason	Sutphin
Binderup	Guyer	Massingale	Sweeney
Boileau	Gwynne	Michener	Taber
Boren	Haines	Moser, Pa.	Taylor, S. C.
Brewster	Halleck	Mott	Taylor, Tenn.
Buckler, Minn.	Hancock, N. Y.	O'Connell, Mont.	Teigan
Burdick	Hartley	Oliver	Thomas, N. J.
Cannon, Wis.	Havenner	O'Malley	Tinkham
Carter	Hill	Patterson	Tobey
Case, S. Dak.	Hoffman	Phillips	Towey
Church	Holmes	Plumley	Treadway
Clason	Hull	Powers	Welch
Cluett	Hunter	Randolph	Wene
Coffee, Nebr.	Jarrett	Reece, Tenn.	West
Coffee, Wash.	Jenkins, Ohio	Reed, Ill.	White, Idaho
Cole, N. Y.	Jenks, N. H.	Reed, N. Y.	White, Ohio
Crawford	Johnson, Minn.	Rees, Kans.	Wigglesworth
Crosser	Kinzer	Rich	Withrow
Culkin	Kleberg	Robsion, Ky.	Wolcott
Dirksen	Knutson	Rockefeller	Wolfenden
Dondero	Kvale	Rogers, Mass.	Wolverton
Douglas	Lambertson	Rutherford	Woodruff
Eaton	Lamneck	Sauthoff	
Eberharter	Lanham	Schneider, Wis.	
Eicher	Lanzetta	Scott	

NOT VOTING—37

Buckley, N. Y.	Flannery	McLaughlin	Shannon
Byrne	Gasque	McMillan	Smith, Okla.
Champion	Gingery	McSweeney	Sullivan
Clark, Idaho	Griswold	O'Connor, Mont.	Sumners, Tex.
Cole, Md.	Hennings	Pettengill	Taylor, Colo.
Collins	Kelly, N. Y.	Rankin	Wadsworth
Crowther	Kirwan	Reilly	Whelchel
Daly	Lea	Ryan	
Deen	Lewis, Md.	Sabath	
Ditter	Long	Sadowski	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Gasque (for) with Mr. Ditter (against).
Mr. Buckley of New York (for) with Mr. Hennings (against).
Mr. Sullivan (for) with Mr. Wadsworth (against).
Mr. Sabath (for) with Mr. Reilly (against).

Until further notice:

Mr. Rankin with Mr. Crowther.
Mr. Sumners of Texas with Mr. McSweeney.
Mr. McMillan with Mr. Smith of Oklahoma.

Mr. Lea with Mr. Gingery.
Mr. Collins with Mr. Kirwan.
Mr. Taylor of Colorado with Mr. Whelchel.
Mr. Griswold with Mr. Ryan.
Mr. Pettengill with Mr. Long.
Mr. Deen with Mr. Flannery.
Mr. Shannon with Mr. Champion.
Mr. Cole of Maryland with Mr. Kelly of New York.
Mr. McLaughlin with Mr. O'Connor of Montana.
Mr. Daly with Mr. Sadowski.
Mr. Lewis of Maryland with Mr. Byrne.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the resolution.

Mr. SNELL. Mr. Speaker, on final passage I ask for the yeas and nays.

The yeas and nays were refused.

Mr. SNELL. Mr. Speaker, I demand a division.

The question was taken; and on a division (demanded by Mr. SNELL) there were—ayes 186, noes 99.

So the resolution was agreed to.

The SPEAKER. The Clerk will report the conference report.

The Clerk read the conference report.

(For conference report and statement see proceedings of the House of February 7, 1938, p. 1585.)

Mr. JONES (interrupting the reading of the conference report). Mr. Speaker, I ask unanimous consent that the reading of the conference report be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none. It is so ordered.

Mr. SNELL. Mr. Speaker, I did not hear that request.

The SPEAKER. The gentleman from Texas asks unanimous consent that the further reading of the conference report be dispensed with; and the Chair heard no objection.

Mr. SNELL. I did not hear the request.

The SPEAKER. The gentleman was not listening.

Mr. SNELL. I want to object unless I can get some information.

The SPEAKER. Was the gentleman listening at the time the request was made?

Mr. SNELL. I was listening, but there was so much confusion I did not understand the request.

The SPEAKER. The Chair will recognize the gentleman under his statement to reserve the right to object.

Mr. SNELL. Does the gentleman think he ought to put this bill through, with the added provisions that have never been considered in either House, without even reading it in the House?

Mr. JONES. May I say to the gentleman that the question of added provisions has been very much exaggerated. There is nothing in this bill that was not within the range of the two bills. There have been some slight additions. This is a conference report, and the substance of everything in the conference report was either in the House or Senate bill.

Mr. SNELL. I understood from the statement of the gentleman from Minnesota that the insurance proposition was not considered in either bill before.

Mr. JONES. The insurance provision was adopted in the Senate. It has been passed by the Senate once before. It was reported by the House as a separate bill. It was attached to and made a part of the Senate bill. The gentleman from Minnesota is mistaken, and he was just as much mistaken with reference to some of his other assertions as in reference to that one.

Mr. SNELL. Perhaps he was, but I think we ought to have the conference report read in the House.

Mr. JONES. I do not think he intended to do so, but he was.

Mr. SNELL. Does not the gentleman think that we should have the conference report read in the House before we agree to it?

Mr. JONES. May I say to the gentleman he knows that but little attention is paid to the reading of the bill in the House. I thought if we would get into a discussion and explanation of the bill we would get more information. The arguments will come later in the afternoon, if we read it now, and we will have fewer Members present.

Mr. SNELL. I appreciate that to a certain extent the statement of the gentleman is true. If I thought the Members of the House would listen very carefully I should object to not having it read. I want the gentleman, however, to take the full responsibility of passing the conference report, as far reaching as this one is, without even having it read in the House.

Mr. JONES. The conference report was printed in the RECORD and has been available to the Members.

Mr. SNELL. The conference report is in such fine print no one can read it. As a matter of fact, I honestly believe it should be read, but if the gentleman wants to take that responsibility, it is all right.

Mr. JONES. I will take that responsibility, as it was printed in the RECORD.

Mr. SNELL. I shall not object.

Mr. JONES. I am willing and anxious to take it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. KNUTSON. Mr. Speaker, reserving the right to object, the conference report occupies 61 columns of the CONGRESSIONAL RECORD. The Members have not had an opportunity to read this report. Personally, I am very curious to know what is in this wonderful measure that is going to do so much for agriculture.

Mr. JONES. May I say to the gentleman, that is what we have been trying to do? We tried to explain it.

Mr. KNUTSON. How long would it take to read the conference report?

Mr. JONES. I do not know. That depends on how fast the reading clerk reads it.

Mr. KNUTSON. Approximately how long?

Mr. JONES. I would say it would take 20 or 30 minutes to read it.

Mr. KNUTSON. If it will only take 20 or 30 minutes, by all means let us have it read.

Mr. JONES. I do not know how long it will take.

Mr. SNELL. The gentleman has read it, so he knows that it cannot be read in less than an hour and a half.

Mr. JONES. Suppose it would take an hour and a half. The gentleman knows that will delay consideration of the conference report.

Mr. KNUTSON. Does the gentleman mean to insinuate that the conference report is so involved we cannot understand it and we will have to have a blueprint of it?

Mr. JONES. We have already made a very thorough explanation of it. May I say to the gentleman that his party brought in a tariff bill containing 366 pages, whereas this one only has 120 pages. That was the industrial tariff and this is the farmer's tariff. This is much simpler and easier to understand.

Mr. MICHENER. Mr. Speaker, reserving the right to object, does one or two wrongs make a right?

Mr. JONES. Does the gentleman admit the other was wrong?

Mr. MICHENER. If it was handled like this, I think it was wrong.

Mr. JONES. I hope the gentleman will not demand a reading of the report. It can serve no useful purpose.

Mr. MICHENER. Possibly we can avoid that. When the bill was before the House for consideration, the gentleman from Texas, who knows more about the bill, presumably, than anybody here, refused to yield to questions asking for an explanation.

Mr. JONES. No.

Mr. MICHENER. I asked him several questions and he refused to explain the bill, other than to say that it is a good bill and that it is going to help the farmers. If the gentleman, who has control of the time, and who is also chairman of the Committee on Agriculture, will explain the bill rather than yield a half minute, 1 minute, or 2 minutes to Members to make speeches I think it would be much better.

Mr. JONES. I intend to ask the Members not to interrupt me until I have made an explanation of the bill.

Mr. MICHENER. The gentleman knows that the Members of the House have had no opportunity to consider this conference report. There are 120 pages in this bill, which occupy 61 columns in the CONGRESSIONAL RECORD. It would take all afternoon to have this conference report read or droned out from the platform. We would be here all afternoon.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Minnesota.

Mr. KNUTSON. Let me say not even a Republican Congress could understand such a voluminous report.

Mr. MICHENER. Let us not bring politics into it. This is a national affair.

Mr. BOILEAU. Reserving the right to object, Mr. Speaker, may I ask the gentleman whether or not he would agree to defer the actual voting on the report until tomorrow? I am sure many Members would be willing to cooperate a little bit more fully if they had assurance they would have at least tonight and tomorrow morning to read the bill and the report before they are required to cast their final vote.

Mr. JONES. I would rather not make that agreement now. We hope to run until about 7 o'clock tonight, and would like to finish today. I do not believe, however, we will run later than 7 o'clock.

Mr. BOILEAU. I suggest to the gentleman we have an understanding now that we finish the debate today and let the vote go over until tomorrow. Many of us would be willing to cooperate because we would have a chance to read over the bill in the meantime.

Mr. JONES. The gentleman knows I cannot make an agreement of that kind. He knows Members do not stay here for discussion under such circumstances. Let us not have that sort of an agreement. We shall quit around 7 o'clock. We should like to finish the bill today if we can. If we do not run later than 7 o'clock or a little thereafter the gentleman will not have any objection, I presume.

Mr. BOILEAU. No, I appreciate that.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. CHURCH. Reserving the right to object, Mr. Speaker, we are here to have this conference report read. This is what the fuss is all about, and I object. This bill came in yesterday and the report came in a little while ago. We are here to have it read. I object, Mr. Speaker.

The Clerk resumed the reading of the conference report.

Mr. DONDERO (interrupting the reading of the conference report). Mr. Speaker, I ask unanimous consent that the further reading of the conference report may be dispensed with.

Mr. CHURCH. Reserving the right to object, Mr. Speaker, if the statement is made that the vote on this conference report will go over until tomorrow, so we may be given time to read the report and the bill, which I believe is a sensible request, I shall not insist on my objection.

Mr. RAYBURN. Mr. Speaker, I will not make any agreement under pressure.

Mr. JONES. The gentleman knows the result of an agreement like that. We are anxious to get this matter through, and we should like to make as much progress as we can. The gentleman would not object to our getting through if we can finish by a reasonable time, say 7 o'clock, I am sure.

Mr. CHURCH. I want time to read this report. This is what the whole argument is about. If the gentleman will let the vote go over until tomorrow, I will withdraw my objection.

Mr. JONES. If I were the gentleman I would not insist on the objection. The gentleman knows the situation here.

The SPEAKER. The Chair demands the regular order. Is there objection?

Mr. CHURCH. I object, Mr. Speaker.

The Clerk resumed the reading of the conference report.

Mr. MAVERICK (interrupting the reading of the conference report). Mr. Speaker, I ask unanimous consent that the further reading of the conference report may be dispensed with.

Mr. CHURCH. Reserving the right to object, Mr. Speaker, without any compulsion, have you come to some agreement so we can get time to read this report and vote on it tomorrow?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report. Anything can be done by unanimous consent.

The SPEAKER. The Chair will have to submit the requests in the order in which they were submitted.

Is there objection to the request of the gentleman from Texas [Mr. MAVERICK] that the further reading of the report may be dispensed with?

Mr. CHURCH. I object, Mr. Speaker.

The Clerk resumed the reading of the conference report.

Mr. MAVERICK (interrupting the reading of the conference report). Mr. Speaker, I make the point of order that the House is not in order. I notice some of the most distinguished Members of the House, even some of the Republicans from Illinois, are not listening. I think we should have order so that everybody can hear.

The SPEAKER. The House will be in order. The Clerk will read.

The Clerk resumed the reading of the conference report.

Mr. MAVERICK (interrupting the reading of the conference report). Mr. Speaker, I have made a poll of the House and only 1 percent of the Members are listening. I ask unanimous consent that the further reading of the conference report may be dispensed with.

Mr. CHURCH. I object, Mr. Speaker. There are many more here listening, including the gentleman from Illinois.

The Clerk concluded the reading of the conference report.

The SPEAKER pro tempore (Mr. STEAGALL). Under the rule, the gentleman from Texas [Mr. JONES] is recognized for 2 hours.

Mr. JONES. Mr. Speaker, in the first part of the Bible there is a passage stating that in those early days when the people started to construct a building they should clear away the rubbish. So many misstatements have been made about this bill and what it contains that I believe it is peculiarly appropriate we should first have a statement in a general way of what is within the four corners of this farm bill.

A great deal has been said here about the fact the bill contains 121 pages. Let me remind you the business of farming is the biggest business in the world. There are $40,000,000,000 worth of farm lands, with more than a billion acres in cultivation. There are 65,000,000 cattle and 51,000,000 hogs. We produce an average of over 2,000,000,000 bushels of corn every year, and about 700,000,000 or 800,000,000 bushels of wheat. We produce great quantities of cotton, an average of 13,000,000 bales per year. No business in the world is comparable to the farm business. When industry had its tariff bill up for consideration 366 pages of intricate matter were written in it. That was necessary because this is a big country. That is, if you are going to have a tariff bill. There are more than 200 different farm commodities, and these are divided into thousands of types. This bill directly affects 30,000,000 American people in the far-reaching stretches of this country and indirectly affects all the rest. Industry secured its tariff in a bill of 366 pages. We insist the farmer have an offset to the tariff and be put on an equality with industry. We have succeeded in doing this in a bill taking up less than one-third the space that was taken for the industrial tariff.

The one thing originally in this bill that we tried to hold and succeeded in holding is soil conservation. Every man, woman, and child in America is interested in soil conservation looking down the long range of the future. We have considered soil conservation as the basis of this bill and the payments that are authorized are simply what is equivalent to an offset to the tariff. I believe in the philosophy of a tariff for all or a tariff for none.

Mr. WHITE of Ohio. Mr. Speaker, will the gentleman yield?

Mr. JONES. I am sorry, but not now. I will yield a little later.

When the farm bill was up, I read at the beginning of the debate, and there was full debate at that time, a statement from Alexander Hamilton, the patron saint of the tariff, in which he said, in arguing for a tariff, that the true way to keep the farmers from having an undue burden was to give a premium or bonus.

I want to read a little of that statement just for the benefit of my Republican friends here. This is the man who advocated the tariff system:

> The true way to conciliate these two interests is to lay a duty on foreign manufactures of the material, the growth of which is desired to be encouraged, and to apply the produce of that duty, by way of bounty, either upon the production of the material itself or upon its manufacture at home, or upon both. In this disposition of the thing the manufacturer commences his enterprise under every advantage which is attainable, as to quantity or price of the raw material; and the farmer, if the bounty be immediately to him, is enabled by it to enter into a successful competition with the foreign material.

Those who are responsible for the adoption of the tariff system forgot that particular phase of what was recognized by the man who first advocated it as a fair proposition. In this measure we have tried to give that offset.

The followers of Thomas Jefferson, who, in my judgment, was the greatest political philosopher that ever lived on earth, assaulted the tariff, saying it should be a tariff for revenue only if we had a tariff at all. Both Hamilton and Jefferson recognized that the fundamental principle that underlies any democratic, free government is equality in the application of its laws.

Therefore we claim that in the soil-conservation provisions which are maintained in this bill we are simply giving that offset to the tariff, a thing which the farmer is entitled to as a matter of right. We have separated this from the other provisions of the bill. The bill maintains the present Soil Conservation Act and simplifies it by putting it on an acreage basis.

Then we provide that this shall be administered by county committees selected by the farmers themselves. Now, do you not want this? You have the present Soil Conservation Act, and is not this an improvement on the present Soil Conservation Act?

We have talked much about the family-sized farm.

Then we also have a provision with respect to the payments. About 10 percent or $50,000,000 of the $500,000,000 is set aside to increase the payments to the producer who would otherwise be paid less than $200. This is, again, on the philosophy that the man with a small unit must have his equipment, and it is a little more expensive for him to do the job than for a large producer.

Are you not in favor of these provisions? These are the provisions that are added to the soil-conservation program.

Much has been said here about the Boileau amendment. This is on page 8 of the print which you have before you. I think any reasonable man who will lose his prejudice and who will think about it sanely must know that a provision that would forbid a farmer getting any payment at all if he let a chicken or a goat or a goose or a duck or a horse or a mule or any other animal get on these idle acres is unreasonable and wrong. I know that the author of the measure did not want that because I heard him say when it was first being argued here that all he wanted was to keep the dairy business from increasing in the Southern and Western States.

Is not that the statement he made. He said, "I don't object to the ordinary increase. I just do not want to pay them to increase." So we took the Boileau amendment and limited it to dairy cattle and provided that it shall apply if they increase above the normal, that is, if they increase their dairy herd substantially, they forfeit their payments.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. JONES. I am sorry, but I am not able to at this time. We also provide that as to poultry raisers and other livestock raisers, if they are adversely affected by the program, it shall be the duty of the Secretary of Agriculture to make such regulations with respect to the use of diverted acres as will protect their interests. That follows literally an amendment prepared and offered by another man, by the Senator from Wyoming, who represents a great livestock country. Surely no one wants an unworkable provision. This provision protects the dairy interests, who already have a great deal of protection. I have always insisted on their rights being protected but they have the tax on the southern cottonseed, they have provision for making certain payments for tuberculosis, they have their marketing agreements. Some of these gentlemen who are assaulting this bill are ardently supporting marketing agreements. A good many did not want us to adopt marketing agreements last year, because they thought it would get more people interested in this bill.

Under the marketing-agreements law, dairy producers get an established price, and the law forbids a new man from competing with the established division. The producers divide up the market, and they have a far greater amount of regimentation than we have in this bill. There is much more regimentation in the marketing provisions, and the gentleman from New York [Mr. SNELL], the great farmer from Pottsdam, insisted on bringing it up. It is not regimentation in either event because it has to have the support of a majority of the farmers who are producing the commodity before it can be made effective, just as in this particular case. I claim that the Boileau amendment, notwithstanding his intense statements in reference to it—and I have a great admiration for my friend from Wisconson; he is a very intelligent man, but he wants to insist on the letter of his amendment—is really very well taken care of. We have fashioned the amendment to fit the speech that he made when he advocated its adoption. When I made the statement on the floor of the House that under a literal interpretation of his amendment, if a farmer's old hen flew across the fence and got onto those idle acres and came back and laid an egg, and that egg was sold, the owner of the hen would forfeit all payments, he followed that with a statement, "We want a reasonable interpretation of this measure. I do not object to the actual regular increase in dairy production, even in the South, but I don't want to pay them to go into the dairy business." So that amendment is pretty well taken care of.

We also have in connection with this particular soil-conservation measure—and I am still on soil conservation—a provision to protect the tenants, stipulating that if a man reduces his number of tenants, or the number of acres handled by his tenants, he shall not thereby get his payments increased.

Do you not want that provision? If you defeat the bill you will not have any of these provisions. I am giving you the high lights of this bill, and I believe that any man who down in his heart is honestly in favor of giving equality to agriculture in the economic picture of this country cannot fail to support this measure. I say now on the floor of this House, notwithstanding the whisperings around, that I think this is a good measure. I think it is a great step forward. This bill will not have everything in it that I wanted. It has some things that I did not want, but I have served in Congress for 20 years, and in those 20 years I have voted for just one bill that was exactly like I wanted it. It was a little measure about that long [indicating], and I wrote it myself. The House passed it. I buttonholed everybody here—it was early in my service—and the bill was passed just as it was written. It went over to the Senate, and they looked at it there from one side and then from the other side for 2 or 3 weeks, while I was impatient, and then they struck out all after the enacting clause and inserted another bill. [Laughter.] Then in conference they wrote a bill that was not exactly like either one of them, and I had my lesson. That is, that if you are going to get legislation you must get

the best that you can under the circumstances. There are 435 Members of this House, a wonderful group of men, and sometimes there are 435 very contrary Members of this House, but everyone knows that as a matter of practicality even among Members from our own States we fail to agree on some propositions.

We have spent a lot of time on the different propositions in this bill, and I believe we have a bill which is the best that has ever been presented in behalf of American agriculture. It is not the last word; it is not perfect; we shall perfect it as we go along. If you go down here to the Smithsonian Institution and look at the first light invented by Edison 50 years ago, it will seem strange to you. They went to the Orient and got the strippings from bamboo cane. They did not know then about tungsten. It is a cumbercome thing. It will not make enough light to read even a Republican platform of promises, but it does make some light. Did they throw it in the ditch simply because it was not perfect when it first sprung from the brain of Edison? No; they kept on; and the genius and industry of America brought about the great white ways of today as a result of that inspiration. This discrimination against agriculture has been going on for 100 years. We are not going to get a bill correcting the evils in perfect form right in the beginning. But I believe that this bill is in much better form than it was.

Another thing that is in this bill: You have all heard about freight rates. I think one reason that prices of commodities grown on the farm are so high when the commodities reach the final consumer is that agriculture has been discriminated against in freight rates as well as in the tariff structure. For the first time the Secretary of Agriculture is authorized to apply for correction of these discriminations. Provision is made to do away with the discriminations against agricultural products in the freight-rate structure. If you vote against the conference report you vote against this. Are you going to do it?

The bill as reported by your conferees contains a provision for making efforts to find new uses and new outlets for various farm products. It establishes laboratories in each of the major producing regions for the purpose of carrying out the object of finding new uses and new outlets. If you are against the conference report you will vote against this proposition and probably forfeit your only chance to get it at this time.

The bill also contains a provision that I have always wanted; that is, to take 30 percent of the American tariff collections, representing about the percentage the farmers of the country bear to the total population, and use it for the purpose of widening the distribution of farm commodities at home and enlarging their distribution abroad. They were not sold on that at first, but we make it the duty of the Secretary of Agriculture to use that fund for that purpose. The Republicans have always said they favored such a provision. I compliment them for it, because I think it is a good provision. If you vote against the conference report you take out that mandatory feature and the money would be available to be used according to the whims and wishes of the Secretary of Agriculture. It might be wisely used, but we lay down the yardstick for its use and for completing a better agriculture in this land of ours.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield at that point?

Mr. JONES. I yield briefly.

Mr. ANDRESEN of Minnesota. Existing law provides for this fund of 30 percent of customs receipts.

Mr. JONES. Yes.

Mr. ANDRESEN of Minnesota. So, if we vote against the conference report it will still be available.

Mr. JONES. I say it will still be available, but it will be available to be used in any way the Secretary wants to use it.

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, I yield myself 10 additional minutes.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes; briefly.

Mr. JOHNSON of Oklahoma. I have heard figures uttered around the Chamber to the effect that Oklahoma will lose five or six hundred thousand acres, or about 150,000 bales of cotton under a 5-year average. Are these figures correct?

Mr. JONES. No; they are not correct. I may state to the gentleman from Oklahoma that we have a bottom in this bill below which the cotton allotment for marketing quota purposes cannot go. That bottom is 60 percent of the 1937 acreage plus diverted acreage. I think that will protect the gentleman's State and my own area. Now, I want to proceed with my explanation.

We have a provision in the bill for loans. We probably made more changes in the loan feature of the bill than elsewhere. We have a mandatory loan feature as to wheat, cotton, and corn, but we have the schedules low so that the mandatory feature on cotton and wheat is 52 percent of parity as a bottom and 75 percent of parity as the top. Loans are to be made within these limits as the circumstances may require. Loans are made subject to terms prescribed by the Secretary of Agriculture, the Commodity Credit Corporation, and the President. The Administration must always be responsible for its program. I believe that those schedules are set at the point where they will be effective.

On corn the set of schedules is a little different from other commodities and must be, as everyone recognizes who has studied the question. We made a schedule of loan rates ranging from 75 percent down to 52 percent as the bottom. In order for those loans to be made fairly, in order for those loans, which are sustaining loans, to prevent complete price collapse, it was necessary for us to look forward down the road to the time when great surpluses would be piled up on top of each other; and we did so. If those surpluses came, something would have to be done about it. Unfortunately we have just that situation in cotton today. Whatever farm program you fashion will be vitally effected by the great bulk of cotton that is on hand. We have more cotton than we can dispose of even with the 4,000,000 bales or 5,000,000 bales that will probably be put in loans. There will be 19,000,000 bales of American cotton, that much of the 1937 cotton, plus the carry-over that is available for distribution throughout the world. This bill will not interfere with the marketing of that in any way.

Mr. LANHAM. Mr. Speaker, will my colleague yield for two or three brief questions that can be answered very quickly?

Mr. JONES. I yield to the gentleman briefly.

Mr. LANHAM. Can the farmer sell all the cotton on the acreage that is allotted to him?

Mr. JONES. Yes.

Mr. LANHAM. Another question is, Can he use the diverted acreage in any way he may desire? The third question is, How much cotton must be on hand before marketing quotas will go into effect?

Mr. JONES. I was just coming to that proposition. We have here a provision for handling these serious situations whereby marketing quotas go into effect if voted by two-thirds of the farmers. He can use the diverted acres any way he desires so far as farm marketing quota provisions go. The only limitation on use of diverted acres is under the soil-conservation program. The limitation is that the farmer use his diverted acres for soil conservation. Of course the Boileau amendment is effective with respect to use of diverted acres.

There will be no marketing quotas unless two-thirds of the farmers want these quotas.

Here is the point at which the quotas will go into effect, and I have them set out here.

On corn the marketing quotas can be put into effect, if the farmers want it, when there is an amount that will produce for consumption and export plus 17 percent, or between 2,700,000,000 bushels and 2,800,000,000 bushels.

On cotton it is normal consumption and export plus 40 percent plus 7 percent, or about 19,500,000 bales. When we have 19,500,000 bales of cotton in the carry-over and in the production of that year, I want to tell you there is not a man living under the American flag who has studied the question for 10 minutes who does not know it is overwhelming and will cause a complete price collapse unless there is some machinery set up to sustain it.

They talk about turning the farmer loose. I have seen the days when he was loose. I have seen women go into the cotton fields when they had a baby only a few months old and left the baby tied to the wagon. I have seen girls 10 and 12 years old picking in the field when they ought to have been in school, not because they wanted to, or because their parents wanted them to, but because in the last desperate extremity men and women will do whatever is necessary to get the food for their mouths and clothing for their bodies. You may want to go back to that sort of situation. I do not.

If there had never been any special legislation, if there had never been any tariff laws or trusts, monopolies or unfair trade practices, the farmers would not have needed any legislation. If we had tied on to this bill a provision if it were not adopted, the 366-page tariff law would be repealed, and hang the two of them together we would have a different story about these things.

These quotas do not go into effect until voted by two-thirds of the farmers, and I have given you the various points. I may say that wheat is 35 percent above normal years' consumption and exports.

We keep the same penalties that were provided in the House bill. In the House bill we had a 15-cent penalty on corn, 15 cents a bushel on wheat, and one-quarter of a cent on rice. We changed the penalty in the cotton section. It was 2 cents in the House. We have changed it to 3 cents each year after the first year. In the first year the rate is 2 cents. Those are not heavy penalties. If we ever establish heavy penalties they should be used as means of having an established price. But that is another story. These are the penalties which the farmer votes himself. They do not keep him from growing any amount of the commodity. He may grow any amount he wants to. It simply regulates the marketing of those commodities. When he is given an allotment of cotton he may sell all he grows on that acreage allotment without hindrance. As a matter of fact, in the marketing agreement in the dairy sections, represented by some of the people who are fighting this bill rather viciously and who got their legislation last spring, they do not permit a man to sell more than a certain percentage of his milk for particular uses.

The rest of it must be sold for the cheaper forms of dairy products. There is an absolutely straight-laced provision, and the farmers want it because it causes them to approach more nearly to a basis of equality with industry than before.

We have a general review provision of these quotas, a provision for the right to appeal to courts.

Mr. Speaker, I have covered in the main the provisions of the bill except crop insurance. There is a provision which the Senate passed and which the House committee reported, this provision having to do with crop insurance and providing that premiums were to be paid by the farmers. It is limited to wheat. That is the way it was passed. I do not know whether it will be effective, but a great many people think so and it was a part of both the Republican and Democratic platforms.

Mr. BULWINKLE. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. What is the total marketing allotment allowed for cotton?

Mr. JONES. They vary. It takes the 5-year production as the average, but for 1938 and 1939 you take 60 percent of the 1937 acreage, plus the diverted acreage as the minimum for any county in the United States. It is estimated that will produce from 10,600,000 to 12,000,000 bales. [Applause.]

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield 20 minutes to the gentleman from Minnesota [Mr. ANDRESEN].

Mr. ANDRESEN of Minnesota. Mr. Speaker, the first 20 minutes of the statement of the gentleman from Texas [Mr. JONES] was devoted largely to principles in which all Members of Congress subscribe. He has opened up every agricultural speech since I came to Congress 12 years ago with the same tariff speech, quoting Hamilton and others of our distinguished forefathers. We all subscribe to those principles, and we, as Members of Congress, Republicans and Democrats alike, have tried to make effective a program that would bring prosperity to agriculture throughout the United States. So we have no real quarrel with the chairman of the Committee on Agriculture in that respect.

This bill, however, has nothing to do with the tariff. It does not in any way seek to give farmers the benefit of the tariff, because it provides no additional funds over and above what is now provided in the Soil Conservation Act to be paid to farmers. Therefore, when our distinguished colleague from Texas tells you this bill will give the farmers the benefit of the tariff and the protection to which they are entitled because of protection given industry, I say this bill does not do it. Instead of bringing higher prices, this legislation when put into force will bring lower prices. Farmers are interested in high prices and not in low prices.

I have tried to make a careful study of the conference report, and before yielding to Members for questions I want to read to you the observations I have noted, taking them up point by point.

The gentleman from Ohio [Mr. HARLAN] stated a few minutes ago that when we take care of one group and give it what it wants, its members are then satisfied. If we give another group what its members want, then they are satisfied and they disregard the rest of the bill. This is hardly the way to legislate, although I know it is common practice.

The essential point of this bill is whether or not we favor the injection into it of a new philosophy—compulsory control over American agriculture. The chairman of our committee has not mentioned compulsory control in connection with his explanation of the bill. He hurried over those provisions of the bill and referred minutely just to the marketing quotas and to the small penalty, which he said was voted by the farmer himself, while the law specifically provides for the penalty, for the control by the Secretary of Agriculture, and for the enforcement of the act upon the farmers of this country.

Mr. MITCHELL of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ANDRESEN of Minnesota. I am sorry; I cannot yield.

For the first time in the history of the United States, regimentation and compulsory control are to be inflicted upon American farmers by a bureaucratic dictator under the legislative fiat as set down in the conference report on the farm bill.

Eighteen months ago the mere suggestion or thought to control American farmers by means of governmental compulsion, was shouted down on both sides of the aisle. No one wanted compulsion. The program was to be voluntary and benefit payments made to farmers who signed up and cooperated. As a result of this idea, the voluntary soil conservation act was passed and millions of farmers cooperated. It is a good law which should be continued after adopting certain perfecting amendments to prevent a dislocation of certain branches of agriculture.

In order that there may be no misunderstanding, the Soil Conservation Act of 1936, will continue to be the law, if the conference report is rejected.

I have considered the conference report from the standpoint of enacting a sound, beneficial, and permanent program for agriculture. I will first discuss my objections to its provisions, and then point out the sections which I believe should be enacted into permanent law.

First. The bill does not provide or attempt to give, in any way, parity prices or cost of production.

Second. The supplies required for wheat and corn are so large that instead of having an ever-normal granary, there will be an abnormal granary—all of which will tend to bring lower prices to farmers.

Third. I am opposed to compulsory control of agriculture. It is unsound, un-American, and unconstitutional. Any law which seeks to give one group the right to impose compulsory regulations and penalties upon another group of producers in the same field, can never stand the test of constitutional scrutiny under our American system.

Fourth. The loan sections of the bill are left to the discretion of the Secretary of Agriculture and the President, and are not mandatory as demanded by farmers. The loans are not uniform as to all farmers engaged in the same type of production.

If you will read section 302 you will find that before a single loan can be made the Secretary of Agriculture must recommend and the President must approve. If they do not do so, no loans will be made. However, after they have given their recommendation and approval the loans will be made according to the mandatory provisions of the bill. There should be no misunderstanding about that, because some have indicated it is their idea mandatory loans must be made. This is not correct.

Fifth. The conference agreement is unfair to growers of spring wheat. No surplus of this type of high-grade milling wheat has been produced in this country for many years.

For the 1938 program the bill provides for a total wheat acreage of all types of wheat of 62,500,000 acres. There has already been planted more than 57,000,000 acres of winter wheat. This leaves less than 6,000,000 acres for hard spring wheat, when the average production is more than 23,000,000 acres. How will the adjustment be made when all wheat acreage is cut 17,500,000 acres? It is quite apparent to me that the Southwest will have the advantage due to excessive acreage during the past few years, and spring-wheat farmers will be called upon to make the big sacrifice.

Sixth. I object to the compulsory corn area, which includes southern Minnesota and all of or parts of 12 States in the Middle West. The corn farmers in this area are to be controlled to the nth degree. They are told the number of acres to plant, as well as the number of bushels of corn that they may sell or feed, when the control program becomes operative. They are assessed a penalty of 15 cents per bushel for noncompliance, and in addition they lose all benefit payments under the Soil Conservation Act.

A penalty of 15 cents a bushel is also assessed against wheat farmers for failure to comply with the Secretary's orders.

Seventh. I object to the section in the bill which compels all buyers of wheat, corn, cotton, rice, and tobacco to collect the penalties from farmers who fail to comply. This is an unfair imposition upon buyers, as well as unworkable. How can any buyer of hogs, cattle, or poultry know if bootleg or illegal corn was fed to the animals offered for sale? This section was not considered by either House or Senate.

Eighth. I object to the conference report because of the emasculation of the dairy amendment. This amendment was adopted by both House and Senate, after a great deal of deliberation, and by a decisive vote. Yet the conference committee exceeded its jurisdiction, disregarded the action of both Houses, and proceeded to make ineffective the only protection afforded the dairy industry in the farm program. The failure on the part of the conferees to protect dairy farmers will result, in a few years, to a complete dislocation of an industry operated by millions of dairy farmers in the historic dairy sections of this country.

I do not object to a normal expansion of dairying in all parts of the Union, but when the Federal Government, by the payment of large subsidies, deliberately puts cotton and tobacco farmers into the dairy business, it is time to call a halt. We are at the point of surplus production of dairy products today in this country. A natural increase in production will put us on an export basis and the dairy industry will be destroyed.

The conferees on the part of the House will attempt to make us believe that dairying is protected, but this is not accurate. A careful reading of the complicated amendment proposed by them will disclose that land planted to legumes and grasses may be pastured by cattle, and the products from said cattle sold without interference or violation of the order of the Secretary. In other words, instead of the farmer harvesting the legumes, clover or alfalfa for feed to dairy cattle which would be a violation, he (the farmer) lets the cattle do their own harvesting by eating the clover and alfalfa in the pasture or field, and there is no violation of the law. Who cares to harvest hay and other crops if the cows will do it for you?

Ninth. I object to the conference report because it does not give the American farmers any protection whatsoever from devastating foreign competition of competitive farm products.

During the year 1937, just passed, 604,570,458 pounds of beef, pork, lamb, and poultry came into the United States from foreign countries. This meat was estimated to be worth $58,531,897.

More than 76,000,000 pounds of butter, cheese, and other dairy products worth $15,798,947 entered into American consumption from foreign production.

To say nothing of the foreign importations into this country of grains and preparations having a value of $102,391,930, and which includes 114,701,983 bushels of barley, rye, oats, wheat, and corn; and 186,000,000 pounds of rice and rice flour, and 371,243,456 pounds of malt made from barley, which alone was worth $11,313,000. Many farmers growing barley wondered why the price on barley was so low last year. I have just given the reason which broke the price and closed nearly all malting plants in this country for months—throwing thousands of men out of work.

No farm program will succeed as long as the administration compels our farmers to produce less, and at the same time permits injurious foreign competition in our domestic market.

Any permanent farm program should protect the American market for domestic production. This bill does not do it.

Tenth. I object to the conference report wherein the conferees inserted, on page 94, line 23, a section which requires the Government to buy all cotton upon which 9-cent loans have been made by the Commodity Credit Corporation, and to pay 2 cents per pound additional to the borrower—the Government to assume all charges and interest against the secured cotton. The market price on cotton is approximately 8½ cents per pound. This deal gives the cotton farmer 11 cents per pound plus any other benefits under soil conservation and the subsidy. It is estimated that the cotton farmers who avail themselves of this section will receive about 14 cents per pound for their cotton from all governmental sources.

Loans are being made at the rate of 100,000 bales per day. Up to yesterday the corporation loaned 9 cents per pound on 4,883,000 bales of cotton from the 1937 crop. It is estimated that this section of the bill will stimulate loans on from 5,000,000 to 6,000,000 additional bales, and for the sale of the entire amount to the Government by July 1 at from 11 cents to 14 cents per pound. This provision will cost the Treasury from $200,000,000 to $300,000,000.

The Government also owns 1,600,000 bales of cotton upon which 12 cents per pound was loaned, and which cost 14 cents per pound because of carrying charges and interest.

This section was not considered in either House or Senate.

Eleventh. I object to the report for the further reason that excessive benefit payments are made to large operators. The report provides for individual payments up to $10,000, but if a producer owns land in more than one State he may receive $10,000 in each State.

The House bill provided for a maximum payment of $7,500 to any one individual.

The large operators produce the surpluses and should receive minimum subsidies.

This legislation should be enacted in behalf of the average farmer who is forced to earn his living from the soil, and who needs governmental assistance to keep himself and family, and not for large commercial operators.

Twelfth. I am opposed to the conference report and this type of compulsory legislation, because more than $50,000,000 of the appropriation intended for farmers will be used to employ more than 100,000 additional individuals on the public pay rolls, thereby increasing the present personnel of the executive department from 889,550 to around 1,000,000 persons at a total cost of $187,217,360 per month, which will build up a superpolitical bureaucracy in Washington under the control of a dictator who seeks more power to control the political thought of all people and who will have it in his power to destroy the economic welfare of the farmers and the entire country.

Instead of enacting legislation to control American agriculture, we should be devoting our time to the drafting of a permanent program which will restore the economic independence of our farmers. Such a program should include the following proposals:

(1) Federal assistance in the restoration of our foreign markets for cotton, wheat, corn, hogs, rice, and other farm commodities of surplus production.

(2) Protection of domestic market from injurious foreign competition.

(3) Assurance of cost of production or parity prices on that part of the production which goes into domestic consumption.

(4) The perfection of a voluntary plan of soil conservation.

(5) A sound loan program for agriculture with low rates of interest.

(6) Curtailment of Government expenditures so as to bring about lower taxes.

(7) Drastic legislation to change our foreign policy so that this country may be kept out of any foreign entanglement or war.

I have just mentioned some of the high lights of what I believe is a sound program for American agriculture and for the country as a whole. Such a program can be enacted during the present session, and I therefore urge that you vote to reject the conference report today. [Applause.]

Mr. FULMER. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. DOXEY].

Mr. DOXEY. Mr. Speaker, would that I had the time to reply in a general way to the prepared speech which has just been delivered by my distinguished friend the gentleman from Minnesota [Mr. ANDRESEN] I could consume all my time answering his statement about the cotton provisions in the bill, concerning which he left the impression the Government would take in the 1938 crop and spend billions and billions of dollars, when in truth and in fact this provision here gives just the same privilege the Commodity Credit Corporation now has, and the $130,000,000 subsidy is just the same amount of money provided for subsidy payments to the cotton farmer.

Some of the statements and figures the gentleman from Minnesota gave brought to my mind very vividly, and I do not think this will be denied by him, another speech made by the gentleman from Minnesota when the original farm bill was before the House. In the speech he has just made the gentleman complained about our putting a penalty on the buyer. Well do I remember that in his speech when we were considering this matter some time ago in the House, he complained because we had the penalty on either the buyer or the producer when we were considering the original bill in committee. I believe he wanted the penalty placed on the buyer. I do not believe the distinguished gentleman from Minnesota would vote for any kind of a farm bill we could bring out here.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield for a correction?

Mr. DOXEY. I am pleased to yield for a question, although I did not interrupt the gentleman when he was speaking.

Mr. ANDRESEN of Minnesota. I want to correct the gentleman. I referred to the 1937 cotton crop. Regarding the penalty, as the gentleman knows, I opposed placing the penalty on the buyer. I stated if there was to be a penalty, although I opposed it, it should be on the seller, so we could have enforcement of the penalty.

Mr. DOXEY. I wish we had time to discuss this matter in detail. However, we have not. It is going to be my purpose in the time I have to endeavor to explain some of the provisions of the bill and the conference report before us. May I say the conferees need no defense at my hands, but if you knew a few of the problems we were up against I believe you would possibly be a little more considerate, although I do not ask you to be any more charitable than you are. Many of you have complimented and expressed appreciation of our efforts and the work we have done.

It is always my policy in the discussion of any bill when I have the privilege of the floor to yield and yield generously. I believe most of you will agree with that statement. However, in the limited time I have I believe I can cover more territory and get the general picture over to the membership of this House more clearly if you will not interrupt me until I have completed my statement in a general way. Then if I have time I shall be delighted to yield and answer any questions I can.

The Members of the House know that the House bill and the Senate bill on this subject were two very different bills, both having been passed at the special session of Congress called for the purpose of passing farm legislation.

CONFERENCE REPORT ON H. R. 8505

Mr. Speaker and my colleagues, at the outset permit me to give briefly a general outline of just what the conferees on this general farm bill, known as H. R. 8505, have been up against.

I hold here in my hand a comparative print containing the Senate farm bill and the House farm bill. As you will see, this document is about a foot and half long and about a foot wide and over an inch thick, containing 169 pages. You will note that on the left side of the page there appears the bill as it passed the House and on the right side of the page appears the bill as it passed the Senate.

There are wide and varied differences in the general make-up of the two bills, and on close examination they will be found to be diametrically different in principle and philosophy.

Some of the major differences are, first, the House bill is built on the soil conservation and domestic allotment plan. The House bill provides that payments will be made on the soil conservation basis. The Senate bill is built up on the philosophy of parity payments, and the payments provided in the Senate bill are based on approaching parity of the five major agricultural commodities. There was no way to compromise these differences. We either had to take the soil conservation principle or we had to take the parity idea.

The House conferees maintained that it would be unwise to take the Senate bill—first, because we had only $500,000,000 to spend for the year 1938 on the general farm program.

The House conferees did not want to promise something to the farmer and then disappoint him by not being able to pay.

We all realize that with just $500,000,000, no parity payments on any of the five agricultural commodities could be reached or even substantially approached.

To carry out the parity payment idea, it would take at least a billion and a half dollars a year. To procure a billion and a half dollars for this purpose at this time is entirely out of the question. It just cannot be done. We must be reasonable if we expect to help agriculture at all.

You can figure it for yourself. Consider the present market price of the five agricultural commodities, and then consider the amount of money it would take to bring them to parity.

PARITY

The parity price for cotton is about 17 cents per pound. The parity price for corn is about 83 cents per bushel. The parity price for wheat is about $1.17 per bushel. There is no use in my going into a mathematical calculation here, but just consider parity on these three commodities alone and you will readily understand that $500,000,000 would hardly be a drop in the bucket. The average production—normal yield—is about 13,000,000 bales of cotton, about 2,700,000,000 bushels of corn, and about 800,000,000 bushels of wheat.

Then, too, this House knows that if we advocate parity for just five commodities we would have to make substantial payments to other commodities. A clamor would be made for parity, or approximate parity, on peanuts, potatoes, rice, barley, flax, wool, and all other commodities. It just cannot be done now.

With that situation staring the conferees in the face, they agreed to only include the concept of parity in the conference report, the actual payments to be made on the soil-conservation basis.

When I say the concept of parity, I mean that we provided that if and when any more money is raised by an act of Congress from processing tax, or any other tax, then this additional money can be used if it is then so determined toward trying to reach a parity goal.

Most of you know that from the very beginning I have advocated and strongly favored a program that will raise money by taxing the manufacturer of the raw commodity to be paid to the producer of the commodity in order to bring about a more equal distribution and to increase the purchasing power of the producer.

I have always thought and I still believe that some sort of plan like the levying of processing tax will have to be finally resorted to in order to have a satisfactory farm program, or one even approaching parity.

You know and I know that those of us who represent and are vitally interested in agriculture cannot expect each year to come to Congress and get a direct appropriation out of the Federal Treasury for the benefit of agriculture in a sufficient amount to really do anything worth while for the producers of agricultural commodities.

We all agree that there is not a chance to get more than a $500,000,000 appropriation through this House or through the Senate at the present time. It is easy to advocate, but impossible to accomplish.

Therefore, it occurs to me that it is only common sense to state that we are going to have to resort in the final analysis to some tax-raising plan and provide that the money so raised shall be devoted to the payment of benefits to the actual producer.

It is just an idle gesture to talk about paying benefits that will reach parity without you have some method of providing the money to finance the program. Money talks.

I tried in this bill to provide the method but I was in the minority and there is no method provided in this general farm bill for raising any additional money for the benefit of the producer of any of the major agricultural commodities. Therefore, I am sure you can readily understand that the only honest and sensible program for the conferees to pursue was to cut our cloth according to the pattern and the pattern was $500,000,000.

I know much dissatisfaction will result and there will be many disappointments for through some means or other the country has been led to believe that some plan will be devised whereby our prices for agricultural commodities would be so raised as to bring to the producer parity payments.

That sounds good and all of us are for it but it cannot be realized until the money is provided and there is no use for use to kid ourselves or mislead anybody, for facts are facts.

You will find in making an analysis of this conference report that we have carried the soil-conservation program all the way through it but have at the same time provided for parity payments only when the money is provided. We have raised soil-benefit payments on a percentage basis to all farmers receiving less than $200 payments.

I hope that before this session of Congress adjourns there will be other farm legislation providing a method to raise more money for the benefit of the American farmer. That remains to be seen.

COMPULSION CONTROL

Another major difference between the House bill and the Senate bill was the compulsion-control feature. The Senate bill provided for absolute and rigid compulsion of production. The House bill provided only for mild compulsion in the nature of quotas and those quotas would not be in effect until voted upon by the producers of the various commodities. We left it to a vote of the farmers themselves.

With special reference to cotton, the House bill provided there would be no quotas under any circumstances for the year 1938 and if and when a referendum was ordered and a vote of the farmers was taken, then if one-third of the farmers voting voted against the quota system, it would not be in effect.

In other words, the House bill left it up to the farmers as to whether or not they would have quotas and the necessary penalties that would follow and provided that one-third of the farmers could prevent the operation of quotas. This issue was a real battle in conference. I have always been against absolute and rigid compulsion control of production by the Federal Government.

All conferees had to yield on many propositions. It was a game of give and take. No one of the conferees could expect to get everything wanted.

Each commodity had its own peculiar problems, but we generally agreed upon the quota system and that it would become effective in 1938 provided the farmers vote in favor of the quota system.

The House provision was adopted with reference to one-third of the farmers voting being able to defeat the plan, so generally speaking if this conference report is adopted by both the House and the Senate and the bill is signed by the President, there necessarily will have to be immediately ordered a referendum and the farmers will be required to vote. A result of their wishes will be announced as soon as practical and the system will go into effect on all the five major agricultural commodities providing not more than one-third of those participating in the balloting do not vote against the quota system. Each commodity has its own referendum.

Those of us who have all along opposed absolute and rigid Government-compulsion control know that this is the best compromise we could get.

ALLOTMENTS—AS TO PRODUCTION

Another major difference in the two bills was the proposition of allotments as to production.

Considering, for example, the commodity cotton, the Senate bill was based on the baleage idea and definitely set the national quota or national allotment at 10,000,000 bales.

The House bill is based on the acreage allotment and was worked out on a basis of 28,000,000 acres which represent under normal conditions about a 12,000,000-bale crop as the national allotment.

I have not time to discuss many of the problems that faced the conferees but we finally agreed that we would take the baleage theory of national allotments but that it would not be at any fixed figure. We provided that the floor, so to speak, would be 10,000,000 bales, the exact allotment to be determined by the Secretary of Agriculture on the baleage basis. He could go higher but not lower, and not to exceed 11,500,000 bales as the ceiling.

In addition to whatever the Secretary of Agriculture may determine for any given year, the national allotment to be in terms of bales, there is provided in this report an addi-

tional allotment for 1938 and 1939 which shall go to the several counties throughout the United States wherein there are new farms and new lands opened up and planted to cotton in just the year 1937.

We endeavored to take care of these farms in the county where these new lands have just begun to be tilled by providing that an additional allotment shall go to such counties so that the new farms will have an acreage allotment for this year and next year of not less than 60 percent of what they planted in cotton in 1937 plus the diverted acreage from cotton production in 1937.

We have also endeavored to take care of farms within a cotton county that have not planted any cotton at all by providing that 2 percent of the State acreage allotment shall be apportioned to these farms on the basis of land, labor, and equipment available for the production of cotton, as well as the crop-rotation practice and the soil and other physical faculties affecting the production of cotton.

The State allotment is based on a baleage concept but it is translated into definite acres known as the State allotment acreage which is made on the basis of the average for the 5 years preceding the year in which the national allotment is determined of the normal production of the cotton in each State.

In other words, the Secretary of Agriculture shall ascertain on the basis of the average yield per acre in each State the number of acres in such State which will produce a number of bales equal to the State allotment; such number of acres is referred to as the "State acreage allotment."

The county allotment is made on the acreage basis and is apportioned to the counties on the basis of the acreage planted to cotton during the 5 preceding calendar years plus the diverted acres under previous programs, with adjustments for abnormal weather conditions and trends in acreage during such 5-year period.

Before this county allotment is broken down to the individual farms on the tilled acreage basis, the 2 percent above referred to for farms with no past cotton history is apportioned to those farms in the county.

Also from this county allotment there is apportioned 3 percent of the county allotment to be used for the benefit of the small cotton farm. Any farmer not raising more than two bales of cotton, regardless of his acreage allotment, can sell it free from penalty.

That amount of the county acreage allotment is to be given to all farms to which the total allotment of the farm does not exceed 15 acres for cotton production. This is extra for farms with less than 15 acres planted to cotton.

We provide in this report that every farm in the county which has planted cotton during any of the previous 3 years shall be allotted at least 5 acres for cotton production.

When these specific allotments are made within the county, then the remainder of the total amount of acres available to the county shall be allotted to the farms on which cotton has been planted during any of the previous 3 years on a percentage basis, which percentage shall be the same for every farm in the county of the acreage, during the preceding year, on the farm which is tilled annually or in regular rotation.

In other words, the reduction of each and every farm, regardless of the size, shall be the same percentage of the tilled acreage, but it is provided that no farm shall receive its allotment of cotton acreage in excess of the cotton acreage planted and diverted during the preceding year.

We realize that in some counties one part of the county has one problem and another part of the county has another problem, so we provided for administrative areas within the county to take care of different conditions and to prevent discrimination in the allotment to the farms among the administrative areas within the same county. All acreage allotments, benefit payments, and other transactions incident to this program are public and open to public inspection. This includes all the activities of the local county committees and the local review committees.

We are endeavoring here to provide an allotment to the farms on a tilled-acreage basis and get away from the old base-acreage basis that has been used in other programs.

We feel that many injustices and discriminations have heretofore occurred under the old base-acreage allotment practice. We are here trying to do even justice to all.

We feel that the tilled-acreage yardstick will not only help the farmers who have diversified in past years but we feel that the cooperator, be he a big farmer or a small farmer, will be benefited by this change in the method of allotment to the individual farms.

We realize that this program cannot be worked out overnight, and many problems will be encountered in the administration of it.

BROAD BENEFITS

I have asked myself the question many, many times during our deliberations and considerations of this measure, What are we doing for the American farmer?

I have been asked that question many hundreds of times by interested people.

No one can answer that with any degree of certainty or definiteness, as this program is necessarily broad and far-reaching, but we all know that if we do not do something for the American farmer agriculture will be paralyzed. Prices will decline to a low ebb.

With special reference to the cotton farmer, I am convinced, my colleagues, that if there is not some Federal assistance given the cotton farmer this year, the price of cotton this fall will likely be 5 cents per pound, and those of you who are familiar with conditions throughout the cotton section know that we cannot live on 5-cent cotton.

Therefore, in answer to the question, What are we doing in this bill for the cotton farmer? I would say:

First, we are endeavoring by this program to raise the price of the farm commodities he produces. We are trying to increase his purchasing power and make his living conditions better.

We are also endeavoring under the soil conservation benefit payment plan to broaden the existing law and make it permanent.

We are endeavoring to take care of the little farmers, the small landowners, the tenant, and the sharecropper by granting him exemptions and additional allotments, and put money in his pocket.

We are trying to get for the farmer better freight rates that will be reflected in benefits to him, be he big or little.

We are endeavoring to find new uses and better markets for the commodities he raises, especially cotton and its byproducts.

We are paying him his $130,000,000 subsidy for the cotton he raised in 1937.

We have provided that those farmers holding cotton pool certificates will be paid benefits up to $1 a bale, total amount not to exceed $1,800,000.

These are some of the specific benefits that are set forth and provided for in this bill; and if this conference report fails to be adopted, these programs fail and these many benefits provided in the conference report will be denied the cotton farmers of the South.

I say to you, my colleagues, that the advantages of this bill greatly outweigh the disadvantages; and even though the bill does not contain many provisions that we would like for it to contain and does contain some we would like to see out of it, we had better pass it and follow it with other legislation, if necessary, amending it and correcting it later. We cannot do that here now.

Under the parliamentary procedure facing us, we have to take this report as it is or reject it in its entirety. We cannot approve a part of it and leave out a portion of it.

This conference report has to be voted on as a whole, and by our votes it all goes out or it all stays in. It is up to us to take it or turn it down as it is.

It is all or nothing. It is now a matter for the entire membership of the House and the Senate to decide. We

conferees have done our best with what we had to work with.

The benefits provided in this bill tend to encourage and stimulate good farming and soil conservation, as it is provided in this report that after the acreage is so allotted the farmer can raise all of the commodities that he wants to on the allotted acreage and no penalty will be attached to the commodity raised on the allotted acreage regardless of the amount so raised.

The penalties provided herein apply when the producer exceeds his acreage allotment and that commodity raised on the acreage other than the allotted acreage is penalized, and in the case of cotton is 2 cents per pound for the first year and 3 cents thereafter.

An additional penalty is provided for the noncooperator wherein he is denied the benefits of any soil-conservation payment that might accrue to him under the soil-conservation program.

The conferees feel that if this program is fairly administered and the producers reasonably comply with it, production will be, therefore, reduced and the price of the commodity necessarily raised, for we all know that overproduction and underconsumption mean low prices. If we can get a normal production, and even a normal consumption, and thereby reduce the surplus and prevent an abnormal carry-over, the philosophy of this bill is that the price of the commodity will necessarily be raised and the buying power of the producer will thereby be increased.

That is the goal to which we are traveling, but it cannot be accomplished in 1 year or even in 2 years. A great deal depends upon world conditions, especially with regard to such crops as cotton and wheat, which are export crops; but we feel that from the present outlook we cannot hope for our export trade to increase to any appreciable extent any time in the near future, although we hope that by reciprocal-trade agreements and other forces, which we trust will be brought into play, that the world will demand and buy more of our export crops, such as wheat and cotton.

The conferees discussed and considered the operations of our present tariff laws but, of course, no agriculture committee has any jurisdiction of the tariff law as that is within the jurisdiction of the House Ways and Means Committee.

Furthermore, the conferees could not write anything in this bill that was not included in the House bill or in the Senate bill. We were confined to the principles contained in one or both bills and therefore we could not consider any domestic allotment plan or price-fixing provision for any of the agricultural commodities because those questions were not in conference as neither the House nor the Senate bill contained any such provision.

BOILEAU-M'NARY AMENDMENT

The conferees realize that there were some provisions in both bills that were undesirable but under the parliamentary situation we could not entirely eliminate the provisions that were put on by either the House or the Senate.

For example, take the so-called Boileau-McNary amendment. The House voted it into the bill and so did the Senate and it appears in both bills in substantially the same language but in the House bill it applies to soil conservation payments and in the Senate bill it is attached to the parity-payment provisions and therefore the conferees felt that there was enough difference to put this Boileau amendment in conference and although we could not entirely eliminate it, I am frank to say to you that we endeavored to modify it and pull its teeth as much as we could.

We full well realize that those of you who are in favor of this so-called Boileau amendment are going to oppose this report and give us all the trouble you can, but those of us who are opposed to the amendment are just as determined that it is vicious and will in the long run be a great detriment to the program and not benefit the dairy, poultry, and livestock farms as the sponsors of this provision claim for it. I do not believe it can be administered. I know there is no money available to police each farm, and certainly I will never vote for an appropriation for that purpose.

I, as one of the conferees, feel that it is a great mistake for any farm bill to have this provision even in a modified form but of course I was only one conferee among 12 conferees, and in many instances during this long and hectic conference, I have been in the minority. Of course, the majority rules in conference just as in a vote of the House and of the Senate.

APPORTIONMENT OF FUNDS

Another great difference in the two bills was the manner of apportionment of funds. We gave long and serious consideration to this matter, and time will not permit me here to go into details, but we feel that we have worked out the best formula that it is possible to work out under the conditions facing us, and we have endeavored to equally distribute the funds in hand on a fair basis of soil-conservation and soil-depleting crops and have further provided that if and when any additional funds are obtained in the future that the major agricultural commodities are all linked together and will participate in the pool according to the parity concept, and that the commodity that has the greatest difference in parity will receive the greatest proportion of the funds in order that that particular commodity will approach parity in the same proportion as other agricultural commodities approach parity.

In other words, if the party price for cotton is 17 cents and cotton is selling at 9 cents, and the parity price for wheat is $1.17 and wheat is selling for $1, the proportionate amount of the funds to be expended on the cotton program will be just so much greater than that spent on the wheat program as the ratio or the difference that the present price of cotton lacks in approaching the parity price. The commodity that is the farthest from parity gets the most money in benefit payments.

Of course, what we have done in this conference report is for future use and guidance, for if and when any new legislation is enacted and any additional funds are raised, provision no doubt will be made in that legislation for the apportionment of the funds so provided with reference to the agricultural commodities therein named.

This apportionment-of-funds proposition is one that has given us all much concern, and there are many factors to be considered in formulating a plan, but the Lucas amendment, as passed by the House, was amended in substance and is set forth in this report.

We realize that many of you, dependent on what section of the country you come from and in what commodity you are most interested, have cause to criticize this conference report, but I trust that you will appreciate the position of the conferees who had to consider this program from a national standpoint and take into consideration the varied interests of all agricultural commodities. We cannot legislate here for just one commodity or for just one crop or for just one section of the country. If we could, it would certainly make it much easier.

However, I feel that regardless of what section of the country you come from, you will find a number of worthwhile provisions contained in this conference report that will benefit all sections of the country and help agriculture generally.

REDUCTION OF FREIGHT RATES

For instance, I especially refer to the provision of this report with reference to the reduction of freight rates on agricultural commodities. We all know that there is at present a serious and devastating inequality in freight rates that discriminate against our raw agricultural products. I could cite you many instances in this regard, but time will not permit.

All we could do to remedy that situation in this bill was to clothe the Secretary of Agriculture with the power to take the case of agriculture to the Interstate Commerce Commission and there intervene in any suit where the public interests are involved and have the power to prosecute and appeal a decision involving the public interests when he thinks agriculture has been discriminated against, and the freight rates are not equitable and just.

In other words, we designate the Secretary of Agriculture as our friend at court with powers to act and, if possible, to secure results that will be beneficial to agriculture in the adjustment of freight rates on agricultural commodities.

We feel that this is a step in the right direction, for heretofore agriculture has not had any friends at court, and if we did have, they were not clothed with any power to act or pursue the claims of agriculture to a finality with reference to freight rates.

There is much that I could say here with regard to this forward movement, but I have not the time to do so; neither do I want to weary you with a detailed discussion of these manifold problems and provisions contained in this conference report.

FOUR RESEARCH LABORATORIES

There is another provision in this report in which I am sure most all of you are interested, regardless of what section of the country you are from or what commodities you are most concerned about. In this report we provide for four regional research laboratories to be established throughout the country, the locations to be selected by the Secretary of Agriculture.

We have specially provided that the research laboratory, to be established in the South, is to devote its primary efforts to finding new uses for cotton and its byproducts. This laboratory, to be located somewhere in the South is to cost not exceeding $1,000,000, all expenses to be borne by the Federal Government, and no State is required to make any contribution in the matter, nor is a contribution by the State to the Government a prerequisite in getting the Secretary of Agriculture to locate one of these four regional laboratories. In other words, the Secretary of Agriculture is to locate the laboratory for the southern region somewhere in the Cotton Belt, and it is to be entirely a Federal Government institution, and its work is to be primarily for the purpose of ascertaining new uses and markets for cotton and its byproducts.

This is something that many of us have for many years labored to accomplish, and the conferees here and now provide that the $4,000,000 for the establishment of these four regional laboratories shall be taken out of the funds now on hand, and it is not necessary to have to wait or depend upon any extra or additional appropriation for the purpose, but this money is to come out of the $500,000,000 already set aside for a general farm program.

We further provide that another million dollars out of this general fund shall be used by the Department of Commerce in ascertaining and finding out, both here in the United States and abroad, data that will be helpful in the sale of these agricultural commodities, and especially with reference to our export crops.

For instance, we direct that the Department of Commerce shall not only contact foreign buyers of cotton but shall also contact local mills and find out how much cotton and what kind they are in the market for, and if they are not buying American cotton try to interest them in the purchase of American cotton; also obtain the proper data for the sellers of American cotton, so that they can make the proper contacts with the prospective purchasers.

We hope that this million dollars will be used in a most beneficial manner along these lines.

I feel that the conferees' agreement with reference to the money that is devoted to agriculture under what we term section 32 will be satisfactory to most of you. In other words, the 30 percent of the custom receipts that is now put in a separate fund to be used for the benefit of agriculture, which amounts to something over $100,000,000 a year, will be used to dispose of some of our surplus commodities and provide better prices and better markets insofar as this amount of money will accomplish the purpose.

With the $500,000,000 soil-conservation fund and the approximately $100,000,000 devoted to agricultural benefits secured from the custom receipts, we feel that we have done the best we could with the apportionment of these funds, and even though we do not secure any additional funds, we hope that the program will go forward satisfactorily and that the farmers will realize that this is about the best we could do unless other and different legislation is passed raising more funds to be spent either as parity payment benefits or soil-conservation payment benefits to the farmer.

LOANS

There is another additional feature, and I hope a constructive one, contained in this conference report, wherein we provide discretionary loans for tobacco and rice, but provide that the loans for corn, wheat, and cotton will be mandatory if and when the parity price of cotton and wheat is 52 percent below parity, and with reference to the loan on corn, as it is purely domestic, we provide that the range of parity price be between 75 and 52 percent of parity. In other words, this just means that if the price of cotton falls below 8½ cents, then it is mandatory that these loans be made on this basis to the cotton producer.

I, as one particularly interested in cotton, feel and realize that the loan feature is not the goal to which we are working with reference to cotton, but we have treated cotton and wheat alike with regard to these loans and our ultimate goal is to raise the price paid the producer for the commodity he raises, and this loan feature is just an element in our efforts to stabilize the price of the raw material at a figure that will not only increase the purchasing power of the producer but give to the farmer a fair return for his labor and investment in producing cotton, wheat, and corn.

SUBSIDY PAYMENTS FOR COTTON—$130,000,000

With further special reference to cotton, in addition to its participation in these funds, there is provided for this year only an additional $130,000,000 as subsidy payments that was provided in the third deficiency appropriation bill passed on the last day of the first session of the Seventy-fifth Congress.

In that legislation it was provided that the payment of this subsidy, not to exceed 3 cents per pound on cotton classed as seven-eighths Middling, was dependent upon enactment of a general farm program for the year 1938.

Now, the point is that there was a heavy and additional responsibility in this regard resting on the conferees who came from the South. In other words, if the conferees did not agree to some kind of farm program for the year 1938, the cotton farmers of the South would lose this $130,000,000.

I say to you frankly that this caused some of the conferees, among them myself, to yield on many propositions that we were in entire disagreement with; but we had to yield in order to get an agreement, for we could not report until we had worked out and agreed upon all differences.

We knew, and I am telling you—my colleagues from the South especially—that even though you do not like this bill and are very much opposed to some of the provisions of this conference report, I want you to know here and now that unless we get a farm bill enacted and a farm program for the year 1938 this $130,000,000 will not be paid to the cotton farmers of the South, even though they had participated in the program up to this time, and they are, of course, expecting their 3-cent subsidy; and even though it takes some sacrifice on our part, we have got to have a cotton program in order for them to get the money.

Further, we had just as well all realize that this is just about the last subsidy we are ever going to get for cotton only, for in conferences and everywhere else it has been brought to my attention and thrown at me that the cotton fellows have had $130,000,000 given them for subsidy for cotton, while there is no subsidy provided for any other agricultural commodity. Many of our friends from other sections of the country have used this as an argument in favor of other agricultural commodities sharing more generously in the present apportionment of funds at hand now to be expended for the benefit of agriculture.

I am sure that we have more money to be expended for the cotton program in 1938 than we will be able to get again any time soon, and I am fearful that in 1939 the cotton farmers are going to receive less benefits than they will

receive this year unless we pass additional legislation providing for additional funds to be raised by some sort of taxation to be used for the specific benefit of a general farm program. [Applause.]

[Here the gavel fell.]

Mr. FULMER. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. DOXEY. I thank the gentleman from South Carolina.

My colleagues, let me urge you cotton fellows to carefully consider this matter, as you have more at stake in this program than those representing any other agricultural section. If this conference report is voted down on account of some things being contained therein that we do not like, it just means that the cotton farmers will not be paid the 3-cent subsidy this year which has already been provided dependent on our passing a farm bill here at this session. In other words, if this bill passes, it will mean $130,000,000 in the pockets of the cotton farmer in addition to the benefits that will be paid him from the soil-conservation program. If it does not pass, the cotton farmers of the South will lose this $130,000,000, as well as other benefits herein provided.

Therefore, I urge you, my good colleagues from the South, to vote for this report and let us get this bill to the President as soon as possible for his signature and get the 1938 farm program under way, for you full well realize that the time for planting will soon be at hand; in fact, they are already planting cotton in some sections of Texas, and all the farmers are preparing their lands and they are entitled to know as soon as possible just what the program is going to be for this year.

With that in view, your conferees have worked day and night, also Sundays, for the past 30 days in trying to bring to you as soon as possible an agreement between these two bills, as you know the conferees on this bill were appointed at the end of the special session of Congress, December 18, 1937. The House conferees appointed were MARVIN JONES, of Texas, the chairman of the House Committee on Agriculture; Mr. FULMER, of South Carolina; Mr. DOXEY, of Mississippi; Mr. HOPE, of Kansas; and Mr. KINZER, of Pennsylvania. The Senate selected as their conferees Senators SMITH, of South Carolina; BANKHEAD, of Alabama; POPE, of Idaho; MCGILL, of Kansas; FRAZIER, of North Dakota; and CAPPER, of Kansas. Most of the conferees stayed here during the holidays and worked on this report. We have had to not only try to acquaint ourselves with all the provisions of each bill, but we all realized that we had to meet on some common ground, and with that in view, this conference report differs from most conference reports wherein we could take bills up title by title, section by section, and paragraph by paragraph and consider them and the report would show that the House either receded or the Senate receded with an amendment but we found that was impractical in reaching an agreement with regard to these two bills, so we adopted the plan of letting the report show that all after the enacting clause in both bills was struck out and this report had been agreed upon and prepared within the limitations of both bills, yet it does not disclose whether or not the principle agreed upon was advocated by the House or by the Senate, for viewing the situation as a whole we have had to practically write a new bill, but at the same time we were encompassed about with the limitations of one or the other of the two bills

COTTON POOL CERTIFICATES—$1,800,000

I am sure that it is gratifying to the cotton farmers of the South and to those of you who represent agricultural districts of the South that the conferees agreed that the $1,800,000 now in the cotton pool fund is to be distributed to the holders of the cotton pool certificates That is another helpful provision that many of us have worked for for a long time.

CROP INSURANCE

We have further provided in this report, more in the nature of an experiment than anything else, crop insurance for wheat with a view of seeing how it is going to work; no other commodity was included in this provision, for we realize that this is just an experiment, and if it works practically for wheat, it will also work for cotton. The principal is that the premium is paid by the grower of the commodity, and insurance is only as to production, not as to price. It does not affect this year's crop but begins with the 1939 wheat crop.

CONCLUSION

This conference report covers a broad field of wide-range legislation affecting agriculture. We know that some of it will just be a basis for future legislation, but we hope that our efforts here have been constructive, and all realize that there are many objections that can be raised to this proposed legislation; but on the whole, with only a certain amount of money in sight available for the program, none of us got all we wanted, and each one of the conferees had to yield and agree to items and provisions that we were not in sympathy with, but the conferees felt the responsibility resting upon them and they set out to reach an agreement if possible and bring the best we could get in a conference report to the floor of the House and the Senate as soon as possible for your approval or rejection.

It is for you, my colleagues, to say whether or not we are going to have a farm program this year, for you know as well as I do that, if this report is rejected, we will not have time to enact any other legislation affecting this year's crop.

I hope this report will be approved, for I know your conferees have done the best they could under the circumstances.

I thank you. [Applause.]

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I shall not attempt to go into the details of the sections of this bill within the time granted me. The main thing about the bill is that it provides for the control of production and the regimentation of the farmer and gives to the Secretary of Agriculture absolute control over what shall be raised by the farmer in the crops that are covered. It is bad enough that it is done in this particular way and that our farmers in the North, the dairy farmers and the poultry farmers, are almost entirely neglected. I do not believe that there is here any solid protection for them anywhere.

What has been the process, and what is the preparation for this bill? I have in my hand a letter from a tenant farmer in Paducah, Tex., and this is what she says:

> I most humbly beg to be allowed to call your attention to the fact that, in the instance of the aid that is to be given to the farmers, only a few thousand large operator farmers receive benefits that are actually of benefit. We small farmers suffer a reduction and a planting restriction so drastic that far outweighs and offsets any monetary compensation that we may receive. We are being ground out of the farming industry by the upper millstone of reduction and the nether stone of restrictive regulation. Countless thousands of this class have been forced out by exigencies arising directly from New Deal policies. * * * We have farmed as tenants for more than 35 years, and through this period of so-called depression we have been able to stay clear of debt, and have farmed at our present location for 12 years, but have been informed by our landlord that we must seek a new location for the coming season.

It will be seen how they are getting ready for a reduction in acreage that is to take place. They are already laying the foundation for cutting out and cutting off the small farmer throughout the cotton area.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. TREADWAY. To ask the gentleman, who is thoroughly familiar with the finances of the country, if any estimate has been made about the cost of this bill; and if so, where the money is coming from to pay the bill?

Mr. TABER. It is said to us that there is only $500,000,000 available, but I notice that there are several provisions in the bill that might run higher. Section 391 provides that at the beginning of the year 1938 such sums as Congress may determine may be made available, in addition to any amount made available pursuant to section 15 of the Soil Conservation

and Domestic Allotment Act, as amended, so that this is not limited to $500,000,000, or to the Soil Conservation Act. In addition to that, there is a provision—a minor one comparatively—for $5,000,000 for administration, for $4,000,000 for another item, and for $1,000,000 each for two or three items. I do not think anyone can tell how much this is going to cost, and it depends on the generosity of Congress in appropriating money. I do not know where we are going to get the money, and no one else does.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield again?

Mr. TABER. Yes.

Mr. TREADWAY. Sometime ago there was an informal conference between some members of the Committee on Agriculture and some members of the Committee on Ways and Means, when the cost of this measure was under discussion. Has there been any further consideration or decision as to what committee or how or where funds will be provided to pay these extravagant sums that the gentleman is referring to?

Mr. TABER. They would have to be appropriated; that is the only way provided in this bill.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. KNUTSON. May I say for the benefit of the gentleman from Massachusetts [Mr. TREADWAY] that in conversation with a prominent newspaper man this morning he asked me if I had heard anything about any rumors that a big bond issue is being contemplated?

Mr. TABER. That is generally understood. This is the way that this bill will work, as far as I can see.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. TABER. Not now. This bill will permit regimentation and the fixing of quotas, and, in a way, the fixing of prices; but before you get through your farmer is going to be worse off than he was before.

What have you done? You have provided for tremendous loans through the Commodity Credit Corporation. Those loans mean the storing and warehousing of crops, and they cannot be fed out. Those warehoused crops will be and continue to be an everlasting menace to the price that the farmer can get for warehoused agricultural commodities. There is absolutely no way that the Government can ever reduce stocks, for when it does loosen up the market is gone. I do not see where any provision is made to get rid of that situation. We have today as a result of the operations of the Commodity Credit Corporation in the cotton situation warehoused and stored millions and millions of bales of cotton which are going to be for years and years a menace to the price of cotton. I wish that instead of attempting to pass the bill here in a hurry, when we all know the Senate is going to take at least 3 weeks to consider it, whether it passes it or not, that this bill should come in here in the regular way so that the House could use its judgment in adopting amendments to modify it and take some of the curse out of it. [Applause.]

[Here the gavel fell.]

Mr. DOXEY. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Speaker, I sincerely hope that the conference report will be adopted. I think all of us, especially those from the farming sections, should realize what is going to happen if it is not adopted. If a negative vote should occur in this House and the conference report were not adopted, it would probably mean no farm legislation at this session. Do you want to go back to your districts in Iowa, in New York, in Oklahoma and tell your people that you could get no farm legislation at this session? I do not think you would want to face that. I urge upon the Representatives, particularly those from agricultural States, that the thing for us to do is to adopt this conference report.

This is not an ideal bill. I do not think that an ideal bill can be drawn. In the farming world we are facing a most serious situation. Nobody is to blame for it. Our foreign markets have failed. Walls have been raised against our wheat that used to go across the ocean by millions of bushels; walls raised against our cotton; foreign quotas placed. Are we going to continue to raise those surplus products? Are we going to continue to try to force them on the foreign and domestic markets? That means chaos. We cannot produce wheat and sell it at 25 cents a bushel as you and I have had to. Cotton cannot be produced at ruinously low prices. Our friends talk about control; why, sure. There is nothing else in store for us. Why not face it? Is there not control in the automobile industry, of farm machinery, of shoes, of everything in the industrial world? There is no other recourse, Mr. Speaker.

I believe in parity prices, and that is what many want. Some will vote against this report hoping that parity legislation will come. That will not come; you cannot pass that kind of a bill here at this session. Even if we could pass a bill, it would be ruinous until we have laid the foundation by tariff walls against all foreign products competing in the agricultural field. It would also be necessary to have provided some kind of rigid control by which we could regulate production in this country. Otherwise, parity would be impossible. The Treasury of the United States would be bankrupt trying to pay parity prices unless there was this control of production of wheat, and cotton, for we can produce quantities more than we can use.

Somebody said here a few minutes ago, I think it was our friend from Minnesota: "Let us bring back our foreign markets." Since July 1 we have had a surplus of wheat and we have tried to pour it into the foreign markets at prices almost of their own offering—I mean European countries—and there has been moved since July 1, 40,000,000 bushels; and I am told by people in the wheat section of the Department of Agriculture that we will do mighty well if we move 40,000,000 more bushels between now and next July. This means 240,000,000 or 250,000,00 bushels surplus of the last crop on July 1, and on the growing crop probably a thousand million bushels, 800,000,000 more, at least. Quota? Why not? We want a quota; of course we do. It is either that or bankruptcy; it is either some kind of management by which we can reach this farmer out in Iowa and Dakota and sit down and talk to him about the number of bushels he is going to put upon the market, or it is peasantry for the farmer.

Much has been said about the dairy interests. I have consistently voted for the dairy men. I have believed in protecting their industry. I believe in it yet; but we cannot be expected, nor would they ask, that we sacrifice our whole agricultural program for them. My friend from Wisconsin thinks there is going to be great competition from the dairy interests of the South. I would remind him, however, that parasites, climate, and other factors operate against the South, so that section will not offer a serious threat to the dairy interests of Wisconsin. Wisconsin is a dairy country. There, the perseverance of the people coupled with favorable climate and soil conditions have enabled them to build this prosperous industry. Cows prosper as the white man prospers, next to the snow line. [Applause.]

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. The distinguished gentleman from Oregon just said there would be no increase in dairying in the South. The gentleman, I know, means well, but he is in error. The figures show that there has been an increase in the dairy-cow population of the South; and if we permit an increase in the growing of feed for dairy cattle, they will thereby benefit and it will mean an increase in the production of dairy products.

I call the attention of the gentleman from Oregon to an Associated Press dispatch of January 11 this year, which says:

Agriculture Department surveys show that Southern States have outstripped the Nation as a whole in expansion of the beef- and

milk-cattle industry since inauguration of the farm-adjustment programs in 1933.

The number of all cattle, including dairy, in 13 Southern States increased from 18,616,000 in 1932 to 20,051,000 in 1937, while the number in the Nation as a whole increased only 906,000 to a 1937 total of 66,676,000.

The number of dairy cattle increased 4.3 percent in the South, compared with one-fifth of 1 percent for the Nation as a whole.

I submit to the gentleman that was under the old program, and that is when you were just getting started. If you permit them to grow these grasses and legumes without restriction, there is no question but what they will use those grasses and legumes under the provisions of this bill, unless we have some protection for the dairy industry, for dairying; and when they increase the amount of dairy production in the South, that means an increase on the markets of the United States. When we have this increase in the markets of the United States, it will put us on a surplus basis, and we will be in exactly the same position that the so-called soil-depleting crops are in at the present time.

It is not a thing that we are worrying about without reason. We have seen the effect of the past programs. We have seen the effect during the time when a program had some semblance of protection, as the contracts under the A. A. A., under the Bankhead Act, and so forth. There was some protection at that time. If we pass this thing without protection, it means an increase in dairy production. There can be no other result.

I have heard many Members from the South—yes, Members seated on this floor right now—state in private discussions off the floor, and I have heard others say they have heard similar statements from very distinguished gentlemen from the South, "Of course, we want the Boileau amendment out of the way, or we want it modified so that it does not mean anything, in order that we may go into dairying." All right, go into dairying all you please, but we say you should not be subsidized in doing so.

Mr. COOLEY. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from North Carolina.

Mr. COOLEY. Is the gentleman dissatisfied with the agreement reached by the conferees with reference to the Boileau amendment?

Mr. BOILEAU. Would the gentleman be satisfied if he contended for a principle and had nothing as the result? Would the gentleman be satisfied if he was successful in getting the Members of this body and the Senate to agree to an amendment that gave protection and then found that the conferees were the masters rather than the servants of the House and, further, that they had brought back an amendment which means nothing?

Mr. COOLEY. When the gentleman was speaking on the Boileau amendment originally, did he not take the position that if the dairy industry was protected from any adverse effect, that was the purpose he had in mind?

Mr. BOILEAU. I would not say that, no. I may say my contention has been all along that if those commodities that are not singled out for special benefit in this bill were protected, we would be satisfied.

Mr. COOLEY. Does this not do that?

Mr. BOILEAU. No. In the first place, so far as livestock, other than dairying, is concerned, and so far as poultry is concerned, that provision in this bill means absolutely nothing because it leaves it to the Secretary of Agriculture. The bill we now have before us without this provision would leave it up to the Secretary of Agriculture.

Mr. COOLEY. The gentleman does not object to a normal growth of dairying in the South, does he?

Mr. BOILEAU. Absolutely not.

Mr. COOLEY. Does this bill prohibit that?

Mr. BOILEAU. I am going into that. I started to answer the gentleman. I say first of all we were contending for a principle, not only for dairying but for all other commodities that were not protected. We submit that the program put out by the Department of Agriculture does protect most other crops, except it gives no protection for the livestock industry, including dairying, nor to poultry.

The provision in the latter part of the substitute amendment says that so far as livestock other than dairying is concerned, and poultry, the Secretary of Agriculture may help them under certain circumstances. He may do that now. We do not need that language. We contend there is no hope that the livestock or poultry industries will be given protection, because under past programs no protection has been given them, so leaving this up to the Secretary means nothing.

Coming back to dairying, may I say that the amendment passed both by the House and Senate provided generally that the lands that were taken out of production of all of these five crops should not be used for the production of other commodities for market. It permitted these lands to be used for the feeding of dairy cows for home consumption. It permitted the use of the lands for the growing of feed for work stock on the farm. The idea was that these lands should not be used for producing crops which were intended for market or for the growing of feed for livestock, the product of which was intended for the market. We made an exception for land that the Secretary might determine to be used for grazing purposes. The reason was that some gentlemen contended that there was a large acreage of land, especially in the West and the Middle West, principally the Prairie States, that never should have been plowed up. They stated that during the war days when there was need for food and a need for wheat and all of these other crops, millions and millions of acres of land were plowed up and put into cultivation that never should have been put into cultivation. We were willing to go that far, and I drew up an amendment and put a provision in the amendment to the effect that if these lands were such that the Secretary of Agriculture should determine they should be permanently put into grazing lands, the farmers doing that could get these benefits.

We had no objection to that. We were willing to make that concession. The amendment passed the House in that way, with the word "permanently" in there, and it passed the Senate with the word "permanently" in it. Now it comes back in this conference report and the word "permanently" is stricken out. This absolutely changes the entire purpose of the provision, because the striking out of the word "permanently" entirely distorts the meaning of the section and exempts all lands the Secretary of Agriculture determines should be put into grazing, not permanently but any time. Therefore, the Secretary of Agriculture would have the right to state in his regulation that all of the lands in the States of Mississippi, Alabama, Georgia, or any other State he might want to name, could be put into grazing, and the farmers would receive their payments because such lands were put into grazing. This distorts absolutely the meaning of the provision and changes it around so instead of being a mere concession it enables the farmers to put their lands into grazing without restriction and get their benefit payments. This is a threat to the livestock industry.

Mr. COOLEY. Did not the gentleman hear the distinguished gentleman from Texas state the word "permanently" was inadvertently left out?

Mr. BOILEAU. If the gentleman will permit, I believe I will anticipate most of the questions. I am coming to that point now. First, I must lay the basis for the discussion.

If there is any man in the United States whose word I would take it would be the gentleman from Texas [Mr. JONES]. If the gentleman from Texas tells me anything, I know it is what he means or he would not say it. I have had enough experience with him, having served under him for several years, to know that this is his disposition. He is a square shooter.

However, I am asked to vote on this conference report. This conference report does not put the word "permanently" back in the bill. The gentleman from Texas states it was left out inadvertently, that it was a typographical error. There is no doubt in my mind, because of his statement,

that as far as he is concerned the error was inadvertent, but whoever offered the substitute amendment to the Committee on Conference knew what he was doing when he took out the word "permanently." The gentleman from Texas did not notice the omission and states it was inadvertent as far as he is concerned. Therefore, I must conclude and did conclude that the gentleman from Texas did not notice it or he would not have made such a statement. However, the person who offered the amendment and struck out the only important word in that particular provision knew what he was doing. I do not know who in the first place drew the amendment which was the basis for the substitute, but whoever he was, I say he knew what he was doing. I for one am not willing to believe Mr. O'Brien and Mr. Morgan, the two gentlemen from the Legislative Counsel who have been assisting the committee, made any mistakes. They did not make any mistakes, and I say this because I know there are nowhere in the country two more careful men doing that kind of work. I am sure in my own mind they did not make any mistakes. I am sure the person who offered that amendment did not make a mistake, either, although I am perfectly willing to accept unqualifiedly the statement of the chairman that as far as he is concerned he did not catch it in time. Yet the error is here and in the conference report, and then we are asked to vote upon the report. This is an acknowledged mistake. It is acknowledged that the provision is wrong. They do not even want to go as far as this conference report permits them to go, but we are asked to vote on the conference report.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. If the gentleman has something in mind which is not related to a matter I am going to cover in a moment, I will yield.

Mr. COOLEY. Whether there was a mistake or not, if it is corrected will the gentleman vote for the conference report?

Mr. BOILEAU. Will the gentleman permit me to go ahead with my discussion?

Mr. COOLEY. I am asking the gentleman a question.

Mr. BOILEAU. I may say to the gentleman that is one of my reasons, and I am going to give the gentleman other reasons why the amendment is no good. I will come to that point if the gentleman will give me time.

We are asked to adopt the conference report. They were so anxious to get a vote on this rule and so anxious to get a rule that would gag us that they put a certain provision in there. The chairman of the Committee on Rules apparently lost track of it himself, according to the discussion on the floor, because he thought we would have a right to amend the conference report. This provision at the end of the rule is to the effect that after the debate is over the previous question does not have to be moved. No, the previous question shall be considered as ordered. Therefore, it would not be in order to amend this conference report before you and I are asked to vote on it. As a result, you and I will not have anything else to vote on except this conference report. I do not know, and I presume that by unanimous consent the matter could be arranged, but I have a sort of a feeling that if the interests which were successful in getting that word stricken out in the first place are on their toes, we are not going to get such unanimous consent. I do not believe we can get unanimous consent. I hope we can, because it will wake a little improvement in a bad situation, but we are not going to get that chance. We are going to have to vote for this thing.

What makes this necessary? The distinguished chairman of the Committee on Agriculture stated they would bring in some kind of a resolution to change the provision. This cannot be done until after the conference report is adopted, and then it must be by a joint resolution of the Senate and the House. How are they going to get that joint resolution up for consideration?

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield 5 additional minutes to the gentleman from Wisconsin.

Mr. BOILEAU. One Member can object to bringing up that joint resolution. If I am not in error, and if I am I hope somebody will correct me, the joint resolution must be brought up for consideration under unanimous consent. If one Member objects it cannot be considered. I suppose the same interests who were responsible for this inadvertence will object to consideration of the joint resolution by unanimous consent. If this happens, the matter must go before the Committee on Rules, and we must obtain a rule from that committee to undo the typographical error, the inadvertent mistake that was made. We must have the Committee on Rules bring out a resolution for the consideration of the matter. I do not know what the sentiment of the membership of the House is going to be when the joint resolution comes up here. There might be sufficient support in the Committee on Rules to kill such a resolution, because it affects a certain section of the country. They might kill the resolution in the Committee on Rules just as they killed consideration of the wage and hour bill. You know, those things sometimes have a tendency to go along the same line. Then if we did get it out of the Rules Committee we would have to bring it up on the floor here and we do not know what the result would be. So I submit the thing to do is to send it back to conference and let them patch up their mistakes and bring the report back here without any mistakes in it, instead of putting us to the trouble of trying to beat around the bush. If we had not adopted the rule today we could remedy the situation.

Now, the gentleman has asked me if I have any other objections. I certainly have, because this provision does not restrict the production of grasses and legumes and does not restrict the uses to which the grasses and legumes may be put. The only restriction is on the number of cows a person has on his farm.

Let me call your attention to two or three objections we have to that. In the first place, the national average production per dairy cow in this country is 161 pounds of butterfat per year. If 161 pounds of butterfat is all you can produce on the average, you have not very good cows, although that is the national average. You cannot make money on dairy cows until you get 160 pounds of butterfat-producing cows, because that is what it costs you to keep them. When you get your production over 160 pounds there is a little profit. So it is generally recognized you cannot make any money unless your herd produces 300 pounds of butterfat per cow per year. One of the principal reasons the national average of production is low is because they do not give them enough feed. Some people, and especially those who are not in the dairy business and do not know anything about it and are just a nuisance because they simply produce enough to add to the surplus without making it pay and do not find out for a long time that they are not making any money, do not know how to feed dairy cows. I am not saying we are 100-percent efficient in my country, but it is well known that if you want to feed your cows properly, with a proper ration of grain and roughage, grasses, and legumes, you can increase your production of milk, and I may say that you can take the cows in that part of the country where they have not been producing much milk and push all these grasses and legumes into them and without putting an extra cow on your farms you can double your production of milk.

This is not a far-fetched statement, and we would not worry so much about this, but you have another provision in this bill, and I am sorry I have not more time to discuss it, because I know from what I heard the gentleman from Kansas say he is going to refute my statement and try to put some blame on somebody else for offering proposals, but I say that if such an attempt is made, remember that the suggestion of a word, if used in an entirely different place, does not mean the person who suggested the word agrees with the result. I ask you to bear this in mind, and I say to you there is a provision in the amendment now which states, "whenever it is determined that the county as a whole is in substantial compliance with the provisions of this paragraph

no payment shall be denied any individual farmer in the county by reason of this paragraph."

If you have 1,000 farmers in a county and 900 of them or 90 percent do not have any more cows than they are supposed to have, or whatever is their normal, whatever that may mean, and they do not increase the total number of cows on their farms, I wonder if that would be considered substantial compliance in the county as a whole? Frankly, I do not know what this language means. I do not like to speak in opposition to language when I do not know what the language means. I submit, however, that this is no protection and that these 900 farmers could sell their grasses and legumes to the 100 farmers and the result would be no restriction whatsoever, and there would be absolutely no protection. I regret I do not have time to discuss this further, because this is no protection to the dairy industry.

[Here the gavel fell.]

Mr. DOXEY. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. NICHOLS] such time as he may desire to use.

(Mr. NICHOLS asked and was given permission to revise and extend his own remarks.)

Mr. NICHOLS. Mr. Speaker, when this bill was before this body for consideration, like most of the members of the delegation from my State, I supported the measure. Since its return to the House for action on the conference report we have discovered that Oklahoma has been called on to take it on the chin, so to speak, and I find it impossible for me to go along with and support the conference report.

I voted for the bill under consideration when it was first passed by the House, not because I was satisfied with its form then, but because I knew of the need for quick action on it, and because I hoped that it would be perfected in conference.

However, I find that the present measure is amazingly unfair to the farmers of Oklahoma and will be compelled to vote against it unless it is materially changed.

Oklahoma has been discriminated against in the provisions relating to cotton to such an extent that our cotton farmers, already impoverished by bad seasons and bad prices, will be in a large measure put out of business.

The bill, as passed by the Senate, provided for the production of 10,783,500 bales of cotton from approximately 25,042,800 acres. The conference report calls for an increase to 26,027,800 acres to produce approximately 11,200,100 bales.

Thus the total acreage to be devoted to cotton is increased by more than 1,500,000. Still we find that on the new basis Oklahoma will be compelled to reduce her cotton acreage by 520,900 acres. And despite the fact that the Nation is to be permitted 700,000 more bales than provided in the Senate measure, Oklahoma will be reduced by 130,000 bales.

I want to be fair and consider the problems faced by all my colleagues, but there is no way that I can explain to my farmers why they should cut their cotton acreage by 520,000 acres while the farmers of Texas are increasing their acreage by 690,000 acres. I cannot conscientiously tell my farmers that the world market demands that they produce 130,000 fewer bales of cotton this year, while at the same time the farmers of Texas are being permitted to increase their production by 213,000 bales.

The following table shows the acres, in thousands, which the cotton-producing States would be entitled to under the Senate bill, the conference report, and the gain or loss:

State	I. Senate bill	II. Conference report	III. Gain or loss
Alabama	1,844.5	2,059.9	[1] 215.4
Arkansas	2,194.4	2,288.4	[1] 94.0
Florida	81.9	74.2	[2] 7.7
Georgia	1,850.2	2,005.5	[1] 155.3
Louisiana	1,086.2	1,169.1	[1] 82.9
Mississippi	2,428.7	2,528.6	[1] 99.9
Oklahoma	2,696.0	2,175.1	[2] 520.9
South Carolina	1,179.3	1,255.6	[1] 76.3
Texas	9,047.1	9,737.3	[1] 690.2
North Carolina	778.3	886.7	[1] 108.4

[1] Gain [2] Loss

State	I. Senate bill	II. Conference report	III. Gain or loss
Virginia	45.0	49.6	[1] 4.6
Tennessee	684.1	749.0	[1] 64.9
Missouri	375.3	357.1	[2] 18.2
Arizona	196.4	186.6	[2] 9.8
California	431.6	385.0	[2] 46.6
New Mexico	101.0	97.7	[2] 3.3
Others	22.8	21.9	[2] .9
Total	25,042.8	26,027.8	[3] 984.5

[1] Gain. [2] Loss. [3] Net gain.

The Hayden amendment provided for an increase of 693,500 bales in the total crop. It was based on the provision that no State could be cut below 70 percent of the average for the past 5 years. The size of this increase caused many expressions of misgiving, so the conference committee provided that no State could be cut below 60 percent of the 1937 yield.

Oklahoma had an excessively small acreage in 1937, because of abandonment of many fields by reason of the bad season and previous droughts. This provision, applied to the Oklahoma crop, will make Oklahoma the chief sufferer in the Nation under the new formula, as the following figures will show.

Below is the added bales that the various States can be expected to gain on their added acres, using the Department of Agriculture's 5-year average per acre yield in these States:

	Bales
Alabama	105,500
Arkansas	42,300
Georgia	77,600
Louisiana	41,400
Mississippi	54,900
South Carolina	42,700
Texas	213,900
North Carolina	69,300
Virginia	2,700
Tennessee	34,300
Total	684,600

This, you will note, is about the same amount of added production which the Hayden amendment would have given. However, under the new formula, Oklahoma chiefly and California next and a few other States will be forced to sacrifice. The total baleage that they will lose is as follows:

	Bales
Florida	2,500
Oklahoma	130,000
Missouri	12,500
Arizona	8,700
California	52,100
New Mexico	3,100
Others	500
Total loss in bales	210,000

I am loath to believe that such an injustice could have been done to Oklahoma knowingly, and believe that the conferees acted with the best of intentions. I know that the members of the great Agriculture Committee of the House are conscientious and hard working, and that they have labored with this problem for many months without ceasing.

I am hopeful that there is still time to obtain a correction for this obvious injustice to the farmers of my State, and bespeak the cooperation and assistance of every Member to this end.

But in the event that this rank discrimination against Oklahoma is not corrected I shall vote against the adoption of this report and use every effort to defeat it, hoping that we can send it back to conference, where this injustice can be corrected.

Mr. DOXEY. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I have a very high regard for the gentleman from Wisconsin [Mr. BOILEAU], who has just

addressed the House. I sit next to him on the Committee of Agriculture. I have a very sincere affection for him and I know that he is conscientious and sincere in advocating the so-called Boileau amendment. While he was addressing the House it occurred to me that even after this House accepted his amendment and placed it in the bill he was still not satisfied with the measure and voted to recommit it to the committee. I do not believe that it would be possible for this House to amend this bill in a manner which will be satisfactory to my distinguished friend, the gentleman from Wisconsin [Mr. BOILEAU]. Neither do I believe that it will be possible for this Democratic majority to amend this bill to suit my friend, the gentleman from Minnesota, another distinguished Member of the House Committee on Agriculture [Mr. ANDRESEN]. Nor do I think that we would be able to please my distinguished friend, the gentleman from Pennsylvania [Mr. KINZER], who declined to sign the conference report. The truth is they are Republicans and they are not for this bill. They are not for it because they do not agree with any of the provisions of the bill and for the further reason that it is being sponsored and advocated by the Democratic administration now in power.

The gentleman from Wisconsin complains that he does not know the meaning of the words "normal number of cows" which is used in this revised edition of the Boileau amendment. The word "normal" was frequently used by the gentleman from Wisconsin in addressing the House when the original Boileau amendment was being offered. At that time he stated numerous times that he did not object to a normal growth of dairying in the South. In an effort to carry out what the conferees apparently thought to be the purpose of the gentleman from Wisconsin, they adopted his very language and made proper provision which would protect dairymen in the gentleman's district whom he so ably represents from an abnormal increase in the number of dairy cows in the South or for that matter, in other sections of the country.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I gladly yield to the gentleman.

Mr. BOILEAU. The gentleman makes reference to my language. The conferees put so much more language in there that my language means nothing.

Mr. COOLEY. They tried to give some meaning to the Boileau amendment.

Mr. BOILEAU. My amendment meant so much that they spent a good many long hours to try to beat it, and they have done it.

Mr. COOLEY. I do not agree with the gentleman. I think they have given absolute protection to the dairy interests, whom the gentleman represents, and likewise there is a provision which guarantees that this bill will not in any way adversely affect the livestock or the poultry interests of this country.

Mr. BOILEAU. Of course, the livestock interest and the dairy interest and the poultry interest do not agree with the gentleman from North Carolina.

Mr. COOLEY. There may be a difference of opinion, but even if we accept the word "permanently" which the gentleman says was left out, then would the gentleman vote for this bill or any section of the bill?

Mr. BOILEAU. The gentleman should recall that long before he came here I supported the A. A. A. and I supported the cotton bill. If the Boileau amendment were here, I would do as I did the other day, and vote for the bill.

Mr. COOLEY. Vote to recommit the bill?

Mr. BOILEAU. Vote for the bill.

Mr. COOLEY. Would not the gentleman vote to recommit?

Mr. BOILEAU. We cannot do that today. I would vote for it as I did the other day. I voted for this bill the other day.

Mr. COOLEY. The gentleman voted for it with the Boileau amendment in it.

Mr. BOILEAU. Yes; and I would vote for it with the Boileau amendment in it today, but not with the emasculated Boileau amendment.

Mr. COOLEY. That was after the gentleman voted to recommit the bill.

Mr. BOILEAU. Yes; because I thought we would have a chance to perfect the bill.

Mr. COOLEY. Gentlemen say they do not know what is in this bill and in the next breath say that it is a bad bill. The gentleman from Minnesota referred to crop insurance as if it were something mysterious, when the gentleman knows that he sat on the subcommittee of which I had the honor to act as chairman in the absence of the gentleman from South Carolina [Mr. FULMER], and he attended the sessions regularly and knows, perhaps, more about the crop-insurance provisions of the bill than any other man in the House. Yet he tries to say that it is wrapped in mystery and that it is an effort to "put something over" the House. I feel that the conferees have brought back to the House a bill that is superior to the bill that we passed some weeks or months ago. They took the best of the Senate bill and the best of the House bill and they have brought in a bill which I hope the House will adopt today. [Applause.]

CALENDAR WEDNESDAY BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the business in order tomorrow, Calendar Wednesday, may be made in order for Thursday of this week.

The SPEAKER. The gentlemen from Texas asks unanimous consent that the business in order tomorrow, Calendar Wednesday, be transferred to Thursday of this week. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object. As I understand it, if that program goes through, the gentleman is willing to let the vote on this present conference report, and perhaps the remainder of the debate, go over until tomorrow?

Mr. RAYBURN. If there is no objection to this request, I am willing to make it certain that the vote upon this bill will go over until tomorrow.

Mr. SNELL. I think that is fair.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE FARM BILL

Mr. DOXEY. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. LUCAS].

Mr. LUCAS. Mr. Speaker, my memory at this time harks back to the hectic days of the special session when the members of the Agricultural Committee were working almost day and night in an honest attempt to bring legislation before the House of Representatives which would be of some benefit to the American farmer. I was vitally interested in three provisions of that bill and had the solid support of practically every corn-producing Congressman in the country.

The first proposition dealt with the proper allocation of the money appropriated to carry on the agricultural work throughout the country. Prior to this time, as you all know, the question of the spending or the allocation of funds appropriated was discretionary with the Secretary of Agriculture. I was responsible for placing a yardstick in the bill properly weighted which definitely determined how these funds should be allocated to the different commodities throughout the country. It was approved by the Secretary of Agriculture. That yardstick is still in the bill, slightly amended, but in nowise affecting the principle laid down in the original draft. This is important, because it eliminates uncertainty, doubt, and confusion in the minds of the American farmer. Such certainty upon the distribution of the money will go a long way toward aiding the farmer to enter into the plan of voluntary cooperation.

Second, you will remember that the gentleman from Illinois waged a battle on this floor for mandatory corn loans, but after the smoke of battle had blown away the agriculture group vitally interested in protecting the corn farmer was defeated by a close vote. It was primarily because of the battle we waged that we voted to recommit the bill, because we were agreed that the mandatory feature of corn

loans was the only element of stabilization for the corn farmer in the bill. We have no regrets for fighting for that principle as we know it has borne results in the conference report in behalf of the Corn Belt group of Congressmen.

I also advocated the reduction of quotas on corn because, as I saw it, the 2,900,000,000 bushels necessary to have on hand before marketing quotas went into effect was too high and of no efficacy to the success of a farm bill. Now the conferees report back that they have agreed upon a mandatory corn-loan schedule. Upon an examination of that report I find that the schedule submitted and adopted by the conference committee is more favorable to the corn farmer than the schedule of loans which we contended for in the House when the bill was before us; and the quotas have been reduced by a couple of hundred millions of bushels of corn which, again, makes the bill more effective from our viewpoint. As a result of the generosity upon the part of the conferees and their tremendous interest in the corn farmer out in my section of the country I am happy to come before this House and say to those who supported corn loans and who were in favor of reduction in the corn quotas that this report is all that we can hope for; yes, it is more insofar as corn loans are concerned; and I trust that every individual who stood with me in that battle for mandatory loans and the reduction of quotas on corn will go along and vote for this conference report. Certainly it is worth while from the standpoint of the farmers of this country to adopt the report. After all of the time has been spent, after all the labor that has been put forth by the members of the Committee on Agriculture, as well as the conferees on the part of the House and the Senate, we should at this particular time vote out a farm bill which is in the interest of the American farmer as well as in the interest of this great Nation. [Applause.]

[Here the gavel fell.]

Mr. DOXEY. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. COFFEE.]

Mr. COFFEE of Nebraska. Mr. Speaker, this is the most unsound and impractical farm measure that I have ever known to be given serious consideration by Congress. This conference bill is more drastic than the one the House passed. There are some provisions in this bill that have never been considered by either the Senate or the House but have been inserted by the conferees, and under rule points of order are waived and no opportunity is given to amend or delete any portion of this bill. We must vote either for the bill as it stands or against it. I voted against the House bill because of the unworkable, unconstitutional, and un-American compulsory marketing control features contained in that bill. I am opposed to this conference report, not only because it contains the objectionable compulsory marketing quota provisions, but because, in addition, it has numerous other obnoxious provisions that far outweigh the commendable features in the bill.

In the few minutes that I have, let me cite a few of these new provisions. Read section 302 of the conference committee print, beginning on page 33, with particular reference to paragraph (g) beginning on page 37, from which I quote:

> Notwithstanding any other provisions of this section, if the farmers producing cotton, wheat, corn, or rice, indicate by vote in a referendum carried out pursuant to the provisions of this title that marketing quotas with respect to such commodity are opposed by more than one-third of the farmers voting in such referendum, no loan shall be made pursuant to this section with respect to the commodity during the period from the date on which the results of the referendum are proclaimed by the Secretary until the beginning of the second succeeding marketing year for such commodity.

Now, that simply means, for example, in the case of corn, that when the referendum is held to determine whether or not the compulsory marketing provisions shall be invoked, the corn farmers in the commercial area will be told that if they do not vote for these compulsory control provisions, they will get no loan on corn. I consider that coercion. The Commodity Credit Corporation has been making reasonable loans on corn for the last 4 years without the loss of a dollar to the Federal Government. These corn loans have been of immense benefit. Under the provisions of this bill, they face the dilemma of being in a worse position in the future than they are at present. If more than a third of them vote their righteous indignation against these unworkable marketing quota provisions, corn loans will be denied them.

Paragraph (d) of section 302, beginning on page 35, is a compilation of rank discrimination. It provides that under certain conditions loans of 64 cents a bushel must be made by the Commodity Credit Corporation to corn growers in the commercial area. Those who live outside of the commercial area can only obtain 75 percent as much as those living inside the commercial area. In my district I have six counties inside of the commercial area and 26 counties outside of the commercial area. For example, two farmers in my district own adjoining farms but live on either side of a county line, one outside and the other inside of the commercial area. The one is given 64 cents a bushel loan, the other outside can obtain only 48 cents a bushel loan on his corn even though he is in full compliance with the soil-conservation program. A farmer inside the commercial area, who is unable to fathom the intricate provisions of this bill and finds himself in noncompliance, will be considered a noncooperator and will be able to borrow only 60 percent of the amount loaned his neighbor, who is a cooperator. He will be able to borrow only on that portion of his corn which he was compelled to seal under penalty.

As you know, when these compulsory marketing quota provisions are invoked, any farmer, whether he is a cooperator or a noncooperator in the commercial area, will be forced to pay 15 cents a bushel penalty for any corn sold or fed to his livestock in excess of his quota. This same 15-cents-a-bushel penalty applies to wheat growers throughout the United States.

Under the provisions of this bill, the livestock industry is treated as a stepchild. The livestock industry is the backbone of agriculture and 57 percent of the national cash farm income is derived from the sale of livestock or livestock products. Under the mandatory provisions for loans on corn, the amount loaned is based entirely on the estimated quantity of corn regardless of the price of livestock or general business conditions. If loans are made at an unreasonably high level in comparison with the price of fat cattle, hogs, and lambs, the feeder and livestock producer will be adversely affected and in the end the corn producer himself will be injured because the corn instead of being fed will be sold to the Government under these mandatory loan provisions and as a consequence there will be reenacted the Farm Board fiasco in corn. The cotton producer today is suffering from similar ill-advised remedies. Reasonable loans on corn can and should be made to all corn producers to prevent forced liquidation and demoralized prices, but to peg the price of one commodity without regard to its effect on the livestock industry or without regard to the discrimination of one commodity over another or one section of the country over another, is unsound.

The cattle and lamb feeders throughout the United States are suffering the most terrific losses this year that they have had since 1921. Fat cattle that are on the market now are losing the feeders from thirty to forty dollars a head. The lamb feeders are losing around three dollars a head. In one county in my district the cattle and lamb feeders will lose approximately $3,000,000 this year. Do you think the lamb feeders can get any assistance from the Commodity Credit Corporation on loans on wool to help bolster the wool market? No. There is nothing in this bill to aid the livestock industry but a great deal that can be injurious to it.

Let me point out another illuminating provision in this bill: Section 372, on page 89—I quote:

> (a) The penalty with respect to the marketing, by sale, of corn, wheat, cotton, or rice, if the sale is to any person within the United States, shall be collected by the buyer.

It goes on to state that these penalties shall be collected as the Secretary by regulations may prescribe.

Section 373 applies to warehousemen; processors; common carriers of corn, wheat, cotton, rice, or tobacco; and all ginners of cotton; all persons engaged in the business of purchasing corn, wheat, cotton, rice, or tobacco from producers. Let me call your attention to the fact that 90 percent of the corn is fed to livestock, and the principal buyers of corn are other farmers. This section provides that any such person shall from time to time, on request of the Secretary, report to the Secretary such information and keep such records as the Secretary finds necessary to enable him to carry out the provisions of this title. Any person failing to make any report or keep any record as required by this subsection shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $500.

How many farmers in your district who are in the habit of purchasing corn to carry on their feeding operations will be subject to this fine of $500? How many of them can or will keep these records? This is simply an attempt to place the burden on the buyers of these products. Every elevator operator, flour miller, ginner, and farmer who buys corn or wheat will be subject to the $500 fine if he fails to carry out provisions of the regulations that will be later issued if this measure is adopted.

Practically all the farmers will get out of this bill is an opportunity to have their farming operations controlled from Washington. All of the cash benefits that the corn and wheat farmer will get are provided under the Soil Conservation and Domestic Allotment Act, which has already been extended until 1942. Last year $394,000,000 was expended in the soil-conservation program, of which about $40,000,000 was spent for administrative purposes. To administer the compulsory control provisions of this bill will necessitate the diversion to the administrative unit of funds that would otherwise go to the farmers for soil conservation.

I am in thorough accord with the objectives of the gentlemen who have spoken as to the necessity of giving the farmer his fair share of the national income and stabilizing agricultural prices at a fair level. We are all in accord with the objectives of this bill, but I contend that to rely on compulsory marketing quotas as a means of attaining that end will be a delusion.

Since this bill has been in conference there have been many farm meetings held in my State of Nebraska, where the compulsory marketing quota provisions have been discussed. The result has been that the farmers have voted overwhelmingly against these compulsory features. They are not willing to sell their liberty for a mess of potage.

I hope this conference report will be defeated and that we may have an opportunity to support a sound and practical measure that will equitably assist the distressed farmers and livestock producers of this country.

[Here the gavel fell.]

Mr. DOXEY. Mr. Speaker, I yield such time to the gentleman from Wyoming [Mr. GREEVER] as he may desire.

Mr. GREEVER. Mr. Speaker, when this bill was before the House at the special session, I voted for it. I did it upon the assumption that the conference committee between the two Houses of Congress would work out a satisfactory measure. It is my reluctant conclusion, after reading the result of their efforts, that I am unable to support the conference report.

The largest industry in my State is the livestock industry, which cannot possibly receive any benefit from this report, and if it left the industry in status quo, I should not complain, but I am forced to the conclusion that this report not only does nothing for the livestock industry but on the contrary will be a distinct disadvantage both to the dairy and the livestock industries. To subsidize one group of agriculture at the expense of another cannot, in my opinion, be justified. It is perfectly apparent from the increase in the sheep population of the States wherein the soil-conservation program has been working that in a short time after this report is in effect we will have a much larger cattle and sheep population. At the present time prices of wool and other livestock products are very low. The industry might be temporarily benefited but when sufficient time has passed for these lands to become livestock-raising units it will mean a great detriment to the livestock interests of the West. The conference substitute for the Boileau amendment is one which gives the Department of Agriculture the power of life and death over the great livestock and dairy industries. Furthermore, I am very much opposed to the compulsory features of this report. They are not workable and it would mean a huge army of Government employees to even make a gesture toward its enforcement. It has always been my desire to have a farm bill, but I cannot subscribe to this one.

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Speaker, the provisions of this bill are bad and the method by which it is being crammed down our throats is even worse. It is so complex and intricate that it would require a Philadelphia lawyer to comprehend the meaning of much of its language. It is filled with several stump speeches; it contains provisions of criminal law; it regulates freight rates; and worse than anything else, it destroys the liberty of the American farmer.

I oppose the bill because I have felt from the start it is basically wrong and fundamentally unsound. Most of us received this copy of a little modern fable that came to us during the past day or two:

Once upon a time there was a farmer who sold two chickens and with the proceeds bought two shirts.

So the farmer had two shirts and the city man had two chickens.

Then along came the New Deal and told the farmer he should get more money for his chickens by making them scarcer—he must not raise so many and then he would get more income. The New Deal also told the workingman in the city that he must work fewer hours and get more money. That, of course, caused manufactured products to cost more money.

Now, the farmer brought one chicken to market. He got as much money for it as he had previously gotten for two chickens. He felt fine.

He went to buy some shirts, but found that shirts had also doubled in price. So he got one shirt.

Now, the farmer has one shirt and the city man has one chicken, whereas without the New Deal the farmer could have had two shirts and the city man could have had two chickens.

This is called "the more abundant life."

[Laughter.]

Mr. Speaker, I have never been able to comprehend how the American farmer or any other portion of our citizenry expected to get rich by being paid for doing nothing. We are told we are suffering from overproduction and from surplus in this country, whereas everyone knows that the American people are really suffering from underconsumption and maldistribution. We have it on good authority after 4 or 5 years of costly experimentation that at least one-third of the American people are ill-clothed, ill-fed, and ill-housed, which in itself is a very severe indictment of this administration. I would like to see this one-third lifted up; but not by pulling the other two-thirds down.

I want to say that the farmers in my neck of the woods, not only in my district but in my section of the State, are vehemently, uncompromisingly, and unalterably opposed to this legislation by a vote of 10 to 1. Last December the Springfield News-Leader, Springfield, Mo., sent out a questionnaire and asked the farmers to answer yes or no to four questions:

First: Has the soil-conservation program helped you?

Second: Do you favor Government payments for your farm?

Third: Do you favor Government crop control and crop quotas?

Fourth: Do you favor the Government fixing prices on farm products?

Out of 142 answers only 11 farmers answered "Yes" to those questions. It might interest some of the Members of the House to know just what they said. One lifelong Democrat said:

Just leave me strictly alone.

Another wrote:

We do not want to live under a dictator, and we are able to run our own farms without the aid of Hitler.

Another said:

I received a check from Uncle Sam, the cause for which I cannot say. I consider it borrowed money for someone else to pay.

Another wrote:

And may the good Lord help us.

Another said:

I believe the new farm bill now being debated in Congress will damage the farmer instead of help him.

Still another wrote:

My wife and I have put 60 years of hard work and economy into our home here, and woe be to the snooper who tries to dictate to me. I still own my old shotgun.

Another wrote:

We cannot control production because we cannot control the weather.

Still another said:

I suggest F. D. R. take a long fishing trip. If Roosevelt would take a 6 months' vacation twice a year and take Wallace with him, we would be better off.

Another said:

Let us be 100 percent free to act and perform our duty to the dictates of our own conscience.

I am happy and feel honored to represent such sterling Americans.

So I might continue, Mr. Speaker, but I want simply to remind the Members of the House, as I have so often done, and I realize the futility of any effort I may make, that the men who stand on this floor today advocating the passage of this bill will before 2 years elapse be in the Well of this House pleading for us to repeal this nefarious thing, because it is going to do more to destroy the Democratic Party and bring the Republicans back into power than anything else that could happen under the face of the shining sun, and this is the only comforting thing in this whole sad mess. [Applause.]

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I have listened with much interest to the gentleman from Missouri talk about the more abundant life. This bill, however, takes the abundance out of the abundant life. It is a bill providing for scarcity. It reduces the cotton crop from 18,000,000 bales to 10,000,000 bales. I am taking these few minutes, so the record will be clear, in order to say that under Republican administrations from 1920 to 1930 cotton was selling at an average of 17 cents a pound. What has been the situation under the New Deal? It might not be fair to make this criticism if the New Deal had been in power for 1 or 2 years, but you have been in power for 5 years and have been experimenting with cotton all that time. You have brought in all the black magic producers, wand wavers, and crystal gazers you could find in the country. As the result of 5 years of such labor cotton is now selling at 8½ cents. You cannot blame the Republican Party for that, and you cannot blame the tariff. You have been in power for 5 years and have controlled the tariff yourself, in both Houses of Congress as well as through the State Department. I want to know what is wrong. I am no expert on cotton, but I know what the trouble is in the country. We have 11,000,000 unemployed at the present time. We have 5,000,000 more people on part time. I make this statement not as a prediction, but as a fact, that if you put through the bill, which you probably will, you will have another million unemployed in the South alone just in the cotton industry. If you cut down production from 18,000,000 to 10,000,000 bales, you will probably cut out the jobs of almost a million families, in the so-called cotton industry. Whether they pick cotton, whether they harvest it, whether they gin it or press it or put it in the warehouses and storehouses, or transport it or ship it abroad, in my opinion, there will be 1,500,000 more unemployed as a result of this bill. These men and women will then go on relief, for which the Government in turn will pay the bill. It is a vicious circle.

The Commodity Credit Corporation already owns 4,800,000 bales and will probably acquire a million more at a total cost of $300,000,000. In addition, there will be about 4,000,000 more bales of last year's crop carried over in private warehouses. A truly tragic situation.

The answer is that something is wrong with these costly experiments. I want to see a prosperous America. I want to see a prosperous South and a prosperous North. I want to see the American people employed and the farmers employed. Why not send this bill back to the committee of conference and try to work out some practical scheme so we can produce cotton at a profit, employ labor, and send our surplus abroad to foreign markets, and thus restore to America the foreign markets for the surplus cotton crop and give the cotton farmers the profit from selling cotton in the world markets, instead of surrendering these markets day by day and month by month? We have no policy whatever. We are merely drifting each year from farm bill to farm bill that does not protect the farmers and does not enable us to sell our surplus crops. Everybody knows, whether he comes from the North or South, that Brazil, Egypt, Abyssinia, China, India, and Soviet Russia are producing more cotton every year. We used to sell 8,000,000 bales of cotton abroad annually. This year we will be lucky if we sell 4,000,000 bales, and next year we may sell only 3,000,000, and so on. The time has come to try to work out some sound and workable solution of this cotton problem, and I call upon the Democrats themselves to work it out in their own interest and in the interest of the South and of the entire country. [Applause.]

[Here the gavel fell.]

Mr. DOXEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. KLEBERG].

Mr. KLEBERG. Mr. Speaker, I again find myself in a position directly in opposition to the conference report, as I was in opposition to the bill germinated in the House Committee on Agriculture, of which I am a member.

In statements made on the floor during the fight on that bill in the special session I called attention to the fact that under the Soil Conservation Act of 1936 and its administration in 1936, in accordance with the intention of Congress, farmers had received a reasonable profit from the business of farming. I called attention to the administration of the same act in 1937 by the Department of Agriculture under new and theoretical regulations, which resulted not only in the failure of farm prices but in the calling of a special session of Congress, which has brought about this legislative abortion the House is called on today to consider.

So at the very outset this is a situation brought about by the synthetic failure of agriculture through maladministration of a well-considered farm program, both in the House and in the Senate, and the able conferees were called upon to undertake the impossible task of making a silk purse out of a sow's ear.

What we have before us today could not have been much better legislation because the conferees had little or nothing to work with. It could not be expected of the conferees to take out of the bill passed by the House of Representatives and the Senate those parts which might not be in accordance with reasonable and practical knowledge of farming problems and the like. They had to work with two bills that were born, I repeat, out of a synthetic failure caused by poorly advised administration of a rational and practical piece of farm legislation by the administrative branch of the Government.

In voting against the bill this afternoon I do so, first of all, because, as a farmer, I can see nothing in this bill to benefit the farmer save the fact that if the farmer wants to hook himself to the plow and go whither he is driven as a beast of the field he will derive that exquisite pleasure, aside from any question of exorbitant or fair profit, that comes with rest in the evening after he has laid aside his labors of the day.

By this bill the unconstitutionality of the measure has been so greatly enhanced as to beggar description. Time would not permit even a brief discussion of the failures in this bill which we are now called upon to accept as a panacea, if you please, for a condition which results from the failure, I repeat, to follow the intention of the representatives of the people in the Congress of the United States by the administrative branch of the Government.

This bill is an added growth to the already cancerous development of a bureaucratic setting aside of representative government. Unless this is halted it will put the people of the United States to shame when they look back on what they have accomplished when they followed the road to progress, which is usually uphill, and now recognize the fact that because of their desire to follow the expedient route they have gone downhill, and have gone so fast that they can no longer stop. There must be a place to stop this procedure somewhere, and there is no better place than here and now. [Applause.]

Mr. DOXEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Speaker, I was very much interested in the little fable read by the gentleman from Missouri [Mr. SHORT], but there was one thing that he failed to tell the House, and that was that at the time of the Hoover administration the farmer did not even have the two chickens to start with. Hoover promised them but never delivered them.

I was very much interested in the statement of the gentleman from Minnesota [Mr. ANDRESEN] when he spoke about the foreign markets competing with commodities in the United States. I would call his attention to the fact that under the Hoover Farm Board there was what is known as the Farmers National Grain Corporation, and to the great credit of the Farm Credit Administration they have stopped the nefarious practice of that organization. The inefficiency and sharp practice of those manipulating the Corporation will cost this Government in the neighborhood of twenty or twenty-five million dollars. But this is not the most important thing. If the gentleman will check, he will find that just last July this child of the Hoover Farm Board, engineered, steered, and controlled by those who held the reins under the Hoover administration, bought 3,000,000 bushels of Argentine corn in competition with the American farmers and used it for hedging on the market for private gain. There is where your competition is coming from—not from the New Deal, not from a Democratic administration, but from a hang-over from the Hoover administration.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. HOOK. Yes; I yield.

Mr. ANDRESEN of Minnesota. Will not the gentleman admit that the New Deal administration took over this group lock, stock, and barrel and financed them and kept them going and made it possible for them to continue?

Mr. HOOK. They were placed there by the Hoover administration, and we have to bear that burden. We even had to wipe them off the books in order to stop the rottenness that existed.

Mr. ANDRESEN of Minnesota. Well, that is too bad.

Mr. HOOK. Now, with regard to the Boileau amendment: I listened yesterday to the efforts of my esteemed colleague from Wisconsin to justify himself for his successful efforts in having the Boileau amendment included in both the House and Senate farm bills. No sooner was this amendment passed when many of those who voted for it recognized that it would injure and not aid the dairymen of this Nation and that it would keep dairymen from effectively cooperating in the eminently successful agricultural conservation program if they pastured or fed as hay the soil-conserving crops encouraged under the program.

With a great drought again threatening the Nation they were horrified to realize that the Boileau amendment included no provision to adjust to drought conditions and to permit dairymen and livestock producers to feed pasture and hay crops that would be needed in the case of drought to keep famished cattle alive. The amendment sponsored by Mr. BOILEAU indicated that he and his supporters forgot entirely the suffering of the people of over half of this Nation as a result of the droughts of 1934 and 1936, and the suffering that continues because of drought in our Northwestern States, in the Dust Bowl area, and even in 10 counties of Wisconsin—7 in my colleague's own district.

The supporters of the original amendment disregarded the sound principles of efficient dairy production as established by the Bureau of Dairy Industry of the United States Department of Agriculture, the State experiment stations and agricultural colleges, and efficient dairy producers. These dairy authorities know that an increase of grass and roughage on the dairy farm is followed by the feeding of less high-priced purchased concentrated feeds; that an increase of roughage and pasture feeding on the farm unit, at the expense of heavy feeding of the expensive purchased concentrated grain feeds and cottonseed meal, does not result in an increased production of the total volume of milk but greatly lessens the cost of production and results in cleaner milk and healthier animals.

The Boileau amendment would restrict the program for the benefit of dairymen along the lines of balancing feed production on the farm in dairy sections. It would play right into the hands of those who sell high-priced dairy feeds and against the interests of farmers and consumers.

As to the danger of a shift of the dairy industry because of the increased production of much-needed soil-conserving crops, the gentleman from Wisconsin has repeatedly refused to consider the fact that for 5 years we have been engaged in such a program; that, in spite of a shift of more than 30,000,000 acres out of cotton, wheat, corn, and other soil-depleting crops into soil-conserving crops, the dairy industry in 1937 had its most prosperous year since 1930, and the outlook for 1938 is considered to be for an even better year. He has failed to consider that corn is first in rank of the leading feed crops for dairy cattle and that cotton and wheat produce some of the most important dairy feeds, such as cottonseed meal, wheat bran, middlings, and other mill feeds, and that when the acreage devoted to excess production of corn, wheat, and cotton is shifted to soil-conserving crops the food units produced are less and, hence, the total amount of meat and milk that could be produced from this acreage is less than if the acreage were continued in the production of corn, wheat, and cotton in surplus.

The gentleman accuses me of failing to give careful consideration to the interests of dairymen. On the other hand, I have repeatedly presented to Congress the opinions of the unbiased dairy authorities of the Federal Government, the experiment stations, and of the agricultural journals, and the opinion also of sound dairymen. Again, I repeat, the Boileau amendment struck at the vitals of efficient production, would have crippled the Nation's great agricultural conservation program, did not protect dairymen and livestock feeders against dire effects of impending drought, and would have injured both the producer and the consuming public. The supporters of the original amendment have been so far misled in their thinking that they would have dried up the very breasts of the Nation in order to include this insidious amendment.

My esteemed colleague and all of those who supported the original Boileau amendment should express their thanks and appreciation to our able conferees who found a way to protect the dairy and livestock industries should there be any injury resulting from the carrying out of the agricultural program authorized by the farm bill, and also found a way to prevent the supporters of the original Boileau amendment from having to explain to drought-scourged farmers, maddened by the lowing and moaning of famished cattle that only Congress could permit them to feed their pasture and hay if they cooperated in the agricultural conservation program.

For 15 years the dairymen of my State of Michigan have been engaged in a great program of increasing their pasture crops and leguminous hay crops. This program has

been expedited during the 5 years of the Agricultural Adjustment Administration, and the dairy industry of my State is on an improved production basis. While there has been but a slight increase in the total number of dairy cows and the total production of milk, the cost of producing milk has been lessened. Thinking dairymen of Michigan know that the original Boileau amendment would block their efforts to further the production of balanced rations on the farm and would put many of them at the disadvantage of paying the bills for high-priced purchased feeds.

Again I reiterate that the dairy industry of this Nation can be best helped by advancing a program of efficient production of balanced feed on the farm, which means more pasture and more leguminous hay crops, and by increasing the consumption of milk on the part of millions of this Nation, particularly the children of workers who receive low wages and of families out of work.

I think a vote of thanks should be extended to the conferees for the wonderful work they have done. This bill provides for the first time in history that the farmer himself shall have a part in planning the program. For the first time the farmer elects his own representatives on the county committees and they do their planning, and the planning will be done by the farmers themselves. When the farmers themselves outline the program, they are going to plan it for their benefit and not to their detriment. I think this bill is based on good, sound judgment. When it is put into operation, you will find that the farmers of this Nation will be far better off and industry in the Nation will be far better off because of the good in this bill.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. DOXEY. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Speaker, the gentleman from Minnesota [Mr. ANDRESEN] in opening the debate in opposition to the conference report, stated that cotton was receiving additional subsidy payments, and concluded his statement by saying that, with the soil conservation and with the subsidy payments, the cotton growers of the South would receive from 12 to 14 cents per pound for the cotton grown in 1937. His statements respecting the provisions of the conference report covering subsidy and respecting the average price that the growers would receive are both erroneous. His statements respecting cotton are just as erroneous as his statements respecting the other and fundamental features of the bill. He alleged that, under the soil-conservation program, the pending legislation was unnecessary. There are, under the existing law, no penalties, and there are no quotas. There must be reduction in 1938. Unless growers participate in the 1938 program they will not receive the subsidy. The conference report does not provide for any additional subsidy or other appropriations for cotton growers; in fact, in an effort to help needy growers the conference report provides for the payment of only 2 cents subsidy per pound whereas the appropriation contemplated 3 cents per pound. Instead of being an increase in subsidy payments, a decrease is involved.

The provisions with respect to the subsidy and the sale of cotton by the Commodity Credit Corporation that I oppose are the provisions that followed the Federal Farm Board when it acquired large quantities of cotton. Personally, I favor the policy that has been pursued since 1933. In the long run the sale of cotton as demanded at home and abroad will promote the interests of the growers. I think the provisions that prohibit the Commodity Credit Corporation from selling not more than 300,000 bales of cotton per month after July 31, 1939, are unwise. Without any similar provision, the Commodity Credit Corporation would undoubtedly sell but little, if any, cotton in the next 12 months. Personally, I trust that the stipulation prohibiting the Commodity Credit Corporation from selling not more than 1,500,000 bales in any calendar year, in the interest of the growers themselves, in the long-range program, will be modified and repealed. The effort should be made to get the cotton to the trade for as long as it remains it will be a threat to a reasonable price to the growers.

I repeat that the subsidy to cotton growers has not been increased. By paying the 2 cents provided there would be a decrease.

Long-staple cotton is grown very largely in the district that I represent. There is usually a premium over shorter cotton. Middling upland cotton today is up around 8½ cents. Instead of bringing 12 or 14 cents with the subsidy, and soil benefits, the probability is that the average price of staple cotton for the crop of 1937 to the grower will be more nearly 10 cents. We are producing the largest crop in history. A large crop always means inferior grade. Much of the long-staple cotton, because of the inferior grades, today is selling at from 5 to 7 cents per pound.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. In a moment. I desire to complete my statement.

Generally there was an unfavorable harvesting season throughout the South. Much of the surplus crop is of an inferior grade. The costs of harvesting are as great as if the cotton had been of good grade. A large crop always means to the grower a loss or a small profit. In addition to the inferior grades, because of the large production, the price has declined some 3 or 4 cents from what it was a year ago. A maximum crop means a low-price crop.

During the debate on the bill in the House and again in the debate on the conference report, much has been said about the injustices to tenants. The criticism with respect to the tenant provisions is utterly unfounded. The pending bill leans over backward in favor of tenants, small growers, and new lands and areas that have just been put into cotton in recent years. Section 103 of the pending bill stipulates that any change between the landlord and the tenant shall not operate to enable the landlord to secure an increased grant or payment. The tenant is fully protected and he receives more liberal treatment in the pending legislation than in any previous legislation; in fact, if there is any discrimination it is in favor of the tenant. In direct terms it provides that payments up to $200 to small growers shall actually be increased progressively up to 40 percent.

With respect to the payments to large growers, the pending bill provides that after 1939 no total payments to any one person shall exceed $10,000. Notwithstanding a million dollars may be paid under legislation passed by the Congress to growers of sugar, the maximum payment to any other farmer is $10,000. Personally, I believe that all should be treated alike. The discriminations in favor of small growers and against large growers may affect the validity of the legislation; but the truth is that the tenants and small growers have received more liberal treatment than in any previous legislation.

Under the present administration and under the Agricultural Adjustment Administration, all branches of agriculture, including dairying, have received more liberal benefits than accorded to them by any other previous administration.

There was no necessity for the Boileau amendment. The commercial dairy industry has been helped and not hindered by the agriculture program of the present administration. The Boileau amendment would destroy the home food and feed program in the Southern States; it would wreck the program. There are no similar restrictions on subsidies in alfalfa and other plantings in the dairying States that are paid for by the Federal Government.

By proper rules and regulations competing crops have been prohibited in all previous programs. They are really prohibited in the control program for 1938. The Boileau amendment has been properly rewritten. It protects dairying and at the same time it does not prohibit domestic crops for consumption on the farm. I advocate fair treatment for all branches of agriculture.

I have before me a pamphlet entitled "The Agricultural Situation," dated January 1, 1938, issued by the Bureau of Agricultural Economics. On page 24 for January 31, 1938,

there is a table or index of farm prices by years from 1920 through 1936 and by months for the year 1937. An inspection of the column headed "Dairy products" will show that the price of dairy products for December 1937 was 136 percent of the average price from August 1909 to July 1914—the parity period for agricultural products. The average price for dairy products for the year 1936 was 119 percent of the 1909–14 price. Whereas in December 1937 the price of cotton and cottonseed was 64 percent and for the year 1936, before the greatest of all crops in 1937, was 100 percent of the 1909–14 price. There was no Boileau amendment in effect in 1936.

Previous legislation has been passed in behalf of the dairy States. Farmers in the dairy region have been properly paid for making new seedings of legumes and perennial grasses. The have also been paid for liming pastures.

In Wisconsin in 1936 farmers were paid $3,136,300 for new seedings of alfalfa, clover, and mixtures of these legumes. This was for just one State alone. These figures are furnished me by the Agricultural Adjustment Administration. More than $2,600,000 was paid to the farmers of the State of Minnesota for the same practices. More than $2,700,000 was paid to farmers in the Northeastern States for soil-building practices.

It is believed that the payments in the nine northeastern States in connection with the 1937 program will total $10,000,000 or more. These payments obtain in New York, New England, and other States.

Again, there is a tariff of 14 cents a pound on butter. From August 1, 1933, to August 1, 1937, the Federal Surplus Commodity Corporation has consistently sought to improve dairy prices by buying up surplus of dairy products. More than $28,000,000 was spent by the Government for the benefit of dairy products during the said period. The Government has helped the dairymen with the experiments for eradicating tuberculosis, with purchases of cattle in the years of drought, and with a whole program of marketing agreements.

I submit that the Representatives from the dairying States who are profiting from legislation which I have gladly supported, are pursuing a definitely short-sighted policy in not according to wheat, corn, cotton, and other agricultural commodities the equivalent of benefits accorded to the dairying industry. The present administration has already provided for dairying. Other products are provided for in the pending bill.

If the cotton or the wheat grower who pastures a cow on lands diverted from the crops is receiving a soil-conservation payment, if he is being subsidized, then what would you say about the Wisconsin dairyman? The Government has subsidized him when it pays him for planting alfalfa and clover which are used to feed the dairy cattle, as well as to rebuild the soil. What about the Wisconsin farmer who gets a payment for using superphosphates or for making new seedings of perennial grasses? There is no prohibition against the sale of dairy products that are produced from lands that are subsidized for the benefit of dairying in Wisconsin.

Other legislation has provided for the dairying industry. A different but a comparable treatment has been accorded that branch of agriculture. The beneficiaries cannot reasonably be heard to object to similar benefits for cotton which must receive different treatment.

There are many provisions of the pending bill that are unsatisfactory to me. Previous soil-conservation legislation has vested in the Department a wider executive authority. Mistakes have been made. The pending bill has been written by Congress and effort has been made to correct the mistakes of previous legislation. I think the chief criticism of the conference bill report is that the provisions are too restrictive.

There should be more liberal provision for expansion. The populations are increasing. There should be, in the future, additional cotton production; there should not be a strait jacket for the industry of cotton growing. The strait-jacket provisions of the legislation, in addition to the defects I have heretofore pointed out, are among the chief defects of the pending bill.

Something has been said about a policy of scarcity. The reduction of cotton to around 10,000,000 bales for the year 1938 was criticized by the gentleman from New York [Mr. FISH]. There is nothing new in the theory of reduction. Before the Agricultural Adjustment programs were inaugurated and long before there was any Federal aid to agriculture, there was a reduction in the production of cotton. It followed as a matter of necessity. Cotton growers were unable to obtain credit. Wisdom and common sense dictated that it was unwise to continue or increase the same production when there was a surplus. Small crops have always followed large crops. The largest previous cotton crop was produced in 1926. There were 18,000,000 bales. In 1927 the crop was 13,000,000 bales. It is the tragedy that a small cotton crop usually brings in the aggregate to the producer more than a maximum crop. I, therefore, favor the policy of reducing. Carry-overs cause low prices in cotton. It takes a reduction in production to reduce carry-overs. I favor the policy of the legislation.

A program for 1938 is essential to secure the subsidy of from 2 to 3 cents a pound to the growers provided by the appropriation of $130,000,000 out of the tariff receipts. The purpose was to give the cotton grower the equivalent of the benefits accorded to industry by the tariff.

Almost 3 months have been spent in considering and passing the bill. It is now planting time. Cooperation with the 1938 program is imperative to enable the growers to receive the subsidy.

I favor the adoption of the conference report. I shall continue to cooperate with the administration that has accorded not only a new but a more nearly square deal to all agricultural products in all parts of the country than any previous administration in the history of the Republic. [Applause.]

Mr. DOXEY. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Speaker, when this bill was before the House last December I had some sharp criticism to make of it because it seemed to me it was too severe in its reductions on the new lands. I find that the conferees have made a change, which will be much to our benefit, wherein it is provided that there shall not be a greater reduction than 40 percent on new lands. Instead of being a killing reduction of cotton on our expensive new lands, its provisions have been tempered in conference so that I believe they will be bearable. At least the necessary and painful reduction is now more nearly fair and equitable, as I understand the report. I am therefore constrained to favor the bill as reported by the conferees.

Last December I was greatly alarmed by the inclusion in the bill of the Boileau amendment. This amendment, in its original form, I regarded as very bad not only for my State but for the whole country. I seriously contemplated that I should vote to recommit the bill in the extra session, but I did not, fearing that I might thus kill the bill. I feel now, however, that the conferees have sufficiently modified the Boileau amendment to render it more or less harmless, while at the same time retaining in it some benefits to the dairy industry, if it had any benefits in the beginning.

Mr. Speaker, I feel that this bill is the best we can possibly obtain. All legislation seems to me to be a matter of compromise. This does not satisfy me; probably it does not satisfy anybody; but, being the best obtainable, I feel that we ought to pass it. For that reason I shall vote for it.

I also call the attention of the Members from industrial sections to this point, as the chairman of the Committee on Rules said today, Members from the great industrial centers have gone along with the farmers—some of them have. I urge you to do so in this case. It is high time we benefited the farmers, that class of our population which has never had proper attention given to it. Speaking for myself, in asking this support, I am thinking of the farmers

first, but I am also thinking of the industrial sections. I would that our party might maintain its promises to give the farmer, and poorly paid laborers, too, fair prices and proper, decent wages. If we cannot go through with the entire program at this time, let us go through with at least that part which is obtainable and pass the best farm bill we can possibly get now. For these reasons I solicit your vote on this measure.

Mr. DOXEY. Mr. Speaker, I ask unanimous consent that all Members who have spoken on this bill and the rule may have permission to revise and extend their remarks, and that all Members may have 5 legislative days in which to extend their remarks on this bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that all Members who have spoken upon the rule and upon the conference report today may revise and extend their remarks, and the gentleman from Mississippi also asks unanimous consent that all Members may have 5 legislative days in which to extend their remarks upon the pending bill. Is there objection to the request?

There was no objection.

Mr. DOXEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. MCFARLANE].

Mr. MCFARLANE. Mr. Speaker, I expect to vote for this bill, not under any misapprehension, however, for I realize that it falls far short of what we have promised the farmer. In the last two Democratic platforms we promised the farmer for his products prices in excess of cost of production. This bill does not give the farmer parity or cost of production. It does, however, give the small farmer in particular many benefits that he does not have under existing law. It will give the small farmer and those who are now struggling to make buckle and strap meet more money and benefit payments for the small crops they produce than they are now receiving. It is a step in the right direction. While it leaves many inequalities in existing law, there are many things to his benefit; and I hope that in the not distant future we shall be able to have an opportunity to vote upon legislation which will provide the farmer with an opportunity to receive for his crops at least a small profit above what it costs him to produce them.

I realize the committee has worked hard and has had many problems confronting them in trying to work out satisfactory legislation for the farmer which will do justice to him and at the same time deal fairly with the great American public.

COST OF PRODUCTION

Many of us feel that the ultimate remedy must be based upon legislation permitting the farmer to produce his crops in unlimited quantities, and that production records for a period of years be studied and allotments made to the farmer permitting him to have his proportionate part of the domestic market, for which he shall receive cost of production plus a profit, and the remainder of his crop be sold in the world market after relief has been provided for, and the net price received to be apportioned among the farmers according to their proportion of crops grown. Under this plan the American farmer would know the prices he would receive for that portion of his crop grown for home consumption, and could make his plans accordingly. Industries through the years have controlled their prices and production for the home markets as well as for the foreign markets, and have grown rich under this plan.

Under the proposed bill the marketing quotas are so large that it seems to me these large surpluses will tend to lower the prices of the farmers' crops. I feel that more consideration should be given in the payments under this act to the size of the family. For, after all, the small tenant farmers and sharecroppers on small acreages, who have families to support and who produce under this bill, will receive no more money than a similar farmer with no family to support. I also feel that $10,000 benefit payment is more money than should be paid to any individual. The House bill provided for a maximum payment of $7,500 to any individual. After all, we have found that it is the large operators and tractor farmers farming large tracts who have produced the ruinous surpluses, and I am afraid that the penalties provided in this bill are insufficient to curb this excess production.

COTTON RESEARCH LABORATORY

I heartily favor the provision providing for a research laboratory to discover new uses for cotton. Naturally, I feel that the cotton research laboratory should be located in Texas. Texas is the largest cotton-growing State in the Union, producing normally one-third or more of the cotton produced annually in the United States, and it must be remembered that 90 percent of the entire cotton produced each year in Texas is shipped to foreign markets, and now a large portion of this trade has been lost for many reasons; among which are that since the war we have gone from a debtor to a creditor Nation, discriminatory tariffs, the inability of foreign nations to purchase our cotton, the low grade of our cotton, and the ability of foreign nations through favorable seasons and cheaper labor conditions to produce their cotton at a much lower cost than we can produce our cotton. For example, Brazil in the past few years has more than doubled her production, and produces her cotton at less than 4 cents per pound. And because of favorable conditions and surplus coffee production, it seems that the prospects are bright for Brazil's cotton production to increase. This is all the more reason why we should protect the American market for the American farmer, and this bill does not do that.

IMPORTS OF FARM PRODUCTS

While the reciprocal-trade agreements have been in the main more than fair to the American farmer, still we find large quantities of all kinds of fresh, canned, and cured meats, cottonseed oil, corn oil, and other farm products, being processed abroad and imported into this country. The importation of large quantities of these products deprives the American farmer, the American laborer, as well as the American railroads, of work and service that they have every right to expect at the hands of the American people. The American farmer and the American laborer through the years have produced the wealth of the Nation, and the records show that as the wealth has been produced and it has continued to make its owners more wealthy the incomes of the farmer and the laborer have been proportionately a smaller part of the wealth as produced.

STABILIZE BUYING POWER

In conclusion, let me say that it seems clear that we must stabilize the buying power of the great masses of our people—the farmer, the laborer, and the average businessman—if we are to have regular employment by those producing the finished products in the industrial centers. [Applause.]

Mr. HOPE. Mr. Speaker, I yield such time as he may desire to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Speaker, I would like to ask the ranking minority member of the Committee on Agriculture whether or not if this conference report is voted down the soil-conservation program will continue in status quo? Can the farmer borrow money on his corn, and can he secure benefit payments as he is securing them today?

Mr. HOPE. If this report is voted down, the Soil Conservation Act will, of course, continue until 1942. We passed an act in the last session of Congress which extended the time until 1942.

As far as loans are concerned, that will be up to the Commodity Credit Corporation as to whether they care to make loans.

Mr. STEFAN. Generally speaking, the program will continue in status quo, so far as corn is concerned?

Mr. HOPE. So far as soil conservation is concerned; yes.

Mr. STEFAN. I wish to thank my distinguished colleague from Kansas. He has answered the question which I have asked so many times on the floor of this House since we have been considering new and permanent farm legislation. I believe every one of us here want to help the farmer, but we seem in disagreement on some of the legislation which

is in these bills. So far as I am concerned, I think that generally the farmers in my district have favored the principles of the voluntary soil-conservation program which the ranking member of the minority of this committee admits to me here and now will continue until 1942, no matter if this conference report is not adopted. We want corn loans. I am told here that they are available now. We want benefits to farmers under the soil-conservation plan. I am told here that we have it now. We are told that the voluntary program will continue status quo even if we do not adopt this conference report, which we have had practically no opportunity to read carefully. So I say to you that there is no reason for this demand to hurry. This terrible gag rule merely tells you and me that here is a new 121-page permanent farm bill and 104-page conference report signed by 4 out of 435 Members. We are told that notwithstanding the fact that there are some new things in this new farm bill, that we may not have had time to read the long report, and that notwithstanding the fact that we would like to make some amendments, we cannot do that. We are told that "here is a new farm bill—you can do only one of two things—vote for it or against it."

That is a vote in the dark, Mr. Speaker. It is not fair to the farmers and all of the people who will be affected by this law, which will become permanent law. I know that this great majority will pass this bill. I know that I have no chance to amend the new bill, which I have merely read through once. I have merely had time to read through the conferees' report in a hasty manner. It was available to me only last night. I am told that all I can do is to vote either "yes" or "no" on the adoption of this report. Why this haste? We have nothing else to do in this House right now. Why not give us the opportunity to study this bill more carefully. It is a new bill. We have not had it before. It is the child of eight men who have brought it to us, and now this great majority tells us to take it or leave it. We have ample time to discuss it. You limit this debate to 4 hours. Think of it! Four hours to debate a bill which will affect the lives of every man, woman, and child in the 22 counties of my district. I do not believe those people who sent me here to speak for them want me to vote on something I have not studied carefully.

I want to amend this bill, Mr. Speaker. I want to put into this bill some real farm legislation—legislation which I know the farmers in my district want. I want some cost of production in this bill. I want some refinancing of debt-burdened farmers at low interest rates in this bill. I want real parity prices and I want this bill to really make the farm dollar worth the same as the merchant's dollar through legislation. This bill is to make permanent our farm legislation. I want to make this bill a voluntary bill, Mr. Speaker. I want to strip it of its compulsory implications. There are some good things in this bill. One is the experiments for new uses for farm commodities. They merge the good things of the voluntary soil-conservation program which the farmer already has. But you are going to pass this conference report in spite of all the protests that I shall make. I know that it would be much easier to shut my eyes and just vote "yes." Then I could merely go back home and tell the farmers that I did the best I could. But that would not be true. I could shut my eyes and vote "yes" and feel that I had, maybe, stopped any political opposition from those who would like to tell my farmers that I voted against a farm bill.

But, Mr. Speaker, I shall not shut my eyes. I have frequently told the people I represent that I would give them vigorous, serious, and honest representation. I have and will continue doing that. So I shall point out to the Members of this House why we should not be so hasty to vote for laws which we have not read and to which we have had no time to give careful and serious consideration. In spite of the fact that I know that you will pass this bill, I wish to call your attention to the far-reaching effect the compulsory features of this bill have upon the future life of our farming people. I, for one, will not stand for further piling their backs with burdens. I will not stand for even any intimation of enslaving our farming people even though it may become detrimental to my political future. My future in that regard means nothing to me if the welfare of the people of my district is to be endangered. I do not want to take the harness off the mule and put it on the farmer.

So I say in real seriousness, Mr. Speaker, that I hope we will stop here and reconsider this bill. I realize that this committee has worked hard on farm legislation. I have the highest respect for its members and the chairman, MARVIN JONES, whom I greatly admire. I know that he is doing the best he can to have helpful farm legislation passed in this House. He lives in Texas. I live in Nebraska. Perhaps the cotton farmers in the Southern States feel one way and perhaps the farmers in Nebraska feel another way. I feel that I am speaking the sentiment of the Nebraska farmers. So in due regard to all members of the committee whose motives I do not question, I plead for some action here today whereby we can amend this bill. Let us refer it back to our conferees with the recommendation that it be stripped of its compulsory sections and make the entire legislation voluntary so that the farmers in my State will not fear that some time in the future they may be bossed and ordered around by Government agents or by anybody else. I feel that we can get into a voluntary bill everything that we have which is good in this proposed legislation.

When the bill was in the House practically all of the farm organizations were opposed to it. Even the Farm Bureau Federation was not for it. The Farmers Union of my State is opposed to it. The National Grange is opposed to it. I want to vote for a real farm bill, Mr. Speaker. But I feel I have a mandate from the people back home to vote against any report which contains anything which sounds like compulsion. I do not say this just because I have received a few letters from farmers against compulsion. I say it because I personally visited practically all of the 22 counties of my district where I personally talked to the farmers. What they told me was to vote against any regimentation or compulsion. Their orders will be obeyed by their representative as long as I have that honor. I wish to repeat here, we have a voluntary soil-conservation program which is good until 1942. Our farmers can get benefits; they can borrow money on their corn; they will be grateful for that. But our present program is voluntary, and now you try to ram a compulsory bill down our throats through a "gag" rule. I will oppose it. I vote against this report, first, because I am voting against this terrible gag rule, and I oppose it because I am voting against what I believe is the first step toward a program of compulsion. Mr. Speaker, by leave given me, I include a telegram which I have received from the Farmers' Union of Nebraska and a letter which I have received from the National Grange:

OMAHA, NEBR., *February 8, 1938.*

Congressman KARL STEFAN,
House of Representatives, Washington, D. C.:

We approve the present Soil Conservation Act, which is in force until 1942, if honestly administered as a program to help farmers improve their land, but not as a means toward production control. We call on every Congressman and Senator worthy of the name "American citizen" to permit no legislation to be enacted which will result in either immediate or eventual regimentation of the American farmer.

LEGISLATIVE COMMITTEE OF FARMERS' UNION OF NEBRASKA, IN SESSION AT STATE CONVENTION, OMAHA, NEBR.,
By H. C. ELWOOD, *Committee Chairman.*

WASHINGTON, D. C., *February 8, 1938.*

To Members of Congress:

Space forbids any attempt to analyze in detail the provisions contained in the new farm bill, which has just been reported from conference.

We are in accord with some of the features of the bill, such as those relating to the establishment of regional research laboratories and the finding of new industrial uses for farm products. We likewise favor the idea that the life of the Surplus Commodities Corporation should be extended for a period of several years, and that crop insurance under the auspices of the Federal Government should be tried out on a limited scale and on a voluntary basis.

However, the major provisions of the bill call for a degree of governmental control and regimentation that is wholly unnecessary and that is incompatible with all our best American ideals and traditions.

This bill has been in conference for more than 30 days and it affects the rights and liberties of both producers and consumers. The printed report of the conference committee has been available but a few hours. There certainly is no justification for attempting to pass this measure under gag rule. We ask that this legislation be stripped of its compulsory features before it is enacted.

Yours sincerely,

THE NATIONAL GRANGE,
FRED BRENCKMAN,
Washington Representative.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITE of Ohio, for 2 days, on account of death of uncle.

To Mr. REILLY (at the request of Mr. BOILEAU), for today, on account of illness.

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio speech made by Judge Jacob Panken, of New York City, on the subject of Child Delinquency and Books..

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHANLEY and Mr. MURDOCK of Arizona asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. O'NEILL of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein copy of a speech delivered by Mr. George E. Stringfellow, vice president of Thomas A. Edison, Inc., on the occasion of the ninety-first anniversary of the birthday of Thomas Alva Edison.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 191. Joint resolution to protect foreign diplomatic and consular officers and the buildings and premises occupied by them in the District of Columbia.

ADJOURNMENT

Mr. DOXEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 27 minutes p. m.), the House adjourned until tomorrow, Wednesday, February 9, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON ROADS

The Committee on Roads will resume public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related purposes, on Wednesday, February 9, 1933, at 10 a. m. Hearings will be concluded.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Wednesday, February 9, 1938, at 10 a. m., for the consideration of building program for the Navy. Very important.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, February 9, 1938. Business to be considered: Continuation of hearings on S. 69—train length. Railroad interests will be heard.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, February 9, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of the full Committee on the Post Office and Post Roads, Thursday, February 10, 1938, at 10 a. m.

COMMITTEE ON PATENTS

The Committee on Patents will hold public hearings February 9, 10, and 11, 1938, in the caucus room of the House Office Building at 10 a. m. each morning on House Joint Resolution 79, providing for the establishment of a Department of Science, Art, and Literature.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, February 9, 1938, and Thursday, February 10, 1938, at 10:30 a. m. In re hearing of private bills. Hearing in committee room 445, House Office Building.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 3 of the Committee on the Judiciary at 10.30 a. m. Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill H. R. 8339, providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m. on Tuesday, March 1, 1938, on the bill H. R. 8892, to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 o'clock a. m., eastern standard time, on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1072. A letter from the Secretary of State, transmitting a report on the conclusions and recommendations of the International Joint Commission in the matter of the reference of the Government of the United States for investigation of the advisability of the improvement of the waterway from Montreal through Lake Champlain to connect with the Hudson River, etc.; to the Committee on Rivers and Harbors.

1073. A communication from the President of the United States, transmitting an estimate of appropriation for the War Department, amounting to $2,800,000, as supplemental and in addition, to the amount included in the Budget for the fiscal year ending June 30, 1939, for improvement of existing river and harbor works (H. Doc. No. 521); to the Committee on Appropriations and ordered to be printed.

1074. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1939, amounting to $2,050,000 (H. Doc. No. 522); to the Committee on Appropriations and ordered to be printed.

1075. A letter from the Administrator, Veterans' Administration, transmitting the draft of a bill to amend the last sentence of section 35 of the United States Criminal Code as contained in the United States Code, title 18, section 86; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HILL: Committee on Indian Affairs. S. 95. An act referring the claims of the Turtle Mountain Band or Bands of Chippewa Indians of North Dakota to the Court of Claims for finding of fact and recommendations to the Congress; with amendment (Rept. No. 1770). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL: Committee on Indian Affairs. S. 1517. An act authorizing the payment of attorney fees contracted to be paid by certain Indians allotted on the Quinaielt Reservation, State of Washington, and for other purposes; with amendment (Rept. No. 1771). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. H. R. 9361. A bill to maintain unimpaired the capital of the Commodity Credit Corporation at $100,000,000, and for other purposes; without amendment (Rept. No. 1772). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. H. R. 9379. A bill to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes; without amendment (Rept. No. 1773). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STEAGALL: A bill (H. R. 9379) to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes; to the Committee on Banking and Currency.

By Mr. BARTON: A bill (H. R. 9380) to repeal the Coal Control Act of 1937; to the Committee on Ways and Means.

By Mr. BEITER: A bill (H. R. 9381) authorizing the coining of United States copper 3-cent pieces for convenience of commerce, and for other purposes; to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 9382) to authorize a preliminary examination and survey of Ellicott Creek, N. Y., with a view to the control of its floods; to the Committee on Flood Control.

By Mr. LAMNECK: A bill (H. R. 9383) to amend the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. LANZETTA: A bill (H. R. 9384) to amend section 15 of the act of June 29, 1906, as amended (U. S. C., title 8, sec. 405); to the Committee on Immigration and Naturalization.

By Mr. CELLER: A bill (H. R. 9385) to amend the Civil Service Retirement Act; to the Committee on the Civil Service.

By Mr. DISNEY: A bill (H. R. 9386) to authorize a preliminary examination and survey of the Salt Fork of Red River and its tributaries in the State of Oklahoma with a view to the control of its floods, and for other purposes; to the Committee on Flood Control.

By Mr. HARRINGTON: A bill (H. R. 9387) to provide that gasoline mixed with 10 percent of ethyl alcohol shall not be subject to the tax imposed by section 617 of the Revenue Act of 1932, as amended; to the Committee on Ways and Means.

By Mr. MEAD: A bill (H. R. 9388) to authorize a preliminary examination and survey of Cattaraugus Creek, N. Y., with a view to the control of its floods; to the Committee on Flood Control.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 9389) to provide for the location, survey, and building of a system of three transcontinental and six north-south highways; to the Committee on Roads.

By Mr. MASSINGALE: A bill (H. R. 9390) to authorize a preliminary examination and survey of the Salt Fork of Red River and its tributaries in the State of Oklahoma with a view to the control of its floods, and for other purposes; to the Committee on Flood Control.

By Mr. MAY: A bill (H. R. 9391) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace; to the Committee on Military Affairs.

By Mr. HAINES: A bill (H. R. 9392) to provide for the appraisal of the pneumatic mail tube systems in New York and Boston; to the Committee on the Post Office and Post Roads.

By Mr. FISH: Resolution (H. Res. 418) requesting the President of the United States to furnish certain information pertaining to the diplomatic relationship between Japan and China; to the Committee on Foreign Affairs.

By Mr. CANNON of Missouri: Joint resolution (H. J. Res. 591) making appropriations for the control of outbreaks of insect pests; to the Committee on Appropriations.

By Mr. KENNEDY of Maryland: Joint resolution (H. J. Res. 592) to amend section 1102 (c) of the Revenue Act of 1926; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIGELOW: A bill (H. R. 9393) for the relief of Jessie Denning Van Eimeren, A. C. Van Eimeren, and Clara Adolph; to the Committee on Claims.

By Mr. BUCK: A bill (H. R. 9394) for the relief of William R. Paydon; to the Committee on Naval Affairs.

By Mr. CARLSON: A bill (H. R. 9395) granting a pension to Emma J. Fulton; to the Committee on Invalid Pensions.

By Mr. CELLER: A bill (H. R. 9396) to authorize Victor E. Werner to accept the Silver Medal of the Order of Leopold II from the Belgian Government; to the Committee on Military Affairs.

By Mr. DOWELL: A bill (H. R. 9397) granting an increase of pension to Mary E. Cline; to the Committee on Invalid Pensions.

By Mr. FLAHERTY: A bill (H. R. 9398) for the relief of Harold P. Gillespie; to the Committee on Naval Affairs.

By Mr. FULMER: A bill (H. R. 9399) for the relief of Henry M. Cronenberg; to the Committee on Claims.

By Mr. McGRANERY: A bill (H. R. 9400) for the relief of Adolph Arendt; to the Committee on Immigration and Naturalization.

By Mr. MAY: A bill (H. R. 9401) granting a pension to Lizzie Parker; to the Committee on Invalid Pensions.

By Mr. PETERSON of Florida: A bill (H. R. 9402) granting a pension to David Rothblatt; to the Committee on Pensions.

By Mr. RANDOLPH: A bill (H. R. 9403) granting a pension to Arminta Hill McCarty; to the Committee on Invalid Pensions.

By Mr. BEVERLY M. VINCENT: A bill (H. R. 9404) to provide for the establishment of a commissary or vending stand in the Washington asylum and jail; to the Committee on the District of Columbia.

By Mr. WHITE of Ohio: A bill (H. R. 9405) for the relief of Lenora Coleman Rathbun; to the Committee on Military Affairs.

By Mr. WOODRUM: A bill (H. R. 9406) for the relief of Cora Janney; to the Committee on Claims.

By Mr. BEAM: A bill (H. R. 9407) for the relief of Stasys Gaucus; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4009. By Mr. BEITER: Petition of the Legislature of the State of New York, urging enactment, with all convenient speed, of any appropriate legislation which will prevent the punishment or destruction of persons accused or suspected of crime in any other way or by any authority than by due process of law and by a duly constituted court of justice; to the Committee on the Judiciary.

4010. By Mr. BIGELOW: Resolution of the State of Ohio, Ninety-second General Assembly, second special session, 1937-38, memorializing Congress to adopt the Universal Service Act (H. R. 6704) now pending before that body; to the Committee on Military Affairs.

4011. Also, joint resolution of the State of Ohio, Ninety-second General Assembly, memorializing the Congress of the United States of America to pass House bill 4199, introduced in the House of Representatives on February 2, 1937, and known as the General Welfare Act of 1937, to provide a program for the relief of the poor and unemployed; to the Committee on Ways and Means.

4012. By Mr. COFFEE of Washington: Telegram, in the nature of a petition, of the Industrial Union Council of Tacoma, Freeman L. Cochran, executive secretary, expressing opposition to the Vandenberg bill (S. 2712), the Walsh bill (S. 2108), Burke resolution (S. Res. 207), Dies resolution (H. Res. 6143), Thomas resolution (H. Res. 374), and demanding that no reduction be made in the appropriations for the National Labor Relations Board; to the Committee on Appropriations.

4013. Also, resolutions of Millmen's Local, No. 1689, U. B. of C. and J. of America; Lodge No. 497, International Association of Machinists; Blacksmiths and Helpers Local 209; City Employees Local 129, A. F. S. C. and M. E.; Elevatormen's and Grain Handler's Union; United Garment Workers of America, Local 201; Journeyman Barbers Union, Local No. 158; and Boot and Shoe Workers, No. 173, all of Tacoma, Wash., demanding that the United States Government insist on all foreign lumber coming into the United States being plainly marked with the country of origin and that any such lumber not so marked be denied entry; to the Committee on Ways and Means.

4014. By Mr. COLDEN: Resolution adopted by Marine Cooks' and Stewards' Association of the Pacific, No. 2041, San Francisco, Calif., demanding that a new wage and hour bill be submitted at this session of Congress; to the Committee on Labor.

4015. By Mr. DELANEY: Petition of the New York Typographical Union, No. 6, New York City, protesting against the transfer to private plants of a considerable volume of printing now being done in the Government Printing Office for the United States Patent Office; to the Committee on Printing.

4016. By Mr. FLAHERTY: Resolution of the Boston Ukrainians Organization, concerning wage and hour bill; to the Committee on Labor.

4017. By Mr. HART: Petition of the Catholic Central Verein of America, New Jersey State Branch, opposing any birth-control legislation that may be presented; to the Committee on the Judiciary.

4018. By Mr. HOPE: Petition of Mary Webb and 55 others, urging the enactment of House bill 4199, the General Welfare Act of 1937; to the Committee on Ways and Means.

4019. Also, petition of E. D. Bartmess and 283 others, urging the enactment of House bill 4199, the General Welfare Act of 1937; to the Committee on Ways and Means.

4020. By Mr. JARRETT: Resolutions of sportsmen of Greenville, Pa., opposing Cummings fire-arm bill; to the Committee on Military Affairs.

4021. Also, resolution of J. H. Forman and other sportsmen of Greenville, Pa., opposing Cummings fire-arm bill; to the Committee on Military Affairs.

4022. Also, resolutions of Ford E. Smith, Jr., and Ray Myers and other members of Chibridge Rifle Club, Inc., of Greenville, Pa., opposing Cummings fire-arm bill; to the Committee on Military Affairs.

4023. By Mr. LANZETTA: Memorial of the Assembly of the State of New York, memorializing the Congress of the United States to enact such legislation as will effectively prevent lynching outrages which continue to occur from time to time in some of the Southern and Southwestern States; to the Committee on Rules.

4024. By Mr. LEAVY: Resolution signed by 15 members of the Conconully Cattle and Horse Raisers' Association, expressing their opposition to transfer of the Forest Service away from the Department of Agriculture; to the Select Committee on Government Organization.

4025. By Mr. McCORMACK: Memorial of the General Court of Massachusetts, memorializing the Congress of the United States to enact at the earliest possible date a bill for the proper regulation of minimum wages and maximum hours of employment without differentials; to the Committee on Labor.

4026. By Mr. O'NEILL of New Jersey: Petition of the A. P. South Manufacturing Co., concerning amendments to title IX of the Social Security Act; to the Committee on Ways and Means.

4027. Also, petition of the Anacin Co., protesting against any reduction in the appropriation for the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

4028. By Mr. PFEIFER: Petition of the Brooklyn Post, No. 2, Jewish War Veterans of the United States, Brooklyn, N. Y., concerning unjust discrimination of Jews in Rumania; to the Committee on Foreign Affairs.

4029. Also, petition of the Allied Printing Trades Council of Greater New York, opposing action which would remove from the Government Printing Office any work now being done by the printing-trades workers employed in the Government Printing Office; to the Committee on Printing.

4030. Also, petition of the Milk Consumers Protective Committee, New York City, urging investigations of monopolistic practices; to the Committee on the Judiciary.

4031. Also, petition of the Assembly of the State of New York, Albany, N. Y., concerning the antilynching bill; to the Committee on the Judiciary.

4032. Also, petition of the Fuel Merchants Association, Inc., Brooklyn, N. Y., urging support of the Flannery bill imposing a tax of 1 cent a gallon on fuel oil; to the Committee on Ways and Means.

4033. Also, telegram of the Amalgamated Leather Companies, Inc., New York City, concerning repeal of the capital-surplus tax; to the Committee on Ways and Means.

4034. By Mr. SPENCE: Joint resolution of the General Assembly of the Commonwealth of Kentucky, memorializing the President of the United States, the Congress of the United States, and the Secretary of Agriculture to take such action as may be necessary to ascertain the cause of the recent decline in the price of tobacco sold on the tobacco markets of Kentucky, and cause to be introduced in the National Congress legislation similar to Agricultural Adjustment Act; to the Committee on Agriculture.

4035. By the SPEAKER: Petition of State, County, and Municipal Workers of America, Los Angeles, Calif., with reference to Senate Joint Resolution 176, concerning Works Progress Administration and employment for all unemployed workers; to the Committee on Appropriations.

4036. Also, petition of State, County, and Municipal Workers of America, Los Angeles, Calif., petitioning a full appropriation for the next fiscal year for the National Labor Relations Board; to the Committee on Appropriations.

SENATE

WEDNESDAY, FEBRUARY 9, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, February 8, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (S. J. Res. 191) to protect foreign diplomatic and consular officers and the buildings and premises occupied by them in the District of Columbia, and it was signed by the Vice President.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Pittman
Andrews	Dieterich	King	Pope
Ashurst	Donahey	La Follette	Radcliffe
Austin	Duffy	Lee	Reynolds
Bailey	Ellender	Lewis	Russell
Bankhead	Frazier	Lodge	Schwartz
Barkley	George	Logan	Schwellenbach
Berry	Gerry	Lonergan	Sheppard
Bilbo	Gibson	Lundeen	Shipstead
Bone	Gillette	McAdoo	Smith
Borah	Glass	McGill	Thomas, Okla.
Brown, N. H.	Green	McKellar	Thomas, Utah
Bulkley	Guffey	McNary	Townsend
Bulow	Hale	Maloney	Truman
Burke	Harrison	Miller	Tydings
Byrd	Hatch	Milton	Vandenberg
Byrnes	Hayden	Minton	Van Nuys
Capper	Herring	Murray	Wagner
Caraway	Hill	Neely	Walsh
Chavez	Hitchcock	Norris	Wheeler
Clark	Holt	O'Mahoney	
Connally	Hughes	Overton	
Copeland	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Michigan [Mr. BROWN] is absent on important public business; that the Senator from Nevada [Mr. MCCARRAN] is detained from the Senate by official business in his State; and that the Senator from New Jersey [Mr. SMATHERS] today is happily detained by domestic urgency.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

INSPECTION OF MOTOR VEHICLES IN THE DISTRICT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2194) to provide for the semiannual inspection of all motor vehicles in the District of Columbia, which were, on page 1, line 5, to strike out "1938" and to insert "1939"; on page 1, line 7, to strike out "1939" and to insert "1940"; on page 2, lines 1 and 2, to strike out "revenues of the District of Columbia" and to insert "special fund created by the act entitled 'An act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes', approved April 23, 1924, and the act entitled 'An act to provide additional revenue for the District of Columbia, and for other purposes', approved August 17, 1937"; on page 2, line 5, to strike out "1938", and to insert "1939"; on page 2, lines 9 and 10, to strike out "semiannual", and to insert "annual"; on page 2, line 15, to strike out "semiannual" and to insert "annual"; and to amend the title so as to read: "An act to provide for the annual inspection of all motor vehicles in the District of Columbia."

Mr. KING. I move that the Senate concur in the House amendments.

The motion was agreed to.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. The Senator from Louisiana [Mr. ELLENDER] is entitled to the floor under the agreement made last evening when the Senate took a recess. With the permission of the Senator from Louisiana, the Chair will recognize other Senators for the transaction of routine business.

MARY MERRILL SCOTT

Mr. GLASS. Mr. President, will the Senator from Louisiana yield to me?

The VICE PRESIDENT. The Senator has yielded for the purpose of the transaction of routine business, as the Chair understands.

Mr. GLASS. If the Senator from Louisiana will yield to me for a unanimous-consent request, I shall be obliged to him.

The VICE PRESIDENT. Will the Senator from Louisiana, without losing his rights and privileges, yield to the Senator from Virginia?

Mr. ELLENDER. I will.

Mr. GLASS. I desire to call from the table and ask for the present consideration of the bill which I introduced, providing a pension for the widow of Gen. Hugh Lenox Scott, who was the first Chief of Staff of the United States Army.

I may state that I conferred with the chairman of the majority and also the chairman of the minority of the Senate, who indicated no objection to the immediate consideration of the bill. I also conferred with the chairman of the Committee on Military Affairs and the chairman of the Committee on Pensions, both of whom think the bill should be immediately passed.

The VICE PRESIDENT. The bill will be read.

The bill (S. 3329) granting a pension to Mary Merrill Scott was read, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Merrill Scott, of Princeton, N. J., widow of Hugh Lenox Scott, late a major general and former Chief of Staff, United States Army, and to pay her a pension at the rate of $5,000 per annum.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL

The VICE PRESIDENT laid before the Senate a paper in the nature of a memorial, signed by Mrs. H. R. Summerhayes and Mrs. T. Alden Hatch, of Schenectady, N. Y., remonstrating against the enactment of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution of the United States relative to the ratification of constitutional amendments by popular vote, which was referred to the Committee on the Judiciary.

NATIONAL LABOR RELATIONS BOARD

Mr. MINTON presented a resolution adopted by Local No. 917, United Electrical, Radio, and Machine Workers of America (Indiana), which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Whereas an open attack on the National Labor Relations Board and the Wagner Act itself is now on foot; and

Whereas the Wagner Labor Relations Act is the only law on our statute books giving the worker the right to organize in a union of his or her own choice; and

Whereas this attack, being waged by the emissaries of big business, is just another brazen attempt to hamstring the National Labor Relations Board by curtailing their funds: Therefore, be it

Resolved, That this organization, the United Electrical, Radio, and Machine Workers of America, Local 917, most heartily protest any change of the act in its present form, and we most emphatically protest the cut of $400,000 from the original appropriation of the act; and be it further

Resolved, That we here and now oppose any and all of the so-called amendments to the Wagner Labor Relations Act, as the whole intent and purpose of amendment is to kill the real purpose of the act; and be it further

Resolved, That a copy of this resolution be sent to our Congressmen and Senators, the Senate Committee on Education and Labor, the Senate Judiciary Committee, House Labor Committee, House Rules Committee, Senate Appropriations Committee, also to the South Bend Industrial Council, the International Office of the United Electrical, Radio, and Machine Workers of America, and to our official paper, the People's Press; and be it further

Resolved, That we ask our Congressmen and Senators to state their opinion on this most important matter and urge that they use every effort to have the cut of $400,000 restored to the National Labor Relations Board, so that they may effectively carry on their work.

REGIONAL PLANNING BOARDS

Mr. KING. Mr. President, a quasi-public organization of my State—namely, the Utah Water Storage Commission—recently adopted and transmitted to me a resolution which I ask to have inserted in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

At a meeting of the Utah Water Storage Commission held at the State capitol building in Salt Lake City, Utah, on Tuesday, January 4, 1938, the following resolution was unanimously adopted:

"*Be it resolved*, That the Utah Water Storage Commission opposes the enactment of either the Mansfield bill (H. R. 7365) or the Norris bill (S. 2555) as now written. Some of the objections to the bills are:

"(1) Both bills provide for an unnecessary addition to existing Federal agencies for the investigation and planning of conservation projects.

"(2) The Norris bill creates new construction agencies to perform some of the work now ably performed by the Bureau of Reclamation and similar organizations.

"(3) The functions of State planning agencies are curtailed.

"(4) The sovereign rights of the States to control the use and distribution of waters within their boundaries are entirely ignored.

"(5) The bills erroneously refer to water as the 'property of the United States.'

"(6) The bills authorize the transfer of power projects and 'incidental works' from the Bureau of Reclamation, the Corps of Army Engineers, and other efficient Federal agencies to the new regional authorities.

"(7) The Norris bill requires approval by the regional authorities of dams, appurtenant structures, and other works in any navigable stream and in any tributary thereof.

"(8) Regional authorities could, by the approval and construction of projects on interstate streams, create a priority of use of water in favor of one State as against and at the expense of other States on the same stream.

"(9) Although the United States Constitution requires the approval of interstate compacts by Congress, this power is delegated to the regional authorities under the Norris bill and to the President after consultation with the regional agencies under the Mansfield bill.

"Be it further

"*Resolved*, That this commission is opposed to the enactment of the Hayden bill (amendment in the nature of a substitute to the Mansfield bill, H. R. 7365) for the reason that it is not definite in several important particulars:

"(1) There are no provisions as to the number of regional planning boards to be created or as to the areas to be served thereby.

"(2) The powers and duties of the regional planning board are not clearly defined or limited.

"(3) There is no definite recognition of the sovereignty of the States over waters within their boundaries.

"Be it further

"*Resolved*, That copies of this resolution be sent to the Governor of Utah, the attorney general, and to the Utah delegation in Congress."

UTAH WATER STORAGE COMMISSION.
By WM. PETERSON, *Chairman (Acting)*.
By T. H. HUMPHREYS, *Secretary*.

REPORTS OF COMMITTEES

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (S. 3395) to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes, reported it with an amendment and submitted a report (No. 1327) thereon.

Mr. COPELAND, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment.

S. 3073. A bill to safeguard the public health; and

S. 3330. A bill to amend section 3 of the act of May 27, 1936 (49 Stat. 1381), entitled "An act to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat-inspection laws, and for other purposes."

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (H. R. 8524) authorizing the completion of the existing project for the protection of the sea wall at Galveston Harbor, Tex., reported it with an amendment and submitted a report (No. 1329) thereon.

GOVERNMENTAL ADJUSTMENT OF PURCHASING POWER OF THE DOLLAR

Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 216) favoring governmental adjustment of the purchasing power of the dollar so as to attain 1926 wholesale commodity price levels (submitted by Mr. THOMAS of Oklahoma January 7, 1938), reported it with an amendment and submitted a report (No. 1328) thereon.

INVESTIGATION OF CONDITIONS IN THE MERCHANT MARINE

Mr. COPELAND. Mr. President, yesterday I submitted a resolution (S. Res. 231) creating a special committee to investigate conditions in the American merchant marine. The Committee on Commerce, to which the resolution was referred, has approved it, and I now report the resolution back favorably, without amendment, and ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Without objection, the report will be received, and the resolution will be referred as requested by the Senator from New York.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Oklahoma:

A bill (S. 3423) conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders; to the Committee on Claims.

A bill (S. 3424) granting a pension to Maud Carrico; to the Committee on Pensions.

By Mr. McGILL:

A bill (S. 3425) granting a pension to widows and dependent children of World War veterans; to the Committee on Pensions.

By Mr. HATCH and Mr. CHAVEZ:

A bill (S. 3426) to authorize an appropriation for repayment to Middle Rio Grande Conservancy District, a subdivision of the State of New Mexico, of the share of the said district's construction and operation and maintenance costs applicable to certain properties owned by the United States, situated in Bernalillo County, N. Mex., within the exterior boundaries of the district; to authorize the Secretary of the Interior to contract with said district for future operation and maintenance charges against said lands; to authorize appropriation for extra construction work performed by said district for the special benefit of certain Pueblo Indian lands and to authorize appropriation for construction expenditures benefiting certain acquired lands of Pueblo Indians of the State of New Mexico; to the Committee on Indian Affairs.

By Mr. HILL:

A bill (S. 3427) conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claim of Alabama Mineral Land Co. against the United States arising out of the conveyance of certain lands; to the Committee on Claims.

By Mr. BULKLEY:

A bill (S. 3428) to provide for financing certain self-liquidating public works, to provide additional facilities for the national defense, to aid in the relief of unemployment, to stimulate business recovery, to promote the public safety, and for other purposes; to the Committee on Banking and Currency.

By Mr. BYRD:

A bill (S. 3429) To amend the act entitled "An act giving jurisdiction to the Court of Claims to hear and determine the claim of the Butler Lumber Co., Inc."; to the Committee on Claims.

By Mr. PEPPER:

A bill (S. 3430) to provide for the insurance by the Reconstruction Finance Corporation of loans made by banks to business enterprises for the purpose of enabling such enterprises to increase their productions, extend their operations, and modernize their plants, and for other purposes; to the Committee on Banking and Currency.

By Mr. REYNOLDS:

A bill (S. 3431) for the relief of Kenneth G. Roberts; to the Committee on Claims.

A bill (S. 3432) granting an increase of pension to Ethel Brimer Byington; to the Committee on Pensions.

A bill (S. 3433) relating to the induction of registrants who applied and who were accepted for induction and assigned to educational institutions for special and technical training under the provisions of the act approved August 31, 1918, but whose induction without fault of their own was not completed; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 3434) to amend the District of Columbia Alcoholic Beverage Control Act; and

A bill (S. 3435) to create a commission to procure a design for a flag for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SHEPPARD:

A bill (S. 3436) for the relief of J. H. Bowling; to the Committee on Claims.

By Mr. GUFFEY:

A joint resolution (S. J. Res. 255) recognizing the World Youth Congress to be held at Vassar College, Poughkeepsie, N. Y., from August 18 to 26, 1938; to the Committee on Foreign Relations.

CHANGE OF REFERENCE

Mr. KING. Mr. President, Senate bill 2795, to revive and reenact the act entitled "An act authorizing the Great Falls Bridge Co. to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls," approved April 21, 1928, was referred to the Committee on the District of Columbia. I have examined the measure and it seems to me that it belongs to the Committee on Commerce. I therefore move that the Committee on the District of Columbia be discharged from the further consideration of the bill and that it be referred to the Committee on Commerce.

The motion was agreed to.

AMENDMENT OF TARIFF ACT OF 1930—AMENDMENTS

Mr. BARKLEY submitted an amendment, and Mr. WALSH submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

ROOSEVELT BIRTHDAY ADDRESS BY FORMER GOV. JOHN I. COX

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD the address delivered by former Gov. John I. Cox on the occasion of President Roosevelt's birthday ball at Bristol, Tenn., which appears in the Appendix.]

WAR PREPARATIONS

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD extracts from the People's Lobby Bulletin for February 1938 relative to war preparations, which appear in the Appendix.]

NECESSITY FOR HUMANE CODE OF WARFARE—ARTICLE BY WILLIAM RANDOLPH HEARST

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an open letter by William Randolph Hearst, published in the New York Journal and American and other newspapers, suggesting the necessity for a humane code of warfare, which appears in the Appendix.]

ENFORCEMENT OF IMMIGRATION LAWS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD two letters recently published in the Washington Star relative to immigration and the enforcement of immigration laws, which appear in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. ELLENDER. Mr. President, on yesterday afternoon, at the close of the session, I devoted some time to a short review of the arguments which I presented to the Senate about 2 weeks ago, and when the Senate recessed I was describing the condition of the South soon after the Civil War.

My purpose in doing this is to give to the Senate, as well as I can personally describe it, a picture of the South's condition at that time, together with such data on the subject as I have in my desk, to demonstrate that the social problem involved in the pending bill and other similar legislation is strictly a southern problem. I propose to cite to the Senate some figures to show conclusively that the South has been dealing adequately with this problem, and that from every standpoint it is better qualified than anyone else to handle the Negro. I propose to cite to the Senate figures showing that in some northern cities where the Negro population is 11 percent as against 89 percent for the whites, the amount of crime among the 11 percent of Negroes is greater than that among the 89 percent of whites.

In contrast, I have shown the condition that exists in the city of New Orleans; and I propose to obtain data from other southern cities, if I can, to show conclusively that the figures I have presented with reference to New Orleans apply likewise to other southern cities. To me, Senators, that comparison between the crime ratio of the Negroes in the South as against those in the North demonstrates that the South has been and is taking care of its Negro problem in a satisfactory manner, and doing a much better job than its northern neighbors.

I propose further to show to the Senate how the North and the East have handled their frequently occurring race riots.

The problem of mob violence toward the Negroes, how and why these mobs have assembled, and their results are facts worthy of serious thought.

After I lay that picture before the Senate I propose to cite figures to show what the South has done toward educating the colored people. I grant in advance that the South has not been able to provide for the Negro intellectually as much as it has the whites because of economic conditions; not because we did not desire to do so, but because we were unable to do it. But I propose to cite to the Senate figures to show that illiteracy among the Negroes after the Civil War, in some Southern States, was as high as 89 percent, yet by the end of 1930—the only available figures I have which are authentic—it had decreased to as little as 16 percent. This comparison proves that there has been greater progress toward stamping out illiteracy among the Negro people since the Civil War than there has been with reference to the white people.

I repeat, Senators, that the only reason why the South has been unable to provide its Negroes with the same standard of education as provided by other sections of the country is because of the great number of Negroes found within its borders and because of the South's economic condition.

On yesterday afternoon I was reading from a book entitled "Dixie After the War." It is a well-written volume. I could draw on my imagination and picture the situation which existed in the South after the war; but I prefer to get the facts from an authentic source, so that the description will accurately depict the conditions which existed in the South soon after the Civil War.

I read from chapter 8 of this volume, beginning at page 89. This chapter demonstrates "The Wrath of the North," how the North felt toward the South; its hostility and lack of sympathy. This particular chapter shows that the South was treated as a conquered nation would be treated, and not as a part of the Union. In my opinion that attitude of the North was more responsible for the breach which existed after the Civil War than anything I know of, and I feel confident that if the plan of Abraham Lincoln, the Great Emancipator, had been followed through, if his views and ideas had been put into execution, this country would be much better off today.

I shall read in a moment from chapter 18 of this book. Soon after the Civil War, with a horde of colored people all over the Southland who had suddenly found themselves free, it became necessary that certain bureaus be established in order to enable the Government to cope with the Negro situation. It was necessary to establish a bureau known as the Freedmen's Bureau, the purpose of which was to find work for the Negroes who had been freed, to ascertain whether or not they were disposed to work, and what their attitude toward their former masters was. I shall read a part of this chapter so that Senators may get a view of the condition with which the North itself, after it conquered the South, had to deal with reference to the problem of the colored people.

Chapter 18 is entitled "The Freedmen's Bureau." I read from page 209:

> Federal authorities had a terrific problem to deal with in 4,000,000 slaves suddenly let loose. Military commanders found themselves between the devil and the deep sea.
>
> Varied instructions were given to bring order out of chaos. "Freedmen that will use any disrespectful language to their former masters will be severely punished," is part of a ukase issued by Captain Nunan, at Milledgeville, in fervent if distracted effort for the general weal. By action if not by order, some others settled the matter this way: "Former masters that will use any disrespectful language to their former slaves will be severely punished"; as witness the case where a venerable lady, bearing in her own and that of her husband two of the proudest names in her State, was marched through the streets to answer before a military tribunal the charge of having used offensive language to her cook.
>
> With hordes of Negroes pilfering and pillaging, new rulers had an elephant on their hands. No vagrant laws enacted by southern legislatures in 1865–66 surpassed in severity many of the early military mandates with penalties for infraction. The strongest argument in palliation of the reconstruction acts is found in these laws which were construed into an attempt to reenslave the Negro. The South had no vagrant class before the war and was provided with no laws to meet conditions of vagrancy which followed emancipation with overwhelming force.
>
> Comparing these laws with New England's, we find that in many respects the former were modelled on the latter, from which the words "ball and chain," "master and mistress," and the apprentice system, which Mr. Blaine declared so heinous, might well have been borrowed, though New England never faced so grave a vagrancy problem as that which confronted the South.
>
> Negroes flocked to cities thick as blackbirds. Federal commanders issued orders: "Keep Negroes from the cities." "The Government is feeding too many idlers"; "Make them stay on the plantations"; "Impress upon them the necessity of making a crop, or famine is imminent throughout the South"; "Do not let the young and able-bodied desert their children, sick, and aged." As well call to order the wild things of the woods. In various places something like the old "patter roller" system of slavery was adopted by the Federals, wandering Negroes being required to show passes from employers saying why they were abroad.
>
> General Schofield's Code for the Government of Freedmen in North Carolina (May 1865) says: "Former masters are constituted guardians of minors in the absence of parents or other near relatives capable of supporting them." The radicals made great capital out of a similar provision in southern vagrancy laws.
>
> Accounts of confusion worse confounded wrung this from the New York Times (May 17, 1865): "The horse-stealing, lemonade- and cake-vending phase of freedom is destined to brief existence. The Negro misunderstands the motives which made the most laborious, hard-working people on the face of the globe clamor for his emancipation. You are free, Sambo, but you must work. Be virtuous, too, O Dinah! 'Whew! Gor Almighty! bress my soul!'"
>
> The Chicago Times (July 7, 1865) gives a western view: "There is chance in this country for philanthropy, a good opening for abolitionists. It is to relieve 28,000,000 of whites held in cruel bondage by 4,000,000 blacks, a bondage which retards our growth, distracts our thoughts, absorbs our efforts, drives us to war, ruptures our Government, disturbs our tranquillity, and threatens direfully our future. There never was such a race of slaves as we; there never was another people ground so completely in the dust as this Nation. Our Negro masters crack their whip over our legislators and our religion."
>
> The Freedmen's Bureau was created March 3, 1865, for the care and supervision of Negroes in Federal lines. Branches were rapidly established throughout the South and invested with almost unlimited powers in matters concerning freedmen. An agency's efficiency depended upon the agent's personality. If he were discreet and self-respecting, its influence was wholesome; if he were the reverse, it was a curse. If he were inclined to peculate, the agency gave opportunity; if he were cruel—well, Negroes who were hung up by the thumbs or well anointed with molasses and tied out where flies could find them had opinions.

In this connection, Mr. President, I desire to read to the Senate a letter which was sent to me last week, which is dated at Natchitoches, La., 1866. The original of this letter was found among some old papers in the Customhouse Building at New Orleans, and Miss Jessie E. Evans, of New Orleans, La., very kindly sent me a copy of it. It describes the very thing about which I am talking now, the Freedmen's Bureau, and refers to how it was operated, and in a measure describes the conditions then prevailing. The letter is as follows:

> NATCHITOCHES, LA., 1866.
>
> MR. JULES CASSARD,
> *Deputy Surveyor of Customs, New Orleans, La.*
>
> DEAR SIR: I have the honor to inform you that I have been up here 3 days, and as yet have found no Government property, and have made every inquiry for 15 miles around.
>
> The country up here is in a sad state; the people are completely impoverished. Mr. Duplex, editor of the Natchitoches Times, informed me that in this parish there will be made only about 3,500 bales of cotton when there should be about 25,000 made. It is really sickening, sir, to see what a state this beautiful country is in, all owing to want of labor. The Negroes won't work, and the planter is kept in constant trouble between them and the Freedmen's Bureau, or office of same, in this place.
>
> I assure you, sir, that I don't want to come on such a wild goose chase again; I have suffered very much since I came, in consequence of the muddy condition of the roads here. I have written Judge Kellogg a long report of my exploits and inquiries since I arrived here.
>
> I shall leave for the city on Tuesday and hope to find you in good health.
>
> Very respectfully your obedient servant,
>
> MAURICE QUIRK, *Inspector.*
>
> P. S.—You will remember that the Freedmen's Bureau took care of the Negroes down here after the War Between the States.

This letter refers to the very Freedmen's Bureau about which I have been speaking, and it shows that although this bureau was supposed to form a closer contact between the Negroes and the white people in the various localities, in order that work might be found for those who would work, and their condition bettered, politics got mixed up in it, so

that affairs in the South at that time were really horrible. I am describing all of this in order to impress upon the Senate the problem which confronted the white people of the South after the Civil War. After I describe the conditions of that time, I propose to show how the South undertook to cope with the situation and how up to the present it has succeeded.

I continue reading from this book, Dixie After the War, at page 211, beginning with the third paragraph.

I recall two stories which show how wide a divergence there might be between the operations of two stations. A planter went to the agent in his vicinity and said, "Captain, I don't know what to do with the darkies on my place. They will not work and are committing depredations on myself and the neighbors." The agent went out and addressed the Negroes, "Men, what makes you think you can live without work? The Government is not going to support any people in idleness on account of their complexions. I shall not issue food to another of you. I have charged this planter to bring before me any case of stealing. If you stay on this plantation, you are to work for the owner."

In a week the planter reported that they still refused to labor or to leave; property was disappearing; wanton damage was being done; but it was impossible to spot thieves and vandals. The agent, a man of war, went up in a hurry and his language made the air blue. "If I come again," was his parting salutation, "I'll bring my cannon, and if you don't hoe, plow, or do whatever is required I'll blow you all to pieces." They went to work.

A gentleman of Fauquier tells me, "When I got home from prison, July 1865, I found good feeling existing between whites and their former slaves; everything was going on as before the war except that Negroes were free and received wages. After a while there came down a bureau agent who declared all contracts null and void and that no Negro should work for a white except under contract written and approved by him. This demoralized the Negroes and engendered distrust of the whites."

"If a large planter was making contracts," I head Mr. Martin, of the Tennessee Legislature, relate, "the agent would intermeddle. I had to make all mine in the presence of one. These agents had to be bribed to do a white man justice. A Negro would not readily get into trouble with a gentleman of means and position when he would make short work of shooting a poor white. Yet the former had owned slaves and the latter had not."

I now skip a few paragraphs and read on page 213:

General Grant had reported (December 18, 1865) to President Johnson, after a Southern tour: "The belief widely spread among freedmen that the lands of former owners will, at least in part, be divided among them, has come through agents of this Bureau. This belief is seriously interfering with the willingness of the freedmen to make contracts."

In other words, propaganda had been spread among those colored people throughout the South that all of the lands of the white people would be divided into 40-acre tracts, and that every colored man would be given 40 acres and a mule. Of course, false statements of that sort spread throughout the South by those propagandists caused a great deal of trouble down there.

I now revert to chapter 22. I am not going to read very much from this book. I shall read only enough to lay before the Senate the actual conditions which existed in the South at that time. I read from chapter 22, which is entitled "A Little Plain History"—

Many who ought to have known Mr. Lincoln's mind, among these General Sherman, with whom Mr. Lincoln had conversed freely, believed it his purpose to recognize existing State Governments in the South upon their compliance with certain conditions. These governments were given no option; Governors calling legislatures for the purpose of expressing submission were clapped into prison. Thus these States were without civil State governments and under martial law. Some local governments and courts continued in operation subject to military power; military tribunals and freedmen's bureaus were established.

Beginning May 29, 1865, with North Carolina, President Johnson reconstructed the South on the plan Mr. Lincoln had approved, appointing for each State a provisional governor empowered to call a convention to make a new State constitution or remodel the old to meet new conditions. His policy was to appoint a citizen known for antisecession or Union sentiments, yet holding the faith and respect of his State, as Perry, of South Carolina; Sharkey, of Mississippi; Hamilton, of Texas. The conventions abolished slavery, annulled the secession ordinance, repudiated the Confederate debt, acknowledged the authority of the United States. An election was held for State officers and members of the legislature, voters qualifying as previous to 1861, and by taking the amnesty oath of May 29. Legislatures reenacted the convention's work of annulling secession, abolishing slavery, repudiating debt; and passed civil rights bills giving the Negro status as a citizen, but without the franchise, though some leaders advised conferring it in a qualified form; they passed vagrancy laws, which the North interpreted as an effort at reenslavement.

Listen to what followed. President Lincoln was succeeded in attempting to deal with that problem by President Johnson. Let us now see what the politicians from the North did in the very Halls of Congress:

Congress met December 1865; President Johnson announced that all but two of the Southern States had reorganized their governments under the conditions required. Their representatives were in Washington to take their seats. With bitter, angry, contemptuous words, Congress refused to seat them. April 2, 1866, President Johnson proclaimed that in the South "the laws can be sustained by proper civil authority, State and Federal; the people are well and loyally disposed"; military occupation, martial law, military tribunals, and the suspension of the writ of habeas corpus "are in time of peace dangerous to public liberty," "incompatible with the rights of the citizen," etc., "and ought not to be sanctioned or allowed; * * * people who have revolted and been overcome and subdued must either be dealt with so as to induce them voluntarily to become friends or else they must be held by the absolute military power and devastated * * * which last-named policy is abhorrent to humanity and freedom."

March 2, 1867, Congress passed an act that "Whereas no legal State governments exist * * * in the rebel States * * * said rebel States shall be divided into five military districts." Over each a Federal general was appointed; existing local governments were subject to him; he could reverse their decisions, remove their officials, and install substitutes; some commanders made radical use of power; others, wiser and kindlier, interfered with existing governments only as their position compelled. Upon the commanders Congress imposed the task of reconstructing these already once reconstructed States. Delegates to another convention to frame another constitution were to be elected, the Negroes voting. Of voters the test oath was required, a provision practically disfranchising southern whites and disqualifying them for office. Thaddeus Stevens, leader of the party forcing these measures, said of Negro suffrage: "If it be a punishment to rebels, they deserve it."

Black and tan conventions met in long and costly sessions. That of Mississippi sat over a month before beginning the task for which convened, having passed the time in fixing per diems, mileages, proposing a bonus for Negroes dismissed by employers, imposing taxes on anything and everything to meet the expenses of the convention; and badgering General Gillem, commander of the district. The black and tan conventions framed constitutions which, with tickets for State and National officers, were submitted to popular vote, Negroes dominated by a few corrupt whites, determining elections. With these constitutions and officials "carpetbag rule" came into full power and States were plundered. The sins of these governments have been specified by northern and southern authorities in figures of dollars and cents. At first, southern Unionists and northern settlers joined issues with the Republican Party. Oppressive taxation, spoliation, and other evils drove all respectable citizens into coalitions opposing this party; these coalitions broke up radical rule in the Southern States, the last conquest being in Louisiana and South Carolina in 1876.

I am not going to take the time of the Senate to read of the activities of any of these so-called black-and-tan conventions, but I wish some of the Senators would read the succeeding chapters of the book, which show exactly how the South was confronted at the time by hordes of colored people who were aided by northern sympathizers.

Mr. President, I say that it was very fortunate for the Nation that the white women and white men of the South took the position they did take. I say again that if the legislatures of the South and the State governments of the South had been left in the hands of the colored people, and if the long arm of the Federal Government had maintained the colored people in full sway in the South, I am sure that today this country would be nearer than it is to social equality between the whites and the Negroes. I am positive of that. That is why I am pleading for the serious consideration of this bill and similar bills, so that the issue can be faced fairly and squarely, and our white supremacy maintained before the enactment of such legislation marks its decadence.

I repeat that this bill in itself does not state in so many words that it is giving to the Negro equality with the white race. Similar bills have been before the Congress for many years, and the enactment of one will lead to the enactment of another. If we pursue such a course I say, without fear of contradiction, that it will not be many years before this country of ours will be, in a measure, dominated by a mixed race. I know we do not want such a condition to ever exist in America, and I ask Senators to forget politics and to look at the problem as American statesmen, for the good of America.

In the course of my remarks the other day I brought close to home the conditions that existed in foreign countries. I then described Father Divine and his various "heavens" and "angels" right here at home. I want to read from this book of the condition that existed in the South after the Civil War, following the emancipation of the colored people, when they were permitted to congregate by themselves without supervision of the white people, so as to show that whenever they are permitted to do so they resort to what I have termed on various occasions "barbaric lunacy."

While the colored people were under the care of their masters they were taught Christianity. Some masters even went so far as to engage ministers to preach the gospel to the colored people on the plantations. But as soon as the colored people were turned loose and left to themselves, when they could not be led back to the plantations, they reverted to voodooism and many pagan rites practiced in dark Africa. They forgot about medical science and doctors, just as Father Divine is doing now. I have heretofore read to the Senate from the constitution of Father Divine's religion. He challenges medical science. He says that no doctor should treat a human being unless the doctor guarantees a cure; and if he fails to cure the patient and the patient dies, the doctor ought to be liable for damages. That is what is being taught by this cult headed by Father Divine; reverting, I say, to "barbaric lunacy." He advocates home remedies similar to those practiced in Africa. He advised his followers to send for a doctor only in the event he was not personally available.

I propose to read another paragraph from the volume from which I have been reading, in order to show that the condition which I have just described existed among the Negroes of the South following the Civil War. Listen to it. It is from chapter 17, entitled "Back to Voodooism."

The average master and mistress of the Old South were missionaries without the name. Religious instruction was a feature of the Negro quarters on the southern plantation—the social settlements for Africans in America.

Masters and mistresses, if themselves religious, usually held Sabbath services and Sunday schools for blacks. Some delegated this task, employing preachers and teachers. Charles Cotesworth Pinckney was the first rice planter to introduce systematic religious instruction among Negroes on the Santee, influenced thereto by Bishop Capers. He subscribed to the Methodist Episcopal Mission for them, and a minister came every week to catechise the children and every Sabbath to preach at the Negro church which Mr. Pinckney, with the assistance of his neighbors, established for the blacks on his own and neighboring plantations. Soon 50 chapels on his model sprang up along the seaboard. In the Methodist churchyard in Columbia, a modest monument marks the grave of Bishop Capers, "Founder of the mission of the slaves." Nearby sleeps Rev. William Martin, who was a distinguished preacher to whites and a faithful missionary to blacks. In Zion Presbyterian Church, Charleston, built largely through the efforts of Mr. Robert Adger, no less a preacher than Rev. Dr. Girardeau ministered to Negroes. The South entrusted the spiritual care of her Negroes to her best and ablest, and what she did for them is interwoven with all her history. You will hear today how the great clock on top of the church on Mr. Plowden Weston's plantation kept time for plantations up and down the Waccamaw. In that chapel, Rev. Mr. Glenrie and an English catechist diligently taught the blacks. After Sherman's visit to Columbia, Trinity (Episcopal) Church had no communion service; the sacred vessels of precious metals belonging to the Negro chapel on the Hampton place were borrowed for Trinity's white congregation.

The rule where Negroes were not so numerous as to require separate churches was for both races to worship in one building. Slavery usages were modeled on manorial customs in England, where a section of church or chapel is set apart for the peasantry, another for gentry and nobility. The gallery, or some other section of our churches, was reserved for servants, who thus had the same religious teaching we had; there being more of them, they were often in larger evidence than whites at worship. After whites communed, they received the sacrament from the same hands at the same altar. Their names were on our church rolls. Our pastors often officiated at their funerals; sometimes an old "exhorter" of their own color did this; sometimes our pastors married them, but this ceremony was not infrequently performed by their masters.

The old African Church, of Richmond, was once that city's largest auditorium. In it great meetings were held by whites, and famous speakers and artists (Adelina Patti for one) were heard. One of Mr. Davis' last addresses as president was made there. The regular congregation was black and their pastor was Rev. Robert Ryland, D. D., president of Richmond College; "Brother Ryland," they called him. He taught them with utmost conscientiousness; they loved him and he them. When called upon for the marriage ceremony, he would go to the home of their owners, and marry them in the "white folks' house" or on the lawn before a company of whites and blacks. Then, as fee, a large iced cake would be presented to him by a groomsman with great pomp.

After the war the old church was pulled down and a new one erected by the Negroes with assistance of whites, North and South. Then they wrote Dr. Ryland, who had gone to Kentucky, asking him to return and dedicate it. He answered affectionately, saying he appreciated greatly this evidence of their regard and that nothing would give him greater pleasure, but he was too poor to come; he would be with them in spirit. They replied that the question of expense was none of his business, it was theirs. He wrote that they must apply the sum thus set aside to current expenses, to meet which it would be needed. They answered that they would be hurt if he did not come; they wanted no one else to dedicate their church. So he came, stopping at Mr. Maury's.

He was greatly touched when he met his old friends, the congregation receiving him standing. So much feeling was displayed on their part, such deep emotion experienced on his, that he had to retire to the study before he could command himself sufficiently to preach.

In religious life, after the war, the Negro's and the white man's path parted quickly. Negro galleries in white churches soon stood empty. Negroes were being taught that they ought to sit cheek by jowl in the same pews with whites or stay away from white churches.

With freedom, the Negro, en masse, relapsed promptly into the voodooism of Africa. Emotional extravaganzas, which for the sake of his health and sanity, if for nothing else, had been held in check by his owners, were indulged without restraint.

That is just what followed, as I stated to the Senate a few moments ago. So long as the Negroes were on the plantation, and were being taken care of by the whites, they followed the Christian religion, but just as soon as they became free they relapsed, as this book says, to their African customs, as is now being demonstrated by the god, Divine, and his followers in Harlem.

As I have stated, Harlem is today the most thickly populated Negro section in the world, and the colored people in that particular area are free to do what they please with reference to religion. When turned loose, what do they do? A Negro slave's son from Georgia poses there as a god, and today, I am ashamed to admit, many Americans, in fact millions of them, believe that he is God.

Mr. LEWIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. ELLENDER. I yield for a question.

Mr. LEWIS. I inquire of the able Senator, who has given much study to this question, will he not admit or will he not deem it appropriate to consider that in the length of time which has elapsed from the era of which he is reading general education has been enjoyed by the colored people, that they are a different colored people than they were at the time of the Civil War, and that the Negro people of today cannot be compared with the Negroes of that time? Is there not something to be credited to their advance such as the Senator from Louisiana and other Senators have been picturing here, showing their quality, their education, and their great prosperity?

Mr. ELLENDER. Mr. President, in answer to the question of the able Senator from Illinois [Mr. LEWIS], I wish to state that there has been, educationally speaking, much advancement, in fact, great advancement. I propose to show, during the course of my remarks, what the people of the South have done toward that advancement. I propose to show to the Senate that soon after the war 89 percent of the Negroes of 10 years of age and over were illiterate, and that by 1930 the percentage had been reduced to as low as 16 percent in some of the Southern States. All of that was done by the people of the South, notwithstanding the poor economic conditions prevailing in that section.

In further answer to the question of the Senator from Illinois, let me say that, although the Negroes have advanced educationally, I still contend that whenever they are left to themselves, to congregate by themselves, they are prone to revert to "barbaric lunacy" with reference to religion.

That is what happened in Egypt, in India, in Haiti, and also in South America. Let me read a brief clipping show-

ing what is happening today in South America. I demonstrated to the Senate 2 weeks ago that wherever in South America there is any kind of progressive civilization, there we find the government in the hands of the whites, and wherever the mongrel prevails, wherever the mixed breed prevails, whether it be Indian, Mongolian, or colored intermixed with the whites, there is a decay of civilization.

Let me read a news article that appeared in the Nebraska State Journal of January 5, 1938. This is a news story that comes from Brazil, where in most sections a mongrel race prevails, and if they are not religiously dominated by the whites, they are prone to revert to their ancestral form of worship of elephants or horses. I will show that they still worship horses in Brazil. Listen to this:

[From the Nebraska State Journal of January 25, 1938]

140 WORSHIPERS OF HORSE-GOD ARE KILLED—FIVE BRAZILIAN POLICE ALSO DIE IN BATTLE WITH REBELLIOUS RELIGIOUS CULTISTS

RECIFE, BRAZIL.—Pernambuco State officials Monday night disclosed 140 members of a rebellious religious sect, worshipers of the horse-god, Trancelim, had been killed in a backwoods battle with Brazilian police. Five policemen were killed and ten wounded in the fighting which occurred in a remote section of Habia State.

Details of the battle were told in dispatches from Capt. Optato Queroz, commander of a military police detachment operating against the sect headed by Jose Lourenco, prophet of the now dead horse-god.

The horse these people were worshiping was captured and died.

"After a 42-hour combat we have dominated the stronghold of the fanatics in Casanova township, killing 140 of them in addition to those wounded," the captain reported.

"Lourenco was among those who escaped in the hand-to-hand fighting. Our military detachment consisted of 96 men, 5 of whom were killed and 10 wounded."

A punitive expedition was sent against the strange religious cult last autumn, when political leaders began to fear the growing power of Lourenco and his equine god. The horse, to the horror of cult members, was captured by police in a raid on a meeting last September, but in custody Trancelim refused fodder, wasted away, and died. Lourenco escaped and continued his cult without the horse.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield further to the Senator from Illinois?

Mr. ELLENDER. I yield for a question.

Mr. LEWIS. I ask my able friend from Louisiana, who has shown himself such an analyst in the matter of sociology and ethnology in the discussion, does he see any difference between that element in Brazil, as to which he was reading, who worshiped horses and another sect here in America that worship political asses?

Mr. ELLENDER. No; not much. If anything, I have more respect for the worshipers in South America. [Laughter.]

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. DAVIS. Is the clipping from which the Senator just read an Associated Press dispatch and in what newspaper was it published?

Mr. ELLENDER. It is an Associated Press dispatch from Brazil and the headlines are:

One hundred and forty worshipers of horse-god are killed.
Five Brazilian police also die in battle with rebellious religious cultists.

The clipping was taken from the Nebraska State Journal of January 25, 1938.

It illustrates the point that I attempted to make before the Senate 2 weeks ago. Here in America the politicians seem to encourage such cults, whereas in South America the politicians destroy them when they become too powerful.

Mr. DAVIS. What are the educational facilities in that section of Brazil, in the neighborhood of Pernambuco?

Mr. ELLENDER. I understand they are very poor. But, Mr. President, in New York City educational facilities for the Negroes are as good as they are for the whites, and yet in that Negro section of Harlem a vast majority of the colored people pray to "God" Divine and to "Angel" Magdelene and to "Angel" Bouquet and to "Angel" Satisfied Love. We have that condition in this country, in spite of adequate educational facilities.

In other words, I make no distinction; and I allege that the members of this cult in Harlem are now praying to Father Divine, "God" Divine. They have forgotten the Christian God. Christianity is no longer with them, but it is God in human flesh; and I ask the question, What is going to happen when Divine dies? Are they going to reincarnate another god, or are they going to pray, perhaps, to some kind of animal?

Mr. DAVIS. Does the Senator want to interfere in any way with the religious belief of those people in Harlem?

Mr. ELLENDER. No, Mr. President; it is immaterial to me what they pray to. So far as I am concerned, they may pray to an ox. They may pray to this desk formerly occupied by Webster. The point I desire to make is that I do not want that kind of people to rule this country. That is what I mean. I do not want that kind of "barbaric lunacy" to prevail in this country and head our Government. That is what I am fighting to prevent; and the moment you give to them rights leading to social equality, they are going to come here the next time and demand legislation bringing them nearer and nearer to it, just as they have done in Pennsylvania.

Pennsylvania has a statute, which I read here the other day, under which the Negro has a right to use the same bathtub and the same bed that the Senator from Pennsylvania uses in Hotel Pennsylvania, located in Philadelphia, I believe. They may go bathing on the same beach. They may be buried in the same cemetery occupied by the whites, side by side, if they desire, under that statute. I know that deep down in the hearts of the white people of Pennsylvania they do not want that kind of equality, but it is on the statute books. I say that you are going to fool the colored people just once too often. They are going to demand social equality in every respect, and the only reason why they do not practice it now is because they have not the power to do it. That is the only reason. Do not fool yourselves, either.

Mr. DAVIS. Mr. President, does the Senator believe that if a colored man were buried alongside of him it would affect his future life?

Mr. ELLENDER. No, indeed; of course it would not—absolutely not—but I do not care to sleep in the same bed where Negroes have slept, or bathe in the same bathtub. Nor do I desire to swim in the same pool they use. I do not want to be hypocritical about it. We have matters so arranged down in the South that they cannot do it. If we had on our statute books laws permitting them to do it, we would let them exercise such rights. We do not fool them. That is why the Negroes respect us down South. We are sympathetic with them. We know their problems, and we do not try to fool them, as some people in the North and East do, by passing legislation giving them equal rights when they do not intend for them to exercise them. I am going to show you, sir, before I get through, that by the passage of such legislation in Pennsylvania, in New York, in Ohio, and in other northern States, you are simply giving the Negroes the opportunity of rubbing elbows with the whites, and every time they do so they get into trouble; and that is why the crime figures are so much greater for the North than they are for the South. That is my answer, and I am going to prove it before I get through.

Mr. DAVIS. Mr. President, will the Senator further yield?

Mr. ELLENDER. I yield for a question.

Mr. DAVIS. Does the Senator from Louisiana believe that the Democratic Governor of Pennsylvania—a member of the party to which the Senator from Louisiana belongs—would want to try to fool any minority group of our people as to their rights?

Mr. ELLENDER. I do not know; but you know and I know that the Negroes do not use the same theaters that you do. They have their own theaters. I believe you permit the Negroes and whites to attend the same schools. You permit, that, I believe.

The whites and blacks mingle together up this way. The little white daughters of So-and-So play with the little colored daughters of So-and-So, and all of that. You permit that; but not when it comes to theaters, to restaurants, or to various other public accommodations. In the South we do not say to the Negroes, "You may have these privileges according to law, but keep away," as you do in the North. As I pointed out to the Senate sometime ago, those statutes are there, part of Pennsylvania's laws. They are there in Illinois. They are there in other Northern States; but I have yet to see any colored people congregate in any of the big hotels in the city of Chicago. The only reason they do not do it is because they know they would get into trouble if they tried, even though a law permitting it is on the statute books.

Mr. BANKHEAD. Mr. President——

Mr. ELLENDER. I yield to the Senator from Alabama for a question.

Mr. BANKHEAD. Without impairing the rights of the Senator from Louisiana, I ask unanimous consent to read a letter at this time.

Mr. ELLENDER. If it will not take me off my feet, I will gladly yield for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BANKHEAD. I ask unanimous consent that I may read the letter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BANKHEAD. The letter is from St. Louis, Mo., 5522 Waterman, and is dated July 12, 1938:

Senator BANKHEAD,
Washington, D. C.

HONORABLE SIR: Please submit this letter to be read to the Senate, as I want them to know how I feel toward this antilynching bill. I know and care little about politics, yet I cannot escape reading about this bill, and I sympathize with a sensible fight being waged against this unnecessary legislation.

Thirty-seven years ago I was born on Judge B. M. Miller's plantation in Alabama. He was the first white man I ever knew and was one of the whitest. He later became Governor of Alabama, at which time I had wandered off to St. Louis. The happiest moments of my life were spent in the South. I received all of the education I have there. The South is the only pleasant memory in my life, and I am always ready to defend it. There's nothing there to condemn.

I am against the antilynching bill. It's unnecessary. The white people of the South don't want lynching, and they are capable of handling the situation. All the unpleasant experiences that are accorded Negro in the South are brought on by himself. About 75 percent of the colored population of the South are high-class, cultured people. About the same percent of these of the North are good for nothing. Why? The white man of the South caters greatly to and demands respectful Negroes. The white man of the South loves our white teeth, our kinky hair, our intelligence or ignorance, but will not tolerate disrespectfulness. This helps our race. We could use a little respect in the North. But the white man of the North wants only votes.

Let me assure you this: If the Negro of the South will only accept the sound advice of his white friends, there'd never be a lynching or anything to mar his happiness through the entire span of his life. You'd be surprised to know the number of cases, far more serious than those printed, where a white friend's intervention saved the life of a Negro in the South.

We have a depression to fight. Must statesmen waste their time in trying to get you to see how foolish you are?

Out of respect to Abraham Lincoln, I vote the Republican ticket; no other reason. I have nothing in me against the Democratic Party. I love what it advocates. I love the South.

Down there is peace and happiness. We don't fear of going hungry down there. As long as Master John eats we will. We don't fear of being turned away because we are black and ugly. The worse we look the better they like us. Leave us alone with our white friends of the South, and anyway this foolish legislation will not make conditions better. It will make it worse.

If you allow the white people of the South to handle this affair that they have so effectively handled so far, in a few years this gradually fading lynching episode will be about passed.

Education of Negroes in the South, which is far superior to the North; respectful white people of the South, which is far over the North, is shaping the lives of the Negroes in a way that there will be no motive for lynching. Give them the credit that is due them. Do not clamp down any Federal law depriving them of a right that is theirs, a right they deserve, a right they have earned.

Respectfully,

ROBERT DAVIS,
An Alabama Negro of St. Louis, Mo.

P. S.—I desire no publicity; this letter is only a token of my respect and love of the South, and to show those northern vote seekers the relationship of the sane Negroes of the South with the white people. No one knows of this letter. No one urged me to write. Nothing whatever is wanted or will be accepted for it.

Mr. ELLENDER. Mr. President, I intend to read in a few minutes, not only a letter but a short publication by a former Negro slave of the South, showing how he expressed his sentiments toward the South and what the South has done for his race. I am glad the Senator from Alabama [Mr. BANKHEAD] has brought the letter he just finished reading into the picture.

Mr. President, I desire to finish reading the chapter of this book from which I was reading entitled "Back to Voodooism." I continue reading on page 204:

Emotional extravaganzas, which for the sake of his health and sanity, if for nothing else, had been held in check by his owners, were indulged without restraint. It was as if a force long repressed burst forth. Moans, shouts, and trance meetings could be heard for miles.

I want to say in passing that I myself have heard such moans and such shouts, and have seen these trance meetings; and I am sure the Senator from Alabama [Mr. HILL], who is here present, can also testify to having seen them among the colored folks.

I have sat many a night in the window of our house on the big plantation and listened to shouting, jumping, stamping, dancing, in a cabin over a mile distant; in the gray dawn Negroes would come creeping back, exhausted, and unfit for duty.

In some localities devil dancing, as imported from Africa centuries ago, still continues.

I saw such things back in 1916 not far from my own home; the same things carried on in a Negro country church. It is astounding to see.

I have heard of one place in South Carolina where worshipers throw the trance-smitten into a creek, as the only measure sufficiently heroic to bring them out of coma. Devil worship was rife in Louisiana just after the war.

That means, of course, among the colored people.

One of my Negro friends tells me: "Soon after de war, dar wuz a trance-meetin' in dis neighborhood dat lasted a week. De cook at marster's would git a answer jes befo' dinner dat ef he didn' bring a part uv evvything he cooked to de meetin', 'de Lawd would snatch de breath outen his body.' He brung it. Young gals dee'd be layin' 'roun' in trances. A gal would come to meetin' w'arin' a jacket a white lady gin 'er. One uh de gals in a trance would say: 'De Lawd say if sich an' sich a one don' pull dat jacket off, He gwi snatch de breath out dar body.' One old man broke dat meetin' up. Two uv his gran'sons was lyin' out in a trance. He come down dar, wid a han' full uh hickory switches an' laid de licks on dem gran'chillun. Evvybody took out an' run. Dat broke de meetin' up.

"Endurin' slavery, dar marsters wouldn' 'low niggers tuh do all dat foolishness. When freedom come, dee lis'n to bad advice an' lef' de white folks' chu'ches an' go to doin' all sorts uh nawnsense. Now dee done learnt better again. Dee goin' back sorter ito de white folks' chu'ches. Heap uh Pristopals lak dar use tuh be. In Furginny, Bishop Randolph come 'roun' an' confirm all our classes. An' de Baptis'es dee talk 'bout takin' de cullud Baptis'es under dar watch-keer. An all our folks dee done learnt heap better an' all what I been tellin' you. I don' want you tuh put dat in no book lessen you say we-all done improved."

Southern men who stand at the head of educational movements for Negroes, state that they have advanced greatly in a religious sense, their own educated ministry contributing to this end. Among those old half-voodoo shouters and dreamers of dreams were Negroes of exalted Christian character and true piety, and, industrially, of far more worth to society than the average educated product. I have known sensible Negroes who believed that they "traveled" to heaven and to hell.

It has been urged that darkness would have been quickly turned to light had southern masters and mistresses performed their full duty in the spiritual instruction of their slaves. To change the fiber of a race is not a thing quickly done even where undivided and intense effort is bent in this direction. The Negro, as he came here from Africa, changed much more quickly for the better in every respect than under freedom he could have done. It has been charged that we had laws against teaching Negroes to read. I never heard of them until after the war. All of us tried to teach darkies to read, and nothing was ever done to anybody about it. If there were such laws, we paid no attention to them, and they were framed for the Negroes' and our protection against fanatics.

Then follow other very worthy chapters in this book. I should like to have the proponents of the pending bill read this little book, so that they could get into their minds what the South had to contend with after the war. I propose to

show that with all of those difficulties the South succeeded in its efforts. And, I repeat, if we are let alone we will continue the good work.

A good friend of mine from Thibodaux, La., whose name is Mr. J. A. O. Coignet, an attorney in that town, has written me a letter to which I wish to call attention. This gentleman is a fine lawyer, and was the first opponent I ever had after I entered the political field. In justice to him I should say that after the votes were counted it was discovered that he had beaten me by about 350 votes. [Laughter.] We were opponents for the office of district attorney during the palmy days of the Bull Moose Party. I did not think I should turn to be a Bull Moose in the face of so many good Democrats in my community, so I remained a Democrat, and Mr. Coignet joined the Bull Moose Party. The Bull Moosers were a little stronger than the Democrats, and I was beaten. [Laughter.] Mr. Coignet has been reelected from time to time without opposition and has made a splendid officer.

I wish to read a poem this gentleman has sent to me which in a measure reflects the very thought I have been trying to convey to the Senate during this debate. The poem is entitled "The South to the North," and the author is Mat Gray. Who Mat Gray is I do not know, but the little poem was published in the Times-Democrat, a daily paper published in the city of New Orleans in the old days, and it reads:

THE SOUTH TO THE NORTH

(For the Times-Democrat)

Ere the charge of Pickett was broken, ere the flag of our faith was struck,
We gave you many a token of our strength and honor and pluck.
We came to our ruined homesteads, to our hero women there,
And we built from the scattered ashes a South that is far more fair.
We shouldered the white man's burden, though sure of its mountain weight,
Accepting in stoic silence the pitiless terms of Fate.

Ere the Author of all wrote "Finis" to the epic of Cuban woes;
When the gorge of his neighbor nation in pity and anger rose,
The flag of the common fathers waved over our gallant sons,
And our blood baptized that banner in the crash of the Spanish guns.
Our wounded lay in the trenches; our graves bear witness true
That we loyally followed the Stars and Stripes, unfearing—along with you.

Now we ask of you justice, brothers—we feel we have earned that much—
While we guard our homes and our women from the bestial negroid clutch.
We measure the danger more truly than ever the stranger can;
We have stood as a living bulwark since the terrible thing began.
And if ever the fateful problem is solved in the coming years,
It will be by our honest, earnest search, at cost of our blood and tears.

Ours is the dread and the danger from the black and brutal race;
Ours are the homes in the shadow of the Negro's lustful face;
Ours is the shock and the sorrow when the animal man breaks forth—
And we front it all as firmly as the gibes of the critic North.
Ours is the peril—be patient; we only protect our own,
And we ask, if you cannot help us, "For God's sake, let us alone!"

Mr. President, I have read from this book, Dixie After the War, and made many comments regarding the condition of the South soon after the Civil War. Now I wish to read to the Senate the last speech delivered by Governor Allen, who was Governor of Louisiana during the Civil War. In that speech, I am sure, there is reflected the same sentiment, the same feeling that prevailed in the heart of every southern governor. I may further add that the same conditions described in that speech existed in many other of our Southern States.

A copy of this speech was sent to me a few days ago by Mr. Herbert Hamilton, of Plaquemine, La. Mr. Hamilton states that in looking up old records in the State capital, the original speech of ex-Governor Allen of Louisiana was found. Today in Memorial Hall of our great capitol building in Baton Rouge there stands a life-size marble statue of this great man. I desire to read to the Senate his farewell address to the people of Louisiana after the North had conquered the South. This address was delivered at the executive office, Shreveport, La., June 2, 1865:

Fellow citizens, I have thought it my duty to address you a few words in parting from you, perhaps forever. My administration as Governor of Louisiana closes this day. The war is over, the contest is ended, the soldiers are disbanded and gone to their homes, and now there is in Louisiana no opposition whatever to the Constitution and the laws of the United States. Until order shall be established and society with all its safeguards fully restored, I would advise that you form yourselves into companies and squads for the purpose of protecting your families from outrage and insult and your property from spoliation. A few bad men can do much mischief and destroy much property. Within a short while the United States authorities will no doubt send you an armed force to any part of the State where you may require it for your protection.

My countrymen, we have for 4 long years waged a war which we deemed to be just in the sight of high heaven. We have not been the best, the wisest, nor the bravest people in the world, but we have suffered more and borne our sufferings with greater fortitude than any people on the face of God's green earth. Now let us show to the world that as we have fought like men—like men we can make peace. Let there be no acts of violence, no heart burnings, no intemperate language, but with manly dignity submit to the inevitable course of events. Neither let there be any repinings after lost property. Let there be no crimination or recrimination—no murmurs. It will do no good, but may do much harm. You who, like myself, have lost all (and oh, how many there are) must begin life anew. Let us not talk of despair nor whine about our misfortunes, but with strong arms and stout hearts adapt ourselves to the circumstances which surround us.

It now rests with the United States authorities to make you once more a contented, prosperous, and happy people. They can within 5 years restore Louisiana to its original wealth and prosperity and heal the terrible wounds that have been inflicted upon her. So great are our recuperative energies—so rich is our soil—so great are the resources of the State! Our rulers have it in their power to dry the mourners' tears, to make glad the hearts of the poor widow and the orphan, to cause the past in a great measure to be forgotten, and to make your devastated lands "to blossom as the rose." If my voice could be heard and heeded at Washington, I would say, "Spare this distracted land. Oh! spare this afflicted people. In the name of bleeding humanity, they have suffered enough." But, my countrymen, this cannot be; I am one of the proscribed—I must go into exile—I have stood by you, fought for you, and stayed with you up to the very last moment, and now leave you with a heavy heart. The high trust with which you have honored me is this day returned. I leave the office of Governor with clean hands and with the conscious pride of having done my duty.

All the officers of State and all employees in its various departments have rendered their final accounts and made full and complete settlements. I thank them for their uniform kindness to me and their patriotic devotion to the several duties assigned to them. These accounts are in the hands of Col. John M. Sandidge. I invite the closest scrutiny, not only to these papers but to all my acts as Governor of Louisiana. My State stores and dispensaries and manufactories have all been conducted in the most successful manner. None can tell the vast amount of good they have done, not only to you but to the people of Texas, Arkansas, and Missouri.

Fellow citizens, in the darkest hour of my life, I do not come before you as an old man broken down by the storms of state, nor do I come to plead for mercy at the hands of those whom I have fought for long years. No; no. I come in the pride and vigor of manhood, unconquered, unsubdued. I have nothing to regret. I look back with mournful pleasure at my public career, now about to close. As a citizen, as a soldier, as a statesman, I have done my duty. The soldier's family, the widow and the orphan, the sick and the wounded, the poor and needy, have all my especial care, while the wants of the soldier and the citizen have not been forgotten. I have protected the people from the encroachment of military power and have never permitted a bale of cotton in the State to be seized or impressed.

It is partly in rememberance of these acts that you have already given me your entire confidence. But few in authority have ever had so many evidences of affection and regard as you have so often shown to me.

Refugees, return to your homes. Repair, improve, and plant. Go to work with a hearty good will, and let your actions show that you are able and willing to adapt yourselves to the new order of things. We want no Venice here, where the denizens of an unhappy State shall ever meditate with moody brow and plot the overthrow of the government, and where all shall be dark and dreary, cold and suspicious. But rather let confidence be restored. If required, let each and every one go forward cheerfully and take the oath of allegiance to that country in which they expect to live in future and there pursue their respective avocations with redoubled energy as good, true, and substantial citizens.

I go into exile not as did the ancient Roman, to lead back foreign armies against my native land, but, rather, to avoid persecution and the crown of martyrdom. I go to seek repose for my shattered limbs. It is my prayer to God that this country may be blessed with permanent peace, and that real prosperity, general

happiness, and lasting contentment may unite all who have elected to live under the flag of a common country. If possible, forget the past. Look forward to the future. Act with candor and discretion and you will live to bless him who in parting gives you this last advice.

And now what shall I say in parting to my fair countrywomen: Ladies of Louisiana, I bow to you with tears of grateful affection. You have always responded most promptly and cheerfully to the calls of patriotism and duty. You have clothed the soldiers, nursed the sick and wounded, cheered up the faint-hearted, and smoothed the dying pillow of the warrior patriot. God bless you! God bless you! I can never forget you. In the land of exile I shall remember you with feelings of gratitude too deep for utterance. My countrymen I bid you adieu—farewell. Sometimes think of him who has sacrificed all for you. Perhaps in better days when the storms of passion and prejudice shall have passed away we may meet again. I may then be permitted to return—to mingle with my friends, to take by the hand and "forget my own griefs to be happy with you." If this should be denied me, I humbly trust we may all meet in heaven at last, to part no more.

HENRY WATKINS ALLEN,
Governor of Louisiana.

This little gem, as I stated a few moments ago, was discovered among some of the old papers at the statehouse in Baton Rouge. That speech, I repeat, expresses the sentiment and feeling of those in authority in the South and their willingness to cope with the new order of things.

O Mr. President, how easy it would have been for the conquered South to have been converted into another garden spot after the war! How much better it would have been for the white people of the South to have been permitted to go on with the work which they had undertaken, unmolested by the North! The sending of Negro troops into the South soon after the war, of course, was repugnant to the whites. I fear that legislation of the kind here proposed, which as previously shown will take away from the white people of the South the right to handle their own internal affairs as they have done in the past, will not do the colored race any good.

If this bill should pass—I know it will not, but if by chance it should pass—I sincerely believe that the crime of lynching would be increased perhaps threefold over what it was last year. The facts show that the crime of lynching has decreased from some two-hundred-odd cases in years past to as few as eight cases last year; and I am confident that if let alone we will solve the problem, which has been on the decline from year to year.

Mr. President, I have stated on many occasions how the southern Negroes feel toward the South. The Senator from Alabama [Mr. BANKHEAD] a while ago read a letter illustrating to a certain extent the sentiment of the law-abiding colored people toward the proposed legislation. I intend to read a letter from an old colored slave who is now living in Shreveport, La., and who has published for many years a little newspaper of six sheets done by his own hand. He mailed to me an issue, being volume 56, No. 37, dated July 17, 1937.

I shall read it. I think it is a pathetic example of his loyalty to his white benefactors that has lasted for nearly three-quarters of a century. It is very well worded, and illustrates the nobility of a philosophy that is foreign to the members of his race today. I know I could not stand before the Senate and describe the conditions as delicately as this old colored man has done. The sentiments expressed in this little pamphlet, I am sure, prevail throughout the South. I say without fear of contradiction that I do not believe the southern Negro desires this legislation, for he lives peacefully among his white neighbors and when one of his people perpetrates a crime that results in lynching, he suffers the same shame for his race as does the white law-abiding citizen feel for his who resort to such violence. I am sure they are not acquainted with the provisions of the bill. They have not been impartially educated by northern agitators to the point of knowing the extent to which lynching has declined, but they are aware that the South is making and has been making a noble fight to decrease it and the success of its efforts has been proven by the few cases recorded in the last year or so.

Before I get through, I propose to read to the Senate—it may not be today; it may be some day next week—some of the propaganda that is going on in this country with reference to the pending bill. The Negro and Communist yellow journals have attempted to upbraid me because I dared to speak the truth of the hidden motives behind such legislation. I do not fear such criticism because it originates in the minds of the lowest in the human species.

These agitators are using all kinds of propaganda in order to poison the minds of the people of the country. I refer particularly to the communistic organs which are published throughout the Nation.

As has been shown by the able Senator from Mississippi [Mr. BILBO], many resolutions regarding the Negro have been passed by communistic organizations throughout the country. I was sent one yesterday from a communistic organization in New York City called the Raven. When I received the communication from the Raven, I thought, from the fact that this lodge—or whatever it may be called—was named "The Raven," that it would appropriately be a colored organization. [Laughter.] To my surprise, however, New York's chief of police wired that it was a white organization, composed of dissatisfied Jews, dissatisfied Poles, and others who are preaching communism in this country, and who are trying to win over the so-called downtrodden colored folks from the North to swell their numbers. As I shall show in the course of this debate, they are succeeding pretty well, for their honeyed words of social equality are sweet to the ears of the ambitious Negro who lacks the good judgment to see when he is being used for the benefit of others. Before I conclude, I shall show that many of the followers of Father Divine are very anxious to join hands with the Communists and give to this country a communistic government.

Of course there may not be much power to that, Mr. President; but the forces are at work. Many such organizations are now active, not only in New York and in Illinois, but in practically every State of the Union. They are using the pending bill as a vehicle to obtain Negro support. From the correspondence I have been receiving, it seems to me they are succeeding—if hard work implies anything—in some quarters, particularly in Harlem, where Father Divine is the "all powerful."

It will be remembered, I am sure, that when I read from the bylaws—if we may call them that—of this cult, they showed that Father Divine believes in communism, and that he is willing to join hands with the Communists, because he considers that the philosophy back of communism gives to the Negro a better chance than he otherwise would have. It would be an easy matter, of course, through the use of propaganda of this kind, in the present condition of the country, to get these poor devils under the communistic banner.

I have referred to a letter which I received from an old colored man now living in Shreveport, La. I think it bears out the contention I have made on several occasions as to the attitude of the real southern Negro who lives in the South and who loves the South. I am sure the letter, together with the little pamphlet which the old man publishes, will depict the true condition.

I read from the letter. It is addressed to me:

SHREVEPORT, LA., *January 26, 1938.*

Mr. ALLEN J. ELLENDER,
Washington, D. C.

DEAR SENATOR: Enclosed you will find a copy of the Shreveport Watchman of which I am editor and proprietor. It contains an article entitled "A Deserved Tribute to the White Race," by Uncle Ralph.

It is the sentiments of S. H. Ralph, one of the "old timers," and expresses the sentiments of his class and the best informed of the southern Negroes.

The southern Negroes and the southern whites are solving the Negro problem in the best way. It is diminishing as time rolls on. If let alone by northern Negroes and northern whites, there will soon be no Negro problem in the South. The southern whites are writing an antilynching bill on the tablets of their hearts and the southern Negro is being lifted above the causes which create crime. This is the only slow, sure way to prevent it. Temporary expedients will fan the flame of race antagonism from which a rising race,

amidst its near and indulgent neighbors should at this time be spared.

You may use the whole or any part of this article for what they may be worth to your cause, as it expresses not only my individual experiences for 76 years in the heart of the South but shows and expresses the confidence and esteem that we have for the good people with whom our lot has been cast, especially in Louisiana.

Very respectfully yours,

S. H. RALPH,
Route 1, Box 110, Shreveport, La.

Mr. President, this [exhibiting] is the little pamphlet to which this Negro refers. It is not very long, and I propose to read every word of it before I go into the figures which I am going to present to the Senate and which show the difference, in comparison to population, between crime in the North and in the South among Negroes and among whites, and then compare those figures with similar figures for the South. The figures will paint a picture that cannot be answered when it comes to determining whether or not the South is able to cope with the situation as compared to the North. I now read the pamphlet or paper which is headed:

[Shreveport Watchman. S. H. Ralph, editor and proprietor; $1 per year. Entered at Shreveport, La., as second-class matter. Vol. 56, No. 37, Shreveport, La., July 17, 1937]

(Friendly papers please copy)

A DESERVED TRIBUTE TO THE WHITE RACE

(By Uncle Ralph)

I am one of the old-time Negroes, born a slave, March 10, 1862, on Willow Chute plantation, 14 miles north of Shreveport, La. I am reminded that my life is nearing its close and that I shall soon go to that land where no traveler has ever returned:

"To the land of darkness,
To the shadows of death."

I feel that it is my duty before I go to speak for the old-time darkies and for myself and pay a farewell tribute to the greatness and goodness of the white races of the world, and especially for those I know best—the white race of the South.

Much has been said pro and con about the relations of the white man and the black man. There have always been some honest differences among both races north and south. We set aside the likes and dislikes of the bad in both races and prefer to speak of the good only. Many good colored men have never fully understood the white man and there are some good white men who have never read the heart of a true Negro.

We set aside all the social and political problems of the hour, to be solved in time and eternity; they are already solved in the dust where the patriarch sleeps, as expressed in a few lines written by me entitled:

"THE SLEEP OF THE PATRIARCHS

"They are sleeping. Who are sleeping?
Master sleeping with his slave.
They are sleeping. Who are sleeping?
'Master David.' 'Uncle Dave.'
They are sleeping. Who are sleeping?
Mistress sleeping with her slave.
They are sleeping. Who are sleeping?
Miss Janetta and Aunt Jane.
They are sleeping. Who are sleeping?
Both have quit this world below,
Patriarchs of antebellum,
Wearing garments white as snow.
In the grave their dust are sleeping.
Friendly dust; oh, let it be.
Up in heaven their spirits mingle
Happy all eternity.
Let us copy their example
In this fair and sunny land.
Live divided as the fingers,
But united as the hand."

We prefer to dwell upon the human side of both races, the white and the black. Not so much the whites and blacks of the world, nor the whites and blacks of the North in this country, but the whites and blacks of the South, as I have been made to know and feel for 75 years of my life.

My lips without knowing it may be deceitful, so let my heart tell you; let my inner soul express itself; for they are faithful; they are guileless; they are true; they stand on higher, holier ground where human feeling has never been known to lie.

Born in 1862, I had seen, but I did not know, my master until freedom came. I was told some ugly tales of slavery time by some people, but I observed the kindly feeling between my father and his former owners, Mr. John and James Pickett. I heard my mother and my father tell of their old mistress, Mrs. Paulina. How she read the Bible to them; of Rev. Mr. Windham, a white minister, whom she hired to preach to them. How she cared for and visited the sick and otherwise provided for them.

She honestly thought that her slaves were her sacred property, and her slaves thought so, too, and when the war ended and when freedom came, both cried for sorrow and for joy. The South suffered a great loss but bore it with patience and forbearance.

The Negro, without knowing the responsibilities of freedom, was shocked by a great delusion. I came upon the stage in reconstruction days when the Negro's delusions were being dissolved. I saw the brigades of terror as they rode by night; I heard the clatter of the horses' feet as they passed and repassed our log-cabin home at midnight hours. My little heart shivered. My mother and my father had never been deluded, and they slept safely and soundly, having been assured by the best element of white people that not a single hair of their head nor any of their family would be harmed.

They were two human souls honestly at peace with God and at peace with all the world, and like hundreds of good Negroes in the South, they trusted their good white neighbors and their good neighbors never betrayed that trust. Perhaps the worst thing the white men ever did in this country was to fall out with each other about the Negro and then try to settle their row by cracking the Negro's skull.

We forgive and forget these bad incidents, for as soon as skull-cracking time was over, the enlightenment of skulls began. Both sides have been lifting and helping the Negro ever since.

I lived and labored on the Willow Chute plantation nearly 12 years; was crippled for life in my seventh year. I lay in bed 18 months, on my back in pains, but during that time my good old father taught me how to read and write. Although crippled and not compelled to labor, I was a hard worker on the farm and always did more than the average hand. From my eleventh to my eighteenth year I was at work in the cotton fields after attending from 3 to 4 months' public schools. I taught some of my teachers and some of my teachers taught me. In my eighteenth year, I entered Straights University, New Orleans. It was there that my knowledge was shaped and polished, but the foundation of my humble life and its small accomplishments was laid on the Willow Chute plantation.

I worked for Hon. H. W. Ogden, the Picketts, Mr. Calhouns, Messrs. Cal and John Vance; I knew and was known by Mr. Abram, the Butters, the Stinsons, the Arnolds, Messrs. Jim and Claiborne Foster. I taught schools on Mr. B. W. Marston's place, also Mr. T. M. Gatlin's.

My relations as teacher, minister, and publisher of Negro papers brought me in business contact with many good white men. Here are some of them: Mr. J. A. Snider, Mr. Lowery, Dr. Mobley, Mr. Keyer, Mr. B. A. Kelly, Mr. B. F. O'Neal, Mr. Fort, Mr. Edward, Mr. R. E. Wyche, Mr. J. H. Montgomery, Messrs. Vaughn and Creswell, Editors W. H. Scanland, Mr. Grosgeans and son, Mr. Adolph Frantz, and Mr. Cal Hicks, Mr. Querbes, Mr. W. K. Henderson, Mr. Kuhn, and Mr. Horne. A complete list would exhaust this little paper many times.

Mayor R. N. McKellar used to buy and read the Watchman regularly. Saenger & Bros. advertised in the Watchman 25 years, and I will advertise for Kuhn & Horne forever.

There are few better men in the world than Superintendents W. A. Fortson and Mr. J. E. Johnson have been to me. But my relations with all of these have been very pleasant. Hon. H. W. Ogden once saved my life for innocently printing a comical and caustic article. There is not a truer man nor better friend to colored people anywhere than Dr. C. H. Irion, of Benton. Who can be any better to me than has been Brother McMillan and Brother H. L. Bryan, Mr. Homer, and, last, not the least, Mr. Sam Conalty, and his good wife? All of these are true-born southern white men with white hearts you can feel.

I make special mention of Mr. A. J. Murrf and Mr. John L. Slattery, who just a few days before their recent death did me a great favor; also Mr. A. LeRosen.

Unfortunately, I have been a lifetime cripple, living and laboring not for myself alone but for others. I have taught school, pastored churches, hoed, chopped, and picked cotton, owned and ran saw mills, printing presses, and newspapers in the heart of the South and can gladly and truthfully say I have never been opposed, abused, or harmed by a single white man.

It was not always so among the members of my own race. While I have had and still have many sincere friends among the lower classes, I have had to fight a constant battle with the ignorant, selfish, and bigoted leaders, the majority of whom are hypocrites. They oppose themselves, opposing their friends.

Battling against these many odds, I have lost mother, father, sister, brother, wife, and home, wealth and health, but I have gained eternal life and a home in the upper country.

The white race needs no advocates. Their splendid achievements, everywhere universal and lasting, are advocates for them. Everywhere that they have gone, everything that they have done, past and present, speak of their comparative goodness and their unsurpassed greatness.

They have explored, developed, and conquered earth, sea, and sky, and became the overlords of the earth. Even the wind and the waves obey their voice and the subtle forces of nature become their servants. The intuitive mind of the white races have given the world nearly all its great inventions, built its cities, and tied them together with silver threads and golden bands of commercial activities.

Its orators, its philosophers, its painters, its musicians, its religion, its prophets, priests, and kings make manifest their origin as God's chosen people. They are true Israelites without knowing it.

Ten tribes of Israelites, lost to the world and lost to themselves, are made manifest in them, for in them have all the families of the earth been blessed (Genesis, 18).

Whether they see it or not, whether they know it or not, whether they believe it or not, they are the world's best friends, and are not content until they divide with all nations every good thing they have. Let the following true stories show the human side and tell their own true tale:

I was on the T. & P. railway coming home from New Orleans; it was Christmas time many years ago. About one hundred school boys boarded the train going home to spend the holidays. They were a bunch of white boys, of course; young, full of life and fun.

It happened that I was the only colored passenger as they crowded on. By and by they noticed me drawn up in one corner of my coach, and they declared that they had treed a "coon." They pretended to be frightened at me as they barked and growled.

What could one little coon do with so many boys. Boys, boys, boys! Noise, noise, noise! I was not frightened. I knew they meant no harm, but I did not know what pranks they might play. What could the "coon" do but grin like an opossum and whet his wits? They asked me, "Could I talk?" I spoke gently. "Could I sing?" I sang "Rock of ages, cleft for me. let me hide my hide in Thee." Could I write? I scratched my name for a dozen of them. I told them that "coons" could not write, but they could scratch. I outscratched them all writing their own names. They said I outscratched any "coon" in Louisiana.

"Could I speak?" I gave them Longfellow's Psalm of Life. "One more." Burns' A' That. "Another, please." Bryant's Thanatopsis, winding up with one of my own in my own way, Be Manly. The "coon" did not abuse them. I had amused and instructed them; charmed and inspired them. They changed my name from "coon" to "Uncle Ralph," and every one of them left the train that night my adopted nephew, but not until they had bought all the confectionaries on the train and presented them to Uncle Ralph.

That little incident happened in my own lifetime. I have often seen such incidents, when a lot of children would tease some of the old darkies, not maliciously, but in a spirit of play, but they were the best of friends and always parted as such.

Mr. President, I cite this pamphlet merely to show the feeling of love and loyalty that exists among these old Negroes toward the whites, and how they realize that without the good that was done for them by the whites, the chances are that they would be like their ancestors in Africa. I repeat what I have said many times on the floor of the Senate: Although slavery was a curse, there is no doubt in my mind but that it meant enlightenment for the slaves who came from dark Africa, otherwise with their freedom would have come the desire to return to their fatherland. There is no question about that; and I repeat, the South has made a noble fight for its white supremacy. It has helped the Negroes, for it considers that the Negroes cannot prosper without the help of the whites. This is a proven fact. For that reason we ask that we be let alone and permitted to handle the problem in the way we have found best.

I have given the Senate a picture of southern conditions not only in the light of my own experience but from various authors, from historians, and during the course of this discussion 2 weeks ago, depicting the plight of the South following the Civil War and the days of reconstruction. With that in mind, just stop and think, Senators, of how hard a battle the South had to overcome. Here was a horde of darkies who had been slaves, who were under the jurisdiction, as it were, of the white men on the plantations. The white men were the masters of these colored slaves. They worked the slaves in the fields, fed them, and clothed them. All of a sudden, after the war ended, these hordes of colored people who had been slaves were freed. I conceive that it was our duty, since they were our wards, to do for them, to protect them. I am satisfied that we would have made a much better job of it if only we had been let alone, and not interfered with by the Federal Government during reconstruction days; we can continue that good work now if we are permitted to go unmolested.

I am going to give the Senate some facts, which are astounding to me, showing the progress of education, and what the South has done for the colored people. I am going to illustrate what every State of the South has accomplished to date in this respect. I shall prove that there has been a gradual progress for the colored people, not only from an educational standpoint but in aid afforded them in the various eleemosynary institutions throughout the South. I am going to dwell on each State in particular, and show that progress to the best of my ability. Then I am going to particularize with the great State of Louisiana, and show the Senate in detail what the people of Louisiana have done for the colored race since the Civil War.

We have made no distinction in the South between the Negroes and the whites insofar as economic conditions are concerned. We have not been able, of course, to afford for the Negro as fine schools as he might have deserved, but I say that we did the best we could; and I believe the best thing the Senate could do in order to help the situation is to substitute for this bill the Harrison-Fletcher school bill.

There is today on the calendar of the Senate a bill which calls for the spending of a hundred million dollars a year for education. The funds increase each year until a fixed amount is reached. The bill provides for what I call an equalization fund, the fund to be distributed among the States in proportion to need. If the Senate is sincere in its effort to help the Negro people, to stamp out lynching, to stamp out crime, let us have some funds in the South so that we can further educate the colored people of the South.

I shall show the Senate that in the great State of Louisiana in the year 1937 almost as much money was spent for Negro education as for the combined education of Negroes and whites in that State in 1908. I do not know that I could show the same progress in other States, but I do know that I can demonstrate that there has been a continuous progress upward in every Southern State in aiding and helping the Negro people. What we need is a few more million dollars spread in the South so that we can more properly extend education.

Mr. President, before I begin to discuss in detail southern education and what the various Southern States have done for the colored people, I should like to call attention to some figures. I promised the Senate the last time I spoke on this question that I would try to obtain other figures comparing crime in cities other than Washington and New Orleans. I do not believe it unwise to repeat a little, and in order to refresh the memories of Senators I may state that I hold in my hand tables giving facts and figures which, if studied carefully, will demonstrate beyond contradiction that the South has succeeded much better in dealing with the Negro problem than has the North.

I have before me a table which shows the number of crimes for certain years in the Southern States per 10,000 population as compared with the number of crimes per 10,000 population in the Northern States, and I should like to have the attention of Senators who are present.

For the first 6 months of 1933, in county and municipal jails in 13 Southern States, having a total Negro population of 8,805,635, there were 25,496 Negro prisoners. Keep those figures in mind. With 8,805,635 Negroes in 13 Southern States, there were 25,496 Negro prisoners in the jails. In the remaining States, in the 35 northern States, with only 3,085,508 Negroes, there were 29,542 prisoners. Think of that. In the North there is about one-fourth of the Negro population of the United States, and in the South, with three-fourths of the entire Negro population of the country, there were fewer criminals among the Negroes.

Let us see how this compares per 10,000. For every 10,000 Negroes in the South 29 were put in jail. In the North for every 10,000 Negroes 96 went to jail. Think of that for a moment.

Let us see how the whites of the North compare with the whites of the South in this respect. It would seem to me that if there was laxity on the part of the officers in charge of administering the law in the North we should find the same difference in the crime rate among the whites. Let us see what the figures reveal:

For the 13 Southern States, with a white population of 24,146,167, 35,273 white people were jailed. For the remaining States, the 35 Northern States, with a population of 84,718,040 whites, 140,602 whites were in jail.

Reducing the figures to the number per 10,000, in the 13 Southern States 15 white people out of every 10,000 went to jail, as compared to 17 in the North, a difference of only 2. Is not that significant, when we compare it with the figures for the Negroes of the North and the Negroes of the South during the same period in the same States?

Listen again: For the 13 Southern States during the first 6 months of 1933, there were 29 Negroes to every 10,000 who went to jail, and in the North there were 96 to every 10,000. As I stated a while ago, with three-fourths of the Negro population of the country in the South and only one-fourth in the North, there were three times as many criminals among the Negroes in the North as among the Negroes in the South.

The figures I have just quoted were for prisoners received in county and municipal jails in 1933. Let us take the figures covering prisoners received in State and Federal prisons and reformatories for 1934, and see what they show. Unfortunately, I could not obtain statistics for all of the 13 Southern States for 1934 and 1935, because they were not available for 3 States, but the figures I have obtained for 10 Southern States are on the same basis as though the figures for all of the States had been reported; that is, I have taken into consideration only the population of those particular States, and the data pertaining to each, so that the same ratio will apply.

For 1934, in 10 Southern States, with a Negro population of 5,779,953, there were 6,616 Negroes incarcerated in jail. For the 35 remaining States, with a Negro population of 3,085,508—in other words, about half the number in the South—8,237 Negroes were incarcerated in jail.

Let us see how that works out per 10,000 population. In the 10 Southern States, for every 10,000 Negroes, 11 went to jail. In the 35 remaining States, 27 out of every 10,000 went to jail. In other words, while the North has just about half the number of Negroes that we have in the 10 Southern States, yet over two and one-half times as many Negroes per 10,000 went to jail from the North as did from the South.

Let us now see how those figures compare with those showing incarcerations of white people for the same period. Again I ask, If there had been laxity on the part of the administrators of the criminal law with respect to the Negroes, surely it could be argued that the same conditions should apply with respect to the whites? I am taking the same period of time and the same States, and using the same figures with respect to population to make the comparison.

For the 10 Southern States, with a white population of 19,611,562, we had 9,319 white persons in jail. For the 35 remaining States, with a white population of 84,718,040, there were 35,772 white persons in jail. Reduced to a basis of 10,000 persons, the following figures are shown: In the Southern States, for every 10,000 white persons, 5 went to jail. In the North, only 4 white persons out of every 10,000 went to jail.

Stop and think of that, Senators. With the whites, the ratio of those who went to jail was four in the North to five in the South. But with the Negroes, comparing the North with the South, the ratio per 10,000 was 11 for the South and 27 for the North; and yet the 10 Southern States under consideration have almost double the number of colored persons that the 35 other States have.

Let us look at the figures for 1935, which are taken from the same reports as were those for 1934. For the 10 Southern States, with a Negro population of 5,779,958, there were 7,627 Negroes in jail. In the 35 remaining States, with 3,085,508 Negroes, or a little over half the number of Negroes that we have in the 10 Southern States, there were 8,735 Negroes incarcerated. Putting it another way: For every 10,000 Negroes in the South, 13 went to jail, and for every 10,000 Negroes in the North 27 went to jail. Remember, in the 35 Northern States there are just half as many Negroes as we have in the 10 Southern States from which figures were available.

Let us note the comparison with respect to the whites, taking the 10 Southern States and the 35 remaining States. In the 10 Southern States, with a white population of 19,611,562, 9,980 white persons were sent to jail. In the 35 remaining States, with a population of 84,718,040, 38,602 white persons went to jail.

Reducing that to a 10,000-population basis, listen to the result: In the North, for every 10,000 white persons, 5 went to jail. In the South for every 10,000 white persons, 5 went to jail. The rate is identical.

Mr. President, I could remain on my feet for a week and still not be able to describe the picture which those figures paint. It simply shows beyond doubt that the South is able to cope with the Negro problem. Before I conclude my remarks I shall follow a discussion of these figures with a discussion of the mob rule, the use of force which has been the North's method of dealing with the Negro problem. I assert that we are able to take care of our situation if we are let alone.

I have marked the table I am now using "Exhibit A," and when I shall have concluded my remarks for the day I shall ask that it be incorporated at the end of my speech.

Mr. President, I have some very interesting figures, and I hope Senators will listen to me, because they show how we in the South have been dealing with the Negro problem. They should convince Senators that if we permit the Federal Government to take charge of this problem, which the bill before us proposes to do, the result will be the same dismal failure that the Government has met with here in Washington, and I shall again cite to the Senate the comparative figures for 2 years in Washington and in New Orleans and the figures I have obtained with respect to other cities. They are very interesting, and they ought to convince Senators that if they forget politics and think about the welfare of this country of ours they will realize that we down South are able to handle this situation and that we ought to be let alone, not only for our own good but for the good of the Negro himself.

I am not going to go into detail with respect to the figures pertaining to the city of Washington and the city of New Orleans, because I have already mentioned them on two previous occasions.

I shall simply refer to the totals given in the table, so that I may compare them with figures with respect to other northern cities. It will be noted that the populations of Washington, of New Orleans, and of the other cities that I propose to mention are different, so that in order that I could present the picture to the Senate as it actually is, it was necessary to figure the amount of crime on a 10,000-population basis, so that it will reflect in a measure the true picture as to population, which, after all, is what we are interested in.

The other day I gave the figures showing the arrests in 1935 in the city of New Orleans and in the city of Washington for the crimes of murder, manslaughter, rape, aggravated assault, burglary, larceny, and auto theft. The population of Washington in 1930 was 486,669. The census figures for 1930 are the only available figures that are authentic. The Negro population in Washington in 1930 was 132,068. Reduced to percentage figures, it will be seen that 27 percent of the population of Washington is Negroes and 73 percent is whites. Almost the same proportion exists in New Orleans, with the slight exception that in New Orleans the Negro population comprises 28 percent, as against 27 percent in Washington. The Negro population in New Orleans is just about 1 percent more than it is in Washington.

For purposes of illustration, to bring out the comparison I propose to make, I may say that in 1935 there were 792 whites arrested in New Orleans for the crimes I have just mentioned. There were 735 Negroes arrested. Those figures total 1,527.

Let us see what Washington, D. C., has done. During the same year 981 whites were arrested for the same crimes in Washington. There were 2,004 Negroes arrested in Washington, in the shadow of the Capitol, for the same crimes. Those figures represent a ratio of more than 2 to 1. In Washington, with only 27 percent of the population consisting of Negroes, the arrests of Negroes were twice as numerous as those of whites.

Let us see what the figures per 10,000 population show. In New Orleans, the number of arrests of whites per 10,000 was 24. In Washington the number of arrests of whites per 10,000 was 28.

In New Orleans the number of arrests of Negroes was 57 per 10,000. In Washington the number of arrests of Negroes was 152 per 10,000.

Just stop and think of that, Senators. In the face of those facts the Congress is being asked to extend its influence beyond the Capital, and to take charge of lynchings in the South, and to show the Southern States how to stop lynching.

I repeat, Congress is asked to take charge of lynching, notwithstanding the fact that in Washington, in the very shadow of the Federal Capitol, the Federal Government cannot control the crime situation within its own borders!

In the year 1935, based on comparative populations, in New Orleans, for every white man arrested there were two Negroes arrested. In Washington, on the same basis, for every white man arrested, there were six plus Negroes arrested.

Let us see what the figures for 1936 show. Bear in mind the population. In Washington, 27 percent of the population was Negro; in New Orleans, 28 percent. There was very little difference in that respect and very little difference in the total population of both cities.

For the crimes I mentioned a while ago, in New Orleans there were 753 arrests of whites as against 718 arrests of Negroes, or a total of 1,471 whites and blacks.

Let us see what Washington did. In Washington, 777 white people and 2,810 Negroes were arrested for the crimes I have just mentioned. Stop and think of that. Twenty-seven percent of the population of Washington being Negroes, 2,810 of them were arrested for murder, manslaughter, rape, robbery, aggravated assault, burglary, grand larceny, and auto theft, as against 777 whites, the whites representing 72 percent of the population.

Going back to the figures per 10,000, in New Orleans, for every 10,000 white persons, 22 were arrested for the crimes just mentioned, as against 56 Negroes per 10,000. Bear in mind those figures—22 whites and 56 colored per 10,000, 72 percent of the population being white, and 28 percent Negro.

Let us see what Washington did. In Washington, which is under Federal control, and where no action can be taken except under laws passed by the Congress, witness what the situation is:

For every 10,000 white persons in the city of Washington in 1936, 22 were arrested for the crimes I have just mentioned—the same rate as in the city of New Orleans—but let us see how the colored folks fared. For every 10,000 colored persons in the city of Washington in 1936, 213 were arrested for the crimes I have just mentioned. Picture that.

In a city in the South with practically the same population, and with practically the same number of Negroes, 56 Negroes per 10,000 were arrested for these heinous crimes, as against 213 in Washington. That ought to be enough to convince anybody who wants to be convinced that we in the South know how to handle the Negro problem. We feel that we are competent to do so; and God pity the colored people if the long arm of the Federal Government is permitted to reach into the South and to meddle in our ways of managing the problem.

In the city of New Orleans, based on comparative population, for every white man who was arrested for any of the crimes I have mentioned two plus Negroes were arrested for the same offenses.

Let us see what happened in Washington. Do not forget that the white population in Washington is 354,801, compared to 132,068 Negroes. On the same basis, for every white man who was arrested in Washington for murder, manslaughter, rape, robbery, aggravated assault, burglarly, grand larceny, and auto theft 10 Negroes were arrested for the same offenses. It strikes me that Senators ought to take note of these figures and let them sink in.

I have marked the table to which I have been referring "Exhibit B." I propose, when I conclude my remarks for the day, to ask permission to have various tables inserted in the RECORD following my speech.

Let me finish with New Orleans and Washington before I take up other cities. I have presented here data for the years 1935 and 1936. I shall now proceed to give data concerning the same crimes in the same cities for 1937. The 1937 figures were not available when I spoke on this measure 2 weeks ago.

Let us see what happened in 1937. In the city of New Orleans in 1937 there were arrested for the crimes I have just mentioned 663 white people and 741 Negroes, or a total of 1,404. In Washington during the same year, 864 whites were arrested for these offenses and 2,156 Negroes, or a total of 3,020. Think of that, Senators. In New Orleans the total arrests of Negroes and whites was 1,404, while in the city of Washington, with approximately the same population as that of New Orleans, there were 3,020 arrests, of which number 2,156 were Negroes.

Now let me make the comparison on the basis of the number of arrests per 10,000 population and see how it works out. In the city of New Orleans for every 10,000 white people, 20 were arrested for these offenses, and for every 10,000 members of the colored race in that city 57 colored people were arrested. In other words, on a comparative basis, for every white man arrested for these offenses there were approximately three Negroes.

Now, let me give the figures for Washington for 1937. For every 10,000 white people in Washington, 24 were arrested for the crimes mentioned, while among the Negroes, for every 10,000, 163 were arrested. In other words, based on comparative populations, for every white man who was arrested in the city of Washington for murder, manslaughter, rape, robbery, aggravated assault, burglary, grand larceny, and auto theft, six Negroes were arrested for the same offenses, notwithstanding the fact that the Negroes in Washington constitute 27 percent of the total population and the whites 73 percent.

To me, those figures paint a picture that should not be forgotten by any Senator when he comes to cast his vote on a bill which seeks to have the Federal Government go into the South and tell the people of the South how to handle the Negro problem. The white people in the northern cities just do not know how to cope with it.

Mr. President, I am going to mark these two documents "Exhibits C–1 and C–2," and at the appropriate time I am going to ask that they be incorporated in the RECORD at the conclusion of my remarks.

Now, Mr. President, let us consider the figures in the case of some other cities concerning which I promised the Senate I would endeavor to ascertain the facts. I desire to state that I tried to obtain the figures for New York City, Chicago, and other large northern cities, but, for some reason, the police departments did not separate the figures for the whites and those for the colored, and so, of course, the comparison is not available. However, I have searched in the Library of Congress and have telegraphed a number of police departments throughout the country for the figures, and, as I obtain them, I am going to present them to the Senate, for I am certain they will also paint a picture practically identical with the one I have described today with respect to conditions in New Orleans and Washington, and demonstrating conclusively that the South knows its business and knows how to handle the Negroes. We are sympathetic with them, we know them, we feel for them, we like them, we are hospitable to them, and we do not mislead them. They trust us. I am sure they do not get that kind of treatment from their northern benefactors.

Now let me cite the figures affecting the city of Baltimore, and compare them with the figures I have already given. I have here the figures for 1935 and 1936 showing arrests in the city of Baltimore for murder, manslaughter, rape, robbery, aggravated assault, burglary, larceny, and auto theft—the same crimes I have mentioned in the case of Washington and New Orleans. With a white population in Baltimore, according to the latest available census,

of 662,124 whites and 142,106 Negroes, or 82 percent of the entire population white and 18 percent colored, let us see what the figures show as to crime in that great city. Remember, 18 percent of the population of Baltimore is colored and 82 percent white.

For murder, 19 whites were arrested and 34 colored, or a total of 53; for manslaughter, 151 whites and 24 colored, or a total of 175; for rape, 36 whites and 28 Negroes, or a total of 64; for robbery, 154 whites and 216 Negroes, or a total of 370; for aggravated assault, 62 whites and 66 Negroes, or a total of 128; for burglary, 615 whites and 746 Negroes, or a total of 1,361; for larceny, 1,491 whites and 1,575 colored, or a total of 3,065. It should be noted that the arrests for larceny also include those for auto theft. The total number of arrests of white people in the city of Baltimore, with a white population of 82 percent, was 2,527, compared to 2,689 Negroes arrested, the Negro population being only 18 percent.

(At this point a message was received from the House of Representatives announcing that the House had agreed to the conference report on House bill 8505, the agricultural relief bill, and Mr. BARKLEY and Mr. MCNARY spoke in relation thereto.)

Mr. ELLENDER. Mr. President, as I said when I was interrupted, with only 18 percent of the entire population of Baltimore colored, more Negroes were arrested for murder, manslaughter, rape, robbery, aggravated assault, burglary, larceny, and auto theft than were whites, although the white people numbered 82 percent of the entire population of Baltimore.

Let me state the figures on the basis of the number of arrests to each 10,000 population. For every 10,000 white people 38 were arrested for the crimes I have mentioned, while 189 out of very 10,000 Negroes were arested, or, to put it in another way, on a population basis, for every white person arrested for any of the crimes mentioned 5 colored people were arrested, notwithstanding the fact that only 18 percent of the entire population of Baltimore were Negroes and the remainder were whites.

I will now give the figures for 1936 showing the number of arrests for the same crimes in the city of Baltimore, with a population, as I have said, of 82 percent white and 18 percent colored. Listen to this: For murder, 12 whites were arrested and 58 Negroes; for manslaughter, 97 whites and 28 Negroes; for rape, 21 whites and 45 Negroes; for robbery, 152 whites and 256 Negroes; for aggravated assault, 98 whites and 97 Negroes; for burglary, 652 whites and 903 Negroes; for larcency, 1,357 whites and 1,625 Negroes, or a total for the whites of 2,389, and for the Negroes of 3,012.

Keep those figures in mind. With 82 percent of the population white, 2,389 whites were arrested for those crimes. In the case of the Negroes, with only 18 percent of the population Negroes, 3,012 were arrested for those crimes.

Let us see how it works out per 10,000.

In 1935, per 10,000, the number of whites arrested was 38, and in 1936 it was 36—2 less. Let us see how the Negroes fared. In 1935, per 10,000, the number of Negroes arrested was 189, and in 1936 it was 212—a decrease among the whites, and an increase among the Negroes.

To put it another way, based on respective populations, for every white man who was arrested in the city of Baltimore for the crimes I have just mentioned, six Negroes were arrested, notwithstanding the fact that 82 percent of the population were whites and 18 percent were Negroes. That is astounding to me; and yet the North wants to come down South and show us how to handle the Negro problem.

I am going to mark these two tables "Exhibit D–1" and "Exhibit D–2," and at the proper time I shall ask that they be incorporated in the RECORD at the end of my remarks.

Now let us take the city of Cincinnati. I wish I could give the figures in the case of all the cities, because I am sure they would show the same conditions. Let me say to the Senator from Texas [Mr. CONNALLY], as I said awhile ago, that New York does not separate the races in the criminal statistics. It puts them all in the same bag, whites and blacks. No difference is made on the books of Chicago, and the same thing is true of many other cities. They do not seem to separate the arrests between the whites and the Negroes—that is, they do not show them differently on the books—and for that reason we cannot get the comparison; but I am sure the same ratio as between blacks and whites would prevail in those cities as prevails in the cities I have just mentioned.

Cincinnati has a population, according to the latest census, of 403,112 whites and 47,818 colored. In other words, 89 percent of the population are whites and 11 percent are Negroes. Now, let us see how the crimes fared. Keep this in your minds for the purpose of these figures: The entire population of Cincinnati, as I say, is composed of 89 percent whites and only 11 percent Negroes. Now, let us see how the crime in that city compares between the whites and the colored. Listen:

Murder-manslaughter—the figures are combined—whites, 25; Negroes, 48; total, 73.

Rape: Whites, 29; Negroes, 16; total, 45.

Robbery: Whites, 79; Negroes, 156; total, 235.

Aggravated assault: Whites, 71; Negroes, 180; total, 251.

Burglary: Whites, 241; Negroes, 294; total, 535.

Grand larceny: Whites, 384; Negroes, 454; total, 838.

Automobile thefts: Whites, 92; Negroes, 83; total, 175.

Grand totals: With 89 percent of the population white, 921 white persons were arrested for the crimes I have just indicated; and, with only 11 percent of the population colored, 1,231 colored persons were arrested.

Now, take the rate of crime per 10,000: For every 10,000 whites in Cincinnati, 23 of them were arrested for the crimes I have just mentioned. For every 10,000 Negroes, 258 were arrested.

Stop and think of that. With the population of Cincinnati only 11 percent Negro, as against 89 percent white, 23 whites to every 10,000 were arrested, as against 258 Negroes to every 10,000. In other words, on a comparative basis, for every white man who was arrested in the city of Cincinnati, 11 plus Negroes were arrested for the same classes of crime.

Senators, that again paints a picture which ought to remain indelibly imprinted in the minds of those in the Senate who propose to permit the Federal Government to come down South and show us how to handle the Negro problem, when the North itself is making, and has made, a dismal failure in that task, and as also has the Federal Government, right here in Washington, failed to solve the Negro problem.

I am going to mark this document "Exhibit E," and at the proper time I shall ask that it be incorporated in the RECORD at the end of my remarks.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Louisiana yield to the Senator from Texas?

Mr. ELLENDER. I yield for a question; yes, sir.

Mr. CONNALLY. Has the Senator submitted any figures, or has he figures available, with respect to Pittsburgh in the particulars about which he is now talking?

Mr. ELLENDER. No, Mr. President; but I have tried to secure them, and I think, within the next few days, I shall be able to get figures from Pittsburgh. As I stated awhile ago, I have contacted the police departments of many cities throughout the country, and some of them are working up the figures for me. It seems to be a big job; but I have obtained quite a number of the figures from the Library of Congress and from various police departments throughout the country.

Now let us see as to the city of St. Louis, Mo. Let us see what happened there with regard to the same crimes.

The population of St. Louis—listen to this—is 726,879 whites and 93,580 colored; or 89 percent of the entire population in St. Louis are whites, as against 11 percent colored.

Now let us see what happened so far as crime is concerned. These figures are for the period April 1, 1935, to March 31, 1936:

Murder: 21 whites, 57 Negroes; total, 78.
Manslaughter: 124 whites, 16 Negroes; total, 140.
Rape: 52 whites, 97 Negroes; total, 149.
Robbery: 227 whites, 163 Negroes; total, 390.
Burglary: 385 whites, 496 Negroes; total, 881.
Aggravated assault: 182 whites, 225 Negroes; total, 407.
Larceny—theft: 1,315 whites, 1,466 Negroes; total, 2,781.
Automobile thefts: 173 whites, 89 Negroes; or a total of 262.

Grand total: I will ask the Senator from Texas [Mr. CONNALLY] to listen to this. With a population in St. Louis 89 percent white and 11 percent Negroes, the heinous crimes I have just mentioned totaled 2,479 for the whites, as against 2,609 in the case of the Negroes.

Now let us see how that fares on a 10,000 basis.

For every 10,000 white persons in the city of St. Louis, 34 of them were arrested for these crimes, and among the Negroes 267 were arrested. Think of that! With only 11 percent of the entire population of St. Louis colored, for every 10,000 colored persons, 267 were charged with these offenses, as against 34 whites.

On a comparative population basis, for every white man who was arrested for these crimes there were arrested seven and a fraction Negroes for the same offenses.

I have read the figures for the period from April 1, 1935, to March 31, 1936. They do not seem to be stated for the calendar years. The figures I shall now read for the city of St. Louis are from April 1, 1936, to March 31, 1937. Let us see what the picture was:

Crime	Whites	Negroes	Total
Murder	28	40	68
Manslaughter	121	24	145
Rape	74	97	171
Robbery	163	156	319
Aggravated assault	178	276	454
Burglary	380	548	928
Larceny	1,330	1,432	2,762
Auto theft	139	65	204

With the whites constituting 89 percent of the total population and the Negroes 11 percent, 2,413 whites were arrested for the crimes I have mentioned as against 2,638 colored people. Figured on a 10,000-population basis, the rate for the whites was 33, and for the Negroes 282. To put it in another way, based on comparative population, every time one white man was arrested in St. Louis for the crimes I have just mentioned a little over eight Negroes were arrested for the same crime. That paints a picture we should not overlook.

Taking the first table I read, the rate per 10,000 for whites was 34, and in the second table, giving the figures from April 1, 1936, to March 31, 1937, there were 33 whites per 10,000, showing a decrease, whereas the crimes among the colored increased from 267 per 10,000 to 282 per 10,000.

I have marked these two tables exhibits F–1 and F–2, and at the proper time I shall ask that they be incorporated at the end of my remarks.

Let us now take the figures for the city of Rochester, N. Y., a city with a very small colored population, and it would seem that the crime ratio of Negroes to whites would be small because of the small number of Negroes in that city. But listen to these figures. The white population in Rochester in 1930 numbered 325,294, or 99 percent plus of the entire population. The colored people amounted to less than 1 percent, or 2,679.

The following are the figures for the various crimes:

Crime	Whites	Negroes	Total
Murder	2	0	2
Manslaughter	4	0	4
Rape	13	1	14
Robbery	13	5	18
Assault, first, second, and third degree	286	27	313
Burglary	82	3	85
Grand larceny	20	4	24
Auto theft	46	1	47

The total number of whites arrested was 466, and the total number of Negroes 41.

Let us see what the rates would be on a 10,000-population basis. For every 10,000 white persons in the city of Rochester, where the population is 99 percent white and less than 1 percent Negro, 14 whites were arrested for the crimes I have just mentioned. As for the Negroes, the rate per 10,000 of population is 153. In other words, on a basis of comparative population for every white man who was arrested in the city of Rochester for the crimes I have just mentioned a little less than 11 Negroes were arrested for the same crimes.

Here is a comparison similar to those which I have made between the various cities of the country—New Orleans Washington, Cincinnati, St. Louis, and other cities—and the figures for every one of those cities show a much greater percentage of crime among the Negroes than among the whites.

I have marked this table "Exhibit G," and at the proper time I shall ask that it be incorporated in the RECORD in connection with my remarks.

All of the figures I have just given pertain to arrests made on these various charges. I shall now give the figures for the city of Detroit, as to persons charged with these various offenses resulting in prosecution, for the years 1935 and 1936.

The city of Detroit has a white population of 1,440,141. The colored people number 120,066. Of the entire population 91 percent are white, 8 percent are colored, and less than 1 percent are of other races—I presume of the yellow race, Mongolian. The following figures give the number of persons charged with crimes resulting in prosecutions for the year 1935:

Crime	Whites	Negroes	Total
Murder and manslaughter	103	39	142
Rape	49	28	77
Robbery	150	70	220
Aggravated assault	53	87	140
Burglary	238	163	401
Larceny	1,079	674	1,753
Auto theft	98	23	121

With 91 percent of the entire population of Detroit white, there were 1,770 whites prosecuted for the crimes I have just mentioned as against 1,084 Negroes, with the Negroes representing only 8 percent of the population of Detroit.

Stated in another way, for every 10,000 white persons in the city of Detroit 12 were charged with and prosecuted for committing these various crimes. Among the Negroes the rate was 90. Figured on a basis of comparative population for every white man who was charged with and prosecuted for the crimes I have just mentioned there were a little over seven and one-half colored people charged with and prosecuted for the same offenses, notwithstanding the fact that the colored people comprise only 8 percent of the population of Detroit, in comparison with the 91 percent white.

Now let us see what the figures for the year 1936 show as to conditions in the same city, as to persons charged with and prosecuted for these crimes:

Crime	Whites	Negroes	Total
Murder and manslaughter	84	31	115
Rape	33	42	75
Robbery	184	54	238
Aggravated assault	68	111	179
Burglary	163	121	284
Larceny	839	522	1,361
Auto thefts	84	21	105

The total number of whites was 1,455, as compared to 899 Negroes.

On a 10,000 population basis, of every 10,000 white persons in Detroit 10 were charged with and prosecuted for the crimes I have just mentioned as against 75 colored persons.

Stop and think of that, Senators. On a comparative basis, for every white person who was charged with and prosecuted in the city of Detroit for the crimes I have mentioned, a little over seven and one-half colored persons were charged

with and tried for the same offenses, notwithstanding the fact that only 8 percent of the entire population is Negro, compared with 91 percent white. That situation again ought to paint a vivid picture which should not be forgotten by Senators when they vote on this bill.

I have marked the documents to which I have referred exhibits H–1 and H–2, and at the proper time I shall ask that they be printed in the RECORD in connection with my remarks.

Mr. President, I have before me a résumé which I propose to read, in order to connect all of these data I have just been presenting, so that at one glance Senators can have the picture before them. If Senators do not care to delve into all of the statistics or figure out the percentages, they can have the picture, so that, without having to refer to all these various tables which I shall place in the RECORD, they can have before them a recapitulation of the statistics I have just cited, comparing the number of Negroes with the number of whites, figured on the basis of a population of 10,000.

First, I am going to read the available figures for the various cities I have mentioned in the course of my remarks, for the year 1935.

In the city of New Orleans, for every 10,000 of the population of the same color 24 whites were arrested for the crimes I have mentioned, compared with 57 Negroes, or less than 1 to 2½.

In Washington, 28 whites were arrested and 152 Negroes were arrested, or nearly 1 to 6.

In Baltimore, 38 whites were arrested, compared with 189 Negroes, or nearly 1 to 5.

In St. Louis, 34 whites were arrested, and 267 Negroes, or almost 1 to 8.

In Detroit, 12 whites were arrested and prosecuted, compared to 90 Negroes, or 1 to 7½.

There is also indicated under each city in the table, which I shall later have placed in the RECORD, the Negro population in comparison to the white population, so that Senators will have the complete picture before them and see it at a glance.

In 1936, for every 10,000 persons in New Orleans of a like color, 22 whites were arrested for the crimes I have mentioned as against 56 Negroes, or approximately 1 to 2½.

In Washington, 22 whites were arrested compared to 213 Negroes, or practically 1 to 10.

In Baltimore, 36 whites were arrested, compared to 212 Negroes, or almost 1 to 6.

In Cincinnati, 23 whites were arrested, compared to 258 Negroes, or over 1 to 11.

In St. Louis, 33 whites were arrested, compared to 282 Negroes, or over 1 to 8.

In Rochester, the rate per 10,000 was 14 for the whites, compared to 153 for the Negroes, or a little less than 1 to 11.

In Detroit, 10 whites out of every 10,000 were arrested and prosecuted, compared to over 75 Negroes, or 1 to 7½.

For 1937, the only available figures which I was able to obtain were for New Orleans and Washington.

In New Orleans during 1937, for the crimes I have just mentioned, 20 whites were arrested per 10,000 as against 57 Negroes, or less than 1 to 3.

In Washington, 24 whites were arrested, compared to 163 Negroes, or practically 1 to 6. Bear in mind that the populations of the two cities of Washington and New Orleans are almost the same, for both Negroes and whites. I compiled this little table so that Senators can see these figures at a glance.

I have marked that table "Exhibit I," and at the proper time I shall ask that it be incorporated in my remarks.

Mr. President, I believe that I have shown by the figures quoted for the various cities that the crime problem among the Negroes of the South is being well handled by the South. We feel that the South is well able to cope with this situation. The efforts of the South have been successful, but the efforts of the North have, to say the least, ended in dismal failure.

I now propose to read to the Senate extracts from various newspapers and periodicals published in this country in an effort to show how the North has dealt with the Negro problem. In many cases the North did not try to do what the South did. The North did not have as much patience, and does not have enough patience now, toward the Negro to be able adequately to take care of him when he is in need. The crime records I have shown prove conclusively to my mind that the Negro receives much better treatment in the South than he does in the North, and is better behaved and a better citizen.

As I have stated, the North attempts to be hypocritical about it. Northern people say to the Negro, "Sure, we are going to pass a law for you permitting you to come into our hotels and rub elbows with us, to come into our restaurants and eat with us, and ride with us on our street cars, and in our automobiles, and this and that."

But most of such laws are not enforced. They are simply handed to the Negroes as "hush-me-dears," with the hope that they will not try to take advantage of them. I contend that whenever the poor colored devils try to exercise the rights granted to them under such laws, they get into trouble. That is why a greater number of Negroes is convicted in the North than in the South. The Negroes in the North are more impudent. In the South the average Negro, as I have said, is polite by instinct. He minds his own business, and he feels that the white folks are his superiors, and he has faith in their judgment and friendship. There is no question about that. We sympathize with him. We try to help him. I do not believe the good people of the North should cast stones at us because, forsooth, a few no-account whites—and such whites are found in the North as well as in the South—lynch a poor colored devil now and then. They lynch whites, too.

I am not trying to argue that lynching is a proper thing. Far be it from me to condone the crime of lynching! As I have said on many occasions, if I felt that the enactment of this bill would prevent lynching, I should be the last man on earth to raise my voice against it, because I abhor lynching as much as it is abhorred by anyone within the sound of my voice.

Let us see what happened in connection with various race riots which have occurred. I am going to be perfectly fair about this matter. I am not going to pick out riots that took place in the North. I have asked for a description of riots, no matter where they occurred, in order to bring the issue home and to show what gave rise to the disorder.

In most cases where riots have occurred, whether they occurred in the North or in the South, it will be found that they usually took place where Negroes were living in large numbers and where they were permitted to drift along without much interference or supervision by the police. I believe the data which I am about to present brings out that feature, and emphasizes some of the pertinent facts I have been advancing to the Senate.

I shall read from certain periodicals the writings of persons who were familiar with the conditions at the time the riots occurred.

First, I shall read from Harper's Weekly of October 13, 1906. The title of the article is "The Anti-Negro Riots in Atlanta." The article is by Thomas Gibson. There is a note from Mr. Gibson, reading as follows:

> The matter I send is accurate, and without color or prejudice. I have told the worst, but no more. Southern readers will greatly appreciate one story which is fair. Some of the matter from here has been very much overdrawn.

This is the note of the writer of this article:

> The principal business street of Atlanta bears two names—the south end, Whitehall, and the north end, with which we have to deal, being Peachtree. The principal intersecting street also has two names, that part of the street running west of Peachtree being Marietta Street, and the eastern end of the same street being called Decatur. Peachtree being the dividing line. The junction of Peachtree, Marietta, and Decatur Streets may be called the business center of the city. Walking west, north, or south of this focusing point, one sees the ordinary sights of a thriving southern city; but only two blocks to the east, on Decatur Street, cheap frame buildings begin to appear; pawnbrokers' shops, cheap saloons, basement dives, and worse. The population in this quarter consists almost entirely of Negroes.

The spot in Atlanta which is described was inhabited principally by Negroes. They congregated there. I say that such congregation of Negroes in many instances has given rise to riots in the South as well as in the North. I predict that if the Northern States continue giving to the colored people so-called social rights, but which the whites hope the Negroes never will exercise, the moment the Negroes feel strong enough to exercise those rights they are going to resort to mob rule for their enforcement. Such instances of mob rule have occurred in other sections of the country, principally in the North. Whenever any State legislature puts on the statute books so-called social equality laws granting rights which the whites mean the Negroes will never exercise, such laws constitute an invitation to riots. Such laws are enacted, I contend, at the behest and the request of little Negro groups that feel politically strong enough to offer votes in exchange. I know that such laws are enacted without the consent and approbation of the thinking white people of the Commonwealth affected.

White men—mostly foreigners, Russian Jews, and Greeks—run many of the saloons, pawn shops, and restaurants which cater to a Negro trade. On Saturday nights this locality is crowded with Negroes. Four blocks from Peachtree, on Decatur Street, one may see literally thousands of half-drunken Negro men and women. The man who has the temerity to venture there is in the very worst part of Atlanta, and in the hatching place of Negro criminals.

At 6 o'clock on Saturday evening, September 22, the localities described presented no unusual appearance. There was, however, a general topic of discussion. Almost daily for a week, the newspapers had published accounts of assaults on white women, and on this particular day there had been reported four separate attempted assaults of this character, in Atlanta. Men gathered in little groups and discussed the situation. On every side one heard the same words, "What are we going to do about it?" and the emphatic statement, "Something must be done." There were no signs of disorder, but the crowd continued to grow larger, and the discussions more animated. A great many rough, half-drunken men and boys from 16 to 21 years of age swelled the crowd.

At 8:30 a man mounted a dry-goods box in front of the Kimball House, which stands on the corner of Decatur and Pryor Streets, one block east of Peachtree Street. This man harangued the crowd about him and incited them to riot. Then a Negro messenger came by on a bicycle, and was knocked off the wheel. He arose and was knocked down again. Then an unknown Negro on the edge of the crowd stabbed a white boy in the thigh. By this time thousands of people had gathered in the vicinity, and the race riot had begun.

At 9 o'clock Mayor Woodward made his way through the crowd, and mounted the same dry-goods box from which the incendiary speech had been made, and begged the crowd to disperse and go home. He was listened to in absolute silence, and at the conclusion of his speech the chasing of passing Negroes went on as before; citizens on the outskirts of the crowd warned Negroes to turn back, and in most cases they did. Then a body of over a thousand men and boys moved east on Decatur Street to Central Avenue and attacked a Negro skating rink, but were turned back by the police. Again the mayor appealed to the crowd, again it listened respectfully, cheered him heartily, and resumed the chasing and pelting of Negroes.

Mayor Woodward stepped to a fire-alarm box and sent in a general alarm. Every engine in the city responded. The mayor called the chief to him and pointed to the mob: "Drown them out," he said, tersely.

The firemen promptly turned the hose on the crowd, which cheered lustily, and shifted its base out of range of the water. The Negroes had all disappeared by this time, but a trolley car with Negro passengers came by; there were white women on the same car, and this seemed to infuriate the mob. Cries of "kill them," "lynch them," came from all sides. The car was stopped, and a crowd of half-mad men boarded it and beat the Negro occupants to the floor. On this car, it is claimed, three Negroes were left dead under the seats.

Remember, I am reading from Harper's Weekly of date October 13, 1906, describing a race riot. Later on I shall read from other periodicals showing that the same conditions prevail in the North; and, judging from the amount of material I have on my desk, for every riot in the South there have been about 10 or 12 in the North. I do not have to describe how people simply lose their senses when they become engaged in mob violence of this kind. I do not want such a condition to be aggravated by pretending to give to the Negro social status that does not mean anything after all, but which he is going to take seriously and which will cause more trouble than anything I know of. Such measures as the one now pending make him think he has something, when, as a matter of fact, he has nothing. I say that whenever the Negroes attempt to exercise so-called legal rights that are given to them in the hope that they will not exercise them, then much dissension begins. These articles state that even in the beautiful city of Washington there was a race riot that lasted 4 days and in which quite a number were killed. The white people lost their senses merely because some of the Negroes attempted to exercise rights which they thought they had, and which they did have, but which they could not exercise because the white people would not permit them to do so. I repeat, that giving to the Negroes in the various Northern States social equality, without the hope of their being able to use it, causes them to become more impudent and leads them to jail.

Then the mob separated into several divisions; one division moved west on Marietta Street to where the post office stands. Across the street from the Government building was a Negro barber shop; this the mob entered and destroyed, killed the two Negro barbers, dragged their bodies out into the street, and flung them into an alley.

Imagine that—two innocent Negro barbers put to death by people who had lost their senses under mob rule! I do not want such a thing to happen again, and I do not want to be one to contribute to such a condition by permitting the passage of such explosive legislation.

Across the street from the barber shop was a Greek fruit store. Someone cried that a Negro had taken refuge there, and the crowd at once proceeded to demolish the stand.

The mob, like all mobs, grew fiercer and more bloodthirsty as the night wore on. Such scenes as those described above were enacted over and over again wherever a Negro was found. How many were killed will probably never be known. Statements run from 6 to 16 as to the victims of Saturday night. Probably the lower number is nearest the truth. About 20 injured Negroes were taken to the hospital.

The mob was now beyond all hope of control. All the saloons had been closed, and one was promptly smashed to supply the crowd with liquor. Every firearm in the Decatur Street pawnshops had been sold at high prices, and a hardware store was broken open to secure fresh arms and ammunition.

At 12:20 o'clock on Sunday morning, 15 slow strokes sounded on the big fire bell—a general riot call and the signal for the State militia. The troops responded promptly, and in an hour the mob melted away.

On Sunday the militia lined the main thoroughfares. Sheriff Nelms, with three deputies, patrolled the troublesome districts. There was no trouble to speak of on Sunday, and but little on Monday during the day. But on Monday night the trouble was renewed in the suburbs of the city. At Brownville, a Negro settlement, 2 miles south of Atlanta, on Monday night, Officer James Heard was shot and killed from ambush. In the battle that followed two Negroes were shot dead and three white officers were wounded. Two Negroes suspected of complicity in the affair were arrested and brought to Atlanta. They were taken from a trolley-car 1 mile from the center of the city by angry men and shot to death. A white woman who witnessed this, almost at her door, fell dead from fright and excitement.

At break of dawn Tuesday, September 25, a troop of cavalry and one company of infantry surrounded Brownville and captured 257 Negroes, all of whom were armed. Two were killed trying to escape.

This is a brief and accurate account of the riots in Atlanta. No doubt the stories telegraphed to newspaper by excitable or sensational correspondents have grossly exaggerated the affair.

As to the attitude of the authorities and the best citizens of Atlanta, it may be said that the mob was composed principally of the very worst classes, with a large percentage of irresponsible boys. On Sunday morning hundreds of men were standing about the streets, and, as one man, they were deploring and denouncing the riot. The rioters were nowhere in evidence. Forty of the ringleaders were sentenced Monday to long terms on the chain gang, without the privilege of a fine, and, in addition, were held to the criminal courts. Every effort has been made by officials to prevent further outbreaks. Every saloon in the city has been closed indefinitely, and there are no side entrances. At this writing, September 25, 1 regiment of infantry, 1 battery of light artillery, 1 troop of cavalry, 200 policemen, and 500 deputy sheriffs are patrolling and guarding the city. No one is allowed to loiter on the streets, and every man who cannot explain his business is locked up promptly, be he white or black. When the sheriff began swearing in deputies to support the law and order, fully a thousand citizens were turned away from the courthouse steps after the requisite number had been secured.

That illustrates the point that the good people of the South, the law-abiding people of Atlanta, in this case, tried to do all they could to stop the mob, and to prevent its activities. The instigators of it were, as this article states,

young boys and irresponsible men. They were the ones at the head of the mob, and usually it is that kind who cause, perhaps, most of the lynchings in the South and elsewhere. As will be noted from this article, the State authorities and the good people of Atlanta tried to do all they could to prevent the riot. Of course, it was sad that a number of people were killed, but the authorities took the situation in hand and did the best they could under the circumstances. To my mind, this article reflects what the representative citizens of the South have tried to do whenever the occasion presented itself in order to prevent illegal executions for the heinous crime which we are trying to wipe out in the South.

I continue reading from the article:

At the request of many of the leaders of the colored race, every Negro barber shop and restaurant in the city was closed.

The crime against womanhood, which was the germ of this uprising, has, of course, gone far to arouse a race hatred. The crime has been growing steadily, and critics must pause to consider that the effects of these assaults do not stop with their victims. The result is far-reaching terror. Every woman who is left unprotected for an hour is terror-stricken. The effect of the crime comes home in a measure to every family, whether they have been really endangered or not. The same blind cry goes up on all sides, "What are we going to do about it?" and no remedy is suggested.

Thoughtful people say there is one thing to be done about it, and it is being done. The district in Atlanta, previously mentioned as the gathering and hatching place of criminal Negroes, must be cleaned out. This work had been started several days before the riots began. Twenty-two licenses for Negro restaurants and dives were revoked at the last meeting of the city council, and 39 were laid aside for investigation. The conditions on Decatur Street are bad, but they are no worse than in other southern cities and such localities find a counterpart in the criminal districts of most cities, whether the criminals be white or black. Most of the dives are underground. Whisky is sold at 5 cents a drink, or 50 cents a quart, and cocaine is easily procured. The walls of some of these dives are covered with pictures which do not admit of even a suggestion of a description. In one lodging house visited by the writer nine beds were found in one room, and there were beds in the kitchen where the morning meal was preparing. Cheap beer was sold in this place if ordered with meals. The price of a lodging was 10 cents. All along this street are open-air fish stalls—mullet stands—where mullets are sold at a price determined by the age of the fish. I do not venture too far in my description of this district; it does not make nice reading. As to white foreigners who cater to Negro trade and Negro vice in this locality, it is left to the judgment of the reader which is of the higher grade in the social scale, the proprietors or their customers. That this plague spot is responsible for much crime is unquestionably the case. The very lowest class of blacks gather there, and their minds are inflamed by cocaine, the miserable stuff called whisky, bad pictures, and gross talk.

The district has had a subtle growth, and has been allowed to flourish without attracting much attention, until the growth of crime and the outbreak of September 22 aroused the people to its nature and influence.

The district had a subtle growth and has been allowed to flourish without attracting much attention.

In other words, the colored people were permitted to congregate and segregate in a small area without much interference from the outside until they became drunk with power; they tried to exercise it, and got into trouble. Such conditions should not be permitted to exist nor do I want them aggravated by the passage of such a bill as the one now proposed and pending before the Senate. Many persons may say this is foreign to the issue, but I contend that, to my way of thinking, the pending bill presents a social problem that is just a little nearer to the promised land of social equality for the Negro. "Give us this, and the next time we are coming for more, for more, and more"; and if this bill passes, after a while we in Congress shall be giving to the Negroes what many State legislatures have given them—laws minus the hope of permitting the poor devils to exercise the rights given under those acts.

I continue to read from the article:

In justice to the South it must be pointed out that such districts, in whatever city they have existed, have seldom been broken up until their presence has been made apparent by atrocities or crimes. The normal attitude of the southern man to the Negro is very widely misunderstood. The opinion that Negroes are browbeaten or maltreated here in wholly fallacious. As a matter of fact, the southerner knows the Negro's incompetency and shortcomings, and puts up with them far more patiently than would a northern employer of labor. It is only when the Negro becomes insolent or criminal that anger is aroused. The southerner looks upon the Negro as belonging to a lower social and intellectual order, and treats him accordingly. He does not hate him, he simply looks down upon him, much as the residents of a northern city look upon the lowest white element.

There is no attempt at argument of the merits of the race question in the above. The writer is a northern man, for 2 years a resident of the South, and conditions are presented as found.

Whether the cleansing of the city will decrease crime and prevent future outbreaks and future outrages remains to be seen. Most of the theories for the improvement of the Negro are chimerical—the dreams of people who write or speak without a knowledge of actual conditions.

In this section mob violence and lynchings find no justification on the ground of laxity of laws. The Negro criminal is dealt with severely and swiftly; in fact, he has, if anything, the worst of it before a jury.

If a student of the race question will come to the South and bring his theories with him, it is probable that before he has been here a year he will find that he cannot make comparisons between the Negroes of the North and the South. They are very widely different. It is certain that unless his theory is entirely new and immensely forcible and practical, he will be sadly perplexed, and, perhaps, will soon be joining in that universal, unanswered cry which is heard on every side: "Something must be done. What are we going to do about it?"

Mr. President, that article gives a very vivid picture of mob violence, its effect, its cause in this particular case, and how it was handled. It shows that the good people of the South, as in this case of Atlanta, certainly were not favorable to mob violence. The disturbance was started by a number of irresponsible boys, by the lower-class whites who were found among the colored people in this particular vicinity. It is such a class in the South as well as in the North that are responsible for most of the mob rule that prevails in this city and in Chicago and in New York and in other sections of the country of which I am going to read articles in a few minutes. I say further that it is the same class of persons who are responsible for 99 percent of the lynchings which have occurred, not only in the South but throughout the country. People of the South do not condone lynching; and it strikes me that the writer of this article—a northerner who spent 2 years down South—knows what he is writing about.

I have here many articles and excerpts from which I might read. Here is another one from the Independent of August 20, 1908—2 years later:

ATLANTA OUTDONE

Worse, if possible, than the horrible Atlanta riot is that which has forever disgraced Springfield, Ill. In the capital of the State, under the very eyes of the Governor, a mob of passionate, drunken, crazed white men made war on black men. It was a race riot. Cheated of their desire first to lynch a brutal black criminal, they turned their rage on the whole race, burning, killing where they could.

Remember, this was at Springfield, Ill.

Unable to kill the guilty, they tried to kill the innocent, to kill those who detested the crime quite as much as did they—but they were black. Because they were black they were hated; those they could catch they strung up and hanged; the property of those they could not catch they wrecked and burned.

I will say to the Senator from North Carolina [Mr. REYNOLDS] that here is a description of mob violence in the city of Springfield, Ill., which I read by way of comparison with the one that happened in Atlanta, about which I quoted in the Outlook. In this instance Negroes were hanged and shot by a band of crazed persons, the same caliber of persons that provoked the riot in Atlanta.

To be sure, there was a fearful crime made the excuse for this outbreak. But it was the excuse, not the reason. The reason lay in the mean racial malice of those who took part in it. They were ruffians. They were as low and contemptible as the lowest in the quarter which they sacked. They knew the criminal guilty of the assault on a woman had been caught and would get swift justice; but that was not enough. They wanted the chance to vent their hatred on other people who were not criminals but who were black. It was not crime they hated, for they were criminals themselves. They were that lower and lowest level of a city's population that have no respect for law, who are kept down by force from open crime, but who sometimes break out and over all restraint of law and show their temporary power. There were just such people in the black quarter of the city; but black men are not all criminals any more than all white men are criminals.

It is a fearful thing to think of, that such a stratum of society can exist in a city, thousands who can thus create a mob to overturn law. It shows how much yet remains to be done to civilize our people. Laws and courts have not yet done it; schools and churches have not done it. After the Atlanta riot those who

excused it said that were there similar provocation there would be just such riots in the cities of the North. It has now been proved true of one city in Illinois; and Springfield will have to carry a heavier burden of shame than does Atlanta, for Illinois was never a slave State. The citizens of Springfield will date events as occurring so many years before or after the riot. We do not forget the draft riot in this city during the Civil War, when maddened mobs pursued black men through the streets. The possibility that such a riot may occur in other cities oppresses us with fear and horror.

It is some satisfaction that the Governor of Illinois tried to do something to quell the mob. It is a further satisfaction that, if men must be killed, those killed were not all black. There was a Gatling gun called out, but we do not learn that it was used. The way to end mobs is to disperse them relentlessly. If warnings are not heeded, if firing once over their heads does no good, then fire low; those will run then that do not fall. A man who joins a mob invites death. When a mob resists the officers of law, then is the time to shoot. When a mob tried to stop the Massachusetts Sixth Regiment as it was passing through Baltimore, the officer in charge bade the soldiers not to fire so long as no one of them was hurt by the shots that were fired from the crowd at the cars in which they were being drawn through the city. At last one soldier held up his hand and showed that a bullet had struck his thumb, and the officer bade them shoot—and the regiment passed through safely. It would seem that the military at Springfield were afraid to awe the mob lest they might hurt somebody—but that is what the military are for.

The Negroes have been fleeing from Springfield—what else was to be expected? The women and children ought to flee in such a case—perhaps the men. But when violent men, white or black, lawlessly attack other men, black or white, attempting to kill them or destroy their property, what should the attacked party do? Get protection from the police and the laws if possible; if that is not possible, defend, resist to the utmost of human power. That is good law and good morals. When a mob attacks a house or a quarter, those who are in it should make the invaders sorry they came; make them slow to come again. We are not followers of Tolstoy. We accept the direction, in case of danger, "He that hath no sword, let him sell his cloak and buy one."

Yet, after all, the chief solemn lesson from such a fearful tragedy is that of the obligation which rests on the better, the law-abiding, the decent elements of society somehow to reform, to civilize, and Christianize the pagans in their own midst. It is not enough for the Negroes to rail at the failure of law to protect them, nor for white men to rail at the crimes which provoke reprisal or at the inefficiency of police and military. What is needed is that the well-behaved black men and white men should each invade their own slums with all the possible appliances of persuasion and enforcement to make them decent. After all, as Judge Lindsey says in this week's issue of the Independent, it is society, it is we of the people, who are to blame for the evil conditions which we do not correct.

Mr. President, there is another exhibition of mob violence which originated from almost the same cause that led to the one in Atlanta. It shows what people who lose their senses will do. This is the consequence of white men making believe that they are giving certain rights to the colored people. It is just a repetition of what has been done in other cities and in other States, it is a handout to the Negro with a string attached, that the rights will not be taken or exercised. This must not happen through the enactment of the pending bill. I know that just as surely as I am speaking, if this bill should be enacted, the colored people in the South will say to themselves, "Of course, lynching is over. The Federal Government is going to protect us. It is going to send soldiers to help us." By the time the soldiers would get to the scene, the chances are there would be quite a few additional lynchings. We can handle the problem in the South; we are able to do it. We have done it in the past, and the records show the improvement.

Right here, in the city of Washington, a race riot started on July 20, 1919, and lasted for 4 days. I know that many Senators remember it. It started in just the same way that the mob started in Atlanta and in the same way that the mob started in Springfield, with attacks on white women by Negroes.

People lost their senses and killed each other. It is my recollection that in the riot here several people were killed on both sides, and quite a number wounded. This was an exhibition of the way the North handles the Negro problem.

I read a few minutes ago about the Atlanta mob, and I cited that particular mob just to show that it arose from the same cause that brings about mobs in the North, race antipathy. In my search in the Library of Congress for examples of mob violence in other sections of the United States I found but two of any consequence in the South, one in Atlanta and the other in Tulsa, Okla. All the rest of the cases were in the North.

I expect to cite one that took place not far from Harlem, at Jamaica City, last year, just to show how these mobs originate in clashes between the whites and the blacks in the North because of the hatred which exists. Yet a good many Northern Senators want to help their constituents by passing the pending bill. I say it will do harm, more harm than I care to describe on the floor of the Senate. It will simply lead to more of these riots, because the moment the colored people are given the rights attempted to be conferred, and objection is raised when they try to exercise the rights, trouble begins. I do not want to fool them. I will not pretend to give them something which has nothing back of it. We do not do that in the South, and that is why I believe the average Negro from the South trusts the white people of his section. It is because we are not hypocrites to them. We treat them fairly and squarely, but we make them respect us. That is the difference. The people of the North hate the Negroes, despise them, and any sympathy they may have felt for their down-trodden condition, as they believe, soon vanishes upon close association. They are not trying to help them, they are not attempting to do for them what we try to do for them in the South, and I am going to prove that by actual figures before I get through with this debate, if I am given the opportunity.

The clipping from which I shall read at this time is from the Washington Post of July 20, 1919. It reads:

[From the Washington Post of July 20, 1919]

ATTACKS ON WOMEN LEAD TO RACE RIOTS—FOUR HUNDRED SOLDIERS AND CIVILIANS RAID SOUTHWEST NEGROES—TROOPS TO THE SCENE—POLICEMAN SHOT AND SERIOUSLY WOUNDED THIS MORNING—TRY TO LYNCH A SUSPECT—MOB SEIZES COLORED MAN WHO WAS ACCUSED OF LATEST ASSAULT, THAT ON MRS. ELSIE STEPHNICK, WIFE OF SOLDIER, IN SOUTHWEST, BUT HE ESCAPES—TWO ARRESTS MADE—SEVERAL HURT—SOLDIERS AND SAILORS FORM AND MARCH THROUGH MALL, ARMED CIVILIANS JOIN

Private Frank McGrath, patrolman in the fourth precinct, was shot in the body and badly wounded at 2:15 o'clock this morning by a Negro whom he had challenged at Four-and-a-half and D Streets SW.

Accompanied by another policeman on a double patrol, McGrath observed the Negro loitering near the mouth of an alley. When asked what his business was on the street at such an hour, the Negro turned, it is declared, and fired without saying a word. McGrath was taken to Emergency Hospital; the Negro fled.

Aggravation of District citizens and soldiery stationed in Washington at the recent attacks on women by Negroes led to race riots last night when more than 400 men of mixed civilian and military dress, armed with revolvers and clubs, marched into the southwest section of the city on an avowed mission of terrorism.

Warned of the impending racial clash, police headquarters, the commandant of the marine barracks, and the provost marshal for the District dispatched about 75 men to the area where a "general clean-up" was threatened. Fortunately, the celerity of this counter mobilization enabled the detectives and military police to disperse the mob before much harm had been wrought. Many shots were fired, however.

ONE NEGRO SERIOUSLY INJURED

Net results of the foray were the serious injury of one Negro, the near lynching of another, the wounding of an unidentified sailor, and the arrest of a soldier and a sailor, who are held for investigation at the first precinct station.

George Montgomery, aged 65, described as a bystander, was struck on the head by a brick thrown by a uniformed man and taken to Emergency Hospital with a deep gash in his head. He was unable to give his address. Charles Linton Ralls, suspected of an attack on Mrs. Elsie Stephnick in the southwest Friday night, was badly beaten, threatened with lynching, and driven to his home at 1209 Carlin Court, where he barricaded himself against the fury of the soldiers and civilians.

Pvt. E. H. Moore, stationed at Bolling Field, was arrested and a section of lead pipe was taken from him after he had boasted that "he got the three of them." Eugene Paul Shafer, a petty officer in the Naval Reserve Flying Corps, stationed at the air station at Anacostia, was also locked up for alleged leadership in the riot.

LED BY SAILORS AND MARINES

The moving spirits in the march to the southwest were several sailors and marines. Learning yesterday that Stephnick, the husband of the young woman worker in the Bureau of Engraving and

Printing, was a soldier, they formed the plan of mobilizing every man in uniform who might be on liberty in the downtown section after nightfall.

To this end the sailors and marines constituted themselves walking delegates, operating up and down Ninth Street and along Pennsylvania Avenue near the Y. M. C. A. hut at Seventh Street. They told every service man they met that "the boys were going to avenge the attack on Mrs. Stephnick tonight," and that "if they wanted to see action they should 'fall in' at Ninth Street and the Avenue between 10 and 10:30 o'clock."

RESERVES ARE CALLED OUT

The ranks were formed according to schedule and the march started toward the southwest, but meanwhile police headquarters and the commandant of the Marine Barracks had been notified of the men's intent and the counterforce, swiftly organized, sped to the southwest section in automobiles. Reserves from the first, sixth, and fourth precincts also were rushed out.

As the soldiers, sailors, and marines proceeded across the Mall 300 citizens fell in behind them, having learned of the purpose of the march. Arms were produced as if my magic, and those bearing nothing so lethal as a gun or revolver procured clubs and pieces of heavy wood from lumber yards passed en route.

NEGRO SUSPECT FIRST VICTIM

The first victim of the marching battalion was Ralls. He had been visited as a suspect in the attack on Mrs. Stephnick by Detective Mansfield, of the fourth precinct, during the afternoon, and was a marked man by the instigators of the riot. Ralls was encountered on Twelfth Street, between C and D Streets, subjected to rough handling and knocked down. He broke from his captors as they were talking of lynching him and ran toward his home, his pursuers firing several fusillades of revolver shots at him. Ralls locked himself in his house and escaped further injury.

George Montgomery was returning to his home near the spot where Ralls was attacked. He was felled with a brick and lay on the street several minutes before the police gained control of the situation and had him removed to Emergency.

PROVOST GUARD ARRIVES

It was during the midst of this uproar, while hundreds of Negroes were running into their houses and barring the doors and others preparing counter attacks on the men in uniform that the police and provost guard men arrived. They succeeded in persuading the leaders of the mob to desist from their expressed intention of "wrecking the southwest." After some minutes of argument and diplomacy and without an arrest being made, the service men and civilians dispersed. The arrest of Moore and Shafer took place half an hour later at Seventh Street and Pennsylvania Avenue.

Major Pullman, summoned by Acting Inspector Burlingame, speeded to the southwest and arrived in time to take charge of the police guard which was thrown out through the whole section after the departure of the mob elements.

INTENSIVE PATROL ORDERED

By his orders, the southwest was subjected to an intensive patrol throughout the night, which will be continued until all signs of trouble have disappeared.

A general riot in this section has been the bugbear of the police for many months. It has been the custom, at the slightest intimation of a serious altercation, to dispatch every available man from headquarters and the fourth precinct to the scene to quell a possible riot in its inception. "The bloodiest night Washington ever has known" often has been freely predicted by members of the police force for the southwest.

So far, neither of the Negroes who jostled and insulted Mrs. Stephnick as she proceeded from the Bureau of Printing and Engraving to her home Friday night has been arrested. This attack was the sixth of recent occurrence in the District. Two of these attacks are believed fully worked out with the lodgment of a capital charge against Louis Randall, a young Negro, identified by Mrs. Bessie Gleason and Louise Simmons as their assailant.

COMPLAINT BY SHERIFF AUD

The controversy between headquarters officials and Sheriff Aud, of Montgomery County, as to the guilt of Forrest Eaglan in the attack on Miss Mary Saunders, approached an acute stage yesterday when Aud charged lack of cooperation and disregard, to Inspector Grant and headquarters detectives investigating the Saunders case.

Declaring he "would handle the investigation for Maryland hereafter without the Washington police," Sheriff Aud wired Baltimore for two detectives to aid in the prosecution of the case against Eaglan now locked up at the seventh precinct station.

Detectives William Murphy and James Manning were dispatched by Marshal Carter, of Baltimore, and questioned Eaglan in his cell last night after going over every foot of ground near the spot where Miss Saunders was attacked July 5.

EAGLAN RETAINED PRISONER HERE

Eaglan is in reality Sheriff Aud's prisoner, it is maintained, having been arrested in Montgomery County and later lodged at the seventh precinct station. Inspector Grant, however, has refused to hand Eaglan over to Aud unless he produces requisition papers signed by the Governor of Maryland.

Major Pullman and Inspector Grant are inclined to attach much importance to an anonymous letter received yesterday by Headquarters Detective Frank Baur challenging the police to the capture of the Negro guilty of the assault on Miss Saunders reviling the headquarters men in the most scurrilous terms and declaring the innocense of Eagian.

That the person who penned this note may well be the one guilty of the Saunders attack is the belief of officials. The letter has been photographed and copies will be submitted to handwriting experts for possible clues as to the identity of the writer while the aid of the postal authorities has been invoked in the matter of where the letter was probably mailed and at what hour.

TWO MEN ROBBED BY NEGROES

George Herbert Duvall, a sailor stationed at the naval operating base at Hampton Roads, Va., was robbed of $12.50 by three Negroes early yesterday at Sixth and L Streets. One of them covered him with a pistol while the other two searched his pockets.

The footpads, the police believe, were responsible for the hold-up of Benjamin Gray, 1132 New Jersey Avenue, SE., which occurred shortly before the sounding of the riot call in the evening. Gray was relieved not only of $8 in cash but a basket of groceries he was carrying to his home. The hold-up took place at New Jersey Avenue and I Street.

I hold in my hand a clipping from the Washington Star of July 21, 1919, the next day, which reads as follows:

[From the Washington Star of July 21, 1919]

APPEAL FOR LAW AND ORDER IS MADE TO ALL RESIDENTS

District Commissioner Brownlow today appealed to all residents of Washington for law and order. He said:

"In common with every good citizen, I deplore the disgrace of last night's events.

"In common with every good citizen, I am determined to do everything humanly possible to prevent a recurrence.

"I call upon every citizen to exercise his full influence to this end.

"The actions of the men who attacked innocent Negroes cannot be too strongly condemned, and it is the duty of every citizen to express his support of law and order by refraining from any inciting conversation or the repetition of inciting rumors and tales.

"Tonight the police force will be assisted by details of soldiers and marines.

"Persons who have no actual business downtown should not permit curiosity to bring them into congested quarters, for the presence of crowds will hamper the work of the police and will assist the activities of the lawbreakers, if they should renew their efforts at terrorism.

"It is a time for quiet, cool counsel, not for excited expression of fear.

"'The dignity and supremacy of the law must and will be vindicated in the National Capital.'"

COLORED MEN SHOOT AT PATIENTS AND SENTRY; PROVOST AIDS POLICE—FOUR SHOTS FIRED AT CONVALESCENTS AND FOUR AT MARINE FROM AUTO—REPORTS OF DISTURBANCES IN MANY SECTIONS OF CITY KEEPS RESERVES OF PRECINCTS BUSY

As an aftermath to the rioting Saturday night and last night, police have been receiving reports from several sections of the city of local disturbances. As a result reserves at the precincts have been kept on the move during the past 24 hours.

The far northwest section is the only division of the city which has thus far been immune to any disturbances. In the lower northwest at 11 o'clock police received a report of a reactionary attack by colored men on patients at the Navy Hospital, at Twenty-third and B Streets NW.

Driving up in a big touring car this morning, four colored men fired four shots at a marine on duty at the gate of the Navy Hospital, and four other shots at convalescent sailors in the hospital grounds.

The automobile drove up in front of the hospital grounds from Twenty-third Street, and the shots at the sentry were fired before a turn was made west into B Street. Just after making this turn, four other shots were fired at the disabled sailors.

SHOOT AT CONVALESCENTS

The men at whom the bullets were fired in the hospital grounds were recovering from illnesses, police at the third precinct were told, and were not armed. The marine on duty at the gate had no cartridge in his rifle, making it impossible for him to return fire.

The colored men got away unharmed.

Immediately on receiving the report policemen were dispatched in automobiles to search for the gunmen. No trace was found, and failure of the uniformed men at the hospital to obtain the license number of the car is proving a serious handicap to the police in the attempt to apprehend the four colored men.

At 2 o'clock this morning police at the second precinct received a hurry call to quell an attack upon Charles Williams, colored, 26 years old, of 938 L Street NW. Williams is suffering from injuries to his legs and face. He was found at New York Avenue and Ninth Street, and was taken to Emergency Hospital.

FIRE FROM AUTOMOBILE

Residents of the northeast section of the city were alarmed by three white men shooting up the neighborhood from the tonneau of an automobile. Numerous pistol shots were fired, but so far as

the police of the ninth precinct could learn no shot was directed at any individual.

Shortly after 1 o'clock this morning the police were told that the men had fired several shots from their automobile while going north on Bladensburg Road near H Street, and 15 minutes later the shooting was repeated on Montello Avenue near Oates Street, not a great distance from the scene of the first shooting.

Witnesses to the shooting reported to the police that they were unable to get the license number on the automobile. About all they could tell of the occupants of the car was that one of them wore a white straw hat and brown raincoat covering his suit of clothes. Search is being made for the trio.

COLORED MASS MEETING TO DRAW UP RESOLUTIONS OF PROTEST AGAINST RIOT

Under the auspices of the National Race Congress a mass meeting of colored residents of Washington has been called for this afternoon in the Metropolitan Methodist Episcopal Church, on M Street between Fifteenth and Sixteenth Streets NW., to draw up resolutions of protest against the rioting Saturday and Sunday nights.

The meeting will be conducted by Dr. W. H. Dunigan, president of the Congress.

The meeting was called primarily to consider legitimate means for ending the rioting in the National Capital. A request will be made for better police protection, and an assurance will be given of the stand being taken by law-abiding residents of the colored race to aid in the capture of criminal assailants upon women.

COURT DISCHARGES COLORED MEN ARRESTED SATURDAY

Elias Parmes, George Robinson, William Brown, and Wesley Allen, colored, arrested Saturday night on Seventh Street, between L and M, on a charge of disorderly conduct and assembly, were discharged in the District of Columbia branch of police court today.

Thomas E. Moran, a young white sailor, charged with disorderly conduct and assault in one of the many rows that took place between whites and colored men Saturday night, was turned over to his superior officer by Judge Hardison in the District of Columbia branch of the police court today for punishment. Moran was arrested in the Four-and-a-half Street and Missouri Avenue section.

MILITARY AUTHORITIES COOPERATE WITH MAJOR PULLMAN TO BRING ORDER—GUARD OF A HUNDRED TRAINED MEN AT DISPOSAL OF WASHINGTON POLICE DEPARTMENT

Washington will have no race riots or disturbances tonight if 250 armed soldiers and marines, especially trained in guard work and order keeping, can prevent it, according to indications from the War Department and the police department today.

Commissioner Brownlow and Major Pullman today held a conference with Secretary of War Baker and Gen. Peyton C. March, Chief of Staff, regarding preventive measures to be taken in case of the slightest signs of trouble tonight.

Major General Barnett, Commandant of the Marine Corps, has assured Major Pullman that all possible help will be given by the marines, several detachments of guards being placed at the disposition of the local police force. One hundred trained men, members of the provost guard which was relieved from active patrol duty here on June 15, will be at the call of the police. Captain Kernan, acting provost marshal for the District, has assured authorities.

Lt. Col. J. M. Milliken, former provost marshal in the District of Columbia, has been detailed for duty with Major Pullman, and the superintendent of police was told that he remain on such duty as long as his services are desired.

SECRETARY DANIELS TO AID

Secretary Daniels said this morning that he had received no word from either the District authorities or the commanders at the Washington Navy Yard and at the Marine Barracks that sailors and marines were inciting and participating in race riots in this city, and he knew nothing of the matter except what he had read in the newspapers.

He will make inquiry of Major Pullman, chief of police, as to the facts in the matter, he said, and if it is true that sailors and marines are engaged either in creating or assisting in these disorders he will institute prompt disciplinary measures to see that they behave themselves on the public highways and obey the laws of the land in the interest of peace and good order.

The entire section from Ninth Street and Pennsylvania Avenue down through the southwest will be kept free from any small gatherings. Groups will be kept on the move, if need be. Soldiers will be handled by the emergency military police force.

ALL DEMONSTRATIONS CHECKED

Any attempt at demonstrations will lead to the apprehension of individuals for investigation. Taken all in all, police protective measures have been mapped out to nip in the bud any vestige of concerted outbreaks in the sections of the city where small riots occurred Saturday and last night.

Commissioner Brownlow today issued a statement emphasizing the strong position taken by the Government authorities in the situation.

Reports from various camps of soldiers, sailors, and marines around Washington indicate that no action curtailing liberty for men to visit Washington will be taken on account of the rioting, unless further developments fixing responsibility on certain classes of men warrant it.

At the time when the provost guard abandoned activities in the District, on June 15, Major Pullman told officers in charge of the guard that the "discontinuance of the guard at this time is very unfortunate, coming right after the explosion of a bomb placed in front of the home of the Attorney General of the United States and also because of the presence of hundreds of returning soldiers in the city."

NO LOSS OF LIFE

Major Pullman, assisted by other officials of the department, was kept busy during the long hours of last night trying to cope with the men in uniform who were causing the trouble. Troubles with the uniformed men Saturday night and last night did not come as a surprise to the superintendent of police. It was just what he had been expecting since the withdrawal of the provost guard and military police the middle of June. He made the best of the situation, however, the several disturbances last night being quelled without loss of life, although one man was shot, and several others received injuries which necessitated hospital treatment.

Two colored men were dragged from streetcars near Pennsylvania Avenue and Fifteenth Street during the night. Streetcar passengers were greatly alarmed by the incidents, but none of the other persons on the cars were molested.

It was not until most of the Sunday night theater crowds had left the theaters in the business district and made their way to their homes that the most serious of last night's disturbances occurred. Patrol wagons and ambulances were kept busy, several wounded persons being taken to hospitals and several soldiers transported to police stations. Some of the latter were charged with disorderly conduct, and others were turned over to the military authorities.

The first of last night's disturbances occurred at Pennsylvania Avenue and Seventh Street about 11 o'clock, when Isaac Payne, colored, 23 years old, 224 Second Street SW., was attacked by several soldiers and sailors, according to police of the first precinct, and his shoulder lacerated and his collarbone dislocated.

RECEIVED HARSH TREATMENT

Numerous other colored persons were at the streetcar transfer station when the trouble started, and several of them failed to get away in time to escape the assaults of the uniformed men. Herman Page, colored, 16 years old, and Melvin Blair, a colored companion, both residing at 304 Twelfth Street, received numerous cuts and bruises, and two others who received similar treatment were William W. Thompson, colored, 25 years old, Arlington, Va., and Wade Rollins, colored, 47 years old, 214 D Street SW. The five victims were given hospital treatment.

About 1 hour later a message received at police headquarters told of an outbreak on the part of men in uniform at Pennsylvania Avenue and Fifteenth Street, where Lawrence Jones, colored, 18 years old, 2716 N Street, received rough treatment. His face was so badly cut that he was taken to Emergency Hospital. Several minor disturbances in the business district were reported, Nathaniel Galloway, colored, 19 years old, 779 Kenyon Street, being assaulted by an unidentified white man near Tenth and D Streets. He was not seriously hurt.

Probably the most serious outbreak of the night occurred at Seventh and T Streets, where Policeman Volkman, of the eighth precinct, in the uniform of a soldier, was attacked and shot at by a colored sailor, a bullet from his weapon striking Marcus Williams, colored, 20 years old, 2133 Eighth Street, who was in a nearby drug store. Williams, suffering from a bullet wound in his left cheek, was taken to Freedman's Hospital.

ATTACKED BY COLORED MEN

The trouble started at Seventh and T Streets about 1:15 o'clock in an attack upon Lewis C. Mueller, white, 25 years old, who was waiting for a streetcar. He was attacked by several colored men and severely beaten. His face and hands were cut and he was otherwise bruised and scarred, but he would not go to a hospital.

Policeman Volkman went to the scene of the trouble and then the shooting started. He returned the fire, aiming his shots at the armed sailor. He thought one of his bullets took effect, but no wounded sailor has been located.

Investigation of the disturbances last night by the police failed to fix responsibility for them upon any particular individuals. All witnesses interviewed declared soldiers and sailors were responsible for most of them, however, and it was for that reason that District officials were in early communication with the military authorities today.

Major Pullman and other members of his force will be on hand tonight to check any move that may be started. They do not intend to be caught napping, because the reports have it that the call is for tomorrow night.

Until further orders, it is stated, police reserves of the several precincts will be kept in readiness for emergency duty in event of a renewal of the disorders. Detectives also will be on duty at police headquarters. Major Pullman hopes that with military cooperation a repetition of the disorders of the past 2 nights will be prevented.

SENATE DISTRICT OF COLUMBIA COMMITTEE WILL TAKE ACTION WHEN COMMISSIONERS ASK

Members of the Senate committee on the District of Columbia discussed informally today the public disorders which have prevailed in this city for the past few days, but could not see ground for action by the committee in any way. Major Pullman called up early in the morning to say that he was at the disposal of the committee if his presence was desired, but he had no suggestions to make.

Senator Sherman, chairman of the committee, regards the situation as demanding prompt and vigorous action by the authorities to forestall a possible serious outbreak. He thinks the conditions have all the makings of possibly grave trouble unless the authorities exert a strong hand at this time to prevent it.

Senator Sherman and other senators concur in the opinion that it would be an unspeakable disgrace if a serious crash should occur at the National Capital, and the hope was expressed that all citizens will join in assisting in keeping the peace and preventing trouble.

The informal discussion in the committee developed the concurrence of opinion that no action should be taken by the committee until requested by the Commissioners. If the District Commissioners desire assistance from Congress the committee will take under prompt advisement any recommendations they may make.

While the committee was in session Representative Reed of West Virginia, who is a member of the House District Committee, came in to ascertain if any action was contemplated by the committee. He said the House committee was not in session today, but if the Senate committee should propose any resolution requiring prompt action, he felt sure the House committee would assemble and act concurrently.

POLICEMAN SHOT IN BACK AS HE SEEKS PISTOL ONE OF COLORED TRIO CARRIES

Policeman Frank McGrath, of the fourth precinct, was shot in the back by an unidentified colored man about 2 o'clock yesterday morning. The bullet was removed at Emergency Hospital yesterday afternoon and is held by the police to be used as evidence in event of the capture of the person who fired the shot.

Three colored men were at Four and a half and D Streets SW. when Policemen McGrath and R. J. Cox, of the fourth precinct, appeared, and the conduct of one of them suggested to McGrath the probability of his being armed.

McGrath approached the trio and reached for the one whose conduct had attracted his attention. The latter's companions quickly left the scene, the remaining one drawing his revolver and discharging it at the policeman.

McGrath realizing he had been wounded walked across the street while Cox and the fleeing assailant exchanged pistol shots, the colored man shooting as he ran east on D Street. Only the one shot took effect. The wounded policeman was taken to Emergency Hospital and search was instituted for his assailant.

SOLDIER FINED $25 FOR FIGHTING IN STREET

Thomas Ricketotz, a soldier; Francis S. May, a special police officer employed at the Washington Navy Yard; and Granville V. Gray, employed in the Treasury Department, charged with disorderly conduct and being participants in street fighting last night at Pennsylvania Avenue and Seventh Street, were in the District of Columbia branch of police court today. Ricketotz was fined $25, while the two other defendants were discharged.

The arrests were made by Policeman Helmuth, he testified shortly after 11 o'clock, after he had been assaulted, knocked down, and disarmed by men in the large crowd that had gathered there. When Policeman Helmuth attempted to arrest a white soldier, it was alleged, he was assaulted.

Now I shall read from the Washington Post of July 22. This particular riot took place here in Washington—right here in the Capital of our Nation—and was permitted to go on for 4 days. I have tried to find out exactly how many were killed during this riot. On the front page of the Washington Post of July 22, 1919—the riot was not then over—appears a list of the dead and wounded. The dead included Detective Sergeant Harry Wilson; Randall Neal, colored; Thomas Armstrong, colored; and Kenneth Crall, white.

Those who were fatally shot were Pvt. Albert Luck, United States Marine Corps, and Detective Sergeant Bernard W. Thompson, headquarters.

There were 10 seriously wounded and a considerable number of other casualties.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from Louisiana yield to the Senator from Texas?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. Am I correct in understanding that what the Senator has been reading about now is the race riot in the city of Washington?

Mr. ELLENDER. Yes; four successive days of it.

Mr. CONNALLY. Is the city of Washington under Federal or State control?

Mr. ELLENDER. Under Federal control.

Mr. CONNALLY. And the Federal law and Federal control did not have any effect in stopping the riots at that time?

Mr. ELLENDER. It did not have any effect at all. A while ago I mentioned that race riots occurred in Atlanta and in a number of other cities for practically the same causes. But for every race riot we have had in the South there have been 10 such riots in the North, which to my mind shows that the people of the North who encourage this unwholesome intermingling of the races, soon discover that it breeds racial hatred. They have no love for the Negro. They despise him inwardly. Nor do they sympathize with him. However, they are trying to give him a "hand-out" in the form of this bill because it will benefit themselves through the vote. They pretend that they are trying to show the South how to handle the situation. Will they succeed in doing that? They will not.

Mr. President, I feel for the Negroes. I have lived among them all my life and I like them, so long as they keep their places, and they do keep their places down South. We treat them right. We sympathize with them. We give them good schools in Louisiana, the best that we can afford, the best that we can provide, and we intend to keep on doing that.

We feel that they are our responsibility. I am going to show the Senate before I conclude that we take care of more Negroes in our charitable institutions, such as charity hospitals, insane asylums, and the like, than are taken care of in other sections, and also that we do it without a nickel of cost to them. I am going to show to the Senate that practically no Negro homeowner in Louisiana pays a copper cent in taxes for either parish or State. The State assumes that burden and collects it from those who are able to pay.

Yet here we have the spectacle of a few politicians—perhaps not in the Senate, but not far out of it—who are trying not to help the Negro, but to help themselves. They do not see any further than their own noses. With them it is the question, "Where do I come in?" That is what they think about. They have led the Negro to expect that by having the Senate pass this slimy bill they are going to get something. I say they will not. They are not going to get anything. On the contrary, I predict that if this bill were to pass, the Southern States might say, "Very well, Federal Government, you take charge. We get out. Then we shall see what will happen."

Of course, we in the South, as I have said, are tolerant of the Negroes. We are neighborly to them and always have been. But if the North wants them they can have them. As the Senator from Mississippi [Mr. BILBO] said the other day, "If you send us one white we will give you three colored." That will suit us.

Take care of them in the North, if you are so anxious over their welfare, but do not pretend to do something for the Negroes that will not really benefit them. Do not offer them something and in connection therewith say, "But you cannot have it." Do not do what has been done with respect to actual application of the social laws which have been passed in Pennsylvania, Illinois, New York, and in other States. In the South we do not pretend to the Negro. His rights are known. That is why he is less impudent than the colored man from the North, and especially here in Washington, where the colored people feel that they have as much right everywhere, socially and in every other way, as have the white people. That makes the Negro insolent, and that is why crime among the Negroes in Washington, in the very shadow of the Capitol, is as great or greater among the Negroes than in any other section of the United States.

If the Federal Government, which has absolute control over the District of Columbia, which is less than 10 square miles in size, cannot take care of the Negro problem here, how can the Federal Government take care of that problem

in the South? I hope that Senators who hear me or who may read my remarks will study these tables which I shall place in the RECORD and will view the problem not from a personal or purely local standpoint but from a national standpoint.

I return now to a consideration of the race riots. I read just a moment ago from the Washington Post of the 22d of July 1919, which contains a list of the casualties resulting from that riot. In a riot which took place here in the shadow of the Capitol, because one colored man was accused of having wronged a white woman, more people were killed in 1 or 2 days than were lynched in the South during 1937. Yet we are told that this bill is going to give relief to the Negroes from mob lynchings in the South. What a farce!

Listen to the headline:

Nation's capital held at mercy of the mob.

Picture that in Washington!

Stern action tonight.

This is the third day of the riot.

Fighting spreads to many sections after troops form a cordon around center of city.

Detective Sergeant Harry Wilson shot dead by Negro woman and others killed when streets of city are turned into battlefields—Detective Sergeant Thompson probably fatally wounded. Other officers badly injured. Raiding barricaded houses. Blazing race hatred defies police and military authority. Hospitals crowded.

The article then continues:

Blazing race hatred turned the streets of Washington into battlefields last night. Surging mobs of blacks and whites proved themselves stronger than the law in the Nation's Capital.

All authority, represented by the city's police force and the Nation's Cavalry, Infantry, and Marines, was set at nought.

As the night of terror struggled toward morning one police officer had been killed outright and four wounded, one of them mortally. Two Negroes were killed and of the many wounded, one probably will die. One marine was reported fatally wounded.

WOUNDED CROWD HOSPITALS

The hospitals of the city were thronged throughout the long night of turmoil with wounded whites and Negroes.

By early this morning the police system of reports had practically broken down under the continued strain, and only fragmentary and incidental reports of developments in the outlying sections of the city were available.

NEGRO RIOTERS IN AUTOS

Until almost daylight groups of belligerent Negroes, armed to the teeth, were touring the streets of the city in automobiles, evading or defying the heavy police and military parole, particularly in the outlying sections.

The downtown section, where a riotous mob of more than 1,000 had ranged earlier in the night, had by that time been practically deserted.

It was plain as the tumultous night crept toward dawn that the officials in charge of the police and the military forces in the city were apprehensive concerning what may happen tonight.

MAY DECLARE MARTIAL LAW

Whether a practical condition of martial law will be declared will be determined today.

The temper of the opposing elements indicated beyond any doubt that unless the sternest measures are adopted there will be further and more serious outbreaks.

As dawn broke today it was greeted by the Capital of the United States with a shudder. Scattered remnants of the various mobs skulked for cover as daylight threatened to reveal their whereabouts.

FIRE FROM BARRICADED HOUSES

In barricaded houses throughout the city Negroes crouched behind their guns, firing an occasional shot to ease the panic of terror and hatred which stirred them.

The police and the military forces, worn with the tumult of the night, gathered to re-form their lines battered by the whirlwind activities of the struggle.

Every hospital in the city sheltered a part of the night's tolls of dead or wounded. Ambulances gradually cleared up the long list of delayed calls which had piled up as the night wore on and the work of destruction outstripped the work of mercy.

At every police station in the city were gathered motley crowds of prisoners, white and black, brought in in wholesale lots such as Washington had never seen before.

HUNDREDS ARE UNDER ARREST

At the eighth precinct station there were 51 prisoners sweltering in the crowded cells. No. 6 reported 35 prisoners, and No. 3 20. Out of the tangled mass of reports at police headquarters the best that could be discovered was that some hundreds had been arrested or temporarily detained during the saturnalia of race hatred.

It was significant that the night's casualty list, in dead and dying, was largely white. The Negroes, armed and prepared for the struggle, suffered less.

PREPARE FOR FURTHER OUTBREAKS

Dawn found the outward manifestations of the struggle scattered and smoldering. But the fire was by no means out.

Throughout the city the suppressed feeling was apparent and while daylight offered some hours of respite, the worn officials at police headquarters studied anxiously over plans to meet further outbreaks tonight.

SURGE AGAINST THE CORDON

The whole strength of the Washington police force with the aid of 400 or more United States troops struggled with the race rioters.

In the downtown district their efforts succeeded in keeping the mobs moving; but it was an endless task.

A cordon of cavalry had been thrown around the downtown section from Seventh Street to Fifteenth Street, and from the Mall south of the Avenue to above H Street NW.

Time after time the mobs surged with more or less good nature against the lines south of the Avenue. But no serious effort was made to break through to the objective of the rioters, which was the Negro section in the Southwest.

North of H Street the mob made several efforts to break through the cordon.

Nearly 1,000 white men, who had thronged up Ninth Street after a repulse in the Mall, moved over to Seventh Street and had moved north as far as H Street, bound for the Negro section at Seventh and U Streets NW.

Just above H Street the mob was confronted with a detachment of cavalry. A single charge, which swept street and sidewalks, drove the crowd back in confusion, with no more damage than a few slight injuries.

After this attempt the mob turned its attention to the downtown district, and during the remainder of the night it ranged along F Street and G Street from Seventh to Fifteenth Streets, and the cordon held.

MURDER OF SERGEANT WILSON

Negroes in the downtown section fared badly. They were torn from street cars and manhandled. They were pummeled into unconsciousness and left lying in the street.

Here the crowds and the police mixed indiscriminately, and it was apparent that the police looked with apathy upon the task of taking any violent measures to break up the mob.

But they kept the mob moving, and there was but little serious injury done in the downtown section.

The death of Detective Sergeant Harry Wilson occurred just outside the line of the cordon, and a marine was shot at Fifteenth Street and New York Avenue.

But, while the mob was hemmed in in the downtown section, the race hatred blazed fitfully and fatally in the outlying districts, where the police and the soldiers were more scattered.

From point to point throughout the city the mob mania raged, although in many instances a small group of individuals were the only actors in fatal scenes. The precincts in the northwestern part of the city were swamped with demands for help long before midnight.

Here a small group of whites would meet a small group of Negroes. A few words, a knife or firearms, and the throng would scatter.

The hastily summoned police would find only the embers of the blaze of murderous feeling and the wreck of one or more of the victims lying in the street.

NEGROES ALL WELL ARMED

Throughout the Negro sections of the northwest a feeling akin to panic swept.

Following the maltreatment of Negroes in the downtown section the night before, many Negroes had armed themselves, and during the day hundreds of revolvers were sold by the small dealers who cater to the Negro trade.

At the request of the District authorities several of the larger dealers refused to sell firearms.

But the night's work found the Negro disturbers well armed and well supplied with ammunition. And they did not hesitate to use their arms, as the casualty list shows.

One Negro on a streetcar near Seventh and G Streets, confronted by a mob of hooting white men, drew his revolver and emptied it into the mob. He wounded two men with his bullets and two were cut with glass from the window through which he fired.

SHOT FIVE TIMES BY POLICEMAN

A few minutes later the Negro, with five bullets from a policeman's revolver in his body, walked into police headquarters dripping with blood.

Throughout the northwest sections guns flashed throughout the night and bullets whizzed through streetcar windows and about passing automobiles.

The panic of fear among the Negroes had become a panic of indiscriminate destruction, and they fired indiscriminately at passers-by, policemen, soldiers, and even among crowds of their own race.

The whole U Street section was ablaze. Throngs of Negroes swept the streets, and as rapidly as they could be dispersed they gathered again.

The police found it utterly impossible to keep the streets clear. The temper of the Negroes was well illustrated by the demeanor of one Negro, who was taken into the eighth precinct station out of the crowd.

In the station house he struggled away from the officers holding him and, drawing a gun, attempted to shoot. He was quickly overpowered.

NEGROES SWEEP SECTION CLEAR

While the white mob ranged downtown, the Negroes swept their own section in the northwest clear. They began early, and before dark half a dozen white men had been badly beaten on U and T Streets between Seventh and Fourteenth Streets.

The panic gathered force as the night of terror wore on, and the shooting became epidemic. After one policeman was shot early in the evening, shooting followed without surcease.

Toward midnight the Negroes had organized regular bands of raiders. Eight or ten high-powered automobiles had been commandeered, and each, with a load of well-armed Negroes, scoured the northwest.

Three of these cars and their crews were captured by the police, but the others were pursuing their career of death at an early hour this morning.

Wherever the Negro sections abutted on trolley lines there was indiscriminate firing into street cars and passing autos. As the morning drew near, the Negroes cleared gradually from the streets, the mobs weakened in strength, and the race struggle became a house-to-house battle.

Here and there the police and soldiers found houses barricaded, windows and doors strengthened, and loopholes arranged through which Negroes fired indiscriminately on passers-by.

REPULSE RAID BY POLICE

One of these at Seventh and O repulsed a police raid. Another at Seventh and M Streets was apparently prepared for a formidable resistance. A force of soldiers and policemen was organized and were preparing to lay siege to the barricaded house at an early hour today.

It was here that Thomas Armstrong, a Negro, lost his life.

While the northwest was a veritable battleground, with blood flowing in a dozen blocks at once, the police struggled vainly against the sporadic outbreaks in other parts of the city.

In several instances mounted police ordered to the scene of reported disturbances moved slowly and arrived too late to prevent serious conflicts.

POLICE TURN BACK 2,000

Several encounters in the southwest caused little excitement among the police. There were clashes between individuals or small groups of whites and blacks, and they pale into insignificance beside the pitched battles that raged in the northwest.

Toward morning what was left of the downtown crowd had concentrated at the Treasury. After a brief struggle with the police there, they forced their way through, and a mob of nearly 2,000 surged past the White House and out Pennsylvania Avenue toward the Negro settlement between Eighteenth and Twenty-first Streets, north of the Avenue.

A strong force of police from the third precinct met this mob just before they reached their objective, and it was turned back with few casualties.

BLOODIEST NIGHT IN CITY OCCURS DESPITE PLANS OF ARMY, NAVY, AND POLICE

Army, Navy, and police misjudged Washington last night. Every possible precaution had been taken to prevent the sporadic rioting of Sunday night. Secretary Baker and General March moved to prevent a recurrence of rioting late yesterday. They made to Commissioner Brownlow certain promises of methods they thought would stop rioting and prevent bloodshed.

Secretary of the Navy Daniels and Admiral Benson, Chief of Operations, took the precautions they believed necessary to prevent rioting and save lives.

District officials conferred and made plans, and thought the arrangement of police was sufficient.

Yet—Washington had the wildest night of its history.

Blood literally flowed in the city's ordinarily peaceful streets and avenues.

Commissioner Brownlow's admonition to citizens to keep off the streets went unheeded.

The precautions of Secretary Baker, Secretary Daniels, General March, Commissioner Brownlow, Major Pullman, Captain Leigh, Chief of the Bureau of Navigation, Major General Kerr, Acting Adjutant General of the Army, and Major General Barnett, Commandant of the Marine Corps, failed to save Washington from the bloodiest night it has ever seen.

What will be done to prevent a recurrence of last night's scenes?

PATROL RUSHING WILSON TO HOSPITAL STRIKES CAR PLATFORM; ARRIVES TOO LATE

While driving at breakneck speed in the hope of reaching the Emergency Hospital before Detective Wilson expired, the police machine collided with a streetcar waiting platform at Fourteenth and Pennsylvania Avenue.

Following the crash the automobile skidded almost to the curbing. Wilson was transferred to another machine and hurried to the hospital, where he was pronounced dead.

LAUDED BY PULLMAN

Both Major Pullman and Inspector Grant were greatly moved by the loss of Wilson, who was regarded as one of the best headquarters men.

"The loss of Wilson," said Major Pullman a few minutes after the fatal shooting, "is one of the greatest ever suffered by any police department. Wilson was a good, clean man, a hard worker and a detective above the average."

THREE HUNDRED PRISONERS ARRESTED BY POLICE AMONG RIOTERS

Approximately 300 prisoners, both white and black, were arrested by the police last night as a result of the rioting throughout the city. Nearly all of the charges placed against them were "disorderly" or "carrying concealed weapons."

The first precinct and the eighth precinct had the most arrests, the first leading with about 65, while the eighth had 51. Other precincts which made large numbers of arrests were the second, with 35; the fourth, 35; the third, 30; the sixth, 35; and the fifth, 10. The other precincts had no unusual number of arrests.

That, Senators, is a description of what happened here in our Nation's Capital. It took 4 days to end that race riot, although there was available the militia and the units of the Army and the marines here in Washington and all the city police. If they failed to check that riot here in the Capital itself until 4 days of rioting had taken place—if, with all the cannons and the machine guns and everything else at their disposal, the police and soldiers failed to check the race riots—I ask, What can they do if anything should happen down South? There probably would be 46 lynchings before the authorities could get down there. I do not mean to intimate that if this bill were passed the good people of the South would get busy lynching persons accused of crimes. I do not mean it that way. But there would be laxity in the efforts on the part of the officers to perform their duty. As a result of that, I say that the good work that has been done by such officers in the past would come to naught.

The article which appears in the Washington Herald of July 23, 1919, is descriptive of what happened on the fourth day of the riot:

[From the Washington Herald of July 23, 1919]

ONE KILLED, ONE DYING, AS RIOTS SUBSIDE; MOBS' SPIRIT COOLS—ISAAC W. HALFINGER, MEMBER OF HOME DEFENSE LEAGUE, SHOT IN HEART WHEN HE TRIES TO SEARCH NEGRO FOR GUN—BENJAMIN BELMONT, ALSO WHITE, REPORTED DYING AT EMERGENCY HOSPITAL—ARMY TANKS AND ADDED SOLDIERY AWE LAWLESS AND STREETS ARE KEPT CLEAR OF ALL GATHERINGS—FEW MINOR OUTBREAKS ARE REPORTED

Washington was virtually under military law last night, but the renewed vigilance of heavy military details and extra police failed to check bloodshed as a result of race rioting, and Isaac W. Halfinger, 48, 458 Q Street NW., gave his life in attempting to check turbulence.

Halfinger dropped, with a bullet wound through his heart, when he attempted, as a member of the Home Defense League, to search some colored men suspected of carrying pistols in an automobile at Ninth and M Streets. Benjamin Belmont, 603 P Street NW., also was struck by a bullet and carried to the Emergency Hospital in a dying condition.

ASSAILANT MAKES ESCAPE

The colored men responsible for the assault escaped, but John Boston, 43 years old, 1169 Nineteenth Street NW., was later picked up upon suspicion. He gave a satisfactory explanation for his presence in the vicinity, but was locked up on a charge of toting a pistol which had two cartridges discharged.

Silent and deserted thoroughfares and the aid of a drizzling rain helped to keep down the unorganized mobs, bent upon trouble, which had characterized the turmoil of Sunday and Monday evenings.

In addition, Secretary Baker had personally stepped into the situation with the assignment of Maj. Gen. William G. Haan to direct the detail of armed soldiers summoned to preserve order.

ARMY TANKS HELD READY

No information was forthcoming as to the exact number of soldiers assigned to patrol the District streets, but unofficially it was learned that, at least, three companies from Camp Meade and Camp Meigs, fully armed, were on duty here.

Three army tanks were ready for service, wherever violent rioting occurred, but it was unnecessary to call upon these war machines, loaded with rapid-firing guns.

President Wilson took a deep interest in the reports of violence, and in a conference with Secretary of War Baker, late yesterday afternoon, approved the plan which the cabinet officer outlined for the protection of District citizens.

RAIN HELPS POLICE

Police Captain Doyle, of No. 8 precinct, declared that the rain was worth more than 1,000 policemen. At any rate, the provost guard and the police, as a rule, patrolled deserted and silent streets, and the hoodlum element, which had been prominent in all previous trouble, was missing.

In the Negro belts in Seventh Street NW. and Four-and-a-half Street SW., the population gathered in little groups on the sidewalks, evidently wrought up over the prospects of rioting, but only in remote instances were assaults attempted. They were generally of a minor nature.

Another fact that served to keep down further tumult was the absence of automobiles filled with the curious and those bent upon trouble.

AUTO RIOTERS MISSING

None of the Negro rioters who rode through the city on Monday night, shooting indiscriminately, were to be observed.

The police also warned a number of autoists not to go into the sections peopled by Negroes, and in every instance the advice was accepted.

The terror which gripped the city Monday night and yesterday appeared, late last night, to have subsided. The police had instructions to keep everybody moving in the down-town streets, and their task was comparatively simple.

In the northwest section of the city signs had been posted sometime yesterday, reading:

"White folks, better stay in your houses tonight, if you don't want trouble."

NEGROES STAY OFF STREETS

A fact that helped quell trouble was the absence of Negroes in Pennsylvania Avenue and other prominent streets. The blacks seemed determined to do their best to stop the scenes that have been occurring nightly by remaining in their homes.

After twilight hardly a Negro was seen in Pennsylvania Avenue. Hotels and large business establishments that had colored help sent them home in closed automobiles to avoid friction.

BAN ON FIREARMS SALES

An absolute ban on the purchase of firearms by Negroes was declared by Washington dealers yesterday, although they stated that the white population appeared to be just as anxious to purchase firearms.

While the hospitals were prepared to treat many wounded, only one colored man showed up at Emergency Hospital for treatment. He was Melvin Austin, 1224 D Street NW., and was badly cut about the head.

District Commissioner Brownlow at midnight expressed gratification over the situation. He felt that many law-abiding citizens had taken his advice and remained in their homes, as urged in the following statement:

"It cannot be too strongly urged upon every citizen that it is his duty to himself and the community to remain at home, unless his business takes him abroad. Every man or boy who goes on the streets tonight, out of mere curiosity, adds the weight of his influence to the forces of disorder, and increases the difficulty of the situation. Brave officers last night laid down their lives in their efforts to protect the peace of the city. Citizens can do their share tonight by remaining at home in safety. In this case, as in all other and similar situations, the innocent bystander is often a victim. Let there be none such tonight."

CAVALRY PATROLS STREETS

Police headquarters was alive with wild stories and the entire city seethed with unrest, but the majority gathered their news of last night's development over the telephone, in the quiet of their homes.

There was an ominous appearance to the city streets as Cavalry patrolled them, with rifles in full view. Motor lorries, with jackies carrying night sticks and sidearms, also paraded the main streets of the town, while marines and infantrymen, carrying their arms, marched up the side streets and took their stations for the night.

By order of the police all poolrooms, dance halls, and moving-picture houses in sections where the rioting had been prevalent were closed.

A report was received at police headquarters at 10 o'clock last night that a band of Negroes bent on attacking the women workers in the Bureau of Engraving and Printing were headed in that direction.

Immediately upon receipt of the information a detail of 15 men was sent to the Bureau with orders to protect the women.

After waiting until the last woman had left for home, the detail returned to headquarters. There was no trouble at that point.

HELD FOR KILLING

A coroner's jury yesterday held Clara and Benjamin Johnson, 220 G Street NW., for the death of Detective Sergeant Harry Wilson on Monday night.

It was discovered at the inquest that two bullets had entered his body, one over the heart and the other through the kidneys.

When Wilson entered the room at 220 G Street, in which the two Negroes were barricaded, several shots were fired in rapid succession. He fell, mortally wounded, but cried as he fell that a man was under the bed.

Both Negroes refused to make any statement about the shooting.

Wilson is survived by a wife and two children, who are at present in Canada. They are expected here in the next few days.

Let me refer to the account in the Washington Post describing the fourth day of the riot in Washington, D. C. This is a continuation of the description which I have just read from the Washington Herald. In the Washington Post it is described in a different fashion, with a different write-up. The headline in the Washington Post for July 23, 1919, is:

One dead and another dying, shot by Negro; 2,000 of Regular troops guard Capital streets; rain helps authorities disperse mobs at night.

Major General Haan assumes command under orders from Baker after conference with Wilson.

Score more shootings and fights.

Home Defense Officer Isaac Halbfinger slain by Negro he attempts to arrest. B. Belmont, another home-defense officer, fatally injured by same Negro's shot. Numerous other clashes result in serious injuries to Negroes and white men. Many treated at hospitals. Scores of both races arrested by police and military.

The iron hand of Federal military authority was laid upon the National Capital last night to smother the blaze of race hatred which had made Washington a battleground for 48 hours. Following a conference between President Wilson and Secretary of War Baker over the deplorable conditions in the Capital of the Nation, approximately 2,000 Federal troops of various arms of the service were thrown into the Capital, and Maj. Gen. W. G. Haan, fresh from the command of the Thirty-second Division overseas, was given full authority over the service men.

MURDER OF HOME-DEFENSE OFFICER

Despite the stern, repressive measures of the military authorities, the smoldering race feeling blazed into action here and there throughout the city.

In a momentary flare of race hatred one Home Defense League officer was killed and another was fatally hurt. This brought the total death list of the race disturbances to date up to five. Scores of shootings and minor clashes were reported, and the police and military forces rounded up numbers of Negroes and whites on charges of carrying concealed weapons.

An unidentified Negro, alighting from a streetcar at Ninth and M Streets NW., shortly after 10 o'clock last night, shot and instantly killed Isaac B. Halbfinger, a paperhanger, 458 Q Street NW., and seriously wounded Benny Belmont, 603 P Street NW. The Negro escaped.

Both men were taken up by pedestrians and rushed to the Emergency Hospital. Halbfinger was dead when he was picked up and Belmont is in a serious condition at the hospital, where his death is momentarily expected. Halbfinger was a member of the Home Defense League and Belmont was a volunteer officer. Both were unarmed.

ALIGHTED FROM A NINTH STREET CAR

According to eyewitnesses, the Negro alighted from a car at Ninth and M Streets, and was approached by both special officers. When only several feet away, the Negro fired two shots at the men. One of the bullets struck Halbfinger, piercing his heart, while the other went wild. Belmont grappled with the Negro, who shot him in the left breast near the heart.

That Belmont was shot at close range is shown by the powder burns on his clothing. Immediately after the two men were shot, K. E. Boehmer, a naval provost guard, rushed to the scene and picked Halbfinger up. The Negro then shot at the sailor, the shot going wild.

J. B. Waldman, who was near the scene at the time of the shooting, pursued the Negro into a dark alley between M and N Streets, where he escaped.

STILL ANOTHER RIOT CALL TURNED IN

A riot call was immediately turned into the second precinct, and all available reserves, including two troops of cavalry from Fort Myer, military, Home Defense League men, and headquarters detectives. The men surrounded the block and searched roofs and back yards, but up to an early hour this morning the murderer had not been captured.

Soon after the shooting a Negro giving his name as John Boston was arrested near the scene of the crime. He was taken to the second precinct, and when searched a .32-caliber revolver with two empty chambers was found on him. He was not suspected of the murder, and was charged with carrying concealed weapons. Boston told the police that he was carrying the revolver for protection.

Half an hour after the murder Mrs. Halbfinger and her two daughters, having been told of the shooting of her husband, came to the second precinct and were taken to the Emergency Hospital in an automobile by several Home Defense League men, where they received a second shock, as the police at the station told them that he had only been wounded.

PREDICTED DEATH IN JOKE

Halbfinger, who was 38 years old, was prominent in the affairs of the Home Defense League of the second precinct, of which he

was a member, while Belmont, who was 25, was only slightly known. Soon after the rioting broke out Monday night, Belmont went to the second precinct and volunteered for special duty. Only after repeated requests, did Captain Peck give him the authority of an officer of the law.

As both men started on their beat last night, Otha Barkley, a lieutenant in the Home Defense League of the second precinct, patted Halbfinger on the back, and facetiously remarked: "Are you going out to get killed tonight?" Halbfinger made no reply, and took the remark jokingly.

MORE SHOTS ARE FIRED

While the police were searching the alley for the Negro who slew Halbfinger and seriously wounded Belmont, two pistol reports were heard at Eighth and N Streets. A special detail of military police were immediately dispatched there, but not a person was seen on the street.

Two Negroes who live in the alley where the murderer escaped were taken from their homes by the military police and questioned, but immediately released. J. W. Leach, 1113 Ninth Street, and J. B. Waldman, the Royal, eyewitnesses to the shooting, gave the police a good description of the Negro.

ARMED ONLY WITH STICKS

The police department was severely criticized last night by Lt. Arthur C. Smith, of the Home Defense League of the second precinct, for not furnishing these men with arms. Virtually all members of the league were on their beats Monday and last night with nothing for protection except a night stick. It is believed that if Halbfinger and Belmont had been armed last night they probably could have defended themselves.

"If the police department wants us to do our duty," said Lieutenant Smith, "we are willing to do it, if properly equipped for such an emergency. Congress should appropriate money enough to furnish our 3,000 members with arms."

Some of the Home Defense League men, it is said, had revolvers last night, but these they were forced to buy themselves.

MANY IN THE HOSPITALS

In every hospital in the city victims of race violence were under treatment last night.

Throughout the day the police had rounded up injured men, some of them who had been for hours without treatment, and hurried them to hospitals.

Edward Havlicek, the marine injured at Fifteenth Street and New York Avenue in Monday night's rioting, was reported dying at the Naval Hospital.

RAIN AN EFFECTIVE AID

A driving rain that swept downtown Washington in intermittent showers during the evening was an effective aid to the police and military authorities.

The mobs of from 1,000 to 2,000 white men, which had gathered along Pennsylvania avenue for the two preceding nights, were not in evidence. As fast as the crowds gathered they were broken up by the driving downpour. Raindrops were as effective as bullets in dispersing the downtown crowds and sending the individuals scurrying for shelter in doorways and under awnings.

Many of them, tired of dodging both rain and policemen, went home.

RIOT CALLS STILL MANY

Late in the evening only scattered knots of white men in the neighborhood of Ninth and Seventh Streets between Pennsylvania Avenue and H Street, and scattered groups of Negroes along Seventh Street north of H Street were demanding the attention of the soldiers and the police.

Riot calls from various points in the outlying Negro sections, however, kept the police reserves and the mobile reserves of the troops rushing about. In many instances these alarms were the result of overwrought nerves or panic. Up to midnight none of them had developed seriously.

Several times the cavalry galloped through the streets to answer calls for assistance and found on their arrival that they were not needed.

MARINE SHOOTS A NEGRO

The only Negro wounded during last night's outbreaks was Charles A. Young, 634 L Street SE., who was shot in the leg by a marine while trying to escape arrest. He was not seriously wounded, and taken to the fifth precinct, where he is being held for investigation.

Young escaped arrest when he was caught stealing brass from the west end of the navy yard April 6. He left the city and returned recently. The police of the sixth precinct last night received news that the Negro was at his home. When the police arrived there he leaped from a window to make his escape. Several shots were fired at him, one taking effect in his leg.

CAPITAL LIKE ARMED CAMP

Within a few hours after President Wilson had called Secretary of War Baker to the White House to discuss conditions in Washington the National Capital was practically an armed camp.

The Secretary of War, on his return to his office, called in Chief of Staff General March and Major Pullman, superintendent of police. Major General Haan was at once designated to take charge of the military situation and troops were ordered from Camp Meade to reinforce the provost guard, which failed to prevent a reign of terror Monday night.

Additional marines were ordered up from Quantico and a detachment of blue jackets was brought ashore from the *Mayflower* and the *Sylph*, lying in the Potomac.

ACTION TAKEN BY CONGRESS

Washington's reign of terror brought prompt action from the Federal authorities.

While the President was ordering protective measures through the War Department, three resolutions were introduced in Congress dealing with the situation. Representative Clark, of Florida, presented a resolution vigorously attacking the District of Columbia government and the police department, and demanding an investigation of the riots and the attacks on white women by Negroes which preceded them.

Representative Emerson, of Ohio, introduced a resolution calling for a declaration of martial law in Washington, and Representative Valle, of Colorado, in a resolution called upon the President to take charge of the situation.

TRUCKLOADS OF MUNITIONS

Swiftly and decisively military authority took hold of the situation following Secretary Baker's instructions to General Haan. Motortruck loads of arms and ammunition were hurried to police headquarters in the District Building, and khaki-clad officers superintended the distribution of vicious looking Army revolvers and cartridges to the service men on duty.

General Haan promptly established his headquarters in Major Pullman's office, and with Col. R. M. Beck, his chief of staff, and Lieutenant Colonel Millikin, his assistant chief of staff, began at once the disposition of the troops at hand.

UNITED STATES SAILORS GO ON DUTY

Before nightfall half a hundred sailors, in shore blue, led by Lt. Robert Martin, of the *Sylph*, and Ensign Moore, of the *Mayflower*, had been assembled. With automatic pistols strapped to their right thighs, and twirling night sticks they swaggered out into the downtown district, as a physical demonstration of the power of law and order.

Soon the Federal troops began to appear in every section of the city. Throughout the seven so-called interior precincts, General Haan distributed his men to cover the danger points which had been marked by serious outbreaks in preceding nights of the rioting.

With every policeman who walked a beat there appeared two men in khaki, armed with service rifles and service ammunition or with pistols and nightsticks. The soldiers were out "to assist the police," their orders said, and they were ready for the job.

In many neighborhoods, which the police had marked as dangerous, the appearance of the soldiers was followed by an apparent falling off in the crowds on the street.

The sullen spirit among the Negroes in the Northwest which had been in evidence all day, while it by no means disappeared, was less in evidence.

The power of Federal authority made itself felt.

BAKER AT DISTRICT BUILDING

Early in the evening Secretary of War Baker visited the District building and talked over briefly with Commissioner Louis Brownlow conditions throughout the city. The Secretary said that the military authorities were prepared to handle the situation and that there was no question of a declaration of martial law at this time.

General Haan, accompanied by Major Pullman, inspected the disposition of the troops early in the evening. When he returned to police headquarters he issued his first communique:

GENERAL HAAN'S STATEMENT

"I have completed a reconnaissance," he said, "and have gone over the dangerous sections of the city. Our dispositions have all been made and I am well satisfied with them. We have ample reserves available, and sufficient transport to enable us to carry them to any part of the city speedily. I am satisfied that the situation is well in hand."

General Haan indicated that only one-third of his force had been placed on actual patrol duty and that the remaining two-thirds were held in reserve to be hurried to any spot where serious disorder might develop. Reserves were stationed at the Marine Barracks, at Camp Meigs, and in Potomac Park.

It was a sullen and anxious city that the Federal military authorities took over. Throughout the day the embers of the race feeling which swept the city the night before had blazed fitfully here and there. In many homes women barricaded their doors and answered requests for admission with fear. There developed during the day a large demand for weapons for home defense, and Army officers and others provided with firearms were besieged with requests for revolvers which women could keep in their homes for use in an emergency. Meantime, the Negro element, their ammunition practically exhausted by the heavy action of the preceding night, sought to renew their supplies. Local dealers, cooperating with the authorities, refused to sell ammunition or arms, and automobile couriers were sent to Alexandria and Baltimore to obtain supplies. Baltimore dealers halted the sale of ammunition to Washington Negroes and Alexandria dealers likewise limited their dealings.

LAW-ABIDING NEGROES HELP

During the day the authorities made every effort to appeal to the law-abiding element among the Negroes to halt the rioting.

Commissioner Brownlow held conference after conference with committees representing various colored elements. Captain Doyle, in the eighth precinct, and Captain Peck, in the second precinct, where large Negro populations live, also called in the influential representatives of the race in their sections.

As a result of these efforts practically all of the moving-picture houses, near-beer saloons, and poolrooms frequented by Negroes were closed early last night. Every effort was made to avoid anything that would encourage the gathering of crowds. The influential Negroes called upon their followers to keep within doors and off the streets.

DECLARE DISTURBANCES OVER

As morning approached it became apparent that there was to be no organized mob troubles, and Major Pullman and General Haan declared that the danger of extended disturbances was over. The wet streets made it difficult for the cavalry on duty in outlying sections to maneuver, and these troops were withdrawn as soon as it became apparent that there were to be no crowds to deal with.

The Cavalry command was sent into reserve, but the vigilance of the Infantry and sailors on patrol duty with the police was not relaxed before dawn. Toward morning Major Pullman and General Haan departed from police headquarters, leaving the situation in the hands of their subordinates.

Shortly after midnight the streets in the downtown section were practically deserted.

A few late-at-night stragglers hurried through the drizzle of rain, bound for home.

MANY CLASHES DURING DAY

The smoldering fires of race feeling blazed fitfully throughout the day yesterday. Here and there throughout the Negro section in the northwest individuals and small groups of white and colored men clashed. There was no general disturbance before nightfall, but the feeling of sullen resentment was plainly apparent throughout the Negro section.

During the afternoon a group of colored men and several whites became involved in an argument at Seventh and T Streets, the heart of the Negro section, and the scene of some of the hardest fighting of the night before.

Words led to blows, and soon guns were out. P. D. Scott, colored, 27 years old, of 907 U Street, was struck in the left leg by a bullet. He was treated at Freedmen's Hospital. The police were unable to find any of the principals in the affair.

NEGROES STONE AUTOMOBILE

A disorderly crowd of 25 or 30 colored men held forth on Rhode Island Avenue, between Ninth and Tenth Streets, during part of the day, hooting and throwing stones and bricks at passing automobiles. E. F. Jaehnke, of 2206 Flagler Street, passing through Rhode Island Avenue in his auto, was forced to run the gauntlet. A shower of stones struck his car. He was struck on the shoulder and his wife was struck on the arm.

Edward French, colored, 23 years old, of 1519 Twenty-third Street, was shot during an altercation at Georgia Avenue and W Street. He was treated at Freedmen's Hospital. The bullet passed through his arm and lodged in his right side.

FOUND SHOT IN HEAD

Early in the day, John Grassley, employed in the Eckington freight yards, was found lying in the yards with a bullet wound in his head. He had been shot in a general altercation at Seventh Street and Florida Avenue. Grassley was treated at the Casualty Hospital.

All day the aftermath of Washington's night of terror straggled into police stations and hospitals. Philip Reyo, colored, 35, of 1732 N Street NW., was taken to Washington Asylum Hospital with a badly battered head. He suffered the wounds in the fighting around Seventh and N Streets. He was held for robbery. George W. Lee, 40, of 1018 Seventh Street, injured in the same clash, was taken to the Washington Asylum Hospital for treatment.

Albert H. Holden, a wounded soldier from Walter Reed Hospital, was treated at the Emergency Hospital for a badly cut leg. He was struck by a bottle thrown from a streetcar by a Negro at Ninth and N Streets in the course of night before last's fighting.

A shot from a streetcar at Seventh Street and Pennsylvania Avenue claimed William H. Thomas, of 1914 Nailor's Road NW., as a victim. He was wounded in the left thigh and was taken to the Naval Hospital for treatment.

SHOT FROM AN AUTOMOBILE

Earl Martin, 16 years old, of Bristol, Va., was shot in the left leg during the early morning fighting at Seventh Street and Pennsylvania Avenue. He was treated at Casualty Hospital.

Marshall Biser, white, 18 years old, of 1018 South Carolina Avenue SE., was shot from an automobile which, with six or eight Negroes, was cruising about the northwest. He received a bullet in the left arm.

Jacob S. Bond, 19 years old, of 1954 Columbia Road, was taken to the Emergency Hospital during the day for treatment. He had been badly bruised with a club in the hands of a Negro.

SEVENTY-FOUR ARRESTS THE TOTAL MADE IN CITY LAST NIGHT

There were 74 arrests in the city last night. Twenty-two arrests were made in the first precinct, 5 in the second, none in the third, none in the fourth, 6 in the fifth, 7 in the sixth, 3 in the seventh, 2 in the eighth, 12 in the ninth, 15 in the tenth, and 2 in the eleventh.

I will say to the Senator from Texas [Mr. CONNALLY] that I have been reading from the Washington Post an article with regard to the closing day of the riot which took place in Washington.

While the riot was in progress in Washington, one started in New Orleans. Let me show, from the account in the same newspaper, how the New Orleans riot was handled. While the riot was raging in the Capital, with the marines, the soldiers, the police, and other authorities trying to stop it, a race riot started in New Orleans, and a small force of policemen stopped it. Let me read the account of the riot in New Orleans.

NEW ORLEANS RACE RIOT AVERTED BY POLICE ACTION

NEW ORLEANS, July 22.—Timely interference of a traffic squad of policemen going on duty at a railroad station here at midnight averted a race riot when a mob of Negroes which had attacked a white chauffeur was dispersed, their leader arrested and the white mob rushing to the scene was held at bay.

The white men who were stopped demanded the prisoner, but the police whisked him to court.

There were two riots occurring on the same day. A big riot was in progress in Washington, D. C., in the shadow of the Capitol, with the military and the police on guard, the riot lasting 4 days. In New Orleans, on the same day, at the same time, a riot was averted by a handful of policemen.

Mr. President, I have a great deal more data which I want to read into the RECORD to show how such situations are handled in other sections—and when I say "other sections" I mean sections in the North—compared to the way they are handled in the South. These instances all go to show that the people of the North cannot cope with the situation. The people of the North do not know the ways of the colored race. Northerners do not like the Negroes. They despise them. They do not like to rub elbows with them, but still their politicians pass laws permitting them the right to go into the same restaurants, the same hotels, and so forth.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. MILTON in the chair). Does the Senator from Louisiana yield to the Senator from Texas?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. Am I to understand that the Senator, in contrasting the race riot in Washington with the one in New Orleans, where a handful of police suppressed the riot and restored order, intends to emphasize the fact that the riot in Washington occurred in a city under Federal authority, with Federal troops, marines, the President, the Supreme Court, the Senate, the House, and all the Federal functionaries present?

Mr. ELLENDER. Yes; and the Federal authorities could not cope with the situation.

Mr. CONNALLY. In one case the riot ran wild. In the other case a little handful of police officers in the city of New Orleans, where they know how to handle such things, quickly put down the riot?

Mr. ELLENDER. That is correct.

All these circumstances illustrate, as I have said in the past, and as I have shown by the figures on crime which I exhibited to the Senate a while ago, the difference between the handling of the crime situation as between the Negroes and the whites in the North, and the handling of such matters in the South. Such instances ought to paint a picture in the minds of Senators that they should never forget, so that when these Senators come to vote—if the bill ever comes to a vote—they will vote correctly. I hope the bill will never come to a vote. It will not so far as I am concerned, because I propose to discuss the bill as long as I have breath in me. We have not yet started to filibuster, Mr. President. [Laughter.] We have talked about the bill. When we start reading the Bible and the dictionary, then we can be accused of

filibustering. [Laughter.] I propose to give the facts on this question to the Senate and to the country. I want the good people of the Nation to think about these facts and let them sink in. I do not want them to be guided by propaganda, examples of which I propose to present to the Senate this evening or next week, if I am given the opportunity. I want to illustrate how the minds of the white people are being poisoned, and how the minds of some of these poor Negroes are being poisoned by communistic periodicals containing all kinds of misrepresentations that are not true, the purpose of which is to blackguard the opponents of the bill.

Mr. President, I read an editorial from the Nation, a very well-known magazine, under date of October 11, 1919, under the heading "Omaha."

OMAHA

For more than half a century have we had the problem of the freed Negro confronting us; and during all that time the Federal Government has concerned itself practically not at all with his economic or moral status. There has been no effort to receive him into our political life save for political ends—which made a difficult matter worse. We have had a Rural Life Commission, but none to investigate the life, rural and urban, of these millions of disfranchised, neglected, and disliked citizens. We have had the Walsh Commission on Industrial Relations—and it deliberately and disgracefully avoided all questions affecting the Negro; it had sobs for the lot of the tenant farmer in Texas; it had no eyes for millions of black tenants there and elsewhere. A country that has boasted its ability to solve all its problems has, as a Nation, not even grappled with this one. More than that, it has kept silent in the face of the outraging of our Constitution to the Negro's hurt, the shaking of our very structure of law and order, and the violation of many of the most sacred pledges of individual liberty and equality.

And now we are reaping the whirlwind. Chicago, Washington, Omaha—they and a hundred other places make true prophets of those who declared that our participating in the "war for democracy" without providing democracy for our submerged black tenth could have only one result; that conscripting blacks by the hundred thousand to extend democracy by bloodshed would have its day of reckoning. Is the southern Negro lawless? He is, on the contrary, the most law-abiding peon in the world. In New York City alone there were 230 men indicted for rape in 1914; far more than the Negroes accused of the crime in the South. There are more recorded cases of rape in the city of Chicago each year than among the entire Negro population in the South. But if it were true that the Negro is filled with bestial lust, and is degenerate, who is responsible? Who but the white men who have had absolute control of the Negro, body and soul, since he landed on these shores? Save in a few sections, he neither makes the laws nor helps to govern; the education of the bulk of the race is the veriest farce. But the Negro is economically a competitor and when to a man who is a labor competitor there is added a dark color of the skin you have one of the despised, be he Filipino or Japanese or Chinese or Mexican or "Dago." The Negro has become a more vital factor in economic life in the North during the war; his demand for houses presses hard upon others likewise short of dwellings. The sporadic crime of rape, the one surest to arouse every violent passion, affords the excuse to satiate a thirst for revenge that has its roots deep.

Mr. President, I have many other articles and many other editorials from which I might read; but it is not my purpose to burden the RECORD. I believe that the few editorials from which I have quoted present the picture much better than I could do it; and I now propose to read accounts of race riots which took place in other cities of the country.

Here is one that took place in Duluth, Minn. The article is from the New York Times of June 17, 1920, and is dated June 16:

MOVE TO PUNISH DULUTH LYNCHERS—STATE INQUIRY IS PLANNED AS CITY COMES TO ORDER AND TROOPS LEAVE—BUT ONE LIKE CASE THERE—THIRTEEN NEGROES HELD AFTER TRIPLE HANGING—SIMILAR ATTACK FOLLOWED CIRCUS AT SOUTH BEND

DULUTH, MINN., June 16.—With the departure tonight of the two companies of National Guardsmen sent for riot duty, home guards, and naval militia took over the patrol of the district where last night a mob of 1,000 lynched three Negroes suspected of complicity in an attack on a white girl.

Investigation was started today by county officials, preliminary to the convening tomorrow of a special grand jury. It also was announced that Governor Burnquist would institute a State inquiry. There were no untoward demonstrations today.

Thirteen Negroes, all roustabouts with a circus that appeared here Monday, were under guard in the county jail, held on suspicion of complicity in the same attack on a 17-year-old white girl here Monday night, with which the Negroes lynched were charged. Ten of the prisoners were taken into custody at Virginia, Minn., and brought to the county jail here in charge of Sheriff Frank L. Magie.

The Negroes lynched last night were Isaac McGuie, Elmer Jackson, and Nate Green.

The three other Negroes, whom the lynchers turned back to the authorities, are Lonnie Williams, John Thomas, and Henry Richardson. All are said to have come from southern plantations before being employed by the traveling circus, known as the Robinson Shows.

A score of automobiles carrying members of last night's mob had scoured the country all the way to Virginia from Duluth in an effort to seize other Negro employees of the circus who might have taken part in the attack on the girl here.

VICTIM OF ATTACK RECOVERING

The girl victim of the Negroes' attack is suffering from a nervous break-down, her father said today, but she is expected to make complete recovery.

Four judges of the district court signed the order today convening a special grand jury at the courthouse tomorrow to "inquire as to grave public offenses recently committed in this county."

When the Minnesota Guard men first reached here by special train from St. Paul they found only a damaged police station and littered streets as visual evidences of the mob's activity.

Under personal command of State Adjt. Gen. W. T. Phinow, the 124 men and 6 officers went into temporary camp, prepared to patrol the streets, if necessary, to guard against any aftermath of the mob's mad run. The troops came equipped for riot duty.

Available records showed only one previous lynching in Minnesota, but this had not been confirmed today in official sources. Twenty years ago, it was said, a white man was lynched in this county, near Mountain Iron, for attacking a girl.

MOB HELD MOCK TRIAL

Last night's lynchings were accomplished after the police had been routed with bricks and streams from fire hose in an attack on police headquarters, which fronts Superior Street, the principal business thoroughfare. For 2 hours the mob ruled until the Negroes had been lynched.

Six Negroes had been arrested here by the police following the attack on the girl, which took place at a circus ground on Monday night. The mob held a mock trial, declared three of the Negroes guilty and "acquitted" the other three, who today were still in the hands of the police.

The three "convicted" Negroes were hanged within a block and a half of the police station, the mob hooting down pleas of two priests that the law be permitted to take its course. It took three starts to hang the first Negro, as the rope broke the first two times.

After the mob had dispersed early today the police cut down the bodies of the Negroes, which had not been mutilated. The authorities did not expect any further trouble in view of the prompt arrival of the guardsmen.

Injuries suffered by eight policemen and a newspaper man in the brick fight and fire-hose attack on the police station were said today to be trivial.

ATTACKED A GIRL AT SOUTH BEND

SOUTH BEND, IND., June 16.—Negroes employed by the same circus as the three men who were lynched in Duluth last night, following an attack on a white girl, attempted to assault Helen Penrod, of South Bend, when the show was in this city on June 7.

The assailant of the South Bend girl escaped, being hidden by his companions, the police said here today.

The National Association for the Advancement of Colored People yesterday telegraphed to Governor Burnquist, of Minnesota, its commendation on his action in sending State troops to Duluth, where the three Negroes were lynched.

The New York headquarters of the organization, in its message, offered the aid of a staff of investigators in running down those responsible for the killings.

Governor Burnquist, who is also president of the St. Paul branch of the association, has been one of the staunch supporters of its work. The national organization offered him the aid of its 328 branches and membership of 100,000 to help in running down the lynchers. The association's telegram, signed by James Woldon Johnson, its field secretary, said in part:

"Prompt apprehension and rigorous punishment of lynchers of Negroes and violators of the law of the State of Minnesota will have a wholesome and salutary effect throughout the Nation. As Governor of State and president of St. Paul branch of National Association for Advancement of Colored People, may we urge you to use every power at your command to prevent further disorder and arrest lynchers? Commend action in sending troops. Advise us if we can be of assistance. Can furnish staff investigators if needed."

Mr. President, I have here, from the Outlook of June 15, 1921, an article describing what took place in Tulsa, Okla.

Mr. BARKLEY and Mr. CONNALLY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Louisiana yield; and if so, to whom?

Mr. ELLENDER. Let me say to the Senator from Kentucky that if I may be permitted to go on for a short while longer, about an hour, or an hour and one-half, I can finish up my remarks on this subject of riots. As I understand, the conference report on the farm bill is to be taken up tomorrow. I could easily get through in about an hour, Mr. President, and I should like to have my remarks appear in the RECORD in connected fashion.

Mr. BARKLEY. Mr. President, the conference report on the farm bill is a privileged matter, and will not in any way interfere with the status of any Senator who has the floor, or anything else.

Mr. ELLENDER. I meant that I should like this afternoon to complete all the data I have in regard to mobs, so as to have the matter in connected form in the RECORD. Then, the next time I speak, I can take up other matters.

Mr. BARKLEY. I am sorry; of course, I want to accommodate the Senator from Louisiana; but I myself have some appointments which make it impossible for me to remain here until 6 o'clock. I had understood that we would quit at 5 o'clock.

Mr. ELLENDER. I will accommodate the Senator from Kentucky then. May it be understood that if I yield, it shall be without prejudice?

Mr. BARKLEY. It will be understood that the Senator shall have the floor without prejudice when the consideration of this matter is resumed.

Mr. ELLENDER. With that understanding, Mr. President, I yield.

Mr. CONNALLY. Mr. President, I ask the occupant of the chair to put the question.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. ELLENDER. Mr. President, before the Senate proceeds to the consideration of other matters, I ask unanimous consent to have inserted in the RECORD at the end of my remarks the various tables from which I read during the course of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The tables are as follows:

[Figures taken from reports of U. S. Bureau of Census reports. Population figures based on 1930 census]

	Number of prisoners	Total population	Rate per 10,000
1933 (first 6 months, county and municipal jails):			
Negroes:			
13 Southern States	25,496	8,805,635	29
Remaining 35 States and District of Columbia	29,542	3,085,508	96
Whites:			
13 Southern States	35,273	24,146,167	15
Remaining 35 States and District of Columbia	140,602	84,718,040	17
1934 (State and Federal prisons and reformatories):			
Negroes:			
10 Southern States (3 Southern States not reporting)	6,616	5,779,958	11
35 remaining States and District of Columbia	8,237	3,085,508	27
Whites:			
10 Southern States	9,319	19,611,562	5
35 remaining States and District of Columbia	35,772	84,718,040	4
1935 (State and Federal prisons and reformatories):			
Negroes:			
10 Southern States (3 Southern States not reporting)	7,627	5,779,958	13
35 remaining States and District of Columbia	8,735	3,085,508	28
Whites:			
10 Southern States	9,980	19,611,562	5
35 remaining States and District of Columbia	38,602	84,718,040	5

Crime figures furnished by superintendent of police, Washington and New Orleans

	1935			1936		
	Whites	Colored	Total	Whites	Colored	Total
City of New Orleans:						
Murders	22	26	48	23	24	47
Manslaughter	27	10	37	14	5	19
Rape	7	11	18	9	11	20
Robbery	52	29	81	57	40	97
Aggravated assault	107	111	218	108	122	230
Burglary	119	131	250	142	165	307
Larceny	427	399	826	375	339	714
Auto theft	31	18	49	25	12	37
Total	[1]792	[1]735	1,527	[1]753	[1]718	1,471
Per 10,000 population	24	[2]57		22	[2]56	
City of Washington:						
Murders	19	53	72	17	42	59
Manslaughter	29	15	44	6	6	12
Rape	9	13	22	5	9	14
Robbery	163	359	522	212	644	856
Assault	105	313	418	78	296	374
Housebreaking (burglary)	301	916	1,217	297	1,465	1,762
Grand larceny	209	330	539	149	348	497
Auto theft	146	5	151	13		13
Total	[4]981	[4]2,004	2,985	[5]777	[5]2,810	3,587
Per 10,000 population	28	[6]152		22	[7]213	

[1] About even.
[2] Proportion, 1 to 2.
[3] Proportion, 1 to 1½.
[4] Over 2 to 1.
[5] Almost 4 to 1.
[6] Proportion, 1 to 6.
[7] Proportion, 1 to 10.

Population, Washington, D. C., and New Orleans, La.

[Figures furnished by Dr. Truesdell, Chief of Census Bureau, taken from 1930 census]

	Washington	New Orleans
Total population	486,869	458,762
Negro population	132,068	129,632
White population	354,801	327,729
Percentage of Negro population to total	27	28

Arrests, city of Washington, 1937

	Whites	Negroes	Total
Murder	17	55	72
Manslaughter	5	2	7
Rape	6	27	33
Robbery	217	472	689
Aggravated assault	68	284	352
Burglary	283	991	1,274
Grand larceny	267	323	590
Auto theft	1	2	3
Total	854	2,156	3,020
Rate per 10,000 population (1 to 6)	24	163	

Population:

Whites	354,801	(73%)
Negroes	132,068	(27%)
Total	486,869	

Crime figures taken from 1937 Report of the Major and Superintendent of the Metropolitan Police, District of Columbia.

Population figures from 1930 Census (U. S. Bureau of the Census).

Arrests, city of New Orleans, 1937

	Whites	Negroes	Total
Murder	30	31	61
Manslaughter	15	2	17
Rape	19	20	39
Robbery	28	34	62
Aggravated assault	66	97	163
Burglary	112	139	251
Larceny	362	409	771
Auto theft	31	9	40
Total	663	741	1,404
Rate per 10,000 population (1 to 3)	20	57	

Population:		
Whites	327,729	(72%)
Negroes	129,632	(28%)
Total	457,361	

Crime figures furnished by superintendent of police, New Orleans.

Population figures from 1930 census (U. S. Bureau of the Census).

Arrests, city of Baltimore, 1935

	Whites	Negroes	Total
Murder	19	34	53
Manslaughter	151	24	175
Rape	36	28	64
Robbery	154	216	370
Aggravated assault	62	66	128
Burglary	615	746	1,361
Larceny	1,490	1,575	3,065
Auto theft	(1)	(1)	(1)
Total	2,527	2,689	5,216
Rate per 10,000 population (1 to 5)	38	189	

[1] Not shown separately in report; probably included under larceny.

Population:		
White	662,124	(82%)
Colored	142,106	(18%)
	804,230	
Other	644	
Total	804,874	

Crime figures taken from report of the police commissioner for the city of Baltimore for the year 1935.

Population figures taken from 1930 census (U. S. Bureau of the Census).

Arrests, city of Baltimore, 1936

	Whites	Negroes	Total
Murder	12	58	70
Manslaughter	97	28	125
Rape	21	45	66
Robbery	152	256	408
Aggravated assault	98	97	195
Burglary	652	903	1,555
Larceny	1,357	1,625	2,982
Auto theft	(1)	(1)	(1)
Total	2,389	3,012	5,401
Rate per 10,000 population (1 to 6)	36	212	

[1] Not shown separately in report; probably included under larceny.

Population:		
White	662,124	(82%)
Colored	142,106	(18%)
	804,230	
Other	644	
Total	804,874	

Crime figures taken from report of the police commissioner for the city of Baltimore for the year 1936.

Population figures taken from 1930 census (U. S. Bureau of the Census).

Arrests, city of Cincinnati, 1936

	Whites	Negroes	Total
Murder and manslaughter	25	48	73
Rape	29	16	45
Robbery	79	156	235
Aggravated assault	71	180	251
Burglary	241	294	535
Grand larceny	384	454	838
Auto theft	92	83	175
Total	921	1,231	2,152
Rate per 10,000 population (1 to 11 plus)	23	258	

Population:		
White	403,112	(89%)
Colored	47,818	(11%)
	450,930	
Other	230	
Total	451,160	

Crime figures taken from annual report of division of police, department of safety, city of Cincinnati, 1936.

Population figures taken from 1930 census (U. S. Bureau of the Census).

Arrests, city of St. Louis, April 1935 to March 1936

	Whites	Negroes	Total
Murder	21	57	78
Manslaughter	124	16	140
Rape	52	97	149
Robbery	227	163	390
Burglary	385	496	881
Aggravated assault	182	225	407
Larceny—theft	1,315	1,466	2,781
Auto theft	173	89	262
Total	2,479	2,609	5,088
Rate per 10,000 population (1 to 8 minus)	34	267	

Population:		
White	726,879	(89%)
Colored	93,580	(11%)
	820,459	
Other	1,501	
Total	821,960	

Crime figures taken from annual report of police commissioners of St. Louis, Mo., dated Mar. 31, 1936.

Population figures taken from 1930 census (U. S. Bureau of the Census).

Arrests, city of St. Louis, Apr. 1, 1936, to Mar. 31, 1937

	Whites	Negroes	Tota
Murder	28	40	68
Manslaughter	121	24	145
Rape	74	97	171
Robbery	163	156	319
Aggravated assault	178	276	454
Burglary	390	538	928
Larceny	1,330	1,432	2,762
Auto theft	139	65	204
Total	2,413	2,638	5,051
Rate per 10,000 population (1 to 8 plus)	33	282	

Population:		
White	726,879	(89%)
Colored	93,580	(11%)
	820,459	
Other	1,501	
Total	821,960	

Crime figures taken from annual report of police commissioners of St. Louis, Mo., dated Mar. 31, 1937.

Population figures taken from 1930 census (U. S. Bureau of the Census).

Arrests, city of Rochester, 1936

	Whites	Negroes	Total
Murder	2	0	2
Manslaughter	4	0	4
Rape	13	1	14
Robbery	13	5	18
Assault (first, second, and third)	286	27	313
Burglary	82	3	85
Grand larceny	20	4	24
Auto theft	46	1	47
Total	466	41	507
Rate per 10,000 population (1 to 11 minus)	14	153	

Population:		
White	325,294	(99%)
Colored	2,679	(1%)
	327,973	
Others	1,159	
Total	328,132	

Crime figures taken from annual report of the police bureau, city of Rochester, N. Y., 1936.

Population figures taken from 1930 census (U. S. Bureau of the Census).

Persons charged resulting in prosecution, city of Detroit, 1935

	Whites	Negroes	Total
Murder and manslaughter	103	39	142
Rape	49	28	77
Robbery	150	70	220
Aggravated assault	53	87	140
Burglary	238	163	401
Larceny	1,079	674	1,753
Auto theft	98	23	121
Total	1,770	1,084	2,854
Rate per 10,000 population (1 to 7½)	12	90	

Population:		
White	1,440,141	(91%)
Colored	120,066	(8%)
Other	8,455	(1%)
Total	1,568,662	

Crime figures taken from annual report of Detroit police department, 1935.

Population figures taken from 1930 Census (U. S. Bureau of the Census).

Persons charged resulting in prosecution, city of Detroit, 1936

	Whites	Negroes	Total
Murder and manslaughter	84	31	115
Rape	33	42	75
Robbery	184	54	238
Aggravated assault	68	111	179
Burglary	163	121	284
Larceny	839	522	1,361
Auto theft	84	21	105
Total	1,455	899	2,344
Rate per 10,000 population (1 to 7½)	10	75	

Population:		
White	1,440,141	(91%)
Colored	120,066	(8%)
	1,560,207	
Other	8,455	
Total	1,568,662	

Crime figures taken from annual report of Detroit police department, 1936 population figures taken from 1930 census (U. S. Bureau of the Census).

Recapitulation of crime statistics

[Rates per 10,000 of like population]

	1935		1936		1937	
	Whites	Negroes	Whites	Negroes	Whites	Negroes
New Orleans (Negro population, 28 percent.)	24	[1] 57	22	[2] 56	20	[3] 57
Washington (Negro population, 27 percent.)	28	[4] 152	22	[5] 213	24	[6] 153
Baltimore (Negro population, 18 percent.)	38	[7] 189	36	[8] 212	.....	.....
Cincinnati (Negro population, 11 percent.)	(9)	(9)	23	[10] 258	.....	.....
St. Louis (Negro population, 11 percent.)	34	[11] 267	33	[12] 282	.....	.....
Rochester (Negro population, 1 percent.)	(9)	(9)	14	[13] 153	.....	.....
Detroit (Negro population, 8 percent.)	12	[14] 90	10	[14] 75	.....	.....

[1] Proportion, 1 to 2+.
[2] Proportion, 1 to 2½+.
[3] Proportion, 1 to 3−.
[4] Proportion, 1 to 6−.
[5] Proportion, 1 to 10−.
[6] Proportion, 1 to 6.
[7] Proportion, 1 to 5−.
[8] Proportion, 1 to 6−.
[9] Not available.
[10] Proportion, 1 to 11+.
[11] Proportion, 1 to 8−.
[12] Proportion, 1 to 8+.
[13] Proportion, 1 to 11−.
[14] Proportion, 1 to 7½.

MESSAGE FROM THE HOUSE

During the delivery of Mr. ELLENDER's speech, a message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 31), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 8505) to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, the Clerk of the House is authorized and directed in the second paragraph of subsection (d) added to the Soil Conservation and Domestic Allotment Act by section 101 of the bill to insert the word "permanently" after the word "be" in the parenthetical expression so that such parenthetical expression will read as follows: "(except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only)".

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1691. An act to provide that residence requirements for judges shall not be held to apply to judges who have retired;

S. 2387. An act to authorize certain officers and employees of Federal penal and correctional institutions to administer oaths; and

H. R. 9043. An act to amend an act to provide for the retirement of Justices of the Supreme Court.

AGRICULTURAL RELIEF—CONFERENCE REPORT

Mr. BARKLEY. Mr. President, at this hour it is not contemplated that the Senate will take up the conference report on the farm bill today, but I wish to give notice that we will attempt to enter upon its consideration the first thing tomorrow after the session begins.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Louisiana yield to the Senator from Oregon?

Mr. ELLENDER. I yield provided I do not thereby lose the floor.

Mr. McNARY. Mr. President, I have no objection to the statement of the Senator from Kentucky, save, however, that it may be an hour or two after the meeting of the Senate tomorrow before copies of the document containing in parallel columns the bill as passed by the Senate, the bill as passed by the House, and the bill as reported by the conference committee will be available. I think, however, it will be ready by that time.

Mr. BARKLEY. There will not be any difficulty about that. I imagine there will be some discussion on the conference report. I trust, however, that the parallel print will be available as soon as the Senate convenes tomorrow. Therefore, I hope that those who are concerned with its preparation will make every effort to have it ready when the Senate meets.

Mr. McNARY. I can assure the Senator they are making such efforts, and I think the print will be ready by 12 o'clock tomorrow or a short time thereafter. I have no objection to starting upon the consideration of the conference report at 12 o'clock.

EXECUTIVE SESSION

After the conclusion of Mr. ELLENDER's speech,

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MILTON in the chair) laid before the Senate messages from the President of the United States submitting a treaty and several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Laurence D. Brown to be postmaster at Eastview, N. Y., in place of F. M. Rouis, resigned.

Mr. COPELAND, from the Committee on Commerce, reported favorably the nomination of Col. Warren T. Hannum, Corps of Engineers, United States Army, for appointment as a member of the California Debris Commission, pursuant to law, vice Col. John J. Kingman, Corps of Engineers, United States Army, relieved.

He also, from the same committee, reported favorably the nominations of sundry persons and officers for appointment in the Coast Guard and in the Coast and Geodetic Survey.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in their order the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of William R. Smith, Jr., to be United States attorney for the western district of Texas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTOR OF CUSTOMS

The legislative clerk read the nomination of Adrian Pool to be collector of customs for customs collection district No. 24, with headquarters at El Paso, Tex.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the Executive Calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Thursday, February 10, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 9 (legislative day of January 5), 1938

ASSISTANT SECRETARY OF STATE

Adolf A. Berle, Jr., of New York, to be an Assistant Secretary of State, vice Hugh R. Wilson.

COLLECTOR OF INTERNAL REVENUE

Clifford C. Anglim, of Richmond, Calif., to be collector of internal revenue for the first district of California in place of John V. Lewis, resigned.

PUBLIC HEALTH SERVICE

Asst. Surg. John W. Cronin to be passed assistant surgeon in the United States Public Health Service, to rank as such from January 1, 1938.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 9 (legislative day of January 5) 1938

UNITED STATES ATTORNEY

William R. Smith, Jr., to be United States attorney for the western district of Texas.

COLLECTOR OF CUSTOMS

Adrian Pool to be collector of customs for customs collection district No. 24, with headquarters at El Paso, Tex.

POSTMASTERS

FLORIDA

Harry S. Alexander, Grand Crossing.

RHODE ISLAND

Thomas F. Burke, Barrington.

TEXAS

James Curtis McKenzie, Alba.
Gleason Frank Purdue, Groveton.
Della Roberts Mason, Gulf.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 9, 1938

The House met at 12 o'clock noon.

The Reverend George Truman Carl, D. D., pastor of the Federated Church, Winchester, N. H., offered the following prayer:

Gracious and generous Father of us all, who in Thy discerning wisdom didst fashion us as creatures of diversified and adventuresome capacities, we pray that we may be ever mindful of the challenging tasks Thou hast ordained for us.

Thou who in Thy patient understanding and sympathetic response to our aspirations and our strugglings—yea, even during our manifold shortcomings—dost stand ever by our side encouraging, counseling, leading, we pray that we may be constantly conscious of the joy of Thy presence and the heartbeat of Thy sensitive love.

Pour out Thy needed blessing upon us all, and especially upon these chosen servants of Thine and of the people as they toil together in shaping the destiny of this exalted Nation. Undergird mightily the President of these United States and all who in any way are associated with him in earnestly striving for the good. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 9043. An act to amend an act to provide for the retirement of Justices of the Supreme Court.

PERMISSION TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent that I be permitted to address the House for 15 minutes this afternoon, following the remarks of the gentleman from Alabama [Mr. PATRICK].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. ALLEN of Pennsylvania asked and was given permission to extend his own remarks in the RECORD.

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a copy of the so-called antilynching bill as passed by the House and as it is now pending in the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CORRECTION OF THE CALENDAR

Mr. GRAY of Indiana. Mr. Speaker, to avoid a serious misunderstanding I want to make a correction of the daily calendar.

Mr. Speaker, at one time I was the only Gray in the House, the only pebble by that name on the beach. However, another Gray is now here, the gentleman from Pennsylvania, who comes from the crags and the mountains of that State. I am the Gray from Indiana, a land of rich and fertile soil, a land flowing with milk and honey.

Mr. Speaker, on the calendar of today appears the following:

On motion of Mr. GRAY of Pennsylvania, by unanimous consent, ordered, that on Monday, February 14, 1938, immediately after the reading of the Journal and the disposition of business on the Speaker's table, and all legislative business of the day, he be permitted to address the House for 20 minutes.

The gentleman from Pennsylvania is a Member of very high standing here and is a very popular man, as well as of great learning and ability.

I am fearful and apprehensive that if the calendar is allowed to stand without correction Members of the House and Senate in very considerable numbers may come to hear Mr. GRAY of Pennsylvania and would be bitterly disappointed to learn that the speaker was Mr. GRAY of Indiana.

To avoid such possible disappointment and chagrin of Members, and embarrassment to both myself and Mr. GRAY of Pennsylvania, and the color of resorting to an artifice or false pretense to secure an overflow audience, I ask unanimous consent that the calendar may be corrected to speak the truth and to state that it is Mr. GRAY of Indiana who will speak, explaining the immediate cause of the 1937 depression, and incidentally to show further why the greater panic of 1929 has failed of recovery up to this time.

Mr. RICH. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Indiana, who speaks about that State being a land of milk and honey, not to forget that Pennsylvania is the Keystone State of the Union, and in it there is as much beauty, grandeur, and glory as in any other State in the United States.

Mr. GRAY of Indiana. That may all be true, but I have never observed any milk flowing or honey hanging from the ragged crags of the gentleman's so-called grand and glorious mountains.

Mr. HOUSTON demanded the regular order.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the calendar be corrected. The Chair has investigated the Journal and finds the Journal is correct and shows the time was assigned to the gentleman from Indiana [Mr. GRAY].

Without objection, the correction will be made on the calendar of tomorrow.

There was no objection.

The SPEAKER. The unfinished business is the further consideration of the conference report on the so-called farm bill.

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, we are considering today one of the most important and far-reaching pieces of legislation that has been considered by this Congress in a long period of time. We are, as I see it, embarking upon an experiment which will take us much further in the field of Government control than this Congress or the people of this country can possibly realize.

I find myself in a rather peculiar situation. I voted to recommend the House bill, believing that after it had been debated on the floor of the House the committee would take the suggestions that had been presented by the various Members and possibly write a new bill. I did, however, vote for the bill on final passage, on the ground—as a good many Members are doing today—that it might be the best bill that we could secure for agriculture.

We have before us this afternoon a compromise of the bill which passed the House and Senate. I cannot support it.

I am also in the peculiar position of voting in opposition to the careful and splendid judgment of one of my closest friends, of my own State—the ranking member of the minority party on the House Committee on Agriculture. He is a man whose opinion on farm legislation I regard as highly as any Member on the floor of this House. I believe the members of the committee, who are charged with the responsibility of framing this legislation, have done the very best they could in an effort to satisfy the desires and demands of the various groups of people who are demanding farm legislation.

Right here, I want to register my serious objections to the manner in which this measure has been brought to the floor of the House for consideration this afternoon. This bill contains 120 pages of printing, so complicated that it is difficult for those in charge of the bill to begin to explain it. Accompanying therewith is a report consisting of 104 pages of printing, that attempts to explain the terms of this bill. A great part of the material contained in the measure was never even debated or considered on the floor of the House.

Now then, under a gag rule that has just been enforced by a majority vote of this House—and a vote which I opposed—we are deprived from offering amendments or changing the terms of the bill by one sentence or even one word. More than that, we are told that within 4 hours' time, we must vote this bill up or down, and do it today. You can talk all you want to about free speech, free press, and all that. But here in the Congress of the United States this afternoon, by invoking this rule, the Members are told that here is a bill which is complex and complicated, and further reaching in its terms than most of the bills that are passed—and yet it must be disposed of immediately; that we can take all of the terms of the bill or none of them. This is manifestly unfair. It is undemocratic. I cannot understand why the membership of the House should sustain the autocratic rule of the committee on such an important bill. Why not let this bill remain on the calendar for a few days, or for 2 or 3 weeks, and give the people a chance to find out what it is about, so that if they want to, they may register their opinions regarding it?

This measure is one that provides for permanent legislation. I believe it is almost undisputed by those who have examined the bill carefully, that this legislation lays the groundwork for bureaucratic control and Government regulation of agriculture, such as the farmers of this country have never experienced. I do not believe they want such bureaucratic control.

I want it definitely understood that I am just as anxious as anyone on the floor of this House to do everything possible to place agriculture on a basis equal with that of industry, labor, and other lines of endeavor. We all know that agriculture is not on that basis now. We do need stability in agriculture. I do not believe this measure will point us in that direction.

There may be a very few members of this House who are not in sympathy with the farmers of this country. I think they are very few. We all know that we cannot have prosperity in this country except as the farmer is given a chance to prosper. We also know that the farmer does not now, and has not heretofore, received the parity price for the sale of his products to which he is entitled.

I am in favor of most of the provisions of this bill, but those provisions can be had without the necessity of compulsory control features, which are embodied in this measure.

I am in favor of the continuance of the soil-conservation program. I believe this program can be strengthened and made even more effective than it is now. We extended that program at the last session of Congress. I voted for it. It is voluntary. The farmers can take advantage of it, or let it alone, without penalty.

No one contends today that we need crop control, in order to have a soil-conservation program.

I am in favor of a sound and liberal lending policy on agricultural commodities which are stored on the farm. Such loans would help provide for a voluntary normal granary. Under the terms of this bill, such loans would be made through the Federal Surplus Commodities Corporation. Loans are being made by that Corporation now. It could be made to function more practically, and could be made more useful—but we do not need compulsory crop control for that purpose.

We have talked about equitable freight rates for the farmers, and there is a provision in this bill on that subject. Certainly, no Member of this House will contend that it is necessary to have crop control in order to have fair and equitable freight rates for the producers of this country.

I believe we should try the experiment of crop insurance that is provided in this bill, but no one here will argue that we need to have crop control in order to have crop insurance.

Then we have another section which provides for an appropriation of $10,000,000 to be used for research purposes in an effort to secure new uses and new markets for farm products. This provision has no relation at all to the question of crop control; but we are told that if we want soil conservation, adjusted freight rates, research laboratories, and loans on our commodities through the Surplus Commodities Corporation, we should support this bill and indulge in some form of compulsory control of our crops.

In order to be fair to those who are sponsoring the bill, attention should be called to the fact that under the terms of

this measure the control features will go into effect only when the Secretary of Agriculture has determined that there is an oversurplus of wheat, corn, or cotton. Then there is a referendum provided, whereby the farmers who raise such crops may submit to a quota. If two-thirds of the farmers voting agree to come under the terms of the bill, then all of the farmers will be expected to comply with the compulsory features of it. The one-third of the farmers who oppose such a quota are given to understand that they are without soil-conservation benefits and parity loans as provided under this bill.

Right here, I would like to call your attention to the section which deals with the corn quota under this bill. There are certain portions of this country that are included in what is known as the corn area and certain portions are outside of it. It happens that a part of my congressional district will come within that area, and part of it is on the outside. The farmer within the area will be entitled, under this bill, to a larger loan than the farmer who is outside of that area—and neither one of the farmers can change that situation.

There is a section in this bill which provides for certain loans based on parity prices. Such loans could be made through the Surplus Commodities Corporation without the necessity of compulsory crop control. In my judgment, this measure will not be made effective right away. But when it is made effective, the Secretary of Agriculture will, through his authorized agents, make allotments as to the number of acres of wheat and corn the farmer can raise. If he raises too much corn, he is penalized 15 cents per bushel on his surplus. If he raises too much wheat, he is penalized 20 cents per bushel on the amount of his surplus. He pays this penalty whether he feeds it to his livestock or whether he sells it. The person who buys the surplus corn or wheat, if it is sold, is held responsible for the penalty provided therein.

Under the terms of this bill, we provide for the building and conserving of the soil, so that the farmer can raise more and better crops. Then, under its terms, we penalize him if he should happen to overproduce in the raising of such crops.

The bill is going to pass. I hope it will work out and be more satisfactory than I anticipate. I do not believe we have an emergency, insofar as surplus crops are concerned today, which requires the passage of a measure of this kind. If and when there is a surplus, I do not believe this is the way to handle it. I should say right here that so far as the Southern States are concerned, effective benefits are derived under this bill because we are paying millions of dollars from the United States Treasury direct to the cotton producers of the South.

I would like to call your attention also to the fact that this bill does not provide any more money for the farmers than they are now receiving under the Soil Conservation Act. The appropriation that we made this year will be practically the same as the one that was made last year. If this bill is made effective, it is, however, bound to require the expenditure of more of these funds for the purpose of administration, because it will employ thousands of additional employees for the purpose of enforcing the act. Last year the Government spent 10 percent of the $440,000,000, which was allotted to the farmers, for administration purposes. It cost $44,000,000 just to administer the Soil Conservation Act.

I am opposed to compulsory crop control. In my judgment, it is not necessary to include the crop-control features in this measure. We could save all the good features we have under the terms of this bill without the necessity of including the crop-control features which are now embodied in it.

I regret very much that it has become necessary for me to vote against the conference report. I believe we cannot have permanent prosperity on the principle of scarcity. We have been told over and over again that one-third of our people are ill-fed, ill-clothed, and ill-housed. Certainly the kind of plan that would be administered under this bill would not solve this problem.

It has been suggested that only Members from industrial centers should oppose this bill. I believe, when the roll is called, you will find a number of Members from the agricultural region opposing this kind of legislation, including such States as Colorado, Nebraska, and Oklahoma.

We want an American market for the American farmer, at a price which will be fair, both to him and to the American consumer. I believe the American farmer should have parity prices, as nearly as possible, for his products. There is no such provision in this bill. If we have surplus crops, let the government handle such surplus and see that it is processed and distributed to worthy, needy people of this country.

We should make some provision for an ever-normal granary sufficient to protect the consumers against crop failures. We can do this by providing loans to the producers at fair and reasonable rates of interest.

Let us not make an effort to raise the world price of staple farm commodities by forcing a program of scarcity on the American farmers or the American people. Let us quit encouraging foreign agricultural expansion by deliberate compulsory restriction of the American producer and by the abandonment of our foreign markets. Within the last 2 years we have imported farm products in competition with our own—that would have provided labor for hundreds of thousands of our farmers.

If and when we do have a burdensome surplus of farm commodities, we can then prorate such surplus to the farmers producing it, and offer it on the world market at a price that will be acceptable. As I said a moment ago—this measure is built on a philosophy of economy of scarcity. I believe we are deceiving the farmers in the passage of this measure. They think this bill is going to increase the prices of their products. There is not a word in this bill which guarantees or provides for such a thing. It does not give him any protection, but it does give him unheard of bureaucratic regulations.

Mr. Speaker and Members of the House—I regret that it becomes necessary for me to vote against this bill. I still think we could have enacted all of the features of this bill which are reasonable and favorable to the farmers, without the necessity of including the compulsory crop-control provisions which are included therein. I want to help the farmer, but I believe that supporting this measure is not the way to do it.

We should not penalize the farmer for "growing two blades of grass where one grew before." It is not the American way.

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, when the House bill was up for consideration I discussed the bill at such length as was permitted. I gave my reasons for opposing the bill at that time. Those same reasons are still good because the same objectional features are found in this bill.

The gentleman from Mississippi [Mr. DOXEY], a member of the committee, and a very able member of the committee, in his speech yesterday informed us that the conferees had a real task because they had before them two bills entirely different, bottomed on opposite philosophies, and that it was a real job to bring a bill back representing two philosophies going in opposite directions to reach a common goal. Therefore, he told us the committee had been obliged to bring in a new bill, a hybrid bill, "because we want a farm bill." For my part, I do not want any farm bill just so we can say that "we passed a farm bill."

Throughout the debate there has been a number of suggestions that the opposition to the bill was partisan and that those who are opposed to the measure are doing it for partisan reasons.

I do not happen to belong to the majority party, but if we have any New Dealers in Michigan who can speak for Agriculture it is the commissioner of agriculture appointed by Governor Murphy. No one would accuse our commissioner or our Governor of being anything but New Deal Democrats. Any proposal of the New Deal must be vicious

indeed to compel their opposition. At the time the bill was before the House our commissioner wired Members of the Michigan delegation, asking us to oppose the bill without the amendments which he suggested, and not one of those amendments was included in the bill, and they are not in this bill today. Later this same man, the New Deal commissioner of agriculture of Michigan, is quoted in an Associated Press dispatch, under a Lansing headline, as follows:

State Agricultural Commissioner John B. Strange charged today that the "ever-normal granary" farm-relief bill proposed in Congress would discriminate against Michigan agriculture.

Strange asserted Michigan has failed to receive an average benefit under existing farm-relief legislation and would receive less under the proposed law, which calls for the storage of surplus corn, wheat, cotton, tobacco, and rice during years of surplus with Federal loans to the distressed growers.

Strange sent telegrams to members of the Michigan delegation in Congress asking them to propose that benefits be extended to the growers of beans, potatoes, apples and grapes.

Strange said a survey showed 4.7 percent of the Nation's farm income was derived from Federal aid, but that only 2.7 percent of the cash income of Michigan farmers in 1937 came from the Federal Government. He estimated the farmers' income in this State last year at $246,198,000, of which $6,998,000 represented Federal aid.

"That means," Strange said, "that some States have received greater benefits than Michigan. Yet Michigan pays a large part of the bill through its taxes. We are entitled to equal assistance."

Our opposition to this bill is in the interest of agriculture. It is in the interest of those who do not believe in the socialization of agriculture. It is in the interest of those who believe that the farmer should be permitted to plant and harvest what he sees fit, when he sees fit, and consume what he produces on his own farm or sell that produce as he sees fit.

This bill is more drastic than the bill that passed the House. It gives more power to the Secretary of Agriculture and, in fact, makes him an optional dictator over agriculture. The compulsory marketing corn quota becomes effective sooner than it could become effective under the bill as it passed the House.

The Boileau amendment, protecting the dairy interests, included in the House bill, is emasculated by a diarrhea of words that cannot be intelligently explained by any member of the committee or be reasonably understood by the most persevering advocates of the dairy interests.

This conference bill contains 120 pages, and 104 pages are used in the report in a befuddled effort to justify the action of the conferees. When the bill was before the House I called your attention to the fact that every proponent of the bill opened his defense of the bill by an apology for some part of it. Every explanation of this conference bill contains an apology and seeks to justify this monstrosity on the ground that the country has been promised a farm relief bill at this session of Congress. Members are urged to vote for this bill under the threat that this will be their only opportunity to show their friendliness toward agriculture—and there is an election in the offing. Pressure of this kind has no place when we are dealing with this fundamental national industry.

When you tell your farmer constituents that the New Deal management in this House brought in a gag rule, by the terms of which the 120-page bill was not even read before the vote, that no amendments were permissible, and that the only thing the House could do was to debate the proposition for 4 hours and then vote "yes" or "no," I surmise you are going to have a very difficult task in convincing those intelligent farmers back home that you were hog-tied and hamstrung. Of course, you are hog-tied and hamstrung by the gag rule, which those who voted for it inflicted upon themselves. There is not a thing on earth you can do now but vote "yes" or "no" on this conference bill. If a majority votes "no," then the conference report will come up in the usual way—not under this gag rule—the conferees can be instructed, and it will be possible to read the bill, consider it section by section, and pass something that we all understand and that a majority of the House favors. Do not forget, this is presumed to be permanent legislation. The soil-conservation program and benefits will be paid for the 1938 crop, regardless of whether or not this conference report becomes a law. Why, then, this frantic haste?

When the original House bill came in sufficient time was given for general debate, and as a result, even under genuine pressure, the bill was only 18 votes to the good on final passage. I had rather trust the Members of Congress, coming from districts all over the United States, to work this matter out for the good of all rather than delegate authority to some Secretary of Agriculture or self-important bureaucrat. Oh, yes, if this bill becomes a law we are told that at least 100,000 additional representatives of the Department of Agriculture will be scurrying about the country carrying out the terms of the law, checking up on the farmer and his wife, and intruding into not only the business affairs but the operation of the home farms throughout the length and breadth of the land.

In conclusion, I predict that the Senate will not submit in such a docile manner to the imposition of a measure which it has had no part in formulating. It is the general understanding that the House has very little work tomorrow; that tomorrow, which is Thursday, it will adjourn over until Monday and not even be in session, and yet we are denied the right to consider legislation that is presumed to be a formula, the purpose of which is to regiment and control American agriculture in the years that are to come. Such action is arbitrary, unwarranted, will and should be resented by the farmers of the Nation. For my part I have not had a single farmer from the State of Michigan urge me to support this bill, while, on the other hand, the Grange, the Farmers' Union, the dairy interests, and many individual farmers have written and wired me to vote against this "conference" bill.

If we are to pay subsidies to the farmer, let us say so. Let us place all our cards on the table faces up. Let us enact honest legislation. Let us enact legislation that will be of benefit and will not regiment and entirely destroy the independence of American agriculture. [Applause.]

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield 15 minutes to the gentleman from Iowa [Mr. GILCHRIST].

Mr. GILCHRIST. Mr. Speaker, when this bill was before us in December I made a talk about it, at which time I pointed out the reasons for passing the legislation. I spoke of other farm bills which are before us for consideration.

It is easy for one to say that he would like to favor some of the other bills. I believe that there might be some sort of a bill passed which would have the dual price provisions—a price for farm commodities which we would pay in home consumption and a price which we would get for those which are transported abroad. I also believe that a cost of production for farm commodities bill could be worked out and that it would be a wise and helpful addition to our legislation upon the farm situation.

But we are not going to have the privilege of voting on such proposals. We are bound to vote for this bill in favor of agriculture and for nothing else. The Lord knows that agriculture needs help. At that former time I pointed out the distress in which agriculture then found itself, and since then that distress has deepened and widened. According to a report of the Alexander Hamilton Institute, the farm income in the year of our Lord 1938 will be 20 percent below the income which farmers had in 1937. According to the reports published by the Agricultural Department prices received by farmers for hogs have decreased about $2 per hundred, or perhaps 20 percent during the last year.

Cattle and sheep are away down. The index figures indicating prices received by farmers for all farm products on January 15, 1937, was 131, while on January 15, 1938, it was only about 100. The ratio of prices received by the farmers to prices paid to them fell from 101 in January 1937 to about 81 in January 1938. The distress of agriculture is evident. It extends into social and economic life so that we do not have the old-style independent farmer we formerly had in this country. Today in my State tenancy has increased until

it is more than 50 percent, and why? For the simple reason that agriculture has not succeeded but is bankrupted every few years. It goes along for a while on a level basis—a subsistence basis—and then about twice in every generation of 30 years the farmer goes broke.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. GILCHRIST. I do not care to yield just now. I have no time. I have only 15 minutes, otherwise I would gladly do so.

After a year or two prices will come up again, and then it goes along for another spell of a few years when prices again drop and the farmer is again lost. He is dead economically. The result is that after a course of years we find a new order in agriculture. The old-style farmer is gone. The old home farm life is destroyed, and the farms are owned by the banks and insurance companies under foreclosures and sheriff's sales. That does not make for the happiness of the farmer or for the welfare or security of the country. The old farmer has been turned out and has now become a tenant and a sharecropper. It is plain that when the farmer is in distress the whole country can neither be happy nor prosperous. That seems to me to be so axiomatic that a mere statement of it will appeal to you as correct. Unless you lift the farmer up to a position where he may buy, you will not have success anywhere else in your economic body. I have voted for many bills which have helped other industries and am ready to vote for them again. This bill is designed to aid farmers.

It has many very helpful things in it for them. It has provisions for research laboratories; for new industrial uses; it provides a start toward crop insurance; and it extends the life of the Surplus Commodity Corporation. It has better provisions for tenants and croppers and small farmers. Freight rates are to be investigated. Loans on commodities are to be made, and I am especially interested in that for the reason that when I was a member of the Iowa Senate, I was one of the authors of a bill which for the first time allowed farmers to warehouse their crops on their farms. Everyone admits that that has been a good and a successful thing. I have heard no one in all these years criticize it. I could go ahead and tell a number of other things in the bill that everybody admits are good things. But people find fault with it. It is easy to find fault with things generally. It is easy to find fault with this bill, but nevertheless it is time that the farmer should have some kind of substantial and permanent relief. I would like to support a bill that looks more to permanency even than this does, but I am going to accept it as the best bill that we can get now, and I call upon all the friends of farmers to accept it in that light.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. GILCHRIST. I do not care to yield just now. In this debate Members have said something about unfair distribution of money. I have figures here which show the distribution of the seven or eight billion dollars' worth of money that has been expended for relief in the United States during the last 2 years or so.

I find that out of that seven or eight billions of dollars, Iowa, my State, is forty-seventh in the list; but we are not finding fault with that; we want to help all Americans to go ahead to prosperity. I find that those who are complaining about this bill being unfair in its distribution come from States like Oklahoma, which has had almost twice the relief money per capita that Iowa has had; Michigan has had not quite twice, but about a half more per capita than Iowa has had. So let us go ahead with this bill as being the very best bill we can get under the present circumstances and see what results will flow from it. If they are not good we can always amend it and perfect it and get better results from it.

There has been criticism here from what I would call the great cattle ranges of this country. My friend from Nebraska spoke about it; my friend from Texas spoke about it. I was out West some 22 years ago, and an attorney for the Pacific Livestock Co., with whom I was riding out from the interior of Oregon, told me as he pointed to a ranch about 2 miles away: "That ranch house belongs to my company. I can start with a mule team on that farm and I can ride clear down to Mexico and sleep every night on one of our properties." The great plains of Texas, the great plains of the West are situated much like that. They do not want corn to be high. They want to buy corn as cheap as they can, so as to finish their cattle with our corn. That is why some of their Members are doing their duty to their constituents on this floor today and protesting this bill; and that is the only reason. Some of them shed crocodile tears for the small farmer, but they are interested in the big farmer on the big ranges.

The original Boileau amendment prevented the use of the land which the farmers contracted to the Government for soil-conservation purposes in what I am now convinced was a very unwise and ridiculous manner, but the present bill has corrected this and at the same time protected the dairymen by providing that the number of cows for dairy purposes must not be increased on any farm. That ought to be sufficient.

My district and my State is interested in dairying but we do not want a ridiculous law saddled down upon us in the name of dairying. Under the original Boileau amendment you could not let the little old red rooster run over on the soybean patch—used for soil building—without losing your right to the soil-conservation money.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. GILCHRIST. I yield.

Mr. BOILEAU. The bill gives the Secretary of Agriculture the right to make regulations for the enforcement of these various provisions, does it not?

Mr. GILCHRIST. But the Secretary cannot make regulations in direct conflict with the express provisions of any section of the bill.

Mr. BOILEAU. The sponsors of this amendment did not believe that a farmer would be penalized because a rooster went across on this land.

Mr. GILCHRIST. I yielded for a question only.

Mr. BOILEAU. Such an attack is unfair.

Mr. GILCHRIST. It is certainly not unfair. Your amendment provided that the contracted land should not be used for the growing of anything but soil-conserving crops; and specifically referred to poultry, saying that poultry could not be grown for market upon soil-conserving land but must be used domestically upon the farm and not otherwise. It then went on to state what the term "for market" meant. I quote from the amendment itself, as follows:

> As used in this subsection, the term "for market" means for disposition by sale, barter, exchange or gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are to be sold, bartered, exchanged, or given away.

Under that language poultry could not be allowed to run at large upon the farm if there were any soil-conserving crops growing upon it. Even the eggs from the old hens could not be sold into the market if the poultry were permitted to run on the farm at large. There is no chance to dispute the meaning of the plain Anglo-Saxon words used in the amendment. It tells the farm wife to coop up her chickens and keep them cooped up all the year round. The Comptroller General would not allow any money to be paid out if it were paid contrary to the terms of that amendment if it were enacted into law.

Most of the farms in my district and in my State are fenced hog-tight, and in the fall of the year, when the crops have been harvested, the hogs and the cattle are permitted to graze over the whole farm to pick up the roughage and to run in the cornstalks to feed upon the corn that the picker has left behind. Under the original Boileau amendment this could not be done, unless the farmers would forego the benefits of the soil-conservation program. It tells the farmer to pen up his hogs and keep them penned up all the year round. We ought to protect dairying, but in doing so we must be reasonable. The language of the present bill is

reasonable and fully protects the dairymen, because a farmer who takes advantage of the soil-conservation plan cannot increase the number of his dairy cows. If the original amendment were put into force, then the women on farms would not be able to raise poultry or sell the eggs for market. And, by the way, while we are talking about the matter, I want to refer to the story which was put on our desks yesterday morning and which the distinguished gentleman from Missouri [Mr. SHORT] quoted into the RECORD, telling us about the farmer who had two chickens and traded them for a shirt. But he did not tell us that the price of the chickens was so low that they did not command as much as a button for one shirt. He should have said that they were so cheap that the farmer was without a shirt and liable for indecent exposure of the person. There are a lot of farmers who have almost lost their shirts. And when he told about the agent of a shirt company calling upon the farmer and proposing to trade, he ought to have added that, inasmuch as the chickens were not worth as much as the hole for one shirt button, the agent, in proposing a trade, was likewise guilty of indecent exposure of the intellect—which is using the aphorism of the gentleman himself.

We ought to exercise a little sanity in our thinking. We all know—indeed, it is admitted by nearly everyone—that about 1,000,000,000 bushels of wheat will supply America; that two and two-thirds billions of bushels of corn is all that we can use in this country; and that about 14,000,000 bales of cotton will amply supply us. When we have produced that much, when we have produced as much as we need, when we have produced as much as we can sell, and in addition to this when we have put into storage a sufficient quantity to insure against future droughts and future short crops, then why should the farmers be asked to raise more? Enough is enough. It costs money and time and endeavor and work to raise more than enough. What sane argument can be given for raising more than an ample supply and a supply which provides the market with all it can use? The duty of supplying the Nation with food and clothing rests upon the farmer. The same duty rests upon industry to supply us with goods. But industry limits its output. For example, the steel corporation will at times produce only 20 percent of its capacity. Manufacturers do not produce shoes, overcoats, and automobiles in excess of the needs of the country. Any manufacturer who would do so would soon go into bankruptcy. There is no sense in saying that this bill is a scarcity bill, because it is the direct opposite. It provides for all of our present needs and provides also for storing foodstuffs and fibers against the day when there will be a shortage. It makes for a long-time supply. These city economists want the farmer to produce in foolish excess and thereby break the price and bring cheap food prices. But this will also bring bankruptcy and distress to agriculture. There is no sanity in such a program.

One-sixth of those who are gainfully employed are farmers. They own much more than one-sixth of the wealth of this country. They work from daylight to dark the year around. They are not slothful, and they put intelligence and experience into their business; and yet they get about one-twelfth of the national income. Is this fair?

Mr. HOPE. Mr. Speaker, I yield 3 additional minutes to the gentleman from Iowa.

Mr. EICHER. Mr. Speaker, will the gentleman yield?

Mr. GILCHRIST. I yield.

Mr. EICHER. Before the gentleman closes, will he not discuss the mandatory features of the corn loan?

Mr. GILCHRIST. This bill provides for corn loans and such loans ought to operate to put a bottom price upon the crop. These loans are mandatory. The farmer is not required to borrow money upon his crop but it is mandatory upon the Government to give him such a loan, if he needs it or wants it, within the bounds and regulations that will be provided with respect thereto. He can get this loan if he needs money to carry on his business and to make repairs and improvements. He can get such a loan and the loan provisions of the bill are liberal, depending somewhat upon the size of the whole crop. The loan is based upon parity price which will differ somewhat as the years go by; but at present the loan would amount to about 66 cents per bushel if the estimated crop does not exceed a normal year's consumption and export. The loan would be about 61 cents per bushel if the estimated crop exceeded a normal year's domestic consumption and export requirements by not more than 10 percent; and so it goes. Even in case there should be an enormous excess crop of corn, even though it should be an unprecedented crop, still the farmer would be able to get a loan of about 44 cents or 45 cents per bushel. This will stabilize the market. This will put a floor under the price of corn and will be a welcome addition to our present legislation.

I tried to point out in my former speech that a man can raise all the corn he wants to, all the crops he wants to; the bill does not deny him that right. He is not prevented from raising a single bushel of grain. All he is required to do is to store that part of the crop which it has been found—perhaps once every 7 or 8 years—should be stored. There is not a thing in this bill that prevents him from raising all he cares to raise on his farm. He must comply with the regulations for storage that the Secretary puts into force when there is too much of a crop in evidence and after the secret referendum vote of the farmers puts it into force by a two-thirds vote. There is no compulsion in any other respect. He can grow all he wants to. If he fails to comply with the regulations by putting into storage in those excessive years that part of the crop which is excessive, he will not then be allowed to take advantage of the conservation payments. But he will have, however, the benefit of the crop itself, and he will have what he has preferred to grow on what otherwise would be reserved land, and he will also get the benefit of the high prices for the crop which this bill brings, on account of the fact that his neighbors have reduced their crop and stored a part of it.

That is all the compulsion there is in it.

Mr. EICHER. I think the gentleman misunderstood me. The gentleman from Minnesota yesterday said that the corn-loan features of the bill were not mandatory. I wanted the gentleman's ideas, as a member of the committee, on that question.

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. GILCHRIST. The gentleman from Minnesota referred to the fact that there is in this bill in connection with loans a statement somewhere that they shall be approved by the President and the Secretary. That is a wholesome provision. Who is going to approve them? Who is going to be the umpire? Someone has to be. Certainly the Secretary of Agriculture is going to do that in a fair and honest way. No one can say there shall not be some control of the loans which are made to the farmers under this bill.

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. LORD].

BILL NOT FAIR TO DAIRYMEN

Mr. LORD. Mr. Speaker, in the short time we have had to consider this bill since it has been placed before us for consideration, we have not had opportunity to read it over, nor the report, and digest them. While I speak on it at this time, I have to speak from what I have picked up here and there through the bill and without reading it carefully. The bill has been changed to such an extent since it left this House and went to the Senate that it is an entirely new bill at the present time.

Mr. MICHENER. Will the gentleman yield?

Mr. LORD. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman has stated just what I was going to stress. The bill that we are to vote on shortly has never been read in the House and never will be read in the House. We are voting on something that has never even been read from the Clerk's desk and will not be read before we are called to vote "yes" or "no."

Mr. LORD. I agree with the gentleman's statement.

The Boileau amendment that we thought would protect the dairy farmers in the Northeast has been emasculated so that the gentleman from Arizona [Mr. MURDOCK] states at the present time it is harmless. Of course, if it is harmless, and I agree that it is of no effect now, we have no protection at all.

I wish the whole bill was as harmless as the gentleman from Arizona informs us the Boileau amendment is.

Mr. Speaker, this bill seeks to bait our farmers with some payments in order to get them to enter into this scheme. When they regimented and controlled the farmers over in Russia they were not quite as nice about it. They just drove them in. Here we are setting a trap to bait them, and when we get a sufficient number started, then it will be another question. They will all have to come in.

Mr. ANDRESEN of Minnesota. Will the gentleman yield?

Mr. LORD. I yield to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. The gentleman from Iowa [Mr. GILCHRIST] has just shed some crocodile tears about this legislation. I want to point out, with the gentleman's permission, with reference to the loans to which he referred as being mandatory loans, that section 302 of the conference report provides before loans are made the Secretary of Agriculture shall recommend and the President shall approve them. Unless the Secretary recommends that loans be made and the President approves, no loans will be made. However, if they both concur, and the money is available, then the loans become mandatory, but not before that time. May I say another word about the Boileau amendment because my good friend from Iowa has said that the rooster may go across the road and eat some of the corn; but he failed to explain what would happen to the rooster if he ate some of the corn that was sealed up under the compulsory-control provisions of the bill. If the rooster went over to the corn crib that Mr. Wallace seals up, off will come the head of the rooster and the law will be violated. The provisions are much more strict than the gentleman stated.

Mr. BOILEAU. Will the gentleman yield?

Mr. LORD. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Along that same line, if you have your pigs and hogs for home consumption and your pigs for market together, how do you distinguish the two? Does not the same thing exist there in connection with the corn-and-hog program? This is merely a smoke screen they are bringing up with reference to chickens.

Mr. ANDRESEN of Minnesota. Will the gentleman yield further?

Mr. LORD. I yield to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. The gentleman from Iowa also pointed out many very desirable provisions of the bill which all of the members of the committee favor; but he overlooked and failed to touch upon the essential point in the bill, which is compulsory control projected upon American agriculture for the first time in the history of this country.

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. LORD. Mr. Speaker, I had just about reached the point in my remarks suggested by the gentleman from Minnesota. The farmers of my district and of my State object to being regimented and told what crops they may raise, where they may raise them, and how much they may raise. That may go across over in Europe in the countries over there where they are being regimented, but it is not going to go over in the United States. As someone remarked yesterday, within 2 years they will be coming back to us asking for repeal of the law, as they did with reference to the Potato Control Act.

We are giving benefits to everyone but the dairy farmer. The dairy farmer has never received any consideration in the 5 years we have been under the control program. The dairy farmers have taken all this with pretty good grace, but they are getting tired of legislation of this type and object most strenuously to the legislation that is now before us.

Suppose we control all farming, as this bill seeks to do. In other words, all farming is controlled from Washington, some one tells each farmer how many acres of each crop he may plant by some dictator, and that is what is happening in Europe; how are we going to like it?

We have the wage and hour bill to control our industry. Further, there is a good deal of talk about taking over the railroads. What does this all mean? What is at the bottom of it all? Who wants to control? We see just where we are drifting. We are drifting into a controlled, or one-man government. We know just what this means because we have seen the example of it across the water.

The soil-conservation program has helped some, but so many political appointees are required to administer it that it takes about one-fourth of the allotment to pay the political man who comes around to look over the crops of the little farmer. Then, too, the pay is too long in coming to the farmer. Many of the farmers in my district have not yet received pay that should have been received months ago for the fertilizer they bought last spring. They are not even going to catch up with themselves because they will be ready to buy more fertilizer before they get the pay for the last year's supply.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. LORD. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Is it not a fact that the administration of the soil-conservation program is handled by the extension departments of the universities of the country?

Mr. LORD. No. Some political appointee comes around to each farmer and looks over his land.

Mr. WHITE of Idaho. I may say to the gentleman that in my State this service is managed by the extension department of the university.

Mr. LORD. This bill provides a subsidy for wheat, corn, cotton, and rice farmers by paying them to take acres out of production and put the same acres into clover, alfalfa, and so forth, that they will feed to livestock that come in direct competition with livestock raisers and dairy farmers. This is where this bill is not fair, for the dairy farmer and livestock raisers have to help pay for their competition. The whole program for the last 5 years has been against the dairyman. In one section of this bill it reads:

> Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area * * * is being adversely affected * * * as a result of programs carried out under this act, he shall make * * * such provisions in the administration of this act * * * as he may find necessary to protect the interest of such livestock or poultry. * * *

Here we see that the bill eliminates dairy cattle.

WHEAT RAISING IN NEW YORK STATE

We raise many acres of wheat in central western New York, and we have an average crop of about 22 bushels to the acre. In the South and West the average is about 12 bushels to the acre. In the reduction we do not take bushels out of production, but acres; when we reduce an acre in New York we reduce 22 bushels, but in the South and West they only reduce 12 bushels of wheat. This is another example of the unfairness of this bill.

COST TO ADMINISTER

It is estimated by those who should know that it will take at least $50,000,000 to administer the scheme, and if there should be enough political job seekers not now on the pay roll it may take much more. It is also estimated that if we are blessed with abundant crops to feed the hungry that it will need from $1,000,000,000 to $2,000,000,000 to carry out. It is not so much the cost, if it was a sane program that would treat all of the farmers alike and the money was actually to go in their pockets. [Applause.]

[Here the gavel fell.]

Mr. DOXEY. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, I am a member of the Committee on Agriculture. I believe this committee and the

Members of the House have devoted more time to the consideration of this bill than they have spent on any bill that has been before the House in the 6 years I have served here.

I was a little bit uneasy yesterday when some Members began to say they could not understand the bill and did not know what it meant, but in a few minutes I discovered nearly all those who could not understand it were on this side of the aisle. Then I felt better, because I knew they did not want to understand it. It may be, though, that this factor has something to do with it. If you are going to understand a piece of legislation that applies to any particular business, you must know something about that particular business. This bill refers to farming.

Let me tell you a story about a young lady who was raised in the city but who married a young fellow from the country. This young man from the country wanted to save his money. She said he wanted to hoard it, but he insisted he wanted to save it. One day she picked up the paper and while reading it said, "John, I know now why you want to hoard all your money. Even the cows out in your State hoard money."

"Oh, no," he said, "cows do not have money." She said, "They do, John. This paper says 6-year-old cow's hide 6 cents." She said, "If the cow was not hiding her money she would not be hoarding it, would she?"

She did not know how to read the statement. She did not know that when you take the skin off a poor cow, that cow is out of business for good.

There is one thing about this discussion I have not liked. They talk much about helping the farmer, assisting the farmer, giving him this and that. I am a farmer, and I have not yet asked for anything I did not think belonged to me. In this bill the farmers are trying to get what every other industry in the United States has.

You are kicking about loans, but the Reconstruction Finance Corporation has loaned to banks, it has loaned to railroads, it has loaned to life-insurance companies, and it has loaned to every class of business on earth. There is no better loan than a loan based on agricultural products. Some people talk about these loans as if they were gifts, for instance, loans on corn.

Mr. TOBEY. Mr. Speaker, will the gentleman yield?

Mr. CUMMINGS. No. I do not have time. The gentleman has had his time to speak. I do not like to have a fellow ask me a question and make a speech in my time. I have a speech of my own to make.

There have been only about 28 of the last 30 or so years that corn has not been worth as much to feed to hogs as this loan provides. Those 3 years were 1932, 1933, and a part of 1934. Some of the people from the West are afraid their steers will not be taken care of. I have owned a few steers in my time and a few in the last year, I am sorry to say, but I have never yet lost any money feeding steers when corn sold at a decent price, or when I paid a decent price for it, except this year, when they were low.

You cannot make one class of people prosperous without affecting another. You cannot make the man who grows cattle prosperous unless the man who grows corn is prosperous. The man who grows corn cannot be prosperous unless the man in the city is prosperous, and the man in the city cannot be prosperous unless he buys the products of the farm.

They talk about the compulsion of this bill. What is the object of any law that is passed? It is to make somebody do something he does not want to do, there is no question about that. There is no question in my mind but that probably two-thirds of the people will vote for these controls. There will not be one-third who will vote against it. There may be 5 or 10 percent of the people who do not want it, but you always have people of that type. If you are going to live under a democratic form of government, the majority must rule.

This bill is not going to give the farmers any money. It is simply trying to give us a chance for the white alley.

If I had written this bill myself, I believe I could perhaps have written a better bill. It may be I would have written it so the bill would have suited the people in my particular district better than the people in other districts. You all know that just before Christmas we are all as good as good can be. From now until the 8th day of November we can probably hear the people back home better than we will be able to hear them for the year following that time. Therefore, I say it might have been possible to write a better bill, but after the House has debated this matter for 2 weeks, after the Committee on Agriculture has spent nearly 6 months in studying it, and after the Senate has devoted a month to it, what is the use of talking about this bill not being considered and people not knowing what is in it? I am quite sure there is no Member on this side who does not know what is in the bill. [Applause.]

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, I desire to ask my colleague the gentleman from Minnesota [Mr. ANDRESEN] a question.

On page 4 of the bill there is a provision setting up local administrative committees for administration. Has the gentleman any information as to the possible number of committees that may be set up?

Mr. ANDRESEN of Minnesota. If the practice under the Soil Conservation Act is continued, there will be a committee of from three to five members in every farming township in the country.

Mr. KNUTSON. What would be the total number?

Mr. ANDRESEN of Minnesota. Oh, I would estimate the total number of employees to enforce this bill, including the committees, and all of them on the pay roll of the Government, at close to 100,000 over and above the number now employed.

Mr. KNUTSON. Then I can understand why nearly everyone on the other side of the aisle is for it. [Laughter.]

[Here the gavel fell.]

Mr. DOXEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. NELSON].

Mr. NELSON. Mr. Speaker, many have asked me, as a member of the committee, what I think of this bill.

First, I do not see in it much about which to become excited. This is as it should be. Right now, when the whole world is suffering from high blood pressure, the call is for calmness and courage, for brains rather than bellows. The need is not for a cyclone but for a gentle breeze to point the weather vane in the direction we should go.

Speaking of direction, I do not feel that this bill, except as an emergency measure, is pointing in exactly the right direction. It cannot provide a permanent agricultural program. In the very nature of things, through decreased soil fertility and increased population, the day will come when here at home we shall need every bushel of grain and every pound of meat our farms can supply. Permanent agricultural prosperity must result from plenty, not scarcity.

But we are living in today, not yesterday or tomorrow. With everything and everybody moving the same way on a crowded road, the farmer alone cannot suddenly turn about and progress in an opposite direction. He must, for the moment, go along or be crushed by the crowd. Let us call it the subsidy crowd, a high protective tariff representing the greatest, but by no means the only, subsidy. So, with subsidies—or let us say stilts—provided for others, I should like to see the farmer, who has an 8-hour day, 8 hours before dinner and 8 hours after dinner, provided with stilts as good as the best.

I am for this bill. It contains more of good than bad. Despite some shortcomings and objectionable features, it goes far toward meeting an immediate need. It will be better than either the House or Senate bill, containing as it does the best of both and, I was about to say, some of neither. It more resembles the House bill than the Senate bill, as I feel it should.

The interest of my farmer constituents being primarily in corn and wheat, I approve the figures which provide that marketing quotas will not be in effect except when the yields

are large enough to unduly depress prices on these crops, and even then the excess marketing penalties, which I opposed in committee, are the lowest possible, the House rather than the Senate figures being adopted. There are no production control provisions. The general loan features are fine. Soil conservation is continued, as is the provision by which 30 percent of tariff collections may be used to enlarge the market at home and abroad for American farm products. More equality in farm freight rates should result through a new provision. Wider use and additional markets for products of the farm may be found through work of four regional laboratories.

Farmers are to have more to say about the workings of the law. They elect all members of committees. More money is to go to so-called little farmers and less to big ones. Marketing quotas, if continued in effect, must be approved by two-thirds of the producers. National and State administrative costs are to be cut, and other savings assured.

While the measure as written is more easily understood than some others, it needs more simplification—"boiling down" and "skimming off," to use maple-sugar terms—which my New England colleagues, who oppose this bill and most all other farm legislation, will understand. In Missouri language, I would say of the bill that it still takes too much hunching to get a little milk.

Practically all legislation, and surely all legislation dealing with a problem so difficult of solution as that of the farm, necessarily represents a compromise. Farm organizations are not agreed on agricultural legislation. No two Members of Congress, not even two members of the Agricultural Committee, would write exactly the same bill.

The conferees have done the best they could. Their work deserves our approval. A farm bill must pass.

Mr. HOPE. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

THE BEST WE NOW CAN GET

Mr. CASE of South Dakota. Mr. Speaker, few people on this floor really believe we are getting a permanent solution of the farm problem in this bill. Certainly I do not, although I shall vote for it under the parliamentary situation we have. There is no chance now to amend. We must take it or leave it.

If anything is necessary to illustrate the difficulty of finding a perfect and final solution to the farm problem, it would be the controversy that has developed over the so-called Boileau or dairy amendment. The dairymen fear that acres taken out of cotton, corn, or wheat will be used to grow grass for milk cows and compete for the milk and dairy market. It is the old story of poking in a balloon here and having it come out there.

The conference revision seeks to guard the milkmen. Opinions differ as to whether it accomplishes that purpose or not. I do not know that it makes much difference to my farmers, because if it does protect the dairymen from competition by new milk cows fed on diverted acres of grass, it means that the only cows that can eat the grass will be beef cattle. So the burden of the new competition would be shifted to beef cattle. We have both in western South Dakota, and we need more of both. The drought years depleted our herds. But we are coming back. After all, I am wondering if the danger of new competition has not been exaggerated. An acre of cotton produces more cotton cake and more feed than an acre of grass. An acre of corn produces more beef than an acre of grass. We have a strange situation here. The Members who argue against controlling production are the ones who have supported the one amendment that proposed the most drastic prohibition on production, if it could have worked. But it could not work.

The Boileau amendment as originally adopted allowed no leeway if we had a drought, and we have seen what restricted use of grass means when we have a drought.

In 1934, before the regulations were changed, the farmer who had acres in soil-conserving crops, such as alfalfa, could not use that alfalfa for cattle starving on dried-up pastures on the other side of the fence. That was nonsense. Finally somebody in Washington changed the regulation. But the Boileau amendment would have frozen that restriction into the statutes. The conference revision wisely permits taking droughts, floods, or other disasters into consideration and permits the Secretary to lift the ban on using the grass in those circumstances.

CONTROL ON MARKETING, NOT PRODUCTION

In the discussion throughout the country there has been a great deal of misunderstanding about the so-called compulsory sections of the bill. This bill does not control planting; under certain circumstances it may affect marketing; but it does not rigidly control even marketing. Any farmer will be able to plant just as much as he may want to plant; if we get a glutted market, he may not be able to sell all his crop that year except under a penalty tax. He can keep it; he may sell it in another year, or he can pay the tax and sell now, and he will not be a criminal if he does.

It so happens that the only part of the so-called compulsory sections of the bill that will apply to my district are those relating to wheat. We are not in the commercial corn-producing area. The only thing that can happen in case the Secretary finds we have too much wheat, would be the establishment of marketing quotas. Marketing quotas, not planting quotas. There is a vast difference between the two.

HOW IT APPLIES TO WHEAT

Wheat marketing quotas can be established only when and if these things happen: First, the visible supply and prospective yield must exceed a year's normal domestic consumption plus a year's normal exports plus 35 percent; second, the Secretary must announce that fact before marketing begins; third, the wheat growers must approve the establishment of marketing quotas by a two-thirds majority.

Then, if we have had that prospect of a stock of wheat running 35 percent over normal domestic consumption and normal exports, and if less than one-third of the wheat farmers oppose marketing quotas, we will have two prices for wheat. The one price will be the market price for that portion of a farmer's production which corresponds to his share of the normal consumption, normal export, and a 30-percent surplus. The other price will be the market price less 15 cents a bushel. The 15 cents will be the penalty tax. The farmer need not suffer that loss if he holds his wheat. He can feed the wheat to something consumed on the farm that year and he will have no penalty. He can hold the wheat for a year when there is no marketing quota or until his own yield does not equal his marketing quota. And whatever he does about it, he will not be a criminal under the proposed legislation.

Now, that is all the so-called compulsory marketing quota section means as far as the farmers in my district are concerned. They do not raise cotton, they do not raise tobacco, and they do not raise rice. They do not raise enough corn to be in a commercial corn-producing area. So the wheat section is the only one that applies to them. And we will not have marketing quotas in wheat until we have such wheat stocks as we had in 1932, and then we may want something to bolster prices a bit.

The worst thing that came out of the conference, as far as I am concerned, was the dropping of the provision to permit separate quotas for the different marketing classifications in wheat.

Hard wheats—the real bread wheats—have never created a wheat surplus. As I set forth in detail during the debate on the bill, the soft wheats have created the large stocks of wheat when we have had them. Consequently it seemed unfair to set up just one classification for wheat.

The wheat growers in the Dakotas, Montana, and Minnesota believe that quotas should follow market customs; separate quotas for durum; separate quotas for hard wheats; and separate quotas for the soft wheats. Hard wheats primarily have suffered from the drought years; basing of

quotas on those years would give an advantage to the soft-wheat growers who did not suffer so much from lack of rainfall.

So, if I were to object to the conference report on any one point, it would be upon the ground that the authority for the Secretary to establish separate quotas corresponding to market classifications was eliminated. But in studying the bill carefully I find that loss is partly offset by the fact that marketing quotas if and when established would be based on the record of acreage seeded for the last 10 years, and eliminating the years that were below 75 percent of normal.

This protection is mandatory in the bill as now written, and that may be better protection than we would have had in the discretionary permission for marketing classifications in the House bill. Certainly the use of the acreage seeded is a fairer base for the Great Plains wheat growers than the use of average yields would have been. The crop statistics for the last 10 years show that our yield per acre dropped out of proportion to yields elsewhere. So this conference report may give the hard-wheat growers better actual protection than the original bill would have, had the Secretary been reluctant to use the authority granted.

SOME DISTINCT IMPROVEMENTS

Now, I shall vote for the conference report, because I believe that certain beneficial features in the bill outweigh the uncertain features, as far as the people in my district are concerned. Those advantages over the present Soil Conservation Act may be summarized as follows:

In the first place, definite provision is made for the election of county committees. They will not be appointed by the Secretary after this bill is passed; they will be elected by the farmers themselves.

A second improvement is that the small producers are to get a little better rate of payment, while a restriction is placed on large payments. Those who would get less than $200 are to be paid a better rate; that is to help the family-size farm. At the other end of the scale, the large-corporation farmer, the one who gets payments over $10,000 will find his benefit payments cut.

The third distinct advantage in the revised bill is the provision for mandatory loans. In the case of wheat the loan would become operative when the price of wheat on the farm goes down to 52 percent of parity; it could become as much as 75 percent. Parity on wheat means $1.16. So a 52-percent loan would be 60 cents. That is intended to put a 60-cent botton for wheat on the farm.

A fourth improvement is the inclusion of the crop-insurance feature. We have had no opportunity for debate or consideration of the particular plans for crop insurance set up. That is true. We are told the plan follows the bill once passed by the Senate and favorably reported by the House Committee on Agriculture.

In all probability, the crop-insurance program will develop problems as it is tried out, but the important thing is to try it out. The bill proposes to do that.

A fifth and, I think, very important improvement over present farm legislation is the provision for research into new uses for farm products and the development of new markets.

Four million dollars is authorized for regional laboratories to find new uses and new markets. The Department of Commerce is authorized to spend $1,000,000 in developing new markets. In all the debate during the 10 days the farm bill was before us in the House, not one speaker attacked the purpose in this new legislation. All who mentioned it, praised it.

Mr. Speaker, since these five features are in the bill as we now have it, and since they are not provided in existing legislation, I am compelled to say there is more good than harm in this bill for the farmers of my district, and I shall vote to accept the conference report. I do not like all parts of it; I would vote for some amendments if we could do that; but there is no chance to do that at this time. We must take it or leave it, and so I favor taking it.

I cannot forget, Mr. Speaker, that the voluntary soil-conservation program has operated as a form of crop insurance for my farmers during some hard years. Figures presented during the general debate showed that over $16,000,000 was paid in benefit payments to the farmers of South Dakota in our driest year, 1936. That is more than $44 per capita of farm population, or over $200 per average family. That program is helping us to readjust our farming practices to what nature intended. We did not intend to plow up all the prairie; we broke the sod to grow grain as a patriotic duty in time of war. We want to diversify; we do not want to mine the soil; we want to conserve it and use it wisely. So this bill, continuing and improving the soil-conservation program and carrying specific new benefits, should be better than what we now have, and I shall vote for it.

The SPEAKER pro tempore. The time of the gentleman from South Dakota has expired.

Mr. DOXEY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, I want to read a very short sentence that presents the most comprehensive, penetrating, and portentous characterization of the present state of agriculture in this country that I have ever seen. It was uttered by the Secretary of Agriculture before the Senate Committee on Unemployment. It stamps the Secretary as a true observer, as a sound thinker, and evaluator of the things he sees, and it lays some claim to literature. I read as follows:

> Farming is ceasing to be a way of life and is becoming a new kind of highly organized industry, a great outdoor factory built around labor-saving machinery which can be operated by gangs of seasonal workers.

This statement was considered worthy of editorial treatment by the Washington Star, and the writer, not disputing the truth of the ominous picture drawn by the Secretary, observed that no doubt the authors of this great change considered it as progress, but he regretfully wondered what we were getting in exchange for the thing that we were giving—this way of life—half so precious as the thing we gave. My answer would be, Nothing. [Applause.]

Mr. Speaker, all the civilizations of history worthy of the name were built upon and sustained by this way of life. The thing we are getting in exchange for it carries within itself the seeds of doom for the farm life of the ages, and maybe of our civilization.

Members have no doubt seen the news reel of current events in which the announcer every once in a while says in a peculiarly inflected and significant tone of voice, "Time marches on."

Time not only, but the machine, marches on. A few days ago I received a letter from a friend who is a national leader in the Typographical Union protesting the substitution of what is known as the planograph process for the Patent Office printing done in the Government Printing Office. It is an inferior but much cheaper process, eliminating the printer and other expert workmen. As I read, the paraphrase of the oft-repeated news-reel announcement flashed into my mind. The machine marches on, and not even Congress can stop it.

Last week in Washington the head of a great printing establishment addressed a convention and glowingly predicted that before long they will just radio the news right onto the blank newsprint and cut out the great, cumbersome plants and complex processes which now "clutter up" the printing game. The machine marches on!

It marches on across the farm as well as the factory. It is converting the farm, as Secretary Wallace so graphically said—

> Into a new kind of highly organized industry, a great outdoor factory built around labor-saving machinery which can be operated by gangs of seasonal workers.

It is putting the farmers out on the highway as rapidly as the workers. The harvest hand in the Wheat Belt has gone and the pickers in the Cotton Belt will follow him. The

farmers, being diffused everywhere, the effect is not so manifest as in the case of the workers concentrated in industrial centers, but the result is the same. And in agriculture as well as in industry, it will be the men who own the machines who will own or control the farms. The corporation farm is coming more clearly into the picture.

The pending farm bill is not the answer to the question-mark placed behind agriculture by the Secretary, or rather by the machine, but it gives the farmer a measure of control over his own business and should stabilize farm production and increase farm prices, and insure a better and more secure living for that part of our people who produce the food for all the people; and for these reasons I am supporting it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. DOXEY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. STARNES].

Mr. STARNES. Mr. Speaker, I voted to recommit the farm bill at the special session and voted against it on final passage because of the vicious provisions of the Boileau amendment. That amendment sought to freeze by legislative enactment unsound farming practices. It would have chained the South to a one-crop system and would have denied to us any real benefits under the bill. It would have destroyed in practical effect the sound provisions of the Soil Conservation Act of 1935. Our Soil Conservation Act was founded upon soil-building and soil-conserving practices and a diversified farm program. The Boileau amendment would have prohibited the farmers of my district and of the Nation from engaging in a diversified farm program and would have denied the right of other sections to engage in normal dairy activities. Our farmers must be permitted to diversify and use their lands for soil building and side cash crops if we are to have a balanced farm program.

I intend to vote for the adoption of the conference report because I think the committee has brought to us a workable bill. It will be a pleasure to support this bill, although we know it is not a perfect measure. It will bring about a certain degree of parity of income for our farmers and provide for necessary research work. We need to find new uses for our agricultural products thereby creating a greater demand for such products.

I personally think the Soil Conservation Act of 1935 is the best farm act we have adopted for a long-range farm program. I will be glad to support such additional measures as will bring about absolute parity of income for the American farmer. In my judgment this can be attained by the passage of a domestic allotment program. However, I realize that such a program is not now before the House. We have a bill which will in some measure insure a better income to the American farmer. I therefore trust the House in its collective judgment will approve the conference report so that we may give to the farmer some insurance of parity comparable to that given to business and industry.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. DOXEY. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. LUCKEY].

Mr. LUCKEY of Nebraska. Mr. Speaker, I rise to ask the chairman of the Agricultural Committee a question and call his attention to a statement made on the floor of the House yesterday, appearing on page 1670 of the RECORD of February 8, 1938, as follows:

> As you know, when these compulsory marketing quota provisions are invoked, any farmer, whether he is a cooperator or a noncooperator in the commercial area, will be forced to pay 15 cents a bushel penalty for any corn sold or fed to his livestock in excess of his quota. This same 15-cents-a-bushel penalty applies to wheat growers throughout the United States.

Will a farmer be forced to pay a penalty of 15 cents a bushel on corn fed to his livestock above his quota?

Mr. JONES. If he feeds above his quota he is subject to a penalty provided two-thirds of the farmers have voted for a marketing quota. Then the penalty is inflicted.

With this exception, however, that if he produces less than 300 bushels of corn there is no obligation, or if he must store less than 100 bushels there is no obligation. He can feed any part of his quota, or he can feed to his livestock what he produces on the farm. It is only when he markets, directly or indirectly. The gentleman understands that 85 percent of the corn is fed right within the county where it is produced. The only way to get marketing quotas on corn is to have it cover not only the sale of corn but the feeding of corn as well.

Mr. LUCKEY of Nebraska. Will he get the benefits of the soil-conservation payments we have now?

Mr. JONES. He gets the soil-conservation payments; they are continued. That depends on the appropriation from year to year. The loan provisions are additional.

Mr. DOXEY. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. O'MALLEY] 3 minutes.

Mr. O'MALLEY. Mr. Speaker, I represent a district in which the passage of this bill will increase the price of the necessities of life for everybody. If I thought there was any chance of this bill helping the farmer, I would be impelled to vote for it; but after trying to read and understand the bill I find it is made up of the old Hoover Farm Board, parts of the A. A. A., and a conglomeration of every panacea that has been tried for the last 10 years to relieve the farmer, all thrown into one bill. So I cannot support it for two reasons: First of all I do not, as an American citizen, want to see the farmers of the United States made serfs and kulaks, compelled to control their business according to the dictates of some theorist or "brain truster" in Washington; second, I do not care what price the farmers of the United States get for their products, either through artificial Government hijacking of the consumer purse in the city or the laws of supply and demand, they will not be able to become prosperous until some way is found for them to reorganize and reduce their debt structure to a place where they can finally liquidate their indebtedness. We have allowed the business concerns of the country to go into court under 77B and reduce their debt structure so they can earn some money on the investment of their stockholders and liquidate their debts, but we refuse to allow the farmer to do that. The farmer is an individual businessman, probably the last individualist in business left in this country. You can pay the farmers of my State $2 per 100 pounds for milk and they will not have any profits even then, because they still have to pay up back debts and defaulted interest and taxes they have owed since the World War destroyed the stability of both farm prices and farm indebtedness. The same thing applies to other farmers and other commodities.

No matter what price scale you set in any farm bill you cannot bail the farmer out by this method of relief by scarcity. The only way the farmer is going to bail out is for this Congress and the Government of the United States to provide some means whereby he can reduce his debt structure to a point where it will be supported by the profits from the products of his land.

This bill will make the small-wage earner of the cities pay more for the necessities of life without helping the famer, for the profits gouged from the meager pay envelopes and pockets of the city dweller to pay for this monstrosity will not go to the farmer but into the pockets of the bankers and insurance companies who hold the inflated mortgages on the farm lands of the Nation. No Representative from the city can vote for a measure like this unless he believes his underpaid and hungry constituents should pay the farm relief bill instead of writing a bill the grain, food, stock, and commodity gamblers, the bankers and mortgage brokers should pay for instead. I want farm relief but I cannot support a bill that makes the consumers of my city foot the entire bill.

Mr. DOXEY. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. DRIVER].

Mr. DRIVER. Mr. Speaker, if I entertained the same conviction as that expressed by the gentleman from Wisconsin who immediately preceded me, I, too, would oppose

this bill, for I do not believe in supporting legislative proposals that will not perform a useful function for those whom we believe are to become beneficiaries of the legislation.

I believe this bill will be a distinct benefit to the farmers of our Nation, and I want to congratulate the managers on the part of the House on working out a measure from the material they dealt with into something as satisfactory as I find this bill to be.

If you would strike down the shackles the gentleman from Wisconsin mentioned which were deliberately fastened on the farmers by the organized interests of this country, the farm interests would not be required to appeal from year to year for legislation to provide a reasonable living for those who are engaged in agriculture. Unfortunately, that has not been done, and there has been no indication in this Congress that we are faced with a situation that would carry early hope to the struggling farmers of the Nation for relief in that direction.

I especially commend the work of the conferees in shaping the so-called Boileau amendment, which in its original form absolutely destroyed any possible value that could have inured to the farmers of the Nation from the land that is taken out of the major crops. No one will say that the personal use by a farmer in the grazing of his livestock and uses that would not enter into competition in the markets could injure the dairying industry. Let me say this to the dairying Representatives: It is not from the individual farmer who grazes a milk cow on that acreage that you face a threat; there is a more serious threat in the situation in the South, where you can reasonably look for competition, than is offered by restricting the grazing privilege. We must find a solution for the cotton problem of the South so that we shall not be required to produce solely for the domestic markets, which consume a maximum of only 8,000,000 bales—an amount which can be produced on 16,000,000 acres of the land of the South—the threat will become vocal and real.

When we are forced to look for a use for 30,000,000 acres, there will be presented a threat to the dairy interests that you cannot possibly measure at this time. [Applause.]

We are not going to abandon those lands. We will pay taxes on them to support our local governments. We will keep up the improvements on those lands, which represent billions of dollars of value. When we cannot produce cotton and we cannot continue to produce cotton until we find a market for its consumption, that land is going into corn, wheat, and dairy products. When it is so employed we will demonstrate to you we can produce the same amount of wheat, or more than you produce, the same amount of corn you produce, and we can graze cattle 12 months of the year in an open country in many areas of the South. [Applause.]

There is your danger and it is an appeal that should bring a sympathetic response from you. If you will aid us in the solution of our problem, we can respond to your appeal and make this a Nation-wide solution instead of discussing sectional matters which I have heard so damn much about in the course of the general discussion on the bill that I am thoroughly disgusted with the situation which it indicates exists in the farm ranks of the Nation.

Another most important problem is involved in the solution of the agricultural crisis in the cotton-producing area. On every developed acre of the soil a farmer, a tenant, a sharecropper, or wage earner is engaged in the production of crops and is being maintained thereon, freed from the demands of relief from the Federal Treasury and removed from the appeals from the industrial areas which is multiplied from month to month through the force of existing employment conditions. The economic structure of the cotton-producing States is largely built upon cotton. The number of compresses, oil mills, mercantile establishments, wholesale and retail, in trucking, and other means of transportation; the welfare of the lawyer, physician, the banks, and others engaged in professional activities are dependent upon the returns from the cotton crop of the South. The political institutions, State, county, district, and municipal, depend upon the revenues from cotton and the business supported by it for the means to maintain them. The correct solution of the cotton problem is the solution of all of the difficulties and dangers to the interests cataloged.

This measure does not solve the problem, but the fault cannot be placed at the door of the Committee on Agriculture. We know that its members were actuated with the desire to find the answer and to apply the remedy effectually but acting within the limitations confronting them; and especially in the face of the controversies and disagreements, rife in the areas of the several major crops, manifesting an amazing degree of selfishness, their duties were arduous and exacting, and in the circumstances they have performed a most valuable service to agriculture.

Addressing myself peculiarly to the problem of cotton, I call the attention of the House to the fact that we have produced a crop of 18,000,000 bales in the past year. The Nation consumes slightly less than 8,000,000 bales, and the foreign consumption for the past 5 years has averaged about 5,000,000 bales. This means that the supply of cotton on hand at the end of the fiscal year will amount to more than the world demand for American cotton for yet another year. This does not present the whole story. The real threat is in the increase in the production of foreign types of cotton. Five years ago the foreign growths amounted to 11,500,000 bales. All of the foreign nations consume but 22,500,000 bales, thus supplying within 3,000,000 bales of the world demand and the production of foreign cotton is expanding at a rate that within the course of 3 years its requirement will be fully met. This means that American cotton in the foreign markets is on a cheap competitive basis with the necessity of meeting the world price to find a market. This condition leads to but one resort, which is the utilization of the cotton acreage for other than cotton production. It is demonstrated that if the production is confined to the necessities of the domestic market, 16,000,000 acres can produce its requirement. The great values involved in the developed acreage will demand a determined effort to preserve them and to find production therefor. These lands can produce a larger acreage average than those employed in the Grain Belt and can produce dairy feed, with all-year grazing, with less requirement of expenditures for the housing of dairying herds than in the regions devoted to such activities. I realize that when the 30,000,000 acres are so employed the values of the grain crops of the country and of the livestock and dairying industry will be seriously threatened, with but little resultant benefits to those operating such acreage in the South, and therefore appeal to all of the crop areas to lay aside selfishness and rivalry, stop bickering, and get about the table for the working out of a program which will solve all of our agricultural difficulties in a national way.

I am convinced that the measure under consideration as framed by the conference committees carries many benefits to agriculture and the marketing program which is imposed upon the soil-conservation law, will gradually relieve against the pressure of huge surpluses and in the meanwhile I hope that we may continue our efforts to more securely build our farm program and in connection with cotton, that we will be able to so shape the legislation that we may be able to apply the domestic allotment plan under which the subsidy will be concentrated on the portion which enters domestic consumption and permit the surplus to be offered in the world market at world prices in order to recover such market and to check and turn back the growth and expansion of the foreign types which create the real crisis. We cannot, in the face of existing conditions, create a value which is profitable to the producers and compete with the foreign types, therefore, if the whole of the crop is of such value, we lose our foreign trade. We cannot afford to produce all cheap cotton for that means the loss of the farms engaged in production. To solve the problem we must divide the crop into that used for domestic requirements and the export surplus.

Mr. HOPE. Mr. Speaker, I yield the balance of the time remaining on this side to myself.

Mr. Speaker, the discussion which has occurred on this conference report is a refutation of the contention that it was not possible to find out its contents within the time allowed, because those who have opposed the report and criticized the provisions of the bill have not only discovered everything in the bill but a good many things that are not in the bill, or in either the House bill or the Senate bill.

There has been one question bothering a great many Members, and that is the matter of so-called compulsory control. I am in sympathy with any Member's honest attitude on that question, and I know that farmers do not take kindly to the idea of compulsory control, but my experience has been the average farmer when he thinks or speaks of compulsory control is thinking and speaking of something entirely different from what we have in this bill. He is thinking of compulsory control of acreage. He has in mind if he plants too much we are going to make him plow it up and compel him to confine his farming operations within a certain channel.

I do not think the average farmer, at least those with whom I have discussed the question, has the aversion to marketing control that he does to production control. I think he makes a very clear distinction. In this bill there is not one iota of compulsory production control. Any farmer may plant all he wants to. He may plow up the entire countryside. But he is limited in what he may sell if the supply reaches a certain point. As far as that point is concerned I think any one who knows the situation will agree when we reach the point of supply that requires the marketing quotas carried in this bill, many farmers will be demanding something more drastic, perhaps, than the control provisions set out in this bill. I wonder also if a good many who have spoken in opposition to the bill have not overemphasized the marketing quota provisions. It is a good thing that the doctrine of estoppel does not apply in legislative bodies, because there is not a Member on the floor who has criticized the provisions of this bill as far as marketing quotas and marketing control are concerned who has not already voted for a more drastic bill.

On the 19th of last April we passed in the House by unanimous consent a bill imposing control and marketing quotas on the dairy industry and upon the marketing of fresh fruits and vegetables which was infinitely more severe than the provisions in the pending bill. Not one of the gentlemen who have stood on the floor and said that the country was headed for ruination because we were starting a plan of compulsory control of agriculture raised his finger in opposition to that bill. Any one of those Members by using the two simple words "I object" could have stopped the passage of that bill at that time.

What does that bill do? Let me call attention to one or two provisions:

In the first place, it provides that any producer who sells more than his quota of milk shall pay a penalty of three times the market price of that excess. If you were to apply those penalties to this bill, you would have the wheat producer paying a penalty of about $2.50 per bushel instead of 15 cents a bushel. You would have the corn producer paying a penalty of about $1.50 a bushel instead of 15 cents a bushel. You would have the cotton producer paying a penalty of about 25 cents a pound instead of 2 cents a pound, as he does under the provisions of the pending bill.

Then there is something else. Under that bill the Secretary was given power to fix prices. He may say what the price of milk shall be and there are penalties for selling above or below that price. More than that, under the bill the Secretary is authorized, with the approval of the President, to impose regulations upon producers which shall have the force and effect of law, the violation of which shall be punishable by a fine of not to exceed $100 for each offense.

Mr. BOILEAU. Will the gentleman yield?

Mr. HOPE. Not at this time.

Mr. Speaker, it seems to me a little ridiculous for Members to complain at this time about the comparatively mild provisions of this legislation after supporting the more drastic legislation that was passed for the benefit of the dairy and fruit and vegetable industries last April.

A number of statements have been made concerning the provisions of this bill which I am sure were made in good faith, but they are obviously in error. I call attention to one of them, to the effect that the loan provisions on corn, cotton, and wheat are not mandatory. These provisions are mandatory. They are in the bill in the strongest possible terms, because they state the Commodity Credit Corporation is directed to make such loans. I do not know how you can make it any stronger than that. There is provision for optional loans in the bill on all agricultural products, but that is apart and separate from the mandatory loans on wheat, corn, and cotton.

Mr. Speaker, a good many of the objections being made to this bill could be made to the original Soil Conservation Act with more force. The argument has been made that the expense of administering this act will be excessive, and yet in this bill we have a limitation upon the administration costs under the Soil Conservation Act. There is no limitation now, but under this bill expenditures in Washington are limited to 1 percent of the amount appropriated for soil conservation, and in the State offices to 2 percent. While there is no limitation as to local and county offices, it is provided that each farmer must be given a statement showing how much his check has been reduced by the amount of the local expense.

Something has been said in the course of the debate and in the cloak rooms about the large number of employees which would be required under this bill and of the great power which the Secretary of Agriculture would be given through the appointment of these employees. That criticism might be made of the Soil Conservation Act, because all officials, including county and township committeemen, are appointed by the Secretary. Under this act that power is taken away from the Secretary and these committeemen are elected by the producers themselves. If you believe that the local direction and control of this program should be in the hands of the farmers themselves, then you should be for this measure, because that is what is provided.

Some inaccurate statements have been made regarding the cotton-loan provisions of the bill. I am not entirely in accord with the provision which directs the Commodity Credit Corporation to take over the cotton of the producer who wants to turn it over to the Corporation at 9 cents a pound. I do not favor the limitation on the sale of cotton by the Commodity Credit Corporation. Nevertheless, contrary to what has been stated, these provisions do not give one additional cent in the way of payments to producers. No additional appropriations will be required for such payments. The 2-cent payment simply comes out of the 3-cent payment that was provided under the deficiency bill in the last session of Congress.

Just a word about the so-called Boileau amendment. I believe this amendment in the form it is in this bill offers every protection the dairy industry can possibly ask. What does it do? The amendment provides it shall be applicable only in cases where there is shown to be an increase in dairy livestock. All the arguments made on this floor to prove there was an increase in dairying in the South have been to the effect there was an increase in the number of dairy cows. I do not agree that is the case, and there are plenty of figures in the Year Book of the Department of Agriculture to show it is not the case, yet that has been the argument.

What do we do under the amendment in its present form? We provide that in any county where the number of dairy animals has increased it shall be the duty of the Secretary of Agriculture to check up on each farm. If he finds the number of dairy animals on any dairy farm has increased, then that farmer comes under the provisions of this act as far as his dairy livestock is concerned, and he must do what the act requires as to the use of his diverted acreage. Is not this fair to the dairy industry, and is it not fair to the farmer in the South or any other section of the country? If he has not increased his dairy livestock or if

his county has not increased its dairy livestock, in other words, if there is no increase in dairying, why should those rigid provisions be applied?

In the present provision of the bill we provide that if there has been substantial compliance in the county, that is sufficient; and if there has been substantial compliance on the farm, that is sufficient. What does this mean? It means that assuming there are 10 or a dozen more cows in a county this year than there were last year, or whatever period is taken as normal, that is substantial compliance, and you are not going to go into the county and check upon every farmer. This means that if the farmer has substantially complied, although he may have an extra calf or some slight increase in his herd, he is not going to be denied his payment.

Furthermore, let me go on record as saying that I believe the fears of those who think there is going to be a great increase in dairying because of this program are not founded on fact. For 5 years we have had farm programs which diverted acreage from crops like cotton, wheat, and corn. Yet nothing has happened to injure the dairy industry. It is today more prosperous than any other branch of agriculture. I hold in my hand a copy of the agricultural situation for January 1, 1938, published by the Bureau of Agricultural Economics. It contains a list of 17 important agricultural commodities, showing market prices and parity prices. Of those 17 commodities, butterfat and chickens are the only ones above parity at the present time. These farm programs have not injured dairying; they have helped it, because to the extent that producers of basic crops receive a fair price to the same extent they tend to stay out of dairying.

No one contends that this is a perfect bill or that it will solve all the ills of agriculture. All of us know that many of those ills can never be solved by legislation. Only time will tell how well the provisions of this measure will work out. A great deal is going to depend upon its administration. Something has been said as to which of the commodities mentioned in the bill will receive the greatest benefit. I do not think that can be foretold at this time. However, it seems to me that perhaps the greatest benefits will accrue to tobacco and corn for the reason that those commodities fit more naturally into a program such as is contemplated in this bill. Experience under the Kerr-Smith Tobacco Act demonstrated that marketing quotas offer a satisfactory method of regulating the marketing and distribution of tobacco. Past experience testifies to the efficacy and practicability of corn loans and there is every reason to believe that a marketing quota program will work out satisfactorily as to corn. I think that as far as wheat and cotton are concerned, the program will be helpful, but that any satisfactory program as to these two commodities must include provision for parity payments preferably financed by a tax upon the processing of the commodity.

In its present form this bill is not going to increase agricultural prices or income in any marked degree. It will, however, by reason of the provisions for loans and marketing quotas put a bottom on agricultural prices so as to prevent a complete price collapse such as we had in 1931 and 1932.

If I were to try to sum up in one word the benefits which agriculture will derive from this bill, that word would be "security." The soil conservation provisions afford the Nation security against one of our great national perils, the loss of our soil fertility. As stated above the marketing quota and loan provisions give the farmer security against disastrous price collapses.

The provisions of the bill relating to the adjustment of freight rates offer the farmer security against excessive transportation charges. Those sections of the bill which have for their objective the promotion of new uses and new markets for agricultural products offer the farmer the security of an enlarged and expanding market. The section relating to crop insurance marks the beginning of what we hope will be a program which will give the farmer security against his greatest hazard—the weather.

Finally, I call particular attention to those representing nonagricultural districts to the section relating to consumers' safeguards which offers to the consumers of the country and to the Nation as a whole the security which goes with an ample supply of the products of the soil at a fair price to producer and consumer.

Mr. JONES. Mr. Speaker, I believe there have been a good many misunderstandings about what is included in this bill. Even my good friend, the gentleman from Oklahoma [Mr. MASSINGALE], stated awhile ago the farmer was presumed to be guilty until he established his innocence. As a matter of fact, he bases that on one little provision in the bill and that only, and it is applicable only to corn which is fed. The provision refers to stored corn on the farm under seal. If this corn disappears, the burden of proof, not as a matter of guilt, is on the farmer to show he did not take out this corn and feed it away or dispose of it by sale. There is not a single item of guilt placed on the American farmer anywhere within the four corners of the bill.

The remark was made here awhile ago that this bill is going to increase the number of employees. As a matter of fact, it reduces the number of employees.

We have a specific limitation that not more than 1 percent of the fund can be used for national administration and not more than 2 percent for State administration outside of the county and community committees which are composed of the farmers themselves. Under the present act they can have a county committee and a community committee for each commodity. We stipulate in this bill that they can have only one county committee for all of the commodities and the administration of the Sugar Act as well, and that they can have only one set of community committees. So the effect of this bill is to reduce the number of employees, and any man who makes a statement to the contrary either has not read the bill or cannot understand the bill when he does read it, because this will reduce and not increase the number of employees that are to administer the Farm Act. Outside of the insurance feature, which is in effect another measure, there is not a single sentence in the bill that authorizes a new employee and there are several provisions that will curtail and tend to reduce the number of employees. This is what we want to do.

The farm movement is the most tremendous movement in America. The proper solution of this problem is of vital interest to all the people in this land whether they live in the city or in the country.

We do not claim that this bill is the final solution. We do claim that we have tried to work out a sound and practical measure under very difficult circumstances and amid widely divergent opinions. But about equality for agriculture there can be no difference of opinion. I hope everyone, whether he is agreed as to its wisdom, will see that this bill is given every chance to accomplish its purpose. If it does so, we shall all be happy. I certainly hope that it will clear the way for the final solution.

If this measure does not work out, I feel that the next step as to cotton and possibly as to other farm commodities will be to establish a price for that portion of the production which is used in this country, and through a penalty provision as a regulation of interstate commerce require that such portion be purchased at not less than the established price.

This would permit the additional production to flow into the markets of the world. The soil conservation payments would thus give an added price equivalent on that portion that is produced for the world markets. The diversion incidental to soil conservation would possibly provide the essential adjustment.

This may be the next step. It is not as simple as some feel that it is. Regardless of differences of opinion as to the method, the movement must continue until agriculture is placed on a parity with industry. This is simple Americanism.

Whether the additional step is found necessary the bill which we are now enacting should be a decided step forward, and I believe it will be if it is wholeheartedly supported by the farmers of America. At any rate we hope it will clear the way for effective operation of the farm program that shall be finally adopted. The movement must go on.

I now want to express appreciation to the Members of the House, in the concluding minutes, for the fine interest they have shown in American agriculture. There are some things deeper than the forms of law. There are some things more important than the simple stipulations of law. One of these is a principle that was written into the Declaration of Independence, before we had a Constitution, that all American citizens are presumed to be created equal in the eyes of the law. This is the principle we are trying to invoke in passing a farm bill. We are trying to get back to the fundamentals of government.

I want to express appreciation, too, to the fine membership of the Committee on Agriculture. I am very proud of that committee, and I want to assure the Members of the House that if any committee in the history of the American Congress ever worked, this committee has tried earnestly to do a good job. We have not always agreed. Some of the members, and I think most of them, have not agreed on some stipulations in the bill, but the differences have not run along party lines.

I want to pay a tribute not only to the members of the committee but I want to pay a special tribute to the gentleman from Kansas [Mr. HOPE]. [Applause.] There is not a better thinker in this House. The people of Kansas and the American farmers owe him a debt of gratitude, and they should appreciate his work. There is another deserving gentleman sitting by his side, Mr. GILCHRIST, of Iowa [applause]; in fact, I could name every member of the Committee on Agriculture and say that he is an outstanding man and one who is earnestly desirous of putting the American farmer on a basis of equality with every other citizen of America. This is all he asks, and this much he has a right to demand. [Applause.]

The SPEAKER. Under the rule the previous question is ordered.

The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. SNELL) there were—ayes 183, noes 82.

Mr. SNELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 264, nays 135, not voting 30, as follows:

[Roll No. 17]

YEAS—264

Aleshire	Cannon, Mo.	Dingell	Gildea
Allen, Del.	Carlson	Dirksen	Goldsborough
Allen, Ill.	Carter	Dixon	Gray, Ind.
Allen, La.	Case, S. Dak.	Dockweiler	Greenwood
Anderson, Mo.	Casey, Mass.	Dorsey	Gregory
Arends	Celler	Doughton	Griffith
Arnold	Chandler	Dowell	Gwynne
Atkinson	Chapman	Doxey	Hamilton
Barden	Citron	Drew, Pa.	Hancock, N. C.
Barry	Clark, N. C.	Drewry, Va.	Harrington
Beam	Claypool	Driver	Havenner
Beiter	Cochran	Duncan	Healey
Bell	Colden	Dunn	Hendricks
Bernard	Colmer	Eberharter	Hennings
Biermann	Connery	Eckert	Hildebrandt
Binderup	Cooley	Eicher	Hill
Bland	Cooper	Elliott	Hobbs
Bloom	Costello	Faddis	Honeyman
Boehne	Cox	Farley	Hook
Boland, Pa.	Cravens	Fernandez	Hope
Boyer	Creal	Fitzpatrick	Houston
Boykin	Crosby	Flaherty	Imhoff
Boylan, N. Y.	Crosser	Flannagan	Izac
Bradley	Crowe	Flannery	Jacobsen
Brooks	Cullen	Fletcher	Jarman
Brown	Cummings	Ford, Calif.	Jenckes, Ind.
Buck	Curley	Ford, Miss.	Johnson, Luther A.
Buckler, Minn.	Delaney	Fries, Ill.	Johnson, Lyndon
Bulwinkle	Dempsey	Fuller	Johnson, Minn.
Burch	DeMuth	Fulmer	Johnson, W. Va.
Burdick	DeRouen	Gambrill, Md.	Jones
Byrne	Dickstein	Garrett	Kee
Caldwell	Dies	Gilchrist	Keller
Kelly, Ill.	Mahon, S. C.	Pearson	Spence
Kelly, N. Y.	Mahon, Tex.	Peterson, Fla.	Starnes
Kennedy, Md.	Maloney	Peterson, Ga.	Steagall
Kennedy, N. Y.	Mansfield	Pfeifer	Sumners, Tex.
Keogh	Martin, Colo.	Pierce	Swope
Kerr	Maverick	Poage	Tarver
Kirwan	May	Rabaut	Taylor, Colo.
Kitchens	Mead	Ramsay	Teigan
Kocialkowski	Meeks	Ramspeck	Terry
Kopplemann	Merritt	Rayburn	Thom
Kramer	Mills	Richards	Thomason, Tex.
Kvale	Mitchell, Ill.	Rigney	Thompson, Ill.
Lambeth	Mitchell, Tenn.	Robinson, Utah	Thurston
Lanham	Mosier, Ohio	Romjue	Tolan
Lanzetta	Mouton	Sabath	Transue
Larrabee	Murdock, Ariz.	Sacks	Turner
Lea	Murdock, Utah	Sanders	Umstead
Lemke	Nelson	Satterfield	Vincent, B. M.
Lewis, Colo.	Norton	Schaefer, Ill.	Vinson, Fred M.
Lewis, Md.	O'Brien, Ill.	Schuetz	Vinson, Ga.
Lucas	O'Brien, Mich.	Schulte	Voorhis
Ludlow	O'Connell, Mont.	Scott	Wallgren
Luecke, Mich.	O'Connor, N. Y.	Scrugham	Warren
McAndrews	O'Leary	Secrest	Wearin
McClellan	O'Neal, Ky.	Shanley	Weaver
McFarlane	O'Toole	Shannon	Welch
McGehee	Owen	Sheppard	White, Idaho
McGranery	Pace	Sirovich	Whittington
McGrath	Palmisano	Smith, Va.	Wilcox
McKeough	Parsons	Smith, Wash.	Williams
McReynolds	Patman	Snyder, Pa.	Wood
McSweeney	Patrick	South	Woodrum
Magnuson	Patton	Sparkman	Zimmerman

NAYS—135

Allen, Pa.	Fleger	McCormack	Rutherford
Amlie	Forand	McGroarty	Sauthoff
Andresen, Minn.	Gamble, N. Y.	McLean	Schneider, Wis.
Andrews	Gavagan	McMillan	Seger
Ashbrook	Gearhart	Maas	Shafer, Mich.
Bacon	Gehrmann	Mapes	Short
Bates	Gifford	Martin, Mass.	Simpson
Bigelow	Gray, Pa.	Mason	Smith, Conn.
Boileau	Green	Massingale	Smith, Maine
Boren	Greever	Michener	Smith, Okla.
Brewster	Guyer	Moser, Pa.	Snell
Cannon, Wis.	Haines	Mott	Somers, N. Y.
Cartwright	Halleck	Nichols	Stack
Church	Hancock, N. Y.	O'Connell, R. I.	Stefan
Clason	Harlan	Oliver	Sutphin
Cluett	Harter	O'Malley	Taber
Coffee, Nebr.	Hartley	O'Neill, N. J.	Taylor, S. C.
Coffee, Wash.	Hoffman	Patterson	Taylor, Tenn.
Cole, N. Y.	Holmes	Pettengill	Thomas, N. J.
Crawford	Hull	Phillips	Thomas, Tex.
Crowther	Hunter	Plumley	Tinkham
Culkin	Jarrett	Polk	Tobey
Disney	Jenkins, Ohio	Powers	Towey
Ditter	Jenks, N. H.	Randolph	Treadway
Dondero	Kinzer	Reece, Tenn.	Wadsworth
Douglas	Kleberg	Reed, Ill.	Wene
Eaton	Kniffin	Reed, N. Y.	West
Edmiston	Knutson	Rees, Kans.	Wigglesworth
Engel	Lambertson	Rich	Withrow
Englebright	Lamneck	Robertson	Wolcott
Evans	Leavy	Robsion, Ky.	Wolfenden
Ferguson	Lord	Rockefeller	Wolverton
Fish	Luce	Rogers, Mass.	Woodruff
Fitzgerald	Luckey, Nebr.	Rogers, Okla.	

NOT VOTING—30

Barton	Frey, Pa.	McLaughlin	Smith, W. Va.
Buckley, N. Y.	Gasque	O'Connor, Mont.	Sullivan
Champion	Gingery	O'Day	Sweeney
Clark, Idaho	Griswold	Quinn	Walter
Cole, Md.	Hart	Rankin	Whelchel
Collins	Johnson, Okla.	Reilly	White, Ohio
Daly	Lesinski	Ryan	
Deen	Long	Sadowski	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Frey (for) with Mr. Hart (against).
Mr. Gasque (for) with Mr. Barton (against).
Mr. Sullivan (for) with Mr. Reilly (against).

General pairs:

Mr. Rankin with Mr. White of Ohio.
Mr. Griswold with Mr. Buckley of New York.
Mr. McLaughlin with Mr. Daly.
Mr. Collins with Mr. Gingery.
Mr. Johnson of Oklahoma with Mr. Walter.
Mr. Whelchel with Mr. Clark of Idaho.
Mr. Sweeney with Mr. Cole of Maryland.
Mr. Deen with Mr. O'Connor of Montana.
Mr. Smith of West Virginia with Mr. Lesinski.
Mr. Champion with Mr. Quinn.
Mr. Sadowski with Mr. Ryan.
Mrs. O'Day with Mr. Long.

The result of the vote was announced as above recorded.

On motion of Mr. JONES, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. JONES. Mr. Speaker, I offer the following concurrent resolution, which I send to the desk and ask to have read, and ask for its present consideration.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the concurrent resolution which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 31

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 8505) to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce the Clerk of the House is authorized and directed, in the second paragraph of subsection (d), added to the Soil Conservation and Domestic Allotment Act by section 101 of the bill, to insert the word "permanently" after the word "be" in the parenthetical expression, so that such parenthetical expression will read as follows: "(except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only)."

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object. As I understand it, this is just a mistake in the enrollment.

Mr. JONES. Mr. Speaker, I have consulted all of the members of the conference group, and all understood that this was included. However, through some means, it was left out.

Mr. MICHENER. Mr. Speaker, I reserve the right to object. This bill has never been read as a bill in Congress. Here we are passing a bill that has not been read. We do not know what is in it unless we have gotten a copy of it and gone off by ourselves and read it. It does seem strange that we should now have presented to us a concurrent resolution asking us to amend a bill that the Congress has never had before it and where amendment was denied by the rule under which the bill was forced through the House. This is delegating the authority to amend to the enrolling clerk.

Mr. JONES. Mr. Speaker, may I say in answer to the gentleman that he has been a Member of Congress from 12 to 15 years and is familiar with these things. There are some people who have not read the bill but who think they understand it very well. At least some of them have sent wires about it. The gentleman made a speech against the bill.

Mr. MICHENER. That is the trouble. People do not understand it, but they vote "yes" when they are told to.

Mr. JONES. May I say this to the gentleman: This is not an amendment to the bill. It is simply a correction to make the bill say what the conferees intended it should say and I am sure what the whole House wants it to say.

Mr. MICHENER. I think the gentleman is including too much territory. There were at least 135 Members who voted against this kind of procedure today.

Mr. JONES. But I am talking about this particular thing.

Mr. BOILEAU. Mr. Speaker, let me say to the gentleman that this word "permanently" is very important in the protection of the dairy industry, and I am sure the gentleman from Michigan would not want to object.

Mr. MICHENER. I do not want to object if it will make the bill any better; but God alone knows what it does.

Mr. JONES. If the gentleman will not object, I am perfectly willing for him to say what he wishes about the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider the vote by which the concurrent resolution was agreed to was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent that at the close of the other special orders heretofore made for today I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

COMMITTEE ON RIVERS AND HARBORS

Mr. PARSONS. Mr. Speaker, I ask unanimous consent that the Committee on Rivers and Harbors be permitted to sit while the House is in session during the remainder of the week.

The SPEAKER. Is there objection?

Mr. TRANSUE. Mr. Speaker, I object.

PERSONAL EXPLANATION

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, my colleague from Indiana, Mr. GRISWOLD, is unavoidably detained today by important business in Indiana. He informs me that if he had been present at the roll call on the conference report just agreed to he would have voted "yea."

EXTENSION OF REMARKS

Mr. BARRY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my own remarks relative to road legislation and to include two or three letters.

The SPEAKER. Is there objection?

There was no objection.

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks with reference to the pending bill and to include therein certain tabulations by myself and by members of the Department of Agriculture.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. STEFAN. Mr. Speaker, I ask unanimous consent that in the extension of my own remarks I may be permitted to include a few letters and telegrams.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a short editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the bill (H. R. 9381) which I introduced yesterday, and to include in my remarks a brief editorial from the Buffalo Evening News in connection with the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DREW of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio speech I delivered on the 5th of this month.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CITRON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the bill just passed.

The SPEAKER. The gentleman has that permission.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a recent radio address by Governor Hurley, of Massachusetts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain excerpts in the speech I made yesterday.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. The Chair will state to the gentleman from Michigan that he thinks in all fairness he should remind the gentleman that there are pending previous orders to address the House. Unless there is objection, the Chair will recognize the gentleman.

Mr. RAYBURN. What is the request, Mr. Speaker?

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House at this time for 2 minutes. Is there objection?

There was no objection.

Mr. WOLCOTT. Mr. Speaker, I merely wanted to call the attention of the House to what Abraham Lincoln had to say when he was confronted with a situation which is comparable to the situation which confronts this House today with respect to administration policies. On the floor of this House he had this to say:

> The President is in nowise satisfied with his own positions. First, he takes up one, and in attempting to argue us into it he argues himself out of it, then seizes another and goes through the same process, and then, confused at being able to think of nothing new, he snatches up the old one again. His mind, taxed beyond its power, is running hither and thither, like some tortured creature on a burning surface, finding no position on which it can settle down and be at ease. * * *
>
> He knows not where he is. He is a bewildered, confounded, and miserably perplexed man. God grant he may be able to show there is not something about his conscience more painful than all his mental perplexity.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. RAYBURN. From what was the gentleman reading?

Mr. WOLCOTT. I quoted directly from Carl Sandburg's Life of Lincoln, but I have checked this with the old Congressional Globe and I find in narrative form in substance what Carl Sandburg has quoted Lincoln as having said on the floor of this House in 1848.

Mr. RAYBURN. About whom?

Mr. WOLCOTT. With respect to President Polk's Mexican War policies.

Mr. RAYBURN. What application does the gentleman intend to make of the quoted matter?

Mr. WOLCOTT. I said that I felt that we were confronted with a comparable situation.

[Here the gavel fell.]

Mr. RAYBURN. Mr Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I have served in this House under five Presidents. Some of them I thought were greater men than others. I care not from whom the gentleman from Michigan may quote, and he does quote from a man who in practically all respects was one of the great Americans; but even if I had had that feeling about some men who have occupied the high office of President of the United States I would never have applied those words to them. It matters not to me to what party a President belongs; I have a respect for that high office that almost awes me. I know that the American people in selecting a man for the Presidency out of their wisdom or unwisdom do so actuated by patriotic motives; and as long as I live, Mr. Speaker, I will never admit that there has ever been a dishonest man in the White House, or that there has ever been an unintelligent man in the White House. [Applause.]

I hope that our feeling in these modern times will not run as riot as feeling did 75 or 100 years ago. During the years I have been a Member of Congress many men in this House have had feelings of outrage about some of the actions and doings of the Presidents, but it never went to their personality or a challenge to their intelligence or integrity. [Applause.]

[Here the gavel fell.]

Mr. GREEN. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN. Mr. Speaker, I regret extremely that some of our friends and colleagues would undertake in this manner to imply that the American people only a few months ago made such a colossal blunder. I cannot conceive of a Member of this House who would go so far afield in partisanship as to censure by insinuation the President of the United States. There is no application whatsoever of the statement so unbecomingly made by the gentleman from Michigan to the present situation or to the President of the United States. The occupant of the White House at this time is a man of strength, courage, and patriotism. He has championed the cause of the inarticulate and the needy, and has defended and helped the weak. I regret extremely to see my colleague resort to the deep valley of partisanism and thrust a dart so void of foundation. President Roosevelt has done more good for the American people than any occupant of the President's chair. [Applause.]

READING OF GEORGE WASHINGTON'S FAREWELL ADDRESS

Mr. SNELL. Mr. Speaker, I ask unanimous consent that on Tuesday, February 22, after the disposition of the regular business on the Speaker's table, the gentleman from South Dakota, Mr. CASE, may be permitted to read George Washington's Farewell Address.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THEY CAN DISH IT OUT, BUT THEY CAN'T TAKE IT

Mr. HOFFMAN. Mr. Speaker, no one who has ever been in the White House as our Chief Executive has been so free in questioning the motives, the patriotism, and the honesty of the average American citizen and businessman as Franklin D. Roosevelt.

He has charged businessmen generally with being greedy, selfish, dishonest, with a lack of patriotism. He has expressed charity toward few. He has been bitter, critical, and unfair to the many. He has been inconsistent, contradictory in his statements and policies. He has repudiated his promises.

He can hand out abuse, vituperation, vicious insinuation, and innuendo.

He asks for criticism. He can dish it out, but he cannot take it. You smeared Hoover with abuse, but distasteful facts, when quoted, offend you.

When the words of a great President, speaking as a Congressman, on January 12, 1848, which paint accurately a picture of the present Executive, are read on the floor of the House you cry. You play the baby act. You whine. You hunt for cover behind the statement that no one must criticize your idol. You are fair-weather sailors; when storms come you are landlubbers. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. CITRON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a letter

written to the gentleman from Massachusetts [Mr. McCORMACK] by the general counsel of the Federal Power Commission, in regard to the bill (H. R. 8997).

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. EDMISTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address entitled "Wings Over America," made by the Honorable Lewis Johnson, Assistant Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I want to make an announcement at this time. A great many Members have asked about the program for the remainder of the week. A number of them have been under the impression that the so-called Hill-Sheppard bill would be called up for consideration this week. May I say that particular bill will not come up this week. After the calendar is called tomorrow, it is the intention to adjourn over until Monday and not have a session on either Friday or Saturday.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I have just returned from a conference at the White House, and consequently was not present when the vote was taken on the conference report on the farm bill, nor was I permitted to state the many objections I have to the farm bill as rewritten by the House and Senate conferees. Had I been able to be present, however, I think I would have reluctantly voted for the conference report, on the theory that it is better than no farm legislation at all.

The SPEAKER. Under a previous order of the House, the gentleman from Alabama [Mr. PATRICK] is recognized for 10 minutes.

VOLUNTARY EXPATRIATION AND ABSENTEE LANDLORDISM

Mr. PATRICK. Mr. Speaker, not a thing I have found since I came here in the youth of my service amongst you has impressed me so profoundly as the tax problems and program before us. A few things have come up that have impressed me so much I desire to make a few remarks, in view of the fact there is a tax bill pending which will come up for consideration very soon. And I want it understood that this will appear in the RECORD, word for word, as delivered on this floor to this body.

Two closely related subjects that warrant careful examination and thorough consideration by all Members of this Congress and particular study by all congressional committees and subcommittees on taxation are the voluntary expatriation of rich Americans with their absentee financial and industrial landlordism. A few days ago Mrs. Loraine Manville Dresselhuys, an heiress to the Manville asbestos fortune, sister to the genial Tommy, so-called charter member of the wife-a-week club, after paying her home country the honor of a special visit for that particular purpose, renounced her American citizenship to become an unquestioned and full-fledged subject of the Queen of Holland. As she had married a rich Dutch industrialist, this legal severance of ties with the land of her birth insured that her adopted country and her new family would, in the form of estate taxes received or saved, reap several millions of dollars that otherwise should have found their way to Uncle Sam.

In this action Mrs. Dresselhuys was only following a now well-established precedent, really, merely accepting a standing invitation extended through the medium of our tax laws. Just about a month before this, the former Miss Barbara Hutton, who first married and divorced an alleged prince from Georgia, not the Georgia of Henry Grady, needless to say, but a part of the domain of Soviet Russia; and next married a count of Denmark with somewhat better credentials; took just enough time away from the society of European nobility she so greatly cherishes and admires to make a speedy return voyage to New York and there in Federal court also formally and finally renounce her American citizenship.

Now, one very practical reason given for this step by tax experts was that the famous Countess Haugwitz-Reventlow thereby put her son born of this marriage with Danish nobility in a position to save about $20,000,000 in good American estate taxes that would have and ought to have been levied against her fortune in the event of her death as an American citizen. It is said that, upon her death as a Danish subject, the estate tax to be paid out of her American fortune of more than $45,000,000, would be only about $6,000,000, which, of course, would all go to the country of her choice, Denmark; whereas if she had remained a citizen of the United States the estate tax would, under present laws, have been around $26,000,000 for the somewhat depleted coffers of our Uncle Samuel.

These facts bring us the aroma from a situation that sort of prickles in the nostrils of Americans who have proper concern for justice and full regard for the welfare or even security of this country. Here, we have revealed to us a revolting insolence and a huge reward for that insolence. Here, in effect, Uncle Sam pays a family composed of European nobility $20,000,000 for applying an iron boot to a tender portion of his anatomy in full view, not only of all his nephews and nieces but also all his neighbors and acquaintances around this funny old world. Yet, the humiliation goes further and the threat is greater than this. This new countess of Denmark and similar expatriates who have grown too good for their Uncle Sam, who have so far risen above their "raising" that they feel an urge to publicly insult the old gent so as to put him in his place, are not content to simply turn their backs on him, pick up their belongings, and leave his house. They must assert the role of absentee landlords and landladies enacted through this system of remote control. Gentle Uncle Sam is actually to be bossed and drained from afar until he has perception enough to realize it and pride enough to rebel against it.

A few days before last Christmas, in the season of charity and good will, at the very moment that the exalted Countess Barbara was telling Uncle Sam with due formality that she was ashamed to admit any longer that she was kin to him, a strike was in full blast by $10- and $12-a-week girl clerks in the countess' Woolworth American empire. These impudent female citizens of a country whose Constitution actually outlaws all titles of nobility wanted a raise in their wages; they were brazen enough to ask for what they called a living wage. They were so disrespectful and so devoid of proper sense of reverence as to display banners that referred to this authentic member of the Danish nobility in such terms as this: "Babs has renounced her citizenship, but not her profits." Now, despite the vulgar and shocking familiarity of this reference to the person of a certified genuine countess, the assertion itself is very mild. Not only has the countess not renounced her American profits, which even now are said to be more than $1,750,000 a year; not only has she placed her new family of alien aristocrats and her beloved adopted country in a position to gain to the extent of between twenty and twenty-five million dollars at the expense of her scorned and repudiated Uncle Samuel, but while continuing to exercise full control over the very existence of her unappreciative American employees she has adopted a status that insures her against any concern with or even knowledge of their condition; insulates her from all annoyance from their outcries, and tenderly protects the gentle creature from any appeals for charity on behalf of these or others of Uncle Sam's socially and economically ineligible nieces and nephews that otherwise might assail her delicately patrician ears. How touchingly accommodating! Far removed from the scene where women and children during long hours of toil, and at an exceedingly modest wage scale, swell her fabulous profits, the countess must effectively guard against any benevolent weaknesses that might swell up in her noble

bosom, mar her business judgment, and possibly even spoil her complexion. Is all this protection necessary? Some evidence that at least some of it is superfluous, if not "wasteful and ridiculous excess," it seems, was given by the countess herself when she exhibited during the last Yuletide season a perfect nonchalance and imperiousness in the face of her riffraff employee appeals that compared favorably with that shown by Marie Antoinette, if it be true, when she made that famous and most practical suggestion that the starving commoners who had asked for bread be told to eat imaginary cake.

She may garner her yen from the small five and ten
And still make her home far away,
She may spend her reward on some sort of a lord
And yet get her check every day.

She may tell Uncle Sam that she gives not a whoop
She may dodge all the tax that she can—
But one thing you'll see—she'll never agree
To divorce her American plan.

The exalted countess and others like her have gone to a lot of trouble to let us know that they have always been completely alien to us in spirit, that in their hearts they have always despised what we consider our most fundamental institutions; that since words alone were far from adequate to express their contempt for us they are not willing to continue any sham, hypocritical, and superficial formal diplomatic relations that unfortunately might exist by reason of the accident of birth, and finally that they are intent on "bleeding" us and using our resources with a cold, scientific efficiency, such, for example, as that applied by absentee English landlords to their holdings occupied by Irish peasant tenants. Now, if we fail to withdraw the actual rewards that we are still holding out for these actions, if we do not remove the almost incredible pecuniary premiums on this attitude and conduct, we should at least be practical enough to realize that we are paying almost countless sums for the privilege of being stepped on as cheap but mighty convenient rugs by our own home-grown, self-made turnip variety of foreign nobility.

In my own very humble opinion, we should reciprocate the feeling of these "go-getter" expatriates by regarding them as exactly what they are, what they mean to remain—as not merely aliens but as alien enemies. We should not be confused by the fact that the land of their choice is at peace with the land they have renounced and insulted. Their own sentiment has been revealed too clearly for misunderstanding. They do not like us, and further they intend to profit by that dislike. Shall we continue to assist them in this grand little scheme? Shall we acquiesce; that is, simply go along and do nothing? If we do not wish to play this game and always be "it," the least evidence of this refusal we could give would be to reduce them to the level of the treatment we accord those social laggards who are still willing to maintain their allegiance to the Stars and Stripes by subjecting the property of all foreigners held in this country to estate taxes as high as if they were American citizens. The case of the expatriated natives of the United States of America deserves special and separate consideration. For our own security and protection from these alien enemies, and as a fitting response to their sentiment toward us, estate taxes on their American holdings should be levied that would make the word "confiscation" something of a reality instead of a phantom; as nearly as possible an accurate description of fact rather than the usual "red herring" pretext devised for the benefit of ambitious tax dodgers. [Applause.]

[Here the gavel fell.]

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent that the gentleman may be given 5 additional minutes so that we may ask him certain questions.

The SPEAKER pro tempore (Mr. CURLEY). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PATRICK. Mr. Speaker, the money that should really come into the coffers of this country will go to these alien clans. It is not fair nor just.

Mr. McFARLANE. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Texas.

Mr. McFARLANE. Does not the gentleman believe it would be right and proper under circumstances such as he has described that we consider these "no-countesses" and these "no-count dukes," and so forth, as dead, and tax them accordingly under the inheritance laws of the country?

Mr. SIROVICH. For expatriation purposes.

Mr. PATRICK. It may be that would have to be measured up in some other kind of utensil, but I would be heartily in favor of it.

Mr HOUSTON. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Kansas.

Mr. HOUSTON. I am with the gentleman in his position so far as these American girls going over there and copping off these dukes is concerned. But I would like the gentleman's statement on the question of American girls going over there and driving off kings.

Mr. PATRICK. I think these American rich gals' position is to grab off anybody as fast as they can grab him, and they do not care whether he is a king or not. If an American gal wants to grab somebody, she grabs him off. If he is a king, she should not drop him on that account. I would not hold that in his favor or against him, just consider him as a human being.

Mr. SEGER. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from New Jersey.

Mr. SEGER. I did not listen to all the gentleman's discourse.

Mr. PATRICK. The gentleman missed something.

Mr. SEGER. Did the gentleman touch on the matter that the son of this duchess he spoke of will escape an inheritance tax in the amount of $21,000,000?

Mr. PATRICK. That seems to be unquestionably the fact.

Mr. SEGER. Is that a fact? I saw this statement in a publication.

Mr. PATRICK. I believe it is. If anybody can throw any more light on this subject, I will be very glad to have him do so, and I am sure every Member of Congress feels the same way.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Does not the gentleman believe we can solve this problem by amending our tax laws and letting love take its course?

Mr. PATRICK. The truth is that all we can do is do the best we can about our tax laws, because the good Lord knows love is bound to take its course.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. The gentleman has referred to a very large sum going to Denmark as the result of a marriage. Can the gentleman offer the Committee on Ways and Means any suggestion on how that property could be taxed in this country after the owner has renounced American citizenship?

Mr. PATRICK. I believe the body of my remarks stated substantially the gist of the plan I have in mind, but I have no choice of plan. Just so it can be done legally and properly by any good old American plan, I am satisfied. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a magazine article written by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts, Mr. TREADWAY, is recognized for 15 minutes.

TRADE TREATIES

Mr. TREADWAY. Mr. Speaker, at the present time there is great consternation in Massachusetts and New England. This section of the country is terribly concerned over the effect on its products of the proposed trade treaty with Great Britain. A few days ago the Governor of Massachusetts, Mr. Hurley, called a meeting of representative businessmen and representatives of labor unions—employers and employees—to enter a very definite protest against possible action on the part of the Department of State in negotiating a reciprocal treaty with Great Britain which would reduce the duties on articles competitive with New England products.

I am pleased to find that eventually the people of the country are going to become interested and excited about the possibilities of the destruction of American industry through these reciprocal treaties.

I have been trying for 2 or 3 years to stir up interest.

Here and there arise spasmodic feelings of opposition as particular localities are affected. Now, however, there is a suggestion of a trade treaty with a country whose products are practically entirely competitive with those of this country, and particularly of New England. Therefore such a meeting as that to which I have referred is of very great moment and interest.

As a result of the meeting, we are informed, there will be a very large gathering of employees, particularly members of labor unions, people who earn their living in the mills and at the looms. The actual working people are to come here to Washington when these hearings are held to protest in a vigorous manner against the possibility of reduction of rates of duty under trade treaties on articles competitive with those we manufacture in New England. I look for some news, some knowledge, some information to be provided by those people with regard to the adverse results that are sure to accrue if any reductions are made in accordance with this wholesale reciprocal-treaty proposition.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Minnesota.

Mr. KNUTSON. As I recall, the gentleman from Massachusetts, who is now addressing the House, led the fight of those who were opposed to the enactment of the reciprocal-treaty law.

Mr. TREADWAY. If I was the leader, I may say to the gentleman, I had some very staunch supporters, such as the gentleman from Minnesota.

Mr. KNUTSON. I thank the gentleman.

The gentleman will recall that in the Committee on Ways and Means the Republicans attempted to have the law provide for open covenants openly arrived at.

Mr. TREADWAY. We did not get far in obtaining such a provision.

Mr. KNUTSON. In other words, those who were affected would be given their day in court. We were voted down, as I recall, on a strict party vote.

What the gentleman states in regard to the situation in Massachusetts is equally true of our section. We are very much disturbed over rumors the tariff on butter is to be reduced from 14 to 8 cents per pound in a forthcoming treaty. If this happens, of course, it will drive our dairy interests out of business.

Mr. TREADWAY. The protest against the trade treaties is a combination of different industries throughout the United States and different products, and it ought to bring about a tremendous upheaval of public opinion against any such treaty.

Let me call attention to the fact that the moment you deal with the situation as regards Great Britain, under the most-favored-nations clause you are practically rewriting the entire tariff act.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Michigan.

Mr. WOODRUFF. May I say to the gentleman that whatever benefits may be written into the treaty with Great Britain will be extended to something like 75 other nations of the world.

Mr. TREADWAY. Under the most-favored-nations clause.

Mr. WOODRUFF. These are nations from which we are getting no compensatory benefits whatever.

Mr. TREADWAY. The gentleman from Michigan confirms exactly what I am saying. By following such a course you are rewriting the tariff law.

Mr. WOODRUFF. The gentleman is correct. May I say further to the gentleman from Massachusetts that this extension of benefits goes way beyond any favored-nations treaties we ever had.

Mr. TREADWAY. Absolutely.

Mr. Speaker, I believe it is advisable that the House and the country should know when these hearings are to be held and when protests can be entered. I have been reliably informed, and I suppose an official notice has been sent out by the so-called Committee on Reciprocity Information, that a request for hearings on the British treaty must be filed by February 19, which is very near. I am sure many people in the country do not know requests must be filed by that date, and that they cannot have their day in court if their names are not recorded with this so-called committee by that time.

On top of the British treaty, it has been announced by the State Department there is to be a supplemental treaty with Canada. As though they had not done everything possible to injure American agriculture in the Canadian treaty last year, they have found some other things on which they want to reduce the tariff and thus give more of our agricultural market to Canada.

There is to be a supplemental treaty with Canada and the expiration date for filing applications to be heard on that treaty is March 12. I am simply inserting these dates for the information of the House.

On Sunday night last I listened with much interest to a broadcast by the Secretary of State, Mr. Hull. No man can use more beautiful language than our distinguished former associate. I am very fond of him, I delight in hearing him, but I simply wish to say that that broadcast the other night was a repetition of the generalities he has dealt in most of the time since reciprocal treaties were first suggested.

His principal reason for wanting reciprocal treaties is good will and international peace. International peace. Why, Mr. Speaker, at this gathering to which I have referred just now, held in Boston last week, one of the mayors of a city in Massachusetts announced that we ought to have another Boston Tea Party if any such broad-scale tariff reduction as is proposed is going to be put through. [Applause.]

I claim it will do no good to get international peace or good will if it takes away the bread and butter of American citizens. This is more important than any trade agreement that they are going to consider behind closed doors in peace and harmony, which adversely affects the livelihood of the citizens of the United States. There could not be anything more outrageous in the world.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Michigan.

Mr. WOODRUFF. May I remind the gentleman that since the Reciprocal Trade Agreement Act has been in effect peace conditions of the world have grown progressively worse?

Mr. TREADWAY. They have become so bad that the President of the United States has requested us to make tremendous appropriations for national defense which does not look as if there were a great deal of peace in the world.

Mr. BATES. And for relief, too.

Mr. TREADWAY. And for relief, too.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. MOTT. I just walked into the Chamber from a conference when the gentleman from Massachusetts was men-

tioning some forthcoming negotiations for reciprocal trade agreements. I wonder if the gentleman mentioned the negotiations for a trade agreement with Turkey, with respect to which hearings will be had on the 23d of this month?

Mr. TREADWAY. I think it would be well for someone to file the entire list of these possibilities. I am referring more particularly today to the treaty with Great Britain.

Mr. KNUTSON. Mr. Speaker, will the gentleman from Massachusetts yield there?

Mr. TREADWAY. Yes.

Mr. KNUTSON. The gentleman is very generous in yielding, and I appreciate it.

Mr. TREADWAY. I anticipate having to ask for additional time.

Mr. KNUTSON. We will help the gentleman get additional time.

The gentleman must not lose sight of the fact that Mr. Hull is not the only member of the Cabinet who is a free trader. The gentleman will recall that when we had the reciprocal trade bill before the Ways and Means Committee Secretary Wallace urged its favorable consideration and upon being interrogated Mr. Wallace expressed the positive conviction that any American industry that could not compete with a foreign industry without being subsidized should be laid down and discontinued.

Mr. TREADWAY. Particularly small industry—the gentleman is correct.

Mr. FRED M. VINSON. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. The gentleman from Minnesota is correct, but if our distinguished friend from Kentucky wants to take exception to his statement we will go to the official record of the hearing. However, I will be delighted to hear from the gentleman from Kentucky.

Mr. FRED M. VINSON. I feel that my friend from Minnesota overspoke himself. Those were the charges made in 1934 when the reciprocal-trade agreement was under discussion, and when we went to the record that statement of my friend from Minnesota [Mr. KNUTSON] was not borne out by the record.

Mr. TREADWAY. Then the record was changed and was different from the testimony that the Secretary gave.

Mr. FRED M. VINSON. Oh, no.

Mr. KNUTSON. I will take my oath that the Secretary of Agriculture said that any American industry that could not compete should be done away with.

Mr. TREADWAY. Any small industry that could not compete.

Mr. KNUTSON. Should be laid down and discontinued.

Mr. FRED M. VINSON. No; that is not the fact.

Mr. KNUTSON. He did, and the gentleman was taken to task very severely.

Mr. TREADWAY. Now, if I may renew my line of argument, I assert that the officials backing these treaties are more interested in the importation of Czechoslovakian shoes and English textiles and other manufactured products than they are in the employment of American citizens and the promotion of the American scale of living and American wages. Why, we have not a look-in.

This is the day of the Roosevelt depression, which is in full force, and it will be augmented if this reciprocal treaty with Great Britain is adopted.

The other day I received a letter from a man who is soliciting business on the Pacific coast, in which he said in part:

> Until we can see some sign of business we are not going to buy any additional machinery. Business is worse than I have ever seen it in my 30 years' experience. The depression years of 1930, 1931, and 1932 look like prosperity compared to the last 5 months. The facts are in 5 months' time we have not booked enough orders to run this mill 3 weeks. There is simply nothing doing in the way of business. I have never seen such a condition in all my business career.

Mr. WOLVERTON. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. WOLVERTON. Am I to understand that under the provisions of the most-favored-nation clause, when the reciprocal agreement is entered into with Great Britain, every other nation in the world would have the benefit of those provisions without giving anything in return to this country?

Mr. TREADWAY. That is correct.

Mrs. ROGERS of Massachusetts. Mr. Speaker, is it not true that Australia and Germany are practically the only countries that do not have the advantage of the most-favored-nation clause?

Mr. TREADWAY. Those are the only two countries that up to now have not benefited by that clause.

Mrs. ROGERS of Massachusetts. And is it not true that it is unwise to have any treaty with the United Kingdom unless at the same time a treaty is made with Australia which would enable the manufacturer to know what the tariff on wool, and therefore the price, from Australia would be? Of course, if a treaty is made with Great Britain, the woolen industry will be disrupted, because nobody would buy wool until he found out what the situation was with respect to Australia. I know that the southern Members as well as the western Members are interested in the woolen situation.

Mr. WOLVERTON. And may I say in connection with what the lady from Massachusetts has just said, that it is my understanding that Australia has now been taken off the blacklist, so that Germany is the only one remaining.

Mr. TREADWAY. Australia was taken off as of February 1.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. ANDRESEN of Minnesota. Can the gentleman explain to us why Mr. Hull and the administration pay no attention to the pleas of laboring men and farmers when they come down here and protest against a reduction in duty?

Mr. TREADWAY. I am calling attention today to the interest shown in New England and the expectation of a large delegation to come down here for that purpose, to see whether or not there is any way we can break through this tremendous barrier or wall erected against American industry.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. SHORT. The day before yesterday I received a telegram from the secretary of the chamber of commerce at Joplin, Mo., reading as follows:

> JOPLIN, MO., *February 6, 1938.*
>
> Congressman DEWEY SHORT,
> *House Office Building, Washington, D. C.:*
>
> Proposal to extend Canadian reciprocal trade agreement to zinc and lead would seriously affect this tri-State district in which 50,000 people are directly dependent on the mines and 200,000 indirectly dependent upon the industry. The proposal to cancel 50 percent of present tariff would have the effect of reducing zinc concentrate $5.35 per ton below an already decreased price due to business recession. We urge your assistance in maintaining present tariff protection.
>
> JOPLIN CHAMBER OF COMMERCE,
> EARL BROWN, *Secretary.*

I, of course, represent a district that produces most of the lead and zinc in the United States. Those men, not only the mine operators, but the miners themselves are very much alarmed and anxious concerning this reciprocal trade agreement with Great Britain and Canada, which threatens to destroy that great industry.

Mr. KNUTSON. And will the gentleman inform the House also how we can obtain a more abundant life by buying everything we need in other countries?

Mr. TREADWAY. A more abundant life for people living in those countries. Our people cannot support themselves in our present form of livelihood here if they have to compete on an equal basis with the products of other countries where wage and living standards are far below our own.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I call attention to two incidents. One has to do with one of our colleagues. I do not see the Member here now, although I notified him that I intended to make this reference to him. It is nothing derogatory; it is in praise of him—a Member of the delegation from Massachusetts. That Member is reported in the press to have written a letter to the Secretary of State asking that one of our products in Massachusetts should not be considered under the reciprocal treaty proposed with Great Britain, namely prophylactic tooth brushes made in Northampton, in the district represented by the gentleman from Massachusetts [Mr. CLASON]. That was done by a Democratic Member, our colleague Mr. CASEY, supposed to be an administration follower. If these reciprocal treaties are so good for everybody and everything, why make exceptions?

Mr. MOTT. Mr. Speaker, will the gentleman yield there for an observation?

Mr. TREADWAY. Yes. Perhaps the gentleman can explain why that was done.

Mr. MOTT. It has been my privilege and duty to appear at the hearings of every reciprocal trade agreement negotiated which affects products from our State in which a lowering of the tariff may be involved. Our delegation consists of two Democrats and one Republican in the House. In every one of those hearings my Democratic colleagues were both there, assisting me to the best of their ability to save our products from a reduction in the tariff. So it is not a party matter; and my opinion is that not 10 percent of the majority Members of this House are really in favor of the Reciprocal Trade Agreement Act, and that if they could vote for its repeal on a secret ballot they would repeal it.

Mr. TREADWAY. Then why not come out in the open and do it? We of the Republican minority have voted our convictions and definitely shown that we were opposed to the present trade-treaty program.

Mr. BATES. And is it not also a fact that two-thirds of the value of all imports at the present time are on the free list?

Mr. TREADWAY. There is a very large percentage—64 percent, I think, is the actual percentage. They are the kind of goods we are willing to have come in because they are noncompetitive. We do not want these competitive goods brought in free, or at a rate that will make them other than honestly competitive with our articles. I am not interested in an embargo or in setting up a Chinese wall, but I do want American industry to have at least an even break with foreign industry in the home market; and if there is any preference, I want that.

Mr. FRED M. VINSON. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. FRED M. VINSON. Referring to the gentleman's statement regarding 64 percent of the imports being on the free list, my friend must admit, of course, that there has been no change in the free list under this administration.

Mr. TREADWAY. That is correct, there cannot be under the Reciprocal Trade Agreement Act.

Mr. FRED M. VINSON. I say there has been no change.

Mr. TREADWAY. There cannot be.

Mr. KNUTSON. They would add to the free list if they could.

Mr. BATES. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Briefly.

Mr. BATES. What they want to do is to take over a third of the free list.

Mr. FRED M. VINSON. That shows that my friend from Massachusetts does not know the Reciprocal Trade Agreement Act, for that act specifically prohibits taking articles from the free list and putting them on the dutiable list, or vice versa.

Mr. BATES. I appreciate that. If you did, you would invalidate the whole act.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield.

Mrs. ROGERS of Massachusetts. If it were not exports of war commodities, is it not true that this country would make an extremely poor showing in its export trade? Yet we are buying tremendous quantities of various products from them.

Mr. TREADWAY. The gentlewoman is correct, the only reason for the increase of exports is the fact that we are today exporting a tremendous supply of war materials to foreign countries. Otherwise the trade balance would be heavily against us.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. WOODRUFF. Might I say to the gentleman that our good friend from Kentucky is about to leave us for green fields and pastures new, very much to our regret.

Mr. TREADWAY. He will fill the judicial place with great honor and dignity. [Applause.]

Mr. WOODRUFF. But the distinguished gentleman from Kentucky is not exactly accurate in his statement that there had been no change in the free list; as a matter of fact, under the powers given to the President in the Trade Agreement Act a large number of products have been "frozen" on the free list.

Mr. TREADWAY. That is correct.

Mr. FRED M. VINSON. My statement to the gentleman from Massachusetts was that there has been no shifting of commodities from the free list to the dutiable list, or vice versa.

Mr. TREADWAY. There cannot be.

Mr. FRED M. VINSON. Now, may I inquire of my able friend—I see that we have a Republican huddle here today—I am just wondering if the distinguished ranking minority member of the Ways and Means Committee consulted with his late vice leader, Mr. Knox, in regard to the tariff philosophy now being discussed?

Mr. TREADWAY. Let me answer the gentleman that neither Mr. Knox, nor any other man speaks for me on the tariff question. I criticized that gentleman even before he was nominated for Vice President, and I do it now. He does not, in those expressions to which the gentleman refers, represent the American people and the industry of this country. [Applause.]

Mr. KNUTSON. Nor the Republican Party.

Mr. TREADWAY. Nor the Republican Party.

Mr. FRED M. VINSON. But knowing my friend from Minnesota as I do, he is making that statement in February 1938, but was eloquent by his silence in the campaign of 1936.

Mr. TREADWAY. I spoke against the suggestion that the gentleman made before he was nominated for the Vice Presidency; so the gentleman from Kentucky cannot bring the views of Mr. Knox up against me under such circumstances.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield reluctantly, for my time is being used up and I need some of it myself.

Mr. HOFFMAN. I wanted to say to the gentleman from Kentucky that over on this side sometimes we have independent opinions of our own and we do not necessarily follow a leader.

Mr. FRED M. VINSON. The American people recognized that in 1936.

Mr. HOFFMAN. I have a letter from one of my constituents dated the 30th of last month, from a man who grows and markets hogs, retails them after he butchers them. The question now comes up about renewing his contracts with the hotels and summer resorts this year, but he finds that Polish pork products are going to beat him out of his market, and he wants to know where he is going to get the money to pay his taxes to support this New Deal. Can the gentleman answer that for me?

Mr. TREADWAY. I think the gentleman is fond of his constituents. He ought to pay their taxes for them. That would be my answer. He is affluent, draws a large salary.

Mr. HOFFMAN. I would be glad to do so——

Mr. TREADWAY. I knew the gentleman would.

Mr. HOFFMAN. But I am dealing with actualities. How will this man meet his problem?

Mr. KNUTSON. The gentleman's constituents can go on W. P. A.

Mr. HOFFMAN. No; they are Republicans; and the gentleman from Minnesota ought to know that a Republican cannot get on W. P. A., P. W. A., or any other of the alphabetical agencies. The only Republicans in my district who can get anything are those who are World War veterans. They get some benefits.

Mr. CLASON. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. CLASON. I understand that finally the textile workers of Massachusetts accepted a 12½-percent wage reduction.

Mr. TREADWAY. Under very strong protest.

Mr. CLASON. Under strong protest; but now that another reciprocal trade treaty is about to be entered into with Great Britain, a great textile country, what can these wage earners expect?

Mr. TREADWAY. I should expect that they would do as has been suggested—go on W. P. A. They cannot earn a living in our textile mills if they get any worse treatment as a result of reciprocal treaties than they get now.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I think the gentleman and the membership of the House will agree with me when I say that an Englishman will not buy anything from this country if he has a comparable product in his own country. In other words, he adheres to the slogan "Buy British."

Mr. TREADWAY. I think that is true and we ought to do the same thing in this country. We ought to buy articles in this country if we can get comparable articles at comparable prices and preserve our home industries.

I hold in my hand an Associated Press statement dated Manchester, N. H., February 2, taken from the Portland Press-Herald, of Portland, Maine. It reads as follows:

> Doubts that proposed new trade treaties between the United States and Great Britain and Canada would work to the detriment of New England industry were expressed today by former Governor Louis J. Brann, of Maine.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. I understand that Governor Brann is one of the well-recognized administration supporters and that he is rated very high among the Democracy of the country. Now, then, he says he doubts if it is going to hurt anything, but listen to this:

> He warned, however, at a Rotary Club meeting, that "it will be well for New England to keep informed as to what is being written into the treaties and to be ready to present a united front against any provision that might react against this section."

I think that would mean a protest against every item that is going to be considered.

Mr. ANDRESEN of Minnesota. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. Does the gentleman think it is good American philosophy for that distinguished Democrat up there to say if they are left out of the treaty then it is all right to go ahead and negotiate it against the rest of the country?

Mr. TREADWAY. You know a Democratic candidate for President one time was laughed out of the election. He was so greatly ridiculed that he lost the election by an enormous vote because he said the tariff was "a local issue."

Some of our Democratic friends today consider the tariff as a local issue. They do not want it to adversely affect their own particular section or industries, and that is why I am pleading for New England here this afternoon. I am trying to advertise the fact that we New Englanders are going to enter a very strong protest at the hearings that are soon to be held. But I am also against reductions on foreign articles that compete with goods produced in other sections.

In closing, I want to refer to what I consider one of the most important pending pieces of legislation in this House. Unless the measure to which I refer is passed, New England industry is ruined, and that section faces untold disaster, which is perhaps even worse than a Roosevelt depression. The Roosevelt depression is bad enough, but there is a little bit of employment even under it.

The measure to which I have reference I introduced on February 4, and it is H. R. 9339. It limits the President's authority in proclaiming modifications of existing tariff duties in connection with foreign-trade agreements, and provides for the submission of such agreements to the Congress for approval. The bill would prohibit the President from reducing tariff duties on articles the growth, produce, or manufacture of any foreign country below the amount necessary to equalize differences in cost of production of such articles and like or similar domestic articles.

Section 2 of the bill would prohibit the President entering into any new trade agreement, or renewing or extending any existing trade agreement, until it shall have been approved by concurrent resolution of the Congress.

The bill will take care of the existing situation by applying the cost-of-production "yardstick" to tariff reductions and would restore to Congress its authority over treaties which affect the revenue. It is the only way, in my judgment, by which we are going to get anywhere in this Roosevelt depression, aside from tax relief.

Mr. WOODRUFF. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Michigan.

Mr. WOODRUFF. I understand that the textile industry is a very important industry in the gentleman's State.

Mr. TREADWAY. It is the largest in the State.

Mr. WOODRUFF. Perhaps it would be well if the people interested in the textile activities in the gentleman's State would have called to their attention a report from London last November to the effect that the newspaper representative sending the dispatch had it "on the very highest authority" that "the British-American treaty will include reductions of American tariffs on textiles and coal." Coal is of no particular interest to the gentleman, but textiles are.

Mr. TREADWAY. I shall be glad to have the gentleman insert the article.

Mr. WOODRUFF. I may say further they ought to be reminded also that when the reduction in tariff on textiles goes into effect, those same reductions will be extended to Japan, thus making it even more difficult and perhaps impossible for your industries to successfully meet this competition.

Mr. TREADWAY. While I think of it, and before I yield further, may I say there has been a great deal said on this floor, and written, about our being able to ship automobiles to these reciprocal countries. We are interested in the products of Michigan and other States which manufacture automobiles. However, may I say that information has come to me that the people in Czechoslovakia, while they may buy more American automobiles and ship all their shoes into this country, nevertheless, the automobile plants in Czechoslovakia will be maintained because they belong to the Government and provide munitions of war.

Mr. PATRICK. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Alabama.

Mr. PATRICK. I want to refer back to the question the gentleman from Massachusetts asked me at the expiration of my address a few minutes ago. The gentleman raised the constitutional complexion of the proposal I made with reference to those who escape taxes. My colleagues have reminded me that my talk did not cover it.

Mr. TREADWAY. I did not think it did, but the gentleman said it did.

Mr. PATRICK. Here is my theory, and I think it is my duty, since I took 10 minutes to discuss it, to answer the gentleman's question. When one leaves the country, so far as the country is concerned, he is dead, and so far as the Nation is concerned. Of course, that naturally results whether or not constitutionally it would be depriving one without due process of law. One cannot uncitizenize himself. He cannot unloose the chains of citizenship here without due process of law. That condition itself is the result of a due process of law. Unless he is willing to pay the full price required by due process of law, then that will take care of the situation. This is my theory of the question.

Mr. TREADWAY. I appreciate the gentleman's remarks.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from Minnesota.

Mr. KNUTSON. The gentleman will recall that some years ago Congress enacted an immigration law, the purpose of which was to keep a large number of aliens from coming into this country from other lands to displace the working men of this country.

As I see it, the foreign-trade policy being carried out by this administration is nullifying the immigration law in that our workers are being compelled to compete with those who would have come here had it not been for this law, but who now remain at home where they are working at a fraction of the wage scale which prevails in this country. Our labor has to meet that competition. Indeed, it would be better if we allowed these people to come here than to have their products come here, because if they were here they would eat the products of our farms and wear the clothing and shoes produced in our factories.

Mr. TREADWAY. The gentleman has a very excellent theory, but I am afraid we will not be able to repeal the immigration law in time to save the industries in this country.

I believe I have proceeded far enough, Mr. Speaker, to warrant bringing my remarks to a close, although I have numerous additional material I should like to use. In closing I do want to say this, however, with reference to the measure I have introduced. If this bill were written into the law, American industry, agriculture, and labor would not have so much to fear in connection with the proposed trade treaties with Great Britain, Canada, Czechoslovakia, and other countries. I firmly believe this bill will have the approval of every branch of American agriculture, industry, and labor. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California, Mr. VOORHIS, is recognized for 10 minutes.

Mr. VOORHIS. Mr. Speaker, commenting briefly on the remarks just made, I believe nobody seriously doubts the economic soundness of the fact that the greater the volume of trade between nations the greater the total output of wealth in the world. Our difficulty arises from the fact we do not yet possess machinery for the protection of our own citizens displaced from employment in the process of adjustment necessarily taking place under circumstances of that kind.

On May 20, 1937, when there was under consideration at the last session of Congress the bill appropriating money for the employment of unemployed persons on W. P. A., I made the following remarks:

> The President has stated the thing most necessary for continued recovery and betterment is consumer purchasing power. I predict that if this Congress appropriates a billion or a billion and a half dollars, either one, but fails to appropriate a very great deal more than either of these figures, we will be laying the groundwork for the next depression. Not a penny less than $2,200,000,000 must be appropriated to keep W. P. A. employment where it is now, and if you want money for P. W. A. the amount ought to be $2,500,000,000.

That is from the CONGRESSIONAL RECORD for May 20, 1937.

I do not read this because I want to say, "I told you so," but because clearly I was right, because I believe subsequent events have proven that to be the case, and because, furthermore, I believe we have come to the point where it is important for us to consider fundamental ways and means of meeting this unemployment problem instead of merely being continuously confronted with the necessity of appropriating over and over again for "emergencies."

If the lessons of the years since the World War have taught us anything, they have taught us, in the first place, that unbridled individualism, low taxes on big incomes and inheritances, and complete freedom for enterprise of all sorts to build monopolies, is not the way to prevent unemployment or depression or industrial and economic collapse. This is the first thing we learn. The year 1929 is my evidence.

In the second place, we have more recently learned that the expenditure of considerable sums of money by the Government in order to increase the flow of consumer purchasing power is not something which can be done once in a big gob with the expectation of getting a sufficient industrial restoration to eliminate unemployment completely. In other words, I believe the lessons of the last few years have taught us we must look deeper than this and must realize that a continuous contribution on the part of Government to the sum total of consumer purchasing power is a necessary part and parcel of our present economic order if it is to run smoothly and furnish employment for people.

At the present time we have, according to the report of the Biggers committee, in the neighborhood of 11,000,000 people unemployed. My own deep conviction is that it is most important that the Woodrum amendment contained in the appropriation bill of last year be repealed and that we should make a deficiency appropriation. I believe this not merely because of my interest in those people who are most deserving of consideration, namely, those who have lost completely their hold upon life through unemployment, but because I feel it is in the interest of the whole industrial and economic order of America. I believe the longer we wait to take such action the more of it we will have to do, and the more difficult will be the situation we face. This price slump must be checked. Unemployment must be at once reduced. We know how to do it. It is up to us to act promptly.

I deeply hope that in consequence of our understanding of what has happened to us we will before this session of Congress is over adopt not an emergency measure but a permanent program, not only of providing employment but of developing the resources and meeting those social needs of our Nation which private industry cannot meet. Someone has suggested that suitable projects for the unemployed to work at are getting scarce. Are we so blind, so heartless, as to even think of such a thing? While people are hungry, while the people of our cotton South lack cotton sheets and clothing, while our northern cities are full of slums, and the life-giving soil washes away to the sea—while these things are true, let no one say there are no projects. The first project may well become the feeding of the children of the unemployed themselves.

We have been considering the matter of national defense, in connection with which I believe every Member of the House, regardless of his particular opinion on the subject, will say, "The matter of national defense comes first and the consideration of budgetary matters comes second when national defense is involved."

I am here to say that in my opinion the matter of the right of every willing and able American working citizen to a job belongs right in the middle of true "national defense," and unless it is put there, those who have failed to put it there and who perhaps will have voted large sums for armament and will have failed to meet the need of the unem-

ployed people of this Nation will have a great deal to answer for and a great deal to explain. The first line of defense of democracy is the security of the people, the establishment on firm, sure foundations of their right to work and earn a living.

As a matter of actual fact, the picture is not as black as it might be considered. I, of course, know what everyone is thinking about. They say, "But if we attempt to provide a program of public works to employ all the unemployed people the cost will be terrific and staggering." Nevertheless, it is primary as a matter of elemental human justice and it is necessary for the American Nation and even for our private industry. For all this Government works program means is that people disemployed by industry are not permitted to starve, are not permitted to lose their work or their skills, but are kept with those skills against the time when industry will once again call for them. And there are ways of meeting and even of reducing the cost which have never yet been tried.

Furthermore, it is important that we also recognize this fact. Certain limitations have heretofore been put upon this Government works program which have made it far more costly than it needs to be. One of those limitations has been that in a very large measure a deliberate barrier has been placed between that program and the creation of new wealth.

I believe if this barrier were removed that a very large number of self-liquidating projects, connected with the natural resources of America, connected perhaps with the construction of low-cost homes, and connected perhaps with many other things, could be carried on, and a great deal of the cost of the program could be paid back out of the future revenues which we would obtain. Such self-liquidating projects should be financed by having the Treasury or the Federal Reserve Board advance credit directly on the security of a lien against these revenues.

Another thing that seems to me to be obvious is that we have been working on a false financial principle. Our Government, over all this period, has been exchanging its bonds for deposit entries on bankers' books, leaving to those bankers the right to create, at interest, the money of this great people—all this even though the American Nation found itself confronted by the evident duty and right to create year by year a controlled amount of interest-free means of payment in view of the growth of population, in view of the increase in business activity, in view of the increase in the power to produce wealth in the country.

I do not believe we can solve this problem, Mr. Speaker, until we dig deep, and if it be necessary for this Government to assert once again the right written into the Constitution itself to be the only power in this Nation that brings money into existence, and if it be necessary to take away from our banking system the right to create at interest bank credit, which is our money, which right it now exercises as a mere prerogative, then I believe that it is more important that we take this step at once than to leave that golden calf, as it were, standing there, and to let our people go down into misery and unemployment, and our business go from bad to worse. The words of Jefferson should be remembered when he said:

> If the American people ever allow private banks to control the issuance of their currency, first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the people of their properties until their children will wake up homeless in the continent their father's conquered.

I believe that swift action on the part of Congress is essential in this matter of unemployment, and I believe that we need to establish these principles about which I have been speaking—the right of every American breadwinner to a job and the right of our Government to create the Nation's money. May I point out further that if it were known generally that the American Government had definitely adopted the policy that when millions of its people are unemployed, the Government would make the best possible use of the labor of these people, and would employ them all, then I believe a different point of view would prevail among many people in this country, rich and poor alike, and those people would commence to think and to be concerned about how best the job of meeting this unemployment problem could be done.

[Here the gavel fell.]

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS. I believe for the first time, under these circumstances, we would begin to consider certain fundamental economic facts. I believe we would begin to be concerned about doing those things which would create, much more promptly than anything we have yet tried to do, an increased volume of private employment.

I think it is important for us to remember that it is unfortunately to the selfish interest and advantage of each individual industry in this country that the product and output of that industry should be scarce and hence the price of that product high; and, conversely, it is to the interest of all the American people and of all industry, taken as a whole, that the output of goods should be abundant from each industry. We as the National Congress have served too much particular interests; not enough the general interest. The Industrial Expansion Act, about which the gentleman from Wisconsin [Mr. AMLIE] spoke a few days ago, is an attempt to meet our unemployment problem head-on by providing increased production by all major industries through Government assistance and guidance.

So it seems to me there is a great national interest here that needs to be asserted. I would begin by establishing it as a principle of American Government that every person in this Nation had a right to a job.

My second step would be to take back into the hands of the Government the right to be the sole power to bring new money into existence. I would not inflate the currency; I would end both inflation and deflation by providing that a duly constituted monetary authority bring into existence such additional money year by year as is contemplated to be necessary according to the growth of the business activity of the Nation, such an expansion of the means of payment as would correspond to and make possible the continuance of an expanding production. Perhaps this reasonable step will be found to make the difference between our ability to balance the Budget—not easily, perhaps, but to balance our Budget with justice to all people in this Nation—on the one hand and our inability to do it upon the other. [Applause.]

[Here the gavel fell.]

FEDERAL TRADE COMMISSION—CONFERENCE REPORT

Mr. LEA. Mr. Speaker, I present a conference report and statement upon the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, for printing under the rule.

GREENE COUNTY, GA.

Mr. BROWN. Mr. Speaker, in the January 1, 1938, issue of Collier's there appeared a story, "Devil in de Cotton," by Owen P. White, in which references were made to Greene County, Ga., which is in the district I have the honor to represent in Congress. This article is strongly resented by our citizens.

I request unanimous consent to revise and extend my remarks by including therein excerpts from an answer to this article, written by Dr. T. B. Rice, of Greensboro, Ga., who is historian of Greene County, president of the Bank of Greensboro, chairman of the Greene County Welfare Board, chairman of the Greene County Board of Child Welfare, and chairman of the Greene County Chapter of the American Red Cross for more than 20 years.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REPRESENTATIVE MANSFIELD

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I take advantage of this opportunity on behalf of the Texas delegation, and I may say on behalf of the House, to felicitate and congratulate our distinguished colleague, Judge MANSFIELD, upon the occasion of his seventy-seventh birthday. [Applause.] I know of no more popular Member of the House on either side. Efficient, effective statesman, loved by everybody, his courage has been an inspiration to all of us. We congratulate his constituents, and we wish him many returns of this happy occasion. [Applause.]

CANCER CONTROL AND PREVENTION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein a radio talk I delivered this morning over WRC with Mrs. Marjorie B. Illig, who is national commander of the Woman's Field Army of 100,000 women who are fighting the dread disease of cancer. I call them the army of hope.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, as a Member of Congress I am very much interested in the well-being of the Nation's people, and certainly cancer is a menace to that well-being and those who are interested in statistics may remember that 150,000 persons die each year from cancer. Someone aptly called this disease the captain of the men of death. I bring to the attention of the House the fact that the death rate has so risen in cancer as to place it second in the mortality table, rather than sixth, as it was in 1910, apparently a tremendous increase.

Cancer was sixth on the mortality tables several years ago. The year 1937 shows it to be second. As a matter of fact it probably should have been second on the list of mortality tables 6 years ago, only the means of diagnosing cancer have improved, which makes it possible to recognize cancer earlier and thereby introduce methods of radical treatment that may cure the dreadful scourge in the early stages.

I introduced last year a resolution calling upon the President of the United States to issue a proclamation calling on all of the Government agencies, all of the press, the radio, and all organizations and clubs to observe the month of April as cancer-control month. I earnestly hope that resolution will be agreed to. We need education, we need cooperation. Only yesterday a woman told me that she was supposed to have cancer, and that today the doctors all say she is cured. [Applause.]

The radio address to which I referred follows:

Mrs. ROGERS. First, I want to take this opportunity to thank the National Broadcasting Co. for its generosity in giving us the time for this program. Mrs. Illig, will you please tell us why you think the resolution which I introduced in Congress making April cancer control month will be helpful in your work, and explain the program of the women's field army?

Mrs. ILLIG. The title of our program, "Women, enlist; this is your war," may sound a little grim in these days when newspapers and newsreels are so filled with stories and pictures of the tragic conflicts in Spain and China. These are wars in which women indeed are playing a part, too often as victims. But our war is of a very different kind. It is a war to save human life, a war for health and happiness. We are not using bayonets or tanks or machine guns; our weapons are leaflets and lectures. We are fighting with facts and our military objectives are the putting to rout of fear and ignorance. This war is against one of the greatest enemies of health. It is against cancer. The women's field army of the American Society for the Control of Cancer is determined to save thousands of lives. In this campaign we are receiving the support of many distinguished men and women and among these we are proud to number as one of our National Advisory Board, Congresswoman EDITH NOURSE ROGERS. Mrs. ROGERS has long been known for her generous and inspiring aid to the veterans of the World War. To this and the other many humanitarian causes which she has supported she now adds that of the campaign against cancer.

Mrs. ROGERS. Thank you, Mrs. Illig. It is a great pleasure for me to be of some assistance to the women of America who have launched this great attack on cancer. The fact of the matter is that whether we like it or not we all are involved in the fight against this disease. We all are potential victims and it is gratifying, indeed, that now we may all play some part in reducing cancer mortality. I wish that you would say a word about just what the women's field army is, Mrs. Illig.

Mrs. ILLIG. I shall be glad to, Mrs. Rogers. The Women's Field Army is the lay educational arm of the American Society for the Control of Cancer. For 25 years the American Society has been collecting and distributing essential information about this malignant disease. The greater part of its energies has gone into cooperating through its field representatives with State medical societies, the American Medical Association, and the American College of Surgeons in raising the levels of the treatment and diagnosis of cancer. Last year, at the request of physicians throughout the country, the Women's Field Army was launched. Through the splendid cooperation of nearly all the national women's organizations such as the General Federation of Women's Clubs, the National Council of Women, the Catholic Daughters of America, and the National Council of Jewish Women divisions of the army were established in 39 States. Under the slogan "Early cancer is curable. Fight it with knowledge" a vigorous program of education was developed. Hundreds of thousands of pamphlets were distributed, innumerable meetings were held, lectures were delivered from pulpits, from platforms, and over microphones. All educational activity was under the direction of official representatives of State medical societies and sought to teach men and women what they must know to reduce cancer mortality.

Mrs. ROGERS. Your war is an educational one, then, Mrs. Illig?

Mrs. ILLIG. Yes, educational. The most important point in our program is that each year we are appealing to men and women and particularly the women to enlist in the army. Thus we shall build a continually enlarging body of our citizens who are interested in cancer, who know a few simple facts about it and its control, who understand the importance of research, and who are concerned with seeing that the needs of the underprivileged sufferer from this disease are met, and who will be guided by this knowledge in protecting themselves against cancer. Last year 100,000 individuals enlisted in our army.

Mrs. ROGERS. That was a splendid record, Mrs. Illig, and I am sure that you will do even better in this your second year. Now, perhaps I ought to explain my interest in this subject. As a Member of Congress, I am naturally concerned with the well-being of the people of America. Cancer is a most important and serious menace to that well-being. Someone aptly called this disease the "Captain of the Men of Death." If any of our listeners are statistically inclined, they will find by a reference to census figures that cancer since 1910 has risen from sixth place on the mortality tables to second. Now it is estimated that 150,000 persons die each year from cancer. That is a shocking total.

Mrs. ILLIG. It is shocking indeed. But I think you will agree, Mrs. ROGERS, that the most shocking thing about the whole problem is that competent physicians are agreed that between one-third and one-half of those who died could have been saved had they sought medical treatment when the first symptoms of cancer appeared.

Mrs. ROGERS. Is it difficult to recognize these first symptoms, Mrs. Illig?

Mrs. ILLIG. The diagnosis of cancer is a difficult problem, requiring the knowledge and training of competent physicians. However, the American Society for the Control of Cancer tells us that there are certain symptoms, usually painless, which may mean cancer. When they appear they should certainly receive medical attention. These so-called cancer danger signals are—I am quoting from a pamphlet issued by the American Society for the Control of Cancer:

"1. Any persistent lump or thickening, especially in the breast.

"2. Any irregular bleeding or discharge from any body openings.

"3. Any sore that does not heal, particularly about the tongue, mouth, or lips.

"4. Persistent indigestion, often accompanied by loss of weight.

"5. Sudden changes in the form or rate of growth of a mole or wart."

Mrs. ROGERS. And the advice of all authorities, as I understand it, Mrs. Illig, is to go to a physician whenever one of these danger signals appears.

Mrs. ILLIG. That is right. If the individual is on the alert for these symptoms and in addition has an annual and complete physical examination, then he or she is playing an intelligent role in this war of ours.

Mrs. ROGERS. That sounds clear enough.

Mrs. ILLIG. It is clear. Yet as you know the process of education is a slow one. That is exactly why, Mrs. ROGERS, that those of us who are so interested in fighting cancer are so gratified by the resolution which you have introduced in Congress. I wish you would tell our friends of the radio audience just what your bill provides.

Mrs. ROGERS. This resolution authorizes and requests the President of the United States to issue annually a proclamation setting

apart the month of April of each year as cancer control month, and to invite the Governors of the several States and Territories and possessions of the United States to issue proclamations for a like purpose. Such proclamations would invite the medical profession, the press, and all agencies and individuals interested in a national program for the control of cancer by education and other cooperative means to unite in such a program. Do you think that enactment of this resolution would help in the work you are doing, Mrs. Illig?

Mrs. ILLIG. It certainly would.

Mrs. ROGERS. You believe it would mean that there was national and official recognition of the importance of every individual uniting in fighting what is a national problem. Last year Congress enacted the National Cancer Institute bill, which provided money for a building in which all the Government's cancer research activities could be housed and set aside $400,000 to be appropriated for individual research projects throughout the country.

Mrs. ILLIG. That was a magnificent piece of legislation. Now to our way of thinking, your resolution rounds out the Government's part in this cancer fight. Your bill is one which would focus attention on the importance of a voluntary and cooperative campaign by newspapers, physicians, and individuals against cancer.

Mrs. ROGERS. Well, I shall certainly do my best to see that the resolution is enacted. I shall do anything that I can to help in the war against this disease.

Mrs. ILLIG. If our women's field army receives from each individual the same support you are giving it, Mrs. ROGERS, then we shall indeed be successful in our effort to reduce cancer mortality. As women I think we may well be proud of the part we are playing in this war to save human life. It is right that women should take the leadership in this fight. After all, we have more cases of cancer than do men. Yet in a deeper sense fighting all diseases is a woman's task. The care of the health, the nursing of the sick, the healing of the injured—these are things which require a woman's patience and a woman's courage. To the field army there is one woman who symbolizes all that we are trying to accomplish. A few weeks ago a number of our national leaders met here in Washington in a memorial at the French Embassy in honor of that great scientist and great woman, Madame Curie. We presented in the name of American women a copy of the recently published biography of Madame Curie to the French Minister, Jules Henry. One of those who took part in that ceremony was Mrs. ROGERS. What she had to say at that small meeting was genuinely and beautifully moving. Would you be willing to repeat to this larger audience what you said at that time, Mrs. ROGERS?

Mrs. ROGERS. Why, yes; I said:

"It is a great honor to me to be present at this public tribute to the memory of your great countrywoman, Madame Marie Curie—the greatest woman benefactor to human suffering and misery the world has ever known. Everyone in all our vast Nation rejoices with you in the wonderful, almost unbelievable, forward strides made in the fight against cancer since the discovery of radium. It has meant hope where nothing but despair was to be had, life where death was faced, and courage where fear prevailed. The biography of this great French woman is a marvelous account of persevering, painstaking research. It is a record of success after failure; of constant definiteness of purpose until the ultimate goal was won. It is a record of unselfish devotion to an ideal; a submerging of self for purpose, without compromise, until attainment of that purpose was achieved.

"Madame Curie gave her life to a cause just as much as any one of France's heroes upon the battlefields gave his life. She typifies the modern Joan of Arc, who has led the fight against the most insidious, dread disease our world has suffered. Her success, her example, will ever be an encouragement to those who have lifted the torch where it fell. The world has become an infinitely better, much safer, happier place in which to live because of the life work of this noble woman."

Only yesterday I saw a woman who had carcinoma of the leg, who now, the doctors all agree, is entirely cured.

Mrs. ILLIG. Thank you, Mrs. ROGERS. We in the army do not have the genius that was Madame Curie's, but in our own fashion we are trying to make a constribution to the war she so magnificently aided. It is a cause that every listener may forward. If you are interested, you may learn more about our work, from the divisions in 44 States or you may write to me, care of the Women's Field Army of the American Society for the Control of Cancer, 1250 Sixth Avenue, New York City. Mrs. ROGERS, would you not be glad to hear from those of our listeners who are in favor of your bill?

Mrs. ROGERS. Yes; I would. I think that a letter to me would be of great help to us in our campaign to secure enactment of this measure.

Mrs. ILLIG. I am sure that many of our listeners who want to help us in our fight to save human life will sit down at once and send postcards and letters to EDITH NOURSE ROGERS, United States Representative from Massachusetts. And now, thank you so much, Mrs. ROGERS, for your fine support of the Women's Field Army.

Mrs. ROGERS. As a woman and as a Member of Congress, I am proud to be an active participant in what I regard as one of the most important health movements in our country today.

LEAVE TO ADDRESS THE HOUSE

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal and the disposition of business before the House and special orders heretofore made, I may address the House for 1 hour.

The SPEAKER pro tempore. Is there objection?

There was no objection.

THE LABOR SITUATION

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

THE NATIONAL LABOR BOARD AND ITS CRITICS

Mr. COFFEE of Washington. Mr. Speaker, I rise to protest the reckless statements which have been made on this floor concerning the record of the National Labor Relations Board. This House after full consideration gave its assent to the proposition that the protection of the right of workers to organize is the proper and only road toward industrial peace. Further, we set up a Board with power to apply that concept to our industrial relations. Now there arise those who complain bitterly because that Board is doing exactly what we commissioned it to do. Still giving lip service to the principle of collective bargaining, these men of little faith now seek to amend the Labor Act in a manner which would rob it of all effectiveness. With protests on their lips that they are the friends of American labor, they are repeating gossip, rumor, and the mouthings of company-dominated employees in order to discredit the aims of true labor organizations.

HENRY FORD CASE

The labor situation is a complex one, Mr. Speaker. It requires some pains to learn the facts. I, for one, have grown impatient with the unchallenged distortions of fact engendered in the heat of this controversy. I have gone to the trouble of looking into the record of some of the cases in which the National Labor Relations Board has been accused of bias in the handling of its proceedings. In support of my findings I made the assertion on the floor of the House on January 11 that Henry Ford, found by the Board to be in violation of the Labor Act, had shown himself afraid to trust his case to an American court of law. A week later to the day the gentleman from Michigan [Mr. HOFFMAN] quoted my statement and branded it as "entirely erroneous." The gentleman from Michigan was extremely gentle and considerate of my feelings while admonishing me for my error. He said (RECORD, p. 732):

> Let me pause here and gently, with kindly words, but nevertheless accurately and nonetheless emphatically, call the gentleman's attention to the fact that his statement is entirely erroneous; that it does not state the fact. * * * Mr. Ford announced that he would take his case into court. He did take his case into court, and his case is now pending in court.

With equal gentleness may I point out to the gentleman from Michigan that the only accuracy in his statement lies in the fact that Mr. Ford's case is in court, the Sixth Circuit Court of Appeals at Covington, Ky., where it was taken on the petition of the National Labor Relations Board for the enforcement of its order against Mr. Ford. Henry Ford, it is true, did a great deal of talking in the newspapers about appealing his case to the Federal courts. But he never did. Instead he engaged in a garrulous attempt to try the case in the newspapers, a move which must have confused the gentleman from Michigan into believing that Mr. Ford was willing to do what in fact he did not.

As his own conclusion to his erroneous understanding of the facts, the gentleman from Michigan, continuing his remarks, said (RECORD, p. 732):

> * * * an appeal has been taken and judgment might well be withheld until the final decision.

LET THE COURTS DECIDE

In that I echo the gentleman from Michigan. I could wish that the detractors of the National Labor Relations Board would leave the appeal of these cases to the Federal courts where it belongs, instead of making their own private appeals to prejudice. Can it be known to the gentleman that this Board has no enforcement powers of its own; that appeal in every case lies freely open to a United States Circuit Court of

Appeals which alone can review the Board's conclusions and impose penalties? Is it generally known that the Supreme Court and the circuit courts have upheld the orders of the Board in 18 out of 20 cases—a record hardly to be equaled in the history of quasi-judicial agencies? No one has accused the circuit courts of a bias in favor of labor. The gentleman from Michigan can rest assured that Mr. Ford will have his day in court.

We might well let the issue lie there; yet the gentleman from Michigan is unwilling to do so. Having made his plea to reserve judgment, he at once launched into his own hearing of the case. Addressing himself to the dilemma in which Mr. Ford finds himself, he said (RECORD, p. 732):

Shall the employer be compelled by the Government to retain inefficient, insubordinate workers, merely because they hold a C. I. O. card?

THE SUPREME COURT HAS SPOKEN DECISIVELY

The answer to that rhetorical question lies in the decision of the Supreme Court of the United States in the case of the Labor Board against the Associated Press. I quote from the majority opinion of Mr. Justice Roberts in that case:

The act permits a discharge for any reason other than union activity or agitation for collective bargaining with employees.

Henry Ford, under the Labor Act, can discharge an employee for any reason—for inefficiency or for insubordination. But, under the act, Henry Ford cannot fire a worker for union activity or—mark this word—for "agitation" in behalf of collective bargaining. Let those who hurl "agitator" as an epithet at every union enthusiast pause to consider that the Supreme Court itself finds no opprobrium in agitation for worker organization. Let these critics of labor methods place themselves where Henry Ford's workers now stand, and then consider whether anything short of agitation is calculated to make a dent in the iron ring with which the Ford citadel at Dearborn is surrounded. The issue is clear enough. Henry Ford is matching his private power against the right of the Federal Government to say that there are certain limitations with which Ford, in the public good, must abide. One such limitation, which we in this House wrote into the Wagner-Connery Act, is the restriction on employers against taking away a man's wages because of his enthusiasm to band together with his fellows in mutual protection.

HENRY FORD DISCHARGED EMPLOYEES FOR UNION ACTIVITY

The Labor Board, after a full and public hearing in which Ford's attorneys participated, has issued a decision which concludes that 29 Ford workers were fired for union activity. Witnesses were heard for both sides. Their words are in the printed record which now lies before a circuit court of appeals where the Board, not Henry Ford, laid it. In time we shall know what that court decides. A further appeal is possible to the Supreme Court. No element of fairness is lacking for the open and dispassionate resolution of the question whether or not Henry Ford violated an act of Congress.

JONES & LAUGHLIN PLEASED WITH N. L. R. B. ADJUSTMENT OF DISPUTE

It has been said that there are only 29 employees whom the Board found discharged for union activity—a mere handful compared to Ford's 80,000 production workers. But let it be remembered that there were only 10 discharges in the case of Jones & Laughlin Steel Corporation, the case which last April 12 marked the Supreme Court validation of the right of the Labor Board to assume jurisdiction over employee relations in interstate commerce. Only 10 men! Yet what happened when the Jones & Laughlin corporation was forced to obey the Labor Board and restore those ten to their jobs? Was there anarchy and confusion in the plant because of such obedience? Ask the president of Jones & Laughlin, Mr. H. E. Lewis. The astounding fact, Mr. Speaker, is this: Within a month the company consented that the Labor Board conduct an election to determine the workers' choice of representatives. Of the Board's handling of that election the president of the corporation said publicly:

The corporation is gratified that such an important issue has been so amicably settled by peaceful and democratic methods under the provisions of the Wagner Act.

More than 25,000 steel workers in that plant cast votes. The majority chose the C. I. O. At once the Jones & Laughlin Corporation signed a C. I. O. contract. That contract has been scrupulously respected. Where there had been strikes, violence, and bitterness, there is now in that plant peace, mutual confidence, and an orderly way of adjusting the daily difficulties which inevitably arise whenever men do hard physical work for their daily bread.

I cite this Jones & Laughlin case with a purpose. I wish to announce, Mr. Speaker, that my patience is exhausted with the negative carpings against the Labor Board's administration of the act. I wish to point out affirmatively that the Board, under the trying circumstances of a split in labor's own ranks, is doing a work of which we ought to be proud. Too long have we listened to the angry self-serving cavilings of those who are trying to smear this Board because they themselves hate collective bargaining and want to see it defeated. Often these attacks seem to come from the mouths of workers themselves. We must be on our guard, Mr. Speaker, how we accept such attacks. This is important, and we cannot excuse ourselves for being blind.

WESTERLY, R. I., CASE EXPLAINED

The gentleman from Michigan has arisen on this floor to charge that the Labor Board denied the rights of an organization known as local 16, Associated Workers of Printing and Finishing and Allied Industries at Westerly, R. I. He asserts in their behalf a claim to representing 502 workers out of a total of 753 employed by the Bradford Dyeing Association. The Board, he maintains, ignored their just claims and ordered the employer to deal with the C. I. O.

I cannot know the source of the gentleman's information in this case. I do know that the Labor Board held a public hearing in which it appeared that this Associated Workers' Organization was hastily trumped up with the aid of the employer and that its membership was recruited through fear of losing jobs.

The sworn record shows that on April 1, 1937, 60 percent of the Bradford workers had signed Textile Workers' Organizing Committee membership cards. On that date no such organization as this Associated Workers was in existance.

Yet within 3 weeks—at the very time when the T. W. O. C. began asking the company to grant it majority bargaining rights—this so-called Associated Workers sprang into full bloom existence. How?—from the desire of the workers, or from the wish of their employer? Mr. Speaker, the Labor Board's decision in this case states that foremen herded workers into meetings held on company property and company time. There their employer, the man who holds their jobs in his hand, lectured them on the virtues of a company union and passed out cards for them to sign. By threats and bribes this employer-dominated creature came into existence. The Wagner Act was passed for the purpose of outlawing all employee organizations having the taint of dominance. The Labor Board is forcing the facts about them to be heard in public. For that reason alone the Board has won the enmity of those who would keep workers in subservience. In my opinion, Mr. Speaker, such attacks on the Board are a badge to its honorable conduct against great resistance.

I cannot close, Mr. Speaker, without making good on my assertion that the National Labor Relations Board is a present instrument of industrial peace, as this House intended it should be when it passed the act.

THE LABOR BOARD HAS PROVED ITS WORTH

Its critics aver that its decisions are preponderantly against industry, and that this connotes bias. I ask that these statistics be closely examined. From the Board's latest published records I find that more than 10,000 cases have been presented to it during its 26 months of active operations. That is evidence enough of unrest in the employer-employee relationship. But remember that the Board did

not initiate these 10,000 cases. They were brought to it by the ferment nationally working during this era of economic adjustment. In judging the Board we must consider not the weight of its burdens but how it has handled it.

More than 7,000 of these cases have been closed, written off the books, taken out of the field of active disputes and put into the quiet archives of history. And here is the fact, Mr. Speaker, which offers irrefutable evidence of a needed job well done. Sixty percent of those disputes were settled without recourse to formal hearings and to the satisfaction of both the workers and their employers. The agents of the Board, its regional directors and examiners, withheld under Board orders any newspaper publicity until they could bring the employers' attention to the charges and petitions brought by their workers. Quietly and effectively these more than 4,000 cases were adjusted. Men were restored to employment. Elections were held to determine representatives. Agreements were made whereby employers met peaceably with their workers instead of goading them into violence. Strikes—919 of them—were settled. Strikes—483 more of them—were averted. More than a million American workers, men and women, were involved in these peaceful settlements. Grievances were aired, not allowed to fester in secret. The foundation for lasting industrial peace was laid for the first time in American history.

That is not all. In addition the Board dismissed more than a thousand cases, finding the charges unfounded or that it had no jurisdiction or that the Conciliation Service of the Department of Labor was the proper agency to handle the dispute. Another 1,500 cases were withdrawn by those who filed the charges and petitions. More incipient disputes quietly laid away because there was an official agency wise enough to prevent trivial misunderstandings becoming serious proceedings.

These are facts which should give pause to reckless and unfounded assertions against the record of the Labor Board. In closing I wish to present one example of such charges, presented doubtless in good faith, which recently fell to earth with a convincing thud.

THE TRUTH ABOUT THE TUPELO CASE

Last summer we were told from this floor that the Board was harassing the management of the Tupelo Garment Co., of Tupelo, Miss. Allegations of Board bias were coupled with assertions of employer innocence of any offense against the Labor Act. A few days ago I noticed in the newspapers that the Tupelo Garment Co. has entered a stipulation whereby it agrees to cease and desist from interfering with the self-organization of its workers, to reimburse employees for the wages lost during their periods of discharge after attempts to organize their fellows, and to post notices promising a strict conformity with the provisions of the act.

I applaud the Tupelo Garment Co. for reaching this just solution of its difficulties. I am confident that its workers will hold their heads a little higher, will put more enthusiasm into their work, because of that honorable amend. But most of all I applaud the Labor Board for having maintained a dignified silence under severe criticism, and for having done the job it was established to do—win industrial justice for America's toiling millions.

EXTENSION OF REMARKS

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address delivered by myself last night.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SECRET TREATIES

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SHANLEY. Mr. Speaker and my colleagues, until the forthright statement on the foreign policy of Secretary Cordell Hull in reply to Senator HIRAM JOHNSON's question suave cynicism and stark fear stalked in and outside the Halls of Congress on the present foreign policy of the administration. Fortunately for the principles of candor and fair play Senator HIRAM JOHNSON reached into the recesses of rumor's vicious vacuum and brought out the latest offspring of the union between partisan politics and nephritic rumor.

Now secret diplomacy has been the theme of many students before and after the World War, and such books as Barthelemy's Democracy and French Policy, B. de Siebert's Entente Diplomacy, Francis Neilson's chapter, Not in the Public Interest in How Diplomats Make War, all kept alive the flame of interest and passionate anger that those hidden pacts engendered.

It is true that France, while a republic under its constitution of 1875, empowered its President to conclude secret treaties on his sole authority without the knowledge or consent of the French Parliament, as fully as could the Czar of Russia. That is how they concluded the secret Franco-Russian military plans for the great war which were laid in 1892 and carried to completion in 1914.

In the same way the documents of the World War disclosed that a British Prime Minister and his foreign secretary could still conclude a secret military and naval alliance such as that concluded with France in 1906 and conceal its existence. This pact pledged the British Navy to protect the French western coasts in effect from 1906 and a similar one with Russia in 1912.

In Dugit's Manuel de Droit, Constitutional, 1918, we find that important treaties may be ratified by the President of the Republic without the intervention of the chamber. These include alliances and protectorates.

Of course, the antecedent secret negotiations of the belligerents in the World War were best disclosed in the Confidential Memoirs of Prince Lichnowsky, the German Ambassador to England. The number of so-called spheres of influence, protectorates, and kindred phrases that are used to cover imperialistic designs are too well known to need emphasis at this point.

In our own history the constitutional mandate that treaties be ratified and confirmed by the Senate has been a most salutary check on executive anarchy in this respect. There has, however, been some difficulty in the field of treaties and executive agreements. As a general rule, however, our national policies as reflected in treaties must be sanctioned by the President and the Senate, and such a course contemplates the treaties covered by commerce, arbitration, and naturalization. The Chief Executive, however, may announce a policy along which he intends to act in the future, and this may become the practice of succeeding Executives.

The Monroe Doctrine, for example, was for two generations a pure executive policy, and even the open-door policy toward China had its beginning as an executive agreement. Even as late as 1917 the Lansing-Ishio agreement was an executive act. It is helpful, therefore, for clarity in present-day views to welcome the statement of the Secretary of State in answer to Senator JOHNSON's request. His answer is a categorical denial of the rumors that we have an understanding or alliance with foreign nations for cooperative action in armaments, expansion, or relating to war. It should be added that our distinguished Secretary holds daily press conferences and in every way attempts to give the fullest information to an eager outside world.

REPRESENTATIVE MANSFIELD

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I want to return my thanks to my distinguished colleague from Texas who, unexpectedly to me, made the announcement of my happy birthday. It is true that I am 77 years young today. My mother was nearly 98 when she died. I do not know how many more years I shall have to live. I have been holding office continuously for a little more than 51 years, 21 of which have been here upon the floor of the House. [Applause.]

Looking around the Chamber at this time I see but two Members who were here when I came. As God would have it, they both happen to be from Texas, the chairman of the Committee on the Judiciary [Mr. SUMNERS], and our distinguished majority leader, who is sitting by his side [Mr. RAYBURN]. I hope that I may continue in service as long as they have and that I shall leave behind me when I retire from Congress a record as unsullied as theirs. I thank you. [Applause.]

EXTENSION OF REMARKS

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an article recently published on the Tennessee Valley Authority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon.

Th SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent that on tomorrow, after the completion of the legislative business for the day and other special orders previously made, I may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. REILLY (at the request of Mr. BOILEAU), for today, on account of illness.

To Mr. HAINES, for 3 days, on account of important business.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 9043. An act to amend an act to provide for the retirement of Justices of the Supreme Court.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1691. An act to provide that residence requirements for judges shall not be held to apply to judges who have retired; and

S. 2387. An act to authorize certain officers and employees of Federal penal and correctional institutions to administer oaths.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 44 minutes p. m.) the House adjourned until tomorrow, Thursday, February 10, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, February 10, 1938. Business to be considered: Continuation of hearings on S. 69—train length. Railroad interests will be heard.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday February 10, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of the full Committee on the Post Office and Post Roads, Thursday, February 10, 1938, at 10 a. m.

COMMITTEE ON PATENTS

The Committee on Patents will hold public hearings February 10 and 11, 1938, in the caucus room of the House Office Building at 10 a. m. each morning on House Joint Resolution 79, providing for the establishment of a Department of Science, Art, and Literature.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Thursday, February 10, 1938, at 10: 30 a. m. In re hearing of private bills. Hearing in committee room 445, House Office Building.

COMMITTEE ON FLOOD CONTROL

The Committee on Flood Control will meet at 10: 30 a. m. on Thursday, February 10, 1938, to consider resolutions and unfinished business.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 3 of the Committee on the Judiciary at 10: 30 a. m., Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill H. R. 8339, providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m. on Tuesday, March 1, 1938, on the bill H. R. 8892, to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 o'clock a. m., eastern standard time, on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

EXECUTIVE COMMUNICATIONS, ETC.

1076. Under clause 2 of rule XXIV a letter from the American Academy of Arts and Letters, transmitting the official report of the American Academy of Arts and Letters for the year 1937, was taken from the Speaker's table and referred to the Committee on the Library.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Patents was discharged from the consideration of the bill (H. R. 9371) authorizing the grant of a patent for certain lands in New Mexico to Mitt Taylor, and the same was referred to the Committee on the Public Lands.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 9408) to prevent profiteering in war; to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 9409) providing that 100 percent of the annual gross receipts, including money-order fees, be credited for the annual classification of post offices; to the Committee on the Post Office and Post Roads.

By Mr. COCHRAN: A bill (H. R. 9410) to repeal that part of the Emergency Relief Appropriation Act of 1937 relating to apportionment and distribution of funds over a 12-month period; to the Committee on Appropriations.

By Mr. HAVENNER: A bill (H. R. 9411) to amend an act entitled "An act to provide for control and regulation of public-utility holding companies, and for other purposes," approved August 26, 1935; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLER: A bill (H. R. 9412) relating to the construction, maintenance, and regulation within and by the United States of America of a Nation-wide system of durable hard-surfaced post roads and their appurtenances and the provision of means for the payment of the cost thereof; to the Committee on Ways and Means.

By Mr. KRAMER: A bill (H. R. 9413) to amend an act entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and acts amendatory thereof and supplementary thereto, and to repeal section 76 thereof and all acts and parts of acts inconsistent therewith"; to the Committee on the Judiciary.

By Mr. MEAD: A bill (H. R. 9414) to authorize a preliminary examination and survey of Smokes Creek at Lackawanna, N. Y., with a view to the control of its floods; to the Committee on Flood Control.

By Mrs. NORTON: A bill (H. R. 9415) to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937; to the Committee on Labor.

By Mr. O'MALLEY: A bill (H. R. 9416) to amend the act of June 25, 1934 (Public, No. 463) to adjust the salaries of rural letter carriers, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. PALMISANO (by request): A bill (H. R. 9417) to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

By Mr. CLARK of North Carolina: A bill (H. R. 9418) to amend an act entitled "An act authorizing the Secretary of the Treasury to convey to the Board of Education of New Hanover County, N. C., a portion of marine hospital reservation not needed for marine hospital purposes," approved July 10, 1912 (37 Stat. 191); to the Committee on Public Buildings and Grounds.

By Mr. CRAWFORD: A bill (H. R. 9419) to amend section 22 of the act of March 1, 1879; to the Committee on Ways and Means.

By Mr. COFFEE of Washington: Joint resolution (H. J. Res. 593) establishing regulations governing the fishing of salmon in or near the mouth of the Karluk River of Alaska; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States to consider their resolution with reference to prevention of crime; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALLECK: A bill (H. R. 9420) for the relief of Edward Workman; to the Committee on Claims.

By Mr. HAVENNER: A bill (H. R. 9421) to authorize the award of a decoration for distinguished service, namely, the Congressional Medal of Honor, to Capt. Raphael Lobez; to the Committee on Merchant Marine and Fisheries.

By Mr. MARTIN of Colorado: A bill (H. R. 9422) for the relief of Gaylord R. Dibble; to the Committee on Claims.

By Mr. NELSON: A bill (H. R. 9423) granting a pension to Arline McAdow; to the Committee on Pensions.

By Mr. SABATH: A bill (H. R. 9424) for the relief of Soterios G. Stamoulis; to the Committee on Immigration and Naturalization.

By Mr. SOMERS of New York: A bill (H. R. 9425) to change the naval record of Henry M. Moss, alias Sidney Harry Price; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4037. By Mr. CHAPMAN: Memorial of the Senate of the General Assembly of Kentucky, memorializing the President of the United States, the Congress of the United States, and the Secretary of Agriculture of the United States to take such action as may be necessary to promptly ascertain the cause of the recent decline of the price of tobacco sold on the tobacco markets of Kentucky and to further cause to be introduced in the National House of Congress legislation similar to the Agricultural Adjustment Act; to the Committee on Agriculture.

4038. By Mr. COFFEE of Washington: Telegram, in the nature of a petition, from the International Woodworkers of America, national headquarters at Seattle, Wash., vigorously opposing passage of the Hill-Sheppard bill (H. R. 6704, S. 25), on the ground that same provides for mobilization of labor and ignores rights and protection of organized labor; to the Committee on Military Affairs.

4039. Also, telegram, in the nature of a petition, of the Enumclaw Cooperative Creamery Co., J. K. Van Patten, manager, recommending that Congress defeat the conferees report unless the bill is recommitted with instruction to conferees to redraft Boileau amendments giving more protection to dairying and affording livestock and poultry same protection as dairying; to the Committee on Agriculture.

4040. By Mr. CONNERY: Resolution of the Ancient Order of Hibernians, Division 8, Lawrence, Mass., protesting against any concessions in the wool schedule in the proposed trade agreement between the United States and Great Britain; to the Committee on Foreign Affairs.

4041. Also, petition of the Massachusetts Selectmen's Association, recommending that all Works Progress Administration work in the United States cease as of June 1, 1938, and as a substitute for the present Works Progress Administration system that a decreasing scale of direct payments be made to the various States for redistribution to local welfare departments; to the Committee on Ways and Means.

4042. By Mr. FORAND: Petition of the Rhode Island Conference on Venereal Disease Control, recording its approval of the proposed Bulwinkle bill which would authorize the use of $3,000,000 in Federal funds during the next fiscal year for allotment among the States to be used by them for venereal disease control work; to the Committee on Interstate and Foreign Commerce.

4043. By Mr. FULMER: Concurrent resolution submitted by James E. Hunter, Jr., clerk, house of representatives, Columbia, S. C., urging full appropriation of Federal funds now authorized by law for forest fire protection; to the Committee on Appropriations.

4044. By Mr. KEOGH: Petition of the Military Order of the Purple Heart, Inc., Queens County, N. Y., Chapter No. 25, concerning the reconsideration of Senate bill 1516, and that the Military Order of the Purple Heart be given recognition; to the Committee on Military Affairs.

4045. By Mr. LORD: Petition of the Chamber of Commerce of Walton, N. Y., protesting against enactment of the Borah-O'Mahoney licensing bill; to the Committee on Interstate and Foreign Commerce.

4046. By Mr. MERRITT: Resolution of the Retail Tobacco Dealers of America, Inc., of New York, favoring the enactment into law of House bill 6791; to the Committee on Ways and Means.

4047. By Mr. PFEIFER: Petition of the New York Typographical Union, No. 6, New York City, concerning the diverting of printing from the Government Printing Office to private plants; to the Committee on Printing.

4048. Also, telegram from the Dairymen's League Cooperative Association, Inc., Washington, D. C., concerning the conference report on the farm bill; to the Committee on Agriculture.

4049. Also, petition of the United Furniture Workers of America, New York City, concerning the Sheppard bill (H. R. 6704); to the Committee on Military Affairs.

4050. Also, petition of the Retail Tobacco Dealers of America, Inc., New York City, concerning the Peterson bill (H. R. 6791); to the Committee on Ways and Means.

4051. Also petition of the Richardson & Boynton Co., New York City, concerning control of iron and steel scrap now being exported abroad; to the Committee on Military Affairs.

4052. By the SPEAKER: Petition of the Retail Tobacco Dealers of America, Inc., New York, N. Y., with reference to House bill 6791, concerning the Tariff Act of 1930; to the Committee on Ways and Means.

SENATE

THURSDAY, FEBRUARY 10, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, February 9, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. It is understood that the Senate will take up the conference report on the agricultural bill. The presence of a quorum is needed. I suggest the absence of a quorum, and ask that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Caraway	Harrison	McGill
Andrews	Chavez	Hatch	McKellar
Ashurst	Clark	Hayden	McNary
Austin	Connally	Herring	Maloney
Bailey	Copeland	Hill	Miller
Bankhead	Davis	Hitchcock	Milton
Barkley	Dieterich	Holt	Minton
Berry	Donahey	Hughes	Murray
Bilbo	Duffy	Johnson, Calif.	Neely
Bone	Ellender	Johnson, Colo.	Norris
Borah	Frazier	King	Nye
Brown, N. H.	George	La Follette	O'Mahoney
Bulkley	Gibson	Lewis	Overton
Bulow	Gillette	Lodge	Pepper
Burke	Glass	Logan	Pittman
Byrd	Green	Lonergan	Pope
Byrnes	Guffey	Lundeen	Radcliffe
Capper	Hale	McAdoo	Russell
Schwartz	Smith	Truman	Wagner
Schwellenbach	Thomas, Okla.	Tydings	Walsh
Sheppard	Thomas, Utah	Vandenberg	Wheeler
Shipstead	Townsend	Van Nuys	

Mr. LEWIS. I announce that the Senator from Michigan [Mr. BROWN] and the Senator from Oklahoma [Mr. LEE] are detained from the Senate on important public business.

The Senator from Nevada [Mr. MCCARRAN] and the Senator from North Carolina [Mr. REYNOLDS] are detained in their respective States on official business.

The Senator from New Jersey [Mr. SMATHERS] is necessarily detained.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

REPORT OF THE COMPTROLLER OF THE CURRENCY

The VICE PRESIDENT laid before the Senate a letter from the Comptroller of the Currency, transmitting, pursuant to law, his annual report (without the statistical appendix) covering the year ended October 31, 1937, which, with the accompanying report, was referred to the Committee on Banking and Currency.

REPORT OF BOARD OF DIRECTORS, FEDERAL PRISON INDUSTRIES

The VICE PRESIDENT laid before the Senate a letter from the secretary of Federal Prison Industries, Inc., transmitting, pursuant to law, the annual report of the board of directors of Federal Prison Industries for the fiscal year 1937, which, with the accompanying report, was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Virginia, which was ordered to lie on the table:

Senate joint resolution in relation to Federal antilynching bill

Resolved by the senate (the house of delegates concurring), That the General Assembly of Virginia, now in session, hereby declares its unalterable opposition to the enactment by the Congress of the United States of H. R. 1507, known as the antilynching bill, and to the substitute therefor reported by the Senate Committee on the Judiciary, commonly known as the Wagner-Van Nuys bill, now pending before the Senate, and we respectfully urge the Senators from Virginia to oppose both by their vote and influence the passage of this obnoxious legislation.

The general assembly calls attention to the fact that in the year 1928 it passed, and the Governor approved, a statute, still in effect and found in the acts of 1928, page 715, for the prevention of lynching, and points with pride to the splendid record of the Commonwealth in stamping out this crime.

We submit that the prevention of lynching is the duty and responsibility of the several States and that no constitutional power rests in the Federal Government to invade this province of the States or to make itself the judge of whether this duty is fulfilled, much less to prosecute State or local officials for alleged failure thereof.

In view of the fact that there were only eight lynchings in the United States during the year 1937, that the crime of lynching has steadily and rapidly decreased, and that no necessity exists for the passage of such a law by the Congress (even assuming its power to enact it, which we deny), the general assembly resents the attempt of the supporters of this bill to empower a Federal agency at Washington to judge, censor, and if necessary to prosecute in the Federal courts officials of the States and their political subdivisions for alleged neglect of duty in respect to lynching.

Representing one of the group of Southern States, we view with regret and alarm the obvious political motives behind this legislation, and we join our sister Southern States in opposing it as unnecessary, futile, unconstitutional, and as a reflection upon, if not an insult to, the people of the South.

We condemn, as do all right-thinking men, the crime of lynching, but we assert with confidence that it cannot be prevented or controlled by the legislation proposed, the only result of which (if enacted) will be disturbance of the amicable relations now existing between the races in Virginia and other Southern States.

The clerk of the house of delegates is directed to forward copies of this resolution, properly authenticated, to the Vice President of the United States, with request that it be laid before the Senate, and copies shall likewise be sent by him to Senators GLASS and BYRD.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the

State of South Carolina, which was ordered to lie on the table:

Concurrent resolution expressing the attitude of the members of the General Assembly of South Carolina to the antilynching bill now in the Senate of the United States

Be it resolved by the house of representatives (the senate concurring), That the General Assembly of South Carolina, now assembled in regular session, representing the people of this great Commonwealth, desire to commend the citizens of this great Nation now serving their country as Senators in the Congress of the United States who, by their vote and speech, have opposed the antilynching bill now before the Congress of the United States. Their stand upon this bill, which strikes at the sovereignty of the several States in this Union and at the right of self-government, affords a genuine assurance that the fundamental principles of democracy are still alive in the hearts of many of the leaders of this Nation. We note with pride that many Senators from States at which this bill is not directly aimed, but which will nonetheless suffer an infringement of sovereignty from its passage, have recognized the righteousness of the cause which has been so valiantly waged by numbers of Senators from the South. We commend them all. We note with special pride that Idaho's great Senator, the Honorable WILLIAM E. BORAH, and others of his type have thrown the influence of their great intellects and characters on the side of the sovereignty of the States of this Union and of the rights of the free peoples thereof to govern in their own affairs where no Federal question is involved; be it further

Resolved, That we commend the two distinguished Senators from South Carolina for their determined opposition to the passage of this measure; be it further

Resolved, That a copy of this resolution be forwarded to each of the Senators from this State and to the clerk of the Senate of the United States.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the board of directors of the Marine Park Civic Association, of Brooklyn, N. Y., favoring the designation of the Floyd Bennett Field Airport at Brooklyn, N. Y., as a Government trans-Atlantic and transcontinental airplane base and Air Mail Service station, which was referred to the Committee on Post Offices and Post Roads.

Mr. COPELAND presented a resolution adopted by the Young Men's Board of Trade of New York City, N. Y., favoring the repeal of the corporate-surplus and capital-gains taxes, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens, being employers and representatives of corporate and private business, of Albany, Green Island, Troy, and Watervliet, all in the State of New York, praying for the repeal of the corporate-surplus and capital-gains taxes, which were referred to the Committee on Finance.

He also presented a resolution adopted by Maj. Ray H. Humphrey Post, No. 1449, Veterans of Foreign Wars of the United States, of Endicott, N. Y., favoring the adoption of policies looking to keeping the United States out of war and free from foreign entanglements, and also the adoption of an adequate national-defense program, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Marine Smoke Abatement Association of Hudson County, N. J., favoring the granting of increased railroad freight rates, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the board of directors of the metropolitan section, American Society of Civil Engineers, New York City, N. Y., favoring the early completion of the so-called Ickes plan of topographic mapping of the United States, which was referred to the Committee on Public Lands and Surveys.

He also presented resolutions adopted by Barre Grange, No. 1026, of Albion; Benton Grange, No. 1166, of Penn Yan; Hemlock Grange, No. 1497, of Hemlock; and Lawtons Grange, No. 1176, of Lawtons, all of the Patrons of Husbandry, in the State of New York, protesting against the enactment of the bill (S. 2970) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, which were referred to the Select Committee on Government Organization.

He also presented a resolution adopted by the Middletown (N. Y.) League of Women Voters, remonstrating against the enactment of the bill (S. 3022) to amend the law relating to the appointment of postmasters, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (S. 2819) to create a Committee on Purchases of Blind-made Products, and for other purposes, reported it with an amendment and submitted a report (No. 1330) thereon.

Mr. MINTON, from the Committee on Pensions, to which was referred the bill (H. R. 6410) granting a pension to Mary Lord Harrison, reported it without amendment and submitted a report (No. 1331) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 2541. A bill for the relief of the estate of George Ehret, Jr. (Rept. No. 1332); and

H. R. 5737. A bill to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of George W. Hall against the United States (Rept. No. 1333).

Mr. SCHWELLENBACH also, from the Committee on Claims, to which was referred the bill (H. R. 5793) for the relief of Josephine Fontana, reported it without amendment and submitted a report (No. 1334) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 4221. A bill for the relief of John M. Fuller (Rept. No. 1335);

H. R. 5195. A bill for the relief of G. F. Flanders and J. W. Talbert (Rept. No. 1336);

H. R. 5249. A bill for the relief of Lydia M. White (Rept. No. 1337); and

H. R. 5562. A bill for the relief of James Scherer, a minor (Rept. No. 1338).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5905. A bill for the relief of Doris A. Reese (Rept. No. 1339); and

H. R. 6648. A bill for the relief of J. H. Yelton (Rept. No. 1340).

Mr. CAPPER also, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 2362. A bill for the relief of Henry M. Hyer (Rept. No. 1341); and

H. R. 2665. A bill for the relief of W. D. Presley (Rept. No. 1342).

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (H. R. 5449) for the relief of Harold Jacobson, reported it without amendment and submitted a report (No. 1343) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 3915. A bill conferring jurisdiction upon the United States District Court for the Eastern District of Virginia to hear, determine, and render judgment upon the claim of the Tidewater Construction Corporation (Rept. No. 1344); and

H. R. 5731. A bill for the relief of Ruth Rule, a minor (Rept. No. 1345).

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (H. R. 6238) for the relief of J. C. Prosser, reported it without amendment and submitted a report (No. 1346) thereon.

Mr. MILTON, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 6844. A bill for the relief of Mattie L. Carver (Rept. No. 1347);

H. R. 7173. A bill for the relief of G. D. Thornhill and James T. Rogers (Rept. No. 1348); and

H. R. 7245. A bill for the relief of J. C. Jones (Rept. No. 1349).

Mr. MILTON also, from the Committee on Claims, to which was referred the bill (H. R. 7104) for the relief of the estate of F. Gray Griswold, reported it with an amendment and submitted a report (No. 1350) thereon.

Mr. BAILEY, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 592. A bill for the relief of E. A. Caylor (Rept. No. 1351);

H. R. 734. A bill for the relief of Joseph Pethersky (Rept. No. 1352);

H. R. 4020. A bill for the relief of William R. Herrick (Rept. No. 1353);

H. R. 6232. A bill for the relief of Frank Christy and other disbursing agents in the Indian Service of the United States (Rept. No. 1354);

H. R. 6397. A bill for the relief of John W. Watson (Rept. No. 1355);

H. R. 6981. A bill for the relief of Frank M. Gilbert (Rept. No. 1356);

H. R. 6471. A bill for the relief of Ralph J. Neikirk (Rept. No. 1357);

H. R. 7676. A bill for the relief of the Complete Machinery & Equipment Co., Inc., and others (Rept. No. 1358);

H. R. 7678. A bill for the relief of Carl Dement Weaver and Donald W. Supernois (Rept. No. 1359); and

S. 2966. A bill authorizing the Comptroller General to settle and adjust the claim of H. W. Adelberger, Jr. (Rept. No. 1360).

Mr. BAILEY also, from the Committee on Claims, to which was referred the bill (S. 1340) for the relief of A. D. Weikert, reported it with amendments and submitted a report (No. 1361) thereon.

ENROLLED JOINT RESOLUTION AND BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled joint resolution and bills:

On February 9, 1938:

S. J. Res. 191. Joint resolution to protect foreign diplomatic and consular officers and the buildings and premises occupied by them in the District of Columbia.

On February 10, 1938:

S. 1691. An act to provide that residence requirements for judges shall not be held to apply to judges who have retired; and

S. 2387. An act to authorize certain officers and employees of Federal penal and correctional institutions to administer oaths.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HAYDEN:

A bill (S. 3437) granting an increase of pension to Thomas R. Myrick; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3438) for the relief of Lester D. Petteys; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 3439) for the relief of the estate of John Gellatly, deceased, and/or Charlyne Gellatly, individually; to the Committee on Claims.

(By request.) A bill (S. 3440) for the relief of Frank De Dilectis; to the Committee on Immigration.

By Mr. PEPPER:

A bill (S. 3441) to authorize the reimbursement of Broward County Port Authority for work done in the creation of Port Everglades (Hollywood Harbor), Fla.; and

A bill (S. 3442) to authorize the reimbursement of Fort Pierce port district for work done in the creation of Fort Pierce Harbor, Fla.; to the Committee on Commerce.

By Mr. BANKHEAD:

A bill (S. 3443) authorizing a survey of the Tombigbee River, in Alabama, between lock and dam No. 1 and Sunflower Bend, and certain bordering territory; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 3444) for the relief of Tarring W. Heironimus; to the Committee on Claims.

By Mr. GILLETTE:

A bill (S. 3445) to provide that gasoline mixed with 10 percent of ethyl alcohol shall not be subject to the tax imposed by section 617 of the Revenue Act of 1932, as amended; to the Committee on Finance.

By Mr. MURRAY:

A joint resolution (S. J. Res. 256) to amend the joint resolution entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs", approved April 6, 1937; to the Committee on Agriculture and Forestry.

By Mr. BULKLEY:

A joint resolution (S. J. Res. 257) providing for the observance of National Inventors' Day and National Advancement Week; to the Committee on the Library.

CLERK IN THE DISBURSING OFFICE

Mr. GLASS submitted the following resolution (S. Res. 232), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized to employ a clerk for service in the disbursing office to be paid from the contingent fund of the Senate at the rate of $2,640 per annum until otherwise provided by law.

LABOR RELATIONS—ADDRESSES BY SENATOR BURKE AND SENATOR WAGNER

[Mr. LEWIS asked and obtained leave to have printed in the RECORD an address by Senator BURKE on the subject Labor Relations, delivered over the radio on February 7, 1938, and an address by Senator WAGNER on the subject The Labor Relations Board's Constructive Record, delivered over the radio on February 9, 1938, which appear in the Appendix.]

NATIONAL AND INTERNATIONAL PROBLEMS—ADDRESS BY SENATOR PEPPER

[Mr. RUSSELL asked and obtained leave to have printed in the RECORD a radio address on national and international problems, delivered by Senator PEPPER on November 12, 1937, which appears in the Appendix.]

DEMOCRACY IN FOREIGN POLICY—ADDRESS BY DR. EDWIN BORCHARD

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an address entitled "Democracy in Foreign Policy," delivered by Dr. Edwin Borchard, of the Yale Law School, in the Cutting Memorial lecture series at Constitution Hall, Washington, D. C., on February 7, 1938, which appears in the Appendix.]

LINCOLN'S IMPRINT ON CONSTITUTION—ARTICLE BY EMANUEL HERTZ

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an article by Emanuel Hertz, published in the New York Times Magazine of February 6, 1938, entitled "Lincoln's Imprint Left on Our Constitution," which appears in the Appendix.]

AGRICULTURAL RELIEF—CONFERENCE REPORT

Mr. SMITH and Mr. LEWIS addressed the Chair.

The VICE PRESIDENT. The Senator from Illinois [Mr. LEWIS] approached the desk and informed the Chair that the Senator from South Carolina [Mr. SMITH] had agreed that he might have the floor for a few moments before proceeding with the consideration of the conference report.

Mr. SMITH. My understanding with the Senator from Illinois was that we would take up the conference report, but before beginning its consideration the Senator from Illinois would be permitted to make his statement.

The VICE PRESIDENT. Let the Chair make a statement as to the parliamentary situation. When the Senate took a recess yesterday afternoon the Senator from Louisiana [Mr. ELLENDER] had the floor and gave notice that he desired to continue his speech. The Chair, therefore, feels that he should recognize the Senator from Louisiana.

Mr. BARKLEY. Mr. President, of course, the motion that will be made by the Senator from South Carolina is a privileged motion.

The VICE PRESIDENT. Yes.

Mr. BARKLEY. It does not in any way interfere with the status of the unfinished business or with any Senator who has the floor; and, if it be necessary to do so, I will ask unanimous consent that the Senator from Louisiana lose none of his rights by reason of the consideration of the privileged motion.

The VICE PRESIDENT. The Senator from Louisiana would not lose his rights, but the Senator from Kentucky does not entirely understand the situation.

The Senator from Illinois desires to address the Senate on a different subject and has so advised the Chair. Now the query is whether the Senator from Louisiana is willing to yield to the Senator from Illinois, without losing any rights, for the purpose of enabling the Senator from Illinois to make a statement.

Mr. ELLENDER. If I would lose the floor by so doing, I would yield for a question only.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. If the Senator from South Carolina makes the privileged motion to proceed to the consideration of the conference report, and the motion should be agreed to, would not the Senator from Illinois be permitted to make whatever remarks he wanted during the consideration of the conference report?

The VICE PRESIDENT. A motion to take up the conference report is not debatable, but when the conference report is before the Senate, it is debatable, and any Senator may then talk on any subject that he desires to discuss.

Mr. BARKLEY. I desire to make a further parliamentary inquiry. This motion being privileged, is it necessary for the Senator from Louisiana to yield in order that the Senator from South Carolina may make the motion?

The VICE PRESIDENT. Certainly.

Mr. BARKLEY. Is the Senator from Louisiana willing to yield to the Senator from South Carolina to make a privileged motion to consider the conference report?

Mr. ELLENDER. I am willing to yield for that purpose, provided I do not lose the floor.

Mr. BARKLEY. Of course, the Senator loses the floor physically, but he does not lose it parliamentarily.

Mr. ELLENDER. I do not care to lose my status.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. The Senator from South Carolina.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CONNALLY. Is it not true that, while the motion to consider a conference report is privileged, in order to be able to make the motion the Senator from South Carolina must get the floor, and the Senator from Louisiana having the floor, he can yield it only with the understanding that he has none of his rights prejudiced? If the Chair will put the understanding in that form, I am sure it will be all right.

The VICE PRESIDENT. Is there objection?

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senator from Louisiana may yield to the Senator from South Carolina without losing any privileges to which he is now entitled by reason of occupying the floor.

The VICE PRESIDENT. Is there objection?

Mr. WAGNER. Mr. President, reserving the right to object, I should like to make an inquiry. There are some of its proponents who desire to speak on the so-called antilynching bill. Perhaps I am uninformed as to the procedure in the Senate, but I have had experience in the matter and recall that when a motion was made on a previous occasion to take up a matter which was privileged, the Senator holding the floor prior to the motion retained the floor after its disposition. Am I right in assuming that when the privileged matter is disposed of the Senator who had relinquished the floor can then start anew? May whoever the Chair recognizes when the privileged matter is disposed of take the floor upon whatever subject he may desire to discuss?

Mr. BARKLEY. Under the rule the conference report is privileged.

Mr. WAGNER. I understand that.

Mr. BARKLEY. It only sets aside the proceedings temporarily. All I am seeking to do is to ask that the Senator from Louisiana may be permitted to yield the floor, which he now has, without losing his right to resume it when the conference report is disposed of. We have been proceeding on that theory for several days, and I see no objection to it now.

Mr. WAGNER. I do not see any particular objection to it, but the proponents who desire to speak upon the antilynching bill always have to ask for the favor of being permitted to address the Chair; and I thought that after this privileged matter was disposed of we could proceed as we always do, and the Senator who first addressed the Chair would be recognized for the purpose of addressing the Senate. I am simply seeking information.

Mr. CONNALLY. They will have a chance to speak. We shall not object to it.

Mr. BARKLEY. Undoubtedly any Senator who wishes to speak on the antilynching bill following the disposition of the conference report will be accorded the right to do so, except that he cannot take off the floor a Senator who has it, unless the Senator is willing to yield for that purpose.

Mr. NORRIS. Mr. President, as I understand the Senator from New York, he wants the other side to carry on the filibuster for a while. [Laughter.] It seems to me that is a fair proposition. One side has carried it on for a long time. Now let the other side have the floor.

Mr. WAGNER. No, Mr. President; but there are some other proponents of the legislation who desire to address the Senate, and it was my purpose to inquire whether, at some time or other, they would we accorded the floor for the purpose of addressing the Senate.

Mr. NORRIS. I think the Senator's request is fair, and that the other side, which has had the floor for several weeks——

Mr. WAGNER. Several months.

Mr. NORRIS. Ought to be willing to let those in favor of the bill filibuster for a while. [Laughter.]

Mr. McKELLAR. Mr. President, if the Senator will yield. I desire to say that I, for one, will help any of the proponents of the bill get the floor.

Mr. WAGNER. I do not desire to aid in any filibuster; and I hope the Senate will soon reach the conclusion that the filibuster ought not to continue.

Mr. RUSSELL. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Georgia will state it.

Mr. RUSSELL. Has the Senator from Louisiana the floor?

The VICE PRESIDENT. The Senator from Louisiana did have the floor; but the Senator, by unanimous consent, yielded the floor to the Senator from South Carolina [Mr. SMITH] without losing any of his privilege to take the floor after the privileged matter is disposed of by the Senate. The Senator from South Carolina [Mr. SMITH] has the floor.

Mr. SMITH. I submit the conference report on House bill 8505, the agricultural relief bill. I move that the Senate proceed to the consideration of the report.

The VICE PRESIDENT. The question is on the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of natural soil resources and to provide an

adequate and balanced flow of agricultural commodities in interstate and foreign commerce.

Mr. SMITH obtained the floor.

Mr. JOHNSON of California. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will please state it.

Mr. JOHNSON of California. May we not have the conference report read?

The VICE PRESIDENT. Yes; under the rules of the Senate, if any Senator demands it, the conference report will be read.

Mr. JOHNSON of California. I demand it.

The VICE PRESIDENT. The report will be read.

The Chief Clerk proceeded to read the report.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Is this the conference report made by the conferees of the House?

The VICE PRESIDENT. It is the conference report made by the conferees of both the Senate and the House. This is not a statement; it is the report itself, made by both the conferees of the Senate and the conferees of the House.

Mr. McNARY. The report which is on the desks is the one made by the House conferees, and signed by them only. I desire to know if the report which is being read has been jointly signed by the Senate conferees and the House conferees.

The VICE PRESIDENT. The Chair assumes that it has been. A conference report cannot be made to the two Houses unless both sets of conferees sign it. The clerk informs the Chair that the report is signed by the conferees of both Houses.

Mr. McNARY. Then I ask whether the report which is being read is identical with the report made to the House.

The VICE PRESIDENT. It is.

Mr. BARKLEY. Mr. President, I ask the Senator from California whether he wishes the conference report—which is the technical bill—read, or the statement of the conferees?

Mr. JOHNSON of California. I want the whole conference report read, because it is an entirely new measure.

The Chief Clerk resumed the reading of the conference report, and read down to the end of section 105.

Mr. JOHNSON of California. Mr. President, the item which the clerk is now about to read is not the item that is now in order on the printed form that is on my desk. The clerk read concerning the effective time of sections 102, 103, and 104. Then follows section 301 (a), "General definitions." In the original print, does the matter which the clerk is now proceeding to read follow what he has just read ?

The VICE PRESIDENT. The Parliamentarian informs the Chair that the sections may not follow each other in numerical order in the comparative print, but the Chief Clerk is reading the conference report submitted by the joint conference committee of the House and Senate.

The reading of the conference report was resumed and concluded. The report entire is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'Agricultural Adjustment Act of 1938.'

"DECLARATION OF POLICY

"SEC. 2. It is hereby declared to be the policy of Congress to continue the Soil Conservation and Domestic Allotment Act, as amended, for the purpose of conserving national resources, preventing the wasteful use of soil fertility, and of preserving, maintaining, and rebuilding the farm and ranch land resources in the national public interest; to accomplish these purposes through the encouragement of soil-building and soil-conserving crops and practices; to assist in the marketing of agricultural commodities for domestic consumption and for export; and to regulate interstate and foreign commerce in cotton, wheat, corn, tobacco, and rice to the extent necessary to provide an orderly, adequate, and balanced flow of such commodities in interstate and foreign commerce through storage of reserve supplies, loans, marketing quotas, assisting farmers to obtain, insofar as practicable, parity prices for such commodities and parity of income, and assisting consumers to obtain an adequate and steady supply of such commodities at fair prices.

"TITLE I—AMENDMENTS TO SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

"POWERS UNDER SOIL-CONSERVATION PROGRAM

"SEC. 101. Section 8 (b) and (c) of the Soil Conservation and Domestic Allotment Act, as amended, are amended to read as follows:

"'(b) Subject to the limitations provided in subsection (a) of this section, the Secretary shall have power to carry out the purposes specified in clauses (1), (2), (3), (4), and (5) of section 7 (a) by making payments or grants of other aid to agricultural producers, including tenants and sharecroppers, in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes during the year with respect to which such payments or grants are made, and measured by (1) their treatment or use of their land, or a part thereof, for soil restoration, soil conservation, or the prevention of erosion; (2) changes in the use of their land; (3) their equitable share, as determined by the Secretary, of the normal national production of any commodity or commodities required for domestic consumption; or (4) their equitable share, as determined by the Secretary, of the national production of any commodity or commodities required for domestic consumption and exports adjusted to reflect the extent to which their utilization of cropland on the farm conforms to farming practices which the Secretary determines will best effectuate the purposes specified in section 7 (a); or (5) any combination of the above. In arid or semiarid sections, (1) and (2) above shall be construed to cover water conservation and the beneficial use of water on individual farms, including measures to prevent run-off, the building of check dams and ponds, and providing facilities for applying water to the land. In determining the amount of any payment or grant measured by (1) or (2) the Secretary shall take into consideration the productivity of the land affected by the farming practices adopted during the year with respect to which such payment is made. In carrying out the provisions of this section in the continental United States, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided. The Secretary shall designate local administrative areas as units for administration of programs under this section. No such local area shall include more than one county or parts of different counties. Farmers within any such local administrative area, and participating or cooperating in programs administered within such area, shall elect annually from among their number a local committee of not more than three members for such area and shall also elect annually from among their number a delegate to a county convention for the election of a county committee. The delegates from the various local areas in the county shall, in a county convention, elect, annually, the county committee for the county which shall consist of three members who are farmers in the county. The local committee shall select a secretary and may utilize the county agricultural extension agent for such purpose. The county committee shall select a secretary who may be the county agricultural extension agent. If such county agricultural extension agent shall not have been elected secretary of such committee, he shall be ex officio a member of the county committee. The county agricultural extension agent shall not have the power to vote. In any county in which there is only one local committee the local committee shall also be the county committee. In each State there shall be a State committee for the State composed of not less than three or more than five farmers who are legal residents of the State and who are appointed by the Secretary. The State director of the Agricultural Extension Service shall be ex officio a member of such State committee. The ex officio members of the county and State committees shall be in addition to the number of members of such committees hereinbefore specified. The Secretary shall make such regulations as are necessary relating to the selection and exercise of the functions of the respective committees, and to the administration, through such committees, of such programs. In carrying out the provisions of this section, the Secretary—shall, as far as practicable, protect the interests of tenants and sharecroppers; is authorized to utilize the agricultural extension service and other approved agencies; shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing Acts of Congress and as will tend to promote efficient methods of marketing and distribution; shall not have power to acquire any land or any right or interest therein; shall, in every practicable manner, protect the interests of small producers; and shall in every practical way encourage and provide for soil-conserving and soil-rebuilding practices rather than the growing of soil-depleting crops. Rules and regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, wherever practicable, they shall be classified on two bases: (a) Soil-depleting crops and practices, (b) soil-building crops and practices.

"'(c) (1) In apportioning acreage allotments under this section in the case of wheat and corn, the National and State allotments and the allotments to counties shall be apportioned annually on the basis of the acreage seeded for the production of the commodity

during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during the applicable period.

"'(2) In the case of wheat, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

"'(3) In the case of corn, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acreage, type of soil, topography, and crop-rotation practices.

"'(4) Notwithstanding any other provision of this subsection, if, for any reason other than flood or drought, the acreage of wheat, cotton, corn, or rice planted on the farm is less than 80 per centum of the farm acreage allotment for such commodity for the purpose of payment, such farm acreage allotment shall be 25 per centum in excess of such planted acreage.

"'(5) In determining normal yield per acre on any farm under this section in the case of wheat or corn, the normal yield shall be the average yield per acre thereon for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any reason there is no actual yield, or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such ten-year period is less than 75 per centum of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre.

"'(d) Any payment or grant of aid made under subsection (b) shall be conditioned upon the utilization of the land, with respect to which such payment is made, in conformity with farming practices which the Secretary finds tend to effectuate any one or more of the purposes specified in clause (1), (2), (3), (4), or (5) of section (7) (a).

"'Any payment made under subsection (b) with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be used for grazing purposes only) shall, if the number of cows kept on such farm, and in the county in which such farm is located, for the production of milk or products thereof (for market), exceeds the normal number of such cows, be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on an acreage equal to the land normally used for the production of soil-depleting crops but, as a condition of such payment, not permitted to be so used, shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm, and not for market. Whenever it is determined that a county, as a whole, is in substantial compliance with the provisions of this paragraph, no payment shall be denied any individual farmer in the county by reason of this paragraph; and no payment shall be denied a farmer by reason of this paragraph unless it has been determined that the farmer has not substantially complied with the provisions of this paragraph. Whenever the Secretary finds that by reason of drought, flood, or other disaster, a shortage of feed exists in any area, he shall so declare, and to the extent and for the period he finds necessary to relieve such shortage, the operation of the condition provided in this paragraph shall be suspended in such area and, if necessary to relieve such shortage, in other areas defined by him. As used in this paragraph, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged; and such term shall not include consumption on the farm. An agricultural commodity shall be deemed consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm; or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area from such sources is being adversely affected by increases in the supply for market of such livestock or poultry, as the case may be, arising as a result of programs carried out under this Act, he shall make an investigation with respect to the existence of such facts. If, upon investigation, the Secretary finds that the income of producers of such livestock or poultry, as the case may be, in any area from any such source is being adversely affected by such increases, he shall, as soon as practicable, make such provisions in the administration of this Act with respect to the use of diverted acres as he may find necessary to protect the interests of producers of such livestock or poultry in the affected area.'

"REDUCTIONS AND INCREASES IN PAYMENTS UNDER SOIL CONSERVATION PROGRAM

"SEC. 102. Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is further amended by adding a new subsection as follows:

"'(e) Payments made by the Secretary to farmers under subsection (b) shall be divided among the landlords, tenants, and sharecroppers of any farm, with respect to which such payments are made, in the same proportion that such landlords, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which such payments are made, except that payments based on soil-building or soil-conserving practices shall be divided in proportion to the extent which such landlords, tenants, and sharecroppers contribute to the carrying out of such practices. Such payments shall be paid by the Secretary directly to the landlords, tenants, or sharecroppers entitled thereto, and shall be computed at rates which will permit the Secretary to set aside out of the funds available for the making of such payments for each year an amount sufficient to permit the increases herein specified to be made within the limits of the funds so available. If with respect to any farm the total payment to any person for any year would be:

"'(1) Not more than $20, the payment shall be increased by 40 per centum;

"'(2) More than $20 but not more than $40, the payment shall be increased by $8, plus 20 per centum of the excess over $20;

"'(3) More than $40 but not more than $60, the payment shall be increased by $12, plus 10 per centum of the excess over $40;

"'(4) More than $60 but not more than $186, the payment shall be increased by $14; or

"'(5) More than $186 but less than $200, the payment shall be increased to $200.

In the case of payments of more than $1, the amount of the payment which shall be used to calculate the 40-, 20-, and 10-per-centum increases under clauses (1), (2), and (3) shall not include that part, if any, of the payment which is a fraction of a dollar.

"'Beginning with the calendar year 1939, no total payment for any year to any person under such subsection (b) shall exceed $10,000. In the case of payments made to any individual, partnership, or estate on account of performance on farms in different States, Territories, or possessions, the $10,000 limitation shall apply to the total of the payments for each State, Territory, or possession, for a year and not to the total of all such payments.'

"TENANT PROVISIONS

"SEC. 103. Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is further amended by adding the following new subsections:

"'(f) Any change between the landlord and the tenants or sharecroppers, with respect to any farm, that would increase over the previous year the amount of payments or grants of other aid under subsection (b) that would otherwise be made to any landlord shall not operate to increase such payment or grant to such landlord. Any reduction in the number of tenants below the average number of tenants on any farm during the preceding three years that would increase the payments or grants of other aid under such subsection that would otherwise be made to the landlord shall not hereafter operate to increase any such payment or grant to such landlord. Such limitations shall apply only if the county committee finds that the change or reduction is not justified and disapproves such change or reduction.

"'(g) A payment which may be made to a farmer under this section, may be assigned, without discount, by him in writing as security for cash or advances to finance making a crop. Such assignment shall be acknowledged by the farmer before the county agricultural extension agent and filed with such agent. The farmer shall file with such county agricultural extension agent an affidavit stating that the assignment is not made to pay or secure any pre-existing indebtedness. This provision shall not authorize any suit against or impose any liability upon the Secretary or any disbursing agent if payment to the farmer is made without regard to the existence of any such assignment.'

"APPORTIONMENT OF FUNDS

"SEC. 104. Section 15 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by inserting at the end thereof the following new paragraph:

"'The funds available for payments (after allowing for estimated administrative expenses, and not to exceed 5 per centum for payments with respect to range lands, noncrop pasture lands, and naval stores) shall be allocated among the commodities produced with respect to which payments or grants are to be computed. In allocating funds among the commodities the Secretary shall take into consideration and give equal weight to (1) the average acreages planted to the various commodities (including rotation pasture), for the ten years 1928 to 1937, adjusted for abnormal weather and other conditions, including acreage diverted from production under the agricultural adjustment and soil conservation programs; (2) the value at parity prices of the production from the allotted acreages of the various commodities for the year with respect to which the payment is made; (3) the average acreage planted to the various commodities during the ten years 1928 to 1937, including the acreage diverted from production under the agricultural adjustment and soil conservation programs,

in excess of the allotted acreage for the year with respect to which the payment is made; and (4) the value based on average prices for the preceding ten years of the production of the excess acreage determined under item (3). The rate of payment used in making payments to the producers of each commodity shall be such that the estimated payments with respect to such commodity shall equal the amount of funds allocated to such commodity as herein provided. For the purpose of allocating funds and computing payments or grants the Secretary is authorized to consider as a commodity a group of commodities or a regional or market classification of a commodity. For the purpose of computing payments or grants, the Secretary is authorized to use funds allocated to two or more commodities produced on farms of a designated regional or other classification to compute payments with respect to one of such commodities on such farms, and to use funds, in an amount equal to the estimated payments which would be made in any county, for making payments pursuant to a special program under section 8 approved by the Secretary for such county: *Provided*, That farm acreage allotments shall be made for wheat in 1938, but in determining compliance wheat shall be considered in the group with other crops for which special acreage allotments are not made.'

"EFFECTIVE TIME OF SECTIONS 101, 102, 103, AND 104

"SEC. 105. The amendments made by sections 101, 102, 103, and 104 shall first be effective with respect to farming operations carried out in the calendar year 1938. Nothing contained herein shall require reconstituting, for 1938, any county or other local committee which has been constituted prior to February 1, 1938.

"TITLE II—ADJUSTMENT IN FREIGHT RATES, NEW USES AND MARKETS, AND DISPOSITION OF SURPLUSES

"ADJUSTMENTS IN FREIGHT RATES FOR FARM PRODUCTS

"SEC. 201. (a) The Secretary of Agriculture is authorized to make complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products, and to prosecute the same before the Commission. Before hearing or disposing of any complaint (filed by any person other than the Secretary) with respect to rates, charges, tariffs, and practices relating to the transportation of farm products, the Commission shall cause the Secretary to be notified, and, upon application by the Secretary, shall permit the Secretary to appear and be heard.

"(b) If such rate, charge, tariff, or practice complained of is one affecting the public interest, upon application by the Secretary, the Commission shall make the Secretary a party to the proceeding. In such case the Secretary shall have the rights of a party before the Commission and the rights of a party to invoke and pursue original and appellate judicial proceedings involving the Commission's determination. The liability of the Secretary in any such case shall extend only to liability for court costs.

"(c) For the purposes of this section, the Interstate Commerce Commission is authorized to avail itself of the cooperation, records, services, and facilities of the Department of Agriculture.

"(d) The Secretary is authorized to cooperate with and assist cooperative associations of farmers making complaint to the Interstate Commerce Commission with respect to rates, charges, tariffs, and practices relating to the transportation of farm products.

"NEW USES AND NEW MARKETS FOR FARM COMMODITIES

"SEC. 202. (a) The Secretary is hereby authorized and directed to establish, equip, and maintain four regional research laboratories, one in each major farm producing area, and, at such laboratories, to conduct researches into and to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and byproducts thereof. Such research and development shall be devoted primarily to those farm commodities in which there are regular or seasonal surpluses, and their products and byproducts.

"(b) For the purposes of subsection (a), the Secretary is authorized to acquire land and interests therein, and to accept in the name of the United States donations of any property, real or personal, to any laboratory established pursuant to this section, and to utilize voluntary or uncompensated services at such laboratories. Donations to any one of such laboratories shall not be available for use by any other of such laboratories.

"(c) In carrying out the purposes of subsection (a), the Secretary is authorized and directed to cooperate with other departments or agencies of the Federal Government, States, State agricultural experiment stations, and other State agencies and institutions, counties, municipalities, business or other organizations, corporations, associations, universities, scientific societies, and individuals, upon such terms and conditions as he may prescribe.

"(d) To carry out the purposes of subsection (a), the Secretary is authorized to utilize in each fiscal year, beginning with the fiscal year beginning July 1, 1938, a sum not to exceed $4,000,000 of the funds appropriated pursuant to section 391 of this Act, or section 15 of the Soil Conservation and Domestic Allotment Act, as amended, for such fiscal year. The Secretary shall allocate one-fourth of such sum annually to each of the four laboratories established pursuant to this section.

"(e) The Secretary shall make a report to Congress at the beginning of each regular session of the activities of, expenditures by, and donations to the laboratories established pursuant to subsection (a).

"(f) There is hereby allocated to the Secretary of Commerce for each fiscal year, beginning with the fiscal year beginning July 1, 1938, out of funds appropriated for such fiscal year pursuant to section 391 of this Act, or section 15 of the Soil Conservation and Domestic Allotment Act, as amended, the sum of $1,000,000 to be expended for the promotion of the sale of farm commodities and products thereof in such manner as he shall direct. Of the sum allocated under this subsection to the Secretary of Commerce for the fiscal year beginning July 1, 1938, $100,000 shall be devoted to making a survey and investigation of the cause or causes of the reduction in exports of agricultural commodities from the United States, in order to ascertain methods by which the sales in foreign countries of basic agricultural commodities produced in the United States may be increased.

"(g) It shall be the duty of the Secretary to use available funds to stimulate and widen the use of all farm commodities in the United States and to increase in every practical way the flow of such commodities and the products thereof into the markets of the world.

"SEC. 203. Section 32, as amended, of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935, is amended by striking out ': *Provided further*, That no part of the funds appropriated by this section shall be used for the payment of benefits in connection with the exportation of unmanufactured cotton', and is further amended by adding at the end thereof the following: 'Notwithstanding any other provision of this section, the amount that may be devoted, during any fiscal year after June 30, 1939, to any one agricultural commodity or the products thereof in such fiscal year, shall not exceed 25 per centum of the funds available under this section for such fiscal year.'

"CONTINUATION OF FEDERAL SURPLUS COMMODITIES CORPORATION

"SEC. 204. The Act entitled 'An Act to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation', approved June 28, 1937 (Public, Numbered 165, Seventy-fifth Congress), is amended by striking out 'continued, until June 30, 1939,' and inserting in lieu thereof 'continued, until June 30, 1942,'. The Federal Surplus Commodities Corporation shall submit to Congress on the first day of each regular session an annual report setting forth a statement of the activities, receipts, and expenditures of the Corporation during the previous fiscal year.

"TITLE III—LOANS, PARITY PAYMENTS, CONSUMER SAFEGUARDS, AND MARKETING QUOTAS

"SUBTITLE A—DEFINITIONS, LOANS, PARITY PAYMENTS, AND CONSUMER SAFEGUARDS

"DEFINITIONS

"SEC. 301. (a) GENERAL DEFINITIONS.—For the purposes of this title and the declaration of policy—

"(1) 'Parity' as applied to prices for any agricultural commodity, shall be that price for the commodity which will give to the commodity a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodity in the base period; and, in the case of all commodities for which the base period is the period August 1909 to July 1914, which will also reflect current interest payments per acre on farm indebtedness secured by real estate, tax payments per acre on farm real estate, and freight rates, as contrasted with such interest payments, tax payments, and freight rates during the base period. The base period in the case of all agricultural commodities except tobacco shall be the period August 1909 to July 1914, and, in the case of tobacco, shall be the period August 1919 to July 1929.

"(2) 'Parity', as applied to income, shall be that per capita net income of individuals on farms from farming operations that bears to the per capita net income of individuals not on farms the same relation as prevailed during the period from August 1909 to July 1914.

"(3) The term 'interstate and foreign commerce' means sale, marketing, trade, and traffic between any State or Territory or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State or Territory or within the District of Columbia or Puerto Rico, through any place outside thereof; or within any Territory or within the District of Columbia or Puerto Rico.

"(4) The term 'affect interstate and foreign commerce' means, among other things, in such commerce, or to burden or obstruct such commerce or the free and orderly flow thereof; or to create or tend to create a surplus of any agricultural commodity which burdens or obstructs such commerce or the free and orderly flow thereof.

"(5) The term 'United States' means the several States and Territories and the District of Columbia and Puerto Rico.

"(6) The term 'State' includes a Territory and the District of Columbia and Puerto Rico.

"(7) The term 'Secretary' means the Secretary of Agriculture, and the term 'Department' means the Department of Agriculture.

"(8) The term 'person' means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or any agency of a State.

"(9) The term 'corn' means field corn.

"(b) Definitions applicable to one or more commodities: For the purposes of this title—

"(1) (A) 'Actual production' as applied to any acreage of corn means the number of bushels of corn which the local committee determines would be harvested as grain from such acreage if all the corn on such acreage were so harvested. In case of a disagreement between the farmer and the local committee as to the actual production of the acreage of corn on the farm, or in case the local committee determines that such actual production is substantially below normal, the local committee, in accordance with regulations of the Secretary shall weigh representative samples of ear corn taken from the acreage involved, make proper deductions for moisture content, and determine the actual production of such acreage on the basis of such samples.

"(B) 'Actual production' of any number of acres of cotton on a farm means the actual average yield for the farm times such number of acres.

"(2) 'Bushel' means in the case of ear corn that amount of ear corn, including not to exceed 15½ per centum of moisture content, which weighs seventy pounds, and in the case of shelled corn, means that amount of shelled corn including not to exceed 15½ per centum of moisture content, which weighs fifty-six pounds.

"(3) (A) 'Carry-over', in the case of corn and rice, for any marketing year shall be the quantity of the commodity on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"(B) 'Carry-over' of cotton for any marketing year shall be the quantity of cotton on hand either within or without the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"(C) 'Carry-over' of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, except that in the case of cigar-filler and cigar-binder tobacco the quantity of type 46 on hand and theretofore produced in the United States during such calendar year shall also be included.

"(D) 'Carry-over' of wheat, for any marketing year shall be the quantity of wheat on hand in the United States at the beginning of such marketing year, not including any wheat which was produced in the United States during the calendar year then current, and not including any wheat held by the Federal Crop Insurance Corporation under Title V.

"(4) (A) 'Commercial corn-producing area' shall include all counties in which the average production of corn (excluding corn used as silage) during the ten calendar years immediately preceding the calendar year for which such area is determined, after adjustment for abnormal weather conditions, is four hundred and fifty bushels or more per farm and four bushels or more for each acre of farm land in the county.

"(B) Whenever prior to February 1 of any calendar year the Secretary has reason to believe that any county which is not included in the commercial corn-producing area determined pursuant to the provisions of subparagraph (A), but which borders upon one of the counties in such area, or that any minor civil division in a county bordering on such area, is producing (excluding corn used for silage) an average of at least four hundred and fifty bushels of corn per farm and an average of at least four bushels for each acre of farm land in the county or in the minor civil division, as the case may be, he shall cause immediate investigation to be made to determine such fact. If, upon the basis of such investigation, the Secretary finds that such county or minor civil division is likely to produce corn in such average amounts during such calendar year, he shall proclaim such determination, and, commencing with such calendar year, such county shall be included in the commercial corn-producing area. In the case of a county included in the commercial corn-producing area pursuant to this subparagraph, whenever prior to February 1 of any calendar year the Secretary has reason to believe that facts justifying the inclusion of such county are not likely to exist in such calendar year, he shall cause an immediate investigation to be made with respect thereto. If, upon the basis of such investigation, the Secretary finds that such facts are not likely to exist in such calendar year, he shall proclaim such determination, and commencing with such calendar year, such county shall be excluded from the commercial corn-producing area.

"(5) 'Farm consumption' of corn means consumption by the farmer's family, employees, or household, or by his work stock; or consumption by poultry or livestock on his farm if such poultry or livestock, or the products thereof, are consumed or to be consumed by the farmer's family, employees, or household.

"(6) (A) 'Market', in the case of cotton, wheat, and tobacco, means to dispose of by sale, barter, or exchange, but, in the case of wheat, does not include disposing of wheat as premium to the Federal Crop Insurance Corporation under Title V.

"(B) 'Market', in the case of corn, means to dispose of by sale, barter, or exchange, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or to be so disposed of.

"(C) 'Market', in the case of rice, means to dispose of by sale, barter, or exchange of rice used or to be used for human consumption.

"(D) 'Marketed', 'marketing', and 'for market' shall have corresponding meanings to the term 'market' in the connection in which they are used.

"(7) 'Marketing year' means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

"Corn, October 1–September 30;

"Cotton, August 1–July 31;

"Rice, August 1–July 31;

"Tobacco (flue-cured), July 1–June 30;

"Tobacco (other than flue-cured), October 1–September 30;

"Wheat, July 1–June 30.

"(8) 'National average yield' as applied to cotton or wheat shall be the national average yield per acre of the commodity during the ten calendar years in the case of wheat, and during the five calendar years in the case of cotton, preceding the year in which such national average yield is used in any computation authorized in this title, adjusted for abnormal weather conditions and, in the case of wheat, but not in the case of cotton, for trends in yields.

"(9) 'Normal production' as applied to any number of acres of corn, cotton, or wheat means the normal yield for the farm times such number of acres.

"(10) (A) 'Normal supply' in the case of corn, cotton, rice, and wheat shall be a normal year's domestic consumption and exports of the commodity, plus 7 per centum in the case of corn, 40 per centum in the case of cotton, 10 per centum in the case of rice, and 15 per centum in the case of wheat, of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"(B) The 'normal supply' of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"(11) (A) 'Normal year's domestic consumption', in the case of corn and wheat, shall be the yearly average quantity of the commodity, wherever produced, that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"(B) 'Normal year's domestic consumption', in the case of cotton and tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"(C) 'Normal year's domestic consumption', in the case of rice, shall be the yearly average quantity of rice produced in the United States that was consumed in the United States during the five marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"(12) 'Normal year's exports' in the case of corn, cotton, rice, tobacco, and wheat shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years (or, in the case of rice, the five marketing years) immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

"(13) (A) 'Normal yield' for any farm, in the case of corn, shall be the average yield per acre of corn for the farm during the ten calendar years immediately preceding the year in which such normal yield is used in computing any farm marketing quota or adjustment thereof, adjusted for abnormal weather conditions and trends in yields.

"(B) 'Normal yield' for any farm, in the case of wheat or cotton, shall be the average yield per acre of wheat or cotton for the farm, adjusted for abnormal weather conditions, and, in the case of wheat but not in the case of cotton, for trends in yields, during the ten calendar years in the case of wheat, and five calendar years in the case of cotton, immediately preceding the year with respect to which such normal yield is used in any computation authorized under this title.

"(C) In applying subparagraphs (A) or (B), if for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year. In applying such subparagraphs, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such ten-year period or five-year period, as the case may be, is less than 75 per centum of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre.

"(D) 'Normal yield' per acre of rice for any land planted to rice in any year shall be the average yield per acre thereof during the five calendar years immediately preceding the calendar year for which such normal yield is determined. If, for any reason, there is no actual yield or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with the regulations of the Secretary, shall be used. If the average of the normal yields for all lands planted to rice in any year in the State (weighted by the acreage allotments therein) exceeds the average yield per acre for the State during the period used in determining normal yields, the normal yields for such lands in the State shall be reduced pro rata so that the average of such normal yields shall not exceed such State average yield.

"(14) (A) 'Reserve supply level', in the case of corn, shall be a normal year's domestic consumption and exports of corn plus 10

per centum of a normal year's domestic consumption and exports, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

"(B) 'Reserve supply level' of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

"(15) 'Tobacco' means each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the Department:

"Flue-cured tobacco, comprising types 11, 12, 13, and 14;

"Fire-cured and dark air-cured tobacco, comprising types 21, 22, 23, 24, 35, 36, and 37;

"Burley tobacco, comprising type 31;

"Maryland tobacco, comprising type 32;

"Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;

"Cigar-filler tobacco, comprising type 41.

The provisions of this title shall apply to each of such kinds of tobacco severally.

"(16) (A) 'Total supply' of corn, cotton, rice, and wheat for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

"(B) 'Total supply' of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins, except that the estimated production of type 46 tobacco during the marketing year with respect to which the determination is being made shall be used in lieu of the estimated production of such type during the calendar year in which such marketing year begins in determining the total supply of cigar-filler and cigar-binder tobacco.

"(C) The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

"LOANS ON AGRICULTURAL COMMODITIES

"SEC. 302. (a) The Commodity Credit Corporation is authorized, upon recommendation of the Secretary and with the approval of the President, to make available loans on agricultural commodities (including dairy products). Except as otherwise provided in this section, the amount, terms, and conditions of such loans shall be fixed by the Secretary, subject to the approval of the Corporation and the President.

"(b) The Corporation is directed to make available to cooperators loans upon wheat during any marketing year beginning in a calendar year in which the farm price of wheat on June 15 is below 52 per centum of the parity price on such date, or the July crop estimate for wheat is in excess of a normal year's domestic consumption and exports, at rates not less than 52 per centum and not more than 75 per centum of the parity price of wheat at the beginning of the marketing year. In case marketing quotas for wheat are in effect in any marketing year, the Corporation is directed to make available, during such marketing year, to noncooperators, loans upon wheat at 60 per centum of the rate applicable to cooperators. A loan on wheat to a noncooperator shall be made only on so much of his wheat as would be subject to penalty if marketed.

"(c) The Corporation is directed to make available to cooperators loans upon cotton during any marketing year beginning in a calendar year in which the average price on August 1 of seven-eighths Middling spot cotton on the ten markets designated by the Secretary is below 52 per centum of the parity price of cotton on such date, or the August crop estimate for cotton is in excess of a normal year's domestic consumption and exports, at rates not less than 52 per centum and not more than 75 per centum of the parity price of cotton as of the beginning of the marketing year. In case marketing quotas for cotton are in effect in any marketing year, the Corporation is directed to make available, during such marketing year, to noncooperators, loans upon cotton at 60 per centum of the rate applicable to cooperators. A loan on cotton to a noncooperator shall be made only on so much of his cotton as would be subject to penalty if marketed.

"(d) The Corporation is directed to make available loans upon corn during any marketing year beginning in the calendar year in which the November crop estimate for corn is in excess of a normal year's domestic consumption and exports, or in any marketing year when on November 15 the farm price of corn is below 75 per centum of the parity price, at the following rates:

"75 per centum of such parity price if such estimate does not exceed a normal year's consumption and exports and the farm price of corn is below 75 per centum of the parity price on November 15;

"70 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by not more than 10 per centum;

"65 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than 10 per centum and not more than 15 per centum;

"60 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than 15 per centum and not more than 20 per centum;

"55 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than 20 per centum and not more than 25 per centum;

"52 per centum of such parity price if such estimate exceeds a normal year's domestic consumption and exports by more than 25 per centum.

Loans shall be made to cooperators in the commercial corn-producing area at the applicable rate of the above schedule. Loans shall be made to noncooperators within such commercial corn-producing area but only during a marketing year in which farm marketing quotas are in effect and only on corn stored under seal pursuant to section 324, and the rate of such loans shall be 60 per centum of the applicable rate under the above schedule. Loans shall be made to cooperators outside such commercial corn-producing area, and the rate of such loans shall be 75 per centum of the applicable rate under the above schedule.

"(e) The rates of loans under subsections (b), (c), and (d) on wheat, cotton, and corn not of standard grade, type, staple, or quality shall be increased or decreased in relation to the rates above provided by such amounts as the Secretary prescribes as properly reflecting differences from standard in grade, type, staple, and quality.

"(f) For the purposes of subsections (b), (c), and (d), a cooperator shall be a producer on whose farm the acreage planted to the commodity for the crop with respect to which the loan is made does not exceed the farm acreage allotment for the commodity under this title, or, in the case of loans upon corn to a producer outside the commercial corn-producing area, a producer on whose farm the acreage planted to soil-depleting crops does not exceed the farm acreage allotment for soil-depleting crops for the year in which the loan is made under the Soil Conservation and Domestic Allotment Act, as amended. For the purposes of this subsection a producer shall not be deemed to have exceeded his farm acreage allotment unless such producer knowingly exceeded his farm acreage allotment.

"(g) Notwithstanding any other provision of this section, if the farmers producing cotton, wheat, corn, or rice indicate by vote in a referendum carried out pursuant to the provisions of this title that marketing quotas with respect to such commodity are opposed by more than one-third of the farmers voting in such referendum, no loan shall be made pursuant to this section with respect to the commodity during the period from the date on which the results of the referendum are proclaimed by the Secretary until the beginning of the second succeeding marketing year for such commodity. This subsection shall not limit the availability or renewal of any loan previously made.

"(h) No producer shall be personally liable for any deficiency arising from the sale of the collateral securing any loan under this section unless such loan was obtained through fraudulent representations by the producer.

"(i) In carrying out this section the Corporation is directed, with the consent of the Secretary, to utilize the services, facilities, and personnel of the Department.

"PARITY PAYMENTS

"SEC. 303. If and when appropriations are made therefor, the Secretary is authorized and directed to make payments to producers of corn, wheat, cotton, rice, or tobacco, on their normal production of such commodities in amounts which, together with the proceeds thereof, will provide a return to such producers which is as nearly equal to parity price as the funds so made available will permit. All funds available for such payments with respect to these commodities shall, unless otherwise provided by law, be apportioned to these commodities in proportion to the amount by which each falls to reach the parity income. Such payments shall be in addition to and not in substitution for any other payments authorized by law.

"CONSUMER SAFEGUARDS

"SEC. 304. The powers conferred under this Act shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this Act it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

"SUBTITLE B—MARKETING QUOTAS

"PART I—MARKETING QUOTAS—TOBACCO

"Legislative finding

"SEC. 311. (a) The marketing of tobacco constitutes one of the great basic industries of the United States with ramifying activities which directly affect interstate and foreign commerce at every point, and stable conditions therein are necessary to the general welfare. Tobacco produced for market is sold on a Nation-wide market and, with its products, moves almost wholly in interstate and foreign commerce from the producer to the ultimate consumer. The farmers producing such commodity are subject in their operations to uncontrollable natural causes, are widely scattered

throughout the Nation, in many cases such farmers carry on their farming operations on borrowed money or leased lands, and are not so situated as to be able to organize effectively, as can labor and industry through unions and corporations enjoying Government protection and sanction. For these reasons, among others, the farmers are unable without Federal assistance to control effectively the orderly marketing of such commodity with the result that abnormally excessive supplies thereof are produced and dumped indiscriminately on the Nation-wide market.

"(b) The disorderly marketing of such abnormally excessive supplies affects, burdens, and obstructs interstate and foreign commerce by (1) materially affecting the volume of such commodity marketed therein, (2) disrupting the orderly marketing of such commodity therein, (3) reducing the price for such commodity with consequent injury and destruction of interstate and foreign commerce in such commodity, and (4) causing a disparity between the prices for such commodity in interstate and foreign commerce and industrial products therein, with a consequent diminution of the volume of interstate and foreign commerce in industrial products.

"(c) Whenever an abnormally excessive supply of tobacco exists, the marketing of such commodity by the producers thereof directly and substantially affects interstate and foreign commerce in such commodity and its products, and the operation of the provisions of this Part becomes necessary and appropriate in order to promote, foster, and maintain an orderly flow of such supply in interstate and foreign commerce.

"National marketing quota

"SEC. 312. (a) Whenever, on the 15th day of November of any calendar year, the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year.

"(b) Whenever in the case of burley tobacco, and fire-cured and dark air-cured tobacco, respectively, the total supply proclaimed pursuant to the provisions of subsection (a) of this section exceeds the reserve supply level by more than 5 per centum and a national marketing quota is not in effect for such tobacco during the marketing year then current, a national marketing quota shall also be in effect for such tobacco marketed during the period from the date of such proclamation to the end of such current marketing year, and the Secretary shall determine and shall specify in such proclamation the amount of such national marketing quota in terms of the total quantity which may be marketed, which will make available during such current marketing year a supply of tobacco equal to the reserve supply level. The provisions of this subsection shall not be effective prior to the beginning of the marketing year beginning in the calendar year 1938.

"(c) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. If in the case of burley tobacco, or fire-cured and dark air-cured tobacco, respectively, farmers would be subject to a national quota for the next succeeding marketing year pursuant to the provisions of subsection (a) of this section, and also to a national marketing quota for the current marketing year pursuant to the provisions of subsection (b) of this section, the referendum shall provide for voting with respect to each such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the Secretary shall, prior to the 1st day of January, proclaim the result of the referendum and such quota shall not be effective thereafter.

"(d) In connection with the determination and proclamation of any marketing quota for the 1938–1939 marketing year, the determination by the Secretary pursuant to subsection (a) of this section shall be made and proclaimed within fifteen days following the date of the enactment of this Act, and the proclamation of the Secretary pursuant to subsection (c) of this section shall be made within forty-five days following the date of the enactment of this Act.

"(e) Marketing quotas shall not be in effect with respect to cigar-filler tobacco comprising type 41 during the marketing year beginning in 1938 or the marketing year beginning in 1939.

"Apportionment of national marketing quota

"SEC. 313. (a) The national marketing quota for tobacco established pursuant to the provisions of section 312, less the amount to be allotted under subsection (c) of this section, shall be apportioned by the Secretary among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the net acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period: *Provided, however*, That to prevent in any case too sharp and sudden reduction in acreage of tobacco production in any State, the marketing quota for flue-cured tobacco for any State for any marketing year shall not be reduced to a point less than 75 per centum of the production of flue-cured tobacco in such State for the year 1937.

"(b) The Secretary shall provide, through the local committees, for the allotment of the marketing quota for any State among the farms on which tobacco is produced, on the basis of the following: Past marketing of tobacco, making due allowance for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That, except for farms on which for the first time in five years tobacco is produced to be marketed in the marketing year for which the quota is effective, the marketing quota for any farm shall not be less than the smaller of either (1) three thousand two hundred pounds, in the case of flue-cured tobacco, and two thousand four hundred pounds, in the case of other kinds of tobacco, or (2) the average tobacco production for the farm during the preceding three years, plus the average normal production of any tobacco acreage diverted under agricultural adjustment and conservation programs during such preceding three years.

"(c) The Secretary shall provide, through local committees, for the allotment of not in excess of 5 per centum of the national marketing quota (1) to farms in any State whether it has a State quota or not on which for the first time in five years tobacco is produced to be marketed in the year for which the quota is effective and (2) for further increase of allotments to small farms pursuant to the proviso in subsection (b) of this section on the basis of the following: Land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That farm marketing quotas established pursuant to this subsection for farms on which tobacco is produced for the first time in five years shall not exceed 75 per centum of the farm marketing quotas established pursuant to subsection (b) of this section for farms which are similar with respect to the following: Land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

"(d) Farm marketing quotas may be transferred only in such manner and subject to such conditions as the Secretary may prescribe by regulations.

"Penalties

"SEC. 314. The marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced, except the marketing of any such tobacco for nicotine or other by-product uses, shall be subject to a penalty of 50 per centum of the market price of such tobacco on the date of such marketing, or, if the following rates are higher, 3 cents per pound in the case of flue-cured, Maryland, or burley, and 2 cents per pound in the case of all other kinds of tobacco. Such penalty shall be paid by the person who acquires such tobacco from the producer but an amount equivalent to the penalty may be deducted by the buyer from the price paid to the producer in case such tobacco is marketed by sale; or, if the tobacco is marketed by the producer through a warehouseman or other agent, such penalty shall be paid by such warehouseman or agent who may deduct an amount equivalent to the penalty from the price paid to the producer: *Provided*, That in case any tobacco is marketed directly to any person outside the United States the penalty shall be paid and remitted by the producer.

"PART II—MARKETING QUOTAS—CORN

"Legislative finding

"SEC. 321. Corn is a basic source of food for the Nation, and corn produced in the commercial corn-producing area moves almost wholly in interstate and foreign commerce in the form of corn, livestock, and livestock products.

"Abnormally excessive and abnormally deficient supplies of corn acutely and directly affect, burden, and obstruct interstate and foreign commerce in corn, livestock, and livestock products. When abnormally excessive supplies exist, transportation facilities in interstate and foreign commerce are overtaxed, and the handling and processing facilities through which the flow of interstate and foreign commerce in corn, livestock, and livestock products is directed become acutely congested. Abnormally deficient supplies result in substantial decreases in livestock production and in an inadequate flow of livestock and livestock products in interstate and foreign commerce, with the consequence of unreasonably high prices to consumers.

"Violent fluctuations from year to year in the available supply of corn disrupt the balance between the supply of livestock and livestock products moving in interstate and foreign commerce and the supply of corn available for feeding. When available supplies of corn are excessive, corn prices are low and farmers overexpand livestock production in order to find outlets for corn. Such expansion, together with the relative scarcity and high price of corn,

forces farmers to market abnormally excessive supplies of livestock in interstate commerce at sacrifice prices, endangering the financial stability of producers, and overtaxing handling and processing facilities through which the flow of interstate and foreign commerce in livestock and livestock products is directed. Such excessive marketings deplete livestock on farms, and livestock marketed in interstate and foreign commerce consequently becomes abnormally low, with resultant high prices to consumers and danger to the financial stability of persons engaged in transporting, handling, and processing livestock in interstate and foreign commerce. These high prices in turn result in another overexpansion of livestock production.

"Recurring violent fluctuations in the price of corn resulting from corresponding violent fluctuations in the supply of corn directly affect the movement of livestock in interstate commerce from the range cattle regions to the regions where livestock is fattened for market in interstate and foreign commerce, and also directly affect the movement in interstate commerce of corn marketed as corn which is transported from the regions where produced to the regions where livestock is fattened for market in interstate and foreign commerce.

"Substantially all the corn moving in interstate commerce, substantially all the corn fed to livestock transported in interstate commerce for fattening, and substantially all the corn fed to livestock marketed in interstate and foreign commerce, is produced in the commercial corn-producing area. Substantially all the corn produced in the commercial corn-producing area, with the exception of a comparatively small amount used for farm consumption, is either sold or transported in interstate commerce, or is fed to livestock transported in interstate commerce for feeding, or is fed to livestock marketed in interstate and foreign commerce. Almost all the corn produced outside the commercial corn-producing area is either consumed, or is fed to livestock which is consumed, in the State in which such corn is produced.

"The conditions affecting the production and marketing of corn and the livestock products of corn are such that, without Federal assistance, farmers, individually or in cooperation, cannot effectively prevent the recurrence of disparities between the supplies of livestock moving in interstate and foreign commerce and the supply of corn available for feeding, and provide for orderly marketing of corn in interstate and foreign commerce and livestock and livestock products in interstate and foreign commerce.

"The national public interest requires that the burdens on interstate and foreign commerce above described be removed by the exercise of Federal power. By reason of the administrative and physical impracticability of regulating the movement of livestock and livestock products in interstate and foreign commerce and the inadequacy of any such regulation to remove such burdens, such power can be feasibly exercised only by providing for the withholding from market of excessive and burdensome supplies of corn in times of excessive production, and providing a reserve supply of corn available for market in times of deficient production, in order that a stable and continuous flow of livestock and livestock products in interstate and foreign commerce may at all times be assured and maintained.

"Farm marketing quotas

"SEC. 322. (a) Whenever in any calendar year the Secretary determines from available statistics of the Department, including the August production estimate officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of corn as of October 1 will exceed the normal supply thereof by more than 10 per centum, marketing quotas shall be in effect in the commercial corn-producing area for the crop of corn grown in such area in such calendar year, and shall remain in effect until terminated in accordance with the provisions of this title.

"(b) The Secretary shall determine, on the basis of the estimated average yield of corn in such area for such crop, the acreage in such area which the Secretary determines would make available for the marketing year beginning October 1 a supply of corn (together with the estimated production of corn in the United States outside such area) equal to the normal supply. The percentage which the number of acres so determined is of the total number of acres of the acreage allotment under section 328 shall be proclaimed by the Secretary. Such percentage is referred to herein as the 'marketing percentage.'

"(c) The Secretary shall proclaim his determinations of facts under subsection (a) and his determination of the marketing percentage under subsection (b) not later than August 15.

"(d) Within twenty days after the date of the issuance of the proclamation provided for in subsection (c) of this section, the Secretary shall conduct a referendum, by secret ballot, of farmers who would be subject to such quotas to determine whether such farmers are in favor of or opposed to such quotas. If more than one-third of the farmers voting in the referendum oppose such quotas, the Secretary shall, prior to September 10, proclaim the result of the referendum and such quotas shall not become effective.

"(e) Whenever it shall appear from the September production estimates officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of corn as of the beginning of the next succeeding marketing year will not exceed the normal supply by more than 10 per centum thereof, the Secretary shall proclaim such fact prior to September 20, if farm marketing quotas have been proclaimed for such marketing year. Thereupon such quotas shall not become effective.

"Amount of farm marketing quota

"SEC. 323. (a) The farm marketing quota for any farm with respect to any crop of corn shall be an amount of corn equal to the sum of—

"(1) The amount of corn used as silage; and

"(2) The actual production of the acreage of corn not used as silage less the amount required for farm consumption and less the storage amount applicable to the farm as ascertained under section 324.

"(b) No farm marketing quota with respect to any crop of corn shall be applicable to any farm on which the normal production of the acreage planted to corn is less than three hundred bushels.

"Storage amounts

"SEC. 324. (a) If the acreage of corn on the farm does not exceed the marketing percentage of the farm acreage allotment, there shall be no storage amount.

"(b) If the acreage of corn on the farm exceeds the marketing percentage of the farm acreage allotment, the storage amount shall be a number of bushels equal to the smallest of the following amounts—

"(1) The normal production of the acreage of corn on the farm in excess of the marketing percentage of the farm acreage allotment;

"(2) The amount by which the actual production of the acreage of corn on the farm exceeds the normal production of the marketing percentage of the farm acreage allotment; or

"(3) The amount of the actual production of the acreage of corn on the farm not used for silage.

"(c) If the storage amount ascertained under subsection (b) is less than 100 bushels, there shall be no storage amount.

"Penalties

"SEC. 325. (a) Any farmer who, while any farm marketing quota is in effect for his farm with respect to any crop of corn, markets corn produced on the farm in an amount which is in excess of the aggregate of the farm marketing quotas for the farm in effect at such time, shall be subject to a penalty of 15 cents per bushel of the excess so marketed. Liability for such penalty shall not accrue until the amount of corn stored under seal on such farm or in storage cribs rented by the farmer or under his control is less than the storage amount applicable to such crop plus the storage amounts, if any, applicable to other crops.

"(b) If there is stored under seal on the farm or in such cribs an amount of corn equal at least to the storage amount applicable to such crop plus such storage amounts applicable to such other crops, the farmer shall be presumed not to be violating the provisions of subsection (a). When the amount of corn stored under seal on the farm or in such cribs is less than the storage amount applicable to such crop plus such storage amounts applicable to such other crops, the farmer shall be presumed to have marketed, while farm marketing quotas were in effect, corn in violation of the provisions of subsection (a) to the extent that the amount of corn so stored is less than the aggregate of such storage amounts. In any action brought to enforce the collection of penalties provided for in this section, the farmer, to the extent that the amount of corn so stored is less than the aggregate of such storage amounts shall have the burden of proving that he did not market corn in violation of the provisions of subsection (a).

"(c) For the purposes of this Part, corn shall be deemed to be stored by the farmer under seal only if stored in such manner as to conform to the requirements of such regulations as the Secretary shall prescribe in order more effectively to administer this Part.

"Adjustment of farm marketing quotas

"SEC. 326. (a) Whenever in any county or other area the Secretary finds that the actual production of corn plus the amount of corn stored under seal in such county or other area is less than the normal production of the marketing percentage of the farm acreage allotments in such county or other area, the Secretary shall terminate farm marketing quotas for corn in such county or other area.

"(b) Whenever, upon any farm, the actual production of the acreage of corn is less than the normal production of the marketing percentage of the farm acreage allotment, there may be marketed, without penalty, from such farm an amount of corn from the corn stored under seal pursuant to section 324 which, together with the actual production of the then current crop, will equal the normal production of the marketing percentage of the farm acreage allotment.

"(c) Whenever, in any marketing year, marketing quotas are not in effect with respect to the crop of corn produced in the calendar year in which such marketing year begins, all marketing quotas applicable to previous crops of corn shall be terminated.

"Proclamations of supplies and commercial corn-producing area

"SEC. 327. Not later than September 1, the Secretary shall ascertain and proclaim the total supply, the normal supply, and the reserve supply level for such marketing year. Not later than February 1, the Secretary shall ascertain and proclaim the commercial corn-producing area. The ascertainment and proclamation of the commercial corn-producing area for 1938 shall be made not later than ten days after the date of the enactment of this Act.

"Acreage allotment

"SEC. 328. The acreage allotment of corn for any calendar year shall be that acreage in the commercial corn-producing area which, on the basis of the average yield for corn in such area

during the ten calendar years immediately preceding such calendar year will produce an amount of corn in such area which the Secretary determines will, together with corn produced in the United States outside the commercial corn-producing area, make available a supply for the marketing year beginning in such calendar year, equal to the reserve supply level. The Secretary shall proclaim such acreage allotment not later than February 1 of the calendar year for which such acreage allotment was determined. The proclamation of the acreage allotment for 1938 shall be made as soon as practicable after the date of the enactment of this Act.

"Apportionment of acreage allotment

"SEC. 329. (a) The acreage allotment for corn shall be apportioned by the Secretary among the counties in the commercial corn-producing area on the basis of the acreage seeded for the production of corn during the ten calendar years immediately preceding the calendar year in which the apportionment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period and for the promotion of soil-conservation practices: *Provided*, That any downward adjustment for the promotion of soil-conservation practices shall not exceed 2 per centum of the total acreage allotment that would otherwise be made to such county.

"(b) The acreage allotment to the county for corn shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of tillable acreage, crop-rotation practices, type of soil, and topography.

"PART III—MARKETING QUOTAS—WHEAT

"Legislative findings

"SEC. 331. Wheat is a basic source of food for the Nation, is produced throughout the United States by more than a million farmers, is sold on the country-wide market and, as wheat or flour, flows almost entirely through instrumentalities of interstate and foreign commerce from producers to consumers.

"Abnormally excessive and abnormally deficient supplies of wheat on the country-wide market acutely and directly affect, burden, and obstruct interstate and foreign commerce. Abnormally excessive supplies overtax the facilities of interstate and foreign transportation, congest terminal markets and milling centers in the flow of wheat from producers to consumers, depress the price of wheat in interstate and foreign commerce, and otherwise disrupt the orderly marketing of such commodity in such commerce. Abnormally deficient supplies result in an inadequate flow of wheat and its products in interstate and foreign commerce with consequent injurious effects to the instrumentalities of such commerce and with excessive increases in the prices of wheat and its products in interstate and foreign commerce.

"It is in the interest of the general welfare that interstate and foreign commerce in wheat and its products be protected from such burdensome surpluses and distressing shortages, and that a supply of wheat be maintained which is adequate to meet domestic consumption and export requirements in years of drought, flood, and other adverse conditions as well as in years of plenty, and that the soil resources of the Nation be not wasted in the production of such burdensome surpluses. Such surpluses result in disastrously low prices of wheat and other grains to wheat producers, destroy the purchasing power of grain producers for industrial products, and reduce the value of the agricultural assets supporting the national credit structure. Such shortages of wheat result in unreasonably high prices of flour and bread to consumers and loss of market outlets by wheat producers.

"The conditions affecting the production and marketing of wheat are such that, without Federal assistance, farmers, individually or in cooperation, cannot effectively prevent the recurrence of such surpluses and shortages and the burdens on interstate and foreign commerce resulting therefrom, maintain normal supplies of wheat, or provide for the orderly marketing thereof in interstate and foreign commerce.

"The provisions of this Part affording a cooperative plan to wheat producers are necessary in order to minimize recurring surpluses and shortages of wheat in interstate and foreign commerce, to provide for the maintenance of adequate reserve supplies thereof, and to provide for an adequate flow of wheat and its products in interstate and foreign commerce. The provisions hereof for regulation of marketings by producers of wheat whenever an abnormally excessive supply of such commodity exists are necessary in order to maintain an orderly flow of wheat in interstate and foreign commerce under such conditions.

"Proclamations of supplies and allotments

"SEC. 332. Not later than July 15 of each marketing year for wheat, the Secretary shall ascertain and proclaim the total supply and the normal supply of wheat for such marketing year, and the national acreage allotment for the next crop of wheat.

"National acreage allotment

"SEC. 333. The national acreage allotment for any crop of wheat shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof. The national acreage allotment for wheat for 1938 shall be sixty-two million five hundred thousand acres.

"Apportionment of national acreage allotment

"SEC. 334. (a) The national acreage allotment for wheat shall be apportioned by the Secretary among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period.

"(b) The State acreage allotment for wheat shall be apportioned by the Secretary among the counties in the State, on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the net acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices.

"(c) The allotment to the county shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made.

"Marketing quotas

"SEC. 335. (a) Whenever it shall appear that the total supply of wheat as of the beginning of any marketing year will exceed a normal year's domestic consumption and exports by more than 35 per centum, the Secretary shall, not later than the May 15 prior to the beginning of such marketing year, proclaim such fact and, during the marketing year beginning July 1 and continuing throughout such marketing year, a national marketing quota shall be in effect with respect to the marketing of wheat. The Secretary shall ascertain and specify in the proclamation the amount of the national marketing quota in terms of a total quantity of wheat and also in terms of a marketing percentage of the national acreage allotment for the current crop which he determines will, on the basis of the national average yield of wheat, produce the amount of the national marketing quota. Marketing quotas for any marketing year shall be in effect with respect to wheat harvested in the calendar year in which such marketing year begins notwithstanding that the wheat is marketed prior to the beginning of such marketing year. No marketing quota with respect to the marketing of wheat shall be in effect for the marketing year beginning July 1, 1938, unless prior to the date of the proclamation of the Secretary, provision has been made by law for the payment, in whole or in part, in 1938 of parity payments with respect to wheat.

"(b) The amount of the national marketing quota for wheat shall be equal to a normal year's domestic consumption and exports plus 30 per centum thereof, less the sum of (1) the estimated carry-over of wheat as of the beginning of the marketing year with respect to which the quota is proclaimed and (2) the estimated amount of wheat which will be used on farms as seed or livestock feed during the marketing year.

"(c) The farm marketing quota for any farm for any marketing year shall be a number of bushels of wheat equal to the sum of—

"(1) A number of bushels equal to the normal production of a number of acres determined by applying the marketing percentage specified in the quota proclamation to the farm acreage allotment for the current crop; and

"(2) A number of bushels of wheat equal to the amount, or part thereof, of wheat from any previous crop which the farmer has on hand which, had such amount, or part thereof, been marketed during the preceding marketing year in addition to the wheat actually marketed during such preceding marketing year, could have been marketed without penalty.

In no event shall the farm marketing quota for any farm be less than the normal production of half the farm acreage allotment for the farm.

"(d) No farm marketing quota with respect to wheat shall be applicable in any marketing year to any farm on which the normal production of the acreage planted to wheat of the current crop is less than one hundred bushels.

"Referendum

"SEC. 336. Between the date of the issuance of any proclamation of any national marketing quota for wheat and June 10, the Secretary shall conduct a referendum, by secret ballot, of farmers who will be subject to the quota specified therein to determine whether such farmers favor or oppose such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the Secretary shall, prior to the effective date of such quota, by proclamation suspend the operation of the national marketing quotas with respect to wheat.

"Adjustment and suspension of quotas

"SEC. 337. (a) If the total supply as proclaimed by the Secretary within forty-five days after the beginning of the marketing year is less than that specified in the proclamation by the Secretary under section 335 (a), then the national marketing quota specified in the proclamation under such section shall be increased accordingly.

"(b) Whenever it shall appear from either the July or the August production estimates, officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of wheat as of the beginning of the marketing year was less than a normal year's domestic consumption and exports plus 30 per centum thereof, the Secretary shall proclaim such fact prior to July 20, or August 20, as the case may be, if farm marketing quotas have been announced with respect to the crop grown in such calendar year. Thereupon such quotas shall become ineffective.

"Transfer of quotas

"SEC. 338. Farm marketing quotas for wheat shall not be transferable, but, in accordance with regulations prescribed by the Secretary for such purpose, any farm marketing quota in excess of the supply of wheat for such farm for any marketing year may be allocated to other farms on which the acreage allotment has not been exceeded.

"Penalties

"SEC. 339. Any farmer who, while farm marketing quotas are in effect, markets wheat in excess of the farm marketing quota for the farm on which such wheat was produced, shall be subject to a penalty of 15 cents per bushel of the excess so marketed.

"PART IV—MARKETING QUOTAS—COTTON

"Legislative findings

"SEC. 341. American cotton is a basic source of clothing and industrial products used by every person in the United States and by substantial numbers of people in foreign countries. American cotton is sold on a world-wide market and moves from the places of production almost entirely in interstate and foreign commerce to processing establishments located throughout the world at places outside the State where the cotton is produced.

"Fluctuations in supplies of cotton and the marketing of excessive supplies of cotton in interstate and foreign commerce disrupt the orderly marketing of cotton in such commerce with consequent injury to and destruction of such commerce. Excessive supplies of cotton directly and materially affect the volume of cotton moving in interstate and foreign commerce and cause disparity in prices of cotton and industrial products moving in interstate and foreign commerce with consequent diminution of the volume of such commerce in industrial products.

"The conditions affecting the production and marketing of cotton are such that, without Federal assistance, farmers, individually or in cooperation, cannot effectively prevent the recurrence of excessive supplies of cotton and fluctuations in supplies, cannot prevent indiscriminate dumping of excessive supplies on the Nation-wide and foreign markets, cannot maintain normal carry-overs of cotton, and cannot provide for the orderly marketing of cotton in interstate and foreign commerce.

"It is in the interest of the general welfare that interstate and foreign commerce in cotton be protected from the burdens caused by the marketing of excessive supplies of cotton in such commerce, that a supply of cotton be maintained which is adequate to meet domestic consumption and export requirements in years of drought, flood, and other adverse conditions as well as in years of plenty, and that the soil resources of the Nation be not wasted in the production of excessive supplies of cotton.

"The provisions of this Part affording a cooperative plan to cotton producers are necessary and appropriate to prevent the burdens on interstate and foreign commerce caused by the marketing in such commerce of excessive supplies, and to promote, foster, and maintain an orderly flow of an adequate supply of cotton in such commerce.

"Finding and proclamation of supplies, and so forth

"SEC. 342. Not later than November 15 of each year the Secretary shall find and proclaim (a) the total supply, the normal supply, and the carry-over of cotton as of August 1 of such year, (b) the probable domestic consumption of American cotton during the marketing year commencing August 1 of such year, (c) the probable exports of American cotton during such marketing year, and (d) the estimated carry-over of cotton as of the next succeeding August 1. For the marketing year 1937–1938 the Secretary shall make all the findings and proclamations provided for in this section not later than ten days after the date of the enactment of this Act.

"Amount of national allotment

"SEC. 343. (a) Not later than November 15 of each year the Secretary shall find and proclaim the amount of the national allotment of cotton for the succeeding calendar year in terms of standard bales of five hundred pounds gross weight. The national allotment shall be the number of bales of cotton adequate, together with the estimated carry-over as of August 1 of such succeeding calendar year, to make available a supply of cotton, for the marketing year beginning on such August 1, equal to the normal supply. The finding and proclamation of the national allotment for the calendar year 1938 shall be made not later than ten days after the date of the enactment of this Act.

"(b) If the national allotment for 1938 or 1939 is determined to be less than ten million bales, the national allotment for such year shall be ten million bales for such year, as the case may be. If the national allotment for 1938 or 1939 is determined to be more than eleven million five hundred thousand bales, it shall be eleven million five hundred thousand bales for such year, as the case may be.

"(c) Notwithstanding the foregoing provisions of this section, the national allotment for 1938 and for 1939 shall be increased by a number of bales equal to the production of the acres allotted under section 344 (e) for such year.

"Apportionment of national allotment

"SEC. 344. (a) The national allotment for cotton for each year (excluding that portion of the national allotment provided for in section 343 (c)) shall be apportioned by the Secretary among the several States on the basis of the average, for the five years preceding the year in which the national allotment is determined, of the normal production of cotton in each State. The normal production of a State for a year shall be (1) the quantity produced therein plus (2) the normal yield of the acres diverted in each county in the State under the previous agricultural adjustment or conservation programs. The normal yield of the acres diverted in any county in any year shall be the average yield per acre of the planted acres in such county in such year times the number of acres diverted in such county in such year.

"(b) The Secretary shall ascertain, on the basis of the average yield per acre in each State, a number of acres in such State which will produce a number of bales equal to the allotment made to the State under subsection (a). Such number of acres is referred to as the 'State acreage allotment'. The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the years used in computing the allotment to the State, and the average, for the same period, of the acres planted and the acres diverted in the State.

"(c) (1) The State acreage allotment (less the amount required for apportionment under paragraph (2)) shall be apportioned annually by the Secretary to the counties in the State. The apportionment to the counties shall be made on the basis of the acreage planted to cotton during the five calendar years immediately preceding the calendar year in which the State allotment is apportioned (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such five-year period.

"(2) Not more than 2 per centum of the State acreage allotment shall be apportioned to farms in such State which were not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton; crop rotation practices; and the soil and other physical facilities affecting the production of cotton.

"(d) The allotment apportioned to the county under subsection (c) (1), plus any amount allotted to the county under subsection (e), shall be apportioned by the Secretary, through the local committees, among the farms within the county on the following basis:

"(1) To each farm on which cotton has been planted during any of the previous three years there shall be allotted the smaller of the following—

"(A) Five acres; or

"(B) The highest number of acres planted to cotton (plus the acres diverted from the production of cotton under the agricultural adjustment or conservation programs) in any year of such three-year period;

"(2) Not more than 3 per centum of the amount remaining, after making the allotments provided for under paragraph (1), shall be allotted, upon such basis as the Secretary deems fair and equitable, to farms (other than farms to which an allotment has been made under paragraph (1) (B)) to which an allotment of not exceeding fifteen acres may be made under other provisions of this subsection; and

"(3) The remainder of the total amount available to the county shall be allotted to farms on which cotton has been planted during any of the previous three years (except farms to which an allotment has been made under paragraph (1) (B)). The allotment to each farm under this paragraph, together with the amount of the allotment to such farm under paragraph (1) (A), shall be a prescribed percentage (which percentage shall be the same for all such farms in the county or administrative area) of the acreage, during the preceding year, on the farm which is tilled annually or in regular rotation, excluding from such acreage the acres devoted to the production of wheat, tobacco, or rice for market or for feeding to livestock for market: *Provided, however,* That if a farm would be allotted under this paragraph an acreage, together with the amount of the allotment to such farm under paragraph (1) (A), in excess of the largest acreage planted to cotton plus the acreage diverted from the production of cotton under the agricultural adjustment or conservation program during any of the preceding three years, the acreage allotment for such farm shall not exceed such largest acreage so planted and diverted in any such year.

"(e) For 1938 and 1939, the Secretary shall allot to the several counties, to which an apportionment is made under subsection (b), a number of acres required to provide a total acreage for allotment under this section to such counties of not less than 60 per centum of the sum of (1) the acreage planted to cotton in such counties in 1937, plus (2) the acreage therein diverted from cotton production in 1937 under the agricultural adjustment and conservation program. The acreage so diverted shall be estimated in case data are not available at the time of making such allotment.

"(f) In apportioning the county allotment among the farms within the county, the Secretary, through the local committees,

shall take into consideration different conditions within separate administrative areas within a county if any exist, including types, kinds, and productivity of the soil so as to prevent discrimination among the administrative areas of the county.

"Marketing quotas

"SEC. 345. Whenever the Secretary determines that the total supply of cotton for any marketing year exceeds by more than 7 per centum the normal supply thereof for such marketing year, the Secretary shall proclaim such fact not later than November 15 of such marketing year (or, in case of the marketing year 1937–1938, within ten days after the date of enactment of this Act), and marketing quotas shall be in effect during the next succeeding marketing year with respect to the marketing of cotton. Cotton produced in the calendar year in which such marketing year begins shall be subject to the quotas in effect for such marketing year notwithstanding that it may be marketed prior to August 1.

"Amount of farm marketing quotas

"SEC. 346. (a) The farm marketing quota for cotton for any farm for any marketing year shall be a number of bales of cotton equal to the sum of—

"(1) A number of bales equal to the normal production or the actual production, whichever is the greater, of the farm acreage allotment, and

"(2) A number of bales equal to the amount, or part thereof, of cotton from any previous crop which the farmer has on hand, which, had such amount, or part thereof, been marketed during the preceding marketing year in addition to the cotton actually marketed during such preceding marketing year, could have been marketed without penalty.

"(b) The penalties provided for in section 348 shall not apply to the marketing of cotton produced on any farm for which a farm acreage allotment has been made for the current crop if the production of the current crop does not exceed one thousand pounds of lint cotton.

"Referendum

"SEC. 347. Not later than December 15 of any calendar year in which a proclamation of farm marketing quotas pursuant to the provisions of this Part has been made, the Secretary shall conduct a referendum, by secret ballot, of farmers who were engaged in production of the crop harvested prior to the holding of the referendum to determine whether they favor or oppose such quotas. If more than one-third of the farmers voting in the referendum oppose such quotas, the Secretary shall, prior to the end of such calendar year, proclaim the result of the referendum, and upon such proclamation the quotas shall become ineffective. If a proclamation under section 345 is made with respect to the 1938 crop, the referendum with respect to such crop shall be held not later than thirty days after the date of the enactment of this Act and the result thereof shall be proclaimed not later than forty-five days after such date.

"Penalties

"SEC. 348. Any farmer who, while farm marketing quotas are in effect, markets cotton in excess of the farm marketing quota for the marketing year for the farm on which such cotton was produced, shall be subject to the following penalties with respect to the excess so marketed: 2 cents per pound if marketed during the first marketing year when farm marketing quotas are in effect; and 3 cents per pound if marketed during any subsequent year, except that the penalty shall be 2 cents per pound if cotton of the crop subject to penalty in the first year is marketed subject to penalty in any subsequent year.

"Ineligibility for payments

"SEC. 349. (a) Any person who knowingly plants cotton on his farm in any year on acreage in excess of the farm acreage allotment for cotton for the farm for such year under section 344 shall not be eligible for any payment for such year under the Soil Conservation and Domestic Allotment Act, as amended.

"(b) All persons applying for any payment of money under the Soil Conservation and Domestic Allotment Act, as amended, shall file with the application a statement verified by affidavit that the applicant has not knowingly planted, during the current year, cotton on land on his farm in excess of the acreage allotted to the farm under section 344 for such year. Any person who knowingly swears falsely in any statement required under this subsection shall be guilty of perjury.

"Long staple cotton

"SEC. 350. The provisions of this Part shall not apply to cotton the staple of which is 1⅛ inches or more in length.

"PART V—MARKETING QUOTAS—RICE

"Legislative finding

"SEC. 351. (a) The marketing of rice constitutes one of the great basic industries of the United States with ramifying activities which directly affect interstate and foreign commerce at every point, and stable conditions therein are necessary to the general welfare. Rice produced for market is sold on a Nation-wide market, and, with its products, moves almost wholly in interstate and foreign commerce from the producer to the ultimate consumer. The farmers producing such commodity are subject in their operations to uncontrollable natural causes, in many cases such farmers carry on their farming operations on borrowed money or leased lands, and are not so situated as to be able to organize effectively, as can labor and industry, through unions and corporations enjoying Government sanction and protection for joint economic action. For these reasons, among others, the farmers are unable without Federal assistance to control effectively the orderly marketing of such commodity with the result that abnormally excessive supplies thereof are produced and dumped indiscriminately on the Nation-wide market.

"(b) The disorderly marketing of such abnormally excessive supplies affects, burdens, and obstructs interstate and foreign commerce by (1) materially affecting the volume of such commodity marketed therein, (2) disrupting the orderly marketing of such commodity therein, (3) reducing the prices for such commodity with consequent injury and destruction of such commerce in such commodity, and (4) causing a disparity between the prices for such commodity in interstate and foreign commerce and industrial products therein, with a consequent diminution of the volume of interstate and foreign commerce in industrial products.

"(c) Whenever an abnormally excessive supply of rice exists, the marketing of such commodity by the producers thereof directly and substantially affects interstate and foreign commerce in such commodity and its products, and the operation of the provisions of this Part becomes necessary and appropriate in order to promote, foster, and maintain an orderly flow of such supply in interstate and foreign commerce.

"National acreage allotment

"SEC. 352. The national acreage allotment of rice for any calendar year shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years immediately preceding the calendar year for which such national average yield is determined, produce an amount of rice adequate, together with the estimated carry-over from the marketing year ending in such calendar year, to make available a supply for the marketing year commencing in such calendar year not less than the normal supply. Such national acreage allotment shall be proclaimed not later than December 31 of each year.

"Apportionment of national acreage allotment

"SEC. 353. (a) The national acreage allotment of rice for each calendar year shall be apportioned by the Secretary among the several States in which rice is produced in proportion to the average number of acres of rice in each State during the five-year period immediately preceding the calendar year for which such national acreage allotment of rice is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for trends in acreage during the applicable period.

"(b) Not less than 97 per centum of the acreage allotted to any State shall be apportioned annually by the Secretary through local and State committees of farmers among the persons producing rice within such State on the basis of past production of rice; land, labor, and available equipment for the production of rice; crop-rotation practices, soil fertility, and other physical factors affecting the production of rice: *Provided*, That not exceeding 3 per centum of the acreage allotted to each State shall be apportioned annually by the Secretary through local and State committees of farmers among persons who for the first time in the past five years are producing rice on the basis of the applicable standards of apportionment set forth in this subsection: *Provided further*, That a person producing rice for the first time in five years shall not be allotted an acreage in excess of 75 per centum of the allotment that would be made to him if he were not producing rice for the first time in such five years.

"Domestic allotment of rice

"SEC. 354. (a) Not later than December 31 of each year the Secretary shall ascertain from the latest available statistics of the Department and shall proclaim the total amount of rice which will be needed during the next succeeding marketing year to meet the requirements of consumers in the United States. Such amount is hereinafter referred to as the 'domestic allotment of rice'.

"(b) The domestic allotment of rice for each marketing year shall be apportioned by the Secretary among the several States in which rice is produced in proportion to the average amount of rice produced in each State during the five-year period including the calendar year in which such domestic allotment is announced (plus, in applicable years, the normal production of any acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during the applicable period.

"(c) The Secretary shall provide, through local and State committees of farmers, for the allotment of each State apportionment among persons producing rice in such State. The apportionment of the domestic allotment of rice among persons producing rice in each State shall be on the basis of the aggregate normal yields of the acreage allotments established with respect to such persons.

"Marketing quotas

"SEC. 355. (a) If at the time of any proclamation made under the provisions of section 354 (a) it shall appear from the latest available statistics of the Department that the total supply of rice exceeds the normal supply thereof for the current marketing year by more than 10 per centum of such normal supply, the Secretary shall also proclaim that, beginning on the first day of the marketing year next following and continuing throughout such year a national marketing quota shall be in effect for marketings of rice by producers: *Provided*, That no marketing quota shall be in effect for the marketing year commencing August 1, 1938. The Secretary shall also ascertain and specify in such proclamation the amount

of the national marketing quota in terms of the total quantity thereof which may be marketed by producers which shall be that amount of rice which the Secretary determines will make available during such marketing year a normal supply.

"(b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum, by secret ballot, of producers who would be subject to the national marketing quota for rice to determine whether such producers are in favor of or opposed to such quota. If more than one-third of the producers voting in the referendum oppose such quota, the Secretary shall, prior to the 15th day of February, proclaim the result of the referendum, and such quota shall not become effective.

"(c) The national marketing quota shall be apportioned among States and persons producing rice in each State, including new producers, in the manner and upon the basis set forth in section 354 for the apportionment of the domestic allotment of rice.

"(d) Marketing quotas may be transferred only in such manner and subject to such conditions as the Secretary may prescribe by regulations.

"Penalties

"SEC. 356. Any producer who markets rice in excess of his marketing quota shall be subject to a penalty of one-quarter of 1 cent per pound of the excess so marketed.

"SUBTITLE C—ADMINISTRATIVE PROVISIONS

"PART I—PUBLICATION AND REVIEW OF QUOTAS

"Application of part

"SEC. 361. This Part shall apply to the publication and review of farm marketing quotas established for tobacco, corn, wheat, cotton, and rice, established under subtitle B.

"Publication and notice of quota

"SEC. 362. All acreage allotments, and the farm marketing quotas established for farms in a county or other local administrative area shall, in accordance with regulations of the Secretary, be made and kept freely available for public inspection in such county or other local administrative area. An additional copy of this information shall be kept available in the office of the county agricultural extension agent or with the chairman of the local committee. Notice of the farm marketing quota of his farm shall be mailed to the farmer.

"Review by review committee

"SEC. 363. Any farmer who is dissatisfied with his farm marketing quota may, within fifteen days after mailing to him of notice as provided in section 362, have such quota reviewed by a local review committee composed of three farmers appointed by the Secretary. Such committee shall not include any member of the local committee which determined the farm acreage allotment, the normal yield, or the farm marketing quota for such farm. Unless application for review is made within such period, the original determination of the farm marketing quota shall be final.

"Review committee

"SEC. 364. The members of the review committee shall receive as compensation for their services the same per diem as that received by the members of the committee utilized for the purposes of the Soil Conservation and Domestic Allotment Act, as amended. The members of the review committee shall not be entitled to receive compensation for more than thirty days in any one year.

"Institution of proceedings

"SEC. 365. If the farmer is dissatisfied with the determination of the review committee, he may, within fifteen days after a notice of such determination is mailed to him by registered mail, file a bill in equity against the review committee as defendant in the United States district court, or institute proceedings for review in any court of record of the State having general jurisdiction, sitting in the county or the district in which his farm is located, for the purpose of obtaining a review of such determination. Bond shall be given in an amount and with surety satisfactory to the court to secure the United States for the costs of the proceeding. The bill of complaint in such proceeding may be served by delivering a copy thereof to any one of the members of the review committee. Thereupon the review committee shall certify and file in the court a transcript of the record upon which the determination complained of was made, together with its findings of fact.

"Court review

"SEC. 366. The review by the court shall be limited to questions of law, and the findings of fact by the review committee, if supported by evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the review committee, the court may direct such additional evidence to be taken before the review committee in such manner and upon such terms and conditions as to the court may seem proper. The review committee may modify its findings of fact or its determination by reason of the additional evidence so taken, and it shall file with the court such modified findings or determination, which findings of fact shall be conclusive. At the earliest convenient time, the court, in term time or vacation, shall hear and determine the case upon the original record of the hearing before the review committee, and upon such record as supplemented if supplemented, by further hearing before the review committee pursuant to direction of the court. The court shall affirm the review committee's determination, or modified determination, if the court determines that the same is in accordance with law. If the court determines that such determination or modified determination is not in accordance with law, the court shall remand the proceeding to the review committee with direction either to make such determination as the court shall determine to be in accordance with law or to take such further proceedings as, in the court's opinion, the law requires.

"Stay of proceedings and exclusive jurisdiction

"SEC. 367. The commencement of judicial proceedings under this Part shall not, unless specifically ordered by the court, operate as a stay of the review committee's determination. Notwithstanding any other provision of law, the jurisdiction conferred by this Part to review the legal validity of a determination made by a review committee pursuant to this Part shall be exclusive. No court of the United States or of any State shall have jurisdiction to pass upon the legal validity of any such determination except in a proceeding under this Part.

"No effect on other quotas

"SEC. 368. Notwithstanding any increase of any farm marketing quota for any farm as a result of review of the determination thereof under this Part, the marketing quotas for other farms shall not be affected.

"PART II—ADJUSTMENT OF QUOTAS AND ENFORCEMENT

"General adjustments of quotas

"SEC. 371. (a) If at any time the Secretary has reason to believe that in the case of corn, wheat, cotton, rice, or tobacco the operation of farm marketing quotas in effect will cause the amount of such commodity which is free of marketing restrictions to be less than the normal supply for the marketing year for the commodity then current, he shall cause an immediate investigation to be made with respect thereto. In the course of such investigation due notice and opportunity for hearing shall be given to interested persons. If upon the basis of such investigation the Secretary finds the existence of such fact, he shall proclaim the same forthwith. He shall also in such proclamation specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such commodity which is free of marketing restrictions equal the normal supply.

"(b) If the Secretary has reason to believe that, because of a national emergency or because of a material increase in export demand, any national marketing quota for corn, wheat, cotton, rice, or tobacco should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary in order to effectuate the declared policy of this Act or to meet such emergency or increase in export demand. If, on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such finding (and if he finds an increase is necessary, the amount of the increase found by him to be necessary) and thereupon such quota shall be increased, or shall terminate, as the case may be.

"(c) In case any national marketing quota for any commodity is increased under this section, each farm marketing quota for the commodity shall be increased in the same ratio.

"(d) In the case of corn, whenever such proclamation specifies an increase in marketing quotas, the storage amounts applicable to corn shall be adjusted downward to the amount which would have been required to be stored if such increased marketing quotas had been in effect. Whenever in the case of corn, such proclamation provides for termination of marketing quotas, storage under seal shall no longer be required.

"Payment and collection of penalties

"SEC. 372. (a) The penalty with respect to the marketing, by sale, of wheat, cotton, or rice, if the sale is to any person within the United States, shall be collected by the buyer.

"(b) All penalties provided for in Subtitle B shall be collected and paid in such manner, at such times, and under such conditions as the Secretary may by regulations prescribe. Such penalties shall be remitted to the Secretary by the person liable for the penalty, except that if any other person is liable for the collection of the penalty, such other person shall remit the penalty. The amount of such penalties shall be covered into the general fund of the Treasury of the United States.

"Reports and records

"SEC. 373. (a) This subsection shall apply to warehousemen, processors, and common carriers of corn, wheat, cotton, rice, or tobacco, and all ginners of cotton, all persons engaged in the business of purchasing corn, wheat, cotton, rice, or tobacco from producers, and all persons engaged in the business of redrying, prizing, or stemming tobacco for producers. Any such person shall, from time to time on request of the Secretary, report to the Secretary such information and keep such records as the Secretary finds to be necessary to enable him to carry out the provisions of this title. Such information shall be reported and such records shall be kept in accordance with forms which the Secretary shall prescribe. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, the Secretary is hereby authorized to examine such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as he has reason to believe are relevant and are within the control of such person. Any such person failing to make any report or keep any

record as required by this subsection or making any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

"(b) Farmers engaged in the production of corn, wheat, cotton, rice, or tobacco for market shall furnish such proof of their acreage, yield, storage, and marketing of the commodity in the form of records, marketing cards, reports, storage under seal, or otherwise as the Secretary may prescribe as necessary for the administration of this title.

"(c) All data reported to or acquired by the Secretary pursuant to this section shall be kept confidential by all officers and employees of the Department, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under this title.

"Measurement of farms and report of plantings

"SEC. 374. The Secretary shall provide, through the county and local committees, for measuring farms on which corn, wheat, cotton, or rice is produced and for ascertaining whether the acreage planted for any year to any such commodity is in excess of the farm acreage allotment for such commodity for the farm under this title. If in the case of any farm the acreage planted to any such commodity on the farm is in excess of the farm acreage allotment for such commodity for the farm, the committee shall file with the State committee a written report stating the total acreage on the farm in cultivation and the acreage planted to such commodity.

"Regulations

"SEC. 375. (a) The Secretary shall provide by regulations for the identification, wherever necessary, or corn, wheat, cotton, rice, or tobacco so as to afford aid in discovering and identifying such amounts of the commodities as are subject to and such amounts thereof as are not subject to marketing restrictions in effect under this title.

"(b) The Secretary shall prescribe such regulations as are necessary for the enforcement of this title.

"Court jurisdiction

"SEC. 376. The several district courts of the United States are hereby vested with jurisdiction specifically to enforce the provisions of this title. If and when the Secretary shall so request, it shall be the duty of the several district attorneys in their respective districts, under the direction of the Attorney General, to institute proceedings to collect the penalties provided in this title. The remedies and penalties provided for herein shall be in addition to, and not exclusive of, any of the remedies or penalties under existing law.

"SUBTITLE D—MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

"PART I—MISCELLANEOUS

"Cotton price adjustment payments

"SEC. 381. (a) For the purposes of the provisions (relating to cotton price adjustment payments with respect to the 1937 cotton crop) of the Third Deficiency Appropriation Act, fiscal year 1937, a producer shall be deemed to have complied with the provisions of the 1938 agricultural adjustment program formulated under the legislation contemplated by Senate Joint Resolution Numbered 207, Seventy-fifth Congress, if his acreage planted to cotton in 1938 does not exceed his farm acreage allotment for 1938 under the Soil Conservation and Domestic Allotment Act, as amended (including the amendments made by this Act), or under section 344 of this Act, whichever is the lesser. For the purposes of this subsection a producer shall not be deemed to have exceeded his farm acreage allotment unless such producer knowingly exceeded his farm acreage allotment. Such compliance shall not be required in any case where the producer is not engaged in cotton production in 1938. In cases where in 1937 a total or partial crop failure resulted from hail, drought, flood, or boll-weevil infestation, if the producer is otherwise eligible for payment, payment shall be made at the rate of 3 cents per pound on the same percentage of the producer's normal base production established by the Secretary as in the case of other producers. For the purpose of such provisions of the Third Deficiency Appropriation Act, fiscal year 1937, cotton not sold prior to July 1, 1938, shall be held and considered to have been sold on June 30, 1938, and all applications for price adjustment payments shall be filed with the Secretary not later than July 15, 1938. Such payments shall be made at the earliest practicable time. Application for payment may be made by the 1937 operator of a farm on behalf of all persons engaged in cotton production on the farm in 1937 and need be signed only by such operator, but payment shall be made directly to each of the persons entitled thereto. In case any person who is entitled to payment hereunder dies, becomes incompetent, or disappears before receiving such payment or is succeeded by another who renders or completes the required performance, payment shall, without regard to any other provisions of law, be made as the Secretary may determine to be fair and reasonable in all the circumstances and provide by regulations.

"(b) Any producer for whom a loan has been made or arranged for by the Commodity Credit Corporation on cotton of his 1937 crop and who has complied with all the provisions of the loan agreement except section 8 thereof, may, at any time before July 1, 1938, transfer his right, title, and interest, in and to such cotton to the Corporation; and the Corporation is authorized and directed to accept such right, title and interest in and to such cotton and to assume all obligations of the producer with respect to the loan on such cotton, including accrued interest and accrued carrying charges to the date of such transfer. The Corporation shall notify the Secretary of Agriculture of each such transfer, and upon receipt of such notice, the Secretary shall as soon as compliance is shown, or a national marketing quota for cotton is put into effect, forthwith pay to such producer a sum equal to 2 cents per pound of such cotton, and the amount so paid shall be deducted from any price adjustment payment to which such producer is entitled.

"(c) The Commodity Credit Corporation is authorized on behalf of the United States to sell any cotton of the 1937 crop so acquired by it, but no such cotton or any other cotton held on behalf of the United States shall be sold unless the proceeds of such sale are at least sufficient to reimburse the United States for all amounts (including any price-adjustment payment) paid out by any of its agencies with respect to the cotton so sold. After July 31, 1939, the Commodity Credit Corporation shall not sell more than three hundred thousand bales of cotton in any calendar month, or more than one million five hundred thousand bales in any calendar year. The proceeds derived from the sale of any such cotton shall be used for the purpose of discharging the obligations assumed by the Commodity Credit Corporation with respect to such cotton, and any amounts not expended for such purpose shall be covered into the Treasury as miscellaneous receipts.

"Extension of 1937 cotton loan

"SEC. 382. The Commodity Credit Corporation is hereby authorized and directed to provide for the extension, from July 31, 1938, to July 31, 1939, of the maturity date of all notes evidencing a loan made or arranged for by the Corporation on cotton produced during the crop year 1937–1938. This section shall not be construed to prevent the sale of any such cotton on request of the person liable on the note.

"Insurance of cotton and reconcentration of cotton

"SEC. 383. (a) The Commodity Credit Corporation shall place all insurance of every nature taken out by it on cotton, and all renewals, extensions, or continuations of existing insurance, with insurance agents who are bona fide residents of and doing business in the State where the cotton is warehoused: *Provided*, That such insurance may be secured at a cost not greater than similar insurance offered on said cotton elsewhere.

"(b) Cotton held as security for any loan heretofore or hereafter made or arranged for by the Commodity Credit Corporation shall not hereafter be reconcentrated without the written consent of the producer or borrower.

"Report of benefits

"SEC. 384. The Secretary shall submit to Congress an annual report of the names of persons to whom, during the preceding year, payments were made under the Soil Conservation and Domestic Allotment Act, as amended, together with payments under section 303 of this Act, if any, if the total amount paid to such person exceeded $1,000.

"Finality of farmers' payments and loans

"SEC. 385. The facts constituting the basis for any Soil Conservation Act payment, parity payment, or loan, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary or by the Commodity Credit Corporation, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

"SEC. 386. The provisions of section 3741 of the Revised Statutes (U. S. C., 1934 edition, title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States (U. S. C., 1934 edition, title 18, secs. 204 and 205) shall not be applicable to loans or payments made under this Act (except under section 383 (a)).

"Photographic reproductions and maps

"SEC. 387. The Secretary may furnish reproductions of such aerial or other photographs, mosaics, and maps as have been obtained in connection with the authorized work of the Department to farmers and governmental agencies at the estimated cost of furnishing such reproductions, and to persons other than farmers at such prices (not less than estimated cost of furnishing such reproductions) as the Secretary may determine, the money received from such sales to be deposited in the Treasury to the credit of the appropriation charged with the cost of making such reproductions. This section shall not affect the power of the Secretary to make other disposition of such or similar materials under any other provisions of existing law.

"Utilization of local agencies

"SEC. 388. (a) The provisions of section 8 (b) and section 11 of the Soil Conservation and Domestic Allotment Act, as amended, relating to the utilization of State, county, local committees, the extension service, and other approved agencies, and to recognition and encouragement of cooperative associations, shall apply in the administration of this Act; and the Secretary shall, for such purposes, utilize the same local, county, and State committees as are utilized under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended. The local administrative areas designated under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended, for the administration of programs under that Act, and the local administrative areas designated for the administration of this Act shall be the same.

"(b) The Secretary is authorized and directed, from any funds made available for the purposes of the Acts in connection with which county committees are utilized, to make payments to county committees of farmers to cover the estimated administrative expenses incurred or to be incurred by them in cooperating in carrying out the provisions of such Acts. All or part of such estimated

administrative expenses of any such committee may be deducted pro rata from the Soil Conservation Act payments, parity payments, or loans, or other payments under such Acts, made unless payment of such expenses is otherwise provided by law. The Secretary may make such payments to such committees in advance of determination of performance by farmers.

"Personnel

"SEC. 389. The Secretary is authorized and directed to provide for the execution by the Agricultural Adjustment Administration of such of the powers conferred upon him by this Act as he deems may be appropriately exercised by such Administration; and for such purposes the provisions of law applicable to appointment and compensation of persons employed by the Agricultural Adjustment Administration shall apply.

"Separability

"SEC. 390. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances, and the provisions of the Soil Conservation and Domestic Allotment Act, as amended, shall not be affected thereby. Without limiting the generality of the foregoing, if any provision of this Act should be held not to be within the power of the Congress to regulate interstate and foreign commerce, such provision shall not be held invalid if it is within the power of the Congress to provide for the general welfare or any other power of the Congress. If any provision of this Act for marketing quotas with respect to any commodity should be held invalid, no provision of this Act for marketing quotas with respect to any other commodity shall be affected thereby. If the application of any provision for a referendum should be held invalid, the application of other provisions shall not be affected thereby. If by reason of any provision for a referendum the application of any such other provision to any person or circumstance is held invalid, the application of such other provision to other persons or circumstances shall not be affected thereby.

"PART II—APPROPRIATIONS AND ADMINISTRATIVE EXPENSES

"Appropriations

"SEC. 391. (a) Beginning with the fiscal year ending June 30, 1938, there is hereby authorized to be appropriated, for each fiscal year for the administration of this Act and for the making of soil conservation and other payments such sums as Congress may determine, in addition to any amount made available pursuant to section 15 of the Soil Conservation and Domestic Allotment Act, as amended.

"(b) For the administration of this Act (including the provisions of title V) during the fiscal year ending June 30, 1938, there is hereby authorized to be made available from the funds appropriated for such fiscal year for carrying out the purposes of sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, a sum not to exceed $5,000,000.

"Administrative expenses

"SEC. 392. (a) The Secretary is authorized and directed to make such expenditures as he deems necessary to carry out the provisions of this Act, including personal services and rents in the District of Columbia and elsewhere, traveling expenses (including the purchase, maintenance, and repair of passenger-carrying vehicles), supplies and equipment, law books, books of reference, directories, periodicals, and newspapers.

"(b) In the administration of this title, sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and section 32, as amended, of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, the aggregate amount expended in any fiscal year, beginning with the fiscal year ending June 30, 1939, for administrative expenses in the District of Columbia, including regional offices, shall not exceed 1 per centum of the total amount available for such fiscal year for carrying out such Acts, and the aggregate amount expended in any fiscal year for administrative expenses in the several States (not including the expenses of county and local committees) shall not exceed 2 per centum of the total amount available for such fiscal year for carrying out such Acts. In the event any administrative expenses of any county or local committee are deducted in any fiscal year, beginning with the fiscal year ending June 30, 1939, from Soil Conservation Act payments, parity payments, or loans, each farmer receiving benefits under such provisions shall be apprised, in the form of a statement to accompany the check evidencing such benefit payment or loan, of the amount or percentage deducted from such benefit payment or loan on account of such administrative expenses. The names and addresses of the members and employees of any county or local committee, and the amount of such compensation received by each of them, shall be posted annually in a conspicuous place in the area within which they are employed.

"Allotment of appropriations

"SEC. 393. All funds for carrying out the provisions of this Act shall be available for allotment to bureaus and offices of the Department, and for transfer to such other agencies of the Federal Government, and to such State agencies, as the Secretary may request to cooperate or assist in carrying out the provisions of this Act.

"TITLE IV—COTTON POOL PARTICIPATION TRUST CERTIFICATES

"SEC. 401. There is hereby authorized to be appropriated, from any moneys in the Treasury of the United States not otherwise appropriated, the sum of $1,800,000, or so much thereof as may be required by the Secretary to accomplish the purposes hereinafter declared and authorized. The Secretary of the Treasury is hereby authorized and directed to pay to, or upon the order of, the Secretary, such a part or all of the sum hereby authorized to be appropriated at the request of the Secretary.

"SEC. 402. The Secretary is hereby authorized to draw from the Treasury of the United States any part or all of the sum hereby authorized to be appropriated, and to deposit same to his credit with the Treasurer of the United States, under special symbol number, to be available for disbursement for the purposes hereinafter stated.

"SEC. 403. The Secretary is hereby authorized to make available, from the sum hereby authorized to be appropriated, to the manager of the cotton pool, such sum or sums as may be necessary to enable the manager to purchase, take up, and cancel, subject to the restrictions hereinafter reserved, pool participation trust certificates, form C–5–I, where such certificates shall be tendered to the manager, cotton pool, by the person or persons shown by the records of the Department to have been the lawful holder and owner thereof on May 1, 1937, the purchase price to be paid for the certificates so purchased to be at the rate of $1 per five-hundred-pound bale for every bale or fractional part thereof represented by the certificates C–5–I. The Secretary is further authorized to pay directly, or to advance to, the manager of the cotton pool, to enable him to pay costs and expenses incident to the purchase of certificates as aforesaid, and any balance remaining to the credit of the Secretary, or the manager, cotton pool, not required for the purchase of these certificates in accordance with provisions of this Act, shall, at the expiration of the purchase period, be covered into the Treasury of the United States as miscellaneous receipts.

"SEC. 404. The authority of the manager, cotton pool, to purchase and pay for certificates hereunder shall extend to and include the 31st day of July 1938: *Provided*, That after expiration of the said limit, the purchase may be consummated of any certificates tendered to the manager, cotton pool, on or before July 31, 1938, but where for any reason the purchase price shall not have been paid by the manager, cotton pool. The Secretary is authorized to promulgate such rules, regulations, and requirements as in his discretion are proper to effectuate the general purposes of this title, which purpose is here stated to be specifically to authorize the purchase of outstanding pool participation trust certificates, form C–5–I, for a purchase price to be determined at the rate of $1 per bale, or twenty one-hundredths cent per pound, for the cotton evidenced by the said certificates, provided such certificates be tendered by holders thereof in accordance with regulations prescribed by the Secretary not later than the 31st day of July 1938, and provided such certificates may not be purchased from persons other than those shown by the records of the Department to have been holders thereof on or before the 1st day of May 1937.

"SEC. 405. The Secretary is authorized to continue in existence the 1933 cotton producers pool so long as may be required to effectuate the purposes of this title. All expense incident to the accomplishment of purposes of this title may be paid from funds hereby authorized to be appropriated, for which purpose the fund hereby authorized to be appropriated shall be deemed as supplemental to such funds as are now to the credit of the Secretary, reserved for the purpose of defraying operating expenses of the pool.

"SEC. 406. After expiration of the time limit herein established, the certificates then remaining outstanding and not theretofore tendered to the manager, cotton pool, for purchase, shall not be purchased and no obligation on account thereof shall exist.

"SEC. 407. Nothing in this title shall be construed to authorize the manager, cotton pool, to pay the assignee or any holder of such cotton pool participation trust certificates, form C–5–I, transferred on or before May 1, 1937, as shown by the records of the Department of Agriculture, more than the purchase price paid by the assignee or holder of such certificate or certificates with interest at the rate of 4 per centum per annum from the date of purchase, provided the amount paid such assignee shall not exceed $1 per bale. Before making payment to any assignee, whose certificates were transferred on or before May 1, 1937, such assignee shall file with the manager, cotton pool, an affidavit showing the amount paid by him for such certificate and the date of such payment, and the manager, cotton pool, is authorized to make payment to such assignee based upon the facts stated in said affidavit as aforesaid.

"TITLE V—CROP INSURANCE

"SHORT TITLE AND APPLICATION OF OTHER PROVISIONS

"SEC. 501. This title may be cited as the 'Federal Crop Insurance Act'. Except as otherwise expressly provided the provisions in titles I to IV, inclusive, shall not apply with respect to this title, and the term 'Act' wherever it appears in such titles shall not be construed to include this title.

"DECLARATION OF PURPOSE

"SEC. 502. It is the purpose of this title to promote the national welfare by alleviating the economic distress caused by wheat-crop failures due to drought and other causes, by maintaining the purchasing power of farmers, and by providing for stable supplies of wheat for domestic consumption and the orderly flow thereof in interstate commerce.

"SEC. 503. To carry out the purposes of this title, there is hereby created as an agency of and within the Department of Agriculture a body corporate with the name 'Federal Crop Insurance Corporation' (herein called the Corporation). The principal office of the Corporation shall be located in the District of Columbia, but there

may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the Board of Directors.

"CAPITAL STOCK

"SEC. 504. (a) The Corporation shall have a capital stock of $100,000,000 subscribed by the United States of America, payment for which shall, with the approval of the Secretary of Agriculture, be subject to call in whole or in part by the Board of Directors of the Corporation.

"Any impairment of the capital stock described in this subsection shall be restored only out of operating profits of the Corporation.

"(b) There is hereby authorized to be appropriated not more than $100,000,000 for the purpose of subscribing to said stock. No part of such sum shall be available prior to July 1, 1938. The appropriation for such purpose for the fiscal year ending June 30, 1939, shall not exceed $20,000,000 and shall be made only out of the unexpended balances for the fiscal year ending June 30, 1938, of the sums appropriated pursuant to section 15 of the Soil Conservation and Domestic Allotment Act, as amended.

"(c) Receipts for payments by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership by the United States of America.

"MANAGEMENT OF CORPORATION

"SEC. 505. (a) The management of the Corporation shall be vested in a Board of Directors (hereinafter called the 'Board') subject to the general supervision of the Secretary of Agriculture. The Board shall consist of three persons employed in the Department of Agriculture who shall be appointed by and hold office at the pleasure of the Secretary of Agriculture.

"(b) Vacancies in the Board so long as there shall be two members in office shall not impair the powers of the Board to execute the functions of the Corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the Board.

"(c) The Directors of the Corporation appointed as hereinbefore provided shall receive no additional compensation for their services as such directors but may be allowed actual necessary traveling and subsistence expenses when engaged in business of the Corporation outside of the District of Columbia.

"(d) The Board shall select, subject to the approval of the Secretary of Agriculture, a manager, who shall be the executive officer of the Corporation with such power and authority as may be conferred upon him by the Board.

"GENERAL POWERS

"SEC. 506. The Corporation—

"(a) shall have succession in its corporate name;

"(b) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(c) may make contracts and purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of such property held by it upon such terms as it deems appropriate;

"(d) subject to the provisions of section 508 (c), may sue and be sued in its corporate name in any court of competent jurisdiction, State or Federal: *Provided*, That no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property;

"(e) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers granted to it by law may be exercised and enjoyed;

"(f) shall be entitled to the free use of the United States mails in the same manner as the other executive agencies of the Government;

"(g) with the consent of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officials, and employees thereof in carrying out the provisions of this title;

"(h) may conduct researches, surveys, and investigations relating to crop insurance for wheat and other agricultural commodities;

"(i) shall determine the character and necessity for its expenditures under this title and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds and such determinations shall be final and conclusive upon all other officers of the Government; and

"(j) shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation and all such incidental powers as are customary in corporations generally.

"PERSONNEL

"SEC. 507. (a) The Secretary shall appoint such officers and employees as may be necessary for the transaction of the business of the Corporation, which appointments may be made without regard to the civil-service laws and regulations, fix their compensation in accordance with the provisions of the Classification Act of 1923, as amended, define their authority and duties, delegate to them such of the powers vested in the Corporation as he may determine, require bond of such of them as he may designate, and fix the penalties and pay the premiums of such bonds. The appointment of officials and the selection of employees by the Secretary shall be made only on the basis of merit and efficiency.

"(b) Insofar as applicable, the benefits of the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this title, including the employees of the committees and associations referred to in subsection (c) of this section and the members of such committees.

"(c) The Board may establish or utilize committees or associations of producers in the administration of this title and make payments to such committees or associations to cover the estimated administrative expenses to be incurred by them in cooperating in carrying out this title and may provide that all or part of such estimated expenses may be included in the insurance premiums provided for in this title.

"(d) The Secretary of Agriculture may allot to bureaus and offices of the Department of Agriculture or transfer to such other agencies of the State and Federal Governments as he may request to assist in carrying out this title any funds made available pursuant to the provisions of section 516 of this Act.

"(e) In carrying out the provisions of this title the Board may, in its discretion, utilize producer-owned and producer-controlled cooperative associations.

"CROP INSURANCE

"SEC. 508. To carry out the purposes of this title the Corporation is authorized and empowered—

"(a) Commencing with the wheat crop planted for harvest in 1939, to insure, upon such terms and conditions not inconsistent with the provisions of this title as it may determine, producers of wheat against loss in yields of wheat due to unavoidable causes, including drought, flood, hail, wind, winterkill, lightning, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board: *Provided, however*, That for the first three years of operation under this title contracts of insurance shall not be made for periods longer than one year. Such insurance shall not cover losses due to the neglect or malfeasance of the producer or to the failure of the producer to reseed in areas and under circumstances where it is customary to reseed. Such insurance shall cover not less than 50 or more than 75 per centum, to be determined by the Board, of the recorded or appraised average yield of wheat on the insured farm for a representative base period subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just. The Board may condition the issuance of such insurance in any county or area upon a minimum amount of participation in a program of crop insurance formulated pursuant to this title.

"(b) To fix adequate premiums for such insurance, payable either in wheat or cash equivalent as of the due date thereof, on the basis of the recorded or appraised average crop loss of wheat on the insured farm for a representative base period subject to such adjustments as the Board may prescribe to the end that the premiums fixed for farms in the same area, which are subject to the same conditions, may be fair and just. Such premiums shall be collected at such time or times, in such manner, and upon such security as the Board may determine.

"(c) To adjust and pay claims for losses either in wheat or in cash equivalent under rules prescribed by the Board. In the event that any claim for indemnity under the provisions of this title is denied by the Corporation an action on such claim may be brought against the Corporation in the district court of the United States in and for the district in which the insured farm is located, and exclusive jurisdiction is hereby conferred upon such courts to determine such controversies without regard to the amount in controversy: *Provided*, That no suit on such claim shall be allowed under this section unless the same shall have been brought within one year after the date when notice of denial of the claim is mailed to the claimant.

"(d) From time to time, in such manner and through such agencies as the Board may determine, to purchase, handle, store, insure, provide storage facilities for, and sell wheat, and pay any expenses incidental thereto, it being the intent of this provision, however, that, insofar as practicable, the Corporation shall purchase wheat only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly wheat sold to prevent deterioration; and shall sell wheat only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however*, That nothing in this section shall prevent prompt offset purchases and sales of wheat for convenience in handling. The restriction on the purchase and sale of wheat provided in this section shall be made a part of any crop insurance agreement made under this title. Notwithstanding any provision of this title, there shall be no limitation upon the legal or equitable remedies available to the insured to enforce against the Corporation the foregoing restriction with respect to purchases and sales of wheat.

"INDEMNITIES EXEMPT FROM LEVY

"SEC. 509. Claims for indemnities under this title shall not be liable to attachment, levy, garnishment, or any other legal process before payment to the insured or to deduction on account of the indebtedness of the insured or his estate to the United States except claims of the United States or the Corporation arising under this title.

"DEPOSIT OF FUNDS

"SEC. 510. All money of the Corporation not otherwise employed may be deposited with the Treasurer of the United States or in any bank approved by the Secretary of the Treasury, subject to withdrawal by the Corporation at any time, or with the approval of the Secretary of the Treasury may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States. Subject to the approval of the Secretary of the Treasury, the Federal Reserve banks are hereby authorized and directed to act as depositories, custodians, and fiscal agents for the Corporation in the performance of its powers conferred by this title.

"TAX EXEMPTION

"SEC. 511. The Corporation, including its franchise, its capital, reserves, and surplus, and its income and property, shall be exempt from all taxation now or hereafter imposed by the United States or by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

"FISCAL AGENT OF GOVERNMENT

"SEC. 512. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and it may also be employed as a financial agent of the Government; and it shall perform all such reasonable duties, as a depository of public money and financial agent of the Government, as may be required of it.

"ACCOUNTING BY CORPORATION

"SEC. 513. The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary of Agriculture a complete report as to the business of the Corporation. The financial transactions of the Corporation shall be audited at least once each year by the General Accounting Office for the sole purpose of making a report to Congress, together with such recommendations as the Comptroller General of the United States may deem advisable: *Provided*, That such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report.

"CRIMES AND OFFENSES

"SEC. 514. (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Corporation, or for the purpose of obtaining for himself or another money, property, or anything of value, under this title, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

"(b) No person shall, while acting in any official capacity in the administration of this title, speculate, directly or indirectly, in any agricultural commodity or product thereof, to which this title applies, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product. Any person violating this subsection shall upon conviction thereof be fined not more than $10,000 or imprisoned not more than two years, or both.

"(c) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to the Corporation or pledged or otherwise entrusted to it; or (2) with intent to defraud the Corporation, or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of, or to, the Corporation or draws any order, or issues, puts forth, or assigns any note or other obligation or draft, mortgage, judgment, or decree thereof; or (3) with intent to defraud the Corporation, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of the Corporation, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

"(d) Whoever willfully shall conceal, remove, dispose of, or convert to his own use or to that of another, any property mortgaged or pledged to, or held by, the Corporation, as security for any obligation, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

"(e) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act.

"(f) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C., title 18, secs. 202 to 207, inclusive) insofar as applicable, are extended to apply to contracts or agreements with the Corporation under this title: *Provided, however*, That the provisions of section 3741 of the Revised Statutes (U. S. C., title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States shall not apply to any crop-insurance agreements made under this title.

"ADVISORY COMMITTEE

"SEC. 515. The Secretary of Agriculture is authorized to appoint from time to time an advisory committee, consisting of not more than five members experienced in agricultural pursuits and appointed with due consideration to their geographical distribution, to advise the Corporation with respect to carrying out the purposes of this title. The compensation of the members of such committee shall be determined by the Board but shall not exceed $10 per day each while actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu thereof.

"APPROPRIATIONS AND REGULATIONS

"SEC. 516. (a) There are hereby authorized to be appropriated such sums, not in excess of $6,000,000 for each fiscal year beginning after June 30, 1938, as may be necessary to cover the operating and administrative costs of the Corporation, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine: *Provided*, That expenses in connection with the purchase, transportation, handling, or sale of wheat may be considered by the Corporation as being nonadministrative or nonoperating expenses. For the fiscal year ending June 30, 1939, the appropriation authorized under this subsection is authorized to be made only out of the unexpended balances for the fiscal year ending June 30, 1938, of the sums appropriated pursuant to section 15 of the Soil Conservation and Domestic Allotment Act, as amended.

"(b) The Secretary and the Corporation, respectively, are authorized to issue such regulations as may be necessary to carry out the provisions of this title.

"SEPARABILITY

"SEC. 517. The sections of this title and subdivisons of sections are hereby declared to be separable, and in the event any one or more sections or parts of the same of this title be held to be unconstitutional, the same shall not affect the validity of other sections or parts of sections of this title.

"RIGHT TO AMEND

"SEC. 518. The right to alter, amend, or repeal this title is hereby reserved."

And the Senate agree to the same.

Amend the title to read as follows: "To provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, and for other purposes."

E. D. SMITH,
GEO. MCGILL,
J. H. BANKHEAD,
CARL A. HATCH,
J. P. POPE,
LYNN J. FRAZIER,
ARTHUR CAPPER,
Managers on the part of the Senate.

MARVIN JONES,
H. P. FULMER,
WALL DOXEY,
CLIFFORD R. HOPE,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. CLARK in the chair). The question is on the adoption of the conference report.

Mr. MCNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Calif.	Overton
Andrews	Davis	Johnson, Colo.	Pepper
Ashurst	Dieterich	King	Pittman
Austin	Donahey	La Follette	Pope
Bailey	Duffy	Lewis	Radcliffe
Bankhead	Ellender	Lodge	Russell
Barkley	Frazier	Logan	Schwartz
Berry	George	Lonergan	Schwellenbach
Bilbo	Gibson	Lundeen	Sheppard
Bone	Gillette	McAdoo	Shipstead
Borah	Glass	McGill	Smith
Brown, N. H.	Green	McKellar	Thomas, Okla.
Bulkley	Guffey	McNary	Thomas, Utah
Bulow	Hale	Maloney	Townsend
Burke	Harrison	Miller	Truman
Byrd	Hatch	Milton	Tydings
Byrnes	Hayden	Minton	Vandenberg
Capper	Herring	Murray	Van Nuys
Caraway	Hill	Neely	Wagner
Chavez	Hitchcock	Norris	Walsh
Clark	Holt	Nye	Wheeler
Connally	Hughes	O'Mahoney	

The PRESIDING OFFICER (Mr. DUFFY in the chair). Eighty-seven Senators having answered to their names, a quorum is present.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. CLARK in the chair). The Senator from Illinois.

Mr. SMITH. Mr. President, prior to the roll call and the reading of the conference report, the Senator from Illinois [Mr. LEWIS] asked that I yield the floor in order that he might make some remarks, which I gladly do.

PROVISIONS FOR NATIONAL DEFENSE—REPLY TO ASSAILANTS

Mr. LEWIS. Mr. President, first I desire to express my appreciation, together with the announcement of my thanks, to the Senator from South Carolina [Mr. SMITH], who has in his care this very important agricultural bill. One must see from its manifold provisions as read by the aides of the Senate, that the consideration of the bill will require close attention and will consume, doubtless, a considerable length of time.

I beg the privilege of having a few words to say to the Senate upon a matter which does not touch the pending bill.

My attention has literally been arrested by what appears to be a concerted movement on the part of those who call themselves great educators, and who, in their behalf, feel that they must come down and enlighten the legislative bodies particularly as to the national defense. Incidentally, at the same time public statements are being issued, as disclosed by the press of the morning, by those who join together seemingly to treat this Government as though the heads of it, those who are conducting its affairs, were lunatics who, on the one hand, ought to be in an asylum, or, on the other, treated as treacherous intellects who are leading the country to bankruptcy, and who because of their conduct, ought to be punished by imprisonment as felons.

When we pause to consider what their grievances are, we find it is charged that this country is on the eve of some preparation looking to the increase of its defenses according to what it feels, from its education and knowledge, is essential to its welfare. But, Mr. President, the persons who continuously condemn us—if I may use the word "us" in that connection, meaning the Congress—for some effort on our part to anticipate evils that may assail us, and prepare to oppose them, completely overlook the fact that other nations of the world, the great nations of Europe and those of Asia, have been continuously preparing themselves in these later seasons for assaults in some directions, and not one of them is an unselfish friend of the United States of America. We turn to see, sir, the alliances of those who in the World War fought each other upon the theory that each was an agent destructive of civilization. We observe that they have conjoined now in common assault upon some imaginary or real foe, while as to us at all times announcing their want of confidence in us, on the one hand, and denial of all national friendships on the other.

What do these persons mean who are constantly coming before the world and announcing that we, the United States, are unworthy of being defended, and that any attempt on our part to prepare for such calamities as might befall us is an exercise in our behalf of treason to our own country?

Mr. President, I beseech you to recall the past; and when I say "Mr. President" I speak to some degree in a personal sense as well as officially, for the honorable gentleman who now presides over the Senate [Mr. CLARK in the chair] participated in the great conflict and himself became wholly acquainted with the situation to which I shall now allude.

Who are these gentlemen, these people who are now intimating that this country is on the eve of some form of alliance of some nature which they do not define but which they charge because they have conceived it? Their imagination has inflamed their intellect to the point where they reach the conclusion that we are on the eve of surrendering America to something or someone of whom they know nothing, but whom they are perfectly willing to accuse. Mr. President, you will remember, sir, your history, that in the Roman senate there was an individual by the name of Tecco Del Vecco, who, whenever a measure came up which looked forward to the defense of his country, rushed out to the door, turned his eyes to the heavens, beheld the stars, and returned to announce that "the emblems were not propitious." Upon that he would rejoin the body, and in that manner he was able to defeat the undertaking. Finally it was discovered that this particular individual, either upon the temptation, sir, of that which today is called lucre, or because of some other seducing inducement, had with his followers become responsible for the country surrounding Rome to be overrun by those who were from the outside joining the Goths, with those who came down from the hills, and who soon not only overcame the land but likewise despoiled and destroyed the Roman senate.

These gentlemen of whom we speak who come to the seat of Government from time to time would leave the impression upon the foreign world—for it is of that which I speak—that this country is a divided land in its efforts to defend itself; that there is only one set of people who are ready or willing to lend any effort at national defense, and they are those who wish to propitiate the financier; that all the rest are against any effort on the part of America to anticipate these assaults, and utterly oppose and denounce any preparation on our part to resist them.

Mr. President, I beg you and my honorable colleagues around me to consider with me these gentlemen who are crying out the prospect of an alliance which they dream upon, or, having read something, enhance their contemplations by a lurid anticipation of a condition that has no existence. Who are they? Let us recall. Most of these gentlemen, if you will pause and look at their names, who volunteer to come before one House or the other of a great legislative body in America and utter these denunciations, are the very gentlemen who paraded up and down the streets of the great cities and came to this body denouncing a man named Wilson, who then was President of the United States, because he would not hasten this country to war. It was they who demanded that we enter into an alliance with the Allies, so called—then join what was known as the League of Nations, then enter the World Court; but at all times they were driving this land to war upon some theory of necessity, to make secure "democracy," to punish the "brutality" of a nation which we shall not pause here to describe, other than to recall the incidents.

Mr. President, the same individuals who then were propagandists for war are now propagandists in behalf of those who oppose the United States defending itself. I denounce them. I demand, sir, the right of any man to take issue with any position we may assume, upon the basis of its right or its wrong, and that, sir, upon any theory of his own; and, in legislative bodies, that is not only his privilege but it is his duty. But when there be those who organize themselves and become busy advertising to the world that the population of America is divided between the few who are for their country and all others who are against, they invite assailants to come nearer to our gates in the hope that they may find us a dismembered and distracted people, ready, sir, to be assailed and destroyed. I denounce those who are undertaking that policy, refusing to see the direct effect of it, or, seeing it, willing, sir, to espouse it.

Now, sir, let us pause and consider where we stand. There is no need of "mouthing this thing with cotton in the lips," as said the ancient sage. There stand France and Germany, waiting their time for conflict. There stand Russia and Japan. We see the status of the East and the West. Here, I beseech my honorable colleagues, now to behold that France, after having ever denounced Russia, joins with Russia in an alliance. We behold that Germany, once holding Japan as the enemy of civilization, and crying out, in the language of the great leader, then Kaiser, that it was in that land that the world must turn to see the enemy of civilization, has now joined Japan.

I warn you, my brethren, you will see that Russia will shortly have an alliance with Germany, her neighbor, side by side. Germany then, in the very nature of things, will cultivate for her protection her neighbor on the other side, France; and the three will be found joining, sir, with Japan; and this country will find itself confronted with all these nations, opposed to her commercially and industrially, who will vent their grievances in any form they find agreeable, or which to them may seem profitable and likely to be victorious.

Sir, there is but one measure for this country to take. It is that it shall let the world know that it wants no conflict, it wants no war, but it will not stand unprepared to defend

itself in the event that any such war or conflict is pressed upon it. When George Washington informed his people that the time of peace was the time to prepare for war, he did not mean for us to war against anyone, but to prepare for the war which would be made against us. That is the position America is in, and that is all she seeks. For myself, sir, in the time that I am allowed to speak, I express the hope that from this honorable body there shall be no encouragement to those whose desire is to leave this country "naked to her enemies" wherever they arise, and whose theory is that any attempt in her defense or protection is to be treated as dishonor and treason to the country.

Mr. President, we have been too long silent, and allowed a certain class of individuals in our country to incite our foes, wherever they may be, to indulge the assumption that the time is ripe for an assault upon us. We have a class of people in our midst, going by one political name or another, who are busy throughout the land, infusing into the minds of the humble, the idea that this is the time to split the Government asunder, and seize its fragments, upon which they may build some structure of their own conception.

Sir, it is as to these we must speak frankly, and say that this country will not tolerate their actions to any degree that appears to be a direct assault upon its institutions. At the same time we rise to announce that those who will not see that there is a necessity for the defense of America by taking such steps as are essential through a government that is patriotic and loyal to its people, or, seeing, will do nothing to aid it, but everything to inhibit it, are denounced by this body, as they should be by every patriot.

Mr. President, I recall an experience which I may be pardoned for referring to personally. When we ended the Spanish-American War it was perfectly apparent that this country had been caught in a condition which, with a little more difficulty pressed upon it, might bring it into great peril. We had no adequate Navy. The little we had found it necessary to go clear around the Horn in order to make connection with the Pacific. We were likely at any time to be assailed, when Japan and her ally, a European nation, began threatening the United States because of legislation of the State of California and neighboring States on the Pacific coast which forbade the holding of land by aliens.

Then came the moment when the then distinguished President of the United States went to the country and addressed his Nation on the theory of giving to this land a fitting and appropriate navy, his text being, "Speak softly, but carry a big stick."

Theodore Roosevelt not only recognized the necessity, but, both as a soldier and a statesman, met the emergency by directing the construction of the Panama Canal. This was as a necessary measure to our defense.

Now, behold the Pacific. See in what state that splendid region in the western portion of our country would be if we did not make some preparation for its defense and protection. Those who are seeking to assail it probably would make it the very first object of attack if they felt we were in such a condition that we could not defend it. Now, when we make some effort to anticipate that condition, we are assailed by those who would seem to welcome the predestined assault, who attack the Government, attack its officials, seek to make us ridiculous before the world, contemptible before mankind, and hold us up as unworthy of our trust.

Mr. President, later I shall have something to say to this honorable body, with its consent, when the naval bill shall be presented, but I rise now because the press, reliable, brings us the news this morning, as it does again this afternoon, that those who come here from educational institutions, where we would imagine the first lesson would be patriotism, and, second, defense of their country and its representatives, add to the assault upon the officials of the Government, upon those in power; and not content merely with taking a different view, which is their right, they hold up the Secretary of State and the President as not entitled to the respect of mankind, and deserving to be abandoned by their own countrymen and destroyed by their enemies.

These I charge as lacking a spirit of patriotism, wanting in the spirit of honor, and it is these I rise for a moment to say this honorable body will ever be found denouncing wherever they rise to make this continued assault upon America.

I remarked a moment ago—and I repeat as I conclude—we want no war, we wish no assault, but we wish the world to know that if there are any contemplating making an assault, or thinking they enhance their standing by opening war upon us, we are ready to meet it, and we will meet it in the spirit of the aphorism of Faulconbridge in King John. As we contemplate our political parties without a conflict among them, with the conviction that they are truly American, we will join in behalf of these who are the sons of the Republic, the servants of this legislative body, with their kinsmen, and say, in the language of the bard:

> Now these her princes are come home again,
> Come the three corners of the world in arms,
> And we shall shock them. Naught shall make us rue
> If (America) to herself do rest but true.

I thank the Senate.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from California?

Mr. SMITH. I yield.

Mr. JOHNSON of California. Mr. President, I listened to the Senator from Illinois [Mr. LEWIS] and I am not clear just exactly to whom his first remarks were directed. I listened to his animadversions on those who recently had inquired concerning the various alliances or various understandings into which this country had entered.

I am the one who presented a resolution here in that behalf. I presented it in order that I might ascertain the fact. I asked the Secretary of State, in appropriate language, whether there was any understanding or agreement, express or implied, with various countries. He responded before the resolution had left the clerk's desk, and responded with a clarity and in a manner which could not be misunderstood. He said that no such understanding existed, that no such alliance existed, that no such agreement existed, either expressly or impliedly. Sir, I immediately accepted that declaration of the Secretary of State as conclusive.

I fear that the Secretary of State and I were "taken for a ride" the other day, and that, with neither of us knowing just exactly what was in the offing or what had been agreed upon, perhaps something was in the wind of which he did not know and I did not know. Events occurring since the resolution was presented lead me to that belief.

I presented the resolution because I did not want war; I did not want this country of ours to parallel the situation which arose in 1914 and the years after that, by which we were insensibly drawn into the vortex, and lost the men who died, and we are paying the price today in treasure. I wanted nothing more of that sort, so I inquired of the Secretary. I am glad I did inquire, and I am glad that he made the reply he made, and I am glad that we heard here, in the open Senate, before the people of the land, the fact that there was in his opinion, as in mine, no understanding or agreement, no alliance of any sort.

If in that I performed a disservice to the citizens of the United States, I accept the blame, sir, but I claim I performed a high service to the people of the United States. The people of the United States are entitled to know just what the situation is today in our foreign policy. The people of the United States fight the wars and shed the blood, and they should know if we are going into any war in the future.

I have in the past asked, and I shall ask again, for some clear declaration of the foreign policy of the United States, as to what is intended by this country.

I read yesterday that the Secretary of State said that there were many irresponsible utterances from irresponsible people concerning things which were now transpiring. There has been no irresponsible utterance by any irresponsible person concerning what is happening now save the one wherein

the Chief Executive of the Nation talked of "quarantining" nations, and thus set in motion all the inquiries which have since been made. There have been no irresponsible utterances on this floor of which I am aware by any Member of the Senate who endeavored to put a different phase upon the facts than existed, or who has made any sort of utterance which could be transmuted into an irresponsible utterance, or into any other than a patriotic utterance.

In the beginning of what I said the other day, in the beginning of what I said last week, I stated that I was for a good Navy, a large Navy, and was for the Navy bills which are now pending. So I am; but I am not for this Navy of ours being used in connection with any other country on earth. I am not for any alliance with any other country on earth. I am not for any agreement or any understanding, express or implied, which will take us into that which will mean war, and from which we will reap the same sort of consequences we reaped from the World War.

Let it be understood, therefore, Mr. President, that I am going to inquire again sometime concerning our foreign policy, and in so inquiring, I am going to exercise my right as an American citizen and a United States Senator to ascertain exactly what we mean to say and exactly what we are going to do.

Mr. LEWIS and Mr. LA FOLLETTE rose.

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH. I should like to yield, but I do not feel that I ought to yield, because the farm question now before the Senate is very important, and the question of the imminence of war is not quite so important. I feel constrained not to yield. The pending matter has now been delayed far beyond what it should be. I do not want to be discourteous, but I think we should proceed with the consideration of the conference report.

Mr. LEWIS. Mr. President, I shall take but a second to make an observation.

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH. I shall yield for a minute to the Senator from Illinois.

Mr. LEWIS. Mr. President, in answer to the able Senator from California [Mr. JOHNSON] I wish to say that he seemed to conclude that my observations were addressed to himself. The great respect I have for him and his splendid intellect prevents me from assuming that he could be misled in the ordinary course of language. I referred specifically to those whose expressions, no doubt, he had in his mind as the basis for the resolution he introduced. But I invite his attention to the remarks of the Secretary of State, to which he could take legitimate exception if those remarks were not well founded. The Secretary of State seems to have uttered some observations as to those who have been speaking in a manner which he characterized as reckless and regardless of consequences.

Mr. President, since the presentation of the resolution of the able Senator from California and since the observations were made in his letter by the Secretary of State, which the able Senator from California accepts, and which, we rejoice, leaves no conflict, there arose an individual in one of the parliaments of the earth who announced that he had secret information from America that there was an understanding that if England became involved in trouble she could rely upon the United States, and that the Navy being constructed in the United States was being built in pursuance of such an understanding.

After that, sir, before a committee of the American Congress, there appeared certain gentlemen claiming to be professors and tutors of the intellect of the world, to which they addressed themselves by way of correcting, sir, what they felt to be the audacity or stupidity of Congress. These came forward and among other things asserted that we were on the eve of something dreadful, and that the effect of this bill called the Navy bill was to invite other countries to war upon us. It is such as they and their kind to whom I alluded.

I call the attention of my able friend the Senator from California that I did not refer to his allusions, because he did not make them to such degree that his colleagues in the Senate would deem them to be subject to question, but I invite him to think how lacking in patriotism and truth are those who are holding forth to the world that our country is representing that which is inimical to peace and to America when they have no foundation for their diatribes.

I thank the Senator from South Carolina for having yielded to me and I conclude by saying: The time has come when citizens of America must be for America.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. LA FOLLETTE. I am sorry to impose on the time of the Senator from South Carolina. I realize how anxious he is to go forward with the conference report, and I shall take but a few moments.

However, I wish to enter upon the RECORD my protest against the unwarranted attack which I think the Senator from Illinois has made upon honored men who have demonstrated their patriotism by long and distinguished service in this country. While the Senator from Illinois did not mention any names, one of the principal witnesses who appeared yesterday before the House Committee on Naval Affairs in the exercise, as a citizen, of the right of petition and the right to be heard, was Dr. Charles A. Beard, one of the most distinguished historians America has produced. He needs no defense at my hands; but I will say to the Senator from Illinois and to every other Senator that millions of people in this country subscribe to the questions which Dr. Beard asked before the House Naval Affairs Committee. They want to know what it is that occasions the demand for this tremendous increase in armaments. They want to know what foreign policy is in contemplation that such increased armaments are intended to implement.

The time has not yet come, I will say to the Senator from Illinois, when he may use the slogans and the shibboleths of war to silence and to prevent citizens of the United States from exercising the right to speak frankly at this critical juncture in the affairs of this Nation.

Now is not the time to debate this subject, but, Mr. President, I wanted to place in the RECORD my exception to the attack by the Senator from Illinois. When we have an opportunity to debate this vital question, I will say to the Senator from Illinois, I shall not be deterred by any charge of lack of patriotism or any other false accusation from asking questions which I think the people whom in part I have the right to represent want to have answered before they and their children's children are saddled with the burdens which this proposed rearmament program will lay upon them.

Mr. LEWIS. Mr. President, the able Senator from Wisconsin——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. SMITH. I cannot yield any further.

The PRESIDING OFFICER. The Senator from South Carolina declines to yield.

AGRICULTURAL RELIEF—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce.

Mr. SMITH. Mr. President, I think the Senate owes it to the farmers of the country to give serious consideration to the condition in which they find themselves. I have been a Member of the Senate for practically 30 years. The condition of the farmer today is not any better than it was when I came to this body, if as good.

Surely the Senate of the United States ought to feel that it owes the obligation to those who produce the food we eat and the raw materials out of which our clothing and shoes are made, to consider seriously every attempt that is made to better their condition.

I admit, as every other Senator must admit, that the problem covers such a vast area, and has such a diversity of ramifications that it is a Herculean task to frame any legislation which will enable the farmers, in the mass, to produce and live under the best conditions possible.

Mr. President, very earnest speeches were made on the floor just a few moments ago that there was need for our being prepared, and that there was perhaps danger of war. In all my legislative experience I have never had to consider such difficult problems as those which confronted the Committee on Agriculture of the Senate and later the conferees.

I wish briefly to review the history of the pending legislation. In the latter days of the previous session there was introduced in the House and the Senate practically the contents of the bill which is now before the Senate in the form of a conference report. The particular point was not considered at that time, but later the committee of which I am chairman conceived the idea that it would be practical and right for us to go to the people rather than to have the people come to us, and to notify them in ample time to meet at a convenient place and frankly tell us what legislation, if any, they desired. The committee visited almost every State in the United States. The States which it did not visit were those which could easily send representatives to places in neighboring States where meetings were held. In the States which we visited I opened the meetings with the remark, "We have come to you to get your views as to what legislation, if any, you want. The meeting is intended to afford you an opportunity to express yourselves. It is not for us, the Members of the Senate, to express ourselves." Ninety-five percent of those present subscribed to the principles involved in this bill.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. SMITH. I yield.

Mr. McNARY. Will the Senator set forth, before he concludes, what the principles of the bill are?

Mr. SMITH. The main principle is control. The question was asked, "Do you want control?" The reply from 95 percent of those present was, "Yes; we want Government control." A large percentage of those who asked for control said they wanted control with teeth in it. Some of the Senators now present were with me.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield further to the Senator from Oregon?

Mr. SMITH. I yield.

Mr. McNARY. The Senator refers to control of what?

Mr. SMITH. Control of acreage and control of production, looking toward enhancement of the price. The objective of this bill is to obtain for the farmer, through such benefit payments as are provided by the bill, something like a living price for his crops.

Mr. McNARY. Does the Senator now favor this bill?

Mr. SMITH. I now favor this bill, Mr. President, for the reason that the farmers have asked for it. It is not a question of my judgment. The other conferees and I have done the best we could in the light of what was asked for. I think that statement will be substantiated by every member of the committee and by those who went on the itinerary.

I said to the farmers, "It is not a question of what I think, but I want an expression of what you think." I believe those who were with me will bear me out when I say that a large percentage of the farmers not only endorsed the bill but they endorsed it by number and title.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. SMITH. I yield.

Mr. O'MAHONEY. Am I to understand the Senator from South Carolina to tell us now that he himself does not believe in controlling production for the purpose of maintaining prices?

Mr. SMITH. I do not intend to express my personal opinion here during the debate. I am carrying out what those who make the food say they want. If it suits them, all right. If not, I am sorry.

Mr. O'MAHONEY. Does the Senator desire us to understand that those who expressed their opinion to him, and caused him to adopt the view he has now adopted, were of the opinion that they wanted primarily control or primarily an increase in price?

Mr. SMITH. I think they thought they would get the increase in price through control. That, I think, is the reason why they advocated control. Certain subsidies are provided in the bill.

Mr. O'MAHONEY. So the philosophy of the bill for which the Senator is now arguing is the reduction of production in order to maintain price?

Mr. SMITH. If the Senator will include in his statement the unsalable surpluses which have paralyzed our market, I think his statement is correct. There must be some relief somewhere, or the farmers will be ruined. I think the Senator will agree to that statement; will he not?

Mr. O'MAHONEY. I certainly agree to it; but I am very hesitant to believe that the answer to the problem is to be found in any philosophy of restriction. I will say to the Senator that we must find a way to promote consumption.

Mr. SMITH. I agree with the Senator; but when the farmers find themselves crushed by virtue of tremendous surpluses caused by overproduction or underconsumption—the result is the same, whatever the cause—temporary relief must be given, or it will be too late to speak of relief. The unprecedented surpluses, which may have arisen from natural causes or from artificial causes, will crush the farmers unless some relief is afforded them. There are some artificial restrictions that never ought to have been placed on the statute books; but they are there, and the emergency exists. What are we going to do?

Mr. O'MAHONEY. Remove the restrictions of which the Senator complains?

Mr. SMITH. Yes; and we could just about as easily remove the Rocky Mountains. I have been here for 30 years ding-donging at the tariff, and instead of the tariff going down, it has steadily gone up, and is being held up today by so-called Democrats.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. BARKLEY. If there is any virtue in political platforms, I remind the Senator that both the Democratic and the Republican Parties, in their national platforms, have on more than one occasion declared in favor of control or regulation of production of farm products in order that prices might be stabilized, in connection with a program of increased consumption and regulation of distribution.

Mr. SMITH. Precisely.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Michigan?

Mr. SMITH. I yield.

Mr. VANDENBERG. As I understand the Senator, his explanation of the bill is that it was written to answer the viewpoint of the farmers whom he and his committee interviewed in the field. May I ask the Senator how many of the 6,000,000 farmers in the country were interviewed?

Mr. SMITH. About the same percentage, or a little greater percentage, than the percentage of Senators who pretend to represent the farmers. [Laughter.]

Mr. VANDENBERG. I should say that was a very inadequate percentage.

Mr. SMITH. I judge it is; but I have been taught that when I wish to sell a bale of cotton, and I submit a sample, whoever buys it comes to the conclusion that the sample represents the bale of cotton.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. HATCH. I was interested in the colloquy about the fundamental philosophy of this bill, which was referred to as a bill to restrict production. It has occurred to me—and I ask the Senator if it is not correct—that this is an effort on the part of the Government to enable the farmer to adjust his business upon the basic, fundamental principle of supply and demand.

Mr. SMITH. Yes, Mr. President; and I will carry the illustration a little further. The producer or manufacturer of commodities other than agricultural crops, being equipped with resources and money, and having under his complete control the extent of his production, himself utilizes the principle involved in the bill. He reduces or increases production as the demand falls off or increases.

When we came back from our itinerary we faced a peculiar situation. There were some dissenting views—some very incisive ones—as to what might be done. But prior to our trip around the country a joint resolution had been passed to the effect that whenever Congress convened—whether in extraordinary session or in regular session—the first matter considered would be an agricultural bill. We had no sooner gotten back from our itinerary, after getting the views of the farmers, when the extraordinary session was called.

During the entire extraordinary session the Agricultural Committee of the Senate devoted itself to the consideration of the basic principles which the farmers had endorsed. We worked literally night and day to conform to the joint resolution to which I have referred. Monday morning succeeding the convening of Congress was the zero hour for us to make our report. We worked all of Saturday and Saturday night, until Sunday morning, to frame this legislation in accordance with the joint resolution.

Mr. THOMAS of Oklahoma. Did the committee work on Sunday?

Mr. SMITH. We did work on Sunday. Being the son of a preacher, I did not care to inject that element into the debate. However, we did work on Sunday, and we got the Senate bill ready. It was discussed on the floor of this body ad libitum. When the final vote was taken there was an overwhelming vote in the Senate in favor of the Senate bill. There were two bills, one from the House and the other from the Senate. When the House bill came over after being passed, we struck out all after the enacting clause and inserted the Senate bill, which then constituted one amendment. Then the bill was sent to conference, and we worked on it for a month with all the zeal and earnestness that could characterize any men. We tried, with all the power we had, to distribute the sacrifices and the benefits as equitably as possible throughout all the divergent interests affected by a national farm bill.

Mr. President, we have brought forward the result. There are only two alternatives. Either the conference report must be accepted, or the farmers must go without any bill. If a point of order is sustained against the conference report, it will be sent back to the conferees, and the hope of the farmers for some legislation will be blasted so far as 1938 is concerned.

Mr. McGILL. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. McGILL. Is it not also a fact that the measure, as now submitted in the form of a conference report, is fundamentally in line with the joint resolution passed by the two Houses of Congress at the close of the previous regular session of Congress?

Mr. SMITH. It is in accord with that joint resolution and in accord with the expressed opinion of the farmers. I have been on every conference committee in connection with an agricultural bill for the past 29 years. This was broader in its scope and broader in its intent than any other measure on the subject ever offered. No such task was ever presented to any other conference committee of this body to try to reconcile and coordinate different interests so that one should not be unduly benefited by anything that might be done for another.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. VANDENBERG. May I inquire whether the report now before the Senate has the approval of the Secretary of Agriculture?

Mr. SMITH. Mr. President, I think it might interest the Senator from Michigan to know that the Secretary of Agriculture, sitting in our committee, asked one of its members to introduce this bill—he asked that this bill be introduced—and after its introduction, he appeared in its behalf and gave testimony concerning it. As to his present attitude, it does not interest us very greatly. We are representing the people. We are the ones who secured the facts from the people themselves.

Mr. VANDENBERG. Is that the Senator's answer as to the attitude of the Department of Agriculture?

Mr. SMITH. Yes; the fact of the business is, I do not know what its attitude is, and I do not care. [Laughter.] Does that answer the Senator?

Mr. VANDENBERG. Yes; and I rather share the Senator's feeling of lack of interest in the attitude of the Department.

Mr. SMITH. I think the sooner this body assumes its responsibility and legislates according to its judgment and lets those whom we have appointed to administer the law administer it, the better off the country will be.

Mr. VANDENBERG. Inasmuch as the bill largely leaves ultimate discretions and decisions to the Secretary of Agriculture, I was curious to know whether he would approach it sympathetically or whether he has some objection to the conference report.

Mr. SMITH. So far as sympathy is concerned, we will take care of that if it should run counter to what we intend that he shall do.

Mr. VANDENBERG. The Senator seems unwilling to tell me whether or not the Secretary of Agriculture is in favor of this report.

Mr. SMITH. I do not know and I do not care.

Mr. VANDENBERG. I am well aware of the fact that the Senator does not care; he has made that very obvious; but is he quite frank with me when he says he does not know?

Mr. SMITH. I beg the Senator's pardon.

Mr. VANDENBERG. The Senator makes it clear that he does not care what is the attitude of the Secretary of Agriculture. Is the Senator quite frank with me when he tells me he does not know what is the Secretary's attitude?

Mr. SMITH. I do not know. I should like to make a further observation, since the Senator has injected this matter into the debate. I think every Senator who is qualified to sit here will agree that if any mistakes occur, for God's sake, let them be ours and not somebody else's. If any mistakes are in this bill, I want the conferees and the committee to be responsible for the mistakes, and not be doubly denounced for making a mistake that somebody else made and get the blame for something they had nothing to do with.

Mr. VANDENBERG. I am sure the Senator will have his wish. Those who are responsible for this bill will face the responsibility within the next year or two.

Mr. SMITH. Yes; I do not doubt that. But, as I said before, whenever the farmers say, "This is not what we want," they can change their minds. We gave them a chance to say what they wanted; they said it; and, as I said before, "Do not shake your gory locks at me," for the farmers did not ask me what I thought; I asked them what they thought; and this is what they thought.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. SMITH. I yield.

Mr. KING. In view of the fact that the Senator stated that the bill which was introduced was the Secretary's bill,

I am curious to know whether the bill now before us is the Secretary's bill or the committee's bill or the farmer's bill, and to what degree or in what respect this bill differs from the Secretary's bill?

Mr. SMITH. This is the original Secretary's bill; it is the original farmers' bill; and it is the bill the Senate has now. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. BARKLEY. Regardless of whose bill it was or is, the fact is that a bill was introduced as the Senator has already indicated; the committee held hearings not only throughout the country, but when it returned it held hearings in Washington, at which time everybody in and out of the Department of Agriculture had an opportunity to make suggestions and submit amendments or proposals for the consideration of the committee. After all these proposals were submitted, the House and Senate passed their respective bills, and they were sent to conference. During the conference not only from the outside but from the inside and from the Department of Agriculture and elsewhere suggestions have been submitted to the committee, which have been considered by them, and, as a result of that, this bill is now before the Senate.

Mr. SMITH. I wish to state to the Senate that during the consideration of the bill representatives of the Agricultural Department sat in the committee room with us; they were there morning, noon, and night. In the bill as reported by the conferees we have gone into further detail than the original bill provided in order to preserve its principles. This bill is a refinement of the original bill.

I wish to make another statement. I think the conferees on the farm bill are entitled to the confidence and respect of this body. The Senate passed the bill after hearings were had and after the consideration and action of the committee during the extraordinary session. Then, when Congress reconvened, at the regular session, the conferees who had been appointed went into conference; and I maintain that they have strictly adhered to the principle of both the House and Senate bills.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. SMITH. I yield.

Mr. McNARY. I thought the very able Senator from South Carolina, when the bill was under consideration some weeks ago, stated that he did not take a bill with him when he went to the South and ask the boys on the farm what they thought of it.

Mr. SMITH. No; but we found the bill there. It had been distributed in every county and every local community.

Mr. McNARY. Does the Senator refer to the bill that was distributed by the Farm Bureau Federation?

Mr. SMITH. I do not know who distributed it, but I was very conscious that it had been distributed.

Mr. McNARY. That is an interesting observation, because I have a copy of the bill which my very dear friends from Kansas and Idaho took down to the boys on the farm, and it contains 46 pages. That was the original bill; that had something to say about our good friend Secretary Wallace's ever-normal granary and about parity. I do not find those matters in this bill. I do find, however, that this bill contains 132 pages.

Mr. SMITH. It took that much to elaborate what was in the original bill.

Mr. McNARY. I was just wondering if that was the cause of it?

Mr. SMITH. Yes.

Mr. McNARY. It took that many more words to set forth what is in this bill than was in the bill which was shown to the boys down on the farm?

Mr. SMITH. The Senator knows we can get a great amount of conjecture out of very few facts, but we had a great many facts, and we just enlarged the bill so as to make it very understandable. [Laughter.]

Mr. McNARY. Mr. President, will the Senator yield further?

Mr. SMITH. I yield.

Mr. McNARY. Did not the Senator, when members of the committee went amongst the farmers, explain to the cotton growers of the South and the tobacco growers that parity payments were going to be made, and was not that the attractive feature of all the statements and explanations made?

Mr. SMITH. I am glad the Senator has brought that out. I think my colleagues will bear me out when I say that the vast majority of the farmers said, "Whatever you do, do not touch soil conservation"—soil conservation had appealed to them—"but if you can add a little touch more in the form of parity payments, we will not object to that." Finding that upon the principles involved in soil-conservation legislation we could carry out the purposes of the bill, we took largely the House text which dealt almost entirely with soil conservation, but we left the door open in the Senate and in the House, so that there might be applied some additional funds in the form of parity payments. That is just how the bill stands.

Mr. BARKLEY. Mr. President——

Mr. McNARY. Mr. President, will the Senator let me carry out a little further the line I was pursuing?

Mr. BARKLEY. Certainly.

Mr. McNARY. When this bill was taken to the boys on the farm, there was a mandatory provision that parity payments should be made, and such parity payments were to represent benefits far in excess of the actual cash they are now receiving under the soil-conservation plan. That was the attractive feature of the bill as it was explained to the boys on the farm, was it not?

Mr. SMITH. Mr. President, if the Senator had been along with us, he would not have made that statement. The burden of their resolutions and speeches by the farmers was soil conservation, as will be attested, I am confident, by Senators now present who participated in the hearings throughout the country. Soil conservation has worked fine.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield further to the Senator from Oregon?

Mr. SMITH. Yes.

Mr. McNARY. That is not quite an answer. Soil conservation was not the issue. Provision for the soil-conservation plan was and is on the statute books.

Mr. SMITH. I knew that, and the farmers knew it, too.

Mr. McNARY. It is a separate policy, a statutory declaration of the Congress. It was not in issue. I understood the farmers were to be told about parity payments and about loans they could get from the Reserve Loan Corporation, provision for which the conferees have also stricken from the bill.

Mr. SMITH. No.

Mr. McNARY. Yes. The conferees have done that, and have inserted a scheme—which will no doubt be reached and discussed tomorrow—which gives a benefit payment to cotton only.

Then the original bill, in addition thereto, provided for the ever-normal granary, which was the darling child of the Secretary of Agriculture. All these basic features are out of the conference report, which the Senator calls "the same as the original bill."

Mr. SMITH. No; I am sure the Senator has not read the bill, and I would not ask him to read it, because I am afraid he might not be any clearer about the matter when he got through.

Mr. McNARY. That is the greatest kindness that has ever been extended to me by the Senator in the 20 years I have been a Member of the Senate. [Laughter.]

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. McKELLAR. As I understand the Senator, he says, first, that, in his judgment, the farmers generally in the country are very much in favor of this bill.

Mr. SMITH. Ninety-five percent of them.

Mr. McKELLAR. Ninety-five percent of them. In the next place, the House has passed the bill. The Senate has passed the bill. It has been before the conferees and the conferees have agreed upon the terms of a report. The conference report has been adopted by the House, and it is now before the Senate. That is what the bill is, and that is what is behind the bill. Is that correct?

Mr. SMITH. That is correct. I was very much delighted to find that the House, by an overwhelming vote, had agreed to let the farmers try this plan for 1 year. It does not make any difference how permanent we may make it; no bill can be passed which is not subject to change or amendment by a succeeding Congress.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Michigan?

Mr. SMITH. Yes. I wanted to make a good speech, but the Senators are breaking up my remarks. [Laughter.] I yield.

Mr. VANDENBERG. I should like to add to the value of the Senator's speech by permitting him an opportunity to tell me, if he can—and I hope it is not irrelevant—how much the bill in its present form will cost.

Mr. SMITH. Not one penny more in its present form than is comprehended in $500,000,000.

Mr. VANDENBERG. Is the Senator telling me that expenditures under the bill are limited to $500,000,000?

Mr. SMITH. They are limited to that amount until we find some other method, by taxation or otherwise, of getting more money; yes.

Mr. VANDENBERG. So the expenditures are limited to $500,000,000?

Mr. SMITH. Yes.

Mr. VANDENBERG. I congratulate the Senator upon that prospect.

Mr. SMITH. I hope the Senator will be able to congratulate the farmers of his State when they get through with him. [Laughter.]

Mr. BORAH and Mr. McNARY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH. I yield to the Senator from Idaho.

Mr. BORAH. The Senator has just made a statement in which I think we are all very deeply interested, and that is as to the cost of this measure. I understand the Senator to say that the cost is limited to $500,000,000.

Mr. SMITH. In the present form of the bill, the cost is limited to $500,000,000. The President made an Executive order or issued a statement to the effect that whatever bill was passed must be kept within the bounds of $500,000,000 unless some new source of revenue could be tapped.

Mr. BORAH. Then no sum will be available in excess of what is now provided for in the Soil Conservation Act?

Mr. SMITH. No; and that was one of the things that forced the conferees to restrict their legislation, as nearly as the two bills would allow, to the amount that we have available.

Mr. VANDENBERG. Mr. President, may I ask the Senator one further question in that connection?

The PRESIDING OFFICER. Does the Senator further yield; and if so, to whom?

Mr. SMITH. I yield to the Senator from Michigan. I want to help him. [Laughter.]

Mr. VANDENBERG. I wonder whether a bill limited to $500,000,000, which is virtually the expenditure of the past year for soil conservation, is satisfactory to all the farmers whom the Senator interviewed. Were they contemplating parity payments and the investment of a billion dollars or more out of the Treasury?

Mr. SMITH. I do not think so.

Mr. VANDENBERG. Does the Senator think $500,000,000 will satisfy the boys down on the farm, in response to whose wishes the Senator says the bill is written?

Mr. SMITH. It will have to satisfy them until we can get some more.

Mr. TYDINGS. Mr. President——

Mr. SMITH. I should be delighted if the Senator from Michigan and those who are so devoted to the farmer would indicate to the distressed conferees just how we could get more money. I desire to state here and now that it is contemplated to try to raise $1,500,000,000 for relief. If we can do that, I think that in acknowledgment of the benefits which all of us enjoy from the man with the hoe we ought to make provision that he shall have a decent living and a decent home, rather than run out after those who notoriously have never added a dollar to the wealth of the Nation.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SMITH. In one minute. Does not the Senator from Maryland see that I am making a talk? [Laughter.]

Seriously, do Senators think we are justified in appropriating or making provision to appropriate $1,500,000,000 for relief, and then restricting this vast area of agriculture to $500,000,000? If we would take some of the money we are so lavishly appropriating and put it in channels where it would help the farmer to pay his mortgage, educate his children, and make his home decent and livable, I think some of our other problems would disappear.

I now yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I do not hold the Senator from South Carolina responsible for the language I am about to read.

Mr. SMITH. I do not care to be discussing the language of the bill until I get through with my preliminary remarks.

Mr. TYDINGS. I desire to ask the Senator a question, and I was about to read a provision of the bill for the purpose of asking the question.

I have been asked by a number of persons in my State whether or not the bill contains a provision which would prevent those who suffer acreage curtailment from going into other lines of agricultural activity. In looking up the provision in the conference report I find this language, a 16-line sentence:

> Any payment made under subsection (b) with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be used for grazing purposes only) shall, if the number of cows kept on such farm, and in the county in which such farm is located, for the production of milk or products thereof (for market), exceeds the normal number of such cows, be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on an acreage equal to the land normally used for the production of soil-depleting crops but, as a condition of such payment, not permitted to be so used, shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm, and not for market.

It seems to me that sentence is a statement of conditions, but reaches no conclusion.

Mr. SMITH. That is a part of what was known as the Boileau or McNary amendment. That will be fully discussed, I suppose, before the conference report is disposed of.

In passing, let me say that I do not think it is right that those who have a milk cow or two, and who have diverted some of their land, and have grazed their normal number of cattle on that land, shall be penalized and prohibited in order to preserve the monopoly of the milk producers of the country. We have gone the limit to protect the property of the milk producers. We say that any county or any farmer that increases production beyond the average normal of preceding years shall be denied by the Secretary the benefits that accrue under this bill. I state here, without going into that subject, that I consider that the milk producers of the country are more liberally taken care of than any other producers referred to in the bill, with the exception of the producers of corn.

Now, Mr. President, I desire to make a statement by way of recapitulation.

This bill was under consideration during the recess of Congress. It was the entire work of the Agricultural Committee during the extraordinary session. After the committee concluded its work the bill was brought to this body and passed. The result of the labors of the House and the Senate was then given to the conference committee. The

House, by an overwhelming vote, has ratified the conference report. I think the Senate, in testimony of its obligation to the farmer, should pass the bill. The farmers have asked for it. They are entitled to it. We have adhered to the text. We have modified some things where modification was justified, but we have not in any particular deviated from the purpose and intent of the bill as passed by both bodies.

Now, I desire to call attention to another matter. No bill with any element of control in it has ever protected the interests of the small farmer as this bill does. If the small farmer does not receive the lion's share of the benefits of this bill, it will be because of its maladministration and not because of the bill itself.

Mr. VANDENBERG. Mr. President, may I ask the Senator one more question?

The PRESIDING OFFICER. Does the Senator from South Carolina further yield to the Senator from Michigan?

Mr. SMITH. Yes.

Mr. VANDENBERG. As the Senator knows, I am seriously interested in the question of the $500,000,000 expenditure involved. Can the promises that are held out to the farmers in the language of the bill be fulfilled and paid for with $500,000,000?

Mr. SMITH. With the modified language that we thought was just and proper, they can be. It is provided in the bill that the benefit payments shall be according to the amount of money that is available for the purpose. We did not deceive them. The original bill did hold out a hope they might receive more than we would be justified in leading them to believe they would get. But we said, "With what we have, with the hope of getting more, we may grant you as much as the money available will justify."

Mr. VANDENBERG. "With the hope of getting more." With the hope of getting how much more?

Mr. SMITH. As much more as is necessary to carry out the provisions of the bill.

Mr. VANDENBERG. How much more is necessary?

Mr. SMITH. I do not know, and the Senator does not know.

Mr. POPE. Mr. President, will the Senator yield to me a moment?

Mr. SMITH. Yes.

Mr. POPE. It is apparent that some of the Senators have not read the provision which is now in the conference report, which was almost identical in language in both the Senate bill and in the House bill. In order that Senators may be informed on this point, which has been raised, let me read a few lines of the conference report, page 41:

> SEC. 391. (a) Beginning with the fiscal year ending June 30, 1938, there is hereby authorized to be appropriated for each fiscal year for the administration of this act and for the making of soil-conservation and other payments such sums as Congress may determine.

Mr. President, if the Senator will yield further, it seems to me that that is perfectly clear language. If the Congress should appropriate $440,000,000 or $500,000,000 for soil-conservation purposes, that amount would go to soil-conservation purposes, and be apportioned as provided in this bill. If Congress should raise additional revenue by processing taxes, or excise taxes, or in some other way, and appropriate it for parity payments in addition to the other amount, it could be done under the provisions of this bill; but there is no authorization, no requirement whatsoever, that Congress shall appropriate a dollar more than it desires to appropriate, so that there is no obligation on the part of Congress to make appropriations with respect to this matter. I ask the Senator from South Carolina if that is not the case.

Mr. SMITH. That is the fact, and that is what I was trying to tell the Senator from Michigan.

Mr. VANDENBERG. Mr. President, will the Senator permit me to ask the Senator from Idaho what total appropriation is necessary to achieve all the parity promises which are lurking in the background of the bill, even though they are now somewhat veneered?

Mr. POPE. There are no promises lurking in the background of the bill that any amount will be appropriated for parity payments, and I would say there are no promises lurking in the background of the bill that Congress will appropriate one dollar for soil conservation. However, it is assumed that Congress will continue the appropriation for soil conservation. There are no promises in the bill, express or implied or lurking, with reference to parity payments.

Mr. VANDENBERG. Am I misinformed that the Senator from Idaho has already himself suggested new processing taxes for the purpose of raising additional money to appropriate in addition to the $500,000,000?

Mr. POPE. I myself am in favor of a processing tax or an excise tax—it is entirely a personal matter with me—on the processed goods of wheat, to be paid to the wheat farmer, in effect, and on cotton textiles for payment to the cotton farmer. That is my individual opinion, if that interests the Senator from Michigan, but it has nothing whatever to do with the provisions of the bill and is not a reflection of any promise in the bill, lurking or otherwise.

Mr. VANDENBERG. If the additional processing taxes the Senator favors were raised, he would insist that they be spent under the terms of this bill, would he not?

Mr. POPE. I would expect them to be spent as parity payments, the concept of which is retained in the bill.

Mr. VANDENBERG. Precisely.

Mr. SMITH. Mr. President, I appeal to Senators who are so ready to vote unlimited amounts in practically every direction to give the farmers at least a trial of this measure, which is the best that we can do. When an effort is made to help agriculture, be it adequate or inadequate, there is almost irresistible opposition, but when appeals are made for money to clear the slums, or vote relief, billions are poured out. Who feeds the dwellers in the slums? Who feeds the man on relief? Who feeds the American people?

Mr. ASHURST. The farmer.

Mr. SMITH. Of course. Yet Senators sit here and ask, "Well, how much do you think it will cost?" If the farmer got what he was justly entitled to receive under any equitable and just scheme we would reverse the appropriations and lift him up in gratitude for the food we eat and the clothes we wear. But the farmer is the Chinese of American society. He is the open door. He offers the least resistance, and, moving along the line of least resistance, he has very few friends.

Mr. President, I plead with my colleagues not to make captious objections, but extend to the conferees what we are entitled to, the confidence and respect of this body. We have done the best we could, under the circumstances.

Planting time is here, the farmers want to know what to do, and if this bill shall not be enacted, so far as any farm legislation is concerned, the opportunity will be gone for this year.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. VANDENBERG. The Senator's observations about captious objections undoubtedly refer to me, and others.

Mr. SMITH. Oh, no. The Senator never makes one! [Laughter.]

Mr. VANDENBERG. I wish to ask the Senator if the National Grange is making a captious objection when it says—and I am quoting America's oldest farm organization—

> Under this legislation, as we see it, the farmer is asked to sell his birthright for a mess of Federal pottage that he does not even get.

Is that captious?

Mr. SMITH. Mr. President, there are some people, as Paul said about the Jews, who have a zeal of God, but not according to knowledge. I do not think the gentlemen who wrote the article read by the Senator are speaking for the whole body of the Grange. I think there are some documents showing that certain of the grangers think we ought to try what is proposed in the measure before us.

Be that as it may, however, the question is not what the Senator thinks or what some little group thinks. This report is the result of the conferees' deliberations over bills passed to aid the farmers of America. Take it or leave it. It is signed by all the conferees, save one, and I think he shied away because the provision as to the peculiar kind of tobacco grown in Pennsylvania was not exactly as he wanted it.

Mr. President, I am strongly reminded of what Bobby Burns said in his advice to a young friend:

I'll no say, men are villains a':
The real, harden'd wicked,
Wha hae nae check but human law,
Are to a few restricked;
But, och! mankind are unco weak
An' little to be trusted;
If Self the wavering balance shake,
It's rarely right adjusted!

No illustration of the marvelous observation of the Scottish poet can be found anywhere superior to that found in the United States Senate.

Me and my wife,
My son John and his wife,
Us four
And no more.
Forever. Amen.

[Laughter.]

Can we not take a national view of this complex question? With our country stretching from the Arctic Circle to the tropics in Florida, with farmers of different environments, different resources, different psychology, it is a stupendous task to try to deal fairly from the Public Treasury with the tillers of the soil who support the American people.

Mr. President, I have made my plea. I hope my colleagues will vote to adopt the report and give the farmers a chance to test the bill. God knows it has been the most terrific task to which I ever addressed myself, and I plead for my colleagues, who should enjoy the confidence and respect of this body.

Mr. McNARY. Mr. President, is it the purpose of my very good friend, the distinguished Senator from South Carolina, to discuss the conference report?

Mr. SMITH. I thought perhaps if anyone desired to ask specific questions I would ask my colleagues to answer them.

Mr. McNARY. The able chairman of the committee is so capable of illustrating by words what the conference report provides that I should like to have him tell us the difference between the conference report and the Senate bill as we passed it, after spending 4 weeks on it.

Mr. SMITH. The Senator has served with me on many a conference, and this was the first time in years when we struck out the enacting clause of a bill and substituted a Senate bill as one amendment. I will state frankly that the bill was ill-arranged. There were provisions in the last portion of it that should have been in the first portion of it. There were certain things that should have been placed in one category which were placed in another category. However, we rearranged the provisions and included in the report what we believed to be the essential points, the vital points, the real points in both bills.

Mr. McNARY. That was a very interesting operation. What are the essential, vital, real points which were retained in the conference report and which cannot be found in the Senate bill, or only partially found there? I should like to have the Senator give me his best judgment and an analysis of the differences between the Senate bill, on which 4 weeks were spent by the Senate, and the conference report we have before us, as he is so capable of doing.

Mr. SMITH. The Senator is a member of the Committee on Agriculture. He has previously been chairman of that committee. I suggest to him, in all seriousness and with the intent of trying to aid the farmers, that he take the conference report and compare it with the Senate bill, and pick out the points of difference and bring them to the attention of the Senate.

Mr. McNARY. I shall be very glad to do so and, at the same time, explain the difference to the able Senator from South Carolina.

Mr. SMITH. I shall be glad to listen to the Senator. I ask to have printed in the RECORD as a part of my remarks a statement containing a clear explanation of the cotton allotment provision.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROCEDURE FOR APPORTIONING THE COUNTY COTTON ACREAGE ALLOTMENT AMONG FARMS IN THE COUNTY

1. For farms upon which cotton has been planted at least once during the previous 3 years, an allotment of the smaller of the following will be made: either 5 acres, or the highest number of acres planted plus diverted during any one of the previous 3 years.

2. After deducting the allotments mentioned above from the county quota, 3 percent of the remainder is set aside as a reserve for apportionment to farms which would otherwise receive allotments of from 5 to 15 acres. Such apportionment to farms is upon such basis as the Secretary deems fair and equitable.

3. The amount of the cotton acreage allotment remaining after making the allotments set forth above including the reserve will be allotted to farms on which cotton has been planted at least once during the past 3 years on the basis of the land in the farm which is tilled annually or is in regular rotation during the preceding year, excluding from such acreage the acreage devoted to the production of wheat, tobacco, or rice for market, or for feeding to livestock for market. Such allotment to such farms would be such so that all such farms within the county or administrative area would have the same percentage of their tilled land, as determined above, as a cotton-acreage allotment; provided, however, that such acreage allotment to any such farm could not be greater than the highest acreage planted to cotton plus the acreage diverted from cotton during any one of the previous 3 years.

A State reserve of not exceeding 2 percent of the State acreage allotment is set aside for allotment to farms on which cotton was not planted during any of the immediately preceding 3 years and on which farmers intend to plant cotton in 1938. The allotment to such farms will be upon the basis of the land, labor, and equipment available for the production of cotton, crop-rotation practices, the soil, and other physical facilities affecting the production of cotton.

Mr. JOHNSON of California. What was the matter the Senator asked to have printed in the RECORD?

The PRESIDING OFFICER. A statement with reference to the cotton allotment.

Mr. POPE. Mr. President, I propose to discuss the conference report, and judging from past experience I think we shall make more progress if my colleagues will permit me to continue without interruption until I shall have concluded my statement. I shall then be glad to answer any questions which may be asked me at that time. Past experience leads me to believe that if I shall be allowed to conclude my statement without interruption, many points will have been covered concerning which Senators might wish to inquire during the presentation of the statement.

Mr. McNARY. I shall be glad to observe the wishes of the Senator from Idaho.

Mr. POPE. Mr. President, I have just been advised with reference to a point of order to be made by the Senator from Washington [Mr. SCHWELLENBACH]. Under the circumstances I shall yield to the Senator from Washington, if he desires to make a point of order at this time.

Mr. SCHWELLENBACH obtained the floor.

Mr. McNARY. Mr. President, will the Senator yield to me for a moment?

Mr. SCHWELLENBACH. I yield.

Mr. McNARY. I ask the Senator from Washington if he will not defer his point of order until tomorrow, because I desire to discuss it briefly, and I should like to have the discussion on that subject continuous.

I suggest that the Senator from Idaho be allowed to make and conclude his statement at this time. Would it not serve the convenience and purpose of the Senator from Washington if the Senator from Idaho should proceed at this time?

Mr. SCHWELLENBACH. The leader of the majority suggested that it would be desirable to have the point of order settled before the Senate proceeds with a discussion of the report.

Mr. BARKLEY. I made that suggestion before the conference report was taken up. As I understood, the point of order was to be made following the remarks of the Senator from Illinois, which were not on the bill at all, but before the point of order was made the Senator from South Carolina [Mr. SMITH] took the floor. It seems to me that the orderly procedure to follow, if a point of order is to be made, is to consider and dispose of it first, and not to proceed with a discussion of the report not knowing when we shall dispose of the point of order. I am merely trying to bring about orderly procedure. I do not think there is any reason for not making the point of order now and having such discussion upon it as we can today. If we cannot dispose of it today, it can go over until tomorrow. I was hoping we could dispose of the point of order before entering into a lengthy discussion of the conference report.

Mr. McNARY. Mr. President, that is logical, but the point of order is in order at any time during the consideration of the conference report. If it is to be made, it should be made at an early stage of the proceedings, in order to avoid debate which would not be necessary if the point of order were sustained. In view of the fact that it is customary for the Senate to take a recess at about 5 o'clock, I suggest that raising the point of order be put over until tomorrow. I should like to have the presentation made as a continuous matter.

Mr. SCHWELLENBACH. I wish to say that it will not take me more than 20 minutes or half an hour to make my presentation of the point of order.

Mr. McNARY. There are other Senators who desire to discuss the point of order. I should like to have it go over until tomorrow, so that all who wish to discuss it may do so continuously.

Mr. BARKLEY. Mr. President, in that connection I wish to say that it has been hoped that we might avoid a session of the Senate on Saturday. In order to do that we must dispose of the conference report tomorrow. We have consumed most of the afternoon without making any progress whatever on the conference report. Of course, the reading of it was illuminating, and all Senators listened attentively while the report was being read, and no doubt understand it thoroughly, which, I am sure, will shorten debate considerably. At any rate, we have made very little progress in the discussion of the report today, and it is my hope we may dispose of it tomorrow. I think the Senator from Oregon shares that hope. At least I have gotten that impression from him.

Mr. McNARY. I certainly do.

Mr. BARKLEY. I do not see why we should wait until tomorrow to consider a point of order which is debatable, and which might take a considerable portion of tomorrow to dispose of. A point of order is debatable, so far as the practice in the Senate is concerned.

Mr. McNARY. Under the rule, a point of order is not debatable, but the Chair may call upon different Members of the Senate to enlighten him, and it has become the practice to discuss points of order at length.

Mr. BARKLEY. Under the strict interpretation of the rule, a point of order is not debatable, but since I have been a Member of this body there never has been a point of order made which was not debated, because the Chair wishes to have the benefit and advice of the Members of the Senate upon points of order.

Mr. McNARY. Mr. President, I wish to say with the best of good faith that I desire to cooperate in having the measure before us considered and acted upon tomorrow. Many of us desire to leave the city on Saturday in order to make speeches on the occasion of Lincoln's Birthday. I should like to have the discussion, with reference to the point of order, presented without interruption.

I ask the Senator from Washington if he will not defer making the point of order until tomorrow. The Senate is to meet, I understand, at 11 o'clock tomorrow. Let the Senator from Idaho [Mr. POPE] now conclude his speech on the cotton provisions. Then we can take a recess and begin the discussion with reference to the point of order tomorrow. Is that satisfactory to the Senator from Kentucky?

Mr. BARKLEY. I have no objection, but the Senator from Idaho might not want to interrupt his speech in order to permit a point of order to be made. We have before us the possibility of having the Senator from Idaho continuing his speech tomorrow, and then being asked to suspend before he shall have finished his remarks in order that a discussion of a point of order may intervene. We shall soon reach the time to take a recess this afternoon without having had a statement on the cotton provisions by the Senator from Idaho or a presentation of the point of order by the Senator from Washington. It makes no difference to me which proceeds first.

Mr. SCHWELLENBACH. I am perfectly willing to be guided by the judgment of the Senator from Kentucky, if he wants me to proceed tomorrow.

Mr. BARKLEY. Can the Senator from Washington conclude his presentation and argument with reference to the point of order this afternoon?

Mr. SCHWELLENBACH. I can.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. O'MAHONEY. Do I correctly understand that if a point of order is made by the Senator from Washington it will then not be possible for other Senators to explain to the Senate why they believe the point of order is well taken?

The PRESIDING OFFICER. Technically, under the rules of the Senate, a point of order is not subject to debate, but it has been the universal practice of occupants of the chair, within the experience and knowledge of the present occupant of the chair, to hear Senators, within reasonable limits, discuss the merits of a point of order.

Mr. O'MAHONEY. Then am I to understand that that practice will be followed in this instance?

The PRESIDING OFFICER. The present occupant of the chair is not permitted to commit any occupant of the chair who may be in the chair tomorrow, but in the observation and experience of the present occupant of the chair it has been the universal practice of the Senate.

Mr. O'MAHONEY. Is that the understanding of the Senator from Kentucky?

Mr. BARKLEY. I am sure that whoever is in the chair, whether the Vice President or some temporary occupant of the chair, will listen to Senators who wish to make arguments on the point of order.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. POPE. I yield.

Mr. McNARY. I believe no one knows who will be in the chair tomorrow morning. It will probably be the Vice President. I think all the arguments on the point of order should be addressed to one occupant of the chair. I have faith and trust in the judgment of any Senator who may occupy the chair. But during the discussion of the point of order there may be a change of occupancy of the chair. During the first part of the session of the Senate it is the custom of the Vice President to occupy the chair. I should like to have the whole matter with reference to the point of order presented to one occupant of the chair, and the same occupant hear the entire argument. As I have said, usually the Vice President occupies the chair at the beginning of the session.

Mr. SCHWELLENBACH. The Vice President stated earlier in the afternoon that it was his intention to have the Senator who now occupies the chair preside while this matter was under consideration.

Mr. BARKLEY. Mr. President, I think that under those circumstances the Senator from Washington ought to make his point of order, so that we may go as far as we can with it today.

Mr. SCHWELLENBACH. I invite the attention of Senators to page 13 of the comparative print which has been supplied to the Members. On that page are found, in their respective columns, the amendment adopted by the House,

the amendment adopted by the Senate, and the conference agreement, with reference to the so-called dairying and poultry amendment. It will be remembered that by a very substantial vote the Senate adopted the amendment offered by the Senator from Oregon [Mr. McNARY], and the next day, on a motion to reconsider, the Senate reaffirmed its position so far as that amendment was concerned.

I shall not take the time of the Senate to read the respective amendments; but I ask unanimous consent that there may be printed at this point in my remarks the three provisions in question—first, the provision of the House bill; second, the Senate amendment; third, the conference agreement.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

PROVISION OF HOUSE BILL

(d) Any payment or grant of aid made under subsection (b) shall be conditioned upon the utilization of the land, with respect to which such payment is made, in conformity with farming practices which the Secretary finds tend to effectuate any one or more of the purposes specified in clause (1), (2), (3), (4), or (5) of section 7 (a), and (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only) shall be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on lands normally used for the production of cotton, wheat, rice, tobacco, or field corn shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm, and not for market. As used in this subsection, the term "for market" means for disposition by sale, barter, exchange or gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are to be sold, bartered, exchanged, or given away; and such term shall not include consumption on the farm. An agricultural commodity shall be deemed consumed on the farm if consumed by the farmer's family, employees, or household or by his work stock; or if fed to poultry or livestock on his farm and such poultry or livestock, or the products thereof, are to be consumed by his family, employees, or household.

SENATE AMENDMENT

SEC. 66. Payments with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only) shall be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on lands normally used for the production of cotton, wheat, rice, tobacco, or field corn shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm, and not for market. As used in this subsection the term "for market" means for disposition by sale, barter, exchange, or gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are to be sold, bartered, exchanged, or given away; and such term shall not include consumption on the farm. An agricultural commodity shall be deemed consumed on the farm if consumed by the farmer's family, employees, or household, or by his work stock; or if fed to poultry or livestock on his farm and such poultry or livestock, or the products thereof, are to be consumed by his family, employees, or household.

CONFERENCE AGREEMENT

(d) Any payment or grant of aid made under subsection (b) shall be conditioned upon the utilization of the land, with respect to which such payment is made, in conformity with farming practices which the Secretary finds tend to effectuate any one or more of the purposes specified in clause (1), (2), (3), (4), or (5) of section 7 (a).

Any payment made under subsection (b) with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be used for grazing purposes only) shall, if the number of cows kept on such farm, and in the county in which such farm is located, for the production of milk or products thereof (for market), exceeds the normal number of such cows, be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on an acreage equal to the land normally used for the production of soil-depleting crops but, as a condition of such payment, not permitted to be so used, shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm, and not for market. Whenever it is determined that a county, as a whole, is in substantial compliance with the provisions of this paragraph, no payment shall be denied any individual farmer in the county by reason of this paragraph; and no payment shall be denied a farmer by reason of this paragraph unless it has been determined that the farmer has not substantially complied with the provisions of this paragraph. Whenever the Secretary finds that by reason of drought, flood, or other disaster, a shortage of feed exists in any area, he shall so declare, and to the extent and for the period he finds necessary to relieve such shortage, the operation of the condition provided in this paragraph shall be suspended in such area and, if necessary to relieve such shortage, in other areas defined by him. As used in this paragraph, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged; and such term shall not include consumption on the farm. An agricultural commodity shall be deemed consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm; or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area from such sources is being adversely affected by increases in the supply for market of such livestock or poultry, as the case may be, arising as a result of programs carried out under this act, he shall make an investigation with respect to the existence of such facts. If, upon investigation, the Secretary finds that the income of producers of such livestock or poultry, as the case may be, in any area from any such source is being adversely affected by such increases, he shall, as soon as practicable, make such provisions in the administration of this act with respect to the use of diverted acres as he may find necessary to protect the interests of producers of such livestock or poultry in the affected area.

Mr. SCHWELLENBACH. It will be seen that the amendments adopted by the House and the Senate, insofar as they present the substance of any matter, are identical. The language is precisely the same. It will be seen that the conference agreement is different from the House provision and from the Senate amendment.

I now desire to invite the attention of the Chair to rule XXVII of the Senate rules, particularly to section 2 of that rule, which reads as follows:

2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report; and if the point of order is sustained, the report shall be recommitted to the committee of conference.

I invite attention to the fact that section 2 of rule XXVII was adopted on March 8, 1918; and also to the fact that it was known at that time as the Curtis amendment to the rule. Clearly the two provisions adopted by the House and by the Senate, being identical in language and both having been stricken out by the conferees and new matter having been substituted, the provisions of section 2 of rule XXVII control. Section 2 of rule XXVII says:

Nor shall they strike from the bill matter agreed to by both Houses.

The first time the 1918 amendment to the Senate rules was interpreted was on August 25, 1922. The Senate then had before it for consideration the so-called judges' bill. The conference report was submitted by former Senator Cummins. Former Senator Shields, of Tennessee, raised a point of order. The point of order was discussed and held over for 2 days, and on August 25 was decided by the then occupant of the chair, former Senator Wesley Jones, of Washington.

I do not propose to read from the argument in detail, because the opinion then rendered by the Chair so completely covers the situation. I do desire, however, to read briefly one paragraph from Senator Cummins' argument in favor of the conference report:

Just one more word with regard to the way in which this has all arisen. All these points are absolutely technical. There is no substance in any of them. There is no attempt to do anything that was not fairly in dispute and as a settlement of that dispute between the two Houses. The House passed the bill. It came to the Senate. The Senate struck out all but the enacting clause and substituted a new bill. It then went to conference and the conference committee agreed to the amendment of the Senate with an amendment.

I call attention to that statement because of the fact that I understand the contention will be made here that when the House passes a bill, and the Senate strikes out all after the enacting clause and inserts entirely new matter, the

whole bill is in conference, and a different rule applies than that which is so obvious from a reading of section 2 of rule XXVII.

I desire to read at this point the decision of the presiding officer upon the question which arose in 1922. He said:

The rule that is invoked reads as follows: "Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference."

This rule was adopted to meet a practice of the Senate that had become an abuse and to which objection had often been made. It is clear and definite in the limits which it imposed upon the action of the conferees. It has not been often invoked since its adoption, but when invoked it is controlling upon the Senate. Whether the objection made is technical or substantial, if it comes within the terms of the rule, no discretion is left in the Presiding Officer.

The first objection to this conference report is based upon the provision in the House bill that reads: "The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings to which the United States may be a party, together with such recommendations or requests as may be deemed proper. The Attorney General shall not be a member of said conference."

That is the provision placed in the bill by the House. As the bill passed the Senate it contained this provision: "The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party."

That language is identical with the language of the House, as far as it goes, and the Chair thinks that it states a distinct matter, or proposition, and that the further provisions in the House bill—"together with such recommendations or requests as may be deemed proper" and "the Attorney General shall not be a member of said conference"—are in substance and statement two additional matters, and it seems to the Chair that the first matter stated in the House provision was adopted in the bill as it passed the Senate and comes clearly within the prohibition of the rule against omitting matter adopted by both Houses.

The next objection is based upon this language. The House bill provided: "Said judges shall be residents of the districts for which appointed, and shall receive the same salary and allowances and shall possess, exercise, and perform the same jurisdiction, powers, and duties as is now provided by law."

The Senate provision is:

"Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed, and shall devote his time to the duties of his office, and shall not engage in any other employment for which he receives compensation, and for offending against the provisions of this section shall be deemed guilty of a high misdemeanor."

The Chair thinks there are several independent matters contained in each one of these provisions. There is the provision, "Said judges shall be residents of the districts for which appointed." That is a distinct matter. The Senate bill provided: "Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed."

These two propositions are identical in substance and almost in language. They have nothing to do with the qualifications of the judge or with the salary which he shall receive. In other words, both Houses provided that each judge should reside in his district or circuit.

The point is made that this is covered by existing law. That may be true, and yet the Senate and the House both seemed to think that a provision of this sort was necessary, and inserted it. The rule says that a matter passed upon by both Houses shall not be eliminated. No discretion is left to the conferees as to whether it is covered by existing law or not.

It seems to the Chair that the point of order on that matter must be sustained.

The next proposition is with reference to the provision relating to the middle district of Tennessee. The House made provision for an additional judge for this district. It is conceded that under existing law the present judge is the judge for the eastern and the middle districts of Tennessee. The Senate made no provision for an additional judge for the middle district. The provision as finally agreed to and submitted by the conferees takes away the jurisdiction given to the present judge by existing law in the middle district and limits his jurisdiction to the eastern district.

The question of limiting the jurisdiction of the existing judge was not submitted to either House; neither House gave it any consideration whatever, and the Chair believes it to be new matter in the conference report and prohibited by the rule.

As I understand, two contentions are made in opposition to the point of order. The first one I have outlined, showing that the same question was involved in the decision I have just cited. Clearly, this rule which was adopted by the Senate in 1918 limits the powers of the conferees. As stated by the presiding officer upon that occasion, it was adopted for the reason that an abuse had grown up which needed correction, and because it was felt that conferees should be limited to the consideration of matters which had not been passed upon by both Houses, and that they had no right to eliminate matters which had been passed upon by both Houses.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. BARKLEY. I disagree with the Senator in his contention that the language of the two bills is identical. There are some parts of the language of the House and Senate provisions which are identical, but there was more language in the House provision than in the Senate provision. Regardless of that, however, even though the language of the two bills be identical, does not the Senator realize that the House provision was an amendment to the Soil Conservation Act, whereas the so-called McNary amendment to the Senate bill did not deal with soil-conservation payments?

In other words, the provision of the House language dealt with soil-conservation payments as an amendment to an act already in force, and provided for payments under different conditions and circumstances; whereas the language in the Senate bill, which is section 66 of the Senate bill, dealt only with parity payments and did not deal with soil-conservation payments. Even though the language might be identical, the respective provisions dealt with entirely different situations and different sets of payments.

Mr. SCHWELLENBACH. I will say to the Senator that I said two contentions were made.

Mr. McNARY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Oregon?

Mr. SCHWELLENBACH. I yield.

Mr. McNARY. I cannot let that statement go by unchallenged and undisputed. The language of the bills is not only identical but it affects the same provision in both cases. That is a matter which I shall discuss tomorrow.

Mr. POPE. Mr. President, will the Senator yield further?

Mr. SCHWELLENBACH. I yield.

Mr. POPE. In order that the point made by the Senator from Kentucky may be clear, will not the Senator from Washington admit that the exact language used in the Senate bill is "Payments with respect to any farm," followed by a parenthetical clause which is exactly like that in the House bill; and the exact language of the House bill and the conference report is, "Any payment made under subsection (b) with respect to any farm," followed by the parenthetical expression; subsection (b) referring to subsection (b) of the Soil Conservation Act. Is not that an exact statement as to the language involved?

Mr. SCHWELLENBACH. I shall assume in my discussion that one amendment was to the soil-conservation part of the House bill and the other to the parity-payment portion of the Senate bill, but I should like to return to the subject I started to discuss before the Senator from Kentucky interrupted me.

If the interpretation that, because of the fact that the Senate strikes out all after the enacting clause of a House bill and inserts a new bill, the conferees are virtually unlimited in their action is to be accepted by the Senate, it would mean that subsection (2) of rule XXVII is absolutely of no force and effect and may constantly be circumvented.

Senators will remember what occurred here on the night when we passed the bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. BARKLEY. We had contemplated taking a recess at this time. Unless the Senator can finish within a few minutes it is my desire to move a recess.

Mr. SCHWELLENBACH. I shall take about 5 minutes.

Mr. BARKLEY. Then I think we may go ahead.

Mr. SCHWELLENBACH. The Senate will remember what happened at the time the bill was passed. There was confusion here as to what method should be used. The Senate bill was introduced simultaneously with the introduction of the House bill. During the time the Senate was considering the Senate bill the House passed its bill and sent it over here. The Senator from South Carolina [Mr. SMITH] had the floor, and there was confusion as to just what method should be pursued in handling the parliamentary situation. Finally the Presiding Officer, practically on his own initiative, made the motion as a result of which all after the enacting clause of the House bill was stricken out and the perfected Senate bill was substituted for it.

If the Senate is to have any respect for its rules, that sort of a situation cannot be permitted to destroy the provisions of Rule XXVII. There is a purpose behind the rule. The purpose is that conferees shall be limited; that when both bodies of Congress say they want a certain thing in a bill, or they want to keep a certain thing out of a bill, no small group of conferees—and I say that with the highest respect for the conferees on this bill—shall be able to override the will of the majority of both Houses of Congress, and then, when the conference report comes in, not merely have no opportunity to vote again upon that particular question, but merely have the opportunity to vote the bill up or down.

Because of this situation, we are now confronted with the fact that no matter how we may feel upon the question of the dairy and livestock and poultry amendments, we have no opportunity to vote upon that question. We have to vote either for the farm bill or against the farm bill. It was to avoid the possibility of a conference committee being able to put the Senate in such a position that section 2 of Rule XXVII was written.

The question raised by the Senator from Kentucky [Mr. BARKLEY] is the second argument made against the point of order; that is, that the amendment was placed in the Senate bill under the parity-payment provision, and was placed in the House bill under the soil-conservation provision, undoubtedly because of the fact that the philosophy behind the two bills was different, but the substance of the two amendments was identical, and the language was practically identical. Listen to the rule. It does not say that the matter shall be determined by what section the provision is in. It does not say that the matter shall be determined by the name or the title under which the provision comes. The rule says:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

There is nothing of names, nothing of sections, nothing of titles. The provision is that they shall not strike out matter agreed to by both Houses. This matter was agreed to by both Houses.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. BARKLEY. If in the House bill the original Soil Conservation Act was amended by the identical language, and in the Senate bill only the provisions of the pending agricultural bill are modified by the provisions of section 66, does the Senator interpret that to mean that the same matter was in agreement between the two Houses?

Mr. SCHWELLENBACH. The Senator can imagine many situations where the same matter would not be agreed to; but there is no Senator on the floor who does not know that when, after the House had adopted the Boileau amendment, the Senate adopted the McNary amendment, every Member of this body felt that he was doing precisely the same thing that had been done in the other House; and we know that the Senators who were opposed to the McNary amendment very persuasively and very eloquently argued against it because they said it was impractical, it was not right, it was not fair to persons who might want to use their acres for other purposes.

The same argument was made in the Senate that was made in the House, both for and against the amendment. No one can deny that it did involve the same matter, and that the conferees by their action have stricken from the bill matter which was agreed upon by both Houses.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield to the Senator from Wisconsin.

Mr. DUFFY. Was not the argument further made that the McNary amendment should not be adopted because, being identical in language with the other provision, or practically so, nothing would be left to the conferees?

Mr. SCHWELLENBACH. That statement is correct. The Senate will remember that when the Senator from Alabama [Mr. BANKHEAD] moved to reconsider the McNary amendment on the next day, and offered a substitute for it, I and several other Senators raised that precise question as to what would be done in conference; and at that time the argument was made that we should adopt the Bankhead amendment instead of the McNary amendment so that there would be something in conference, and that if we did not do so, if we left the matter just as it was, there would not be anything in conference which the conferees might adjust.

Mr. President, I raise the point of order that for the reasons I have stated the conference report is in violation of section 2 of rule XXVII, and therefore should be recommitted to the committee of conference.

The VICE PRESIDENT. The Chair calls the Senator's attention to the fact that at the present moment there is no committee of conference. The conferees have been discharged so far as the House is concerned. The situation in that respect should be clearly understood, because section 2 of rule XXVII provides that under certain conditions the conference report shall be recommitted to the committee of conference. The conferees on the part of the House have been discharged.

Mr. McGILL. There are no conferees.

Mr. SCHWELLENBACH. Mr. President, on that point let me say that there never is a conference committee until the Congress creates one. It is a very simple matter to do so; and if the basis of my point of order is correct, certainly the Presiding Officer of the Senate is not going to let the fact that certain procedure has not yet been gone through prevent the proper consideration and recognition of the basis of my point of order.

Mr. O'MAHONEY. Mr. President——

Mr. BARKLEY. Mr. President, I was about to end the proceedings for the day. As I understand, the Senator from Wyoming desires to obtain the floor so that he will have it tomorrow. I am sure the Senator will be heard at that time. I shall try to cooperate with the Senator and the Chair.

The VICE PRESIDENT. The Senator from Wyoming is recognized. Does the Senator from Wyoming yield to the Senator from Kentucky?

Mr. O'MAHONEY. I yield to the Senator from Kentucky.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the following nominations:

Clifford C. Anglim, of Richmond, Calif., to be collector of internal revenue for the first district of California in place of John V. Lewis, resigned; and

Agnes M. Hodge, of Minneapolis, Minn., to be collector of customs for customs collection district No. 35, with headquarters at Minneapolis. (Reappointment.)

Mr. CLARK, from the Committee on Finance, reported favorably the nomination of Fountain Rothwell, of University City, Mo., to be collector of customs for customs collection district No. 45, with headquarters at St. Louis, Mo. (Reappointment.)

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

CALIFORNIA DEBRIS COMMISSION

The legislative clerk read the nomination of Col. Warren T. Hannum, United States Army, to be a member of the California Debris Commission.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTER

The legislative clerk read the nomination of Laurence D. Brown to be postmaster at Eastview, New York.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COAST AND GEODETIC SURVEY

The legislative clerk read the nomination of Edmund Leroy Jones to be junior hydrographic and geodetic engineer with relative rank of lieutenant (junior grade) in the Navy.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William Francis Malnate to be hydrographic and geodetic engineer with relative rank of lieutenant in the Navy.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COAST GUARD OF THE UNITED STATES

The legislative clerk proceeded to read sundry nominations in the Coast Guard of the United States.

Mr. BARKLEY. I ask that the Coast Guard nominations be confirmed en bloc.

The VICE PRESIDENT. Without objection, the Coast Guard nominations are confirmed en bloc.

That concludes the Executive Calendar.

COLLECTOR OF INTERNAL REVENUE, CALIFORNIA

Mr. BARKLEY. Mr. President, the Senator from Mississippi [Mr. HARRISON] today reported from the Committee on Finance the nomination of a collector of internal revenue for the district of California. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none. The nomination will be read.

The legislative clerk read the nomination of Clifford C. Anglim, of Richmond, Calif., to be collector of internal revenue for the first district of California.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 11 minutes p. m.) the Senate took a recess until tomorrow, Friday, February 11, 1938, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 10 (legislative day of January 5), 1938

CALIFORNIA DEBRIS COMMISSION

Col. Warren T. Hannum to be a member of the California Debris Commission.

COLLECTOR OF INTERNAL REVENUE

Clifford C. Anglim to be collector of internal revenue for the first district of California.

COAST AND GEODETIC SURVEY

Edmund Leroy Jones to be junior hydrographic and geodetic engineer with relative rank of lieutenant (junior grade) in the Navy.

William Francis Malnate to be hydrographic and geodetic engineer with relative rank of lieutenant in the Navy.

COAST GUARD OF THE UNITED STATES

TO BE LIEUTENANT COMMANDERS

William J. Austermann	Harold C. Moore
Arthur W. Davis	Richard M. Hoyle
Gaines A. Tyler	Stanley J. Woyciehowsky
Ira E. Eskridge	Kenneth K. Cowart
Harry W. Stinchcomb	George W. McKean

TO BE LIEUTENANTS

Donald M. Morrison	James R. Hinnant
Henry U. Scholl	Oscar C. B. Wev
Christopher C. Knapp	Ned W. Sprow
Joseph E. Madacey	William I. Swanston
Roy E. Stockstill	Richard C. Foutter
Elmer E. Comstock	William E. Creedon
Elmer J. J. Suydam	Henry A. Meyer
Harold B. Roberts	Preston B. Mayor
Rufus E. Mroczkowski	Simon R. Sands, Jr.
James Plakias	

TO BE ENSIGNS

Joseph William Naab, Jr.	Clarence Henry Waring, Jr.
Corliss Bancroft Lambert	Clement Vaughn, Jr.
Victor Edward Bakanas	Paul Edwin Geleff Prins
James McIntosh	Christian Walter Peterson
Maynard Fling Young	Robert Jessup Clark
Harold Land	Edward Prest Chester, Jr.
Mark Alexander Whalen	Lary Lee Davis
William Frederick Cass	Fred F. Nichols
Roger Miles Dudley	Theodore F. Knoll
Albert Freeman Wayne, Jr.	Nelson C. McCormick
Chester Irwin Steele	Frank M. McCabe

TO BE CONSTRUCTOR WITH THE RANK OF LIEUTENANT

Charles E. Brush.

POSTMASTER

NEW YORK

Laurence D. Brown, Eastview.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 10, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, Thou art our Lord; our times are in Thy hand. The rivers of life, with their infinite depths of immensity, inspire our souls to break into that dear human chant, "Bless the Lord, O my soul, and all that is within me bless His holy name." We pray Thee to keep our feet in the widening pathways of wisdom and in the deep flowing tides of brotherhood and good will. We praise Thee for the encircling arms of our Heavenly Father upon earth; they help a loveless heart into a tuneful life. By faith, they hold in the gulf of discord, in the moment of fear, and in the mist of misunderstanding. O Spirit of the Eternal One, direct the councils of this honorable assembly. Bless us with that presence which measures the highest quality of being, and may we never lose its rich enchantment. In the name of our blessed Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2194. An act to provide for the annual inspection of all motor vehicles in the District of Columbia.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3329. An act granting a pension to Mary Merrill Scott.

PERMISSION TO ADDRESS THE HOUSE

Mrs. JENCKES of Indiana. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of matters on the Speaker's table and at the conclusion of the legislative program in order for the day, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

Mr. SNYDER of Pennsylvania. Mr. Speaker, I received permission to address the House for 20 minutes today after the disposition of matters on the Speaker's desk and the legislative program in order for the day. The chairman of the Committee on Indian Affairs, the gentleman from Oklahoma [Mr. ROGERS], advises me it will take the entire day to consider the bills of his committee, and that even then he will not get through. I therefore ask unanimous consent to address the House for 20 minutes on Monday next after the disposition of matters on the Speaker's desk and at the conclusion of the legislative program in order for the day.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RAYBURN. Of course, that would come after the special orders previously entered.

The SPEAKER. Yes. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, Sir Charles Morgan-Webb, the noted English student and economist and internationally known monetary expert, who has in great part or measure developed, organized, and directed the managed currency operations for England and 21 other nations, will speak over WJSV at 6:35 this evening.

Under this form of managed currency England and these 21 European nations have restored and stabilized the price level, have brought a return of earnings and income, normal wages and employment conditions, and the buying and consuming power, and have revitalized private industry.

And all of this has been accomplished without borrowing and spending billions, without the crushing imposition of tax burdens, without killing pigs and slaughtering cattle, without plowing up and destroying crops, and without creating want and scarcity of the vital food and clothing supplies.

And what is even more significant than the accomplishment of all of this without crushing debts and tax burdens, is that these 21 great nations, assuming public control of the currency, have made greater progress than this Nation and have suffered no relapse of the depression.

We may not be in full accord or agreement with Sir Charles Morgan-Webb in all of his monetary policies and his managed currency program, but we are in a relapse and depression here and every Member of the House and the Senate should be willing to listen to him with an open and unbiased mind.

Mr. Speaker, I hope every Member will listen to Sir Charles Morgan-Webb tonight.

RIVERS AND HARBORS COMMITTEE

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent that the Committee on Rivers and Harbors may be permitted to sit this afternoon while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

EXTENSION OF REMARKS

Mr. PACE. Mr. Speaker, I understand that all Members have been granted permission to extend their own remarks in the RECORD on the new farm bill. In connection with the extension of my own remarks on that bill, I ask unanimous consent to include in my remarks excerpts from the bill and certain tables explaining the operations of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. OLIVER asked and was given permission to extend his own remarks in the RECORD.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial on how the tax dollar is spent by the Federal Government.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address on Lincoln's Birthday.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by placing therein a statement in reply to some remarks which the gentleman from Massachusetts [Mr. MARTIN] put in last week in reference to trade agreements; and to also place in the RECORD a release on the same subject given out by the Department of Commerce on February 4.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES—EMERGENCY RELIEF

The SPEAKER laid before the House the following communication from the President of the United States, which was read, referred to the Committee on Appropriations, and ordered printed:

THE WHITE HOUSE,
Washington, February 10, 1938.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation of $250,000,000 for relief of the unemployed.

Emergency and work relief: To continue to provide relief and work relief as authorized in the Emergency Relief Appropriation Act of 1937, and subject to all the provisions thereof, $250,000,000, which amount shall be added to and proportionately increase the specified amounts of the limitations prescribed under the appropriation made in such act (50 Stat. 352).

According to the best estimate available at this time, it appears that during the past 3 months approximately 3,000,000 persons have lost their jobs with private employers. This increase in unemployment could not, of course, have been foreseen at the time the last relief appropriation was under consideration. Hundreds of thousands of needy unemployed persons have recently applied for relief work, which could not be provided for them with the funds on hand. It has become increasingly clear that these needs cannot be met unless employment by the Works Progress Administration is increased immediately.

The funds available on January 1, 1938, would permit employment of an average of only 1,700,000 persons for the 6 months ending June 30, 1938. The number of persons on the Works Progress Administration rolls today is 1,950,000. Funds available at this time will not only not take care of the additional burden caused by the recent increase in unemployment but will require a sharp reduction in the

near future of the number on the Works Progress Administration rolls. This estimate of $250,000,000 will permit the continued employment for the next 5 months of the number now on such rolls, and will provide a reasonable measure of relief for those who have recently become unemployed and are in need.

Respectfully,

FRANKLIN D. ROOSEVELT.

RESIGNATION

The SPEAKER laid before the House the following resignation:

FEBRUARY 4, 1938.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: Please accept my resignation from the Committee on Board of Visitors to the Naval Academy.

Very truly yours,

FRANK CROWTHER.

The SPEAKER. Pursuant to the provisions of title 34, section 1081, of the United States Code, the Chair appoints the gentleman from California, Mr. GEARHART, to fill the existing vacancy on the Board of Visitors to the United States Naval Academy.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 10 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, with respect to the subject matter of the President's message, I wonder if "it was planned that way."

[Here the gavel fell.]

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to address the House out of order on a matter of general interest.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

THE NATIONAL STUDENT CONGRESS

Mr. CANNON of Missouri. Mr. Speaker, on April 18 there will convene in the State capitol at Topeka, Kans., a unique assembly, the National Student Congress. The Student Congress, an accredited body representing approximately 150 colleges and universities in all sections of the country, will assemble at Topeka, the National Student Capital, for a 5-day session during the Easter holidays.

The Student Congress is patterned after the United States Congress and will follow as far as practicable the procedure of the National Congress at Washington. The President of the United States will be asked to send a message to be read on the opening day of the session; members will be sworn in by Chief Justice John Dawson, of the Kansas Supreme Court; a condensed version of the CONGRESSIONAL RECORD will be published; committees will be appointed; bills will be introduced, reported, considered, and passed; and the press will carry reports of the daily sessions.

The student senate, which will meet in the senate chamber at the State capitol, consists of 40 senators elected last November from districts representing provinces of the national forensic society which sponsors the congress, as follows:

MEMBERS OF THE SENATE

Robert S. Avery, Baldwin-Wallace College, Berea, Ohio.
Elmer E. Bennett, Colorado College of Education, Greeley, Colo.
Robert D. Boyd, Linfield College, McMinnville, Oreg.
Homer Brooks, College of the Ozarks, Clarksville, Ark.
Charles Cornwell, Northeast Teachers College, Kirksville, Mo.
Daniel Dykstra, River Falls Teachers College, River Falls, Wis.
Howard Dyste, South Dakota State College, Brookings, S. Dak.
Davitt A. Felder, Rollins College, Winter Park, Fla.
James D. Gilliland, Wake Forest College, Wake Forest, N. C.
Lewin Goff, Central State Teachers College, Edmond, Okla.
Robert Goostrey, Kalamazoo College, Kalamazoo, Mich.
George A. Greenfield, College of Idaho, Caldwell, Idaho.
Loyal Gryting, Bowling Green State University, Bowling Green, Ohio.
Barbara Hall, Hamline University, St. Paul, Minn.
Daniel P. Hardin, Kentucky Wesleyan College, Winchester, Ky.
Paul M. Hawkins, Doane College, Crete, Nebr.
Donald L. Holley, Illinois State Normal, Normal, Ill.
Frank Italiano, Carroll College, Waukesha, Wis.
Elwood Jones, Kansas State Teachers College, Emporia, Kans.
Harold Lindsell, Wheaton College, Wheaton, Ill.
Hensley McCown, East Texas Teachers College, Commerce, Tex.
Alfred Minish, Georgetown College, Georgetown, Ky.
Nora Morgan, Winthrop College, Rock Hill, S. C.
John Newport, William Jewell College, Liberty, Mo.
C. William O'Neill, Marietta College, Marietta, Ohio.
Ira Painton, Northwestern State Teachers College, Alva, Okla.
Donald Perry, Northern Teachers College, Aberdeen, S. Dak.
Gregg Phifer, College of the Pacific, Stockton, Calif.
Louise Proffitt, Maryville College, Maryville, Tenn.
Darrell Randall, Nebraska Wesleyan University, Lincoln, Nebr.
Kenneth E. Ritter, Simpson College, Indianola, Iowa.
Donald R. Roberts, College of Puget Sound, Tacoma, Wash.
Thomas R. Roberts, Luther College, Decorah, Iowa.
Tom K. Shields, Redlands University, Redlands, Calif.
Herbert Stotts, Baker University, Baldwin, Kans.
Ronald Swartz, Dakota Wesleyan University, Mitchell, S. Dak.
Jessie Maude Turner, Mary Hardin-Baylor College, Belton, Tex.
Clark White, Southeastern State Teachers College, Durant, Okla.
John Wilcoxon, Fort Hays Kansas State College, Hays, Kans.
Eloise Wood, Louisiana College, Pineville, La.

The student senate will elect a president and president pro tempore and will observe the rules of the National Senate as far as applicable, including the provision for unlimited debate.

The student house of representatives, consisting of 125 congressmen, has just been returned with the following membership:

MEMBERS OF THE HOUSE

Paul Albury, Simpson College, Indianola, Iowa.
Charles Allen, Centre College, Danville, Ky.
Henry Badgett, North Texas Teachers College, Denton, Tex.
Karl Baehr, Bethel College, Newton, Kans.
Harold Birch, Central College, Pella, Iowa.
Ivan Birrer, Fort Hays Kansas State College, Hays, Kans.
Bedford W. Black, Wake Forest College, Wake Forest, N. C.
Keith Boling, Kansas State Teachers College, Pittsburg, Kans.
Harold Born, University of Tulsa, Tulsa, Okla.
Pattie Alston Bounds, Virginia State Teachers College, Farmville, Va.
Walter Brown, Westminster College, Fulton, Mo.
Beverly Bunce, Central Missouri Teachers College, Warrensburg, Mo.
James Bushman, Central State Teachers College, Edmond, Okla.
Helen Cederberg, Wheaton College, Wheaton, Ill.
Daugherty Clark, Kansas State Teachers College, Emporia, Kans.
Oscar Clarke, Doane College, Crete, Nebr.
Nan Coon, Sioux Falls College, Sioux Falls, S. Dak.
Frances Cosnell, Southeastern State Teachers College, Durant, Okla.
Howard Crawford, Kansas State College, Manhattan, Kans.
George Crenshaw, Transylvania College, Lexington, Ky.
John E. Cribbet, Illinois Wesleyan University, Bloomington, Ill.
Robert W. Darrell, University of Toledo, Toledo, Ohio.
Lee Davis, Eureka College, Eureka, Ill.
Sarah Louise Doub, College of Puget Sound, Tacoma, Wash.
Joe Dowling, Yankton College, Yankton, S. Dak.
John Edwards, College of Emporia, Emporia, Kans.
Betty Lou Falder, Western Illinois State Teachers College, Macomb, Ill.
E. A. Fitzmaurice, North Carolina State College, Raleigh, N. C.
Annie F. Flowers, Southwestern Texas Teachers College, San Marcos, Tex.
Robert Foster, Central State Teachers College, Warrensburg, Mo.
Arthur Goldberg, Washburn College, Topeka, Kans.
Eldon Graber, Bethel College Newton, Kans.
H. M. Greene, Southwestern Texas Teachers College, San Marcos, Tex.
June Hallagan, University of Detroit, Detroit, Mich.
Howard Hamstra, Yankton College, Yankton, S. Dak.
Hudnall Harvey, Missouri Valley College, Marshall, Mo.
Ruth M. Hoffman, Illinois State Normal, Normal, Ill.
Freeman Holmer, Concordia College, Moorhead, Minn.
Leo Howard, Kansas State Teachers College, Pittsburg, Kans.
Wilma Ittner, College of Puget Sound, Tacoma, Wash.
William T. Keogh, Kansas State College, Manhattan, Kans.
Peachie Kirkland, Winthrop College, Rock Hill, S. C.
Robert G. Kirkland, William Jewell College, Liberty, Mo.
Albert Klamm, Park College, Parkville, Mo.
Henry H. Kubik, Monmouth College, Monmouth, Ill.
Arthur Langland, Dakota Wesleyan University, Mitchell, S. Dak.
Loell Larson, River Falls State Teachers College, River Falls, Wis.
Charlotte Leverenz, Northern Illinois State Teachers College, DeKalb, Ill.
Ralph Lindquist, Augustana College, Rock Island, Ill.
George Lippord, North Carolina State College, Raleigh, N. C.
Howard C. Lyman, Rollins College, Winter Park, Fla.
Don McClelland, Hastings College, Hastings, Nebr.

Katherine McConron, College of Puget Sound, Tacoma, Wash.
Pearl McLean, University of Detroit, Detroit, Mich.
Gorman McMullen, Stephen F. Austin State Teachers College, Nacogdoches, Tex.
Paul McReynolds, Central State Teachers College, Warrensburg, Mo.
Patrick Managan, Louisiana College, Pineville, La.
Harlon Martin, Stephen F. Austin State Teachers College, Nacogdoches, Tex.
John Martin, Central State Teachers College, Edmond, Okla.
Lewis Mead, Marietta College, Marietta, Ohio.
Ralph Menning, Central College, Pella, Iowa.
Norman Mozley, Westminster College, Fulton, Mo.
May Myers, South Dakota State College, Brookings, S. Dak.
Edward Nervig, Augustana College, Sioux Falls, S. Dak.
Loyal Netteland, Concordia College, Moorhead, Minn.
Rudene Nixon, Southeastern State Teachers College, Durant, Okla.
Wilson Nolle, Southwest Texas State Teachers College, San Marcos, Tex.
H. Paul Osborne, Kentucky Wesleyan College, Winchester, Ky.
Blair Page, Kansas State Teachers College, Emporia, Kans.
David Parks, Monmouth College, Monmouth, Ill.
Evelyn Parrish, Yankton College, Yankton, S. Dak.
Herbert Parrish, North Texas Teachers College, Denton, Tex.
David Pearson, South Dakota State College, Brookings, S. Dak.
H. Price Philbrick, William Jewell College, Liberty, Mo.
John Potter, University of Toledo, Toledo, Ohio.
Russell Prentice, Jamestown College, Jamestown, N. Dak.
Martin Pulich, College of the Pacific, Stockton, Calif.
Helen Rader, College of the Ozarks, Clarksville, Ark.
Noah Richardson, Northeast Missouri State Teachers College, Kirksville, Mo.
Ben Rogge, Hastings College, Hastings, Nebr.
Rolland Rueb, Sioux Falls College, Sioux Falls, S. Dak.
Harold Sandberg, Bethany College, Lindsborg, Kans.
Dorothy Schrader, Park College, Parkville, Mo.
William Schultz, Rollins College, Winter Park, Fla.
Marion Shane, Kalamazoo College, Kalamazoo, Mich.
Louis Shaner, Northeast Missouri State Teachers College, Kirksville, Mo.
Arthur Shanly, Bowling Green State University, Bowling Green, Ohio.
Van Shaw, Fort Hays Kansas State College, Hays, Kans.
Harold Short, Colorado State College, Fort Collins, Colo.
Robert Short, College of St. Thomas, St. Paul, Minn.
Donald Simpson, Kalamazoo College, Kalamazoo, Mich.
Leonard Sizer, Ottawa University, Ottawa, Kans.
Vernon Sladek, Dakota Wesleyan University, Mitchell, S. Dak.
Howard R. Smith, Simpson College, Indianola, Iowa.
John W. V. Smith, Northwestern State Teachers College, Alva, Okla.
Laura Speer, Colorado State College, Fort Collins, Colo.
Robert Steiger, Ottawa University, Ottawa, Kans.
Wayne Stewart, Nebraska Wesleyan University, Lincoln, Nebr.
Frank Stone, Jamestown College, Jamestown, N. Dak.
Marita Stueve, Rollins College, Winter Park, Fla.
John Sullivan, North Texas Teachers College, Denton, Tex.
Robert E. Summers, Kansas State College, Manhattan, Kans.
James Swanson, Hastings College, Hastings, Nebr.
Kenneth Taylor, Wheaton College, Wheaton, Ill.
Margaret Thompson, Northern Illinois Teachers, DeKalb, Ill.
Charles Thrasher, Ripon College, Ripon, Wis.
Dwight Tresidder, Doane College, Crete, Nebr.
William Tyree, Illinois Wesleyan University, Bloomington, Ill.
Henry Voges, Westminster College, Fulton, Mo.
Frank Wagner, Marietta College, Marietta, Ohio.
Willard Wakefield, Eureka College, Eureka, Ill.
Tommy F. Walker, Bethel College, Newton, Kans.
Henry D. Ward, Wake Forest, Wake Forest, N. C.
Smith Warder, Centre College, Danville, Ky.
C. K. Watkins, North Carolina State College, Raleigh, N. C.
Rose Weathersby, Louisiana College, Pineville, Ark.
C. Landon Wills, Kentucky Wesleyan College, Winchester, Ky.
Carl L. Wilson, Illinois State Normal, Normal, Ill.
Stanley Wilson, Washburn College, Topeka, Kans.
Livingston Witten, Central College, Fayette, Mo.
Synia Wynne, Oklahoma College for Women, Chickasha, Okla.
William L. Young, Park College, Parkville, Mo.
Howard Youngbloom, Bethany College, Lindsborg, Kans.
Carol Zank, Concordia College, Moorhead, Minn.

The student house will elect its speaker and other officers at the opening session and will follow in every important detail the procedure of the National House of Representatives.

An interesting feature of the assembly is the election of women to the student legislature. As in the National Congress, women will serve in both houses, five in the senate and 25 in the house, some of them from schools exclusively for women and some from coeducational institutions.

The assembly will divide along party lines and the student members will form political organizations, with floor leaders and party whips, and will hold the usual party conferences and caucuses. Of the 40 members of the student senate, 23 are Democrats, 12 are Republicans, 4 list themselves as Independents and 1 is a Socialist. Approximately the same proportions exist in the house. A majority of the senate is composed of college seniors many of whom have had practical experience in political campaigning in both State and National elections, and all are students of political history and familiar with the issues in recent political campaigns.

The assembly, however, will devote its attention to the serious discussion of national legislative problems, and an effort will be made to secure the passage of as many measures as time permits, dealing with legislation now or recently pending in the National Congress and various State legislatures. Among those on which bills are being drawn by members-elect are proposals relating to far eastern policy, control of monopoly, constitutional amendment to clarify the due process clause, more stringent regulation of banking, creation of a Federal department of health, referendum on declaration of war, conscription of wealth in time of war, legislation to take the profit out of war, expansion of the Social Security Act to include groups now excluded, limiting the power of the Supreme Court to hold acts of Congress unconstitutional, establishment of a national minimum wage, Federal aid to public education, a Federal marriage law including a provision for compulsory health examination before marriage—this from a medical student—expansion of the civil service, State and Federal support for medical institutions, making the application of the neutrality act obligatory in all conflicts abroad whether war is formally declared or not, reorganization of the diplomatic service to put it on a strict civil-service basis, transfer to State agencies of administration of relief with State participation in providing funds, expansion of powers of the Federal Housing Administration, creation of little T. V. A.'s, crop insurance, improvement of condition of tenant farmers in the South, Federal incorporation of labor unions, expansion of powers of the National Labor Relations Board, limitation on personal incomes, gradual reduction of import tariffs looking to a policy of free trade, curtailment of Federal expenditures, direct election of the President, condemnation of the teachers' oath policy in the States requiring it, expansion of the functions of the Bureau of Standards in the interests of consumers, flood control in the Ohio Valley, and many others.

The session will provide not only a forum for the discussion of subjects of general interest but will serve as a laboratory course in public speaking and in the practical application of courses in economics, history, logic, and civics the students are now pursuing in their respective schools. It will also stimulate a keener interest in parliamentary procedure and particularly in the mechanics of the legislative branch of the National Government. Incidentally, it will aid materially in the development of qualities of leadership and organization which must inevitably play a large part in the civic life of the American people in the next generation.

The immediate supervision of the student congress will be in the hands of a committee on arrangements representing the various college faculties. Inquiries relative to the congress should be addressed to Prof. H. B. Summers, Topeka, Kans., general chairman of the committee on arrangements. Information with particular reference to the student senate will be supplied by Prof. Warren G. Keith, of Winthrop College, Rock Hill, S. C. Inquiries pertaining to the student house will be answered by Prof. G. R. R. Pflaum, of Kansas State Teachers College, Emporia, Kans.

May I suggest to Members of the House that they consult the roster of student senators and representatives and supply those from their districts with House manuals and other material which might be of service during the session. An invitation is extended by the committee on arrangements to all Members of the United States Congress and members of the several State legislatures to attend as the guests of the assembly.

The congress, composed of outstanding students of colleges and universities from all sections of the Nation, carefully selected through a long process of elimination, will be representative of the thought and culture of our times, and its

proceedings and conclusions will be noted with more than passing interest. [Applause.]

CALENDAR WEDNESDAY BUSINESS

The SPEAKER. Under previous order of the House, the business in order on yesterday, Calendar Wednesday, was transferred to today. The Clerk will call the committees.

CALL OF THE HOUSE

Mr. TABER. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 18]

Allen, Del.	Culkin	Halleck	O'Connor, Mont.
Allen, Ill.	Daly	Hancock, N. C.	Owen
Andrews	Deen	Harlan	Patman
Atkinson	Delaney	Hart	Poage
Biermann	Dempsey	Harter	Rankin
Boylan, N. Y.	Dirksen	Hartley	Reilly
Buckley, N. Y.	Douglas	Healey	Ryan
Burch	Drew, Pa.	Honeyman	Simpson
Byrne	Duncan	Isac	Smith, Maine
Casey, Mass.	Edmiston	Kirwan	Smith, Okla.
Champion	Fitzpatrick	Kvale	Somers, N. Y.
Chapman	Flannagan	Long	Thompson, Ill.
Clark, Idaho	Frey, Pa.	Lucas	Tobey
Cole, Md.	Fulmer	McGroarty	Whelchel
Cole, N. Y.	Gasque	McLaughlin	Withrow
Collins	Gray, Pa.	Magnuson	Wolfenden
Creal	Griswold	Maverick	Wood
Crowther	Haines	O'Connell, Mont.	

The SPEAKER. Three hundred and fifty-seven Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of our international poker game.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CALENDAR WEDNESDAY BUSINESS

The SPEAKER. The Clerk will call the roll of committees.

Mr. ROGERS of Oklahoma (when the Committee on Indian Affairs was called). Mr. Speaker, by direction of the Committee on Indian Affairs I call up the bill (S. 1945) to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes, and asks unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. TABER. Mr. Speaker, I object.

Mr. ROGERS of Oklahoma. Will the gentleman reserve his objection for a moment?

Mr. TABER. I reserve the objection for a moment, Mr. Speaker. I may say I find it is much better to have these bills go into the Committee of the Whole for consideration, where they can be explained easily. Such a procedure takes less time than to try to consider the bills in the House as in Committee of the Whole.

Mr. ROGERS of Oklahoma. Of course, it could take 2 hours to consider the bill in the Committee of the Whole. I hope we may make an agreement regarding time for debate and consider the bill in the House.

Mr. TABER. I believe it is better practice to go into the Committee of the Whole and explain the bill there.

The SPEAKER. Does the gentleman from New York object?

Mr. TABER. I object, Mr. Speaker.

The SPEAKER. This bill is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1945, with Mr. BEAM in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. ROGERS of Oklahoma. Mr. Chairman, I wish to make only a short statement on the bill, and then I shall reserve the balance of my time.

As the title of this bill indicates, it is to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes. The reason this legislation is desired is that at present the law gives the Secretary the power to make leases on all lands on Indian reservations that come under Indian projects, but does not give him power to make leases or grant concessions for agricultural and grazing purposes on lands not within Indian reservations. The purpose of this bill is merely to make the same rule apply to all lands in Indian irrigation projects.

This is really all there is to the bill, and I shall be pleased to yield for any questions.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Oklahoma. I yield to the gentleman from New York.

Mr. TABER. It appears that this is a bill that permits the Secretary of the Interior to grant concessions or leases to anyone. There is no restriction on to whom they may be made, or anything else. This bill would upset the whole theory on which these matters are handled and have been handled for years. I should like to have the gentleman explain this feature.

Mr. ROGERS of Oklahoma. I shall be pleased to do so.

Mr. TABER. There are no restrictions at all in the bill. It is a wide-open proposition.

Mr. ROGERS of Oklahoma. There are restrictions in the bill. I call the gentleman's attention to the proviso in the measure.

So far as changing the system of things is concerned, there is no system at all now for granting concessions or leasing these lands, because the Secretary cannot make contracts with respect to any lands that are not on Indian reservations. So this would not change any system because there is no present system. The purpose is simply to make these lands that are not on Indian reservations conform to lands that are on Indian reservations.

Mr. TABER. Where is the statement of the change in existing law that would be brought about?

Mr. ROGERS of Oklahoma. There is no statement as to change in existing law. There is no law covering concessions on lands that are not in Indian reservations and that is the reason for this bill.

Mr. TABER. These reclamation projects have been built, as I understand it, partly with Indian funds and partly with Government funds?

Mr. ROGERS of Oklahoma. That is right.

Mr. TABER. And no one can tell without a specific investigation in just which way it was done, and the idea now is to give the Secretary of the Interior absolute authority, in his discretion, to go ahead and lease these lands to anyone for any price whatsoever and make concessions with respect to these irrigation projects without any restrictions. It seems to me there ought to be some kind of a definite policy with respect to this matter that we could follow.

Mr. ROGERS of Oklahoma. I will say to the gentleman that is the situation now with regard to lands outside of Indian reservations, and this bill would give the Secretary that power.

Mr. TABER. The law permits the Secretary to lease them to Indians.

Mr. ROGERS of Oklahoma. No; these concessions might be made to anyone, but this bill just covers lands not in Indian reservations which come under the projects mentioned in the bill.

Mr. TABER. That is all there is now, but these reclamation projects have a lot of other lands that are privately owned.

Mr. ROGERS of Oklahoma. No; not privately owned. They are a part of the project and this bill just covers lands not in Indian reservations that are a part of the project.

Mr. TABER. Does not the general reclamation law cover this?

Mr. ROGERS of Oklahoma. No; it does not.

Mr. TABER. I would like to have somebody give us a statement as to just what the situation is now, and how the matter is operated and what the change would be. It seems to me it is up to the committee to do this.

Mr. ROGERS of Oklahoma. The gentleman will have his own time, but I will be glad to yield for questions.

Mr. TAYLOR of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Oklahoma. I yield.

Mr. TAYLOR of South Carolina. What is the necessity for making the bill conform to the law that governs Indian lands as the situation now exists?

Mr. ROGERS of Oklahoma. The necessity is that no concessions can be made now and a lot of people want concessions on the land.

Mr. TAYLOR of South Carolina. For agricultural purposes?

Mr. ROGERS of Oklahoma. Yes; and for grazing and other purposes.

Mr. TAYLOR of South Carolina. Is not that philosophy inconsistent with our philosophy with respect to overproduction and retirement of acreage from farming?

Mr. ROGERS of Oklahoma. The gentleman can answer that question himself.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Oklahoma. I yield to the gentleman.

Mr. CASE of South Dakota. With respect to the question the gentleman from New York [Mr. TABER] asked, I think attention should be drawn to the fact that in lines 5 and 6 on page 1 of the bill it is stated that the Secretary is authorized, in his discretion, to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands under his jurisdiction which have been withdrawn or otherwise acquired in connection with certain projects. Does not the gentleman feel that the Secretary is restricted to granting these concessions on the portions of these irrigation projects where the land is already under his jurisdiction?

Mr. ROGERS of Oklahoma. That is right.

Mr. CASE of South Dakota. And from which no revenue can be obtained unless this authority is granted?

Mr. ROGERS of Oklahoma. The gentleman is correct. No revenue can be obtained unless this authority is granted, and I thank the gentleman for his contribution.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Oklahoma. I yield.

Mr. GREEVER. Will the gentleman tell me just where these Indian projects are located—in what State?

Mr. ROGERS of Oklahoma. The bill was amended by the committee, and the gentleman will notice the projects referred to in the last line on the first page of the bill, the San Carlos, Fort Hall, Flathead, and Duck Valley or Western Shoshone.

Mr. GREEVER. Are those projects in Idaho?

Mr. ROGERS of Oklahoma. Some of them are in Arizona.

Mr. MURDOCK of Arizona. Fort Hall is in Idaho and San Carlos is in Arizona.

Mr. GREEVER. Where is Duck Valley or Western Shoshone?

Mr. WHITE of Idaho. Duck Valley is in Nevada and Idaho.

Mr. ROGERS of Oklahoma. Mr. Chairman, I reserve the balance of my time.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield to me?

Mr. ROGERS of Oklahoma. Yes.

Mr. WHITE of Idaho. I notice that this bill gives the Secretary of the Interior authority to lease reservoir sites and reservation lands outside of Indian reservations.

Mr. ROGERS of Oklahoma. These lands are now under the jurisdiction of the Secretary.

Mr. WHITE of Idaho. Is it not a fact that the Secretary now has jurisdiction over a lot of reservations made up of patented lands for canal rights-of-way and reservoir sites, and under the terms of this bill he could go onto private lands and lease them?

Mr. ROGERS of Oklahoma. No; he cannot. He can only lease those lands under his jurisdiction and only the ones that are in the specific projects mentioned in this bill if it passes.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Oklahoma. Yes.

Mr. COCHRAN. I call the attention of the gentleman to lines 16, 17, and 18, on page 2:

> Any funds derived from reserves for which the tribe has not been compensated shall be deposited to the credit of the proper tribe.

Does that mean that there are claims now that have been filed by tribes as a result of using some of this land, and that it will require money to reimburse the tribes, or does it apply solely to the future?

Mr. ROGERS of Oklahoma. It would apply to the future.

Mr. COCHRAN. There is no provision here that takes any money out of the Treasury?

Mr. ROGERS of Oklahoma. No; none whatever.

Mr. COCHRAN. And all the money in connection with this will come as a result of these leases?

Mr. ROGERS of Oklahoma. Yes; and the Bureau of the Budget has O. K.'d the projects. Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. Does any member of the Committee on Indian Affairs demand recognition in opposition? If not, the gentleman from New York [Mr. TABER] will be recognized for 1 hour.

Mr. TABER. Mr. Chairman, this bill would turn over to the Secretary of the Interior full power in his discretion to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands under his jurisdiction which have been withdrawn or otherwise acquired in connection with four or five different projects. There is absolutely no definite rule provided for any such operation. There is no program set out, there is no precedent set up which the Secretary would have to follow, and it is simply an abandonment on the part of the House of the right of the House to prescribe the conditions under which these concessions should be granted. There is nothing in the letter or anything else that accompanies the report that would give us a clue to the method of procedure or anything else. It does not seem to me that it is a fair thing for the committee to come in here and not present in the legislation just the kind of program that it wants us to adopt. I would be glad to yield to any gentleman on the committee to explain the bill and tell us a legitimate reason why we should do anything of this character.

Mr. SHEPPARD. It is a conceded fact that the Secretary of the Interior operates within certain limitations.

Mr. TABER. He does operate on quite a broad latitude, but not as broad as this, because under this if he had made a contract with a landowner he could grant concessions. Under the general statute that would not be the case. This is very much broader and goes a great way beyond the regular practice with reference to irrigation projects.

Mr. SHEPPARD. It is the only method of procedure that the committee could find whereby some income could be derived through the exercise of these concessions.

Mr. TABER. Would the gentleman give us an illustration of the type of concession that might be involved in this particular situation? Take one of these projects named here. I would like to have the gentleman tell us, for instance, in respect to the San Carlos project.

Mr. ROGERS of Oklahoma. Why, for grazing land.

Mr. TABER. That is, he might make a lease for grazing lands?

Mr. ROGERS of Oklahoma. Or for agricultural purposes.

Mr. TABER. There would be no rate that he would be required to charge or anything else for grazing lands, and as I understand it, under the Taylor Grazing Act there is a rate fixed that must be charged.

Mr. ROGERS of Oklahoma. The general law would apply.

Mr. TABER. No; there would not be anything that would apply, because it would be wide open.

Mr. ROGERS of Oklahoma. What is the gentleman trying to say?

Mr. TABER. I am trying to arrive at what you propose to do and what the method of operation under this is.

Mr. ROGERS of Oklahoma. The gentleman would not object to the Secretary making these concessions?

Mr. TABER. I do not know.

Mr. ROGERS of Oklahoma. And deriving as much revenue as possible for the Government, would he?

Mr. TABER. I do not object to as much revenue as possible being derived, but when we set up a program for leasing, I think we ought to set it up and not have somebody else do it. I think we ought to prescribe rules under which it should be done.

Mr. ROGERS of Oklahoma. The same thing applies now to lands on Indian reservations.

Mr. TABER. When contracts are made we ought to be permitted to say something about it.

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. BURDICK. Certain lands in the following areas have been withdrawn by order of the Secretary of the Interior as reservoir sites. It will be some time before these are put into operation, and a great many million acres of land are reserved under the jurisdiction of the Secretary of the Interior, but they are designated as the San Carlos project, the Fort Hall project, the Flathead project, the Duck Valley or Western Shoshone project. Some day all of those lands will be bought for these reservoir sites.

While we are waiting to do that the Secretary of the Interior has no authority under the law to lease out these lands.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. KNUTSON. Will the gentleman from North Dakota inform the House where they are going to get water to fill the reservoir?

Mr. BURDICK. That is going down the wrong lane. I want to explain to the gentleman from New York that the proposition is to lease these lands temporarily, not exceeding 10 years, until the whole matter is developed into irrigation projects.

Mr. TABER. There is nothing in the bill that limits the leases to 10 years.

Mr. BURDICK. I think the gentleman will find it in the bill.

Mr. TABER. I beg the gentleman's pardon; I see it.

Mr. BURDICK. If we do not pass this bill the Government will get no revenue from these reservations; so it seems to be a matter of good business to pass it.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. MURDOCK of Arizona. As I understand it, there are about a quarter of a million acres of land in the San Carlos Reservation in Arizona that would come under the provisions of this bill.

Mr. TABER. How would they come in, and what would they be? That is what I am trying to get at—some explanation of the bill how it would work.

Mr. MURDOCK of Arizona. Lying right south of the Coolidge Dam and south of the Gila River there is a tract of land of about 250,000 or 260,000 acres that was once part of the San Carlos Reservation, but they have since been withdrawn. It is now a sort of no man's land. As I understand it, the Secretary of the Interior has no right to lease that land for grazing purposes. It would not be fit for anything but grazing and mining. I believe it may be taken care of so far as mining is concerned, but not so far as grazing is concerned. The Indians are not using that land. I have a bill which ought to come up here today which provides for restoring that great tract of land to the public domain on the payment of $1.25 an acre to the Indians. The bill has been up a number of times, but it has gone over on objection of the gentleman from Missouri [Mr. COCHRAN]. It is a bill which should be passed. He has objected, of course, to the payment of about $280,000 for this land in order that it may be returned to the public domain and thereby disposed of.

Mr. TABER. That land, as I understand, is being held as a reservoir site now?

Mr. MURDOCK of Arizona. It is not being held as a reservoir site now. That land is in connection with the San Carlos Reservation and the San Carlos project; it is a part of the San Carlos drainage area. Until that land is properly disposed of it ought to be leased for grazing purposes, and this bill will give the Secretary permission to do that. It does not, of course, specify upon what terms it may be leased, but I think the usual rentals will apply.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman from New York yield?

Mr. TABER. I yield.

Mr. WHITE of Idaho. Is there anything to prevent the Indians using that land now, the Indians on the reservation, under tribal regulations?

Mr. MURDOCK of Arizona. No. However, they are not using it much, if any, for they live elsewhere. It is part of the Indian reservation. The Indians are not using it, but the Indians ought to get any revenue that might be derived from it.

Mr. TABER. The gentleman from Idaho asked if there was anything to prevent the Indians from using it now.

Mr. MURDOCK of Arizona. The San Carlos Indian Reservation is located mainly on the north side of the Gila River. They do not need these lands for grazing purposes.

Mr. TABER. That is, they have not sufficient cattle or livestock to require it?

Mr. MURDOCK of Arizona. No; but these lands could be leased to white cattlemen.

Mr. TABER. And is there demand for this sort of thing?

Mr. MURDOCK of Arizona. I am sure there is some demand for it.

Mr. TABER. Would it not be better if these lands were put under the leasing authority created by the Taylor Grazing Act rather than to have the authorities operating separately in this way?

Mr. MURDOCK of Arizona. I cannot say as to that. All I wish to imply is that here is a large tract of land that ought to be used, and there are white livestock men who want to use it. I believe this bill will make it possible for the Secretary of the Interior to lease such lands, the revenue to go into the Indian fund.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CASE of South Dakota. Would it meet the gentleman's objection if the bill were amended so as to strike out the words "he may prescribe," to make the language read, on page 2, line 6, "under such rules and regulations as govern his administration of the public domain as far as applicable?"

Mr. TABER. I think that would be better.

Mr. CASE of South Dakota. Would that answer the gentleman's objection?

Mr. TABER. I think it would help.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. CRAWFORD. Is it not true that the Department of Agriculture has charge of a lot of this public domain that comes within the scope of the Taylor Grazing Act and that in view of the fact that this deals with the Secretary of the Interior, whose Department has jurisdiction over Indian reservations, that this suggested amendment would bring some conflict in that connection?

Mr. TABER. Perhaps the Secretary of Agriculture and the Secretary of the Interior might not pull in the same direction all the time, but the Government ought to have one definite, fixed policy with reference to the leasing of grazing lands to private operators; and I think with reference to Indian reservations that there might very well be a different policy. I think, however, we should have one definite policy and program with reference to Indian lands being leased to private operators.

Mr. CRAWFORD. I do not think I made my question clear. As I understand the amendment suggested by the gentleman, it creates a conflict in the administration of the Indian reservation versus the forest reserve, and such as that. That is the question I am raising. I am not informed about that matter.

Mr. TABER. The gentleman means the amendment suggested by the gentleman from South Dakota [Mr. CASE]?

Mr. CRAWFORD. That is right.

Mr. TABER. His amendment related entirely to such rules and regulations and methods of procedure as applied in the Interior Department and not to anything in the Department of Agriculture.

Mr. CRAWFORD. That is what I wanted to clear up.

Mr. TABER. That was his suggestion.

Mr. Chairman, I reserve the balance of my time and yield 10 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Chairman, I invite at the beginning correction on the part of those who may be better informed on this subject than I am on any statement that I make with reference to the pending bill. It seems to me that this bill should come from some other committee than the Committee on Indian Affairs if I read aright and understand the letter from the Acting Secretary of the Interior, which is made a part of the committee report.

As I read that letter I come across the statement that a part of the purpose of this bill is to give authority to the Secretary of the Interior to grant concessions on reserves for irrigation purposes when such reserves are not a part of an Indian reservation.

I am wondering how the Committee on Indian Affairs feels that it has jurisdiction over a matter that directly does not concern itself and has no relation to those things that concern the Indians and Indian rights.

Mr. ROGERS of Oklahoma. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Oklahoma.

Mr. ROGERS of Oklahoma. The reason for that would be that these projects cover some lands that belonged to Indians and some lands that did not belong to the Indians, but they are Indian projects. That is the reason.

Mr. DITTER. But they are not Indian projects insofar as they relate to lands that are not a part of the Indian reservation. In other words, those parts that are not a part of the Indian reservation could certainly be developed and made a basis for commercial development by those who are not identified in any way with the Indians or the Indian reservations, could they not?

Mr. ROGERS of Oklahoma. Of course, the gentleman asked me why the Committee on Indian Affairs would have jurisdiction over the bill. The Speaker referred the bill. We had nothing to do with that. It came to our committee.

Mr. DITTER. Since the chairman of the Committee on Indian Affairs certainly has not given to us any justification for his committee presenting this bill, it seems to me that we are proceeding on dangerous ground in permitting the Committee on Indian Affairs to advocate a program that invites a very dangerous policy, as I see it, so far as this bill is concerned. The danger that we are inviting here is one that was referred to in the famous N. R. A. decision, when I believe it was Justice Cardozo who spoke about the unconfined and vagrant powers that had been delegated to the Executive by that legislation. It seems to me we are delegating some more of these unconfined and vagrant powers to the Secretary of the Interior by the present legislation.

Mr. CRAWFORD. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. If the Secretary of the Interior withdraws from that portion of the public lands over which he has jurisdiction an area of land for irrigation and reservoir purposes, and in that area so withdrawn there are lands which belong to Indians and lands which do not belong to Indians, would the Indian Affairs Committee not have proper jurisdiction over that portion of the area which belongs to the Indians? Is that not what we are attempting to cover here in this bill?

Mr. DITTER. I may say with reference to that which is purely Indian reservation, certainly. I am not casting a shadow of doubt on the jurisdiction of the committee as to that portion of the ground that has to do with Indian reservations; but the gentleman from Arizona led me to believe that a large part of this project under present consideration concerns itself with land with which the Indians had no definite relation whatever. If I am mistaken in that, I bear correction.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. I spoke of a quarter of a million acres of land which are a part of the San Carlos Indian Reservation, but it is not being used by the Indians. That is land which white stockmen could use very properly, if the proceeds go into the Treasury for the Indians. The nearly 300,000 acres of land to which I referred, lying immediately south of the Gila River and south of the Coolidge Dam, is a part of the San Carlos Indian Reservation.

Mr. CRAWFORD. The gentleman's remarks were also directed in that respect to another bill which he hopes will be called up. Those lands to which the gentleman refers are not embraced in this bill directly?

Mr. MURDOCK of Arizona. The San Carlos bill, I had hoped, would come up today, and which I am going to ask to have recommitted for modification, pertains to this same tract of land, in my judgment. The San Carlos bill to which I referred proposes to buy at $1.25 an acre this very tract of land, but it is a part of an Indian reservation which the Indians themselves do not need and are not using.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. DITTER. I will yield in just a moment.

I should like to direct the attention of the gentlemen of the committee and ask, if my observation is not well founded, then why is there incorporated in the latter from the Acting Secretary of the Interior the statement I have already directed the attention of the committee to, which certainly indicates a purpose as to this legislation to extend authority to the Secretary of the Interior for power to deal with that which is not a part of an Indian reservation. If the committee will so change this measure as to take out this roving, unconfined, vagrant authority to the Secretary of the Interior, a large part of the objection I have to the bill will be eliminated. Now I bear correction.

Mr. CRAWFORD. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The only point I desire to clear up there is that if lands are embraced in a reservation which belongs to the Indians, whether the bill be restricted to that area or not, the Indian Affairs Committee does have jurisdiction over that particular part.

Mr. DITTER. In order not to cast any aspersions on the gentleman's committee and the distinguished members thereof, I will concede jurisdiction, but I crave from the gentleman that he will add such an amendment to the bill

as to eliminate from it any power on the part of the Secretary of the Interior to deal with lands that are not a part of an Indian reservation, insofar as this delegation of authority goes. This is a fair request for the gentleman to accede to.

Mr. CRAWFORD. As I understand, these lands were originally under the jurisdiction of the Department of the Interior. The Secretary of the Interior simply sets them aside. I believe the gentleman's suggestion means we should now reach out and withdraw them from the power of the Secretary of the Interior.

Mr. DITTER. Yes; because the present Secretary of the Interior seems ambitious. It is because of his overreaching and overweening ambition that I believe we should be careful to circumscribe in some way the ambitions of the Secretary, and I believe the gentleman is in agreement with me on that.

Mr. CLASON. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Massachusetts.

Mr. CLASON. In the fourth line of the report it is stated that this land is partly Indian. It is not wholly Indian land, and the report of the committee itself so indicates. The first paragraph of the statement of the Acting Secretary is that this legislation has to do with lands which are not a part of any Indian reservation.

Mr. DITTER. They may have been withdrawn from the public domain as other than Indian land. The gentleman has simply repeated the point I made a moment ago. May I refer the gentleman to the statement to which I have already referred the other Members, that while the intent of this legislation was very sweetly glossed over by the Committee on Indian Affairs, they have given us a sugar-coated pill.

Mr. CLASON. I quite agree with the gentleman.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 10 additional minutes to the gentleman from Pennsylvania.

Mr. DITTER. The cat is let out of the bag on the second page of the report, where it states that the purpose of this bill is to give the Secretary of the Interior more power. We have had enough of this business of granting power.

Now I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I think I shall ask for a little time, if the gentleman does not object. I should like to put the cat back in the bag.

Mr. DITTER. Does the gentleman mean by that that he is going to change the bill so there will no longer be this roving authority on the part of the Secretary of the Interior to make these leases and to collect whatever rents he thinks proper? I have an abiding confidence in the soundness of the judgment and the splendid work of my distinguished colleague the gentleman from South Dakota, and I wonder if he could not provide an amendment whereby we could tie the Secretary of the Interior down to a price and otherwise limit this delegation of authority. Could we not have something in the bill with respect to what these leaseholds should be worth, instead of giving the Secretary of the Interior this widespread, roving, unlimited, and unconfined power? He can lease the land for a dollar or he can lease it for a thousand dollars. In order that the gentleman may be consistent with his own philosophies, I challenge him, with his splendid ability, to bring in an amendment by which we will confine this authority.

Then I challenge my colleague on the other side, the distinguished chairman of the committee, of whom I am very fond, and whose splendid ability I admire, to bring in an amendment by which we may know how much we are going to get out of this land in dollars and cents, so we will not have any scandal about it and so there will not be any W. P. A. criticisms about it. I believe we all acknowledge we have made mistakes in the last few years by extensions of authority.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to my distinguished friend, the gentleman from Wyoming.

Mr. GREEVER. Does not the gentleman believe, however, that as long as they have these lands and the lands are under the jurisdiction of the Secretary of the Interior and the Bureau of Indian Affairs, it is better that some rental and some revenue be obtained from the lands rather than simply to leave them there in that state?

Mr. DITTER. I concede that, but is it not true—and again, if I am in error on this I will bear correction—that we have definite, circumscribed limitations of authority insofar as concerns the power of the Secretary of the Interior to deal with public lands in respect of grazing concessions on lands that are not a part of Indian reservations?

Mr. GREEVER. Oh, yes.

Mr. DITTER. In other words, we have the Taylor Grazing Act. Does not this act with some degree of definiteness circumscribe the authority? I am not in any way differing with the gentleman's suggestion that we should get the money.

Mr. ROGERS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Oklahoma.

Mr. ROGERS of Oklahoma. If that applies, it ought to make it sufficient.

Mr. DITTER. No; in my opinion it does not apply. I know the gentleman believes it does.

Mr. ROGERS of Oklahoma. No; I did not say that. I thought the gentleman believed it did.

Mr. DITTER. No.

Mr. ROGERS of Oklahoma. I may say that as it is now the Secretary cannot make any leases at all on lands outside Indian reservations. There are no restrictions on the lands in Indian reservations. We are trying to make this same situation apply with respect to lands not in Indian reservations.

Mr. DITTER. I commend the gentleman for the worthy objectives he and his committee are seeking to attain here.

Mr. ROGERS of Oklahoma. I appreciate the gentleman's position.

Mr. DITTER. My point is, why not add further to the splendid work the gentleman's committee has done in bringing this suggestion here, by removing from the bill the objections which are presently acknowledged by the gentleman himself to be objections that should be overcome? I do not believe the gentleman is in favor of having the Secretary of the Interior given this wide discretionary authority under which we will never know how much money he is charging.

Mr. ROGERS of Oklahoma. Oh, yes, we would know. It would be a matter of record.

Mr. DITTER. Not under this bill.

Mr. ROGERS of Oklahoma. It would be a matter of record.

Mr. DITTER. It might be known after the lease was made and that might be 10 years afterward. Ten years is a long time to be sorry for the mistakes we make.

Mr. ROGERS of Oklahoma. If the gentleman pleases, some of these lands may be worth more than the others.

Mr. DITTER. Does the gentleman mean to say by that acknowledgment that we have no source of authority, either through the Secretary of the Interior or through other sources, to determine what the rental value or the concession value of these lands may be?

Mr. ROGERS of Oklahoma. Certainly, there are such sources.

Mr. DITTER. Then tell us how much this concession is worth at Flathead, tell us how much the concession is worth in the San Carlos, per acre or whatever basis they may have.

Mr. ROGERS of Oklahoma. Some might be worth one amount and some another.

Mr. DITTER. Then let us provide a minimum and let us have a maximum. Let us tie it down to a definite basis like businessmen ordinarily do.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to my friend.

Mr. GREEVER. I want to make this observation for the gentleman's information. It has been my observation that in the Western States, where the Secretary of the Interior has had power, the question has not been as to his getting too little for this sort of land but he has charged every bit the traffic would bear, and in some cases more.

Mr. DITTER. That is just the point, if the gentleman please. I am trying to protect the western group against that very thing. I am trying to be cooperative with my friends who are interested in the West. I am trying to redeem my own good name when it was called in question with respect to my thoughts of the West when we had silver under discussion. I do not want any of these folks out there in the West gouged by this unlimited authority on the part of the Secretary of the Interior to get rents or concession prices that he should not be getting. For the very reason the gentleman himself acknowledges, we ought to have certain limitations in this bill.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to my friend.

Mr. SHEPPARD. As one Representative of the great West, I want to express my gratitude for the gentleman's protection. I think it is one of the outstanding experiences of my short term in Congress to have the gentleman feel so benevolently.

Mr. DITTER. I do appreciate that observation.

Mr. GREEVER. Mr. Chairman, will the gentleman yield further?

Mr. DITTER. I yield to the gentleman.

Mr. GREEVER. If the gentleman is smart enough to figure out what these lands are worth, and if he can tell us what kind of amendment to put in the bill to protect those people against paying too much rental, I would certainly go right down the line with him.

Mr. DITTER. I make no professions whatever myself, but I am very proud of the ability of the great group of men here who represent the far West, and I believe you men have the ability, as a result of your intimate knowledge and your contact with these projects, to tell us just what the figure should be. I am protecting you men and commending you.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. DITTER. Yes; I yield.

Mr. MURDOCK of Utah. If the gentleman has such admiration for the ability of the western Representatives, how is it he is never willing to take our advice on a matter that we know so much more about than does the gentleman? [Laughter.]

Mr. DITTER. Because, if the gentleman please, I have, unfortunately, seen the gentleman go astray only too frequently in times past, and it is because of the temptation that is thrown to the gentlemen of the West to go astray that I, in a spirit of benevolence, want to offer my cooperative help to prevent further temptation. [Laughter and applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE]; and before he begins his remarks I am going to ask him, if he will, to discuss the words "other purposes," in line 4, on page 2 of the bill. If the gentleman needs more time, I shall try to yield it to him.

Mr. CASE of South Dakota. Mr. Chairman, I do not know that I can put the cat back in the bag after the splendid illustration of repartee we have had from the gentleman from Pennsylvania [Mr. DITTER], because the discussion has gone so far afield that the cat has run clear around the block and down the alley two or three times, but I would like to have the attention of the gentleman from Pennsylvania, if I may, because I want to speak of one or two of the points he mentioned.

Some of the discussion has gone astray because of his use of the words "this roving commission that is to be extended to the Secretary of the Interior." I should like to call the gentleman's attention to the fact that, in the first place, the Secretary will only be able to exercise this authority in respect to lands that are under his jurisdiction.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. Certainly.

Mr. DITTER. Am I to understand by that statement that the gentleman feels the Secretary already has authority and that you are only now putting your stamp of approval and a bit of encouragement to let him use the authority he already has?

Mr. CASE of South Dakota. No; that is not correct. When lands are withdrawn in connection with an irrigation project the Secretary does not have the authority to grant such leases or make such concessions as are proposed in this bill.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. Yes.

Mr. SAUTHOFF. This is a question that occurs to me, and I am simply seeking information from the committee. Let us say that someone leases a large tract of land and puts it into wheat. The following year he leases it again and he takes the wheat out of production. Is he then entitled to payments from the Government for not producing wheat, like a man named Clark was in Montana a year or two ago?

Mr. CASE of South Dakota. Of course, if the gentleman will refer to the Soil Conservation Act, I think he will find that the basis of payment would be on the past use of that land; and if it had been in production of wheat only 1 year, I do not think that he could get any such payment.

Mr. SAUTHOFF. Why not? They got it in Montana, when they did not even have any production.

Mr. CASE of South Dakota. The land had a history of past use.

Mr. SAUTHOFF. He got $50,000 on account of land for which he paid 50 cents an acre.

Mr. CASE of South Dakota. I hope the gentleman does not imply that I am particularly interested in defending that incident. I am as much against that as you are.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. Yes.

Mr. GREEVER. As a matter of fact none of this land would be agricultural in character, in the sense of growing wheat or any crop of that kind.

Mr. CASE of South Dakota. I think that is correct. To pursue the thought I wanted to pursue in connection with the general objections that have been raised, and particularly those raised by the gentleman from Pennsylvania [Mr. DITTER], this land is restricted not merely to the public domain, that is under the jurisdiction of the Secretary of the Interior, but is also restricted to irrigation projects, and consequently the reference to the quarter million acres in the San Carlos Valley does not come into question at all. I do not know of any Indian irrigation project in the country that embraces a quarter of a million acres.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. Yes.

Mr. DITTER. Does the gentleman mean to say that he thinks that Charlie West does not know what he is talking about when, on page 2 of the report, he speaks of giving authority where no authority exists? Certainly the gentleman would not want to call in question the opinion of the distinguished Secretary of the Interior, formerly a member of this body.

Mr. CASE of South Dakota. I am wondering if the gentleman has correctly read the words of the Assistant Secretary.

Mr. DITTER. I shall read them again, if the gentleman thinks I have made a mistake.

Mr. CASE of South Dakota. I yielded for a question. My time is limited.

The CHAIRMAN. The gentleman declines to yield further. The time of the gentleman from South Dakota has expired.

Mr. TABER. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. CASE of South Dakota. The Secretary's words referred to the San Carlos Reservoir and the bill refers to land withdrawn or otherwise acquired in connection with the San Carlos irrigation project. The San Carlos project does not embrace the entire reservation. Not only that, but there are further restrictions embraced in the bill at the present time. Whatever money the Secretary receives must be expended in accordance with existing laws in the operation and maintenance of irrigation projects.

Mr. DITTER. I wish the gentleman would yield for one question. I will see that he gets more time.

Mr. CASE of South Dakota. I yield.

Mr. DITTER. Do I understand the gentleman now to contend that this statement made by the Assistant Secretary of the Interior has no relevancy? Does he mean to tell me that the statement he makes is an irrelevant statement, that it does not apply to this legislation?

Mr. CASE of South Dakota. The gentleman must realize, of course, that we are voting on the bill, and not on the Secretary's report.

Mr. DITTER. But I have only the Secretary's report before me to urge me to either approve or disapprove the legislation.

Mr. CASE of South Dakota. I am glad to give the gentleman a copy of the bill. This bill also carries the further restriction that where tribal lands of any Indian tribe organized under section 16 of the act of June 18, 1934, are involved, the consent of the tribe must be secured.

The gentleman from Pennsylvania [Mr. DITTER] challenged the ability of the committee, and I ask his attention at this point to a proposed amendment that would curtail this roving commission for the Secretary of the Interior. Perhaps the gentleman was not in the room at the time or at least did not hear when I suggested to the gentleman from New York [Mr. TABER] that we change the wording of the bill on page 2. It now reads:

> Under such rules and regulations as he may prescribe.

I suggest that we change that to read:

> Under such rules and regulations and laws as govern his administration of the public domain, as far as applicable.

Mr. TABER. I would think that would help, but if the words "other purposes" in line 4 of that page were stricken out and the word "or" moved up ahead of the word "grazing" in line 3, that would help it a great deal. I wonder what the gentleman has to say on some such amendment as that?

Mr. DITTER. The distinguished gentleman from New York, may I say to the gentleman from South Dakota, has stated my position exactly.

Mr. CASE of South Dakota. All right; I shall take that up. Let me point out that the public domain is administered under the jurisdiction of the Secretary of the Interior. At the present time, with the Taylor Grazing Act administered by the Secretary of the Interior, if we restrict the Secretary on the handling of this land that has been withdrawn in connection with these Indian irrigation projects by the same laws and the same statutes that govern him in the administration of other parts of the public domain, this roving commission should be sufficiently curtailed to satisfy the gentleman from Pennsylvania in respect to the purposes for which leases can be made.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. DITTER. Then, as I understand, the gentleman acknowledges that the contribution which my distinguished friend from New York and I have brought to the discussion of the morning has value and that we are going to incorporate this restriction and prevent this roving commission that otherwise could have been exercised.

Mr. CASE of South Dakota. As a matter of fact, I have never heard the gentleman from Pennsylvania enter into a discussion on this floor without contributing something to the discussion. Referring to the other purposes, it seems to me that that would create a restriction on the bill which would be impractical of application. The gentleman must understand that these tracts of land are isolated tracts, or small tracts. In some cases it might be a concession established for some store, or it might be for a trading post of some sort. If you limited it to agriculture or grazing purposes, it would make it impossible to accommodate such public use as that; yet if we adopt the amendment I have suggested the Secretary will be bound by the general statutes.

Mr. DITTER. May I ask the gentleman, and I really think information from the gentleman—if he still has time——

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 5 additional minutes to the gentleman from South Dakota.

Mr. DITTER. Do I understand that the gentleman feels that if the words he has suggested, the amendment he has suggested is incorporated that then the authority about which complaint has been made will be definitely circumscribed and the complaint that we have registered will really be eliminated?

Mr. CASE of South Dakota. I think it will; and the gentleman should keep in mind that the funds derived are very much circumscribed by the exact provisions of this proposed legislation; also in the rules and regulations, and also by the laws governing the administration of the public domain at the present time.

Mr. DITTER. And would that prevent the possible gouging of which I expressed apprehension? I am trying to protect the men of the West.

Mr. CASE of South Dakota. Yes; unless there be gouging under existing statute, I should say "yes."

Mr. DITTER. If the gentleman will assure me that that will protect the people about whom I am presently concerned I will accept his recommendation.

Mr. CASE of South Dakota. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. TABER. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CRAWFORD] 5 minutes.

Mr. CRAWFORD. Mr. Chairman, I do not believe there is any Member of the House more anxious to conserve the resources, and cut down the expenses of the Government, and gather money into the Treasury than the gentleman from Pennsylvania and the gentleman from New York. There is now about to be reached an agreement here by these three gentlemen on the minority side as to what they will do to this bill. I should like to suggest that instead of its being amended as has been proposed, that the words "or other purposes" be stricken and that we insert in lieu thereof the words "industrial and commercial purposes," because that would leave untied the hands of the Secretary of the Interior so that he might gather revenue which this Government so badly needs and of which the gentleman from New York and the gentleman from Pennsylvania so often remind us. If their proposition be to prevent revenue flowing to the Government, that is something different, but I am sure that neither of these gentlemen desire to accomplish such a thing in amending this bill. So I would like to ask the gentleman from South Dakota if he will accept an amendment to his suggested amendment making the new wording read, in line 3?—

> Indians, and to lease such lands for agricultural, grazing, industrial, and commercial purposes.

And I also ask the gentleman from New York if he would have any objection to an amendment of this nature?

Mr. TABER. It seems hardly possible or feasible to authorize the Secretary of the Interior to make leases for industrial purposes when he is limited to a lease of 10 years. It does not seem as if there would be demand for that sort

of thing. So far as commercial purposes go, they would have to be very temporary in character if there could possibly be developed a demand for commercial purposes within 10 years. I should think that the purposes of grazing and agriculture would be sufficient.

Mr. CRAWFORD. May I say, Mr. Chairman, if the gentleman from New York had grown up in the Western States, where a great many of us have been nurtured, and had seen the coming and the going of the so-called mushroom towns, if he had seen the vacant spots on the prairie blossom like a rose and go from no inhabitants whatsoever up to five, ten, or fifteen thousand within a few weeks and then, after 4, 5, or 10 years, had seen those towns drop back to practically nothing except hiding places for jack rabbits, he could understand what a 10-year lease means in connection with the public domain. Based upon my experience and observation of the West, it is very essential and in the interest of the general welfare for the purpose of raising revenue that this bill be either voted down in whole or left so that it will function with reference to agriculture, industry, and commercial leases. I hope the gentleman from New York will accept the suggestion.

Mr. TABER. Does the gentleman think there would be a demand for industrial purposes in connection with such land as this where the lease could not run over 10 years?

Mr. CRAWFORD. I think that in the event irrigation projects are developed there will be demand for commercial and industrial purposes in the way of leases for small areas on which to build garages, service stations, stores, short-lived hotels, and so on down the line. In other words, those services which a country needs in connection with the development of irrigation projects.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 3 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, the gentleman from Michigan asks if I would be willing to accept his amendment. It seems to me that his amendment is unnecessarily restrictive. I have in mind an application right now for a lease of some Indian land in the Badlands section that could not possibly be leased for agricultural or grazing purposes because these are rough, bad lands. However, they contain some clays that are useful for the making of calcimine or paints. There is a group of people who want to develop that land, and they could use it even on a 10-year lease. Although that does not happen to be on an irrigation project, such a piece of land might be involved in some of the land involved in this bill. I know of another case where an application is before the Indian Office, under the Secretary of the Interior, to lease some unused, barren land to dig out some vermiculite, which is used for insulating purposes. If you restrict the bill to agricultural purposes that revenue will be denied.

The Secretary of the Interior does have authority at the present time to grant permits for things of that sort on the general public domain, and with my amendment it would make the statutes relating to the general public domain applicable here. It seems to me that is sufficient protection. But if the amendment suggested by the gentleman from Michigan were adopted there might be a question as to whether or not the use of clay for the making of calcimine or the digging out of some vermiculite is a commercial purpose, industrial or mining. The Secretary would be confined under my amendment to the restrictions now applicable to other portions of the domain. That would seem fair enough.

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, I find on closer inspection of the bill and report that I was in error a moment ago in calling attention to the fact that about a quarter of a million acres of land lying south of the Gila River, once a part and now again a part of the San Carlos Indian Reservation, would be affected by this bill. On closer examination I believe that land will not be affected by the bill; however, the remarks I made a few minutes ago are still pertinent in part.

May I repeat that there is a body of land fit only for grazing and mining purposes that is a part of the San Carlos Indian Reservation, which is no longer needed by the San Carlos Indians and for which I have a bill pending asking that the lands be returned to the public domain on payment to the Indians of a specified sum of money.

May I say further that on a little closer study I recall that I have had several requests pertaining to this bill. A telephone communication with my secretary reveals I have had several requests from my constituents asking for concessions at Lake San Carlos, which is an artificial lake caused by the waters piling up behind the Coolidge Dam. We have in Arizona five or more artificial lakes piling up behind these storage dams. They are used as resorts, and they are very famous resorts for sportsmen, fishermen, and those who enjoy the sight of water in a desert land.

This bill will give authority to the Secretary of the Interior to grant concessions for service stations, boathouses, and such things as are needed at such lakes and summer resorts. I understand that the Secretary does not have sufficient authority under present law, and I would like to see that authority extended to him.

Mr. Chairman, I agree in part with the gentleman on the opposite side of the aisle that it would be well to limit the authority so as to safeguard the public, and I am willing to have that done. However, in the short time I have been in Congress I have found the Department of the Interior quite inclined to do the right thing in dealing fairly by those having concessions and also by the public. I trust and believe this policy will be continued, and with any additional safeguard in the form of an actual provision in the measure I would like to see this measure passed giving the Secretary of the Interior this authority.

Mr. TABER. Will the gentleman yield?

Mr. MURDOCK of Arizona. I yield to the gentleman from New York.

Mr. TABER. Does the gentleman know of any cases involved in these particular reservations referred to in the committee amendment that are proposed to this bill, so far as mineral rights are concerned, that there would be demand for commercial or other industrial use in connection with these particular tracts?

Mr. MURDOCK of Arizona. I cannot answer that question specifically. What I have in mind is a concession at San Carlos Lake for a boathouse. That is one that comes to my mind at the moment.

Mr. TABER. That would be on this particular property to which the gentleman is referring?

Mr. MURDOCK of Arizona. Yes; on the shores of San Carlos Lake.

[Here the gavel fell.]

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized, in his discretion, to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands under his jurisdiction which have been withdrawn or otherwise acquired in connection with irrigation projects for the benefit in whole or in part of Indians, and to lease such lands for agricultural, grazing, or other purposes: *Provided*, That such concessions may be granted or lands leased by the Secretary of the Interior under such rules and regulations as he may prescribe, for such considerations, monetary or otherwise, and for such periods of time as he may deem proper, the term of no concession to exceed a period of 10 years: *Provided further*, That the funds derived from such concessions or leases, except funds so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be available for expenditure in accordance with the existing laws in the operation and maintenance of the irrigation projects with which they are connected. Any funds derived from reserves for which the tribe has not been compensated shall be deposited to the credit of the proper tribe: *Provided further*, That where tribal lands of any Indian tribe organized under section 16 of the act of June 18, 1934 (48 Stat. 984), have been withdrawn or reserved for the purposes hereinbefore mentioned, such lands may be leased or concessions may be granted thereon only by the proper tribal authorities, upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws or charter of the respective tribes.

With the following committee amendment:

Page 1, line 7, after the word "with", insert "the San Carlos, Fort Hall, Flathead, and Duck Valley or Western Shoshone."

The committee amendment was agreed to.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: On page 2, line 6, after the word "regulations", strike out the words "he may prescribe" and insert "and laws as govern his administration of the public domain as far as applicable."

Mr. CASE of South Dakota. Mr. Chairman, I believe the amendment has been sufficiently explained in general debate. Unless an objection is raised to the amendment, I do not care to use the time.

Mr. ROGERS of Oklahoma. Mr. Chairman, I may just say I am opposed to the amendment and hope the Committee will vote it down.

Mr. TABER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the amendment offered by the gentleman from South Dakota makes the operations of the Secretary of the Interior with reference to the four or five pieces of property he is authorized to lease subject to the laws and regulations of the Department which apply to other leasing operations and concessions. If we do not impose this restriction, we are giving the Secretary of the Interior carte blanche to do just what he pleases with these lands. Unless we prescribe some proper regulations for the operations of the Secretary of the Interior, we ought to defeat this bill. I may say that unless the committee is prepared to accept this amendment, frankly, I shall have to ask for a roll call on it.

Mr. ROGERS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Oklahoma.

Mr. ROGERS of Oklahoma. Will the gentleman give us assurance that if we accept the amendment he will not force a roll call on the bill?

Mr. TABER. I shall not force a roll call on the bill unless this amendment and the one to be offered by the gentleman from Wisconsin [Mr. SAUTHOFF] are not agreed to.

Mr. ROGERS of Oklahoma. What is the other amendment?

Mr. TABER. I yield to the gentleman from Wisconsin to explain that amendment.

Mr. SAUTHOFF. Mr. Chairman, I intend to offer an amendment to insert the following after the colon in line 4 on page 2:

Provided, That no lands so leased shall be eligible for benefit payments under the crop-control program or the Soil Conservation Act.

Mr. ROGERS of Oklahoma. I am sorry; but I do not believe I could accept those two amendments.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. RICH. Can anyone tell why Members of Congress bring in bills for particular Indian reservations when the committee is now hearing requests for irrigation projects on Indian lands? If these are worth-while projects, why does not the Bureau of Indian Affairs recommend them in its regular budget instead of coming in here with a special bill?

Mr. TABER. This is a bill to provide for the leasing of certain lands for grazing purposes. It is not a bill with reference to an authorization for further irrigation projects. If the authority granted were properly circumscribed and the interests of the Government were protected, I would not object to the bill. I believe it goes too far. Frankly, unless the amendment of the gentleman from South Dakota is agreed to, I shall feel I ought to ask the House to turn down the bill. The amendment is fair and does nothing but protect the interests of the Government.

Mr. ROGERS of Oklahoma. If we may have the assurance of all the gentlemen on the other side that we will not be forced to a roll call, I am inclined to accept the amendment.

Mr. TABER. I am not in a position to give the assurance of anybody but myself. I am not trading here at all. I am simply telling the gentleman this is a bad bill the way it stands. While I have questioned the advisability of giving so much authority to the Secretary of the Interior, I shall not myself ask for a roll call if this amendment is agreed to and the proposition is placed under the regular rules of the Department. I could not let the bill go through without such an amendment unless I opposed the bill to the last ditch.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. CASE].

The amendment was agreed to.

Mr. SAUTHOFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAUTHOFF: On page 2, line 4, after "other purposes" and the colon, insert "*Provided*, That no lands so leased shall be eligible for benefit payments under the crop-control program, or the Soil Conservation Act."

Mr. SAUTHOFF. Mr. Chairman, I understand from the chairman of the Committee on Indian Affairs that he accepts the amendment, so there is no need to discuss it.

Mr. ROGERS of Oklahoma. This amendment is all right.

The amendment was agreed to.

Mr. ROGERS of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Oklahoma: After the word "*Provided*" in line 4, insert the word "*further*."

The amendment was agreed to.

Mr. TABER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in connection with the amendment offered by the gentleman from South Dakota [Mr. CASE]——

Mr. SHEPPARD. Was it the amendment of the gentleman from South Dakota, or was it the amendment of the gentleman from New York, may I ask?

Mr. TABER. The gentleman from South Dakota offered the amendment.

Mr. SHEPPARD. Will the gentleman answer my question?

Mr. TABER. Was it the amendment of the gentleman from South Dakota?

Mr. SHEPPARD. Or was it the amendment of the gentleman from New York?

Mr. TABER. It was the amendment of the gentleman from South Dakota, and it was his own idea.

May I call the attention of the chairman of the Committee on Indian Affairs to the fact that on page 2, line 6, the word "and" ought to be stricken out and a comma substituted, in order to make the language read properly in view of the amendment of the gentleman from South Dakota. This is purely a technical amendment to make the language read properly, Mr. Chairman, and I offer an amendment to that effect.

The Clerk read as follows:

Amendment offered by Mr. TABER: In line 6, after the word "rule", strike out the word "and" and insert a comma, and after the word "regulations", strike out the word "as."

The amendment was agreed to.

Mr. ROGERS of Oklahoma. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. BEAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill S. 1945, had directed him to report the same back to the House with sundry amendments, with the recommendation

that the amendments be agreed to and that the bill as amended do pass.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WAPATO PROJECT, YAKIMA, WASH.

Mr. ROGERS of Oklahoma. Mr. Speaker, by direction of the Committee on Indian Affairs, I call up the bill (S. 558) amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes.

Mr. CLASON. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is not a quorum present. The Chair will count. [After counting.] Fifty-three Members are present, not a quorum.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 19]

Allen, Del.	Deen	Hart	Poage
Allen, La.	Delaney	Hartley	Quinn
Amlie	DeRouen	Izac	Rankin
Atkinson	Dirksen	Johnson, Minn.	Reilly
Bates	Douglas	Johnson, L. B.	Rutherford
Biermann	Drew, Pa.	Kirwan	Ryan
Bigelow	Englebright	Kvale	Scott
Buckley, N. Y.	Farley	Lewis, Md.	Shafer, Mich.
Burch	Fitzpatrick	Long	Simpson
Byrne	Flannagan	Lucas	Smith, Okla.
Champion	Frey, Pa.	Luckey, Nebr.	Somers, N. Y.
Chapman	Gasque	McFarlane	Taylor, Tenn.
Clark, Idaho	Gavagan	McGrath	Teigan
Clark, N. C.	Gildea	McGroarty	Tobey
Coffee, Nebr.	Gray, Pa.	McLaughlin	Treadway
Cole, Md.	Griswold	Mason	Whelchel
Cole, N. Y.	Guyer	Mosier, Ohio	White, Idaho
Collins	Haines	Mouton	Wolfenden
Crowther	Halleck	O'Connell, Mont.	
Cummings	Hancock, N. C.	O'Connor, Mont.	
Daly	Harlan	O'Toole	

The SPEAKER. Three hundred and forty-eight Members have answered to their names, a quorum.

On motion by Mr. ROGERS of Oklahoma, further proceedings under the call were dispensed with.

The Clerk read the title of the bill.

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. TABER. I object, Mr. Speaker.

Mr. ROGERS of Oklahoma. Mr. Speaker, will the gentleman withhold his objection?

Mr. TABER. I think we should go into the Committee and have the bill explained. We will act on the bill much sooner in that way.

The SPEAKER. This bill is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 558) amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes, with Mr. BEAM in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL. Mr. Chairman, the Wapato project was one of the first projects in the Yakima Valley. At that time they were given a 20-year period within which to make their repayments. Since that time practically all of the projects under the Indian Service, and also under the Reclamation Bureau have had the time extended from 20 years to a 40-year period. This bill simply provides that the Wapato project be given the same length of time as other projects under the Indian Service and also under the Reclamation Bureau.

This bill passed the Senate last year and was reported out by the House Indian Affairs Committee unanimously. It has the O. K. of the Bureau of the Budget and also the Secretary of the Interior.

If the gentlemen want to ask any questions, I will be pleased to yield.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield for a question?

Mr. HILL. Yes.

Mr. CRAWFORD. Is there anything in this bill which would tend in any way to cost the Government or the taxpayers of the country any additional money?

Mr. HILL. Nothing at all.

Mr. CRAWFORD. Is there anything in the bill which puts the people for whose benefit it is being passed on a better basis than those who have come in under similar projects since the time this particular group made its purchase of land and became liable for assessments?

Mr. HILL. No; as a matter of fact, they are now in a worse condition and this bill will put them in the same position and on the same basis as those who have come in since.

Mr. CRAWFORD. Will the gentleman tell us about when these people made the obligations which are covered by this bill?

Mr. HILL. I would say somewhere around 20 or 30 years ago.

Mr. CRAWFORD. So the obligations which are covered by this bill were made some 20 or 30 years ago, before we had this new method of financing and disposing of lands under irrigation projects?

Mr. HILL. Yes.

Mr. CRAWFORD. And these people are asking that their contracts be put on a similar basis to the contracts which have been made in more recent years?

Mr. HILL. Yes, exactly.

Mr. CRAWFORD. That is the intent of the bill?

Mr. HILL. That is the only purpose of the bill.

Mr. CRAWFORD. Does that have the effect of reducing their per acre payments per annum?

Mr. HILL. Yes.

Mr. CRAWFORD. As compared to the original contract.

Mr. HILL. Yes. It will do that, but at the same time it will all be paid, and if there are any deferred payments, and we hope there will not be, they will bear interest and that interest must be paid.

Mr. CRAWFORD. It does not in any way involve a cancelation of any principal or the reduction of any rate of interest?

Mr. HILL. No.

Mr. CRAWFORD. It simply sets a period of time, which is to say that it makes the annual payments less than they would have been under the original contract.

Mr. HILL. Yes.

Mr. CRAWFORD. And at the same time it brings those annual payments per acre in conformity with the annual payments made by purchasers of other land under subsequent acts which the Congress has passed.

Mr. HILL. Exactly. It makes it uniform in the whole Indian Service.

Mr. CRAWFORD. Does this bill have the recommendation of the Budget Bureau and the Department of the Interior?

Mr. HILL. Yes.

Mr. CRAWFORD. And it was passed by the Senate a year ago?

Mr. HILL. It was passed by the Senate a year ago.

Mr. CLASON. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. CLASON. The gentleman says that it has the approval of the Secretary of the Interior. As I read the message from the Acting Secretary of the Interior, Mr. Charles West, he does not feel that this legislation should be taken up until after a commission of three had been appointed to obtain an intimate knowledge of the financial, economic, and other conditions of the various United States and Indian reclamation projects. That is what he states on page 5 of this report, and on page 6 he says:

I am of opinion that the enactment of S. 558 should be deferred.

Mr. HILL. That was about a year ago; that was last June. The commission that was appointed was appointed for a different purpose. The purpose of that commission was to find out about a moratorium that we were giving to all irrigation projects, and we are opposed to that now. It was not with reference to this particular project.

Mr. CLASON. However, as I read this report from the Acting Secretary of the Interior, it was his opinion that at that time no commission had obtained sufficient information to warrant their giving a favorable report on S. 558, and I find nothing in this report at the present time to indicate that they have any further information on which to act.

Mr. HILL. As I stated, that commission was to be appointed with reference to a different proposition, that is, a moratorium on all of the projects. Would the gentleman have this project denied the rights that we give to all other projects, a 40-year period, waiting a return from this commission which may take 2 or 3 or 4 years?

Mr. CLASON. Nevertheless, that was the opinion of the Secretary of the Interior, as expressed by the Acting Secretary.

Mr. HILL. Instead of it being a final statement, it was just a suggestion on his part.

Mr. CLASON. It is more than a suggestion. A bill was introduced for the purpose of securing further information.

Mr. HILL. That was on a general moratorium.

Mr. CLASON. Has the committee any further information in its possesion by reason of hearings or otherwise which was not in the possession of the committee when Mr. West sent in his letter?

Mr. ROGERS of Oklahoma. The Commissioner of Indian Affairs had this bill up since that report was made and he checked it with the Bureau of the Budget, and now there is no objection to it.

Mr. CLASON. Where is that letter? It is not in the report.

Mr. ROGERS of Oklahoma. The report was made a year ago.

Mr. CLASON. Is the Government going to get just as much money under this bill?

Mr. HILL. Yes.

Mr. CLASON. How much longer will it take?

Mr. HILL. It will be on a 40-year period, the same as the other projects.

Mr. CLASON. How many years did the contract call for originally?

Mr. HILL. It was originally 20 years, when it was first started.

Mr. CLASON. When was this contract entered into, 1921? If you add 14 years at the present time, it would only make the total 31 years.

Mr. HILL. Is not that immaterial? It seems so to me. We place them on the same basis as the other projects and make it uniform with these projects; that is all it does.

Mr. CLASON. No interest is provided in this bill, is there?

Mr. HILL. There will be interest on deferred payments.

Mr. CLASON. Interest is provided for by the bill?

Mr. HILL. Yes; the same as on other deferred payments.

Mr. ROGERS of Oklahoma. If the gentleman will look at pages 6 and 7 of the report, he will find two tables which show the amount applicable under the agreement as it now stands and also under the agreement proposed by this bill.

Mr. CLASON. But there is going to be a deficit to the United States Government of over $300,000, is there not?

Mr. ROGERS of Oklahoma. There is no deficit under the present arrangement.

Mr. CLASON. But it says the deficit to be appropriated.

Mr. HILL. But the sum total would be the same.

Mr. CLASON. The Government gets the same amount it otherwise would?

Mr. HILL. Yes.

Mr. CLASON. It gives them a little more time and saves them interest.

Mr. HILL. It puts this on the same footing with the other projects.

Mr. CLASON. But it is going to save them interest.

Mr. HILL. It will be handled as it is on other projects.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield.

Mr. CASE of South Dakota. Is it not a fact that the present charges against the district exceed the total amount of the charge made at the time the first schedule of payments was made? In other words, they have found that they had to add to the water available and they had some additional costs; so the extension of time is partly because the burden has been increased.

Mr. HILL. That is correct; yes.

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Chairman, I have risen to make some comments and observations on the appointment of Prof. A. A. Berle as Assistant Secretary of State. Mr. Berle is a man of outstanding ability.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield for a question?

Mr. FISH. I yield.

Mr. CASE of South Dakota. The gentleman just stated he was talking about the Assistant Secretary of State. Does the gentleman mean the Assistant Secretary of the Interior?

Mr. FISH. The Assistant Secretary of the Interior is Mr. Burlew. I understand Mr. Berle is to be appointed Assistant Secretary of State. I may have been misinformed, but I think I am correct under the circumstances.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mrs. ROGERS of Massachusetts. Mr. Burlew is in the Interior Department.

Mr. FISH. Yes; but I am dealing with the State Department at the present time.

Mrs. ROGERS of Massachusetts. Yes; I realize that.

Mr. FISH. Mr. Berle is a man of outstanding ability and in my humble opinion well qualified for the position. The newspapers report that he is to retain his professorship at Columbia University and hold two jobs. It seems very strange to me with the Congress of the United States just about to appropriate $250,000,000 additional for relief and $1,000,000,000 or more for the Navy that it cannot afford to pay Mr. Berle a sufficient sum so he can give his entire time to the position of Assistant Secretary of State.

The Secretary of State was asked what Mr. Berle's duties would be, but he seemed to be very vague about it and said he did not know exactly what they would be. You can, however, always depend upon the fourth estate, upon the press, because they know everything, or, if they do not know, they always find out. They state that Mr. Berle's duties will be to act as a contact man with the press, that he is to tell the press and the press will tell the country what the foreign policies of the United States are. The President and the Secretary of State are assumed to know, but they so far have refused to tell anybody what the foreign policies of the country are.

Mr. Berle is not only supposed to tell what the policies are and what they will be—that is very difficult under this administration—but he is also supposed to tell them what our traditional policies have been and educate the press so they will know something about them. In view of this situation, that Mr. Berle is supposed to inform the press what our traditional policies are and what our foreign policies will be, I propose in these few minutes to ask certain questions of Mr. Berle myself. If the press can ask him, I assume that a member of the Foreign Affairs Committee of the House of Representatives can at least do likewise.

When the Congress considers the question of the size of the Navy and an expansion in the Navy it has a direct relationship to our foreign policies; and, therefore, I would ask Mr. Berle first: Will our Navy be used to impose economic sanctions on aggressor nations?

Mr. KELLER rose.

Mr. FISH. Does the gentleman want to answer that?

Mr. KELLER. I want to ask the gentleman a question.

Mr. FISH. I thought the gentleman did not want to answer it.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. FISH. I would prefer to have Mr. Berle answer these questions, but if the gentleman thinks himself qualified to answer them, I yield.

Mr. EBERHARTER. I just wanted to ask the gentleman from New York whether Mr. Berle has been confirmed by the other body of this Congress, and if it is not within the province of the other branch of the Congress either to confirm or refuse to confirm his appointment?

Mr. FISH. Mr. Berle is well qualified so I do not see any reason why he should not be confirmed unless the issue of holding two jobs is gone into. I am asking these questions now to pave the way for him so he will know what to tell the press when the time comes.

Mr. EBERHARTER. Does not the gentleman think it would be more proper to wait until he is confirmed, at which time his statement would then be official, if he chose to answer the gentleman's questions?

Mr. FISH. No; because he may need time to prepare his answers and I want to be fair to him. I want to ask him the questions now so he will have ample time to answer after he has been confirmed.

Mr. KELLER. This is to help Mr. Berle?

Mr. FISH. Both Mr. Berle and the American people.

Mr. KELLER. I just tried to get the implication of your questions.

Mr. FISH. I will read them over again. Would the gentleman wait until I finish all four of them?

Mr. KELLER. I would like to get the first one.

Mr. FISH. The first one is: Will our Navy be used to impose economic sanctions on aggressor nations? The gentleman understands that?

Mr. KELLER. Yes.

Mr. FISH. If the gentleman wants to answer, I yield to him.

Mr. KELLER. If I were in Mr. Berle's case I certainly should.

Mr. FISH. The gentleman is in favor of that?

Mr. KELLER. No; I did not say that.

Mr. FISH. The gentleman is not in favor of that?

Mr. KELLER. I did not say that.

Mr. FISH. Which are you?

Mr. KELLER. I said if I were in Mr. Berle's place I would answer the gentleman. I am not.

Mr. FISH. The gentleman is not in favor of that, then?

Mr. KELLER. I would answer it mighty quick.

Mr. FISH. I will give the gentleman an opportunity to answer now.

Mr. KELLER. I said if I were in Mr. Berle's place I would answer it.

Mr. FISH. In your own place, as you sit here, are you or are you not in favor of it?

Mr. KELLER. Would the gentleman put me in the position of the Kentucky Governor?

Mr. FISH. I am not trying to put the gentleman on the spot, but he is a brave Member of this Congress. Of course, if the gentleman does not want to answer that question it is all right with me and I will not insist. I will proceed to the other questions. He may want to answer those. We will pass question No. 1 and take up No. 2.

Mr. KELLER. I would like to get the implication of the whole thing.

Mr. FISH. The gentleman may want to answer question No. 2: Will our Navy be used to make the world safe for democracy? Perhaps the gentleman would answer that question.

Mr. KELLER. Yes.

Mr. FISH. Will the gentleman answer it?

Mr. KELLER. Why, certainly.

Mr. FISH. The gentleman wants to use our Navy to make the world safe for democracy?

Mr. KELLER. Certainly. It has been done in the past, it will be done in the future, as it has always been done in the past. I do not know of any good American who has ever objected to that.

Mr. FISH. Is that the policy of the administration?

Mr. KELLER. I am not a part of the administration, but I am a Member of the House, the same as the gentleman is.

Mr. FISH. I want to say I am against it and against the use of our Navy to fight the battles of any other peoples or nations.

Mr. DISNEY. Will the gentleman yield for a serious question?

Mr. FISH. Perhaps the gentleman would like to answer the third question.

Mr. DISNEY. I am not trying to be facetious. I may say, however, the greatest democracy, outside of the United States of America, Great Britain, has become a great democracy and maintained itself as a great democracy because it has always maintained a great navy.

Mr. KELLER. Right.

Mr. FISH. I may say to the gentleman that a very comprehensive statement in answer to that issue will be given if he will listen in on the National Broadcasting Co. hook-up at 7:15 tomorrow night, at which time I will answer the gentleman completely and comprehensively.

Mr. DISNEY. Will that be final and fundamental, these things you will say there?

Mr. FISH. It ought to be. Whether it will be with the Democrats I do not know, but I believe it will be very conclusive with the American people.

Mr. KELLER. Will it be for the Republicans?

Mr. FISH. They do not need any arguments at all. They have made up their minds and do not have them made up for them from the White House.

Mr. KELLER. I want to know how. What is their mind and how has it been made up?

Mr. FISH. We went out to make the world safe for democracy in 1917. Whether we did make it safe for democracy is a sad question. What a snare and a delusion?

Mr. KELLER. Have we ever done anything in this world that was thoroughly complete and satisfactory?

Mr. FISH. All our high-minded efforts to make the world safe for democracy have become a mockery and travesty, because those countries that did have a certain amount of democracy before have gone to either the right or left into autocracies or dictatorships in fascism, nazi-ism, or communism.

Mr. COCHRAN. Will the gentleman yield?

Mr. FISH. The gentleman would like to answer the question?

Mr. COCHRAN. No; but I would like to ask the gentleman a question before he gets off the point.

Mr. FISH. The gentleman may answer this one: Will our Navy be used to maintain the sanctity of treaties and international law? That is a very profound question.

Mr. COCHRAN. When the gentleman talks tomorrow night, I wish he would tell the general public he is not talking for the Foreign Affairs Committee of the House of Representatives, or the House of Representatives, but is talking for himself individually.

Mr. FISH. I generally talk for myself, and I believe I will also be talking for probably 90 percent of the American people.

Mr. COCHRAN. The gentleman has the authority to speak for 90 percent of the American people?

Mr. FISH. I trust so. It may be that it should even be a little higher; 95 percent, perhaps.

Mr. DISNEY. Where did the gentleman get his permission to speak for all those people?

Mr. COCHRAN. If Mr. Berle attempts to answer the gentleman's questions, and if he is fool enough to do that, he will be talking for Mr. Berle and not for the present administration.

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. DISNEY. Will the gentleman yield for a question that is very pertinent at this point?

Mr. FISH. I cannot yield.

Mr. DISNEY. It is merely a question, I assure the gentleman.

Mr. FISH. No. 5: "Will our Navy be used to maintain the territorial integrity of the British Empire?" Now the gentleman can answer.

Mr. DISNEY. I was going to inquire of the gentleman.

Mr. FISH. No; that was the question the gentleman raised. I am asking, Will our Navy be used to maintain the territorial integrity of the British Empire? This is the question I propounded to Mr. Berle. If the gentleman wants to answer for Mr. Berle, I shall be very pleased to have him do so. The gentleman showed very great interest in the British Empire a few minutes ago.

Mr. DISNEY. The gentleman is yielding to a question from me on the British Empire?

Mr. FISH. No; I am asking a question about the British Empire. If the gentleman wants to help the British he is at liberty to do so, but I do not believe that he represents his people at Tulsa.

Mr. DISNEY. I am attending to my district; but will the gentleman answer the question, Who commissioned him to represent 90 percent of the American people?

Mr. FISH. I am not disputing the percentage. I believe it is nearer 95 percent on this question. If it is on the question of aiding the British Empire, or fighting other peoples' battles, I believe it is at least 95 percent on that particular issue, although it varies on the other questions. However, if the gentleman wants to dispute our aiding the British Empire, let him speak for himself.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Michigan.

Mr. CRAWFORD. When the gentleman extends his remarks, if he does, if he agrees with me I hope he will put something in the RECORD to the effect that there are several different kinds of democracy. When an American speaks of making the world safe for democracy he has in mind a certain type of democracy. An Italian may have in mind a different type, and a German a still different one.

[Here the gavel fell.]

Mr. CRAWFORD. I yield 2 additional minutes to the gentleman from New York.

Mr. FISH. I really did not propose to discuss the Navy bill today, but a question has been asked that raises, I believe, a most serious issue. Admiral Leahy has not added one word in his testimony before the Committee on Naval Affairs to what he said before the Committee on Naval Appropriations on December 7, 1937, not one iota, except that he made reference to three nations—Italy, Japan, and Germany—as having joined in an anti-Communist pact, an agreement to combat the spread of communism, and said that we in this country, therefore, ought to be fearful and arm against those three nations.

Since when have we gone communistic? Since when have we had an alliance with Soviet Russia? What have we to do with this anti-Communist pact? Still, the only argument that has been produced before the Committee on Naval Affairs in support of an additional appropriation of $800,000,000 to increase our Navy is that we must be fearful of these three nations on account of their entering into some undisclosed pact against communism, which has nothing whatever to do with our country. We have nothing to do with the kind of government there is in Soviet Russia, in Germany, or in Italy. These are the flimsy reasons given for building a super navy, not for defense but for aggression. I hope the people of this country know the facts—and they will know them. [Applause.]

[Here the gavel fell.]

The Clerk read as follows:

Be it enacted, etc., That so much of the act approved February 14, 1920 (41 Stat. 431), as amended by the act approved May 25, 1922 (42 Stat. L. 595 and 596), as fixes the annual rate of payment of irrigation construction costs or assessments on the Wapato Indian irrigation project on the Yakima Reservation in the State of Washington, be, and it is hereby, amended so as to fix the per-acre per-annum assessment rate at $1.25 against those lands classed as A or B which are subject to construction assessments pursuant to existing law. Such rate is to take effect immediately upon approval of this act and shall continue until the total cost assessable under existing law against such of the A and B lands shall have been repaid.

SEC. 2. The Secretary of the Interior is hereby authorized and directed to modify the annual repayment schedule set forth in the memorandum agreement of March 9, 1921, approved March 31, 1921, as amended, wherein provision is made among other things for payment of the actual cost of the 250,000 acre-feet of water for certain of the lands under the Wapato Indian irrigation project so as to extend payment of the balance of the cost of such water over a 24-year period commencing with the payment due December 31, 1937.

Mr. ROGERS of Oklahoma. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BEAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 558) amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes, directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CHEROKEE INDIAN NATION, EASTERN CHEROKEES, AND WESTERN CHEROKEES

Mr. ROGERS of Oklahoma. Mr. Speaker, by direction of the Committee on Indian Affairs, I call up the joint resolution (S. J. Res. 64) defining the jurisdiction of the Court of Claims under the act approved March 19, 1924 (43 Stat. 27), and April 25, 1932 (47 Stat. 137), and for other purposes.

The Clerk read the title of the Senate joint resolution.

CALL OF THE HOUSE

Mr. WIGGLESWORTH. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 20]

Allen, Del.	Daly	Healey	O'Connell, Mont.
Allen, Ill.	Deen	Jenkins, Ohio	O'Connor, Mont.
Andresen, Minn.	Delaney	Johnson, L. B.	O'Toole
Andrews	DeRouen	Johnson, Minn.	Pace
Atkinson	Dirksen	Kelly, N. Y.	Palmisano
Barton	Douglas	Kinzer	Pettengill
Bates	Drew, Pa.	Kirwan	Pfeifer
Beiter	Eaton	Kleberg	Phillips
Bell	Eckert	Kvale	Pierce
Bernard	Farley	Lamneck	Poage
Biermann	Fitzpatrick	Larrabee	Quinn
Boylan, N. Y.	Flannagan	Lesinski	Rankin
Brewster	Ford, Calif.	Long	Reilly
Buck	Frey, Pa.	Lucas	Robsion, Ky.
Buckley, N. Y.	Fulmer	Luckey, Nebr.	Rutherford
Burch	Gasque	Luecke, Mich.	Ryan
Byrne	Gavagan	McClellan	Sabath
Celler	Gifford	McGehee	Scott
Champion	Gingery	McGrath	Simpson
Chandler	Goldsborough	McGroarty	Sirovich
Clark, Idaho	Gray, Pa.	McKeough	Smith, Maine
Clark, N. C.	Greenwood	McLaughlin	Smith, Okla.
Cluett	Griswold	McLean	Somers, N. Y.
Coffee, Nebr.	Guyer	Maloney	Sutphin
Cole, Md.	Haines	Mason	Taylor, Colo.
Cole, N. Y.	Halleck	Maverick	Taylor, Tenn.
Collins	Hancock, N. C.	Meeks	Tobey
Crowther	Hart	Mitchell, Ill.	Whelchel
Culkin	Harter	Mosier, Ohio	Withrow
Cummings	Hartley	Mouton	Wolfenden

The SPEAKER. Three hundred and eight Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

The SPEAKER. This joint resolution is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (S. J. Res. 64) defining the jurisdiction of the Court of Claims under the act approved March 19, 1924 (43 Stat. 27), and April 25, 1932 (47 Stat. 137), and for other purposes, with Mr. BEAM in the chair.

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, this bill, briefly and simply stated, is simply this: It happens that the bill deals with the Cherokee Tribe of Indians, but I would like to have you, if you will for the moment, forget that there are Cherokee Indians or any other Indians involved and consider them, if you will, as a group of American citizens.

To start with this premise, here simply is a group of American citizens who say that they have a cause of action, a meritorious cause of action against the Government of the United States. Indians of all tribes, it was recognized by Congress a few years ago, had causes of action against the Government.

So the Congress passed general jurisdictional bills conveying to these Indian tribes the right to bring suit in the Court of Claims and in other courts of the United States against the Federal Government. So under these general jurisdictional bills this particular group of citizens or of Cherokees went into the Court of Claims and set up a cause of action against the Government. The Government appeared and pointed out to the Court of Claims that the general jurisdictional bills did not convey jurisdiction broad enough to meet this particular case. So the Court of Claims held that it did not have authority under the general jurisdictional act to go into the merits of this particular case. Thus the case was, by the Court of Claims, dismissed.

Now, all this bill proposes to do is to convey sufficient jurisdiction to the Court of Claims and instruct that court to hear this case on its merits, and nothing else.

This bill simply says that the Court of Claims shall hear this Cherokee case on its merits instead of denying this group of Indians their day in court upon a technicality, which is the position they now find themselves in.

Now, let us see if this is unreasonable. Is there anything unreasonable whatever about it? A group of American citizens are before the Congress today simply asking that you permit them to have the thing that every American citizen under our Constitution is guaranteed, to wit, a day in court.

I doubt there will be any material opposition to this bill. I think probably it will be passed without a great deal of debate. I anticipate that probably some one or two Members who have a general antipathy against all Indians and things pertaining to them will, no doubt, appear in opposition to the bill, but I have no fear that the fairness that motivates the actions of most of the Members of this House will protect this bill and guarantee its passage.

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I want to assure the Members of the House that although I have taken quite an interest in the bills that affect the various Indian tribes, I do not consider myself opposed to all Indians. For instance, I told the chairman of the committee, Mr. ROGERS of Oklahoma, today, and I wrote him a few days ago, that he had about six bills on the calendar I had no objection to. I am simply trying to protect the Government and the taxpayers.

I have not taken any interest before today in any Indian bills, because I was satisfied to vote for them. That should convince the gentleman from Oklahoma [Mr. NICHOLS] I am not opposed to all Indian bills.

I know something about this bill and I have known something about it for a number of years. The gentleman from Oklahoma [Mr. NICHOLS] asks that we look at these people as plain American citizens, and not as Indians. Let us forget the Indians for the moment.

All right, let us forget the Indians. When an American citizen has his day in court, then he is through, as far as the court is concerned and there is no law in the land that lets him go back to the court and have his case retried if his rights have once been exhausted. But in this instance the Congress of the United States can re-refer this case to the Court of Claims, if it so desires although the cases have once been fairly heard. It appears from the record that nine suits were filed in the Court of Claims pursuant to the Act of March 1924, and that five additional suits were filed after the amendment of April 1932; that the total amount involved in the said suits is in excess of $54,000,000. The record of the court claims show this. Of the total number of suits filed, it appears that eight of the cases have been dismissed by the court, and that six are still pending.

The language of the resolution appears to be broad enough to be applicable to the pending suits as well as to the suits dismissed by the court, it being noted that the first paragraph of the resolution has reference to the claims the plaintiffs have heretofore filed in said court for alleged indebtedness. In other words, this resolution again gives the Court of Claims jurisdiction on the cases already tried and must retry them.

The Attorney General has made a report on this case, and so has the Comptroller General. The Attorney General at the request of the Bureau of the Budget, when the Bureau asked for an expression in reference to this resolution, wrote a letter to Mr. Bell. That letter is as follows:

MAY 27, 1936.

Hon. DANIEL W. BELL,
Acting Director, Bureau of the Budget, Washington, D. C.

MY DEAR MR. BELL: In compliance with your request of May 12, I have examined the enclosed proposed report to be made by the Secretary of the Interior to the Committee on Indian Affairs of the House of Representatives, relative to Senate Joint Resolution 457, which proposes to confer certain jurisdiction to the Court of Claims over the claims of the Cherokee Indians.

By treaties concluded on December 29, 1835, and August 6, 1846, the United States undertook to pay certain sums of money to these Indians. Pursuant to a subsequent Senate resolution, interest at 5 percent was to be allowed from June 12, 1838, until paid.

A further dispute arising as to the amount due the Indians, suits were brought in their behalf against the United States in the Court of Claims, pursuant to special jurisdictional acts. A judgment adjudicating the amount due the Western Cherokee Indians was rendered in 1891 (*Western Cherokee Indians* v. *United States*, 27 C. Cls. 1, affirmed 148 U. S. 427); and an adjudication in favor of the Eastern Cherokee Indians was made in 1905 (*Cherokee Nation* v. *United States*, 40 C. Cls. 252, affirmed 202 U. S. 101).

The act of April 25, 1932, conferred jurisdiction on the Court of Claims over all claims of the Cherokee Indians not theretofore determined. Accordingly suits by the Eastern and Western Cherokee Indians were brought in the Court of Claims and decided ad-

versely to the plaintiffs on December 2, 1935, and on February 3, 1936.

One of the assertions advanced in these suits was that, in view of the fact that the Indians were entitled to recover interest on the amount due them under the treaties from June 12, 1838, the account that had been previously stated did not make a proper allocation of payments theretofore made on account. The contention of the Indians was that part payments should have been first applied as against accrued interest, and then only the balance, if any, against the principal, and that this had not been done.

The Court of Claims held that the judgments rendered in 1891 and 1905 were res adjudicata and that the question was not open to review. The court further stated, however, that in any event, the prior payments had been properly applied.

The joint resolution proposes to confer jurisdiction on the Court of Claims to reconsider these claims and requires it to render judgment on the basis contended for by the Indians. This measure, if enacted, would thus result in granting to these Indian tribes a retrial of claims as to which they have already had their day in court.

We will consider that they are Americans, and that they once had their day in court, and I repeat, they should not again have their day in court.

It would also result in holding the United States liable for interest on a large sum of money from 1838 to date.

The joint resolution further proposes that the United States receive credit for the gratuities paid to the Indians "per capita."

Paid to the Indians individually, not to the tribes, but we must prove to the court what each and every Indian received in order to get any credit for the set-off in the form of gratuities.

Ordinarily in jurisdictional bills relating to claims of Indian tribes, it is customary to provide for a set-off to the Government on account of all gratuities paid to the tribe, irrespective of the question as to whether they were distributed among the members of the tribe per capita, or paid to or spent on behalf of the tribe as a whole.

In view of the foregoing consideration, I am unable to recommend the enactment of the bill.

Sincerely yours,

HOMER CUMMINGS,
Attorney General.

Senate Joint Resolution 457 was identical to the pending resolution.

Mr. Chairman, I made several speeches in reference to this bill in the past. Letters have been sent to various Members of the House by a man I have had the honor to know for many years, former Senator Owen, of Oklahoma. I have the greatest respect for him. He feels that this bill should be passed. I cannot agree with him. If you pass this bill in its present form and the cases are returned to the Court of Claims, there will be nothing for the Attorney General of the United States to do but to walk into that court and confess judgment.

I said that about a bill that was pending before this House last year. In April my doctor told me to go to bed for a week, and while I was in bed that bill was passed. Within 3 months that case went back to the Court of Claims, and the Government of the United States was required to do just exactly as it will be required to do in this case—go in there and say that it has no defense; that the Congress of the United States has taken that defense away from it—and as a result of that, judgment was rendered with interest and nearly $5,000,000 was awarded. That was just a few months after that bill passed, and it has not been a year since that decision was rendered by the Court of Claims. It has been less than a year since that bill was passed by this House.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COCHRAN. If there were ever a bill that ought to be defeated, a bill affecting the Indians, I say, Mr. Chairman, this bill is one. I repeat, there is $54,000,000 involved, with interest. Decide for yourselves whether you want to put such a burden upon your constituents and my constituents.

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, I think every Member of the House ought to have in front of him the report of the committee and the letter from the Acting Secretary of the Interior. It will be seen from the documents that are included therein that there has already been paid to these Indians, following a suit in the Court of Claims under the act of 1932, upwards of $5,000,000 which has been appropriated by this Congress in full satisfaction of the judgments that were rendered by the Court of Claims.

No possible excuse is presented here why there should be another attempt on the part of these claimants for a review. There can be no such excuse except the insatiable greed of those claims attorneys who foster and promote such claims as this. This is not a question of the Indians and Indian rights; it is a question of whether or not this Congress, having passed at their request a bill providing an opportunity for them to present their case to the Court of Claims, and they having presented their case to the Court of Claims, receiving a judgment of upwards of $5,000,000, which judgment has been paid by an appropriation of this Congress, whether or not we should open up that case and again permit it to be presented to the Court of Claims and another claim worked out.

This matter has been submitted to the Director of the Budget, and the Secretary of the Interior is advised in connection with this resolution that the proposed legislation would not be in accordance with the program of the President. Why should we at this time permit a claim to be opened up without any reason at all, without any suggestion that the Court of Claims has not passed fairly upon it, when this claim not only has been passed on by the Court of Claims, but has been reviewed by the Supreme Court?

This claim grows out of a treaty way back in 1846, whereby the Cherokees were paid $2,000,000 and interest at the rate of 5 percent. They were all given that opportunity to be heard, and they have been paid. Why should we open this up again without any basis whatever to make another charge upon the Treasury of the United States?

Oh, I hope that the Congress will this time be sensible of its responsibilities to the people; that it will not add another untoward sum. The claims under this bill aggregate $54,000,000. They were presented to the Court of Claims, and this court allowed them $5,000,000. I hope this Congress will not again allow a review of those claims, but will stop it right here and now. [Applause.]

[Here the gavel fell.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. Mr. Chairman, I do not come to speak on this subject as a lawyer but I trust as an American citizen. First, I want to call the attention of this body to the facts in this case, and the facts are these: That there was one great Indian tribe that were entirely and always good friends of the American pioneers that came into their country. They were not an uncivilized people, but by far and away were the most civilized of all the Indians on the American continent. They were not a wild tribe wandering here, there, and yonder; they were a tribe which had taken possession of beautiful lands and developed them in farms, homes, and had developed improvements that would astonish you if you would go back and read of their development at that period.

What are the facts in relation to them? The facts are these, and we ought to see them: That the American pioneers wanting those lands—and I do not blame them for wanting them, but it ought not to have taken away their sense of justice and decency—those American pioneers demanded possession of those farms which the Indians had developed over hundreds of years. The American Government inveigled the leaders of the Cherokee tribe, the leaders not understanding our way of doing things, not understanding the force and power of a treaty, they inveigled the leaders of that tribe into deeding away 8,000,000 acres of the most beautiful land in the country; and the white men paid them 50 cents an acre for it. Then what did they do? When the Indians really learned that they were to be driven out of their country they remonstrated. They did not rebel as you would have done and I would have done under the same conditions.

We would have fought for it; they did not; they were peace-loving men and women. The pioneers, backed by an army with fixed bayonets, pushed the Indians from North Carolina across country, through my own district in southern Illinois, across Missouri, and located them in Oklahoma, where they are at present. It was a plain, straight, unadulterated case of robbery of the weak by the strong. It is one of the dark pages of our history; it is one that we ought to understand, that we ought to appreciate. We ought to see if we cannot do justice to the descendants of the people who suffered that great wrong.

I have no plea to make for men who graft or for men who exercise greed, and my friends from Missouri and New York will not accuse me of that. I am for justice to men, women, and children, and I say to you that when I read the report on this subject and then when I picked up the Supreme Court reports and read those, I found the Court had held from the beginning that treaties against the Indians are not to be held literally against them, but are to be interpreted as an ignorant people might interpret them, liberally and justly to the men who are being bound by them without their own knowledge and without their actual consent.

Here is the whole subject, and if you want to discuss it legally, tell the truth about it. The truth is simply this: If I owed a promissory note and I make a payment on it, the interest that has accrued up to a given time ought to be paid first and the remainder applied to the principal. We ought not to do what we are doing in this case, withhold interest or payments for 8 years and not allow more than simple interest during that time. That is not fair as between man and man and it is not fair as between people and people. It is only fair that we do the thing we ought to do. If I owed you interest for 8 years, do you think you would let me get away without paying some interest on that interest? I would not ask for it and you would not stand for it if I did. It goes further than that.

Mr. COCHRAN. Will the gentleman yield?

Mr. KELLER. Not now. I will yield later. It goes further than my opinion; it goes further than your opinion and further than the opinion of any other Member on this floor. The Senate committee passed on this unanimously after a thorough hearing and investigation. I am not going to be bound by any one man in the Budget or by any one man in the judiciary department. If I feel that my moral sense is outraged, I am going to stand up here and say so. The Senate committee unanimously approved the resolution. The Senate body passed it unanimously. It came over to the House. The House Committee on Indian Affairs passed on it unanimously, and it is brought before us as a matter of common sense and common justice without a single vote against it.

I want to read to you one thing that has been referred to. After all the argument that has been put forth by the Department of the Interior I find at the top of page 7 this notation, and I want you to hear it:

> The fact remains, however, that the argument of erroneous application of partial payment is one that does not appear to have been previously presented to or considered by the courts.

Either that is so or it is not so. Nobody has disputed it so far as I know and nobody can dispute it successfully.

Here is a question over which there is much dissension, I admit. I am on one side, the gentleman from Missouri [Mr. COCHRAN] and the gentleman from New York [Mr. TABER], among others, are on the other side of the same question. May I say that where there is so much dispute, where there is so much honest difference of opinion, what better can we do than submit it to a court, giving that court full authority and jurisdiction to try the matter on its merits?

Mr. COCHRAN. Will the gentleman yield?

Mr. KELLER. I yield to the gentleman from Missouri.

Mr. COCHRAN. If the gentleman and I had a business transaction and finally sat down to a table to adjust our differences and agreed we were going to pay the one entitled to reimbursement, does the gentleman feel the advances that might have been made between us during the period of those financial transactions should be charged off in favor of the one who had made the advances before final settlement was arrived at?

Mr. KELLER. I will answer that clearly. If the gentleman and I were doing it, no; I would agree with him. Because we would be men of commensurate ability, education, legal training, and business experience, and would fully understand the effects of the settlement, and we would have understood the contract originally entered into. But the parties here involved were not equals in any one of the conditions upon which a justifiable contract could be based. One was the powerful, all-knowing United States of America, with all the intelligence at its command that the American Nation had at that time. It was dealing with men ignorant, amiable, and trusting, men who did not know any of the essentials of treaties as I would have known and as you would have known. The gentleman's comparison therefore is absolutely unfair and not all applicable to this case.

Mr. COCHRAN. Leaving that aside for the moment and assuming the case should go to the Court of Claims, does the gentleman feel he should require the United States Government to show the advances and gratuities paid per capita rather than to the tribe, such as this resolution provides?

Mr. KELLER. Why not?

Mr. COCHRAN. Because it is impossible for the Government to do it.

Mr. KELLER. Let the Court of Claims say that, not you nor I. Let the Court of Claims decide that question.

Mr. NICHOLS. Will the gentleman yield?

Mr. KELLER. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. In answer to the question whether or not this should be made on a per capita basis, on gratuities, and so forth, by the provisions of every Indian bill that has passed this House they permit the Government to take credit for all gratuities given to the Indians, whether they be individuals or a tribe.

Mr. KELLER. Certainly.

Mr. NICHOLS. If it cuts fair one way, it ought to cut the other way.

Mr. KELLER. Yes; I should think so certainly.

Mr. CREAL. Will the gentleman yield?

Mr. KELLER. I yield to the gentleman from Kentucky.

Mr. CREAL. Did we not buy the Louisiana Territory, consisting of lands extending from Florida to Alaska, for about the same small consideration that we bought this from the Indians?

Mr. KELLER. Yes, of course; but we bought that from a great nation that knew exactly what it was doing. The French were as well or better educated than we were, and they knew what would be the result of a treaty of that kind. These poor Indians did not know.

Mr. Chairman, I do not believe any man on the floor of this House will contend for one moment that when these Cherokee Indians were inveigled into selling their homes and farms that were cleared and under cultivation at 50 cents an acre, that they received originally an equitable reward for their wonderful industry, their civilization, and their humanity.

During this present year I hope that that old march out yonder from North Carolina will be carried out over the same trail, "the trail of tears," over which the white men drove them, with the bayonets of the American Army at their backs. We are going to take some of the descendants of the Cherokee Indians over that same trail again, escorted, I trust, by representatives of that same Army. We will make a moving picture of it and throw it on the screen for all of America to behold. Let the whole American Nation look at those men on the march and find out how we feel about it nowadays—whether we are going to feel proud of what we have done for the descendants of these fine, friendly Cherokees since that great wrong our ancestors perpetrated upon the ancestors of those now living.

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman from North Dakota.

Mr. BURDICK. Is it not also true that the Government charged these Indians $1,111,284.70 for driving them across the country and took it out of the Indians' money?

Mr. KELLER. Yes; that is my understanding of it, and that is such a shame on the face of it that I was going to leave it out of the RECORD. They not only cheated them and misled them in making the treaty, but they charged them for taking themselves out of their homes and driving them across the country. When the American people see that march reenacted, I should like to see the face of any man who would rise in this body and stand for a thing of that kind.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman from New York.

Mr. TABER. The $1,000,000 of which the gentleman from North Dakota spoke was paid to the Indians.

Mr. KELLER. The report states it was charged them for taking them out to their new location.

Mr. TABER. The money was paid to them.

Mr. KELLER. Either I cannot read this or the gentleman cannot—one of the two—but here it is.

Mr. TABER. I refer the gentleman to page 6 of the report, the second paragraph.

Mr. KELLER. Yes; read it, and you will find it states the money was charged them for the expense of taking them out there to Oklahoma. Certainly it was.

Mr. Chairman, I yield to the gentleman from North Dakota.

Mr. BURDICK. I may say to the gentleman from New York that if he will look at the second paragraph on page 2 he will find the statement that the money was not paid at all.

Mr. KELLER. I appeal to every sensible man and woman on this floor when I say that where there is such a perfectly evident difference of opinion—and I agree it is an entirely honest difference of opinion—I see no way of doing justice except to refer the matter to the court, with full power to adjudicate the entire matter. This is the appeal I make to the House at the present time. [Applause.]

Mr. CRAWFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, the question of fact just arose of whether this money was paid or was not paid. The gentleman from North Dakota [Mr. BURDICK] made one statement about it, as did the gentleman from Illinois [Mr. KELLER], and the gentleman from New York [Mr. TABER] made another statement. A man who was not there at the time these events took place might have some difficulty in knowing which statement is correct. However, on page 6, in the seventh line of the second paragraph, there is the statement, referring to the principal sum:

> That amount with interest thereon from June 12, 1838, was appropriated by Congress, and out of the money so appropriated $5,098,361.08 was paid to the plaintiffs.

In this House there are two groups, and perhaps three. One group always wants the United States Government to give somebody something or to pay him something. Another group never wants the Government to give anything away. In between, of course, is a third group.

When a gentleman like the gentleman from Illinois makes one of those heartbreaking speeches that brings tears to the eyes of the most flint-hearted of us, sometimes we wonder how long what we have is going to last if they keep on giving money away. Sometimes we wonder how much there is back behind somewhere which can be thrown into the Federal Treasury at Washington to be again disbursed.

It is a wonderful thing to be a good fellow at Christmas time, to go around distributing good cheer, good will, and baskets of Christmas presents. We all like to do that. It gives us all a happy glow in our hearts and sends us home better satisfied with ourselves and the whole world. However, if we do not have the money, if there is no community chest to which we can go and into which we can dip, then what?

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I am sorry, I cannot yield now.

Some day, some time, we are going to get into the position where those who are contributing all the time will have less than those who are on the receiving end. That will be swell, the gentleman from Minnesota [Mr. JOHNSON] says. That will be swell for the fellows who are getting it, but it will be hell for the fellows who work and are giving it.

Gradually we are getting those two classes nearer together. Gradually the day is drawing nearer. I made a mistake when I said "gradually" because that day is creeping up on us rapidly. The time is coming, and it is not very far away, when those who are on relief—and no one should starve, we all agree on that, no one should go without proper clothing, and all should have proper homes—when those who are without clothing, and when those who lack proper homes demand and receive better food, better clothing, and better homes than those who have worked, and saved, who have practiced thrift, and who are working today. When that time arrives the worker will rebel. He will be unable to longer carry the burden. Then what?

Already we have reached a condition where, in Detroit, a W. P. A. job is refused for the reason that the pay is $60 a month and the man can get $70 a month on direct relief without working at all.

How long can those who earn continue to support in idleness those who will not work? To support in idleness, providing more of the necessities of life to those who have no work than the workers themselves receive?

Is it not true that, in the end, while no one must be permitted to starve, those who will not work or even those who have no jobs, necessarily must live on less than those who are working and supporting those who are idle?

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. No; I cannot yield now.

I do not know whether my heart is as big as the heart of the gentleman from Illinois [Mr. KELLER], and probably it is not. Probably it is not as soft. Maybe there are other things about me that are harder; I do not know; and if so, I regret it. After all, however, we live in a practical world. [Laughter.] I know some are laughing now. By that statement I do not mean to attribute any lack of ability, of intelligence, of greatness to the gentleman from Illinois, because he is a gentleman whom I admire and respect. As I said before, I wish I had his big heart, and I wish my head would let me forget there are realities in this old world of ours; that, after all, someone must work and someone must save, and that we cannot always be distributing that which the earner brings home.

Mr. DISNEY. Mr. Chairman, will the gentleman yield for a question?

Mr. HOFFMAN. I yield to the gentleman from Oklahoma.

Mr. DISNEY. We must confess, however, when we discuss the question of liberality, that our Government in earlier days was not very big-hearted with the Indians, and, in fact, traded very closely with them. Will the gentleman agree with me on that statement?

Mr. HOFFMAN. So we are told; but I have often wondered, listening as I have to the descriptions of the state of our country after the last depression, whether or not we did not make a bad bargain when we traded with the Indians. If we believed what you Democrats—pardon me, you New Dealers—have been telling us, we certainly made a very, very poor deal.

Mr. DISNEY. But, as a matter of fact, in those days they did make some good trades, did they not?

Mr. HOFFMAN. That is what they say.

There is also this to be said: Is it not true that from the very beginning of our history as a Federal Government this same old plea has been used to tap the Treasury of the United States? The gentleman from Oklahoma [Mr. NICHOLS] said that the bill would be opposed by a few Members who had a general antipathy toward the Indians. Well, that may be so. I do not know of any such Members, but, certainly, the gentleman had no reason and no justification for the statement that all who oppose this bill have any ill feeling toward the Indians.

When a man has no case it is always customary to attribute some improper or unfair motive to the other fellow. I

do not want to do that. If I did, I would say that there are only a bunch of shyster lawyers or claim agents behind this claim. I would not make that statement because I do not know anything about that. I would not throw that statement out as a hint or suggestion. I would not think of doing that at all because probably it is not true. Nevertheless, it may be true, although, coming from the Indian Affairs Committee, I assume that committee has gone over this claim and has sorted out all claims that were presented to the committee with that kind of backing.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. Yes; to the honorable and distinguished gentleman.

Mr. KELLER. I would like to know whether the gentleman does not really believe that the Court of Claims, with all the evidence before it, could make a better decision on these disputed points than we are capable of making here on the floor of the House?

Mr. HOFFMAN. Yes; I agree with the gentleman and I think the Court of Claims is the proper place and, if I read this record correctly, this matter has been before the Court of Claims.

Mr. DISNEY rose.

Mr. HOFFMAN. I decline to yield now.

The report itself states that these claims are to be resubmitted and that, first, some were rejected on technical grounds and others were rejected because the Court of Claims held it did not have jurisdiction.

The court having once had these claims before it and having held that, because of some provision of the law or because the law itself did not give it jurisdiction, it had no authority to pass upon them, there would appear to be no reason why we should send them back to that court, unless we are prepared to, in every instance where we think there is or might be a hardship case which on some theory the Government should care for, send the claimant to the Court of Claims, with instructions to that court that, if, anywhere in the history of the claim, it could find anything at all, legal or equitable, justifying allowance, or if the claimant was undergoing a grevious hardship, the Federal Government should make payment. Such a policy will ruin the Federal Government and bankrupt us all. [Applause.]

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, I would not have asked for any time if the gentleman from Michigan had been willing to yield for a simple question requiring an answer of "yes" or "no."

If you will look at page 7 of the report, you will find this statement made by the Secretary of the Interior, which puts an end to the question of whether this money has been paid or not:

> Consequently it cannot be said that the present contention of the Cherokees, namely, that the claim now asserted has not been decided on its merits, is wholly without foundation.

Now I read from the report of the Attorney General, filed December 30, 1936:

> Since the Secretary of the Interior has advised you that this question has never been adjudicated by the courts, there remains no just reason for denying your petitioners the right to have this question adjudicated upon its merits.

So it must stand uncontradicted before this House that this claim has never been adjudicated, and the only thing for this bill is that it gives these people the right to go into court and have their claim adjudicated.

Mr. Chairman, I yield back the balance of my time.

Mr. CRAWFORD. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. WHITE].

Mr. WHITE of Ohio. Mr. Chairman, I ask unanimous consent to extend my own remarks in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TAKEN FOR A RIDE

Mr. WHITE of Ohio. Mr. Chairman—

> Little-business men of the Nation have just been "taken for a ride," but at their own expense. In that respect they are no worse than their "bigger" brothers, who traded their right of free speech for a Presidential grin several weeks ago, except that the latter could more easily pay their own expenses to Washington and back home.

Those exact words have been expressed to me by one of the delegates to the President's little-business conference, and the same idea has been voiced to me by many others.

The numerous attempts of the administration to control the conference are now a matter of actual record.

Thank heavens, a substantial number of these fellows refused to be manipulated and had enough independence to carry through numerous features of a program that did not originate with the administration and which were adopted in spite of the efforts for control and domination.

ROPING BY ROPER

When it came time for the main conference to subdivide into group meetings, Secretary Roper hand-picked the temporary chairmen. From this course of action came the committee designated to call on the President. Roper's interference caused another minor rebellion.

The latest development reveals the fact that the 12 representatives who were permitted to bask in the sunshine of the Presidential smile did not even present the actual resolutions adopted by the conference. They made a report. It referred to the "accompanying resolutions," but the resolutions were not attached. "By oversight or intent," says the Washington Herald, "they were left in Roper's office when he marshaled the 12 for the march to the White House."

For some strange reason the report was distinctly toned down. These gentlemen took it upon themselves to modify the full action of the conference. A strange assumption of authority, to say the least. I wonder if it explains the reason why Secretary Roper was so anxious to select the temporary chairmen of the individual groups and control their organization by his own appointment rather than choice of the delegates.

BAN ON TOPICS BUMPED

One of the most glaring examples of engineered tactics is established in the fact that the delegates were handed a list of subjects which were to be eligible for consideration. It was obviously designed to impose a ban against topics not on the list. Taxation, of all things, one of the subjects most deeply rooted in the problem of every businessman, was not on the eligible list. Fortunately the delegates had enough gumption to enter the field of forbidden topics despite the attempted censorship.

As the conference opened, a chairman, who is probably an estimable gentleman from the personal standpoint, nevertheless, was hand-picked and railroaded through by the Department of Commerce. He, himself, admitted to a Cleveland Plain Dealer reporter that he was surprised "when Assistant Secretary of Commerce Draper picked him."

When many of the delegates were denied the privilege of the floor in the opening session, it was promised that they would have the chance to discuss the resolutions as soon as they came back to the general meeting from the group conferences. Sixty to seventy-five resolutions were brought out of the group sessions, many of which thwarted these repeated efforts to control the meeting. When it came time for the entire conference to act on them, a motion was made that the whole bunch be adopted in one batch. Without fulfilling the promise for a chance to discuss the resolutions, the chairman called for the vote. No opportunity was given for separate action on questionable or debatable resolutions. Then, to make all these other matters worse, the chairman declared the resolutions adopted without even taking the negative vote. Similar tactics were frequently used.

The Department of Commerce assigned members of its staff to the conference who engaged in lobbying tactics amongst the delegates. A written order was issued by the

Secretary of Commerce forbidding others to attend the meeting without specific permission from one of his assistants named in the letter.

Congressmen who desired to have persons included in the conference were compelled to work through James Roosevelt.

Contrary to the printed program which announced that the session for the final day would continue discussions until 5 o'clock, the meeting was hastily adjourned after the unusual voting methods. It got too hot.

Here are 10 definite citations of attempted control. They are established in actual record and proof. I challenge anyone to deny them.

At the conclusion of the meeting a story on page 1 of the Washington Post said:

> To a man the delegates buttonholed were firm in their conviction the meeting has been "railroaded."

Is it any wonder that there was hell to pay and that a good many men who came to the conference to engage in conscientious discussions of the problems of the small-business man were filled with bitterness and resentment? Is it any wonder that a substantial number of them even left the conference in disgust?

BUSINESS BACKFIRE

People engaged in the smaller business activities are the ones who have been hit and squeezed and stepped on worst of all under the present impractical theories of government. They were in no mood to be kidded along or pushed into line. From beginning to end their convention demonstrated that fact.

The resolutions adopted are largely in conflict with administration policies. They place the blame for existing business conditions, unemployment, and the suffering of the thousands who secure their livelihood from small business enterprises, and keep the wheels of community life turning throughout the Nation, directly upon the doorstep of the very forces who sought to control them. This action, taken in the face of the unbelievable political maneuvers to which they were subjected, enlarges tenfold the smashing force of their indictment.

Sooner or later the country will understand that there was ample reason for the resentment and rebellion that was evident in the conference; will realize that the so-called little-business men are often bigger than many of the so-called big-business men in courage.

Mr. CRAWFORD. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, I am not going to discuss the merits of this bill, but this is something that seems rather passing strange to me. I recall coming on the floor of the House with a bill to permit a taxpayer who had overpaid the Government $40,000 to adjudicate the claim. The Government acknowledged that it owed the $40,000. I was asking the privilege of allowing this taxpayer to go into the Court of Claims, and the House voted overwhelmingly to let the matter go to the Court of Claims, and the Senate did the same thing. The bill went to the President and he vetoed it.

It seems to me we ought to be somewhat consistent. I believe in justice to the Indians at all times, but when this House votes overwhelmingly to allow an honest taxpayer to adjudicate a claim of $40,000 in the Court of Claims and the Senate does the same thing, and then the President vetoes it, I think we ought to look into this matter just a little bit, and if we are going to treat the Indians fairly, then let us treat the white people fairly with regard to going to the Court of Claims.

[Here the gavel fell.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. DISNEY].

Mr. DISNEY. Mr. Chairman, it has been facetiously said that we took this country away from the Indians, but we have paved it, and we cannot give it back.

These Indian bills are not till-tapping bills, as my friend from Michigan has said. This bill has the respectable distinction of having been thoroughly considered by the Senate committee and reported unanimously, as the gentleman from Illinois [Mr. KELLER] has said. It was then considered by the Senate, passed unanimously, and unanimously reported by our House committee charged with the responsibility of bringing such bills to this floor.

What is involved here specifically? Nothing except submitting a disputed question to the Court of Claims, and it is a disputed question. I will discuss the merits to some extent and call your attention to page 1 of the report and read to you a few lines:

> On July 2, 1936, the Congress appropriated in payment for about 8,000,000 acres of land belonging to the Eastern Cherokees and the improvements thereon, consisting of farms, houses, improved lands, fences, roads, ferries, etc., $4,500,000.

The Government drove these Indians out of their homes in Georgia in the most brutal manner. Think of it, 8,000,000 acres of land for $4,500,000. Now the Indians make a claim here—and what does the Secretary of the Interior report? On page 3 of the report the Secretary of the Interior, after a most thorough investigation of the facts, says this, and nobody has disputed that it is authoritative:

> The fact remains, however, that the argument of erroneous application of partial payments is one that does not appear to have been previously presented to or considered by the courts.

We are contending here it never has been touched by the courts, so it is not proper for gentlemen to claim that it is res adjudicata. The Secretary says it never has been touched or decided on by the court. Continuing, he says:

> Consequently, it cannot be said that the present contention of the Cherokees, namely, that the claim now asserted has not been decided on its merits, is wholly without foundation.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. Yes.

Mr. LAMBERTSON. Is the gentleman sure that the President would not veto the bill?

Mr. DISNEY. Oh, do not let us get into that, do not let us anticipate. That is not a fair thing to say.

Mr. LAMBERTSON. I had a bill in the House once when he had economy in his system, and he vetoed that bill which authorized sending a matter to the Court of Claims.

Mr. DISNEY. Oh, that is partisanship. Do not do it.

Mr. LAMBERTSON. If you have no assurance that he will not veto the bill, why waste time?

Mr. DISNEY. Perhaps we may be wasting time, but it is time being pretty well wasted if we can do something to rectify just a little of the wrong that was done this great tribe of Indians. The gentleman from Missouri [Mr. COCHRAN] relates the vast number of claims filed in the court and pending before the court on Indian matters. Let us quit this twiddle-twaddle about the number of claims and the amount of money involved. Here is a statement by one of the judges of the Court of Claims in response to questions propounded by the distinguished gentleman from Minnesota [Mr. BURDICK].

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. DISNEY. Answering the inquiry of March 1, 1936, from the gentleman from North Dakota [Mr. BURDICK], the court says:

> You first ask the question, "Since the court was created, how many Indian cases have come before it?"

The court replies that since 1855, 192 Indian cases have been referred to the court and that in this connection it is proper to observe that for some years during the court's early history there were not referred to it any Indian cases at all. The next inquiry was as to the total amount claimed in all these cases. Most of you gentlemen here are lawyers, and you all know that when you file a suit for a personal injury you ask $100,000 damages when you expect to get only $5,000. The total amount claimed was $1,650,624,000. The next question asked was how many cases had been decided

favorable to the Indians, and the answer is 27. Then the question was asked what amount has been allowed up to date; this ought to be interesting. In all of the years we find that the court allowed judgment in total amount for all cases considered—only $20,595,666.67.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. Yes.

Mr. COCHRAN. Will the gentleman tell the House how many petitions are still before the court and how many hundreds of millions of dollars are involved?

Mr. DISNEY. Oh, the gentleman from Missouri deals more in exaggeration than any man I have ever seen who wants to use exaggerations instead of arguments, and I say that respectfully.

Mr. COCHRAN. Why does not the gentleman read the testimony of the Assistant Attorney General?

Mr. DISNEY. If the gentleman will permit me to pursue my argument in my own way I shall be very much obliged.

Mr. COCHRAN. Certainly I will, because I know the gentleman will not read that information.

Mr. DISNEY. Then we have a report from the Indian Division of the Department of Justice which discloses the number of Indian cases filed and the amount claimed and the amount allowed since 1918, and as near as it can be computed the percentage of the amount allowed in comparison with the amount sued for was three hundred and sixty-six one-thousandths of 1 percent—three hundred and thirty-six one-thousandths of 1 percent of the total amount claimed.

If we take the entire Indian litigation from the beginning, as near as I can figure the comparison, the total amount recovered would be 2.34 percent, 2.34 percent of all Indian cases. The total amount recovered would be a little over 2 percent. There are other questions, but there is nothing involved here except common decency to these Indians and their right to go into the court and determine an issue that the Secretary of the Interior upon investigation says has never yet been considered by the courts. There have been adjudications, I do not mean to say there have not, with reference to Cherokee claims, but this matter has never been considered.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. Gladly, for I know the gentleman has been wanting to ask questions for sometime.

Mr. TABER. Would the gentleman care to state whether or not the Cherokees were represented by competent lawyers when their claims were presented to the court previously, and whether or not they had the capacity to figure out the situation?

Mr. DISNEY. I do not know who the lawyers were. I will presume, however, that they were represented by good counsel, but under the most serious difficulty by not having any expense funds for use in the trial of their cases or to get up the facts. If the gentleman knew the tyranny the Department practices in these cases, it would surprise him. This report shows the long delays by which the Department has dragged out the cases. The gentleman would find upon investigation that the lawyers representing the Indians have been at a terrible disadvantage. Let me cite an instance. Right now several lawyers, who have no money with which to work on these cases, are attempting in their feeble way without funds to combat the great Department of the Interior. I know some lawyers in Oklahoma who would like to be here attending to these Indian cases but cannot for want of funds.

Senator Owen is a poor man, trying to push these cases along; yet is opposed by all the forces of the Government, the same Government that bought 8,000,000 acres of land for $4,500,000 and shipped the Indians to Oklahoma. Private counsel for the Indians cannot possibly work to the same advantage that the departmental lawyers can. The departmental lawyers, and I say this not for the sake of this argument but to you as men knowing the facts, have a great advantage over the private lawyers. The Department of Justice and the General Accounting Office make complete use of their powerful position, salaries, regular expense accounts; they take every advantage that can possibly be taken, and no man can properly, rightly, or correctly dispute that statement. I know.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. I yield.

Mr. ZIMMERMAN. When were these cases first presented to the courts for consideration?

Mr. DISNEY. A good many years ago.

Mr. ZIMMERMAN. About how many?

Mr. DISNEY. This feature has never been considered. Some other adjudications have been made.

Mr. ZIMMERMAN. Speaking about claims for these lands, how many years has it been before the courts?

Mr. DISNEY. Since about 1910, I am advised.

Mr. ZIMMERMAN. It never was presented up until 1910?

Mr. NICHOLS. We started making provision for them back in 1836.

Mr. ZIMMERMAN. Then this matter has been before the country for more than 100 years?

Mr. DISNEY. Yes.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Oklahoma.

Mr. DISNEY. Further answering the question of the gentleman from New York [Mr. TABER] the question was asked:

> On the average, how long does an Indian case remain pending in your court?
>
> The average length of time consumed in the disposition of the usual case is 4 years and 11 months. The shortest time ever consumed was 6½ months and the longest time 9 years and 11 months.

The Accounting Office for years has been delaying some of these Indian claims by simply stacking up the records and refusing to work on them.

There is nothing involved here, Mr. Chairman, except attention to a matter that has never yet been looked at.

Mr. ROBINSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. I yield.

Mr. ROBINSON of Utah. How much is really involved in this litigation? What is the total amount that could be recovered?

Mr. NICHOLS. I am not sure.

Mr. ROBINSON of Utah. It has been represented here as being $54,000,000.

Mr. DISNEY. No; that is in the 14 cases, the $54,000,000, is represented in 14 suits pending before the Court of Claims, all different from this, every one of them.

Mr. ROBINSON of Utah. If this bill should pass, can the gentleman give us some idea as to how much might possibly be recovered in the Court of Claims?

Mr. NICHOLS. I think I can find it in the report.

Mr. ROBINSON of Utah. I think it would be interesting for us to know how much it would be. Would it be between $2,000,000 and $4,000,000?

Mr. ROGERS of Oklahoma. It probably would not be over $4,000,000.

Mr. ROBINSON of Utah. Is the answer to my question between two and four million dollars?

Mr. ROGERS of Oklahoma. We are going to have that checked up. I think that is probably right.

[Here the gavel fell.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. CARTWRIGHT].

Mr. CARTWRIGHT. Mr. Chairman, I am a member of the Committee on Indian Affairs, but I have been so absorbed in hearings on road legislation during the last few weeks that it has been impossible for me to attend the recent meetings of the Committee on Indian Affairs. I would, however, be willing to swear to anything that ex-Senator Robert L. Owen, of Oklahoma, and my colleagues [Messrs. ROGERS, DISNEY, and NICHOLS], representing the Cherokee Nation, have to say about this bill.

I am informed that not more than 2 percent of such claims have been allowed by the Court of Claims, so why all the fuss and feathers by the opposition?

Mr. Chairman, the situation reminds me of the fellow who was suing for divorce on the ground of mental cruelty.

He said, "Judge, it's $5 today, it's $10 tomorrow, it's $15 the next day; it's just money, money, money all the time."

The judge said, "That sounds mighty bad. What does she do with all that money?"

"Law'd, Judge, I don't know; I ain't never give her none yit." [Laughter.]

Mr. Chairman, I yield back the balance of my time.

Mr. CRAWFORD. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I ask the attention of the gentleman from Oklahoma [Mr. DISNEY]. I have in my hand the hearings before the Committee on Appropriations on a deficiency bill in 1935, Mr. Harry W. Blair, Assistant Attorney General, testifying:

The CHAIRMAN. What is the total that the Indians are suing for in 98 cases before the Court of Claims?

Mr. BLAIR. A little over three billion dollars. In those cases on behalf of 24 tribes, a list of which I have here, the claims total $1,797,000,000 plus. The offsets under those bills, permitting the suits to be brought that are available as nearly as we can estimate them at this time are $86,335,885.

Mr. Blair then calls attention to the fact that the Five Civilized Tribes have 43 cases pending, amounting to $853,000,000. At the time of this testimony it was stated by Mr. Blair that the jurisdictional acts forbid any offset.

In order to protect the Government against these suits, there was added to the deficiency bill in 1935, following that testimony, a paragraph giving the Government the right to charge off as offsets gratuities and advances made to tribes of Indians, not individual Indians.

In this bill you seek to set that aside by providing that the Government must show gratuities and advances made not to the tribe but to the Indians per capita. The language appears there on page 2.

Mr. DISNEY. What is wrong with that?

Mr. COCHRAN. You will find the words there. I will tell you what is wrong. The Government of the United States, its representatives, including the Attorney General and the Comptroller General, who is in possession of the records, and remember the Attorney General who is required to protect the Government in the suits, say they cannot show any advances or gratuities made other than to individual Indians. It is absolutely impossible for the Government to show the advances or gratuities made to the individual Indians. They both say that.

Mr. DISNEY. Why not? They have all the records, and they have had possession of all the records during these years.

Mr. COCHRAN. They do not have distribution of the money per capita. That is what I am trying to tell the gentleman. You are tying the hands of the Government by that language. You are saying to the Government, "You cannot present your offsets unless you show the payments per capita." The Attorney General tells the Director of the Budget; and the Comptroller General says that we cannot show any gratuities or advances made to the individuals, but we can show the gratuities and advances that have been made to the tribe as a whole.

You are simply tying the hands of the Government by such language in this bill. You do not want to be fair to the Government and give it the opportunity to defend itself. If the Government has advanced money to this tribe of Indians, it has the right to charge it off in any suit before the Court of Claims. By this legislation you are denying your own Government that right.

Mr. Chairman, I yield back the balance of my time.

Mr. CRAWFORD. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, I call the attention of the members of the Committee to a statement by Robert L. Owen, counsel for the Cherokees in this matter. Mr. Owen was formerly a Senator of the United States. He was and is counsel for the Indians in this case. I would not want some of the remarks that have been made to indicate that the failure of the Indians to assert their claim was due to any inefficiency of counsel. I quote from the report, on page 7, where Mr. Owen sets forth his version of the case, and particularly to these words:

The reason why the question of partial payments was not passed on in the previous adjudication was the simple fact that until the final decision by the Supreme Court of the United States in the suits arising under the Slade-Bender award it was not known as an adjudicated fact that the accounting officers of the United States Government had made an erroneous charge against the per capita fund, due June 12, 1838, of a charge of $1,111,284.70 for removal of the Cherokees at that time. When it was adjudicated in 1906 that this amount had been erroneously charged, it was impossible for the petitioners to assert their right to a settlement based upon the law of partial payments.

In other words, no matter who counsel may have been, the Indians had no opportunity to assert their claim until after this adjudication had been made.

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. JOHNSON].

Mr. JOHNSON of Minnesota. Mr. Chairman, the gentleman just said that the Government's hands were tied. The gentleman from Michigan [Mr. HOFFMAN] said this was a till-tapping expedition on the part of the Indians. Neither of these statements are quite correct.

The bill itself does not appropriate money, but grants the right to be heard in the Court of Claims of the United States. The bill specifically says:

Either party in any case herein referred to shall have the right of appeal to the Supreme Court of the United States.

That is not a disposition of money by the Congress of the United States. I remember very distinctly about 7 or 8 months ago the gentleman from Michigan [Mr. HOFFMAN] was very loud in his praise on the floor of the House of the Supreme Court of the United States. If the till tapping is going to be done it will not be done by the Indians, by the House of Representatives, or by the other body. The till tapping will finally be done by the nine Justices on the Supreme Court Bench. If we are going to have till tapping on that basis, then Senator BURKE, Senator WHEELER, and the gentleman from Michigan, as well as a lot of other gentlemen, are going to have to answer for a lot of speeches that they made in defense of the nine men who sit on the Supreme Court Bench who may be termed "till tappers" by the same men who defended them 7 or 8 months ago.

These arguments are rather superficial. Everyone knows that the Indians have not received entirely a square deal. Coming into a Congress as large as this is, with the limited time allowed for discussion of these bills, the sensible thing to do is to refer the whole matter to the Court of Claims.

As far as the argument of the gentleman from Missouri is concerned that there are $98,000,000 worth of claims pending now before the Court of Claims on behalf of Indians, such an argument would be just like telling the plaintiff in an automobile accident case, "We cannot consider your claim in this court. Just think of all the thousands of cases pending in the courts of the United States today. Why, if you are going to sue the company in St. Paul that owns the streetcar which hit your car, that is ridiculous. You cannot sue that streetcar company. There are already 38 citizens of St. Paul who are suing this company, and the claims aggregate $250,000."

That is a ridiculous argument. It does not make sense. It does not make the kind of sense of which the brain of the gentleman from Missouri is capable when he wants to make sense.

This is not a till-tapping expedition. If it is, then I am entirely wrong and the gentleman from Michigan is right. [Applause.]

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, we have heard a great deal about the $1,111,000 that was deducted from the claim of the Cherokees at one time because of the expense of moving them off the land the Government bought from them. May

I say, it appears in the next to the last paragraph on page 2 of the report of the committee, in the committee's own language, that this sum was paid to the Cherokees after the case had been to the Supreme Court, on the 15th of March 1910, and that this is the same item with reference to which the gentleman from South Dakota read the letter of Senator Owen just a few moments ago.

I wonder how we are expected to believe that a counsel filing a claim in the Court of Claims following a statute passed in 1932 could possibly fail to assert a claim, if the claim existed, that was decided in 1906, as Senator Owen states, and was paid in 1910. It is absolutely impossible with any kind of a set-up we can imagine.

[Here the gavel fell.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL. Mr. Chairman, none is so blind as he who has eyes and sees not. There are many Members in the House who are opposing this bill who have eyes and do not see. One of the sponsors of this bill is the venerable Senator Owen, of Oklahoma. He is losing his eyesight in the service of the Indians, the wards of this Government, and his fellow men in the United States, yet he has a splendid sense of insight. He understands these questions, and he has written to us, the members of the Indian Affairs Committee. If you would read what he has written concerning this bill, you would be for it.

Mr. Chairman, I am a member of the Committee on Indian Affairs. Time and again we have brought bills up on this floor to be either emasculated or defeated by the Members of the House. What is our offense? It is that, after bills have unanimously passed the Senate and after they have been unanimously reported out of the House committee, we have not consulted the inscrutable and unfathomable wisdom of such men as the gentleman from New York [Mr. TABER] and the gentleman from Pennsylvania [Mr. DITTER]. It is that we do not go to them and ask, "What do you think about it?" Sometimes I wonder why we do not have enough Tabers and Ditters so we could have them on all our committees and could sit at their feet and listen to the words of wisdom that drop from the lips of these paragons of knowledge. Then probably we would know how to frame real bills.

History tells us of the great expounder of the Constitution, Daniel Webster; the great compromiser, Henry Clay; and now we must add a third, the great benefactor, the gentleman from Pennsylvania [Mr. DITTER], who, as he stated earlier in the day, wants to help us in the West take care of our Indians, about whom he knows nothing at all.

Mr. Chairman, this is a jurisdictional bill. If these wise men, who like to criticize us, had allowed us in the last session to pass the Indian Claims Commission bill, all of these jurisdictional bills—and about 90 percent of the bills in the Committee on Indian Affairs are jurisdictional bills—would not come onto the floor of the House for these interminable debates and numerous quorum calls and these foolish attempts by Members to defeat the bills.

Who opposed the Indian Claims Commission bill to which I refer? A Congressman from Hollywood, who has not an Indian in his district; a Congressman from Milwaukee, who has no Indians in his district; and a Congressman from Missouri, who has no Indians in his district and understands not the Indian question. Then, these two paragons over here who have no Indians in their districts also opposed that bill, and, together, they destroyed the only proposition that would have helped us take care of these jurisdictional bills.

I beg of you to use that wonderful wisdom you have and help us pass an Indian Claims Commission bill such as we proposed at the last session, and this will take care of these juridictional bills. It will put into the Court of Claims the cases in which the Indians are entitled to receive payment of their claims.

May I say further that you should read A Century of Dishonor, by Helen Hunt Jackson, and read the record of the Bureau of Indian Affairs to see how the Indians have been treated in years past by our Federal Government.

Lastly, may I suggest that passing an Indian Claims Commission bill will take care of the situation mentioned by my good friend, the gentleman from New York [Mr. REED], who stated that the President vetoed some claims bills which have a basis of justice. If we would pass this Claims Commission bill, all the jurisdictional cases would go to the Court of Claims and the President would not have an opportunity to veto them.

Mr. Chairman, I ask all Members of the House again to give consideration to the bill we suggested in the last session of Congress and not just blindly oppose bills because they come from the Indian Affairs Committee. [Applause.]

[Here the gavel fell.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, as a new Member, and a member of the Committee on Indian Affairs, I have been greatly concerned over many of the problems that have been brought before that committee during the past year. I have been worried by imagining somebody would soon bring in a bill embodying a claim for the difference between the price of $24 paid in beads about three and a third centuries ago for Manhattan Island and the present appraisal value of the island, together with compound interest over the three and a third centuries. I have expected such a bill to be submitted.

I can understand perfectly why the gentleman from Missouri is deeply concerned that we find so many bills submitted covering claims running back 50 or a hundred years, with compound interest involved. Is there such a thing as a statute of limitations running against moral obligations? I wonder. I do not believe we can remedy wrongs that are half a century or a century old. I would to God we could. Perhaps this can only be done on the other shore.

Having said that, Mr. Chairman, may I say I come from an Indian country, wherein live more Indians, perhaps, than in any other State of the Union except Oklahoma. I want the men of the East to understand there are Indians and Indians, and although they are all human beings, we owe a different obligation to some than to others. I could easily mark a distinction—and a just distinction—in that respect between Indian tribes in Arizona. Certainly if the white man has an obligation to any Indians on this continent it is to the Cherokees. More than 100 years ago the Cherokees, under their great Chief Sequoia, had developed a written language. Christian missionaries had aided them to evolve a peaceful culture.

They had newspapers, they had schools, they had a very high type of civilized life back in their home in Georgia, and they have indeed been transplanted over a trail of tears, as has been indicated.

I do not know what sum of money is involved here, but I do know that a great injustice has been done this people and it seems to me only fair and just that we should pass this bill. I am going to vote for it and I am urging you to vote for it, although I did express my apprehension a moment ago about future Indian bills and many other kinds of bills about which I shall be much bewildered.

We have here a band of Indians who have developed two civilizations, one in Georgia and another in Oklahoma. I am not a Cherokee. I have not a drop of Cherokee blood in my body, but I would not object to some of the Will Rogers kind. I do know that this tribe of Indians has produced some of the finest leaders in American political and social life. I also know we have wronged them and I am asking in this case that you join with me in a vote that will enable some justice to be done the Cherokees. [Applause.]

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. I yield.

Mr. COCHRAN. I cannot understand the gentleman's remarks in reference to the Cherokees with regard to their education, and so forth, when a moment ago we were told

that the Government took advantage of a lot of ignorant Indians. The gentleman has just told us how well educated they were; how they had their own language, their own newspapers, and their own schools. Surely they could not have been ignorant and must have known what they were doing.

Mr. MURDOCK of Arizona. They had the language of the Cherokee people, and their alphabet, which was prepared by Chief Sequoia, was superior, perhaps, to our own. They probably did not know the crafty deception of the white man. They probably did not know how many different meanings we can have for the word "treaty."

Let me say one more word in conclusion: The thing I am fearful of now is not that preposterous bills will be presented to the American Government by the Indians, but what I am fearful of is that a bunch of lawyers will hound these Indians to death, prepare claims that ought to be rejected, and then come in here and get the major part of anything that is granted them. [Applause.]

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Chairman, before addressing myself to the measure before us, I would be remiss, indeed, were I to fail to acknowledge the very gracious compliment paid me by the distinguished gentleman from Washington [Mr. HILL], and since my colleague from New York shared with me the bounty of the honor that the gentleman from Washington was bestowing, I feel that I should, for him as well, acknowledge to our colleague that we appreciate the recognition on his part of the contribution which the gentleman from New York and I have brought to the Indian cause.

Both of us are happy to be looked upon by him as paragons of all wisdom. [Laughter.] Both of us accept literally the honesty of purpose which actuated the gentleman in paying us this compliment. Knowing the distinguished gentleman as we do, we know that it would not lie in his mouth to attempt anything else but honesty and sincerity. We hardly realize that we deserve the tribute that has been paid us, but since it has been forced upon us, in a spirit of humility, we both accept it. We have no other course to pursue.

We are happy today that the distinguished gentleman from Washington is willing to be one of the disciples who will sit at our feet and drink in the wisdom that we have brought to the House during the afternoon, and especially that which we have directed to this troublesome problem of the Indians. We want him to know that we, too, feel kindly to him. We know at times that eyes are closed that otherwise should see, and it is because of the fact that at times our eyes are closed that the gentleman from New York and I, in our humble way, attempt to remove the masks from the men who otherwise might not be able to see, so that the full light of truth may shine into their hearts.

The gentleman from New York tells me to tell the distinguished gentleman from Washington and the House that we really feel grateful that we have been able to so reach heights of sublimity and wisdom, and that we have been able to translate that light to those that otherwise would not be able to see. [Laughter and applause.]

I now address myself to the matter before us. I am very, very fond of and admire the distinguished gentleman from Oklahoma [Mr. DISNEY], and I cannot help but express wonder when I recall a part of the words he gave us today, and I wrote them down lest my memory might fail me. His statement was, "There is nothing involved here." Coming from the distinguished gentleman from Oklahoma, this statement surprises me, for it seems to me that there is something basically involved here that I thought the distinguished gentleman——

Mr. DISNEY. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I certainly will. I have mentioned the gentleman, and I yield.

Mr. DISNEY. Does the gentleman think it is decently fair to take five or six words out of a man's 10-minute speech and try to leave the implication the gentleman is trying to leave here now? If you do, then you are your own punishment.

Mr. DITTER. I do not want to be unfair to the gentleman. I have always been fair.

Mr. DISNEY. Then do not do it, I warn you.

Mr. DITTER. If the gentleman cares to amplify or clarify the quotation I have made, then, sir, I want him to have the opportunity to do so; for I have in nowise, nor would it lie in my mouth, to be unfair——

Mr. DISNEY. I do not know what lies in your mouth, but do not do that on me.

Mr. DITTER. Now, if the gentleman states that I have either misquoted him or he wants to amplify the statement, I will be happy to have him do so.

Mr. DISNEY. I am not as good at amplifying as the gentleman from Pennsylvania; but I say to you that the few words you quoted represent an unfair quotation from my remarks, and nobody knows it better than you do, if you will stop one moment and think, with your much-vaunted sense of fairness.

Mr. DITTER. Now, sir, I again submit, if the gentleman wants to include any further statement than that which I have quoted from his speech, I shall be happy to have him do that. "There is nothing involved" are the words that I recall the gentleman used. The point I make is that I believe something basic is involved. I believe the real question involved is whether or not the Court of Claims having once passed on a controversial matter should have its finding set aside and in its stead substituted the will, the wish, and the opinion of this Congress. That is the point that I make, and I am wondering whether we are not getting onto dangerous ground when we pursue such a policy. I have found nowhere here any question raised that the case was not tried fairly on its merits, and I again submit that if I am incorrect in that——

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. DITTER. Yes.

Mr. NICHOLS. Let me read to the gentleman from the letter of the Secretary of the Interior wherein he says:

> The fact remains, however, that the argument of erroneous application of partial payments is one that does not appear to have been previously presented to or considered by the court.

Mr. DITTER. And may I supplement that further, I submit, and read from this same record:

> Consequently it cannot be said that the present contention of the Cherokees, namely, that the claim now asserted has not been decided on its merits, is wholly without foundation.

Mr. NICHOLS. Oh, wait a minute. The gentleman puts a wrong emphasis on it.

Mr. DITTER. I merely read the words as I find them.

Mr. NICHOLS. I know the gentleman wants to be fair.

Mr. DITTER. I try to be fair.

Mr. NICHOLS. Read the language:

> Consequently it cannot be said—

Cannot be said—

> that the present contention of the Cherokees, namely, that the claim now asserted has not been decided on its merits, is wholly without foundation.

Mr. DITTER. Or, in other words, the contention that it has not been heard on its merits is without foundation.

Mr. NICHOLS. Oh, no—is not wholly without foundation.

Mr. DITTER. That is the only meaning that I can get out of it. Will the gentleman let me read it again?

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DITTER. Yes.

Mr. MAY. The gentleman stated the case had been fully heard in the Court of Claims on one occasion.

Mr. DITTER. On many occasions, as I understood it, even going to the Supreme Court.

Mr. MAY. Let us take it at one occasion. Under the doctrine of res adjudicata is it not true that any matter which might have been adjudicated under the pleadings in the case

is conclusive under that doctrine, whether it was adjudicated or not?

Mr. DITTER. My answer to the gentleman is that that is the very basis upon which I am making an appeal to the distinguished gentleman from Oklahoma [Mr. DISNEY], knowing him as I do as a lawyer, that under the theory of res adjudicata——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CRAWFORD. Mr. Chairman, I yield the gentleman 2 minutes more.

Mr. DISNEY. Does the gentleman want to raise that contention on the part of a guardian as against a ward, or does the gentleman know that the Government is the guardian of the Indian?

Mr. DITTER. I believe that raising that question of guardian and ward is not justified, because I believe the Indians had capable counsel and that their rights were carefully looked after, and that the issues were fairly adjudicated and an ultimate determination made of the issues involved up to the final appeal to the Supreme Court of the United States.

Mr. DISNEY. Does not the gentleman know that this contention was not adjudicated, or can the gentleman read that in the record?

Mr. DITTER. I can read in this record only what I have already read to the gentleman; and I think my interpretation of the reading is as well founded as the interpretation the gentleman's colleague tries to place upon it by the emphasis he makes of particular words. I believe I can read.

Mr. DISNEY. Will the gentleman yield further?

Mr. DITTER. I yield.

Mr. DISNEY. I must ask the gentleman please never to accept the compliments that the gentleman from Washington [Mr. HILL] paid him a while ago.

Mr. DITTER. I must say that I believe in his sincerity of purpose. [Laughter and applause.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I understand there are no further speeches on the other side. I yield the remainder of the time on this side, 10 minutes, to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, in the heat of argument very often statements are made which are misstatements that are not made intentionally. That thing has happened in the discussion of this bill here this afternoon many times; because, by inference, impressions have been left that I am sure were not intended. For instance, since the debate on this bill started several Members of the House have come to me and said, "Why, Jack, the gentleman from Missouri [Mr. COCHRAN] said that there was $354,000,000 involved in this bill." The gentleman from Missouri did not say that. I do not think he said it; if he did, he is wrong. There are 14 cases pending before the Court of Claims, filed there under the authority of the jurisdictional act that sent this case there, and there is $54,000,000 involved in all 14 of the cases. There is approximately $2,000,000 involved in this one.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield? He mentioned my name.

Mr. NICHOLS. Certainly.

Mr. COCHRAN. The gentleman admits there is $54,000,000 involved in these 14 cases?

Mr. NICHOLS. I am taking the gentleman's own argument. I do not know whether there is that much or not.

Mr. COCHRAN. I read from the official record.

Mr. NICHOLS. I refuse to yield further.

Mr. Chairman, the gentleman from Missouri said there was $54,000,000; and I guess that is right; I do not know, but it certainly is in all 14 of the cases, because he said so. It cannot be in just one case. That might clear that end of the argument up.

And, listen! My distinguished friend from Missouri, whom I love [laughter], said also that if this bill were passed, the Attorney General of the United States would have to go into court and confess judgment. Let us see about that. What does this bill say? Why, it says to the Court of Claims: "You hear this case on its merits." That is all it says. It is perfectly ridiculous for a man to say that under this authority the Attorney General would have to confess judgment. No, no; that cannot be right. The Court of Claims is a competent court. It will take care of the Government of the United States in Indian cases, never you fear. It cannot be disputed that in all of the Indian claims that have been filed before the Court of Claims the Indians have recovered in less than 2 percent of the cases. This Government is safe in the hands of the Court of Claims. They have not permitted the Indians of this country to rob the Treasury of the United States, the statement of my friend from Missouri to the contrary notwithstanding.

Mr. COCHRAN. Mr. Chairman, the gentleman does not want to infer that I made any such statement in reference to the Court of Claims, does he?

Mr. NICHOLS. Probably it was my distinguished friend from Michigan, then.

Mr. COCHRAN. I made no such statement.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes; I yield for a question.

Mr. REED of New York. I really want to know seriously about this matter. In the report it is indicated that the President is opposed to this bill. What reason does he give?

Mr. NICHOLS. Who, the President?

Mr. REED of New York. Yes.

Mr. NICHOLS. I will tell the gentleman.

Mr. REED of New York. I am anxious to know because I realize the gentleman is well informed.

Mr. NICHOLS. We have a great department down here in Washington known as the Bureau of the Budget. The Bureau of the Budget takes unto itself not only the liberty of telling departments of the Government what money they can ask for and how they can spend it but they also have now taken unto themselves the prerogative of legislating. That great Bureau said that this bill was contrary to the plan of the President. No one will accuse me of being disrespectful to the Chief Executive of this Nation, because I am not; but I know that man down there in the White House, with his hands full of great big business, does not even know this bill is pending, and never did know it was pending.

Mr. REED of New York. Mr. Chairman, would the gentleman be willing to yield again?

Mr. NICHOLS. Just a minute. A lot has been said about the $1,111,000. My distinguished friend from New York says it has been paid back to the Indians, and that is correct, absolutely right; but why was it paid back to them? Does the gentleman know? Well, I will tell him why. The great Government of the United States purchased 8,000,000 acres of land from these Indians in Georgia and paid them the magnificent sum of $4,500,000 for it. Then what did the Government do? The Government charged the Indians $1,111,000 to pay the freight for moving the Indians out of the land that the Government had practically stolen from them. That is where the $1,111,000 came from. The Indians finally went to court about it, and the court said to the Government of the United States, "You will have to pay that $1,111,000 back to those Indians. You did not have any business to charge them for moving them out of their native land." So the Government paid them $4,500,000, which in the end amounted to only $3,900,000, in round numbers.

Mr. REED of New York. Will the gentleman yield?

Mr. NICHOLS. Now let us see about this gratuity thing that my distinguished friend from Missouri talks about. Gratuities, yes. We have established the policy, whether it is right or wrong—and I do not know; I am not in favor of it myself—that all gratuitious payments made by the Government to the Indians may be charged off. Included in that are the salaries of all the Government officials in the Indian

Department which run the affairs of the Indians. That is all charged as a gratuity. When an Indian gets a judgment against the Government we say that the Government may charge against that judgment all of the expenses for running the Indian Department and keeping politicians on the pay roll.

My friend from Missouri complains about this bill. Let us see why. This provision was put in the bill to protect the Government of the United States and I read it to you. It will be found on page 2, line 6, following the semicolon.

And to entitle the United States to be allowed and to receive full credit for all sums paid such Indians on account of any of such claims, including such gratuities only in money or property, if any, which heretofore have been paid per capita to the parties plaintiff.

Why, if that language was not in the bill then my distinguished friend from Missouri would be in here complaining that there was no provision for a charge-off against any judgment that may be obtained by the Indians.

I appeal to the Members to pass this joint resolution.

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the joint resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the act approved March 19, 1924 (43 Stat. 27), and the act approved April 25, 1932 (47 Stat. 137), authorizing the Cherokee Indian Nation or Tribe and the Eastern or Emigrant Cherokees and the Western or Old Settler Cherokees, respectively, to sue the United States in the Court of Claims, are hereby construed and shall be deemed to authorize and direct the Court of Claims to hear, consider, and render judgment on the merits of the claims of said plaintiffs as heretofore filed in said court for alleged indebtedness, after the application of all payments in the manner provided in section 3 of the act approved April 25, 1932, aforesaid, and to give the said court full jurisdiction of the causes of action set forth in said petitions regardless of any alleged claim of previous adjudication in relation to the subject matter thereof; and to entitle the United States to be allowed and to receive full credit for all sums paid such Indians on account of any of such claims, including such gratuities only in money or property, if any, which heretofore have been paid per capita to the parties plaintiff.

The Court of Claims is hereby authorized and directed to reinstate the said cases heretofore dismissed and to hear and determine the same on their merits, notwithstanding any former proceedings had with relation thereto.

Either party in any of the cases herein referred to shall have the right of appeal to the Supreme Court of the United States, rather than by certiorari.

Mr. COCHRAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Mr. COCHRAN moves that the Committee do now rise and report the joint resolution back to the House with the recommendation that the resolving clause be stricken out.

Mr. COCHRAN. Mr. Chairman, as long as the words uttered by the gentleman from Oklahoma are fresh in the minds of the committee, in which he referred at the end of his statement to the language on page 2 following the semicolon in line 6, may I say to the gentleman I think so much of the language that if the motion I have made just now fails it is my purpose to offer an amendment to strike it out. I invite the gentleman then to support it. The language that the gentleman speaks of will not give the Government the opportunity to charge off 5 cents as gratuities or advances to the Indians because, as I stated before, it requires the Government to show the advances paid per capita.

Mr. NICHOLS. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Will the gentleman agree with me if I support that amendment, he will then perfect the bill by adding an amendment that no gratuities shall be charged?

Mr. COCHRAN. I will not. I will not make any agreement whatsoever in reference to the bill because the bill should be defeated and my effort at the moment in the form of a motion to strike out the enacting clause is directed toward defeat of the joint resolution.

Mr. DISNEY. Mr. Chairman, I rise in opposition to the motion offered by the gentleman from Missouri.

Mr. Chairman, I do not want to unduly prolong this vote. I know we all want to get through. I think I read this language correctly; however, I do not believe the contention of the gentleman from Missouri is correct.

Here is the language he is directing his argument against:

And to entitle the United States to be allowed and to receive full credit for all sums paid such Indians on account of any of such claims, including such gratuities only in money or property, if any, which heretofore have been paid per capita to the parties plaintiff.

Well, the whole sum is an offset. We do have to hunt these Indians up and give them individually the credit, as the gentleman is claiming. This language does not so state. The whole sum heretofore paid to them per capita is an offset. We do not have to hunt up each individual Indian or go down through his descendants and show that as an offset. That is not what the language says and no stretch of the imagination can make anything else out of it. The Government is entitled to credit for all the gratuities it has given to the Indians.

The CHAIRMAN. The question is on the motion offered by the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 53, noes 32.

Mr. ROGERS of Oklahoma. Mr. Chairman, I object to the vote on the ground that there is not a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and ten Members are present, a quorum.

Mr. NICHOLS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. NICHOLS and Mr. COCHRAN to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 55, noes 36.

Mr. NICHOLS. Mr. Chairman, I make the point of order there is not a quorum present.

The CHAIRMAN. The Chair will count.

Mr. NICHOLS. Mr. Chairman, I withdraw the point of order that there is not a quorum present.

I object to the vote on the ground that there is not a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and six Members are present, a quorum.

So the motion was agreed to.

Accordingly the Committee rose; and Mr. COOPER having taken the chair as Speaker pro tempore, Mr. BEAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the joint resolution (S. J. Res. 64) defining the jurisdiction of the Court of Claims under the act approved March 19, 1924 (43 Stat. 27) and April 24, 1932 (47 Stat. 137), and for other purposes, had directed him to report the same back to the House with the recommendation that the resolving clause be stricken.

The SPEAKER pro tempore. The question is on the recommendation of the Committee of the Whole House on the state of the Union that the resolving clause be stricken out.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. NICHOLS. Is the parliamentary situation at this time such that the yeas and nays may be demanded on the vote on striking out the enacting clause?

The SPEAKER pro tempore. Certainly. When any question is presented a demand for the yeas and nays is in order.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. NICHOLS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. NICHOLS. Mr. Speaker, I demand a division.

The House divided; and there were—yeas 73, noes 33.

Mr. NICHOLS. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and twenty-five Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 165, nays 102, not voting 162, as follows:

[Roll No. 21]

YEAS—165

Aleshire	Forand	McReynolds	Sauthoff
Anderson, Mo.	Ford, Miss.	Maas	Schaefer, Ill.
Andresen, Minn.	Fuller	Mahon, S. C.	Schuetz
Arends	Gamble, N. Y.	Mahon, Tex.	Seger
Arnold	Gilchrist	Martin, Colo.	Shafer, Mich.
Bacon	Greenwood	Martin, Mass.	Shanley
Barden	Gregory	Mead	Short
Beam	Gwynne	Meeks	Smith, Conn.
Boyer	Hamilton	Michener	Smith, Va.
Brown	Hancock, N. Y.	Mills	Snell
Bulwinkle	Healey	Mitchell, Ill.	Snyder, Pa.
Caldwell	Hennings	Mitchell, Tenn.	South
Cannon, Mo.	Hobbs	Mosier, Ohio	Starnes
Carlson	Hoffman	Mott	Sumners, Tex.
Church	Holmes	Nelson	Sutphin
Citron	Hope	O'Brien, Ill.	Swope
Clason	Imhoff	O'Connell, R. I.	Taber
Claypool	Jarrett	O'Day	Tarver
Cochran	Jenckes, Ind.	O'Leary	Taylor, S. C.
Colden	Johnson, Luther A.	Oliver	Terry
Colmer	Johnson, Lyndon	O'Neal, Ky.	Thom
Connery	Johnson, W. Va.	Owen	Thomas, N. J.
Cooper	Kee	Pace	Thomas, Tex.
Costello	Kelly, Ill.	Parsons	Thomason, Tex.
Crawford	Kitchens	Pearson	Thompson, Ill.
Creal	Kniffin	Plumley	Tinkham
Crosser	Kocialkowski	Polk	Towey
Crowther	Kramer	Powers	Transue
DeMuth	Lambertson	Rabaut	Turner
Dies	Lambeth	Ramsay	Umstead
Ditter	Lanham	Reece, Tenn.	Wadsworth
Dorsey	Larrabee	Reed, Ill.	Walter
Doughton	Lesinski	Reed, N. Y.	Whittington
Dowell	Lewis, Colo.	Rees, Kans.	Wigglesworth
Eberharter	Lord	Rich	Wilcox
Engel	Luce	Rigney	Wolcott
Evans	McAndrews	Robertson	Wolverton
Farley	McClellan	Rockefeller	Woodruff
Fish	McCormack	Rogers, Mass.	Zimmerman
Fitzgerald	McFarlane	Romjue	
Flaherty	McKeough	Sanders	
Fletcher	McMillan	Satterfield	

NAYS—102

Allen, Pa.	Dunn	Hull	Patton
Amlie	Eckert	Hunter	Peterson, Fla.
Ashbrook	Edmiston	Jarman	Peterson, Ga.
Barry	Eicher	Johnson, Minn.	Ramspeck
Bigelow	Elliott	Johnson, Okla.	Richards
Binderup	Faddis	Kelly, N. Y.	Robinson, Utah
Bloom	Flannery	Kennedy, Md.	Robsion, Ky.
Boileau	Fleger	Knutson	Rogers, Okla.
Boren	Ford, Calif.	Lanzetta	Sabath
Brooks	Fries, Ill.	Lea	Sadowski
Buckler, Minn.	Gambrill, Md.	Leavy	Shannon
Burdick	Garrett	Lemke	Sheppard
Cannon, Wis.	Gehrmann	Luecke, Mich.	Sparkman
Cartwright	Gildea	McGehee	Spence
Case, S. Dak.	Gingery	McGranery	Stefan
Casey, Mass.	Goldsborough	McSweeney	Sweeney
Chapman	Gray, Ind.	Massingale	Teigan
Coffee, Wash.	Green	Moser, Pa.	Tolan
Cravens	Griffith	Murdock, Ariz.	Vincent, B. M.
Crosby	Havenner	Murdock, Utah	Voorhis
Crowe	Hendricks	Nichols	Wallgren
Cullen	Hildebrandt	O'Connell, Mont.	Wearin
Curley	Hill	O'Neill, N. J.	Weaver
Dingell	Honeyman	O'Toole	White, Idaho
Disney	Hook	Patman	
Doxey	Houston	Patterson	

NOT VOTING—162

Allen, Del.	Champion	Drew, Pa.	Harrington
Allen, Ill.	Chandler	Drewry, Va.	Hart
Allen, La.	Clark, Idaho	Driver	Harter
Andrews	Clark, N. C.	Duncan	Hartley
Atkinson	Cluett	Eaton	Izac
Barton	Coffee, Nebr.	Englebright	Jacobsen
Bates	Cole, Md.	Ferguson	Jenkins, Ohio
Beiter	Cole, N. Y.	Fernandez	Jenks, N. H.
Bell	Collins	Fitzpatrick	Jones
Bernard	Cooley	Flannagan	Keller
Biermann	Cox	Frey, Pa.	Kennedy, N. Y.
Bland	Culkin	Fulmer	Keogh
Boehne	Cummings	Gasque	Kerr
Boland, Pa.	Daly	Gavagan	Kinzer
Boykin	Deen	Gearhart	Kirwan
Boylan, N. Y.	Delaney	Gifford	Kleberg
Bradley	Dempsey	Gray, Pa.	Kopplemann
Brewster	DeRouen	Greever	Kvale
Buck	Dickstein	Griswold	Lamneck
Buckley, N. Y.	Dirksen	Guyer	Lewis, Md.
Burch	Dixon	Haines	Long
Byrne	Dockweiler	Halleck	Lucas
Carter	Dondero	Hancock, N. C.	Luckey, Nebr.
Celler	Douglas	Harlan	Ludlow
McGrath	O'Malley	Schulte	Tobey
McGroarty	Palmisano	Scott	Treadway
McLaughlin	Patrick	Scrugham	Vinson, Fred M.
McLean	Pettengill	Secrest	Vinson, Ga.
Magnuson	Pfeifer	Simpson	Warren
Maloney	Phillips	Sirovich	Welch
Mansfield	Pierce	Smith, Maine	Wene
Mapes	Poage	Smith, Okla.	West
Mason	Quinn	Smith, Wash.	Whelchel
Maverick	Randolph	Smith, W. Va.	White, Ohio
May	Rankin	Somers, N. Y.	Williams
Merritt	Rayburn	Stack	Withrow
Mouton	Reilly	Steagall	Wolfenden
Norton	Rutherford	Sullivan	Wood
O'Brien, Mich.	Ryan	Taylor, Colo.	Woodrum
O'Connor, Mont.	Sacks	Taylor, Tenn.	
O'Connor, N. Y.	Schneider, Wis.	Thurston	

So the recommendation of the Committee of the Whole House on the state of the Union that the resolving clause be stricken out was agreed to.

The SPEAKER pro tempore. The resolving clause is stricken out, and the Senate will be notified accordingly.

The Clerk announced the following pairs:

On the vote:

Mr. May (for) with Mr. Keller (against).
Mr. Mapes (for) with Mr. Keogh (against).

General pairs:

Mr. Warren with Mr. Treadway.
Mr. Rankin with Mr. Gifford.
Mr. Rayburn with Mr. Kinzer.
Mr. O'Connor of New York with Mr. McLean.
Mr. Kerr with Mr. Tobey.
Mr. Gavagan with Mr. White of Ohio.
Mr. Mansfield with Mr. Cole of New York.
Mr. Steagall with Mr. Allen of Illinois.
Mr. Kleberg with Mr. Halleck.
Mr. Griswold with Mr. Barton.
Mr. McLaughlin with Mr. Wolfenden.
Mr. Sullivan with Mr. Dondero.
Mr. Woodrum with Mr. Guyer.
Mr. Vinson of Georgia with Mr. Mason.
Mr. Gasque with Mr. Reece of Tennessee.
Mr. Flannagan with Mr. Andrews.
Mr. Fred M. Vinson with Mr. Carter.
Mr. Boykin with Mr. Simpson.
Mr. Reilly with Mr. Brewster.
Mr. Boland of Pennsylvania with Mr. Taylor of Tennessee.
Mr. Drewry of Virginia with Mr. Eaton.
Mr. Bland with Mr. Hartley.
Mr. Jones with Mr. Douglas.
Mr. Burch with Mr. Rutherford.
Mr. Boehne with Mr. Jenks of New Hampshire.
Mr. Hancock of North Carolina with Mr. Dirksen.
Mr. Maverick with Mr. Bates.
Mr. Clark of North Carolina with Mr. Smith of Maine.
Mr. Schulte with Mr. Cluett.
Mr. Collins with Mr. Gearhart.
Mr. Lamneck with Mr. Jenkins of Ohio.
Mr. Fulmer with Mr. Engelbright.
Mr. Pettingill with Mr. Culkin.
Mr. Cooley with Mr. Kvale.
Mr. Taylor of Colorado with Mr. Welch.
Mr. Smith of West Virginia with Mr. Withrow.
Mr. Cox with Mr. Bernard.
Mr. Atkinson with Mr. Schneider of Wisconsin.
Mr. McGrath with Mr. Poage.
Mr. Dickstein with Mr. Williams.
Mr. Bell with Mr. Phillips.
Mr. Wood with Mr. Dempsey.
Mr. Beiter with Mr. Allen of Delaware.
Mr. Randolph with Mr. Kirwan.
Mr. Pierce with Mr. Allen of Louisiana.
Mr. Kennedy of New York with Mr. Drew of Pennsylvania.
Mr. Ferguson with Mr. Luecke of Michigan.
Mr. Secrest with Mr. Bradley.
Mr. Celler with Mr. Haines.
Mr. Merritt with Mr. Coffee of Nebraska.
Mr. O'Brien of Michigan with Mr. West.
Mr. Quinn with Mr. Pfeifer.
Mr. Driver with Mr. Bierman.
Mr. Dockweiler with Mr. Lewis of Maryland.
Mr. Long with Mr. Ryan.
Mr. Boylan of New York with Mr. Duncan.
Mr. Fernandez with Mr. Lucas.
Mr. Scott with Mr. Fitzpatrick.
Mr. Buck with Mr. DeRouen.
Mr. Scrugham with Mr. Ludlow.
Mr. Frey of Pennsylvania with Mr. Byrne.
Mr. Smith of Oklahoma with Mr. Maloney.
Mr. Chandler with Mr. Sirovich.
Mr. Somers of New York with Mr. Clark of Idaho.
Mr. Harrington with Mr. Gray of Pennsylvania.
Mr. Stack with Mr. Harlan.
Mr. Greever with Mr. O'Connor of Montana.
Mr. Hart with Mr. Cummings.
Mr. Whelchel with Mr. Patrick.
Mr. Daly with Mr. Harter.
Mr. Deen with Mr. Jacobsen.
Mrs. Norton with Mr. Mouton.
Mr. Cole of Maryland with Mr. Delaney.

Mr. HOUSTON and Mr. SABATH changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

On motion of Mr. COCHRAN, a motion to reconsider the vote by which the resolving clause was stricken out was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ATKINSON (at the request of Mr. COOPER), for today, on account of illness.

To Mr. HARLAN, for 3 days, on account of official business.

To Mr. KIRWAN (at the request of Mr. FLEGER), indefinitely, on account of illness.

CONSOLIDATED AIRCRAFT CORPORATION

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (S. 1882) for the relief of the Consolidated Aircraft Corporation:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1882) entitled "An Act for the relief of the Consolidated Aircraft Corporation", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

AMBROSE J. KENNEDY,
EUGENE J. KEOGH,
FRANK CARLSON,
Managers on the part of the House.

L. B. SCHWELLENBACH,
M. M. LOGAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1882) for the relief of the Consolidated Aircraft Corporation submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The House Committee on Claims recommended the bill to the House in the amount of $92,993.40, in full settlement of all claims against the United States for additional costs incurred by such corporation in the performance of a contract with the Department of War. This is the amount for which the Senate passed the bill. An amendment was offered on the floor of the House reducing the amount from $92,993.40 to $75,805.34. This amendment was accepted by the House.

At the conference the House conferees receded from the amendment of the House and the original amount of $92,993.40 was agreed upon by the conferees.

AMBROSE J. KENNEDY,
EUGENE J. KEOGH,
FRANK CARLSON,
Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill (S. 1882) for the relief of the Consolidated Aircraft Corporation.

The Clerk read the title of the bill.

Mr. COCHRAN. Reserving the right to object, Mr. Speaker, what is the amount involved in this bill?

Mr. KENNEDY of Maryland. The claim originally was for $113,085.85. The Senate passed the bill with the amount at $92,993.40 and it was reduced to $75,760.77.

Mr. COCHRAN. Does not the gentleman believe the consideration of the bill ought to go over until tomorrow, so we may have a chance to read the conference report? This bill involves a great deal of money.

Mr. KENNEDY of Maryland. I intend to ask unanimous consent that the statement be read in lieu of the report. I believe the statement will explain the bill to the gentleman. If it does not, then I think in a few minutes' time I may be able to explain the conference report to the gentleman's satisfaction.

Mr. RICH. Reserving the right to object, Mr. Speaker, this bill calls for the payment of $75,000.

Mr. KENNEDY of Maryland. The gentleman is correct.

Mr. RICH. It is late now, after 6 o'clock. Where are you going to get the money?

Mr. Speaker, the House is in no condition now to do business. I believe we ought to bring the bill up at another time.

Mr. KENNEDY of Maryland. If the gentleman will withhold his objection a moment, I may say this matter has been before the House and been considered. The amendment was put in the bill, I believe, in error. The situation is that the original bill was for $113,085.85. The Senate amended the bill to make it carry the correct amount of $92,993.40. Then an amendment was offered, and adopted in the House, reducing the amount to $75,760.70, which figure appears in a part of the committee report. I believe the gentleman offering the amendment, which was adopted, as I recall, without any consideration, had in mind that this was the proper amount. However, the conferees on the part of both the Senate and the House have agreed that the figure of $92,993.40 contained in the bill as originally passed the Senate is the correct amount. The report describes the situation fully. I would not stand here and misrepresent the situation.

Mr. SNELL. Is that the amount in the bill as it passed the House?

Mr. KENNEDY of Maryland. No. That is the amount that it passed the Senate for, namely, $92,993.40.

Mr. RICH. Are you standing now on $75,000?

Mr. KENNEDY of Maryland. No; we are putting it back to where it belongs.

Mr. RICH. Mr. Speaker, I object to the present consideration of the conference report.

EXTENSION OF REMARKS

Mr. HILDEBRANDT, Mr. WOLVERTON, Mr. COCHRAN, and Mr. SHANLEY asked and were given permission to extend their own remarks in the RECORD.

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein a telegram and letter I have received in reference to the small-business men's conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a letter from Mr. Arthur Besse, president of the National Association of Wool Manufacturers, together with a brief prepared by them and sent to the Committee on Reciprocity Information in protest against the proposed trade treaty with the United Kingdom.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and include therein two letters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania, Mr. EBERHARTER, is recognized for 10 minutes.

Mr. EBERHARTER. Mr. Speaker, I desire to waive that privilege at this time.

Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of matters on the Speaker's desk and following the legislative program of the day, I may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 3329. An act granting a pension to Mary Merrill Scott, to the Committee on Pensions.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2194. An act to provide for the annual inspection of all motor vehicles in the District of Columbia.

BILL PRESENTED TO THE PRESIDENT

Mr. Parsons, from the Committee on Enrolled Bills, reported that that committee did on Wednesday, February 9, 1938, present to the President, for his approval, a bill of the House of the following title:

H. R. 9043. An act to amend an act to provide for the retirement of Justices of the Supreme Court.

ADJOURNMENT

Mr. ROGERS of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) under its previous order, the House adjourned until Monday, February 14, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Friday, February 11, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON PATENTS

The Committee on Patents will hold public hearings Friday, February 11, 1938, in the caucus room of the House Office Building at 10 a. m. each morning on House Joint Resolution 79, providing for the establishment of a Department of Science, Art, and Literature.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Friday, February 11, 1938, at 10 a. m., for the consideration of a building program for the Navy. Very important.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, February 15, 1938. Business to be considered: Continuation of hearings on S. 69—train length. Railroad interests will be heard.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 3 of the Committee on the Judiciary at 10:30 a. m., Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill H. R. 8339, providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m. on Tuesday, March 1, 1938, on the bill H. R. 8892, to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 a. m., on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 9, 1938, at 10 a. m., on the following bills: H. R. 9225, authorizing the appointment of 30 principal traveling inspectors by the Secretary of Commerce; H. R. 9368, authorizing the issuance of certain seamen's certificates by inspectors of hulls and boilers.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 16, 1938, at 10 a. m., on H. R. 8251, relative to radio operators on cargo vessels.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1077. A letter from the Chairman of the Reconstruction Finance Corporation, transmitting a report of the activities and expenditures of the Reconstruction Finance Corporation for the month of December 1937 (H. Doc. No. 525); to the Committee on Banking and Currency and ordered to be printed.

1078. A letter from the secretary of Federal Prison Industries, transmitting the annual report of the board of directors of the Federal Prison Industries, Inc.; to the Committee on the Judiciary.

1079. A letter from the Acting Secretary of the Treasury, transmitting a proposed bill to amend the act of May 27, 1908, authorizing settlement of accounts of deceased officers and enlisted men of the Navy and Marine Corps; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. McGEHEE: Committee on the District of Columbia. H. R. 7834. A bill to amend the act entitled "An act to provide compensation for disability or death resulting from injuries to employees in certain employments in the District of Columbia, and for other purposes"; without amendment (Rept. No. 1795). Referred to the Committee of the Whole House on the state of the Union.

Mr. McGEHEE: Committee on the District of Columbia. H. R. 9024. A bill to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia; without amendment (Rept. No. 1796). Referred to the Committee of the Whole House on the state of the Union.

Mrs. JENCKES of Indiana: Committee on the District of Columbia. H. R. 9100. A bill limiting the duties of the chief clerk and chief inspector of the health department of the District of Columbia; without amendment (Rept. No. 1797). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALMISANO: Committee on the District of Columbia. House Joint Resolution 582. Joint resolution supplementing and amending the act for the incorporation of Washington College of Law, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; without amendment (Rept. No. 1798). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. POAGE: Committee on Claims. H. R. 1737. A bill for the relief of Marie Frantzen McDonald; with amendment (Rept. No. 1775). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 3313. A bill for the relief of William A. Fleek; with amendment (Rept. No. 1776). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 4222. A bill for the relief of Mary Kane, Ella Benz, Murial Benz, John Benz, and Frank Restis; with amendment (Rept. No. 1777). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4340. A bill for the relief of J. F. Stinson; with amendment (Rept. No. 1778). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4819. A bill for the relief of Joseph Zani; with amendment (Rept. No. 1779). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 6646. A bill for the relief of Dr. A. J. Cottrell; with amendment (Rept. No. 1780). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. H. R. 6780. A bill for the relief of Mildred G. Yund; with amendment (Rept. No. 1781). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 6803. A bill for the relief of Mrs. Newton D. Petersen; with amendment (Rept. No. 1782). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 6950. A bill for the relief of Andrew J. McGarraghy; with amendment (Rept. No. 1783). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 7521. A bill for the relief of Joe F. Pedlichek; with amendment (Rept. No. 1784). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. H. R. 7548. A bill for the relief of J. Lafe Davis; with amendment (Rept. No. 1785). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 7675. A bill for the relief of Newark Concrete Pipe Co.; with amendment (Rept. No. 1786). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 8461. A bill for the relief of S. L. Claypole; with amendment (Rept. No. 1787). Referred to the Committee of the Whole House.

Mr. POAGE: Committee on Claims. H. R. 8572. A bill for the relief of W. O. West; with amendment (Rept. No. 1788). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. S. 283. An act for the relief of Mrs. J. H. McClary; with amendment (Rept. No. 1789). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. S. 1660. An act for the relief of Essie E. Leatherwood; without amendment (Rept. No. 1790). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. S. 2091. An act for the relief of Ada Saul, Steve Dolack, and Marie McDonald; with amendment (Rept. No. 1791). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 2138. An act for the relief of Nelson W. Apple; with amendment (Rept. No. 1792). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. S. 2261. An act for the relief of Scott Hart; with amendment (Rept. No. 1793). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. S. 2427. An act for the relief of the estates of Al Cochran, Willis Cochran, and Russell Cochran, and for the relief of Shirley Cochran and Matilda Cochran; with amendment (Rept. No. 1794). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOYKIN: A bill (H. R. 9426) to provide right of judicial review of certain claims of Government contractors whose costs of performance were increased as a result of compliance with the act approved June 16, 1933; to the Committee on the Judiciary.

By Mr. ELLIOTT: A bill (H. R. 9427) to provide that proceeds of taxes imposed under the Social Security Act with respect to employment shall be set aside in the Treasury for making old-age benefit payments under such act; to the Committee on Ways and Means.

Also, a bill (H. R. 9428) to authorize additions to the Sequoia National Forest, Calif., through exchanges under the act of March 20, 1922, or by proclamation or Executive order; to the Committee on the Public Lands.

By Mr. BARTON: A bill (H. R. 9429) to repeal the Bituminous Coal Act of 1937; to the Committee on Ways and Means.

By Mr. HENDRICKS: A bill (H. R. 9430) relating to the accounts of deceased employees of the Railway Mail Service; to the Committee on the Post Office and Post Roads.

By Mr. WALTER: A bill (H. R. 9431) to repeal paragraph 2, section 1, of the Emergency Relief Appropriation Act of 1937; to the Committee on Appropriations.

By Mr. SCOTT: A bill (H. R. 9432) to transfer title to a suitable vessel which can be used for use in training unlicensed personnel for United States merchant-marine service, at Long Beach, Calif.; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMILTON: A bill (H. R. 9433) for adjustment of compensation of civilian apprentices employed in navy yards and naval stations of the United States and its possessions from July 1, 1932, to June 30, 1934; to the Committee on Naval Affairs.

By Mr. WOOD: A bill (H. R. 9434) to establish a commercial airport in the vicinity of the National Capital; to the Committee on Public Buildings and Grounds.

By Mr. MILLS: A bill (H. R. 9435) to amend the act entitled "An act to amend the act entitled 'An act for the control of floods on the Mississippi River and its tributaries, and for other purposes', approved May 15, 1928", approved June 15, 1936; to the Committee on Flood Control.

By Mr. GRIFFITH: A bill (H. R. 9436) to amend the act entitled "An act to amend the act entitled 'An act for the control of floods on the Mississippi River and its tributaries, and for other purposes', approved May 15, 1928", approved June 15, 1936; to the Committee on Flood Control.

By Mr. PALMISANO: A bill (H. R. 9437) to provide for the establishment of magistrate courts in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ALLEN of Louisiana: A bill (H. R. 9438) to amend the act entitled "An act to amend the act entitled 'An act for the control of floods on the Mississippi River and its

tributaries, and for other purposes', approved May 15, 1928", approved June 15, 1936; to the Committee on Flood Control.

By Mr. MURDOCK of Arizona: A bill (H. R. 9439) authorizing the Secretary of Agriculture and the Secretary of the Interior to investigate new and improved methods of increasing yields per acre, increasing financial returns on irrigated areas, maintaining such areas permanently in high state of plant husbandry by the use of electrical energy at off-peak load to supply nitrogenous gases to the irrigation waters and adjusting these waters to neutral pH values, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. CREAL: A bill (H. R. 9440) to increase the minimum salary of deputy United States marshals to $1,800 per annum; to the Committee on the Judiciary.

By Mr. BARRY: A bill (H. R. 9441) to amend laws relating to underwriting of and investment in security issues by banks, and for other purposes; to the Committee on Banking and Currency.

By Mr. BUCKLER of Minnesota: A bill (H. R. 9442) authorizing the Secretary of the Treasury to transfer on the books of the Treasury Department to the credit of the Chippewa Indians of Minnesota the proceeds of a certain judgment erroneously deposited in the Treasury of the United States as public money; to the Committee on Indian Affairs.

By Mr. NICHOLS: A bill (H. R. 9443) relating to the promotion of certain officers of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. O'CONNOR of Montana: A bill (H. R. 9444) to amend the joint resolution entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs," approved April 6, 1937; to the Committee on Agriculture.

By Mr. SHAFER of Michigan: A bill (H. R. 9445) to provide that officers and men of the National Guard shall be entitled to pensions for disabilities incurred in training; to the Committee on Military Affairs.

By Mr. ANDRESON of Minnesota; A bill (H. R. 9446) to authorize a preliminary examination and survey of Wells Creek and Bullard Creek, Goodhue County, Minn., with a view to control of floodwaters; to the Committee on Flood Control.

By Mr. CHURCH: A bill (H. R. 9447) authorizing the Secretary of War to grant a perpetual easement to the city of Highwood, Lake County, Ill., over certain portions of the Fort Sheridan Military Reservation for the purpose of constructing a waterworks system; to the Committee on Military Affairs.

By Mr. WITHROW: Joint resolution (H. J. Res. 594) directing the Federal Trade Commission to investigate the policies employed by manufacturers in distributing motor vehicles, accessories, and parts, and the policies of dealers in selling motor vehicles at retail, as these policies affect the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE of Ohio: Joint resolution (H. J. Res. 595) providing for the observance of National Inventors' Day and National Advancement Week; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 9448) for the relief of Charles G. Bostwick; to the Committee on Military Affairs.

By Mr. BOEHNE: A bill (H. R. 9449) granting an increase of pension to Fredericke Bredenkamp; to the Committee on Invalid Pensions.

By Mr. CLASON: A bill (H. R. 9450) for the relief of Peter Koutsaymanes; to the Committee on Claims.

By Mr. DUNN: A bill (H. R. 9451) for the relief of Russell Anderegg, a minor, and George W. Anderegg; to the Committee on Claims.

By Mr. GEHRMANN: A bill (H. R. 9452) for the relief of Sollie Funeral Home, Aerie No. 239, Fraternal Order of Eagles, and the Meyer Funeral Home; to the Committee on War Claims.

By Mr. HENNINGS: A bill (H. R. 9453) for the relief of William S. Huntley; to the Committee on Claims.

By Mr. McREYNOLDS: A bill (H. R. 9454) granting a pension to Bell D. Qualls; to the Committee on Invalid Pensions.

By Mr. MITCHELL of Tennessee: A bill (H. R. 9455) for the relief of Lewis Hall; to the Committee on Claims.

Also, a bill (H. R. 9456) for the relief of J. S. Kirby; to the Committee on Claims.

By Mr. REECE of Tennessee: A bill (H. R. 9457) for the relief of Harry W. Dubiske; to the Committee on Claims.

By Mr. SATTERFIELD: A bill (H. R. 9458) for the relief of Alfred Joseph Wright; to the Committee on Claims.

Also, a bill (H. R. 9459) to amend the act entitled "An act giving jurisdiction to the Court of Claims to hear and determine the claim of the Butler Lumber Co., Inc.; to the Committee on the Judiciary.

By Mr. SCHAEFER of Illinois: A bill (H. R. 9460) for the relief of certain persons for obtaining purchase options on real estate in slum-clearance and low-cost housing projects in East St. Louis, Ill.; to the Committee on Claims.

By Mr. SUTPHIN: A bill (H. R. 9461) for the relief of the present leader of the United States Navy Band and officer in charge of the Navy School of Music; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4053. By Mr. BARRY: Resolution of the Glen-Ridge Post, No. 34, Catholic War Veterans, Inc., Ridgewood, N. Y., protesting against congressional best wishes sent to the Spanish loyalist government; to the Committee on Foreign Affairs.

4054. By Mr. COFFEE of Washington: Resolution of the Workers Alliance of Graham, Wash., pointing out that Japan has been guilty of bellicose aggression; that her unwarranted invasion of China is a menace to the peace of America; that her cruel war conduct and illegal violation of treaties by invasion of China is financed by her sale of goods, particularly silk, sold in large part in the United States, and therefore urging a boycott of goods made in Japan by the people of the United States; to the Committee on Foreign Affairs.

4055. By Mr. ENGEL: Petition of Oree Z. Burdick, Marion Shafer, Frank Hoffmyers, of Hart, Mich., and others asking that the Frazier-Lemke Act be made permanent, or at least extended for a period of years; to the Committee on the Judiciary.

4056. By Mr. KEOGH: Petition of the National Association of Tobacco Distributors, Inc., New York City, concerning governmental eradication of unfair business practices; to the Committee on the Judiciary.

4057. By Mr. LEAVY: Resolution of the Ladies Fortnightly Club of Manson, Wash., protesting against any action that might lead this Nation into a world war, and urging the adoption of a legislative and executive program and policy that will keep this Nation free from foreign alliances and will insure against the entry into war with any foreign nation; to the Committee on Foreign Affairs.

4058. By Mr. MEAD: Petition of the Licensed Tugmen's Protective Association, Local No. 4, Buffalo, N. Y., protesting against the enactment of Senate bill 1273; to the Committee on Merchant Marine and Fisheries.

4059. By Mr. O'NEILL of New Jersey: Petition of the American Chewing Products Corporation, requesting amendment to title IX of the Social Security Act; to the Committee on Ways and Means.

4060. Also, petition of Tomkins Bros., Newark, N. J., protesting proposed additional tax on closely held corporations; to the Committee on Ways and Means.

4061. By Mr. PFEIFER: Petition of the United Shoe Workers of America, Joint Council No. 13, New York City, concerning the Sheppard-Hill bill (H. R. 6704); to the Committee on Military Affairs.

4062. Also, petition of the Labor's Non-Partisan League, Washington, D. C., concerning the Sheppard-Hill bill (H. R. 6704 and S. 25); to the Committee on Military Affairs.

4063. Also, petition of the National Association of Tobacco Distributors, Inc., New York City, concerning the stamping out of unfair trade practices and the development of legitimate business; to the Committee on the Judiciary.

4064. Also, petition of the Tisdale Coal Co., Inc., Astoria, Long Island, N. Y., concerning the passage of the Flannery bill (H. R. 3134), placing a tax of 1 cent per gallon on fuel oil; to the Committee on Ways and Means.

SENATE

FRIDAY, FEBRUARY 11, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, February 10, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, informed the Senate that the House had stricken out the resolving clause in the joint resolution (S. J. Res. 64) defining the jurisdiction of the Court of Claims under the acts approved March 19, 1924 (43 Stat. 27) and April 25, 1932 (47 Stat. 137), and for other purposes.

The message announced that the House had passed without amendment the bill (S. 558) amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes.

The message also announced that the House had passed the bill (S. 1945) to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes, with amendments, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Hughes	O'Mahoney
Andrews	Davis	Johnson, Calif.	Overton
Ashurst	Dieterich	Johnson, Colo.	Pepper
Austin	Donahey	King	Pittman
Bailey	Duffy	La Follette	Pope
Bankhead	Ellender	Lewis	Radcliffe
Barkley	Frazier	Lodge	Russell
Berry	George	Logan	Schwartz
Bilbo	Gibson	Lonergan	Schwellenbach
Bone	Gillette	Lundeen	Sheppard
Borah	Glass	McAdoo	Shipstead
Brown, N. H.	Green	McGill	Smith
Bulkley	Guffey	McKellar	Thomas, Okla.
Bulow	Hale	McNary	Townsend
Burke	Harrison	Maloney	Truman
Byrnes	Hatch	Miller	Tydings
Capper	Hayden	Minton	Vandenberg
Caraway	Herring	Murray	Van Nuys
Chavez	Hill	Neely	Wagner
Clark	Hitchcock	Norris	Walsh
Connally	Holt	Nye	Wheeler

Mr. MINTON. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. LEE], the Senator from Michigan [Mr. BROWN], the Senator from New Jersey [Mr. MILTON], and the Senator from Utah [Mr. THOMAS] are detained from the Senate on important public business.

The Senator from Nevada [Mr. MCCARRAN] and the Senator from North Carolina [Mr. REYNOLDS] are detained in their respective States on official business.

The Senator from New Jersey [Mr. SMATHERS] is necessarily detained.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent on official business.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

SENATOR FROM OREGON

Mr. MCNARY. Mr. President, on the 4th day of February I presented the credentials of Hon. ALFRED E. REAMES, appointed by the Governor of Oregon as a Senator from that State. Mr. REAMES is present. I desire to escort him to the Vice President's desk in order that the oath may be administered to him.

The VICE PRESIDENT. If the Senator-designate will come forward, the oath will be administered to him.

Mr. REAMES, escorted by Mr. MCNARY, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

NAVAL CONTRACTS EXEMPT FROM PROFIT LIMITATION

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Navy, transmitting, pursuant to law, a report relative to contractors and subcontractors who have been granted exemption by the Secretary of the Navy from the limitation of profit under the provisions of law, owing to the contracts being for scientific equipment, which, with the accompanying report, was referred to the Committee on Naval Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram in the nature of a petition from Local No. 474, American Federation of Teachers, of Philadelphia, Pa., praying for the prompt enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, which was ordered to lie on the table.

He also laid before the Senate a telegram in in the nature of a memorial from the Farmers' Union of Hancock County, Ohio, remonstrating against the enactment of pending agricultural relief legislation because of the compulsory provisions alleged to be contained therein, which was ordered to lie on the table.

Mr. WALSH presented resolutions adopted by the Lawrence Harugari Association, the Overseers' and Second Hands' Associations, of Lawrence, and the Jeffries Point Improvement Association, of East Boston, all in the State of Massachusetts, protesting against the proposed reciprocal-trade agreement between the United States and Great Britain, which were referred to the Committee on Finance.

Mr. LODGE presented a petition of sundry citizens of North Andover, Mass., praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted, and to restore the congressional function of coining and issuing money and regulating the value thereof, which was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3351. A bill to amend the act of March 4, 1915, as amended, the act of June 23, 1936, section 4551 of the Revised Statutes of the United States, as amended, and for other purposes (Rept. No. 1362) thereon; and

H. R. 7158. A bill to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended (Rept. No. 1363).

Mr. SHEPPARD, from the Committee on Commerce, to which was recommitted the bill (H. R. 7266) authorizing the State of Rhode Island, acting by and through the Jamestown Bridge Commission as an agency of the State, to construct, maintain, and operate a toll bridge across the west passage of Narragansett Bay between the towns of Jamestown and North Kingstown, reported it without amendment and submitted a report (No. 1364) thereon.

Mr. PEPPER, from the Committee on Commerce, to which was referred the bill (H. R. 8236) authorizing the Secretary of the Treasury to exchange sites at Miami Beach, Dade County, Fla., for Coast Guard purposes, reported it without amendment and submitted a report (No. 1366) thereon.

Mr. HARRISON, from the Committee on Finance, to which was referred the joint resolution (S. J. Res. 253) extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1940, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbiter, reported it without amendment and submitted a report (No. 1365) thereon.

INVESTIGATION OF EXISTING PROFIT-SHARING SYSTEMS

Mr. LONERGAN, from the Committee on Finance, to which was referred the resolution (S. Res. 215) providing for an investigation of existing profit-sharing systems between employers and employees in the United States (submitted by Mr. VANDENBERG January 6, 1938), reported it with amendments, and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. HARRISON, from the Committee on Finance, reported favorably the nominations of several officers in the Public Health Service.

Mr. KING, from the Committee on Finance, reported favorably the nomination of Clarence V. Opper, of New York, to be a member of the Board of Tax Appeals for the unexpired term of 12 years from June 2, 1926, vice Logan Morris, resigned.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment, or appointment by transfer, in the Regular Army.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of several officers in the Navy and the Marine Corps.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 3446) for the relief of Richard K. Gould (with an accompanying paper); to the Committee on Claims.

By Mr. BILBO:

A bill (S. 3447) to amend the judicial code to provide for three judicial districts for the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

By Mr. MURRAY:

A joint resolution (S. J. Res. 258) making appropriations for the control of outbreaks of insect pests; to the Committee on Appropriations.

By Mr. WAGNER:

A joint resolution (S. J. Res. 259) to amend the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair, 1939"; to the Committee on Commerce.

AMENDMENT OF RULE XXVII—AUTHORITY OF CONFEREES

Mr. VANDENBERG. I ask unanimous consent to submit a resolution embodying a proposed amendment to the Senate rules, and that it be considered as offered with proper notice, and that it be referred to the Rules Committee. I ask that the clerk may read it.

The VICE PRESIDENT. Without objection, the clerk will read.

The legislative clerk read the resolution (S. Res. 233), as follows:

Resolved, That paragraph 2 of rule XXVII of the Standing Rules of the Senate be, and it is hereby, amended by adding, at the end thereof, the following new sentence:

"It is hereby expressly provided that this paragraph shall be deemed to include reports on measures where one House has struck out all after the enacting or resolving clause and inserted a substitute."

The VICE PRESIDENT. Without objection, the resolution of the Senator from Michigan will be received and referred to the Committee on Rules.

ADDITIONAL COPIES OF WILDLIFE AND THE LAND—A STORY OF REGENERATION

Mr. PITTMAN submitted the following resolution (S. Res. 234), which was referred to the Committee on Printing:

Resolved, That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Special Committee on Conservation of Wildlife Resources of the Senate be, and is hereby, authorized and empowered to have printed for its use 5,000 additional copies of the pamphlet entitled "Wildlife and the Land—A Story of Regeneration."

ADDRESS BY HON. WILLIAM O. DOUGLAS BEFORE THE ECONOMIC CLUB OF CHICAGO

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. William O. Douglas, Chairman, Securities and Exchange Commission, before the Economic Club of Chicago, on February 1, 1938, which appears in the Appendix.]

ADDRESS BY HON. WILLIAM O. DOUGLAS BEFORE THE COMMONWEALTH CLUB AT CHICAGO, ILL.

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. William O. Douglas, Chairman of the Securities and Exchange Commission, before the Commonwealth Club, at the University Club, Chicago, on February 2, 1938, which appears in the Appendix.]

AGRICULTURAL RELIEF—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of natural soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce.

The VICE PRESIDENT. When the Senate took a recess yesterday the point of order raised by the Senator from Washington [Mr. SCHWELLENBACH] was pending and was being discussed. The Senator from Wyoming [Mr. O'MAHONEY] desired to be heard, and the Chair recognizes the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, the point of order which was raised yesterday by the junior Senator from Washington [Mr. SCHWELLENBACH] presents a most important question of the integrity of legislative procedure. If this point of order is not sustained, it should be well understood at the very outset that the rule in question will be blotted off the books, and we may hereafter expect conferees to reassume their old control of legislative processes. Inasmuch as the discussion which will take place will be addressed to the Vice President, I trust I may have the attention of the occupant of the chair.

The VICE PRESIDENT. The Senator has the attention of the occupant of the chair.

Mr. O'MAHONEY. I say this in all due respect, and I think with due regard for the proprieties, because the Vice President is a constitutional officer, and it is to him in that capacity that this argument is addressed. He is not, like the majority leader, an official of the Senate as such, chosen by Members of this body. We all know that the duty of the majority leader is to carry out the desires of the majority, and to make effective whatever policy the committees of this body may happen to report to the Senate. Such is not the case with the Vice President, because he is the choice of the people, and not of the Senate. To him we must appeal for a ruling that will protect the people from the abuse of legislative process.

I say this because of the importance of the controversy which is now being submitted to the Chair for determination. I intend to demonstrate that it never was the intention of the conferees to permit this amendment to remain in the bill. I shall demonstrate that by the record here upon the floor of the Senate and by the record upon the floor of the House.

First, perhaps it may be well to review the history of this amendment in the Senate.

During the debate upon the farm bill as reported by the Senate Committee on Agriculture and Forestry, on the 14th of December, the Senator from Idaho [Mr. POPE]—whose efficiency and graciousness in handling this debate are recognized, I think, by all Members of the Senate—rose and proposed an amendment for the protection of the livestock industry. It was recognized by him and by all of us who represent livestock States that the bill as it came from the Senate Committee on Agriculture and Forestry did not protect the livestock industry. We were sensible of the fact that this measure, designed to prevent surpluses in wheat and corn and tobacco and cotton and rice, offered no protection whatsoever to the livestock industry, which might possibly be injured if farm lands diverted from the production of these five crops were used for the production for market of livestock, and livestock products.

It was recognized by those of us representing these States that it would be unjust to the livestock industry if we should undertake to legislate against surpluses in five basic commodities and thereby run the risk of creating surpluses in another basic agricultural commodity; so, to cure this defect, the distinguished and able Senator from Idaho [Mr. POPE] proposed an amendment which is to be found in the CONGRESSIONAL RECORD for December 14, 1937, at page 1441.

In the debate upon this conference report upon the floor of the House the very able chairman of the House Committee on Agriculture, Mr. JONES, said that this amendment was drafted by the Senator from Wyoming. In that statement he was in error. I did not draft this amendment.

We might just as well be frank here. Because I was dissatisfied with the bill as it came from the Committee on Agriculture and Forestry, I telephoned the Agricultural Adjustment Administration and talked to one of the experts down there, stating the basis of our complaint, and asking him if he would be willing to suggest some language which would prevent the use of diverted acreage for the production of surplus in livestock products. The Senator from Idaho felt exactly as I did, as I understood the matter at that time, and from the Department of Agriculture came this amendment. When it was proposed by the Senator from Idaho, I rose in my place to say that it did not go far enough to satisfy me.

I ask that there may be inserted here a quotation from page 1441 of the RECORD for December 14, 1937.

The VICE PRESIDENT. Without objection, it is so ordered.

The extract referred to is as follows:

Mr. POPE. I will ask to have the amendment stated, and then, if objection is made to its consideration, it may go over. I ask, however, to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert at the proper place in the bill the following new section:

"SEC. 66. Whenever the Secretary has reason to believe that the income of producers of livestock or livestock products in any area from such sources is being adversely affected by increases in the acreage of conserving crops in that or any other area because of programs carried out under this act, or under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, he shall make an investigation with respect to the existence of these facts. If upon investigation the Secretary finds that the income of producers of livestock and livestock products in any area from such sources is being so adversely affected, he shall as soon as practicable make such provisions as he determines may be required with respect to the growing of conserving crops which he finds necessary to protect the interests of producers of livestock or livestock products in the affected area."

Mr. O'MAHONEY. Mr. President, the amendment which the Senator from Idaho [Mr. POPE] has presented and which has just been read has been the subject of consideration for several days by some of us who are interested in protecting the livestock industry. Just a few moments ago I discussed with the Senator from Idaho some modifications of the amendment which he is now offering. I desire to offer as a substitute for the amendment of the Senator from Idaho the modified form thereof which I send to the desk.

Mr. O'MAHONEY. So the RECORD does not substantiate the contention of the chairman of the Committee on Agriculture of the House that the amendment now reported by the committee of conference follows an amendment which I prepared and offered, because I prepared and offered no such amendment. On the same day, however, after raising objection to the form of the proposal of the Senator from Idaho, I did suggest a modification; and that modification was read into the RECORD, where it appears at page 1442. I call the attention of the Senate to the fact that the essential mark of the modification of the so-called Pope amendment which I submitted was the provision contained in the last two lines:

And the authority of the Secretary under this section shall be expressly reserved in all adjustment contracts or other offers.

The purpose of this modification was to make it absolutely clear to everybody who received any benefit under this measure that it was the purpose and intention of Congress not to create a surplus in livestock and livestock products by diverting lands from the production of a surplus in other commodities. The modification which I proposed was not, however, satisfactory to those in charge of the bill.

As the debate went on, efforts were made upon both sides of the Chamber to reach an agreement upon some form of language which would be satisfactory to both sides. It was my desire to work out an amendment which would secure the objective that the livestock interests had in mind, and at the same time make it possible for the Committee on Agriculture and Forestry to have its bill.

Mr. POPE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Idaho.

Mr. POPE. Is it the position of the Senator from Wyoming that there is danger to the livestock industry from the use of diverted acres by the farmer who cooperates under such a program as this?

Mr. O'MAHONEY. Certainly; that is the whole contention.

Mr. POPE. That would be true of all soil-depleting crops. Wherever acres in soil-depleting crops were diverted to soil-conserving crops the same thing would apply, would it not?

Mr. O'MAHONEY. I am aware that those who are defending the action of the conferees come to us upon the floor and in the lobbies and say to us, "The livestock industry will not be injured by what is in this bill. No surplus will be created by the provisions of this bill"; but in the same breath in which they tell us that there will be no injury they absolutely refuse to consent to language which will make it clear that it is the intention of the Congress to prevent injury.

Mr. POPE. From the Senator's statement in answer to my question I infer that he means that the transfer of acres from soil-depleting crops to soil-conserving crops would tend to have this effect upon the livestock industry.

Mr. O'MAHONEY. I will say to the Senator from Idaho that, in my opinion, if by reason of the operation of this act, lands which are now devoted to wheat or corn or tobacco or rice or cotton are taken out of cultivation for those crops and devoted to raising livestock for market it will necessarily be injurious to the livestock industry.

Mr. POPE. Mr. President, will the Senator yield for another question?

Mr. O'MAHONEY. Certainly.

Mr. POPE. That would be true also of soil-depleting crops other than the five commodities the Senator has named, would it not?

Mr. O'MAHONEY. Wherever acreage is diverted, of course it would be true.

Mr. POPE. And that would be true of sugar beets. Where the land was diverted from sugar beets to alfalfa or other soil-conserving crops, that likewise would be true.

NO COMPARISON WITH SUGAR BILL

Mr. O'MAHONEY. I am surprised to find the Senator from Idaho, coming as he does from a sugar-beet-raising State, contending that there is any analogy between the

Sugar Control Act and this bill. The Senator knows as well as I do that the United States does not produce enough sugar beets to meet its requirements. Sugar beets and sugarcane are not among the surplus commodities. The Senator from Idaho knows as well as I do that in the Western States no lands are diverted from the production of sugar beets by reason of the Sugar Control Act.

Mr. POPE. Let me ask the Senator another question. Do not the provisions of the Sugar Act, of which he was one of the sponsors, provide for the curtailment of sugar interests and the transfer to soil-conserving crops of lands devoted to sugar?

Mr. O'MAHONEY. Yes; but the Senator from Idaho was very active in the successful effort to obtain a quota for sugar beets that would make unnecessary any curtailment, because, as the Senator well knows, the quota for sugar beets has not been exceeded.

Mr. POPE. I will say to the Senator that that is very true; but the law provides that that very thing may be done, and if the Senator has any doubt about it I call his attention——

Mr. O'MAHONEY. But I do not have any doubt about that at all.

Mr. POPE. May I finish my answer to the Senator? I call his attention to the provision on page 9 of the act, which provides expressly for what the Senator is discussing, and the Department of Agriculture has actually utilized that provision with reference to sugar in Louisiana.

May I ask the Senator, if he is bent on that, why did he have a provision protecting the livestock industry in the sugar bill, because actually acres have been curtailed and diverted in Louisiana under that act, and it provides for curtailment in the sugar-beet territory.

Mr. O'MAHONEY. I was trying my best to protect the beet-sugar industry of Idaho, Wyoming, Colorado, and the other Western States, and with the able assistance of the Senator from Idaho I think we succeeded in putting the bill into such form that there is no curtailment of sugar-beet production or diversion of acreage in those States. Of course, in order to provide assurance in the act that our beet producers would not be overwhelmed with sugar from Cuba and other offshore areas, I very reluctantly yielded to the demands for apparent restriction with respect to Louisiana and Florida.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Colorado.

Mr. ADAMS. I wish to inquire of the Senator in regard to a matter of mathematics. I think the Senator would verify the statement that the total amount of acreage devoted to the sugar-beet industry does not exceed a million acres, and the amount that could be retired and devoted to other crops would be a relatively small percentage. The land that will be retired from the production of the five crops mentioned, I understand, will run into many, many millions of acres. If the entire sugar-beet acreage were withdrawn from sugar-beet cultivation, it would be a comparatively small percentage of the acreage which will be withdrawn under the bill.

Mr. O'MAHONEY. The observation of the Senator is of course correct.

Mr. POPE. Mr. President, will the Senator yield once more?

Mr. O'MAHONEY. I yield.

Mr. POPE. I wish to congratulate the Senator from Wyoming and the Senator from Colorado and other Senators who were responsible for the Sugar Act. It is an excellent law; I supported it when it was before us. I did all I could to help make it a law, and it is an excellent law. But in my State, for instance, diversions are made by farmers from sugar-beet cultivation to alfalfa and other soil-conserving crops in their rotation practices.

Mr. O'MAHONEY. The Senator says "in their rotation practices," because the practices now in vogue in the State of Idaho, as in all other beet-producing States, as a result of the Sugar Act, are no different from those which were in vogue before the act was passed. Every producer of sugar beets commonly rotated his acreage.

Mr. POPE. Except, I may call to the Senator's attention, that the bill as passed does provide for the diversion of sugar-beet acres. Whether it will be utilized with reference to all the beet-sugar industry in the West I do not know. It is now being utilized in Louisiana.

The point I desire to call to the Senator's attention is that the same McNary amendment would be applicable here with reference to the Sugar Act, and apparently it did not occur to the Senator, and I am sure it did not occur to me, that there was any danger whatever to the livestock industry in connection with the sugar measure.

Mr. O'MAHONEY. Of course it did not occur to me, and of course it did not occur to the Senator from Idaho, because, as I have just outlined, I think very clearly, there was no danger of diversion in the beet-producing States. There is not much danger of diversion even in Louisiana and Florida, for in those States the area devoted to sugarcane has been increased in recent years. But even if there were such danger in those two States, that would be very different from the bill which the Senator from Idaho is now defending, which affects practically every State in the Union—the whole Corn Belt, the whole Cotton Belt, the whole Wheat Belt, and wherever tobacco is grown, and wherever rice is grown. Five of the most important of all the agricultural commodities of the United States are affected by the measure which the Senator from Idaho now sponsors. In all the States devoted to the raising of those crops there is danger that diverted acreage will be devoted to the raising of livestock, and it is against that danger that I have tried to provide.

MODIFICATION OF POPE AMENDMENT

Mr. President, it was because of this danger apprehended by the Senator from Idaho, as well as by myself, that on the 16th of December I offered a modification of his amendment. That modification was presented in an effort to reach an understanding that would make it possible for us to attain our objective without endangering the passage of the bill. Like many others, I hoped that in conference a reasonable and proper bill could be written. The Senator from Idaho cooperated with me——

Mr. POPE. Mr. President——

Mr. O'MAHONEY. This amendment will be found on page 1637 of the CONGRESSIONAL RECORD—December 16, 1937—and I desire to read it.

The VICE PRESIDENT. Does the Senator yield to the Senator from Idaho?

Mr. O'MAHONEY. I desire to finish this thought, and then I shall be very happy to yield. I read from the RECORD of December 16, 1937, page 1637:

> SEC. 66. Each adjustment contract or other offer entered into or made pursuant to this act or the Soil Conservation and Domestic Allotment Act shall provide that the cooperator or other person to whom such contract or offer applies shall undertake not to use acreage diverted under either of such acts for the production for market of livestock or poultry or the products thereof; and in the event that a marketing quota is established for any commodity under this act no acreage diverted from the production of such commodity pursuant to such quota shall be used for the production for market of livestock or poultry or the products thereof.

The purpose of the amendment, to which I understood the Senator from Idaho agreed, was to accomplish that which was set forth in the so-called McNary amendment without regimentation. I now yield to the Senator from Idaho.

Mr. POPE. I am sure it is not the purpose of the Senator to misstate my position with reference to the amendment——

Mr. O'MAHONEY. Certainly not.

Mr. POPE. And my intention in supporting it. I never had the slightest fear that the livestock industry or the dairy industry would be affected by such a program as would be carried out under the Sugar Act, or under the proposed act. I had no fear because——

The VICE PRESIDENT. If Senators will permit the Chair to make one remark, the Chair has been listening diligently to the argument, because he was requested to do so by the

Senator from Wyoming. The argument has developed into a discussion of the merits of the bill. The present occupant of the chair is not particularly concerned about that discussion but will have to rule on the point of order, and if Senators would address themselves to the point of order the Chair thinks it would accommodate the Senate, and they could speak on the merits of the bill at some later stage. The Chair has power to stop debate at any time on a point of order, but he would not think of taking such action as long as any Senator really desired to discuss the point of order. The Chair merely suggests this to Senators in their joint debate on the merits of the bill.

Mr. O'MAHONEY. Mr. President, I think the Vice President will take note of the fact that I wandered from the discussion of the point of order only in response to inquiries propounded by the Senator from Idaho and two or three other Senators.

Mr. POPE. I wanted to make my position clear.

Mr. O'MAHONEY. Mr. President, I will say that the Senator from Idaho has made it perfectly clear to me that he has no apprehension. I will make that statement here and in Idaho. I do not question his good faith.

Mr. POPE. Will the Senator permit me to finish my statement? I say again that I have no fear, for the reason that the facts showed during the operation of the A. A. A. and Soil Conservation Act and the Domestic Allotment Act that there was no danger and no injury to the livestock or dairy interests as a result of those enactments.

Mr. O'MAHONEY. The Senator is aware that he is not following the injunction of the Presiding Officer.

Mr. POPE. My reason for agreeing to the provision which the Senator has read was that I was trying to allay his fears in that respect.

Mr. O'MAHONEY. I hope the Senator will continue to endeavor to allay my fears, and I wish he had done so as a member of the conference committee.

Mr. President, I shall endeavor to proceed with the argument upon the point of order. I undertook to outline briefly the history of the effort which was made to write into the agricultural bill a provision which would effectively prevent the use of diverted acreage for the production of a surplus of livestock and livestock products. I have recited the amendment which was presented by the Senator from Idaho. I have recited the modification which I suggested. I have recited, finally, the second modification which I suggested.

In the CONGRESSIONAL RECORD of December 16, 1937, on page 1638, the Vice President will observe his own ruling. In response to a parliamentary inquiry which I propounded, the Vice President held:

> The present parliamentary status is that the amendment of the Senator from Idaho has been perfected as suggested by the Senator from Wyoming. Now, the question is on the amendment in the nature of a substitute offered by the Senator from Oregon [Mr. MCNARY] to the amendment of the Senator from Idaho.

Without reading further from the RECORD, I may say that thereupon I elicited from the Chair the information that the parliamentary status was such that it was impossible for us to offer the amendment upon which the Senator from Idaho and I had agreed as a substitute for the amendment of the Senator from Oregon. Accordingly the question then arose, as the Chair stated, upon the amendment of the Senator from Oregon. On the vote on that amendment, to demonstrate my good faith in my effort to reach an agreement which would protect the livestock industry and at the same time allow the committee to work out its bill for the protection of those interested in the production of these other five essential crops, I voted against the McNary amendment.

Then it speedily became clear that there were not enough Senators on the floor who were willing to take the chance of weakening the protection for the livestock industry contained in the McNary amendment. It was evident that the Senators who wanted to be certain that lands could not be diverted for the purpose of increasing the supply of livestock and livestock products were unwilling to run the risk of defeating the McNary amendment. It was adopted by a vote of 41 to 38. Thereupon, in order that my record and the record of other Senators from the livestock-producing States should be clear, I demanded the yeas and nays upon the final vote upon the adoption of that amendment. The Vice President was kind enough to recognize me, and the yeas and nays were ordered, whereupon I changed my vote because I wanted no one to misunderstand my purpose to safeguard the livestock industry. That was the situation on the 16th of December.

THE BANKHEAD SUBSTITUTE

On the following day the Senator from Alabama [Mr. BANKHEAD] made a motion to reconsider the vote by which the McNary amendment was adopted, and I respectfully direct the attention of the Chair to that amendment. It appears in the CONGRESSIONAL RECORD of December 17, 1937, at page 1760. I shall not undertake to read it now. I shall insert this amendment and all the other amendments in the RECORD as part of my remarks when I shall have concluded.

The purpose of this new proposal was to reach the objective, or at least seemingly to reach the objective, which we had in mind. Well drafted and clear it was different from the McNary amendment, and I emphasize "different." Then, Mr. President, began the very illuminating discussion upon whether or not this provision would be defended by the Senate conferees. Let me respectfully urge that the Vice President take into consideration the debate which appears in the CONGRESSIONAL RECORD of December 17, 1937, from page 1760 to page 1764. This language clearly indicates, beyond any shadow of doubt, that it never was the intention of those in charge of the bill to write into it the provision which the Senate itself had written in or anything effectively similar to it.

Mr. President, let us now consider the application of the rule itself to the situation as it then existed. The rule was adopted by this body for the purpose of preventing conferees from defying the will of either or both Houses. There can be no question about that. There are Senators in this body who were present upon the floor when the controversy arose which resulted in the adoption of that rule. It was recognized that after the Senate had acted upon measures, and the bills had gone into the committees of conference, the committees of conference would do, and often had done, whatever they pleased without regard to the will of the Senate.

Three Members of this body propounded inquiries in the effort to determine whether or not they could depend upon the Senate conferees to support the Bankhead amendment. They wanted to know whether, if they voted to reconsider the vote by which the McNary amendment was adopted, the conferees would stand by the amendment proposed by the Senator from Alabama.

Mr. POPE. Mr. President, will the Senator yield to me at that point?

Mr. O'MAHONEY. I shall be glad to yield.

Mr. POPE. Of course, at that time no conferees had been appointed, and no Member of this body knew whether he would be on the conference committee or not. I submit to the Senator that it is somewhat presumptuous for a Member of the Senate to rise, and although not yet appointed, say, "I will be very glad to adopt that suggestion." That is the reason, I will say to the Senator, why at least I did not rise.

Mr. O'MAHONEY. Even if the Senator did not know who would be on the conference committee, he had a pretty well-founded suspicion who would be on it. There was not a Member of the Senate outside of himself, I should say, who did not know that the men who had borne the heat and the battle in the Committee on Agriculture and on the floor in the preparation of this important bill would be on the conference committee.

Mr. POPE. But I did not know.

Mr. O'MAHONEY. Of course, I accept the Senator's statement.

On page 1761 of the CONGRESSIONAL RECORD—December 17, 1937—the Vice President will observe a question which was

propounded by the Senator from Washington [Mr. SCHWELLENBACH]. He said:

I should like to submit a question to the Senator from Texas.

That is, the junior Senator from Texas [Mr. CONNALLY].

The House has passed a provision which, as I understand it, is substantially the provision which the Senate adopted yesterday; and unless an amendment is made to or reconsideration is had of the McNary amendment, and the Bankhead amendment is substituted, there would be nothing for consideration between the House and the Senate.

To which the able Senator from Texas responded:

The Senator is correct.

Whereupon the Senator from Washington proceeded:

If the Senate accepts this amendment, if those who are interested in the dairy business are willing to accept the amendment, can we have a complete, total, and absolute agreement that this amendment will be accepted by the conference without any change, or that the amendment of the House, known as the Boileau amendment, will be accepted by the conference?

To that inquiry the Senator from Texas responded:

I will say to the Senator that I have no way of giving him any assurance about what the House conferees will do; but I will say this to him——

The Senator from Washington then interrupted:

I am not asking what the House conferees will do; but if this amendment is adopted, the Senate must understand that the whole matter will come before the conference.

Again the Senator from Texas said:

Certainly.

Whereupon the Senator from Washington said:

And that a new provision may be written which will not contain any of the—

The Presiding Officer then warned the Senator from Texas that his time had expired, and the Senator from Washington took the floor in his own right, saying:

I will take the floor and yield to the Senator from Texas, so that he may continue his answer. I ask the Senator whether a new provision may be written which will not contain any of the provisions which are proposed in the amendment which is now being considered.

The Senator from Texas thereupon responded:

I will say to the Senator that under the terms of the conference the conferees could not agree to a new provision or new provisions of the Senate bill or the House bill. Nothing may be done in conference which is not contained in one or the other bills. That is a familiar rule.

Then, Mr. President, it was pointed out, as the debate went on, that the Parliamentarian of this body did not agree with the Senator from Texas, because the so-called Bankhead amendment was so different from the McNary amendment, the Parliamentarian held, and so advised us, that the whole matter would be in conference.

IMPOSSIBLE TO GET ASSURANCE

Because of this advice, therefore, there was an overwhelming vote against the motion to reconsider. The Senator from Washington endeavored to elicit assurances that if the Bankhead amendment were adopted the conferees of the Senate, the representatives of the Senate, would loyally abide by that amendment proposed by the Senator from Alabama, but no response of any kind was received from any of those leaders of the Committee on Agriculture who might reasonably expect that they would be upon the conference committee.

Not satisfied with the answers which had been drawn from the Senator from Texas [Mr. CONNALLY] by the Senator from Washington, I undertook to propound some inquiries myself, and the Vice President will find those inquiries set forth on page 1763 of the RECORD, December 17, 1937. This was just after the Senator from Oregon had asked for the yeas and nays upon the motion to reconsider. I took the floor, and I said:

Mr. President, before the vote is taken I should like to make an inquiry of some of the Senators who participated in the discussion yesterday in order that I may be clear in my own mind as to just what the situation is. I ask the senior Senator from Wisconsin whether the suggested amendment appeals to him as being acceptable in the form in which it was suggested to be modified, omitting the word "regional."

Whereupon the senior Senator from Wisconsin replied:

The language which is now proposed I have just had opportunity to see since it has been offered, and I am not clear in my own mind exactly what the implication of the language will be and what interpretation will be placed upon it. Furthermore, as pointed out by the Senator from Oregon, there is this situation confronting us so far as the conference is concerned. If I could be certain that this language as modified, and as it has been suggested it would be modified by the Senator from Texas, would be retained, and that the Senate conferees would not yield upon it without coming back to the Senate and giving us an opportunity for a separate vote upon it in order to try to adjust the matter, I would be willing, so far as I am personally concerned, with assurances of the conferees to that effect, to accept the modified amendment.

Mr. President, every effort was made by those of us who were advocating the provision to preserve the livestock industry to allow those who were in charge of the bill to agree with us that they would write into this measure a provision which would be effective in that regard.

The Senator from Texas asked me to yield, and then said:

The Senator from Texas will not be on the conference committee, because he is not a member of the Committee on Agriculture and Forestry, but I am sure that Senators who will be on the conference will perform their duty to the Senate, and they cannot go any further than the Senate amendment has proposed in that direction, and the conferees cannot go any further in the other direction than the House amendment goes.

Because no member of the Committee on Agriculture would speak, because the members of that committee left it to a Senator who was not a member of the committee, and who could not be on the conference committee, to answer our inquiries, the proposed substitute offered by the Senator from Alabama [Mr. BANKHEAD] was not regarded by us as sufficient, and we thereupon voted against reconsideration.

Before I leave this phase of the record I should like to call attention to the colloquy between the Senator from Wisconsin [Mr. LA FOLLETTE] and the senior Senator from Idaho [Mr. BORAH].

Mr. LA FOLLETTE. However, it would not be an uncommon arrangement that we should have an assurance that before the amendment was altered or modified in any respect as adopted by the Senate the Senate conferees would come back to the Senate and permit the Senate to have a vote upon it before any conference report was agreed to.

The Senator from Idaho replied:

Mr. BORAH. That is true; it is sometimes the practice, but is very rare. So far as I am concerned, I do not want this entire matter to turn on a report upon the particular amendment. The amendment may go down under the pressure of passing the bill.

The Senator from Idaho was a prophet. The amendment is going down under the pressure of passing the bill. It is clear from the record that it was the purpose of the members of the conference to refuse in the conference the concession which was demanded by the Senate of the United States, and then, trusting to the pressure for the passage of the bill, to leave out, or at all events seriously to weaken, any provision for the protection of the livestock industry.

On page 1764 appears the vote upon the motion of the Senator from Alabama [Mr. BANKHEAD] to reconsider the McNary amendment. I ask unanimous consent that that roll call may be published at this point in connection with my remarks.

There being no objection, the roll call referred to was ordered to be printed in the RECORD, as follows:

Yeas—39: Adams, Andrews, Ashurst, Bailey, Bankhead, Barkley, Bilbo, Bulow, Burke, Byrnes, Caraway, Chavez, Connally, Donahey, Ellender, George, Gillette, Graves, Green, Harrison, Hatch, Hayden, Lee, Logan, McGill, McKellar, Miller, Minton, Neely, Norris, Overton, Pepper, Pope, Reynolds, Russell, Sheppard, Smith, Thomas (Okla.), Truman.

Nays—50: Austin, Bone, Borah, Bridges, Brown (Mich.), Brown (N. H.), Bulkley, Byrd, Capper, Copeland, Davis, Dieterich, Duffy, Frazier, Gerry, Gibson, Guffey, Hale, Herring, Hitchcock, Holt, Johnson (Calif.), Johnson (Colo.), King, La Follette, Lodge, Lonergan, Lundeen, McAdoo, McCarran, McNary, Maloney, Murray, Nye, O'Mahoney, Pittman, Radcliffe, Schwartz, Schwellenbach, Shipstead,

Eteiwer, Thomas (Utah), Townsend, Tydings, Vandenberg, Van Nuys, Wagner, Walsh, Wheeler, White.

Not voting—7: Berry, Clark, Glass, Hughes, Lewis, Moore, Smathers.

Mr. O'MAHONEY. Only 39 Senators voted for reconsideration. Fifty Senators voted against reconsideration after having made every effort to secure a commitment from the Committee on Agriculture that it would stand behind the will of the Senate. The McNary amendment was then written into the bill.

DEPENDING UPON THE RULE

Why? Because the McNary amendment was identical with the language of the House provision and because, after all the colloquy, argument, and explanation, it was the only means apparent to us by which we could guarantee protection to the livestock industry. We were depending, Mr. President, upon the rule under which the Senator from Washington [Mr. SCHWELLENBACH] has raised the point of order.

So much for what happened in the Senate. Let me read a very brief statement by one of the members of the conference committee, made upon the floor of the House during the debate upon the conference report, on February 8. I am quoting from page 1662 of the CONGRESSIONAL RECORD the language of Representative DOXEY, of Mississippi, who was one of the members of the conference committee.

The conferees realize that there were some provisions in both bills—

Consider this language, Mr. President. I am glad to observe that the Vice President is listening to the parliamentarian.

The VICE PRESIDENT. The Chair is giving attention to the Senator. The Chair will say to the Senator that when the Senator shall have concluded his argument the Chair will be ready to rule. The Chair is ready to rule at this time and is merely waiting for the Senator to conclude his remarks.

Mr. O'MAHONEY. Mr. President, I desire to call to the attention of the Chair the language of the Representative from Mississippi [Mr. DOXEY], who was a member of the conference committee. I am particularly anxious to direct the attention of the Chair to this language, because it demonstrates clearly the whole point at issue.

The VICE PRESIDENT. The Chair will say to the Senator that whatever Senators may have said on the merits of the bill, it has nothing to do with the point of order. The Chair is not concerned with the merits of the bill.

Mr. O'MAHONEY. Mr. President, I am not discussing the merits of the bill.

The VICE PRESIDENT. Whatever Senators may have said as to the effect of the amendments has nothing to do with the point of order.

Mr. O'MAHONEY. Mr. President, I am trying to invite the attention of the Chair to the fact that throughout the debate the conferees displayed an intention to disregard the will of the Senate and of the House.

Mr. DOXEY said:

The conferees realize that there were some provisions in both bills that were undesirable, but under the parliamentary situation we could not entirely eliminate the provisions that were put on by either the House or the Senate.

For example, take the so-called Boileau-McNary amendment. The House voted it into the bill and so did the Senate, and it appears in both bills in substantially the same language, but in the House bill it applies to soil-conservation payments and in the Senate bill it is attached to the parity-payment provisions, and therefore the conferees felt that there was enough difference to put this Boileau amendment in conference; and although we could not entirely eliminate it, I am frank to say to you that we endeavored to modify it and pull its teeth as much as we could.

Is it possible, Mr. President, to have clearer evidence of what the intention of the conferees was in this matter? They had the rule before them. They had the amendment before them. They had the action of both Houses before them adopting the amendment in substantially the same language. Those who knew they would probably be conferees refused to give any commitment in the Senate last December and in the House. After the conference report had been submitted this week they frankly confessed that their purpose was to pull the teeth of the bill. In the face of this, can the Senator from Idaho [Mr. POPE] say that those of us who are supporting this point of order would be justified in accepting his assurance that no harm will come? Evidently there was a very considered purpose to modify the amendment, because, somehow or other, there was the fear that if it were written into the bill, it would be effective.

Can the Vice President for a moment cherish the belief that both the letter and the spirit of the rule under discussion were not violated? Not only was matter agreed upon by both Houses stricken from the bill in violation of the rule but new material was inserted which had been before the Senate and which was not adopted when the bill was under consideration. I refer to that provision of the conference report which is based upon the original amendment offered by the Senator from Idaho [Mr. POPE].

Just another word, Mr. President. The Senator from Kentucky yesterday adopted the argument of the Representative from Mississippi when, in a colloquy with the Senator from Washington, he declared that the amendment was attached to two different provisions of the bill—attached to soil-conservation payments in one bill and attached to parity payments in the other.

I desire to invite the attention of the Presiding Officer of this body to the fact that the Boileau amendment in the House bill and the McNary amendment in the Senate bill provided that "any payment" should be conditioned upon the requirement that diverted acreage should not be used for the production of a surplus. Can there be any doubt that the purpose of those who drafted the amendment and those who put it into the bill was to make clear that any payment, whether it was by way of parity or by way of soil conservation, was to be conditioned upon the requirement that diverted acreage should not be used for the production of a surplus?

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. BARKLEY. I am sure the Senator does not intentionally leave out a very important phrase in the House bill. It says "any payment or grant of aid made under subsection (b)." Subsection (b) is a subsection of the Soil Conservation Act.

Mr. O'MAHONEY. Certainly. The Senator is quite right.

Mr. BARKLEY. Whereas the Senate language applies only to parity payments made under the Agricultural Adjustment Act.

Mr. O'MAHONEY. There is no question at all about that; but the purpose of the amendment was that any payment should be governed by this condition. It was not the fault of the Senate or the fault of the House that the bill which came over here from the House dealt only with soil-conservation payments, and the bill reported by the Senate committee dealt only with parity payments. The purpose in both Houses was that whatever payment was made under this bill should be conditioned thus and so.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Colorado.

Mr. ADAMS. I desire to ask the Senator from Wyoming if it does not appear, both from the discussion on the floor when the bill was before the Senate, and upon the face of the bill itself, that parity payments, at least to a certain extent, are to be made out of soil-conservation funds; and if we were not told, in fact, that it was the hope that no money in addition to that appropriated for soil-conservation payments would be used to make parity payments?

Mr. O'MAHONEY. The Senator is quite right.

Mr. BARKLEY. In that connection, Mr. President, if the Senator will yield, that merely meant that a certain amount would be diverted from the soil-conservation payments to parity payments; but the conditions upon which the payments were to be made were not identical.

Mr. POPE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. POPE. If I correctly understand, the Senator does not agree with the Senator from Washington [Mr. SCHWELLENBACH], who stated yesterday, at page 1774 of the RECORD:

I shall assume in my discussion that one amendment was to the soil-conservation part of the House bill and the other to the parity-payment portion of the Senate bill, but I should like to return to the subject I started to discuss before the Senator from Kentucky interrupted me.

The Senator from Wyoming does not agree, then, with the Senator from Washington [Mr. SCHWELLENBACH] in his interpretation?

Mr. O'MAHONEY. I am not sure that I understand what the Senator from Idaho is driving at. Of course, the Senator from Washington made that assumption.

Mr. POPE. He made the assumption according to his own statement in the RECORD on page 1774.

Mr. O'MAHONEY. Certainly, I am making the same assumption.

Mr. POPE. I am assuming the Senator from Wyoming is not agreeing with the Senator from Washington.

Mr. O'MAHONEY. I am making the same assumption as that made by the Senator from Washington, and I know the assumption to be well-founded, now that the Senator from Kentucky has so advised me.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HATCH. The Senator was discussing the two payments, soil-conservation and parity payments, saying that under the terms of both bills all restrictions under the McNary amendment applied with equal force to any kind of payment which was made; but I am wondering if the Senator from Wyoming recognizes no distinction, no difference in the theory or concept of the two different kinds of payments, and would apply the same restriction to either of these two kinds of payments.

Mr. O'MAHONEY. Of course, Mr. President, I recognize the distinction between the two payments; I do not deny that for a moment; it is perfectly apparent; but that is not the question. The question here is, and the fact here is, that the House said the payments made by virtue of their bill should be conditioned upon this requirement, and the Senate said that the payments made by reason of their bill should be conditioned on exactly the same requirement. So it is perfectly clear that the will of both Houses of the Congress was that protection should be granted to the livestock industry. But the conferees have brought into the Senate a measure which is devitalized, which deprives the livestock industry of any protection, and which, from my point of view, is clearly a violation of the letter and spirit of the rule, which requires that conferees shall obey the mandate of the body by which they are appointed.

Mr. President, I request that there may be appended at the conclusion of my remarks the matter I now send to the desk.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RECORD for December 14, 1937, page 1441. Senator POPE introduced his amendment:

"Mr. POPE. I will ask to have the amendment stated, and then, if objection is made to its consideration, it may go over. I ask, however, to have it stated.

"The PRESIDING OFFICER. The amendment will be stated.

"The CHIEF CLERK. It is proposed to insert at the proper place in the bill the following new section:

" 'SEC. 66. Whenever the Secretary has reason to believe that the income of producers of livestock or livestock products in any area from such sources is being adversely affected by increases in the acreage of conserving crops in that or any other area because of programs carried out under this act, or under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, he shall make an investigation with respect to the existence of these facts. If upon investigation the Secretary finds that the income of producers of livestock and livestock products in any area from such sources is being so adversely affected, he shall as soon as practicable make such provisions as he determines may be required with respect to the growing of conserving crops which he finds necessary to protect the interests of producers of livestock or livestock products in the affected area.' "

CONGRESSIONAL RECORD, December 14, 1937, on page 1442, shows the amendment as I asked that it be modified. This modification, in the last two lines, provided that the authority of the Secretary "shall be expressly reserved in all adjustment contracts or other offers."

"The CHIEF CLERK. In the amendment of the Senator from Idaho [Mr. POPE] it is proposed, on page 1 of the amendment, line 9, after the word 'act', to insert 'or whenever it appears from statistics available to the Bureau of Agricultural Economics that acreage diverted under this or any other act is being used to increase the supply of livestock or livestock products for market'; on page 2, line 3, after the word 'being', to strike out the word 'so'; in line 4, after the word 'affected', to insert 'by such increases'; in line 5, after the word 'provisions', to insert 'under adjustment contracts or other offers'; and, at the end of line 8, to strike out the period and insert 'and the authority of the Secretary under this section shall be expressly reserved in all adjustment contracts offers', so as to make the amendment read:

" 'SEC. 66. Whenever the Secretary has reason to believe that the income of producers of livestock or livestock products in any area from such sources is being adversely affected by increases in the acreage of conserving crops in that or any other area because of programs carried out under this act, or under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, or whenever it appears from statistics available to the Bureau of Agricultural Economics that acreage delivered under this or any other act is being used to increase the supply of livestock or livestock products for market he shall make an investigation with respect to the existence of these facts. If upon investigation the Secretary finds that the income of producers of livestock and livestock products in any area from such sources is being so adversely affected by such increases he shall as soon as practicable make such provisions under adjustment contracts or other offers as he determines may be required with respect to the growing of conserving crops which he finds necessary to protect the interests of producers of livestock or livestock products in the affected area, and the authority of the Secretary under this section shall be expressly reserved in all adjustment contracts or other offers.'

"On page 83, line 2, strike out '66' and insert '67.' "

The CONGRESSIONAL RECORD, December 16, 1937, page 1637, carried my amendment in its final form:

"On page 82, after line 25, I propose to insert the following new section, section 66:

" 'SEC. 66. Each adjustment contract or other offer entered into or made pursuant to this act or the Soil Conservation and Domestic Allotment Act shall provide that the cooperator or other person to whom such contract or offer applies shall undertake not to use acreage diverted under either of such acts for the production for market of livestock or poultry or the products thereof; and in the event that a marketing quota is established for any commodity under this act no acreage diverted from the production of such commodity pursuant to such quota shall be used for the production for market of livestock or poultry or the products thereof.'

"I may say now to the Senator that, as I conceive the two amendments, this goes a step further than what we call the McNary amendment, because it makes provision for acreage that may be diverted if a marketing quota goes into effect. It avoids the requirement upon the Secretary and upon the General Accounting Office to make individual scrutiny of every individual payment."

The CONGRESSIONAL RECORD, December 16, 1937, page 1638, contains the statement of the Vice President that the Senator from Idaho accepted my amendment as a substitute for his:

"Mr. O'MAHONEY. Mr. President, what is the present parliamentary status?

"The VICE PRESIDENT. The present parliamentary status is that the amendment of the Senator from Idaho has been perfected as suggested by the Senator from Wyoming. Now, the question is on the amendment in the nature of a substitute offered by the Senator from Oregon [Mr. MCNARY] to the amendment of the Senator from Idaho.

"Mr. O'MAHONEY. I wanted to be certain that the Senator from Oregon had substituted the language suggested.

"The VICE PRESIDENT. The Chair suggests that the proposed amendment of the Senator from Idaho as perfected should be read from the desk for the information of the Senate.

"Mr. SMITH. Mr. President, under the unanimous-consent proposal it is understood——

"The VICE PRESIDENT. There is no unanimous-consent proposal pending.

"Mr. SMITH. Very well.

"Mr. BANKHEAD obtained the floor.

"The VICE PRESIDENT. Will not the Senator from Alabama permit the amendment to be read?

"Mr. BANKHEAD. Certainly.

"Mr. MCNARY. A parliamentary inquiry.

"The VICE PRESIDENT. The Senator will state it.

"Mr. MCNARY. Am I to understand that this belated suggestion takes the place of the former proposal submitted by the Senator from Idaho?

"The VICE PRESIDENT. That is the situation. The Senator from Idaho has the right to perfect his amendment before it is acted on."

CONGRESSIONAL RECORD of December 17, 1937, page 1760, appears the amendment proposed by Senator BANKHEAD as a substitute for the McNary amendment in event his motion to reconsider the vote on the latter was agreed to:

"Mr. BANKHEAD. Mr. President, yesterday I gave notice that I would make a motion to reconsider the vote by which the so-called McNary amendment was agreed to. I desire to make the motion, but I wish first to send to the desk a propose[d] substitute to be

offered in the event my motion shall be agreed to. I ask to have the clerk read it.

"The PRESIDING OFFICER. The clerk will read:

"The Chief Clerk read as follows:

"'(k) Payments with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only) shall be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on lands normally used for the production of cotton, wheat, rice, tobacco, or field corn shall be used for the purpose of building and conserving the fertility of the soil, and shall not be harvested for market: *Provided*, That such amounts only may be harvested as are to be consumed on the farm by the farmer's family, employees, or household, or by his work stock or poultry: *Provided further*, That in the event the Secretary finds that an emergency national scarcity of such commodity exists or is threatened, and so proclaims, he may temporarily suspend such restrictions. As used in this subsection the term "for market" means for disposition by sale, barter, exchange, or gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are to be sold, bartered, exchanged, or given away; and such term shall not include consumption on the farm. An agricultural commodity shall be deemed consumed on the farm if consumed by the farmer's family, employees, or household, or by his work stock; or if fed to poultry or livestock on his farm and such poultry or livestock, or the products thereof, are to be consumed by his family, employees, or household.'"

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

AGRICULTURAL RELIEF—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of natural soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce.

Mr. McNARY and Mr. HATCH addressed the Chair.

The VICE PRESIDENT. The Chair is ready to rule, if it is agreeable to the Senate, but will hear Senators if they desire to speak.

Mr. McNARY. Mr. President, I had hoped I might assume that the illustrious occupant of the chair had an open mind on this subject.

The VICE PRESIDENT. Let the Chair say to the Senator from Oregon that this question has been drawn to his attention for the past 3 days and he has had full opportunity to examine every precedent he can possibly find, as well as to converse with parliamentarians for whose judgment and views he has great respect, and, in view of that, the Chair has a very definite opinion at the moment. However, he will be glad to hear the Senator from Oregon.

Mr. McNARY. Mr. President, I am not enamored of that invitation. I do not usually want to do a useless thing. I should perform no service by speaking on this question if the Vice President's mind is fixed. That is a situation which usually does not occur when a judicial matter is presented to a tribunal.

The VICE PRESIDENT. The Chair would not be honest with himself or with the Senator from Oregon if he did not state the truth, that his mind is well fixed at this moment. He has to tell the truth about it.

Mr. McNARY. Very well. I repeat, with the greatest respect and affection, after some experience and many years in the legal profession, that one of the hopeful thoughts of an attorney, one of the inspiring reasons he has for his affection for the court, is the fact that the mind of the court is not fixed and that he will hear the whole argument. I had hoped I might find the present able and eminent occupant of the chair in a similar frame of mind. I could not serve any purpose by giving my views if the Vice President does not want to consider them in connection with the whole matter. I do not wish uselessly to consume the time of the Senate and impose upon the Vice President. I do not know how his mind runs in this matter, and, of course, I have never questioned his honesty.

Mr. President, I shall take advantage of just a few moments in the hope that it will not be distasteful to the Vice President for me to say that, in the first place, I was somewhat shocked last evening at the remark made by the able Vice President before the conclusion of the argument that, under rule XXVII, which we now invoke, there is now no committee of conference. I do not know whether or not that is now the thought of the Vice President. In nearly 21 years of experience I have not heard other Presiding Officers enunciate that idea. It is not in conformity with the practice of the Senate and is not supported, in my opinion, by the rules or the precedents.

Mr. President, the reason I am imposing upon your good nature, inasmuch as your mind is fixed on this matter, is that I do not know whether the fixation is because there is no conference committee or whether your mind is fixed that the conferees have all-powerful rights in conference or whether the fixation is due to a variance between the Senate and the House amendments. Therefore, I think I am justified in consuming a little time.

If we are to adopt a new procedure, as indicated by the Vice President, and a conference report may not be attacked because the House conferees on the one hand or the Senate conferees on the other hand have been discharged, then we have turned legislation over ultimately to conferees, a condition not "devoutly to be wished," I know by the very able and prudent Vice President. I have always labored under the impression that conferees were agents of the Senate when appointed by this body and agents of the House when appointed by that body, and that they occupy a position of trust. I have a right to assume that, because I have been a conferee on many occasions and have tried to follow the instructions of the Senate many, many times when it was against my judgment to do so. I have always played fair with this body, and I have refused to serve when I thought that mentally I was not in a position because of lack of sympathy or unfriendliness toward the proposed legislation to act as a conferee.

Of course, the House conferees are discharged. That is so in every case. If the papers are first returned to the House and the House acts first on the conference report the House conferees are discharged. If the papers are first brought to the Senate, and the Senate acts first, automatically the Senate conferees are discharged. If we are to play both of those ends, one against the other, and we are to premise that the word of the conference committee is final, then, if that be the judgment of the Senate, I should like to have the rules amended or the practice enunciated by the able Vice President that hereafter all bills shall be referred to conferees named in advance, and we shall accept whatever they may propose in the way of legislation. The absurdity of that situation, Mr. President, answers itself. There can be no logic in the statement of the Vice President when he called our attention last evening to the fact that there was no conference committee and that that disposed of this question. There is a conference committee.

The VICE PRESIDENT. Will the Senator from Oregon permit the Chair to say that in making that remark he only stated what has been decided numbers of times, that where one House has discharged its conferees there is no longer a joint conference that may be instructed. If the point of order should be sustained, or if the Senate should vote down the conference report, undoubtedly the Senate would have to select new conferees and ask the other House for a further conference.

Mr. McNARY. Of course.

The VICE PRESIDENT. Therefore, if it is necessary to select new conferees, undoubtedly there is no valid conference committee now existing.

Mr. McNARY. Mr. President, I think the explanation helps solve the dilemma.

The VICE PRESIDENT. Let the Chair say that it does not have a thing to do with the point of order. If the point of order should be sustained and the Senate should then sustain the ruling of the Chair, if the Senate wanted

to go on with this bill it would have to ask for a further conference and appoint new conferees; or, if the Senate should vote down the conference report, which, in the opinion of the Chair, would be a more courageous thing in the matter of this legislation, then it would still have to ask for a further conference with the other House and appoint new conferees.

Mr. McNARY. Certainly the Vice President has beaten me to my conclusion. I was simply assuming from the RECORD, and the statement made, that the Vice President was doubtful as to whether this bill could be referred back to conference. Having convinced the able and illustrious Presiding Officer of that part of my argument, I will proceed to another.

Mr. President, I now touch upon what I think is probably the vital matter that resides in the mind of the Presiding Officer: Have the conferees exceeded their jurisdiction? Have they violated rule XXVII?

The respective provisions in the House and Senate bills are as much alike as two peas in a pod. There can be no doubt about that. They were written on the same typewriter, by the same typist. One was presented in the House, and one in the Senate. It happened to fall to my responsibility to present the amendment in the Senate. There is no difference whatsoever in the substance or in the language of the two provisions. In all the debate in the House and in the Senate they were considered to be identical. The argument was made here, over and over again, that if the Senate amendment should be adopted it would foreclose any conference action. That was stated by the conferees on the floor, who were able Senators, and had the bill in charge.

Therefore, Mr. President, it was conceded, as stated by the able Senator from Wyoming [Mr. O'MAHONEY], that every Senator on this floor knew when he was voting on this amendment that he was voting on an amendment identical with the House provision, and the conferees had no jurisdiction to touch this amendment.

Now, at this late day, we hear the statement made that the Senate amendment varies from the House provision because the House provision in 11 words refers to one portion of the Soil Conservation and Domestic Allotment Act which in no way relates to the body of the measure and its purpose. This amendment found lodgment in the bill because of the guidance of the able Senator from Idaho [Mr. POPE]. He offered an amendment at a certain place in the bill, an independent section going to the whole of the bill and not to any particular part or provision. It was necessary, in order to follow out the rules and practices of the Senate, for me to offer this amendment as a substitute for the one offered by the Senator from Idaho. He selected the place where it should go in the bill. It was a new section, and I followed him. It was voted upon and carried, and a motion to reconsider was made and carried.

Now, Mr. President, let us look into the proposition which I assume will be urged, as indicated by the Senator from Kentucky [Mr. BARKLEY].

This amendment reads that all payments are conditioned upon what? Contracts involving soil-building purposes. Does that sound like "parity payments"? It means all payments under the bill; it does not matter from what source.

I desire to show, Mr. President—and I shall be very brief, indeed—that on page 2 of the bill is the following language:

(b) Under adjustment contracts there shall be made available to contracting farmers (hereinafter referred to as "cooperators"), first, Soil Conservation Act payments hereinafter specified; second, surplus reserve loans; and, third, parity payments.

On the very first page of the bill as it passed the Senate it was declared that contracts made under the bill which were necessary to be made in order to obtain a dollar under any bill would come from three sources. Let me repeat them, because I think the language, with some I shall repeat later, is conclusive of my position:

Under adjustment contracts there shall be made available to contracting farmers (hereinafter referred to as "cooperators"), first, Soil Conservation Act payments hereinafter specified; second, surplus reserve loans; and, third, parity payments.

At the outset of the pending legislation the farmers were told that these contracts, whether in writing or based upon a gentlemen's agreement, would embody three different factors—soil-conservation payments, parity payments, and reserve loans. When the amendment says that all payments for soil building shall have these purposes, the same as the House bill, it ties the bill into the Soil Conservation Act.

Mr. President, not in an idle moment, but rather in an interesting moment, some weeks ago I looked up the references made to soil-conserving payments in this measure; and without reading them, for the purpose of the RECORD, if I may be permitted to do so without tiring my dear friend, I will state where they are. I refer to the bill as it passed the Senate:

On page 2, the provision which I have just read.
Page 4, section 4.
Page 7, section 6.
Page 33.
Page 8, subdivision (c).
Page 31.
Page 50, section 52.
Page 68, section (b).
Page 69.
Page 73, section 64.
Page 74.
Page 77.
Page 94, section 80.

Let us turn to the provision on page 94, because it is the last. I shall read the first and the last only:

Amendments to Soil Conservation and Domestic Allotment Act.

I read from page 94, section 80, of the bill as it passed the Senate:

SEC. 80. (a) Section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended, is amended by striking out "Subject to the limitations provided in subsection (a) of this section, the Secretary shall have the power to carry out the purposes specified in clauses (1), (2), (3), and (4) of section 7 (a) by making"—

That is the one which carries the payments in the Soil Conservation Act—

and inserting in lieu thereof "In order to carry out the purposes specified in section 7 (a) the Secretary shall have the power to make."

Section 8 (b) of such act, as amended, is amended by striking out the expression "or (4)" after the expression "required for domestic consumption," and inserting in lieu thereof the following:

That also is another amendment to the act.

Mr. President, when an act is complete, and covers the whole subject matter, and defines, as this act does, with particular care the various subjects matter considered, it must be treated as a whole, and considered a complete document. The section I read on page 2, and the section on page 94, both refer to payments under the Soil Conservation Act; and I repeat, because it is important, that both the House provision and the Senate amendment refer to all payments made.

Mr. President, I think it is puerile, I think it is childish, to argue that this amendment, because of a particular location in the bill, refers only to parity payments. Anyone carefully reading the amendment knows that it does not refer to parity payments, because it speaks of soil-conserving and soil-building crops and the land upon which they are raised. It has no reference to soil-depleting crops. It refers to soil-building crops. Both provisions are identical in that respect.

It occurs to me that in any view one may take of the House provision and the Senate amendment, they must be considered identical in language and in purpose, and it is quite childish to say that one of them refers to parity payments and the other to soil conservation. The only difference between the two is that in the House provision a short reference was made to the Soil Conservation Act, which was not necessary at all, which was not considered necessary when the subject matter was debated before the Senate. It is idle to say now that because of a certain location the

amendment had in the Senate bill it differed from the House provision, and therefore jurisdiction was conferred upon the joint conference to write an entirely new provision.

Mr. President, candor causes me to make this statement. The conferees have not improved the bill as passed by the Senate in the words that are contained in the conference report in reference to the dairy industry. I find some difficulty in construing this complex language. The sentences are too long, there are not enough periods, and the words are cloudy. If I understand it, there has been a modicum of security given to the dairy industry. There is a slight reference to those who are interested in the cattle and the poultry industry.

Some good has been accomplished, and I do not desire to have the conferees deprived of any honor they may deserve for attempting to do something for these industries; but to me, quite aside from the merits of the bill is the larger question: Have we to submit to action of conferees when, in my opinion, they boldly and brazenly refuse to abide by the rules of the Senate and of the House upon a pretext so flimsy as to be unworthy of argument?

I had intended to discuss one other phase of the amendment, but, in view of the fact that the Vice President seems to be anxious to rule upon the question, probably my words would fall on deaf ears; and if my efforts were not successful, I would have only the one compensation of saying that I will have something to read about in the RECORD in the years to some.

Mr. SHIPSTEAD. Mr. President, I should like to ask the Senator from Oregon a question, if he will yield.

Mr. McNARY. I very gladly yield.

Mr. SHIPSTEAD. I wish to propound an inquiry to the Senator in order to clear this matter in my mind.

The House passed a bill and inserted a provision in the bill dealing with a certain subject, with the intention of carrying out the idea of the House relative to that subject. The bill came to the Senate. Everything but the enacting clause was stricken out and the Senate wrote a new bill, dealing again with the same subject covered by a certain provision inserted by the House. It was intended to be dealt with identically, but, whether the two amendments were identical or not, they dealt with the same subject, and the hope was to accomplish the same purpose. The amendment was adopted in the Senate and went to conference.

If I understand a conference of the two Houses under a situation of that character, if the conferees take either one or the other of the provisions, they carry out the purpose of the House whose amendment they adopt, provided the two provisions are not alike. If they are identical, it does not make any difference to which provision they agree.

Assuming that they have authority to take one or the other, it seems to me that if they want to cover the subject and agree to deal with the subject they must take either the House provision or the Senate amendment. It seems to me it is out of the jurisdiction of the conference committee to disregard the will of both Houses and write their own views as to how the subject should be dealt with and come in with an entirely different provision dealing with the same subject in a manner that does not follow the wish of either House.

I ask the Senator from Oregon, is that a reasonable conclusion?

Mr. McNARY. I think it is very reasonable, very rational, and quite proper.

Mr. JOHNSON of California. Mr. President, I extend my apologies to the Vice President and to the Senate for participating in this argument at all. I am not gravely interested in the amendment which is the subject matter of the discussion, but I am gravely interested in the position of the United States Senate in exercising its legislative functions. The question before us today involves good faith, and, in addition to that, it involves the right of the Senate to legislate in accordance with its rules and the rules of legislation generally.

I happened to be a Member of the Senate when the rule in question was amended. I recall the many, many days we were engaged in the attempt to remedy the mischief which had been occasioned by conference committees in making reports. I recall that finally the remedy we sought was written into the rules of the Senate, and the rule is such that he who runs may read. I do not care whether someone by some technical construction says that this or that amendment was written in one place in the bill or another; that sort of thing is done simply to permit to be perpetrated again the wrong that was remedied apparently by the Senate of the United States in 1918. The rule reads:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.

What was the mischief we sought to remedy in 1918? It was just exactly what occurs in this body today. Conference reports were submitted then under the rule that the conferees could do just as they pleased, and the conference reports contained whatever the conferees had a particular predilection for. Conference committees in olden days legislated for the Senate of the United States, as well as the House of Representatives, and when we amended the rules we thought that we prevented the conferees from legislating for the entire Senate and the House. Today that very matter is presented for solution.

In this case, what have we? We have a provision adopted by the House and an amendment adopted by the Senate which are substantially the same. I may go so far as to say almost identical. If the Senate had agreed to the House provision it could not have been altered in conference, under the rule adopted by the Senate. When the Senate adopts a provision in such circumstances, and the conferees write into the bill something else, the conferees are not acting in good faith with the Senate; and if the Senate approves of such a thing it becomes a body for which there is little or no respect.

The VICE PRESIDENT. At the outset the Chair will state that the merits of the bill do not concern him in making the ruling on the pending point of order; nor can the Chair take into consideration the question of the wisdom or the good faith of the conferees. The only point the Chair can take into consideration is whether the conferees have exceeded their powers, wisely or unwisely.

There are rules of the Senate and rules of the House of Representatives. The particular rule of the Senate referred to a moment ago by the Senator from California [Mr. JOHNSON] has been one of the rules of the Senate, as the Chair recalls, from 1918. It has been part of the House rules for nearly a century.

The first ruling in the House of Representatives on this particular question was rendered on March 3, 1865, by Mr. Colfax, the Speaker, who was later Vice President of the United States and President of the Senate. From that time until this 10 Speakers of the House of Representatives have passed on this particular question. All their decisions, remember, Senators, are based upon one fact, and that is that when one body strikes out all after the enacting clause and inserts a new bill the entire rule is reversed. Rule XXVII, clause 2, specifically does not apply then. The Senate decided by a vote of 41 to 34 when voting on a ruling by the then Vice President, Mr. Dawes, to which the Chair will call attention a little later.

The Chair will say that in 1865 Speaker Colfax began this line of ruling, and in 1911 the matter was thoroughly surveyed in the House of Representatives under Speaker Clark.

The Chair will now ask the clerk to read to the Senate the ruling of Speaker Clark, in order that the Senate may understand the philosophy with respect to the particular question now pending.

The Chief Clerk read as follows:

> The desire of the present occupant of the chair is to rule fairly; and so far as I am individually concerned, I would rather have it said of me, after I have finally laid down the gavel, that I was the fairest Speaker that the House ever had, than that I was the greatest.
>
> The gentleman from Wisconsin last Saturday made a remark which deserves the consideration of the House, and that was that

no Speaker could afford to render a decision for temporary benefit to his party fellows without considering the ultimate and general effect of it. That is absolutely true.

The particular matter at bar seems to have been differentiated into two classes by previous Speakers: One, where the dispute between the two Houses is simply a dispute about rates or about amounts, and the other where one House strikes out everything after the enacting clause and substitutes an entirely new bill.

The Chair has no doubt whatever that at least one contention of the gentleman from Illinois is correct. That is, that if it is a mere dispute about amounts or rates, the conferees cannot go above the higher amount or rate named in one of the two bills or lower than the lower rate named in one of the two bills. But that is not this case. In this case the Senate struck out everything after the enacting clause and substituted a new bill. Last Saturday there did not seem to be any precedents to fit the point under consideration. This time, fortunately for the Chair at least, four great Speakers of this House have ruled on the proposition involved—Speaker Colfax, who was subsequently Vice President; Speaker Carlisle, subsequently Senator and Secretary of the Treasury; Speaker Henderson, and Speaker Cannon. The Chair does not know anything about the parliamentary clerks to Speaker Colfax and Speaker Carlisle, but the Chair is fully persuaded that every Member of this House who has served in prior Congresses will agree that Speaker Henderson and Speaker Cannon had the advantage of being advised by one of the most skillful parliamentarians in this country, the present Member from Maine, Mr. Hinds.

All four of these Speakers, three Republicans and one Democrat, have passed on this question, and they have all ruled that where everything after the enacting clause is stricken out and a new bill substituted, it gives the conferees very wide discretion, extending even to the substitution of an entirely new bill. The Chair will have three of these decisions read, and will have the decision of Speaker Cannon incorporated into this opinion, because the question ought to be definitely settled, during the life of this Congress at least.

The VICE PRESIDENT. Senators will observe that that was the universal opinion, so far as the House of Representatives is concerned, down to the time of Speaker Clark.

The Chair desires to call the Senate's attention to the decisions in the House of Representatives following Speaker Clark's decision, which include decisions by Speaker Gillette and Speaker Longworth. They have gone a little bit further than Speaker Clark did. Speaker Gillette quoted from the manual:

> And it has been held so often and so far back and by so many Speakers that where everything after the enacting clause is struck out the conferees have carte blanche to prepare a bill on that subject that it seems to the Chair that question is no longer open to controversy.

He then continued:

> The Chair, on that ground, overrules the point of order.

In other words, Senators, the House has held, under a rule similar to Senate rule XXVII, paragraph 2, that there is no limit to the power of the conferees when one House strikes out all after the enacting clause of the bill of the other House and substitutes an entirely new bill.

What has been the action of the Senate upon this rule? The Chair desires to call the Senate's attention to a ruling in the Senate on February 8, 1927; and the Chair may add that it seems to him that he should follow the ruling in the Senate, especially when the Senate by majority vote upholds that ruling.

On February 8, 1927, Mr. Howell, of Nebraska, made a point of order against the conference report on a bill for the regulation of radio communications, stating that the conferees had exceeded their authority by leaving out matter agreed to by both Houses, in contravention of paragraph 2 of rule XXVII, as follows:

> Conferees shall not insert in their report matters not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

That seems to be definite language and, as the Senator from California has said, subject to no equivocation. But that rule applies to a bill ordinarily passed by one body and amended, section by section and paragraph by paragraph, by the other body, and does not apply to an entire new bill submitted by one body as a substitute for the bill of the other body.

The Chair will now read the ruling of Vice President Dawes, as set out in the Senate Journal for the Sixty-Ninth Congress, second session, page 157, as follows:

> The Chair would remark that when the amendment of the Senate is a new bill in the nature of a substitute instead of various amendments to different parts of the bill, the whole status of conference is changed under the precedents. Under the line of argument which the Chair followed the other day in holding that new matter when germane could be put in as an amendment under those circumstances, he would seem to be justified now in overruling the point of order. The status of conference being changed where the Senate substitutes a bill as an amendment, the precedents in effect hold that the restrictions of rule XXVII, paragraph 2, do not apply, and he so rules. The point of order is not well taken.

The Senator from Nevada, the present President pro tempore of the Senate, appealed from that ruling, and the Senate sustained the ruling of the Chair [Vice President Dawes] by a vote of 41 to 34.

On August 6, 1935, the President pro tempore of the Senate [Mr. PITTMAN] himself made a ruling upon this identical question. The Senator from Maine [Mr. WHITE] made a point of order against the conference report on H. R. 6511, a bill to amend the air-mail laws, that the conferees had exceeded their authority by inserting new matter. The President pro tempore overruled the point of order, and in his opinion made these remarks:

> It will be observed that while this matter is treated in both the Senate and the House bills, they are at entire variance in their treatment of it. Therefore both of the sections were in conference.
>
> Under the interpretation of the present occupant of the Chair, where all after the enacting clause of a House bill is stricken out and an entirely new bill inserted by the Senate, the question arises as to whether or not the language used as a substitute for the two sections is germane and carries out the intent of both bodies with regard to such particular legislation.

In other words, Senators, it is the reasoning of all the parliamentarians who have ever considered this rule, so far as the Chair can ascertain from all the precedents, that the philosophy should be that where one House passes an entirely new bill as a substitute for the bill of the other House, there is very little limitation placed on the discretion of the conferees, except as to germaneness.

In this particular case, the House having passed a bill with reference to conservation of soil, or other provisions with reference to farming, and the Senate having substituted an entirely different bill, it seems to the Chair that according to the philosophy of previous rulings referred to the conferees would have the power to do what they have done in this instance—write an entirely new bill—and the Chair overrules the point of order.

The question is on agreeing to the report.

Mr. DUFFY. Mr. President, I believe that an important question of this kind should have an expression on the part of the Members of the Senate. I therefore appeal from the decision of the Chair.

Mr. BARKLEY. I move to lay that motion on the table.

Mr. LA FOLLETTE. On that question I call for the yeas and nays.

The VICE PRESIDENT. The present occupant of the chair, with the permission of the Senate, is going to adopt a different course than that usually taken with reference to ascertaining the number of those asking for the yeas and nays. He made one mistake in that connection, and does not want to make another, because the question is a constitutional one.

All Senators desiring the yeas and nays will rise and stand until they are counted. The Chair can count those standing up. A sufficient number of Senators having asked for the yeas and nays, the clerk will call the roll.

The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Wisconsin [Mr. DUFFY] appealing the decision of the Chair.

The Chief Clerk proceeded to call the roll.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SMITH. Is the vote we are about to take a vote on the proposition of the leader to lay on the table the motion of the Senator from Wisconsin [Mr. DUFFY]?

The VICE PRESIDENT. As the Chair stated, the vote is on the motion of the Senator from Kentucky to lay on the table the motion of the Senator from Wisconsin [Mr. DUFFY], which is a motion appealing from the ruling of the Chair. A vote of "yea" is a vote to sustain the Chair. A vote of "nay" is a vote to override the decision of the Chair.

The Chief Clerk resumed the calling of the roll.

Mr. CONNALLY (when his name was called). I think the ruling of the Chair was correct, but I do not believe in tabling a motion——

The VICE PRESIDENT. There can be no debate on a roll call.

Mr. CONNALLY. I vote "nay."

The roll call was concluded.

Mr. HALE. On this question my colleague the junior Senator from Maine is paired with the Senator from New Jersey [Mr. SMATHERS]. If present, my colleague would vote "nay."

Mr. LEWIS. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MILTON], and the Senator from Utah [Mr. THOMAS] are detained from the Senate on important public business.

The Senator from Mississippi [Mr. HARRISON] is detained in one of the Government departments.

The Senator from Nevada [Mr. MCCARRAN] and the Senator from North Carolina [Mr. REYNOLDS] are detained in their respective States on official business.

The Senator from New Jersey [Mr. SMATHERS] is necessarily detained.

The Senator from Virginia [Mr. BYRD] is unavoidably detained.

The Senator from Michigan [Mr. BROWN] has a general pair on this matter with the Senator from Utah [Mr. THOMAS]. I am not advised how either Senator would vote if present.

The Senator from Oklahoma [Mr. LEE] is paired with the Senator from Nevada [Mr. MCCARRAN]. If present and voting, the Senator from Oklahoma would vote "yea," and the Senator from Nevada would vote "nay."

The Senator from Mississippi [Mr. HARRISON] is paired on this question with the Senator from Virginia [Mr. BYRD].

I am advised that if present the Senator from Mississippi would vote "yea," and the Senator from Virginia would vote "nay."

Mr. SHIPSTEAD (after having voted in the negative). I have a pair with the senior Senator from Virginia [Mr. GLASS], who is absent. I do not know how he would vote, and, therefore, withdraw my vote.

Mr. AUSTIN. I announce the following pairs: The Senator from New Hampshire [Mr. BRIDGES] with the Senator from North Carolina [Mr. REYNOLDS]. If present, the Senator from New Hampshire would vote "nay," and the Senator from North Carolina would vote "yea."

The result was announced—yeas 48, nays 31, as follows:

YEAS—48

Andrews	Dieterich	Hitchcock	Overton
Ashurst	Ellender	Hughes	Pepper
Bankhead	Frazier	Lewis	Pope
Barkley	George	Logan	Radcliffe
Berry	Gibson	Lundeen	Reames
Bilbo	Gillette	McAdoo	Russell
Brown, N. H.	Green	McGill	Sheppard
Bulow	Guffey	McKellar	Smith
Byrnes	Hatch	Miller	Thomas, Okla.
Caraway	Hayden	Minton	Truman
Chavez	Herring	Neely	Walsh
Clark	Hill	Norris	Wheeler

NAYS—31

Adams	Davis	Lodge	Schwartz
Austin	Duffy	Lonergan	Schwellenbach
Bone	Hale	McNary	Townsend
Bulkley	Holt	Maloney	Tydings
Burke	Johnson, Calif.	Murray	Vandenberg
Capper	Johnson, Colo.	Nye	Van Nuys
Connally	King	O'Mahoney	Wagner
Copeland	La Follette	Pittman	

NOT VOTING—17

Bailey	Donahey	McCarran	Thomas, Utah
Borah	Gerry	Milton	White
Bridges	Glass	Reynolds	
Brown, Mich.	Harrison	Shipstead	
Byrd	Lee	Smathers	

So the motion of Mr. BARKLEY to lay on the table Mr. DUFFY's appeal from the decision of the Chair was agreed to.

Mr. CONNALLY. Mr. President, I merely wish to say that in connection with the last roll call I do not think it is accurate to construe a vote "yea" or "nay" as necessarily an indication of the correctness of the ruling of the Chair. I agree with the ruling of the Chair, but I voted "nay" against tabling the motion of the Senator from Wisconsin [Mr. DUFFY], because I think it is entirely proper that the Senate should be able to express itself on the decision of the Chair, and either to affirm it, and therefore give it greater strength, or to repudiate it, as the case may be. I want to make clear that while I voted against the motion to table, that is no indication of my disagreement with the ruling of the Chair, which I think is correct.

Mr. MCADOO. Mr. President, I should like to say, without reexpressing the thought in my own language, that the Senator from Texas [Mr. CONNALLY] has stated my position on this question.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. POPE. Mr. President, yesterday I obtained the floor for the purpose of making a brief explanation of the conference report, but yielded to the Senator from Washington [Mr. SCHWELLENBACH] in order that he might make a point of order, which has now been disposed of.

Mr. President, by reason of the fact that on yesterday 3 hours were taken in the reading of the conference report, I am sure that every Senator is now familiar with every word of it. Therefore, any lengthy explanation is made unnecessary.

I made the request yesterday that I be not interrupted during my discussion of the report, for the reason that my experience has been that if that practice be indulged in, many questions are asked which will be answered in regular order during the course of my discussion. So I again ask Senators not to interrupt me until I have finished what I have to say concerning the conference report. I will then be glad to yield for any questions they may have and will undertake to answer them.

Mr. President, the declaration of policy in the conference report is a combination of the idea contained in both the House and the Senate bills, that is, the recognition of the value and desire for a continuation of the Soil Conservation Act. In the conference report certain improvements as to the Soil Conservation Act are undertaken. For instance, it is provided that as a part of the Soil Conservation Act the county committees in the various counties shall be elected by the farmers themselves. In the main, that has been the practice followed by the department in the administration of the Soil Conservation Act, but, in order to make that a permanent policy of the Congress, it is so provided in the conference report as an amendment to the Soil Conservation Act.

There is also a provision in the conference report amending the Soil Conservation Act by prohibiting any landlord from changing his relation with his tenants or decreasing the number of tenants that may be on his farm in order that he may obtain a larger percentage of the Soil Conservation Act payments. That is now a part of the conference report.

There is another provision in the conference report, which is an amendment to the Soil Conservation Act, providing that if a cooperator voluntarily reduces his acreage below 80 percent he may have a 25-percent increase in the amount of payment he would otherwise receive; that is a proportionate increase of payment according to the reduction in the number of acres he actually plants. That is to encourage the cooperator to make reduction and, at least, to give him some inducement for doing so.

In the main, those are the amendments to the Soil Conservation Act, and the conference committee thinks that they are all in the interest of a better and more simple administration of that act.

I may say that the things which I am about to refer to are what I regard as the best parts of both bills. There was in both bills a provision for the establishment of laboratories to encourage new uses of various agricultural commodities. The provision in the House bill appropriated $10,000,000 a year for that purpose. In the Senate bill $2,000,000 were appropriated for the first year and $1,000,000 for subsequent years for this purpose. In the conference report provision is made that four regional laboratories shall be established in the sections most suitable to the major agricultural crops, and $1,000,000 a year for each of those laboratories is provided. It may be clearly seen that that is a compromise between the House and the Senate provisions. I think we cannot overestimate the value of new laboratories for the purpose of finding new uses for the various commodities. So the conferees made very substantial provision of that sort for the benefit of the farmers of the country.

The life of the Federal Surplus Commodities Corporation has been extended by the conference report to June 30, 1942. A previous act had extended it until June 30, 1939, as I recall.

There are contained in the conference report consumer safeguards, and throughout the entire bill there are provisions under which the Department, in administering the act, must provide for an ample supply of the commodities covered by the bill for the use of consumers. There will be found a definition of what is called the "reserve supply level"; there is a definition of normal supply and a definition of marketing quotas. Not only does the bill, as agreed to by the conferees, provide for a normal supply of the commodities affected but it provides that the Secretary, in making a national allotment of acreage, shall consider a reserve supply which is considerably higher than the point at which there will be a normal supply. All that, together with the specific provision in the conference report, looks toward insuring to the consumers an ample supply of all these commodities.

So it cannot be fairly stated that this is a bill operating on a philosophy of scarcity. Provision is made for an ample supply to the consumers of America of all the commodities affected and an ample supply to cover exports to other countries.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. POPE. I stated in the beginning, I will say to the Senator from New York, that I preferred not to yield until I had finished my statement.

Mr. COPELAND. Very well.

Mr. POPE. There are contained in the bill provisions for loans on the various commodities. Similar provisions were contained in both the House and the Senate bills. The conference report provides that loans shall be made on all commodities, including dairy products. As to cotton, corn, and wheat, however, special provisions are made for loans. Such loans are in some respects mandatory.

As to corn and wheat, whenever the price goes below 52 percent of parity, loans are mandatory from 52 percent of parity to 75 percent, depending upon the discretion of the loan corporation and the Secretary of Agriculture; but a loan is mandatory under the bill in its present form at any point above 52 percent of parity when the price goes below that figure.

Now, with reference to corn, I should like to call the attention of those who are particularly interested in that commodity to the fact that there is a provision for loans that is mandatory. It will be recalled that in the Senate bill under schedule A the range of mandatory loans was 52 percent to 85 percent, depending upon the total supply of the commodity. In the conference report a similar provision is contained. For instance, when the price reaches 75 percent of parity a loan of 75 percent of parity is required to be made. If the total supply is between 100 percent—100 percent representing domestic consumption and exports—and 10 percent above, a loan of 70 percent is provided, and so on down to 52 percent, depending upon the total supply. Since the price of corn can be regulated by loans, as there is not any considerable export market for corn, it can readily be seen that the price can be maintained by loans. The loan feature, therefore, is of very great value to the corn growers of the United States.

One other provision contained in both bills was a recognition of parity payments. Senators are now entirely familiar with the parity concept. The parity price represents the price which would be comparable to the price of industrial products. So the concept of parity price is maintained in the bill.

I may say here that the House approach to that matter was followed in the conference report. In the House bill there was a provision that all the funds appropriated for soil conservation would be used under this bill for carrying out the soil-conservation program; but in the Senate bill there was a provision that 55 percent of the soil-conservation payments would be transferred to a fund for making parity payments on corn, wheat, and cotton. That feature of the Senate bill has been eliminated and the funds that will be appropriated, therefore, for soil conservation, whether they be $300,000,000, $440,000,000, or $500,000,000, will be used in the soil-conservation program. If any payments are made on parity they must come from additional revenue and additional appropriations for that purpose. It has been made perfectly clear in the conference report that parity payments will be made if and when new appropriations are made for that specific purpose, and the conferees carried in mind at all times the necessity for raising additional funds to make such parity payments.

There is no promise made in the bill; there is nothing in it to mislead the farmers or anybody else into believing that they are going to receive parity payments unless additional funds are raised and appropriations are made for that purpose.

There is also contained in the conference report the crop-insurance bill as to wheat which was once passed by the Senate as an independent bill, and which was made an amendment to the Senate bill and went to conference. I think the Senate may be interested to know that for the first year's operations of the crop-insurance program the unexpended funds in the 1938 soil-conservation program will be used. It was found that there would be enough funds left this year to pay $6,000,000 expenses, and lay aside the $20,000,000 reserve which was the amount provided in the bill; so that the funds for carrying on crop insurance—which, by the way, will begin in 1939—have been provided without using any of the funds of the Soil Conservation Act and without the necessity of raising additional revenue.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. POPE. I am sorry, but I asked not to be interrupted until I finish my statement. Then I shall be glad to yield.

The reason why the crop-insurance program was not applied to 1938 is that winter wheat is now in, and it would hardly be practicable to begin now with such a program; but it can apply to the fall crop of wheat as well as the crop next spring and following years.

The provision for a referendum before a marketing quota can be established is carried in the conference report as it was in both the House and the Senate bills.

Those features I have mentioned first in connection with the conference report, for the reason that there was very little difference of opinion about them. Neither the conferees nor the Members of the House or Senate have raised much question about those matters. So I say these good features of both the House bill and the Senate bill have been carried into the conference report.

The main points of difference that had to be reconciled by the conferees were these:

The Senate bill provided for adjustment contracts as to corn and wheat, but not with reference to the other commodities. The House bill had no adjustment contracts at all.

So in the conference report adjustment contracts were eliminated, and the soil-conservation program will be carried on under this bill, as in the past, upon offers and acceptances or compliance by the cooperators; and no contracts are provided for with reference to making parity payments.

The ever-normal-granary provisions of the Senate bill were eliminated. I should say that they were eliminated in connection with the use of the term "ever-normal granary."

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. POPE. I prefer to finish before yielding.

Mr. WHEELER. I want to ask just one question.

Mr. POPE. I prefer to finish first. Then I shall be glad to yield.

Mr. WHEELER. Very well.

Mr. POPE. In the first place, the term "ever-normal granary" was not appropriate for the storage of quantities of cotton, tobacco, and products other than grains. There are elements of the ever-normal granary, however, in the bill. There is provision for loans which will require storage and provision for storage of commodities under marketing quotas; and in that respect quantities of these commodities will be stored for release into the market at the appropriate time. With reference to the crop-insurance program, there is a distinct ever-normal-granary feature in connection with that, because the Senate will remember that premiums are to be paid in wheat, and the commodity will be stored, and the indemnities will be paid from the storage. Therefore, there is a distinct element of an ever-normal granary in connection with the crop-insurance program. It will be found upon examination, however, that the term "ever-normal granary" and its definition in the original Senate bill have been eliminated.

With reference to the most difficult problem with which the conference had to deal—namely, the so-called Boileau and McNary amendments—in the first place, the conference voted that these provisions were in conference. I have realized since the question first arose that neither the McNary nor the Boileau amendments accomplished the purpose which the dairymen desired. Under those amendments, even though a farmer might reduce the number of his dairy cows, still, if they fed upon the diverted acres and any of the products were sold, the farmer would lose his payments. In other words, in a given county—the county in which the Senator from Montana [Mr. WHEELER] lives, for example—if every man who raised dairy cattle had reduced them by half, and still that half had fed on the diverted acres, and any of the products were sold, the farmer would lose his payments. It cannot be that the dairymen of the country desired any such result as that. What they wanted was to prevent an increase in dairy herds on account of this act. So we set about to give the dairymen what they wanted; and we succeeded in doing that, I think, by permitting the cooperator to have on his farm the ordinary or normal number of dairy cattle; and so long as he retained that normal number and pursued his farming operations in his usual and ordinary way, he would not lose his soil-conservation payments, because that would mean that there were no increases which would interfere with the interests of those who were in the commercial dairy business.

I know that was the purpose of the dairy people. One after another of them told me so. The representatives of the dairy interests in Washington told me so. Therefore, we set about by language to do the thing they wanted to do, without regimenting every little farmer in America. I wonder if the Senators realize that one-third of all those who have cooperated in the soil-conservation program get less than $20 payments in a year, and another third get between $20 and $50 payments in a year. The average soil-conservation payment is about $100.

In other words, those who receive under $200 amount to something like 90 percent of all those concerned. It is an important matter to all the little farmers who have one cow, or two cows, or a few chickens, or who have one milk cow and raise a calf which is sold on the market. Under the original amendment, every one of them would lose his payments if he sold a dozen eggs or a pound of butter. Therefore, as has frequently been said, it was a provision which regimented the farmer to an extreme extent; so far that I would not lend my own support to any such provision as that.

In conference with the dairymen themselves, with their representatives in Washington, I had them give me a statement of what would satisfy them in the conference report. I hold in my hand a draft of the amendment which they submitted to me during the meeting of the conference committee; and I say to you, Senators, that the provisions contained in this amendment submitted to me by them are carried in the conference report.

For instance, let me read to you one of the amendments they proposed. It was this:

Provided, however, That so long as the farmer maintains a normal amount of livestock and poultry and a normal production of poultry and livestock products, and so long as the number of livestock and poultry and the production of livestock and poultry products are maintained at normal in the county in which the farmer resides, the above limitation shall not apply.

In other words, in their own amendment they suggested, and in conversations suggested to me, that all they wanted to do was to prevent increases in the supply of products that were raised by the farmer on his farm.

The language in the conference report is almost identical with this. One other provision in the draft which was given to me by the dairyman was that the Secretary be authorized to suspend this program when a national emergency exists. If there were a drought or a great flood or any other such emergency, the Secretary could suspend the program under this suggestion. That is contained in the draft handed to me by the dairymen themselves, and is carried in the conference report.

Another provision contained in the draft given to me by the representatives of the dairymen is as follows:

The Comptroller General is authorized and directed to accept as satisfactory compliance with this section the certificate of the Secretary of Agriculture that the county committee in the county in which the farm is located has certified that the farmer has substantially complied with the provisions of this section.

That brings in the idea of a certificate of substantial compliance.

Mr. COPELAND. I suggest that the Senator read the language in the conference report.

Mr. POPE. I shall be glad to read the language in the conference report on that point, without reading the entire amendment, because the conference report carries the language of the original Boileau-McNary amendment in large part. In the conference report we find this on the point which I have just raised:

Any payment made under subsection (b) with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be used for grazing purposes only) shall, if the number of cows kept on such farm, and in the county in which such farm is located, for the production of milk or products thereof (for market), exceeds the normal number of such cows, be further conditioned—

And so forth. It is the same conception and in almost the same language as contained in the draft submitted to me by the dairymen, and they told me that would be satisfactory to them.

Proceeding, we find this provision in the conference report:

Whenever it is determined that a county as a whole is in substantial compliance with the provisions of this paragraph, no payment shall be denied any individual farmer in the county by reason of this paragraph.

In other words, if the county as a whole has not increased its number of dairy cattle, then it will not be necessary to check up on any farmers at all in the county. One may have a few more cows than he had the year before, or a few less, and the officials will not bother him; they will not interfere with him.

And no payment shall be denied a farmer by reason of this paragraph unless it has been determined that the farmer has not substantially complied with the provisions of this paragraph.

In other words, it is now workable and it now accomplishes the purpose intended by the dairymen. Let us assume that

there is a substantial number of dairy cattle in a county, more than before. Then it will be necessary for the county committee to find out what farmers in the county are responsible for the increase and refuse to certify to the Secretary of Agriculture for payment the farms upon which those people are located. Therefore there is ample protection.

Let me say to Senators that the conference committee acted in the utmost good faith toward the dairymen, and gave them exactly what they intended, I think, in the first instance. In fact, I think I am breaking no confidence in saying that the representatives of the dairymen said that if they had had the opportunity to prepare the original amendment they would have had in it the provisions which are now contained in the conference report.

In the light of this, it seems strange to me to find a point of order being raised in an effort to get back into this conference report in some way that original vicious provision to be applied to every little farmer in the United States, whether he increased his dairy cows or not. I say to those Senators who are interested in dairying, not one of them is more interested than I. Dairying is one of the major industries in my section, and, so far as I am able, I will not permit that industry to be injured, but I am not willing to have every little farmer throughout my State and every other State, even though he may reduce his herds, regimented under an amendment which is designed to prevent an increase in the number of dairy cattle and the amount of dairy products produced on the farm.

This provision accomplishes the purpose; and those dairymen who will examine it will say to Senators as they have said to me, "It accomplishes the purpose. It is what we want."

As the McNary-Boileau amendment was adopted it applied not only to dairy herds and livestock and poultry, but maybe to grasshoppers as well. It was stated by a very eminent writer—and I think he had good reason for it, too—that if a grasshopper fed on the diverted acres, flew over the fence into a chicken coop, and a chicken ate the grasshopper and laid an egg and the egg was sold, the farmer would lose the payment. I say there is a good deal of reason for that statement, because it is provided in the original Boileau-McNary amendment that the feeding in any form of anything raised on these diverted acres to livestock and poultry would cause the farmer to be denied the payment. Mr. Mark Sullivan was not so far wrong when he gave the bill that interpretation. At any rate, the conference committee got sick and tired of grasshoppers and poultry in connection with the amendment, and the first thing they did was to throw livestock, poultry, and grasshoppers out of the amendment.

Then it was decided that livestock should be protected, insofar as that could be done. The records show conclusively that these diversion programs have not interfered with the livestock or dairy or poultry interests. In the next place, during our hearings throughout the country I asked dairymen, livestock men, and poultrymen whether they had ever been injured by those provisions, and no one said he had been injured. Some of them said they were afraid they might be. That is all in the world that caused this amendment to be offered—somebody was afraid he might in the future be injured—but not one person ever said he was injured.

With reference to livestock men, this provision was inserted for their protection. I think it affords a reasonable protection if the livestock grower ever needs any protection in that respect. This is the provision:

> Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area from such sources is being adversely affected by increases in the supply for market of such livestock or poultry, as the case may be, arising as a result of programs carried out under this act, he shall make an investigation with respect to the existence of such facts. If, upon investigation, the Secretary finds that the income of producers of such livestock or poultry, as the case may be, in any area from any such source is being adversely affected by such increases he shall, as soon as practicable, make such provisions in the administration of this act with respect to the use of diverted acres as he may find necessary to protect the interests of producers of such livestock or poultry in the affected area.

No one has pointed out on this floor, and I think no one will, that such a provision would not serve the purpose of remedying any situation which might arise by reason of the use of these diverted acres. In my opinion it will do so. Therefore, interested as I am in livestock, in my State, and in the entire West, I believe that if any protection is needed this provision will afford that protection. Senators will note also that we finally did get poultry back into the picture in this provision.

The conference committee worked honestly and hard. We tried to consider every problem presented to us from a practical standpoint. There was the question of including livestock in the normal provision under which dairying belongs. The fact is that it is almost impossible to determine the normal number of livestock, because of feeding conditions in the West. A man may feed no livestock this year, and may feed two or three hundred next year; he may feed 2-year-olds this year, and 4-year-olds next year. So far as poultry is concerned, it seems almost ridiculous to attempt year after year to check up on the number kept by the average farmer. Therefore we applied the general provision to livestock and to poultry.

I have discussed this amendment at some length because I wanted those Senators who do me the honor to remain here and listen to know that we have treated the dairy interest, and the livestock interest and, I believe, the poultry interest, fairly in this bill. As I see it, there can be no reason for complaint on the part of any of them.

Another disputed or controversial point in connection with this bill was the matter of graduated soil conservation payments. It will be recalled that in the House, provision was made for graduating payments. All who received $1,000 and more were cut 25 percent under the House bill, and the limit was $7,500. The Senate bill provided for even more severe cuts on those who received the larger payments. Ninety-five percent was cut on all those receiving over $2,500.

The fact of the matter is that the cuts in those large amounts would not produce a great deal of money which would apply to those receiving the smaller payments. So a plan was worked out which I think it entirely fair and will accomplish the purpose intended, of increasing the payments of those receiving the smaller amounts.

Approximately 10 percent of the entire fund would be set aside to make payments to those receiving less than $200. The figure of $200 was fixed because that would include those on the so-called family-sized farms. Those living on the smaller size farms will receive substantial increases in the amount of their payments. Assuming that $500,000,000 would be appropriated for this purpose, 10 percent of that amount would be $50,000,000, which would be used in increasing the payments of those who receive the smaller amounts. For instance, on all payments of $20 or less, an increase of 40 percent in the payments is provided in the conference report.

So that matter was settled in that manner, and we feel it is a fair and effective way to accomplish the purpose intended by both Houses.

There is considerable difference between the two bills as to the point at which marketing quotas would go into effect. Under the House bill the marketing quota on wheat would go into effect when the production of 1,050,000,000 bushels is reached. Under the Senate bill it would go into effect with the production of 847,000,000 bushels. The compromise was reached at 945,000,000 bushels.

With reference to corn, the House bill provided that there would be a marketing quota when the total supply was 2,859,000,000 bushels. Under the Senate bill it was provided that when the total supply was 2,555,000,000 bushels a marketing quota would have to go into effect, or at any rate to be submitted to the people for a vote. Under the compromise agreement 2,795,000,000 bushels was agreed upon.

As to cotton, under the House bill there was a provision that there must be a total supply of 20,900,000 bales before a marketing quota could go into effect. Under the Senate bill 17,550,000 bales would invite the marketing quota. The compromise is 19,500,000 bales.

In tobacco and rice both the House and Senate provisions were substantially the same.

An interesting thing was done with reference to penalties. There was considerable opposition to the bill on account of the penalties, both in the House and in the Senate. Under the Senate bill as to wheat the penalty was 25 percent of parity, or about 30 cents per bushel. Under the House bill the penalty was 15 cents a bushel. The conference committee adopted the House provision for 15 cents a bushel.

As to corn, the House bill contained a penalty of 15 cents a bushel. Under the Senate bill it was 25 percent of parity, which would be about 21 cents a bushel. The conference agreed on 15 cents per bushel.

As to cotton, under the House bill there was a penalty of 2 cents a pound for marketing in excess of the quota. Under the Senate bill the penalty was 75 percent of the purchase price, or about 6 cents a pound. The compromise was 2 cents a pound for 1938 and 3 cents a pound thereafter.

One-half cent a pound was the penalty as to rice contained in the Senate bill, and a quarter of a cent in the House bill. The conference committee adopted the House provision of one-quarter cent a pound on rice.

The report contains numerous minor changes to reconcile the provisions of the two measures. With reference to the assignment of the benefit payments there was considerable discussion. Finally it was agreed that assignments might be made without discount and for the purpose of obtaining advances to make and harvest crops. But assignments could not be made to apply on preexisting indebtedness.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER (Mr. McGILL in the chair). Does the Senator from Idaho yield to the Senator from Georgia?

Mr. POPE. I yield.

Mr. GEORGE. Is the Senator referring to assignments of benefit payments under the Soil Conservation Act?

Mr. POPE. Yes. With reference to administrative expenses, there was some discussion, but the Senate provision with reference to limiting those expenses was adopted. One percent would cover the expenses for the District of Columbia. Two percent of the fund could be used for expenses within the States. The county committee expenses would be paid by the county committees themselves, within the provisions and limitations contained in the Senate bill.

With reference to type 41 tobacco, an agreement was finally made that it would remain in the bill, but there would be no marketing quotas for the first 2 years, 1938 and 1939.

I have attempted to cover those points about which there has been interest and discussion. I think it will be unnecessary to go into the many minor changes that were made to reconcile the different provisions of the bill.

The conference committee worked long and earnestly, never forgetting for a moment that it was the welfare of all the farmers that they were seeking to promote as well as the weal of the consumers in the country. They never forgot that the farmer feeds and clothes the world, that on his shoulders ride the millions of people who do not produce the raw materials necessary to human life. The committee never forgot that industry receives billions of dollars every year as beneficiaries of the protective tariff and the consumers pay the bill. It has been estimated that these tariff benefits amount to from four billion to seven billion dollars a year. For that reason the prices of farm products have been losing their purchasing power year after year. Every political party has been promising the farmers equality with industry during every campaign for 50 years. It is about time that these promises be fulfilled. The Congress of the United States will never have performed its duty until these pledges are kept.

During the debate on this bill it has been said that the country cannot afford to raise $200,000,000 or $300,000,000 more to place agriculture on an equality with industry by paying parity prices for the farmers' commodities, yet the people of this country go on year after year under the tariff laws passed by Congress paying billions of dollars to the powerful industrialists of the country.

Some of us will continue our efforts to see that Congress redeems its pledge to the farmers to place them on a basis of equality with industry in our economic system.

Mr. BONE. Mr. President, will the Senator yield?

Mr. POPE. I yield.

Mr. BONE. During the consideration of the pending bill by the Senate and House conferees, was any consideration given the so-called cost-production theory advanced in the substitute offered by the Senator from California [Mr. McADOO]? I may say to the Senator that I voted for that measure, and I believe in that principle, and am sorry that the measure was not adopted.

Mr. POPE. I will say to the Senator that some discussion was had among the conferees about it, but since it had been voted down in the Senate, and had not been placed before the House, we felt that we had no jurisdiction to consider the matter. We did not have in mind at the time the broad rule invoked today as to the powers of conferees, and therefore we felt that we were bound to follow generally the provisions of the House and Senate bills.

Mr. BONE. In view of the fact that the conferees rewrote the entire bill, I assumed that they felt that they had all the latitude they needed. They brought back an entirely new bill.

Mr. POPE. I will say to the Senator from Washington that the language is very largely rewritten, but many of the provisions of the House bill and Senate bill even in language are identical. An entirely new bill was not written in the sense that everything else was thrown out of the window and a new bill was written. We did try to keep within the bounds of the two bills.

I now yield the floor.

Mr. HATCH. Mr. President, I desire to place in the RECORD at this time the latest table which has been furnished me by the Department of Agriculture, concerning the allotments to the various States under the provisions of the bill as it relates to cotton. I ask that this table may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Estimated State acreage allotment based on H. R. 8505, Feb. 5, 1938 [1]

State	Apportionment of the 10,000,000-bale marketing quota (1,000 bales)	State acreage allotment (1,000 acres)	60 percent of 1937 planted plus 60 percent of 1937 diverted acres (1,000 acres)	Excess of column 3 over column 2 on a county basis [2]		Revised State acreage allotment—column 4 plus column 6 (1,000 acres)
				Number of counties	1,000 acres	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Alabama	929.8	1,908.9	2,059.6	3	0.3	2,059.9
Arkansas	910.4	2,046.1	2,283.6	14	4.8	2,288.4
Florida	23.8	72.0	72.7	19	1.5	74.2
Georgia	910.2	1,836.9	2,005.5	7	.4	2,005.9
Louisiana	524.8	1,076.0	1,168.1	9	1.0	1,169.1
Mississippi	1,248.1	2,296.0	2,528.6	0	0	2,528.6
Oklahoma	526.4	2,148.9	2,025.7	58	149.4	2,175.1
South Carolina	628.9	1,130.9	1,255.6	1	.1	1,255.7
Texas	2,772.6	9,011.5	9,573.7	89	163.6	9,737.3
Kentucky	9.3	15.5	18.1	0	0	18.1
North Carolina	517.1	807.1	886.3	1	.4	886.7
Tennessee	352.5	666.3	749.0	0	0	749.0
Virginia	26.7	44.7	49.2	8	.4	49.6
Illinois	1.4	2.6	2.9	0	0	2.9
Missouri	195.5	284.9	357.0	4	.1	357.1
Arizona	104.7	110.2	186.6	0	0	186.6
California	240.0	211.2	385.0	0	0	385.0
Kansas	.2	.9	.7	4	.2	.9
New Mexico	77.6	82.8	97.5	4	.2	97.7
United States	10,000.0	23,753.4	25,705.4	221	322.4	26,027.8

[1] This tentative apportionment is based on the conference draft of H. R. 8505 as interpreted by the southern division of the Agricultural Adjustment Administration. The data contained herein are preliminary and are subject to change. Minor errors may exist in these data for some States. Both State and National totals are, therefore, subject to change.

[2] The amounts, by States, by which 60 percent of the sum of the 1937 planted, plus diverted, acreage for each county exceeds such county's share of the State acreage allotment is shown in column (6). No part of the reserve for new growers provided for in sec. 344, subsec. c (1), was withheld.

Mr. HATCH. I desire to call attention to one other point, because I was asked about it this morning by the Senator from Oklahoma [Mr. THOMAS]. A table was placed in the RECORD the other day showing that under the Senate bill the State of Oklahoma would have been allotted 2,696,000 acres, while under the bill as reported by the conferees that State would be allotted 2,175,100 acres; in other words, Oklahoma would sustain a loss of 520,900 acres.

The tables which I have received do not indicate that statement to be correct. In fact, they indicate that the figures cited are entirely erroneous, and that under none of the bills would the State of Oklahoma receive an allotment of 2,696,000 acres. As a matter of fact, the figure of 2,696,000 acres exceeds the total acreage planted to cotton in the State of Oklahoma in the year 1937. The difference is that under the bill as it passed the Senate the State of Oklahoma would have had an allotment of 1,987,500 acres, while under the bill as reported by the conferees and now pending the allotment is 2,175,100 acres, thus giving to the State of Oklahoma 187,600 acres more than would have been allotted to it by the Senate bill.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Georgia?

Mr. HATCH. I yield.

Mr. GEORGE. Can the Senator from New Mexico tell me the acreage allotted to the State of Georgia according to the table he has presented? Perhaps the Senator can assist me. Is the table I have in my hand the same table?

Mr. HATCH. It is the same table.

Mr. GEORGE. That is the last table?

Mr. HATCH. It is the last table.

Mr. GEORGE. Of course, it is not absolutely final.

Mr. HATCH. No; it is only tentative.

Mr. VANDENBERG. Mr. President, I should like to offer just a few observations in connection with the pending conference report, particularly in view of the remarks of other Senators.

I listened to the distinguished chairman of the Agricultural Committee, the eminent Senator from South Carolina [Mr. SMITH], yesterday afternoon in a so-called defense of the conference report. It seemed to me that everything he said could be boiled down to one simple argument, namely, that any farm bill is better than no farm bill. That philosophy seems to me to be suicidal. All change is not for the better, just because it is a change. There still remain a few fundamental truths which it is dangerous to ignore. All innovation is not progress. We are entirely surrounded by proof of this reality today. Another fatal demonstration should not be necessary.

My feeling about this bill is that from the standpoint of intelligible legislation it is the most completely conglomerate mess of involved language which was ever perpetrated upon a heretofore free people. It is so incomprehensible to the lay mind, and so devious in its calculations and commitments, that not five Senators upon this floor—and that estimate is liberal—would dare to undertake to stand an authentic examination upon its terms. Yet it is full of new crimes, offenses, and penalties to which its victimized beneficiaries may be subjected if they run afoul of its mandates, which few of us in the Congress of the United States even pretend to understand.

Indeed, at one point it is provided that any farmer who fails to produce such "books, papers, records, accounts, correspondence, contracts, documents, and memoranda" as the imperial Secretary of Agriculture may require in working out his agricultural logarithms may be fined $500. Of course, if the farmer lacks the $500, he may be jailed.

In other words, having produced a legislative jigsaw puzzle, it is proposed to let the Secretary further complicate the contemplation, and the compulsory restriction of crops will be matched by the compulsory multiplication of agricultural headaches.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Mexico?

Mr. VANDENBERG. I yield.

Mr. HATCH. I thought the Senator was reading from the bill. To what page is he referring?

Mr. VANDENBERG. I have not the page at the moment. I shall be glad to find it for the Senator.

While the cultivation of wheat, corn, cotton, rice, and tobacco goes down, the cultivation of books, papers, records, accounts, correspondence, contracts, documents, and memoranda goes up; and, of course, the countryside swarms with a new army of officious pay-roll bureaucrats, first to interpret, then to administer, and finally to police the most gigantic regimentation ever attempted outside of Russia.

That much of the bill I can understand. But how it is to be interpreted, how it is to be administered, or how it is to be policed remain effectually concealed in 60,000 bewildering words. How the bill for all this is to be paid, or how big the bill will ultimately become, is an inconsequential incidental which I suppose is beneath the consideration of those who are engrossed in the larger problem of how to distribute other people's money.

With great respect for the earnestness with which our conferees have wrestled with their impossible problem, I am unable to believe that legislative folly has ever claimed a greater conquest, or that any other legislative proposal was ever more definitely destined to plague first its intended beneficiaries and then its authors.

Perhaps I am not entitled to express an expert opinion regarding the technique of farm relief. If that be so, I rely for corroboration upon the viewpoint of a farming group which has unimpeachable credentials. I refer to the National Grange.

The verdict of the National Grange on this bill in its new form is little less than shocking. It is almost unbelievable to me that the Senate will consent to a farm bill—presumably for the benefit of farmers—which is condemned by the farmers themselves, speaking through America's oldest farm organization, in the most condemnatory terms I have ever noted in a communication from a farm organization.

I propose to read the statement of the National Grange. It is addressed to the Members of the Senate:

> Our contacts convince us that the overwhelming majority of Grange members throughout the country view with deep disapproval the compulsory features of the new farm bill. Under this legislation, as we see it, the farmer is asked to sell his birthright for a mess of Federal pottage that he does not even get.

That is not a sentiment of mine, although I heartily endorse it. It is the deliberate judgment of the oldest farm organization in the United States, an organization whose judgment upon a problem of this character must be received with respect and consideration. Indeed, the oldest and certainly one of the finest and most representative farm organizations in America asserts as its deliberate conclusion that the pending conundrum, which is called a conference report, asks the farmer "to sell his birthright for a mess of Federal pottage that he does not even get."

I continue to read from the statement of the National Grange, addressed to the Members of the Senate:

> No emergency, however great, could justify Congress in passing the bill in its present form.

There is the answer, on the authority of the Grange, to the suggestion that any farm bill is better than no farm bill, which is the sum total of the argument submitted by the able Senator from South Carolina [Mr. SMITH].

I repeat the statement of the National Grange:

> No emergency, however great, could justify Congress in passing the bill in its present form.

I read further from the statement of the National Grange:

> It would be playing the shabbiest kind of a trick on the farmer—

"The shabbiest kind of a trick!" That is not my phrase, but the phrase of the National Grange.

> It would be playing the shabbiest kind of a trick on the farmer if Congress, under the guise of doing something to help in the solution of his problems, should bind him hand and foot and deprive him of his fundamental and constitutional rights.

It is all very well to talk about the provisions in the bill which pretend to provide some sort of synthetic referendum

under which the growers of a given crop have an opportunity theoretically to express themselves, as being in accord with representative institutions, in spite of the fact that only a percentage of those actually participating in the referendum are to be considered in striking the sum total of the referendum. In other words, even if only 1 percent of the farmers of a given crop should vote, two-thirds of that 1 percent could control the destiny of the other 99 percent. No wonder the Grange says—and again I repeat—

> Under the guise of doing something to help in the solution of his (the farmer's) problems, Congress should not bind him hand and foot and deprive him of his fundamental and constitutional rights.

Let me continue with the letter from the Grange:

> No fair-minded and intelligent person can deny that this proposed legislation is in flat contradiction of all our proclaimed principles and ideals and that its enactment would—

What?—

> would lay the basis of a degrading system of peonage for the farmers of the country.

If I were to say that upon my own responsibility it would be attributed to prejudice; but I am quoting the oldest American farm organization in existence, and one whose judgment must be given respectful attention. Its verdict upon this amazing conference report, which not five men upon the floor of the Senate would assume authentically to explain, is:

> No fair-minded and intelligent person can deny that this proposed legislation is in flat contradiction of all our proclaimed principles and ideals and that its enactment would lay the basis of a degrading system of peonage for the farmers of the country.

Now let me read further from the Grange:

> It is true that certain provisions of the bill that have no connection with the attempt to control the production or marketing of farm products are good and meet with our approval. But the objectionable provisions of this measure far outweigh the good.

There is the appraisal of the bill on the authority of those who certainly ought to know whereof they speak when they deal with the farm problem. This bill is supposed to have been written in response to the wishes of the farmers themselves. Well, here is a very respectable group of farmers whose wishes certainly not only do not find themselves in harmony with this measure, but whose wishes are violated and whose fundamental right and equity are utterly ignored.

I read further:

> If this legislation is to be enacted it should first be stripped of its compulsory features. It should be redrafted or amended in conformity with—

In conformity with what? This is the Grange speaking—in conformity with what?—

> with American principles and traditions.

I continue to read:

> If the parliamentary situation is such that the bill cannot be amended, it should be killed outright and one that would really do the farmers some good should be written and passed at this session of Congress.

The statement is signed by the National Grange and authenticated by Mr. Fred Brenckman, its Washington representative.

Mr. BARKLEY. Mr. President, will the Senator inform us of the date of that communication?

Mr. VANDENBERG. It is dated February 9, 1938—recent, imminent, and applying specifically and directly to the thing that is now at the bar of the Senate.

Mr. President, I happen to agree with the attitude of the Grange that this is simply a system of delegated tyranny, and, in my humble judgment, the farmer himself little knows the extent to which it may go, as, in my judgment, the authors of the bill little know the extent to which it may go, because the language of the bill itself is so inscrutable that only a crystal gazer would be able to understand where it may lead. It will go to an extent, I repeat, in delegated tyranny which within 12 months will bring an overwhelming protest from those for whom it is presumably intended.

Mr. President, I have another very interesting letter from Mr. Louis B. Ward, of Detroit, Mich. Mr. Ward happens to be something of an economic philosopher. He is well known, I think, in many Senate committees, before which he has testified on many occasions. He deals with this subject from another angle. His letter is brief and I propose to read it. I think every Senator has received a copy. This copy happens to be addressed to me and is dated February 8, 1938.

> Now comes from "conference" the agricultural bill.
>
> Behind the bill is the false teaching that scarcity is the parent of prosperity. In other words, the less cotton and wheat and corn, the richer we will be.
>
> Against that false principle lies the great economic truth that is revealed in Genesis. It is the story of the Creator giving His creatures abundance.
>
> Yet, aside even from the principle involved, the bill is a damnable distortion of the plain facts of economic history. You and I know that no single generation of men throughout recorded time ever suffered from abundance. On the contrary, throughout recorded history men have labored, in the sweat of the face, to wring from a resisting Nature enough for food and clothing and shelter.
>
> In our brief lifetime, think how many millions have actually starved to death. It is idle sophistry to pronounce pious platitudes over the sacredness of human life and then ruthlessly curtail plant life while one child is hungry or naked in any part of the world.
>
> Not only is the philosophic principle behind the agricultural bill false, not only does this bill ignore economic history and current world conditions, but it is grossly short-sighted from the national viewpoint.
>
> Who is there that does not know that every bale of cotton or bushel of wheat denied American production will not have its equivalent bale of cotton or bushel of wheat, of lesser quality of course, grown abroad? The price of these commodities is the price fixed by the lowest production costs throughout the world. Under the bill we forsake the opportunity to produce abundantly the high-quality products of America. Foreign nations will quickly produce volume equivalents, but of quality which will still further reduce the world price.
>
> Finally, the bill cannot be conceived as merely an agricultural bill. The economic interpretation of a bale of cotton or a bushel of wheat is not confined to agriculture. It affects the labor that transports the crop to the gin or grain elevator. It intrudes itself in transportation, warehousing, financing, handling, insurance, marketing, distribution, processing, jobbing, wholesaling, and retailing.
>
> Curtailing production 20 percent may seem like solving a surplus problem. Actually such curtailment is merely increasing the labor problem, the railroad problem, and every other economic problem facing America today.
>
> The Pilgrim Fathers were made richer by planting more hills of corn; the Virginian by planting more acres of tobacco. In decent memory to those who built the Nation by developing its natural resources, don't tell a Governor Winthrop of colonial Massachusetts to plant less hills of corn. Even Chief Samoset would laugh. Don't tell George Washington that a surplus causes poverty. His men were starved at Valley Forge through scarcity, not abundance.
>
> I believe the agricultural bill is wrong in principle. I believe this bill would bring disaster to the farmer, if not to the entire country. I believe that Congress is able to draft much better legislation.

Then, with a personal observation, there follows the signature of Mr. Ward.

Mr. President, in these brief exhibits, I have indicated to the Senate why I believe this present contemplation to be completely insufferable. Perhaps if I could understand all the devious sections of the bill I might be more enthusiastic about it, but I really find that difficult beyond any possibility of answer when I read some of the amazingly complex sections of it. I wish to put one example in the RECORD.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield before doing that?

Mr. VANDENBERG. I yield.

Mr. SCHWELLENBACH. The Senator has read a very interesting letter from Mr. Ward in the conclusion of which he said that much better legislation could have been prepared by the Congress. I should like to inquire of the Senator from Idaho [Mr. Pope], or anyone else who was actively interested in this bill, whether Mr. Ward ever presented any suggestion as to better legislation?

Mr. VANDENBERG. It was not Mr. Ward's responsibility to present it; it is the responsibility of the Senate to create it, and the Senate had a chance to build upon a far sounder basis if it had built upon the substitute proposed by the distinguished junior Senator from California [Mr. McADOO].

Mr. SCHWELLENBACH. May I suggest, if the Senator will yield further, that, in my opinion, any individual who takes it upon himself to write a letter such as Mr. Ward has written to Members of the Senate does have some responsibility. There are too many people in this country today who are not at any time presenting any constructive suggestions but who are standing off to one side and criticizing everything that is attempted to be done. I think that such people do have a responsibility, and that responsibility not only rests with Mr. Ward but it rests with the members of the opposition party, who, for the last 5 years, have done nothing but criticize and have never presented any constructive suggestions.

Mr. VANDENBERG. The Senator may lay that unction to his soul; but it is his responsibility to pass upon this conference report, and he cannot sublet that responsibility to another living soul on earth, and neither can I.

Mr. POPE. Mr. President——

Mr. VANDENBERG. I yield to the Senator from Idaho.

Mr. POPE. I did not quite understand the Senator's reference in the first part of his speech to the farmer who would be penalized $500 for not producing books and records. Will the Senator make clear to me what his statement was with respect to that matter?

Mr. VANDENBERG. Has the Senator the section of the bill in hand? He wrote the bill. He ought to know where it is.

Mr. POPE. I have a section of the bill, but it has nothing to do with the farmer. It applies to the processor, the railroads, and the warehousemen; and I wondered what the Senator referred to when he made his original reference in his speech.

Mr. VANDENBERG. I referred precisely to what the Senator is referring to. It applies to warehousemen, processors, and common carriers of all these various products—all persons engaged in the business of purchasing these products, "and all persons engaged in the business of redrying, prizing, or stemming tobacco for producers." A paraphrasing section with a lesser penalty runs all through the bill in respect to records.

Mr. POPE. Then the only reference the Senator made to farmers was that contained in this section, which, as I interpret it, does not apply to farmers generally at all. It applies to warehousemen, common carriers, and purchasers of these commodities.

Mr. VANDENBERG. And all others who are embraced within the language I have read.

Mr. POPE. None of whom are farmers.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. VANDENBERG. Yes, Mr. President; I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I am rather amazed at the statement of the Senator from Idaho. Do I correctly understand that the Senator from Michigan quoted paragraph (b) of section 373 of the conference report?

Mr. VANDENBERG. I quoted paragraph (a).

Mr. O'MAHONEY. If the Senator will quote paragraph (b), which apparently has been overlooked by the Senator from Idaho, he will find a complete answer to the Senator from Idaho and a complete substantiation for the position of the Senator from Michigan that farmers will be required to make such reports.

Mr. VANDENBERG. I thank the Senator from Wyoming. I was just coming to some of the other penalties, which are scattered all the way through the bill.

Mr. POPE. Mr. President, will the Senator yield for a question?

Mr. VANDENBERG. I yield to the Senator from Idaho.

Mr. POPE. The Senator from Wyoming certainly does not contend that the $500 penalty referred to by the Senator from Michigan as being applicable to farmers is covered by subsection (b) on page 91?

Mr. O'MAHONEY. Oh, no; I do not say that. I do say that under this bill farmers are subjected to a very rigorous nature of regimentation; in other words, that under this bill farmers are subjected to exactly the sort of regimentation to which the Senator from Idaho objected when he was making his argument against the McNary amendment.

Let me read this provision, if the Senator from Michigan will permit me to do so.

Mr. VANDENBERG. Certainly.

Mr. O'MAHONEY. I read paragraph (b) of section 373:

> Farmers engaged in the production of corn, wheat, cotton, rice, or tobacco for market shall furnish such proof of their acreage, yield, storage, and marketing of the commodity in the form of records, marketing cards, reports, storage under seal, or otherwise as the Secretary may prescribe as necessary for the administration of this title.

Under this provision the Secretary has all the opportunity in the world to require every form and manner of report from every farmer in every State in which wheat or corn or cotton or tobacco or rice is grown.

Mr. POPE. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. POPE. Certainly the Secretary may require these records; but does the Senator from Wyoming contend for a single moment that there is any penalty on the farmer if he does not produce them?

Mr. O'MAHONEY. Why, no; of course the $500 penalty does not apply.

Mr. POPE. That was exactly the point I raised with the Senator from Michigan when the Senator from Wyoming interjected himself into the debate. It was that no penalty was placed upon the farmer for not furnishing the books and records. That is perfectly clear, and no one can dispute it.

Mr. VANDENBERG. Mr. President, when I was interrupted I was about to show, by one simple demonstration, the impossibility of understanding what it is this afternoon that the Senate is attempting to do, or to understand day after tomorrow what it is that the Secretary of Agriculture will be attempting to do, and most of all to understand the following week what it is that the farmer himself will confront. I shall take just one exhibit.

On page 134 of the comparative print, subsection (c) of the provision as to the domestic allotment of rice has finally been commendably reduced in language to the following sentence:

> The Secretary shall provide, through local and State committees of farmers, for the allotment of each State apportionment among persons producing rice in such State. The apportionment of the domestic allotment of rice among persons producing rice in each State shall be on the basis of the aggregate normal yields of the acreage allotments established with respect to such persons.

Mr. President, that condensation, according to the parallel in the comparative print, is the net result of subsection (d) in the old Senate print of the bill. So when we try to find out precisely what that means in terms of details, we must revert to subsection (d) of the Senate print.

Now I desire to read just one sentence. It will take quite a while, but it is just one sentence from subsection (d). There are 199 words in it, but this is the rule of allotment:

> Such allotment for subsequent years shall be made on the basis of the larger of (1) the average amount of rice produced by each producer during the 5-year period upon which State apportionments pursuant to subsection (c) are based for such year, or (2) the allotment made to such producer for the preceding year, with such adjustments as may be necessary in order that the allotment for each producer shall be fair and reasonable as compared with allotments established for other producers having similar conditions with respect to the following: Land, labor, and equipment available for the production of rice; crop-rotation practices, soil fertility, and other physical factors affecting the production of rice: *Provided*, That not exceeding 3 percent of the national apportionment shall be available for allotment among producers who, for the first time in 5 years, produce rice to be marketed in the marketing year next succeeding the marketing year in which such national apportionment is made, such allotments to be made upon such basis as the Secretary deems fair and just and will apply to all producers to whom an apportionment is made under this provision uniformly within the United States on the basis or classification adopted.

[Laughter.]

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. VANDENBERG. Yes; I yield.

Mr. SCHWELLENBACH. Will the Senator please pick up the comparative print?

Mr. VANDENBERG. It is a bit heavy.

Mr. SCHWELLENBACH. Well, I do not care. The Senator need not pick it up. He may get another one.

I ask the Senator to look at page 134.

Mr. VANDENBERG. Yes.

Mr. SCHWELLENBACH. The fact is that section (c), shown on the fourth line, is the exact language of section (d) of the House bill, taken word for word, precisely. So I ask the Senator from Michigan if it is not the fact that instead of section (c) of the conference report being a condensation of section (d) of the Senate bill, it was the acceptance by the Senate conferees of the language of the House bill, and there is no relationship between section (c) of the conference report and section (d) of the Senate bill; and the only reason why the Senator referred to section (d) of the Senate bill was that he wanted the opportunity to make a show here, and read this long section which the conferees abandoned.

Mr. VANDENBERG. Will the Senator explain to me what section (d) of the Senate bill means, so that I may find out whether it has any relation to section (c) of the conference print?

Mr. BARKLEY. Mr. President, if the Senator will yield at that point, what difference does it make, if it has been eliminated? [Laughter.]

Mr. VANDENBERG. It makes a great deal of difference, because section (c) now is so brief in respect to the philosophy of the apportionment which is to be followed that when I try to find out what is contemplated under (c) I am forced to go back to (d) for the rule of conduct.

Mr. SCHWELLENBACH. Mr. President, the Senator realized before he started that the language of section (c) of the conference report was precisely the language of section (d) of the House bill, did he not?

Mr. VANDENBERG. No; I did not, and it makes no difference.

Mr. SCHWELLENBACH. Had not the Senator read the three comparative prints?

Mr. VANDENBERG. Yes; here it is, on the House bill side.

Mr. SCHWELLENBACH. Precisely the same language that the conferees adopted.

Mr. VANDENBERG. That is correct.

Mr. SCHWELLENBACH. Then why did the Senator make the contention that section (c) was taken from the Senate bill?

Mr. VANDENBERG. For the very reason I have indicated—that the philosophy of the Senate bill and the philosophy of the House bill presumably are harmonious in respect to apportionment, and the apportionment rule I have read is evidently the one which details the process which is ultimately to be followed.

Out of the conference report itself many involved sentences of the same nature are available. The Senator from Maryland [Mr. TYDINGS] yesterday read one which it would take a Philadelphia lawyer to unravel.

Mr. POPE. Mr. President, will the Senator yield at that point?

Mr. VANDENBERG. Yes.

Mr. POPE. The provision read by the Senator from Maryland yesterday was the McNary amendment.

Mr. VANDENBERG. That does not make the slightest difference. It is in the bill.

Mr. POPE. Yes; but it was forced into the bill over the objections of the sponsors of the bill.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER (Mr. McGILL in the chair). Does the Senator from Michigan yield to the Senator from Oregon?

Mr. VANDENBERG. I do.

Mr. McNARY. May I correct the able Senator from Idaho? It was not the amendment I offered. It was a substitute worked out by the conferees.

Mr. POPE. But the language read by the Senator from Maryland was the exact language contained in the original amendment of the Senator from Oregon.

Mr. McNARY. It was not the exact language. It is the modification worked out by the conferees.

Mr. POPE. My understanding was that the part read by the Senator from Maryland was the part which came in the original amendment.

Mr. McNARY. In that the Senator is mistaken. The Senator from Maryland read from the conference report.

Mr. TYDINGS. Mr. President, will the Senator from Michigan yield?

Mr. VANDENBERG. In one moment. The disagreement over the subject is simply typical of the mystifying situation which confronts us upon the bill at any single point, and inasmuch as I rose only to register briefly my reason for opposing the conference report, I think I will postpone to the time of other Senators any attempt to harmonize their inharmonious views.

I have presented a letter from the National Grange, which, in my judgment, comes from as thoughtful a group of American farmers as exists in this country. I have stated that it presents my basic philosophy in respect to this situation. I have asserted that the bill itself is utterly un-understandable, and I conclude by stating once more that I think the Senate is not entitled to proceed, particularly in view of the situation with which we are confronted this morning.

The bill was not written in the Senate or the House; it was not written by 435 Representatives and by 96 Senators. It was written by 4 Representatives and by 6 or 7 Senators, and we, the body of the Congress, confront no opportunity except to say "yes" or "no" to the entire contemplation, and I am forced under all these circumstances to say that my answer is "no."

I ask unanimous consent to have printed in the RECORD at this point an Associated Press dispatch from Lansing, Mich., describing the attitude of the State agricultural commissioner of Michigan; and in addition, as indicating the widespread nature of the opposition to this bill, I ask unanimous consent to have printed in the RECORD a very illuminating, persuasive, and challenging letter from the commissioner of agriculture of the State of Texas.

The PRESIDING OFFICER. Without objection, the dispatch and letter will be printed in the RECORD.

The matter referred to is as follows:

State Agricultural Commissioner John B. Strange charged today that the ever-normal granary farm-relief bill proposed in Congress would discriminate against Michigan agriculture.

Strange asserted Michigan has failed to receive an average benefit under existing farm-relief legislation and would receive less under the proposed law, which calls for the storage of surplus corn, wheat, cotton, tobacco, and rice during years of surplus with Federal loans to the distressed growers.

Strange sent telegrams to members of the Michigan delegation in Congress asking them to propose that benefits be extended to the growers of beans, potatoes, apples, and grapes.

Strange said a survey showed 4.7 percent of the Nation's farm income was derived from Federal aid, but that only 2.7 percent of the cash income of Michigan farmers in 1937 came from the Federal Government. He estimated the farmers' income in this State last year at $246,198,000, of which $6,998,000 represented Federal aid.

"That means," Strange said, "that some States have received greater benefits than Michigan. Yet Michigan pays a large part of the bill through its taxes. We are entitled to equal assistance."

DEPARTMENT OF AGRICULTURE,
STATE OF TEXAS,
Austin, February 9, 1938.

Senator ARTHUR H. VANDENBERG,
Senate Office Building, Washington, D. C.

DEAR SENATOR: There is imperative need for national farm legislation which would be constructive and which would assure each farmer his fair share in the American market at an American price and leave the farmer free to produce any amount for foreign markets he may desire.

The farm bill, as per the conference committee print, would continue a policy of scarcity, Government control, and bureaucratic regimentation, under which the farmer would exchange his American freedom for less than a mess of pottage.

The policy of attempting to control and reduce agricultural products will drive people off the farms, onto relief. It will in-

crease the debts and taxes, diminish purchasing power, and curtail employment. Under this economically fallacious bill our farmers will face both short crops and low prices, which will be disastrous to them and the Nation.

The farm bill, as per the committee print, will not solve the agricultural problems but will cause further loss of foreign markets. Agriculture is our basic industry, and there is no good reason why the Congress of the United States should pass an impractical, indefinite, un-American, and perhaps unconstitutional farm measure.

If the present farm bill is fully discussed on the floor of the Senate, its fallaciousness will be disclosed and the Congress will substitute therefor a farm bill which will give the farmer a definite and practical program and one that will benefit all groups of American citizens as much as it does the farmer himself.

Please read the enclosed leaflet very carefully.

With best wishes, I am,

Sincerely yours,

J. E. McDONALD,
Commissioner of Agriculture.

Mr. COPELAND. Mr. President, from the time the bill was before the Senate in November to this day the farmers of the United States have had an opportunity to study the measure and to form rather final decisions as to its merits, I think. So far as my correspondence indicates, it is very significant that all the farm groups in my State who were in original opposition to the bill are in greater opposition to the measure as it comes to us now. I find that the Grange, the New York branch of the American Farm Bureau Federation, the Dairymen's League, and other similar organizations are still in opposition, and in even more bitter opposition than they were formerly.

I shall not repeat many things I attempted to say when the bill was before us originally. I do wish to emphasize one thought which I tried to present then, that no theory in economics has been more thoroughly repudiated than the doctrine and philosophy of scarcity.

I, too, had a letter from Mr. Ward in identical language, I think, with that presented by the Senator from Michigan [Mr. VANDENBERG]. Mr. Ward points out what some of us tried to say in December, that the doctrine of scarcity is fallacious. It must be evident that every time when, by legislation or otherwise, we reduce the production of cotton by one bale, or the production of wheat by one bushel, or the production of corn by one hundredweight, it does not mean that the world is going to be forced to use less cotton or less wheat or less corn. If the particular product of the farm is not raised in the United States, it will be raised somewhere else.

If I were a cotton farmer in the United States, therefore, it seems to me I would be resentful of the application of a philosophy which demanded of me that I must reduce my production, because, as sure as fate, there will be increased production somewhere else in the world where cotton can be raised. As we go on with our efforts to reduce production on the theory that we are going to increase prices we are simply beginning to strangle ourselves by reason of the development elsewhere of cotton production, wheat production, and corn production.

What I say today is a repetition, in brief, of what I said in December at considerable length. I do think the philosophy of the bill is entirely wrong.

I realize the difficulties of the American farmer. I am not wise enough to present any plan of relief, but logically, historically, by every standard of measurement, the plan presented to bring about scarcity, in the hope of bringing about increase in prices for the moment, ultimately will bring disaster to the Nation which practices that philosophy.

Mr. President, I am not alone in this thought. I shall not read the communications I have, because I know how useless it is to say anything about a measure which is so definitely on the way to enactment as is the bill before us. But I do wish to say that from every part of my State there have come protests against the proposed legislation. They are not alone protests from the dairy interests. I trust the amendments presented by the conference committee affecting dairying may be helpful, although that is questionable. But from the bottom of my heart I say to my brethren in the Senate that the doctrine of the bill is wrong. If we had to think only about humanity, the need for food for our own people, and for people all over the earth, if there were no other reason, that ought to be a compelling one. Surely we ought not to inaugurate a plan which would mean the production of less food when there are millions in this country and millions abroad in need of more food.

To attempt the application of a philosophy which has been demonstrated through the years to be a fallacious one is wrong. It seems to me that, with all the history back of us, it is an absurdity and a wrong thing for us to enact this bill into law.

Mr. DAVIS. Mr. President, it is a notable fact that the pending legislation and its compulsory features have been condemned in the very strongest terms by the National Grange, an organization which has shown over a long period of time great devotion to the interests of American agriculture. Pennsylvania is a great agricultural State. We are proud of the diversification of agriculture there. None of my constituents has asked me to vote for this bill.

The spirit of the measure is Fascist, and quite opposed to the liberty of choice and action which we have been taught to cherish in a free land. I am opposed to the compulsory regimentation which is required under the bill. At the same time I strongly believe that something should be done for American agriculture so that the farmer may get more for his basic production, a larger share in the retail price of farm products.

I ask unanimous consent to have printed in the RECORD as a part of my remarks two excellent editorials, one from the Philadelphia Inquirer for February 10, 1938, and the other from the Pennsylvania Farmer for November 20, 1937, together with the letter from Mr. E. N. Wright, 3d, of Philadelphia, who sent the latter editorial to me.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

[From The Philadelphia Inquirer of February 10, 1938]

AS IF THE COST OF LIVING WERE TOO LOW!

According to schedule, the House of Representatives yesterday jammed through the farm-relief bill, which would be more accurately entitled a measure to raise the cost of living through doubly soaking everybody's pocketbook.

Under a gag rule only 4 hours had been grudgingly granted for debate. Four hundred hours might have illuminated some of the details, but without putting this whole piece of hodgepodge, crazy-quilt legislation in any better light before the people.

Many of the most experienced Members of Congress admitted they couldn't understand it. But they voted for it. Their primary reason may have been the spring primary that is looming on the horizon, or the date in next November which has a ring around it on their office calendars.

It is quite certain that most of the folk back home don't understand it. But if this measure becomes a law, their blissful ignorance will not last long. The true meaning will begin to dawn when they have to go down in their pockets to foot the double bill—first, for higher prices of food and, second, for taxes to finance the cash hand-outs to the favored farmers.

Sales taxes are bad enough, but usually they do not apply to food. Here is a proposed gigantic, Nation-wide sales tax in effect that hits everybody who eats, jacks up the price tags in the family market basket and filches an extra forced contribution for the benefit of the privileged dwellers in the Corn Belt and the land of cotton.

All this at a time when the administration is declaring that prices must come down in order to increase the buying power of the country—that is to say, prices of manufactured products on which the wages of industrial workers depend. The fact that raising the cost of the necessaries of life will cut the buying power of these wage earners seems to have been conveniently overlooked.

The special session wrangled 6 weeks over this bill and then dumped it on the doorstep of the Senate-House conferees to see what they could make of it. In the words of Dr. James E. Boyle, professor of rural economy at Cornell, they have "gathered together all the mistakes of the past and offered them to the Nation as 'farm relief.'"

Price fixing is in this bill, but it has proved a costly failure whenever applied by any government.

Marketing control is set up for corn, wheat, cotton, tobacco, and rice. If two-thirds of the producers assent, the other third must conform or pay penalties for exceeding their individual quotas.

An ever-normal granary—termed by economists an abnormal granary—is to take care of surpluses, but it is proposed to double or triple the usual carry-over far beyond commercial requirements. It is charged that impounding this huge reserve of grain would disrupt domestic and foreign markets by causing constant uncertainty regarding supplies and prices.

In addition to bonuses under the present soil-conservation device, the farmers are to receive parity payments to make up the difference between current farm prices and the prices they would get if they were on a highly theoretical parity with prices of industrial products.

Bewildered by all these fancy names for giving away his money to the farmers to produce less so that he will have to pay more, John Citizen may beg pardon for asking just one question: "What is this going to cost me?"

This rapid-fire legislation puts no limit on the cost, which may be hundreds of millions more, not counting what consumers will have to pay. Nobody can even guess at the amount of the parity allowances. The expense of administration, even if "corn cops" and "cow cops" are not put into every field and pasture to catch evaders, will be enormous.

For the extraordinary provision to compel buyers to collect fines from farmers who exceed their quotas is sure to be as unworkable as it is unjust. The Government will have to do its own sleuthing.

This costly compulsory farming bill now goes to the Senate. It is too much to expect that the Senate will knock out the whole ill-conceived measure, but it may be able to soften some of the more obnoxious features that will bear so heavily upon every taxpayer and consumer.

There is far greater need today for consumer relief than for farm relief.

PHILADELPHIA, *February 9, 1938.*

Hon. JAMES J. DAVIS,
United States Senate Building, Washington, D. C.

DEAR SENATOR: The enclosed editorial in November 20, 1937, issue of Pennsylvania Farmer on the failure of agricultural price control is so basically sound, I thought you might find it of some value—coming as it does from the farmers' own mouthpiece.

Very truly yours,

E. N. WRIGHT, 3D.

[From the Pennsylvania Farmer of November 10, 1937]

A CONSPICUOUS FAILURE

After years of effort to make and hold an artificial price on coffee the Brazilian Government has decided to allow Brazilian coffee to compete in the world's markets with coffee from other countries. When the price-sustaining or valorization plan was adopted Brazil appeared to be in good position to control the coffee market and to secure producers a price that would yield them a profit. For Brazil was then the chief producer and exporter of coffee. Under the artificial price other countries took up the production of coffee, and now they export about as much as Brazil does, while in its efforts to control prices and production that country has destroyed 52,547,000 bags of 132 pounds. Here is a clear case of failure to reduce production by attempting artificial maintenance of prices; a striking instance of loss of export markets by the same policy; and a glittering example of failure after all expedients have been tried, such as attempts to educate domestic producers, to secure the limitation of exports by other countries, and destruction of the supplies which would break the market if allowed to be sold. The net result is a bigger surplus now than at the beginning of the valorization plan, more than the world is using even if 70 percent of the latest Brazilian crop were destroyed. All of which goes to show that the best and quickest remedy for a surplus consists of the prices which accompany it, prices which at the same time limit production, expand consumption and prevent the competition of new producing areas. But will this lesson be heeded? Probably not as long as some other plan looks good to the theorists.

Mr. GILLETTE. Mr. President, I intend to vote for the adoption of the conference report, and I am exceedingly anxious to see the bill become a law, but I am even more anxious to see it function after it becomes a law. I have had scant sympathy, as I have listened to the short debate today, with the intimation which has been given in one or two instances in the course of the debate that the conference committee have failed in their obligation and in their duty. I am convinced that if every Senator knew how earnestly the members of the Committee on Agriculture and Forestry of the Senate worked on this legislation, week after week and month after month, and how earnestly the members of the conference committee worked, they would make no such suggestion, because it is absolutely unfair.

I take this occasion, and I think I am justified in so doing, to pay particular tribute to the junior Senator from Idaho [Mr. POPE], than whom I believe there is no Member of the Senate more conversant with the provisions of the bill.

The bill does not suit me. I do not believe it suits the Senator from Idaho, and I do not believe it suits any other Senator in this Chamber. But we have worked since last January to secure the passage of an agricultural bill for the general rehabilitation of agriculture. The President called the Congress into extraordinary session in the middle of November because of the need for the enactment of that type of legislation. Many think it was unwise to have called the special session; but the need was great. We worked as hard as we could work; I know that every member of the committee did. We now have this measure before us. If we do not adopt the report and send the bill back to conference, there is very little prospect of a farm bill being enacted at the present session of the Congress.

Not only that, but the planting season is under way in the South, and it will be under way in the North within 60 days. If the measure is to be of any benefit, if there is to be a loan program put into operation, and if any one of the various types of assistance intended to be given to agriculture by this measure is to become effective we must enact the bill promptly.

Mr. President, as I have said, while I want to see the law work, I do not believe it would be possible to include within a bill a provision that would be more destructive of the efforts to administer it and put it into execution than the substitute which was brought back by the conferees in place of the McNary-Boileau amendment.

I wish at this time to point out why I believe that to be the case, why I believe that it will militate seriously against the success of the law, and to give notice at this time that, while I will do nothing willfully to jeopardize the bill or to prevent its passage, as soon as this measure becomes law, if it does, I expect to introduce a separate bill to amend this particular provision.

If I may be indulged, I wish to call attention to what I have in mind. The conferees worked hard, and, as explained by the junior Senator from Idaho today, they worked with all sincerity in an endeavor to write into the bill a provision which would protect the dairy interests, and at the same time be possible of administration without imposing on the Department of Agriculture the tremendous burden to which he called attention.

Let me invite the Senate's attention to the results. The conferees were successful, in my opinion, so far as the dairy interests are concerned, but they were destructive insofar as the grain interests and the livestock interests are concerned. What does the provision incorporated by the conferees provide? It provides that diverted acreage may not be used for the feeding of dairy cattle, the products of which go to market, beyond the normal number. But the conferees struck from the provision agreed to by both Houses the prohibition against the use of the diverted acreage for the feeding of other livestock and poultry.

There is a provision in section 8 as to the condition for payment. It is provided that diverted acreage shall be used in growing soil-building crops. That is perfectly proper. Or it may be used for the raising of agricultural commodities to be consumed on the farm. What agricultural commodities? Any agricultural commodities, forage crops, alfalfa, timothy, corn, wheat, oats, barley—any of the agricultural commodities, provided they are fed and consumed on the farm. What does that mean? The same section defines it.

As used in this paragraph, the term "for market" means for disposition by sale, barter, or exchange or by feeding to dairy livestock—

Not general livestock—

dairy livestock which, or the products of which, are to be sold.
An agricultural commodity—

That is, any commodity—

shall be deemed consumed on the farm—

Which is permitted—

if fed to poultry or livestock other than dairy livestock.

In other words, a farmer may take every acre out of cotton production, receive the benefits, and raise corn, wheat, oats, barley, and feed it to livestock other than dairy stock—and 85 percent of our grain is so marketed—and thus market it in competition with farmers in other sections, or use the land for grazing, as the Senator from Wyoming [Mr. O'MAHONEY] has pointed out. Is that competition with the livestock industry?

Mr. HATCH. Mr. President, will the Senator yield to me for a moment?

Mr. GILLETTE. I yield.

Mr. HATCH. I ask this question in all earnestness, because there is a decided misapprehension about this bill. The Senator has just said that the bill was destructive.

Mr. GILLETTE. I referred to this particular provision.

Mr. HATCH. Will the Senator now explain how it is any more destructive than the Soil Conservation Act has been in the past?

Mr. GILLETTE. It is an entirely different proposition, if the Senator will permit me to say so.

Mr. HATCH. Very well. I should like to have the Senator explain to me how it is any more destructive than the provisions of the present Soil Conservation Act have been in the past.

Mr. GILLETTE. Under the regulations under which the Soil Conservaion Act has been administered up to the present time, there was the possibility of using the diverted acreage for competitive purposes under the Soil Conservation Act. Under the regulations in conformity with which it was administered, payments were conditioned on the crop use of the diverted acreages.

Mr. HATCH. As a matter of practice, has it not been permissible to use the diverted acres under the Soil Conservation Act?

Mr. GILLETTE. Under the regulations, I believe not. But, Mr. President, let us, for the sake of argument, grant that such use has been permitted. It is no argument that has any competency or force that we should not only embody in this bill the provisions to continue soil-conservation payments, but to approximate parity payments in the other five categories listed.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. HATCH. I call the Senator's attention to the fact that under the bill only those payments are to be made which are made under the Soil Conservation Act.

Mr. GILLETTE. Mr. President, I cannot help feeling that the learned Senator is mistaken.

Mr. HATCH. I should like to understand wherein I am mistaken.

Mr. GILLETTE. The report refers definitely to section (b), which provides five distinct categories under which payments or grants may be made by the Secretary of Agriculture.

(1) Their treatment or use of their land * * * for soil restoration, soil conservation, or the prevention of erosion—

That is the Soil Conservation Act—

(2) changes in the use of their land; (3) their equitable share, as determined by the Secretary, of the normal national production of any commodity; * * * (4) their equitable share, as determined by the Secretary, of the national production of any commodity or commodities required for domestic consumption and exports; * * * (5) any combination of the above.

These are five distinct categories which are foundations for the payments to be made under this measure.

Mr. HATCH. And are they not all included under the present Soil Conservation Act?

Mr. GILLETTE. I believe, under the regulations, they are not. I will further say to the Senator that if he is correct, and that is the true situation under the existing act, it is no argument why we should continue such a practice under the provisions of the proposed act. Will any member of the conference committee, or any Senator in this Chamber, show me anything in the provision reported by the conferees that will prevent any farmer operating under the Soil Conservation Act from diverting acreage and using such diverted acreage, not for soil-building purposes, not for the growing of crops that are to build up the land and prevent erosion, but for feeding livestock other than dairy stock and marketing it? In my State a farmer can take land out of corn production and put it into oats, into barley, into alfalfa, hay, or forage crops, and feed the crops to stock, if he markets the stock on the hoof.

Mr. POPE. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. POPE. I merely verify my understanding that under the present Soil Conservation Act there is no limitation on the feeding of livestock and poultry on the diverted acres. As a matter of fact, the such feeding on the diverted acres is considered a soil-conserving practice. Therefore, under the present program there is no such limitation as is contained in the McNary amendment at all.

Mr. HATCH. Mr. President——

Mr. GILLETTE. I want to answer the Senator from Idaho, and I wish to pay him a deserved compliment for the work he has done on the bill, and I could not make it too strong.

Mr. POPE. I thank the Senator.

Mr. GILLETTE. I wish to ask the Senator a question. Grant, for the sake of argument, that what he says is true. I do not believe it is, from my interpretation of the regulations under which the Soil Conservation Act has been administered, but granting that it is, is there anything in the provision the conferees have brought back, that will prevent the use of diverted acreage for the feeding of beef cattle, hogs, sheep, poultry, or anything else for market?

Mr. POPE. There is not. I think that is the way it should be, for the reason that there is a further provision to the effect that if the feeding of livestock on the diverted acres results in the injury of anyone else, that is the time for complaint to be made and action to be taken. I do not believe we should restrict the farmer—"regiment" him is the term that has been so frequently used—so that he may not feed his livestock, his dairy cattle, his beef cattle, his poultry, his sheep, his hogs, or any other stock that he has, upon the diverted acres as well as upon any other acres, so long as his doing so does not do harm to anyone else. When it does harm to anyone else the conference report provides a remedy for the situation, and I think that is proper.

Mr. GILLETTE. Mr. President——

Mr. O'MAHONEY. Will the Senator permit me to interject a remark at this point?

Mr. GILLETTE. Certainly.

Mr. O'MAHONEY. After having listened to the statement of the Senator from Idaho, I wonder why, in those circumstances, the conferees did not adopt the amendment which was proposed by the Senator from Alabama [Mr. BANKHEAD] upon the floor of this body on the 17th of December, when he made a motion for the reconsideration of the McNary amendment. The amendment of the Senator from Alabama would have accomplished what the Senator from Idaho indicates is desirable. It would have afforded protection. But we could not get a single commitment from any member of the Committee on Agriculture that the conferees would stand by the Bankhead amendment, and therefore we ourselves had to abandon it.

Mr. POPE. Does the Senator from Wyoming now have in mind the provision that the Secretary might suspend the program in the event of an emergency, such as drought, or flood, or any other emergency creating a shortage of feed?

Mr. O'MAHONEY. That is part of the provision.

Mr. POPE. That is distinctly and definitely provided for in the conference report.

Mr. O'MAHONEY. I know; but there was a declaration in the Bankhead amendment—not in the words I am now using—which, as I read it, would have protected the livestock industry from the misuse of diverted acreage. The conferees, however, would not agree to it, and no member of the Committee on Agriculture would rise in his place upon the floor of the Senate to say that he would stand by the amendment which was offered by the Senator from Alabama.

Mr. POPE. The Senator again goes back to the point I raised this morning, and again makes it necessary for me to say that at that time no conferees had been appointed. I did not know whether or not I would be a conferee.

Mr. O'MAHONEY. The Senator was a member of the Committee on Agriculture and Forestry.

Mr. POPE. Not all the members of the Committee on Agriculture and Forestry were appointed on the conference

committee, as the Senator well knows. I did not know whether or not I would be a member. I would not have stood up and made any commitments when I did not know whether or not I would be a member of the conference committee.

To go further, the Senator again makes the mistake of assuming that in the Bankhead amendment there was some provision not contained in the conference report. I will say to the Senator that the provision with reference to emergencies is contained in the conference report, and it ought to be there. The representatives of the dairymen themselves recommended to me the inclusion of such a provision in the draft to which I referred in my statement earlier today.

The Senator from Wyoming seems to think that the cattlemen are in a group off by themselves somewhere, and that the farmers are an entirely different group. I am concerned about the small farmers, as I have pointed out today, one-third of whom get less than $20 in soil-conservation payments, and another third of whom get between $20 and $50.

I know hundreds of them in my State who are just ordinary farmers, who have one cow, two cows, or possibly three cows, and yet they sell some of the products. They may raise a few yearlings and sell them. The two-thirds who receive these payments ought to have the sympathetic consideration of the Congress. Because there are a few men engaged exclusively in the livestock business, they should not be permitted to say to the little farmers scattered all over the country, "You may not do this with your cattle. You may not raise another cow and sell it, because you are in competition with us." I do not believe in any such restriction as that. I want to protect the little farmers, unless it can be shown to me that the big cattlemen are hurt. The conference report affords such protection.

Mr. O'MAHONEY. Will the Senator permit me to insert at this point the provisions of the Bankhead amendment? I desire to read that proposed amendment to the Senator from Idaho, so that there may be no misunderstanding of what was offered to those of us who are representing not alone the big cattle industry but the small cattle industry as well, including the cattle industry of Idaho and Wyoming as well as that of the other States.

This is the amendment which was offered by the Senator from Alabama:

Payments with respect to any farm (except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only) shall be further conditioned upon the utilization of the land, with respect to which such payment is made, so that soil-building and soil-conserving crops planted or produced on lands normally used for the production of cotton, wheat, rice, tobacco, or field corn shall be used for the purpose of building and conserving the fertility of the soil, or for the production of agricultural commodities to be consumed on the farm—

Observe this language:

and not for market.

There was a specific declaration by the Senator from Alabama of a restriction upon the use of diverted acreage which would have answered every argument made by the Senator from Iowa, and which would have answered every protest I have made; but we could not get a single member of the Committee on Agriculture and Forestry to say that if that amendment were written into the bill the conferees who were chosen from the Committee on Agriculture and Forestry would stand by it.

Mr. GILLETTE. Mr. President, I do not want to detain the Senate for any length of time. I know the leader is very anxious to have the pending matter disposed of.

Mr. BONE. Mr. President, will the Senator yield?

Mr. GILLETTE. I yield.

Mr. BONE. I merely want the Senator to yield so that I may ask a question of the Senator from Idaho.

Can the Senator from Idaho tell us what the average payment is, under the Soil Conservation Act, to farmers in the different crop categories?

Mr. POPE. Does the Senator mean the classification according to commodities, such as wheat, corn, cotton, and so forth?

Mr. BONE. Yes.

Mr. POPE. My recollection is that about 25 percent goes to cotton?

Mr. BONE. But what does the average farmer get?

Mr. POPE. The average farmer gets a payment of about $100. As I said a moment ago, about one-third of all the farmers get a payment of $20 or less. Another third get between $20 and $50 in payments. The rest of them get the balance of the payments; but of the three and a half million farmers who have cooperated, two million or more are little one-horse or one-cow farmers. They are the farmers I have been trying to protect in this argument.

Mr. GILLETTE. Mr. President, the conference committee labored wisely and well to protect the little men to whom the Senator has just referred, and the committee has succeeded, in that the small farmer, the man with one or two or three dairy cows, may pasture them upon diverted acreage without being deprived of his payments. That is right and proper. However, in doing that a provision was inserted by the conferees which opens the door wide for the feeding of livestock other than dairy cattle without any restrictions, provided the feed is raised on the diverted acreage and provided it is an agricultural commodity.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. GILLETTE. Just a moment. Let me finish this statement.

A moment or so ago the junior Senator from Idaho pointed out that in the administration of the Soil Conservation Act what I have contended may be true; and the very erudite Senator from New Mexico admits it to be true. But the Senator from Idaho directs attention to the anticipated objection I am now making, which would follow leaving the door wide open.

What was the provision? The provision was to the effect that the Secretary, if he finds that the law is militating against any area, may do what? Adopt regulations? No. He may wipe out the whole thing. Listen to the language:

Whenever the Secretary has reason to believe the income of producers of livestock (other than dairy cattle) or poultry in any area—

Not a farmer, but the farmers in any area—

from such sources is being adversely affected by increases—

What are we trying to do? Are we trying to reward farmers under the Soil Conservation Act for taking acreage out of production and limiting production? Increases are anticipated by the conference committee, just as I anticipate increases, and just as the eminent Senator from Wyoming [Mr. O'MAHONEY] anticipates increases.

If the Secretary finds that the income of producers is being adversely affected by increases in the supply for market of such livestock or poultry, as the case may be, what does he do? If he is convinced of that, he makes an investigation; and, after the investigation is completed, if he finds that the income of producers of livestock and poultry has been adversely affected by an increase in production in other parts—

he shall, as soon as practicable, make such provisions—

As to this particular section or amendment? No!—

in the administration of this act with respect to the use of diverted acres as he may find necessary to protect the interests of producers of such livestock or poultry in the affected area.

Is there any Member of the Senate who thinks that we have any right to clothe the Secretary of Agriculture with blanket authority of that kind, a delegation of power without limitation? Is it the answer that an increased supply was anticipated? The conferees, when they brought the report back here, thought there would be an increase, and so they put that provision in the report. If the Secretary should find, after putting this machinery into gear, that there was an increased supply, then he could take such steps as he saw fit, when? After the farmers have acted under the

authority the act gives them to use the diverted acreage. Perhaps the farmer will plant corn, perhaps he will sow oats, perhaps he will put the acreage into alfalfa and use it as he has a right to use it. But the damage has been done. It is another case where the door is open and the horse is stolen.

I said I was not going to consume time, and I am not.

I have tried in my feeble way to register my objection to that amendment, and I give notice again that as soon as this bill becomes a law I am going to introduce in the Senate an amendment which, if adopted, I believe at least will help correct the condition by amending the law. I do not want to see the bill fail; I do not want to see the conference report rejected; I do not want the bill sent back to conference; and I hope there is not a Senator on this floor who will vote to send it back to conference and further delay the enactment of the farm measure. I plead with every Senator, whether he likes it or not—and goodness knows, nobody likes it any less than I do—to vote for the report and put this bill on the statute books, let the machinery provided for loans and for all the other elements of the bill begin to operate in the Department of Agriculture in the interest of our farm population.

Mr. O'MAHONEY. Mr. President, before the Senator takes his seat may I address a question to him?

Mr. GILLETTE. Certainly.

Mr. O'MAHONEY. Did I understand the Senator correctly to say that he thought the bill as reported by the conferees contains adequate protection for the dairy industry?

Mr. GILLETTE. I do not know that I used the term "adequate." I think it has eliminated the injustice that would be done to the small farmer who is prevented under the McNary-Boileau amendment from pasturing upon his grazing acres.

Mr. O'MAHONEY. I wish to call the attention of the Senate to the language of the report:

> Whenever it is determined that a county, as a whole, is in substantial compliance with the provisions of this paragraph, no payment shall be denied any individual farmer in the county by reason of this paragraph.

This is a provision which follows the restriction upon the use of diverted acreage for production of dairy cows and dairy products. My understanding is that the determination as to whether or not there is substantial compliance is to be made by the local county committee.

There are no provisions now in the bill to determine how the county committee shall be selected. There is a provision in the bill, as I understand, which requires that the members of the State committee shall be legal residents, but I have not observed a provision with respect to the selection of the county committee. Am I mistaken in that, I will ask the Senator from Idaho?

Mr. POPE. Mr. President, will the Senator from Iowa yield to me?

Mr. GILLETTE. I yield the floor.

Mr. POPE. I referred to that matter in the beginning of my address. I imagine the Senator from Wyoming did not hear my explanation.

Mr. O'MAHONEY. I did not hear the Senator's explanation.

Mr. POPE. The fact of the matter is that it is expressly provided that the county committee shall be selected by the farmers of the locality by a vote or in any other way they may desire.

Mr. O'MAHONEY. Who determines who the farmers are?

Mr. POPE. All the farmers producing a commodity.

Mr. O'MAHONEY. Who determines who they are?

Mr. POPE. That seems to me to be almost a ridiculous question.

Mr. O'MAHONEY. Well, is it ridiculous?

Mr. POPE. Any farmer within the administrative area of the county has a right to vote.

Mr. O'MAHONEY. Very well. The Senator says my question is "ridiculous." Let us read the bill. Here is the bill that he, as one of the conferees, brought in. I will read from the committee print at page 4, line 6:

> Farmers within any such local administrative area, and participating or cooperating in programs administered within such area, shall elect annually from among their number a local committee of not more than three members for such area and shall also elect annually from among their number a delegate to a county convention for the election of a county committee.

On page 5, beginning in line 1:

> In each State there shall be a State committee for the State composed of not less than three or more than five farmers who are legal residents of the State and who are appointed by the Secretary.

In one instance it is required that the members of the State committee shall be legal residents, while in the other there is no requirement as to citizenship at all.

Mr. McGILL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. McGILL. Is the Senator from Wyoming fearful that the farmers of a county might elect a committee who were not residents of the county?

Mr. O'MAHONEY. No; I am not, but those elected might not be legal residents.

Mr. McGILL. If the farmers of a county see fit to elect a committee who are not legal residents of the county would the Senator from Wyoming object to that?

Mr. O'MAHONEY. No; I would not object to that, but what I was driving at was that under the amendment which has been brought in by the conferees the determination as to whether or not there has been substantial compliance will be made by the county committee, and I believe that we are very naive if we expect a local county committee to deny that there has been substantial compliance with the requirement of the act. And it is only when it has been determined that substantial compliance has not been achieved that the payments are denied.

Mr. McGILL. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. I yield.

Mr. McGILL. In the selection of the State committee, which is to be appointed by the Secretary of Agriculture, there is a requirement that the Secretary shall appoint persons who are residents of the State, local residents. We leave the selection of the county committee to the farmers residing within the county, and we did not put any such restriction upon the farmers themselves, leaving it to them to select and elect whom they may choose.

Mr. POPE. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield.

Mr. POPE. As I understand, the only complaint the Senator from Wyoming has is that the members of the county committee, who are selected by the farmers themselves, will not be fair in administering the law. Is that the point? He does not want to trust those farmers to administer the law among themselves?

Mr. O'MAHONEY. I will tell the Senator that when we provide that a county committee of farmers, who are themselves the beneficiaries of the act, may say when there has not been substantial compliance with the requirements of the act we have given to that committee an open door. There is no measure of what substantial compliance will be. I think that is a very weak reed upon which to rest when we are defending the interests of the livestock industry of the United States.

Mr. POPE. May I say then to the Senator that I know enough about the farmers, and particularly about small farmers, to have confidence in their fairness and justice in administering a law such as this. If he does not have, I do have.

Mr. O'MAHONEY. Mr. President, I did not intend to take the floor but let me add just one or two words to what has been said by the Senator from Iowa [Mr. GILLETTE].

I am not disposed to comply with the suggestion he makes that we should all support the conference report. I am fearful of the effect of supporting the conference report after what has transpired. The Senator may not have been upon the floor a few days ago when I had occasion to make some remarks about the wool industry and about lamb

feeders. Those of us who come from States which are interested in livestock products know that the market for wool has practically ceased to exist; that the price of lambs has fallen from $2.25 to $3 a head; that the price of livestock generally has gone down. We know that the industry which we represent is suffering; we know at the same time that every effort we have been making to obtain from the Department of Agriculture, from the R. F. C., from the Farm Credit Administration, and from other agencies of the Government assistance to those engaged in the wool industry has not as yet been successful. And in the midst of this, while we are confronted with declining prices for cattle and sheep and wool, another Department of the Government, the Department of State, is announcing to the world that it is willing to negotiate with the United Kingdom for the reduction of the tariff upon manufactured wool products, thus again endangering the market for our native wool. We know that the air is full of reports that there is presently to be announced a reciprocal-trade agreement with Australia, which will also contain a provision for concessions on an agricultural commodity, this time upon raw wool itself. So, while confronted with that situation, we are asked to vote for a measure designed to give protection to or to maintain prices for five basic commodities, though other basic agricultural commodities stand absolutely upon the brink of destruction.

Mr. President, I do not believe that that is a situation upon which we can look with any equanimity whatsoever. For my part, in these circumstances, after having made every effort I knew how to make to reach an agreement with the Agricultural Committee whereby protection would be given to the livestock industry, I cannot see how, representing those engaged in that industry in my State, I can give my support to a bill the authors of which and the sponsors of which have deliberately and repeatedly refused to grant the small concession which we asked, which was merely a straightforward declaration that diverted acreage should not be used for the purpose of increasing the production of livestock products.

Mr. BANKHEAD. Mr. President, in view of the statement on the floor today of the position of one of the major agricultural organizations in opposition to the pending bill, I think it appropriate to make known in today's RECORD the position of the American Farm Bureau Federation.

I have here a letter from the executive committee of the American Farm Bureau Federation signed by Edward A. O'Neal, president; Earl C. Smith, vice president; R. W. Blackburn, secretary; O. O. Wolf, J. F. Porter, and George M. Putnam, members of the executive committee. I ask leave to have the letter read from the desk. It is a short letter.

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Without objection, the letter will be read.

The legislative clerk read as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., February 9, 1938.

Senator E. D. Smith, Chairman, Senate Committee on Agriculture, and All Members of the United States Senate.

GENTLEMEN: The executive committee desires to inform you that the American Farm Bureau Federation gives its support to the passage of the Agricultural Adjustment Act of 1938 by the Senate as reported by the conference committee and as passed by the House.

We recognize and appreciate the earnest effort of the conference committee to compose the divergent viewpoints of the Senate and the House. We anticipate that revisions will be required, and we doubt that funds authorized to be appropriated are sufficient to fully achieve the objectives of the measure.

However, it is our belief that this bill, if enacted into law, will provide for a program that will attract the maximum voluntary support of farmers and embodies the necessary provisions to constitute the basis for a sound and permanent national program for agriculture, and that H. R. 8505, as reported from the committee on conference and as approved by the House, should be passed by the Senate.

Respectfully submitted.

EXECUTIVE COMMITTEE,
AMERICAN FARM BUREAU FEDERATION,
EDWARD A. O'NEAL, *President.*
EARL C. SMITH, *Vice President.*
R. W. BLACKBURN, *Secretary.*
O. O. WOLF.
J. F. PORTER.
GEO. M. PUTNAM.

Mr. BANKHEAD. Mr. President, I also ask unanimous consent to have printed in the RECORD, immediately following the letter, a statement with reference to this bill issued on the 9th of February by Mr. O'Neal as president of the American Farm Bureau Federation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

DEPARTMENT OF INFORMATION,
AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., February 9, 1938.

Following the passage of the Agricultural Adjustment Act of 1938 by the House late today, the following statement was issued by Edward A. O'Neal, president of the American Farm Bureau Federation:

"Wednesday, February 9 marks a great anniversary in the history of national farm legislation. Exactly 1 year ago today the national agricultural conference endorsed to a large degree the principles contained in the present farm bill at the end of a 2-day meeting called by Secretary of Agriculture, Henry A. Wallace, in Washington, on February 8 and 9, 1937. Today the conference measure passed the House by an overwhelming vote of 263 to 135.

"The farm bill now goes to the Senate. It is our hope that it will pass quickly and go to the White House for final approval. Substantial progress has been made in this bill toward the realization of most of the objectives framed at the original conference. Throughout the past year the American Farm Bureau Federation has not wavered, but has continued to press the fight despite much discouragement and tremendous opposition.

"This success has been attained in spite of the most trying difficulties. It has been the most prolonged and the most bitter farm-relief struggle since the days of the McNary-Haugen bill. Many sincere persons did not believe a new farm bill was needed when this fight began in the early part of last year. Subsequent months brought about the price declines which the Farm Bureau predicted and feared. In the face of these disasters many of those who had urged delay were convinced of the need for action. Still others opposed effective farm legislation until the bitter end.

"It is fortunate for agriculture that the job of framing an adequate measure was properly appraised by the administration in advance and that Congress was assembled in extra session to begin its work. Otherwise, it undoubtedly would have been impossible to pass the Agricultural Adjustment Act of 1938 in time to prevent the crops harvested this year from suffering further depressed prices.

"It would be impossible to praise too highly the definite and vigorous leadership of President Roosevelt for an effective and permanent farm measure before disaster again overtook the farmer, so well expressed in his early appeal to the Congress 'to repair the leaky roof while the sun is shining.'

"Congress has functioned in a way to inspire confidence, not only in itself but in the lawmaking processes of our form of government in the development of this legislation. It has succeeded in framing a national farm policy, consistent with the democratic tradition of our people, conducive to the economic well-being of millions of farmers and consistent with the general welfare of 120,000,000 of our citizens. It has had to reconcile the views of men of all shades of political philosophy and governmental belief. It has had to consider trying problems that arise through the amazing diversity of American agriculture itself. It has been perplexed by the sometimes conflicting claims of sections and of commodity groups. It has been faced with decisions on grave economic questions where experts disagreed.

"That it has molded many suggestions from different sources into a single program is a great tribute to its ability, patience, and understanding. Farmers will not forget those who have brought this about.

"Farmers are indebted to the men, in Congress and out, who have devoted great effort and long hours to fashioning a bill that is destined to give direction to American farm policy for generations to come. Republicans and Democrats alike have helped. Votes from metropolitan areas assisted rural Congressmen in rolling up an impressive majority. Patriotic Americans have come forward in this crisis as they have in other troubled times in the history of American agriculture. Their task has been made more difficult on this occasion by persistent opposition of individual farm organizations and farm leaders, who have lobbied in the corridors of the Capitol, as the ablest agents that interests opposed to agriculture could have engaged. This farm bill at many times was put in the gravest peril by these "leaders." It escaped by virtue of the clear-headedness of the great majority of Congressmen and Senators, who saw through to the real sentiments of the farm people themselves.

"From this struggle farmers may wisely take the counsel of experience and look to their own organizations and spokesmen to make sure that the influence of agriculture in Washington is not divided, frustrated, and destroyed. It is, after all, the responsibility of farmers themselves to see to it that Members of Congress gain through their own accredited spokesmen a clear impression of agriculture's wishes.

"The fight for agricultural equality was not begun with this measure, nor does it end with it. The A. A. A. of 1938 is the most

far-reaching measure so far designed to stabilize farm prices and to restore farm purchasing power, which are major factors in maintaining a prosperous nation."

Mr. POPE. Mr. President, I desire to read the following telegram:

CHICAGO, ILL., *February 10, 1938.*

Hon. JAMES P. POPE,
Senate Office Building:

Would advise that, speaking for 20 dairy and milk marketing cooperative organizations of Illinois which largely cover the State, we give our support to conference report farm bill.

ALEX MCPHEDRAN,
President, Illinois Milk Producers Association.

Mr. NORRIS. Mr. President, I am reminded by what has just been said by the Senator from Wyoming [Mr. O'MAHONEY] of what I think is the general attitude of a great many persons, both in and out of the Senate, in criticizing this bill.

For instance, the Senator from Wyoming referred to the committees mentioned in the bill—first, the State committee appointed by the Secretary of Agriculture, and then the county committees selected by the farmers themselves. He particularly criticized the county committees, and said they are not required by the bill even to be citizens of the United States or of the locality where they live.

Since the Senator from Wyoming has been a Member of this body I have learned to have such uniform respect for him that I select his criticism because I think there can be no possible question as to his attitude being similar to that of others who are opposed to the conference report, and because of his fairness, and the wisdom and intelligence he always brings to bear upon anything he discusses in this Chamber.

Let us see, Mr. President. Suppose we had provided in the bill that the local committee in the county should be selected by the Secretary of Agriculture: What should we hear now? What would be said on the floor of the Senate in criticism of such a course? That we were letting a bureau in Washington control the farmer. The question would be asked, "Why do you not let the farmers pick their own committee?" If we had provided that the members of the committee must be residents of the county, the opponents of the bill would at once have said, "Why do you not let them go over into another county if they want to do so? They have their own interests in their own hands. Perhaps they will want to select some leader of agriculture who lives in another county. Why not give them the privilege of doing so?" Now they have the privilege, and we are criticized because we have given it to them. We have placed it in their own hands.

Perhaps that is wrong. Perhaps we ought to have more regimentation. Perhaps we ought to have more bureaucracy. Perhaps we ought to have some dictator to tell the farmers who their committee shall be.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. NORRIS. In a moment. The truth is, however, that the Committee on Agriculture and Forestry, which is so severely criticized here, was trying to do what its members thought was the proper thing to do in letting the farmers of the community control their own destiny to the extent that the law provides they have a right to control it.

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, the Senator was so disarming in his opening statement that he practically deprived me of any opportunity to speak as vigorously as I otherwise might do.

Mr. NORRIS. I hope the Senator will not let what I said about him prevent his speaking as vigorously as he desires. If I thought it would, I would even withdraw what I have said. [Laughter.]

Mr. O'MAHONEY. I should not want the Senator to withdraw it. I desire, however, to call the attention of the Senator to the fact that my few remarks about the constitution of the county committees were designed not so much to criticize the way in which the county committees are selected, or the persons who may be members of the committees, but to emphasize the fact that the committees are selected locally, and that under the livestock amendment which I have been criticizing the determination as to whether or not there is substantial compliance lies in the hands of the local committees so selected.

Mr. NORRIS. Very well. The Senator has a perfect right to object to the committee on that account, and he may be entirely correct about it. I never before thought anyone would object for that reason. In the Senate committee no one argued that we ought not to give the farmers as much control as possible, or that we ought not to let them select their own committee. If they should want to select a foreigner, they would have a right to do it. It is their choice, their business. If they should want to select somebody in another State, they could do it. We wished to give them latitude. We thought that was the proper thing and the right thing to do.

It is perfectly possible that the Senate committee may have been entirely wrong about the matter, and that we ought to have limited the farmers' right to select a committee to govern themselves to somebody else in some other locality who, for one reason or another, Senators might think would be better qualified to serve on the committee than the farmers themselves. I am not finding fault with the Senator from Wyoming for making his criticism, as I said, or tried to say. I am using this particular instance to illustrate what is the general rule in regard to this bill; and, Mr. President, I think it is unjust. I think it is unfair.

From the very beginning—in fact, for years—the Committee on Agriculture and Forestry has been trying its best to do something in a constructive way to relieve the farmer from the injustice he was suffering, as we thought before anybody else thought so, because of the general situation which applied to all manner of business in this country.

In the beginning, several years ago, there were some of us who were ridiculed because even in 1929, when most persons thought we were riding on the high wave of prosperity, we had the temerity to say, even on the floor of the Senate, "The farmer is not getting his just proportion of the dollar. The farmer is not now getting justice." We were laughed at. We started in with a different bill.

One of the early bills, introduced soon after the war, provided for the organization of a governmental commission to buy the products of the farm, preferably from cooperative organizations of farmers, then to sell such products anywhere in the world. The commission would have had authority to establish agencies in foreign countries. We provided in the bill that the merchant marine, much of which was tied up, rotting at various docks in the country, ships which had been built during the war, should be turned over to the commission, they to be responsible only for the repair and upkeep of the ships which were to carry the products of the farms to all parts of the world.

Mr. President, I thought that was a good bill. I thought it would put the consumer and the producer nearer together than they ever had been. It was opposed by the middleman, it was opposed by the politicians, it was opposed by the administration then in power, and we were defeated in this Chamber when the Committee on Agriculture and Forestry brought in the bill and took it up with the intention of passing it.

We then brought forward the McNary-Haugen bill, and we were again defeated. We tried it twice. Then we brought in what was known as the Farm Board bill, the Hoover plan, and we succeeded in passing it. I did not like it. I said on this floor then that I doubted whether it would work, but that I was going to support it. I tried my best to get it amended, and succeeded in having an amendment inserted which I thought was workable. It was suggested, by the way, by the same grange which is fighting the pending bill. It originated with them.

The amendment went to conference, and the conferees rejected it. There were published documents and a letter from the President himself condemning it. While we fought for the amendment in conference as hard as we knew how—and I was one of the conferees—we finally yielded and abandoned the amendment reluctantly, but we felt that the bill

would not be enacted unless it was eliminated. I voted for what was left, notwithstanding the fact that I did not believe in it entirely. I had doubt about it working, and we know and the country knows the history of that legislation, and that it turned out to be a failure.

The Committee on Agriculture and Forestry has been proceeding all these years, attempting to do something for the farmers, and every time we brought in a bill we were met with opposition from various classes of our people, the middlemen in one instance, monopolies in another, always trying to hold the farmer down when we thought he ought to be lifted up. We were unsuccessful. In the end we went down to defeat every time.

Now we have before us the pending bill. Unlimited hearings were held by the Committee on Agriculture and Forestry for months in a preceding session of the Congress on the general subject. Farmers from all over the country came here. The leaders of the various farm organizations were in attendance and testified. At a time when I was not present the committee appointed a subcommittee to go over the country and obtain the views of the farmers. That might have been unwise. I think the money expended was money well spent, although if I had been here I would not have been wholeheartedly in favor of such a program, because, after all, as has been truly said today, the responsibility is on us. We cannot shift it; we ought not to try to shift it. We must do the best we can under the circumstances.

I have heard the subcommittee criticized on this floor. The Senator from Wyoming criticized the provision providing for county committees. Some said the farmers did not get a hearing. Others said, "The committee did not come to my State. My farmers had to go 200 miles to appear before the committee." Notwithstanding the fact that no hearings were held in my State, I felt that the subcommittee were doing the best they could.

We have heard the members of the subcommittee defend themselves on the floor of the Senate, and I reached the conclusion that they had leaned backward in their desire to be fair and just in all the hearings. They brought back their report and we started in with the bill. We gave it consideration. The President called an extraordinary session to meet on the 15th of November in order to have a farm bill passed.

Personally, I was opposed to that extraordinary session. I thought it would have been better for the President to let the matter go until the regular session; but I confess now, looking back and studying the history of the bill, that I was wrong about it. We started in at the beginning of the extraordinary session with the report of the committee, which has been so much criticized, and we devoted the entire extraordinary session to the matter. We were criticized for being too slow. Perhaps we were, but I do not see how we could have gotten through one hour sooner.

Then came the regular session. Those on the committee proceeded to work on the bill while the rest were at church and Sunday school. We were there at night when the others were attending the theater or sticking their feet under the mahogany table at some millionaire's banquet. We were still working. Perhaps we were not working very intelligently, but we were doing the best we could. If we were not capable of doing the work, why did not the Senate take the responsibility away from us?

On one occasion when one of the farm bills was defeated I intended to offer a resolution providing that all farm bills should be referred to a special committee, and I was to name the committee in the resolution. I picked about 30 who always stood on the floor and criticized every bill the Committee on Agriculture and Forestry had ever brought into the Senate. I would have put the burden on them to frame a bill.

I should have offered the resolution. I had it prepared. My only reason for not offering it was that I knew it would be charged that I was trying to put the Senators I would name in a hole, that I was not fair to them. As a matter of fact, my suggestion would have been in the best of faith, but because I knew I would be misunderstood I never offered the resolution. We ought to take some such action now if this bill should be defeated. Let the next agricultural bill be referred to those who have fought to kill this bill.

Mr. President, I heard what the Senator from New York said about the philosophy of the bill. Perhaps the philosophy is wrong. It may be that the very fundamentals of the bill are wrong. If they are, let us have a different philosophy, if we can get one. If we cannot do that, if there is no remedy under the sun to save the farmer from destruction, let us say so, and let him die, with the knowledge that we are unable to do anything for him. There is the same philosophy behind the pending bill that there was behind the other bills. I voted for every one of them, whether or not I believed in everything in them. It seemed to me that was my duty. It may be that some of those for which I voted would not have worked, but we always found opposition.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. NORRIS. I yield.

Mr. O'MAHONEY. Before the Senator proceeds with a discussion of the criticisms of the Senator from New York, I should like to ask him whether or not he finds any merit in the criticism which I have made with respect to the failure of the bill as reported by the conferees to provide what some of us regard as adequate protection to the livestock industry? The Senator was very kind, and listened to the discussion this morning. He has always been one of the most attentive Members of this body. Nothing escapes his notice.

Mr. NORRIS. What is the Senator's question?

Mr. O'MAHONEY. Whether the Senator does not believe there is some merit in the criticism.

Mr. NORRIS. I do. I will say frankly to the Senator that I do. I am not finding fault with anyone because he criticizes the bill.

Mr. O'MAHONEY. I know the Senator does not find fault with anyone who makes a criticism. What I was seeking to determine was whether or not the Senator found merit in the criticism. I am happy to say that he does.

Mr. NORRIS. I think there is some merit in it. I think there is some merit in most of the criticism I have heard.

Mr. O'MAHONEY. Let me make a suggestion to the Senator. For the clarification of the issues which confront us with respect to the livestock industry, two points in particular were selected by those of us who felt disappointed at the report, first, that the word "permanently" was left out of the parenthetical clause at the beginning of the amendment; and secondly, that no adequate provision was made to protect the livestock industry. As a result of this criticism upon the floor of the House, the chairman of the Committee on Agriculture agreed that he would bring forth a resolution to correct the omission of the word "permanently," which was said to have been omitted through a typographical error, and which, of course, was undoubtedly that.

Mr. NORRIS. It was. I have investigated that matter myself, and I am perfectly satisfied that the conferees intended to have the word "permanently" in the report; that it was omitted by mistake, and probably through a typographical error.

Mr. O'MAHONEY. Personally I should regard it as a very substantial step toward the solution of the difficulty of the livestock industry if members of the Committee on Agriculture and Forestry, the leaders of the conference, would undertake at this moment to say that when the House joint resolution comes before the Senate they will endeavor to cooperate with us in amending the joint resolution by writing into it the provisions of the amendment which was proposed by the Senator from Alabama [Mr. BANKHEAD] on the 17th of December.

Mr. BANKHEAD. The Senator keeps referring to that amendment. I should like to know if he did not vote against it.

Mr. O'MAHONEY. I voted against the Senator's motion to reconsider when it was impossible to obtain from the Senator from Alabama or from any other member of the committee a commitment to support his amendment. His amendment was never subjected to a vote.

Mr. NORRIS. Mr. President, I shall have to refuse to yield any further.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield further.

Mr. NORRIS. I will say to the Senator from Wyoming that if any such resolution comes to the committee on Agriculture, or to any other committee of which I am a member, I shall give it the best consideration of which I am capable, and I will do what to me in the end seems to be the right thing to do.

So far as the first part of the Senator's suggestion is concerned, I am in favor of it. However, I should have an open mind upon the question. I should like to hear any one who takes the contrary view. He might change my mind. But I will say that I am in favor of restoring the word "permanently."

Mr. POPE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. POPE. There is now on the clerk's desk, as I understand, the concurrent resolution passed by the House, and it is ready for action by this body, if the conference report shall be agreed to. I anticipate there will be no objection on the part of anyone to the adoption of that resolution immediately, which will restore the word "permanently" to this measure.

Mr. NORRIS. I know of no legitimate reason why it should not be passed.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me for another moment?

Mr. NORRIS. I yield.

Mr. O'MAHONEY. Of course, it was not to the insertion of the word "permanently" that I addressed my inquiry. My inquiry was whether the members of the Committee on Agriculture would agree now to amend the concurrent resolution further to include the provisions of the Bankhead amendment.

Mr. NORRIS. I cannot speak for the committee. Speaking for myself, I would not pledge myself now with respect to a matter to which I have not given consideration, until after I had heard the evidence and the discussion with respect to it.

Mr. O'MAHONEY. I will say to the Senator that I would not expect him to do that. I would be satisfied with the statement that such an amendment would be considered.

Mr. NORRIS. Mr. President, the Senator from Wyoming, when he asked me to yield, intimated that I was about to proceed with what he called criticism of the Senator from New York. I have no criticism to make of the Senator from New York. He spoke of the philosophy behind this bill being wrong. A man who believes that would be opposed to the bill. I myself feel that the philosophy behind some of the other agricultural bills was even better than the philosophy behind the pending measure. I did not select the philosophy. It seems we have gone so far and tried so many things without any success, that now, if we agree that something should be done for agriculture, even though we do not favor the measure in its entirety, even though we have doubts as to whether it will work, yet we should give the program a trial and see how it works, for we may have no other means of accomplishing what we wish to do for the farmer.

Personally I believe much good will come from this measure if it shall be enacted into law. It will be found, undoubtedly, that it may need correction here and there. It is going to be very difficult of administration. One of the things which will cause it to be extremely difficult of administration is the so-called McNary amendment with reference to the dairy problem. I think we must come to the conclusion, and we must realize that in some respects the measure may hurt some industry in which we are directly interested, but the question after all is whether it will be of more good than harm to the country as a whole. If it develops upon trial being made of it, that it injures some industry, I should be one of the first who would try to rectify it, if I thought it could be rectified.

I was opposed to the McNary amendment, not, however, because I had any objection to what the dairy interests were trying to do. There are dairymen in my own State by the thousands, and we in that State have been trying to induce the dairymen to increase their herds. The dairymen who are there have succeeded probably better than any other class of our citizens. However, I thought the dairy amendment made this bill almost impossible of administration. I still believe so. I believe it is going to be difficult to administer as it is brought in here in the amended form. I think we ought to try it, however. I do not believe we ought to protect one industry more than another. When we divert acreage we are always bound to run into someone else's interests. We are going to compete with someone. Let us say that a farmer who has two or three cows, agrees to carry out this program, agrees to go along with the Government, to join the Government in trying to bring about the proper administration of the measure, and he diverts some acreage from wheat, let us say. Then we say to that farmer, "The acreage which you have diverted cannot be used for anything." Why is that done? So that the products of that acreage shall not come into competition with the products of other acreages.

It will be impossible to use it without coming into competition with someone. It cannot help coming into competition with someone. There will be such competition. To my mind, however, such competition will be insignificant. I do not believe that the dairy interests would be injured a particle by it, because, if the bill does what we want it to do, it will go a long way toward stopping unemployment; it will go a long way toward a balanced agriculture. It will assist agriculture in a great many respects. Farmers who now have only two cows will have three or more cows.

I do not like to put into a law something which says, "You shall or you shall not do such a thing in respect to agriculture." Let us see how difficult it would be to make provision which would obviate any chance of competition. The beekeepers, for instance—and there are many of them in the United States—make their money from the sale of honey. If we should propose to prohibit all producers from raising anything on the diverted acreages, we would say to the beekeeper: "If your bees fly over onto this diverted acreage, and Nature there produces some flowers which have honey in them, and those bees take that honey and carry it to your house, and you take the honey to town and sell it, you will be punished, because you are coming into competition with other beekeepers." That is a farfetched and exaggerated illustration, I admit, but the same principle holds good with respect to other products.

It seems to me that no matter what we do—and the Committee on Agriculture found it to be true—there will be some persons who haye either imaginary or real difficulties, who will appear before us and say, "You are stepping on our toes. You are putting something in competition with us that is not now in competition with us." This measure is one of the steps necessary to attain recovery. If we do not have recovery we are going to be ruined anyway. If we do have recovery there will not be enough cows in Vermont and Michigan and Oregon and in the other States which produce principally cows, to supply the milk and butter and the cream required to feed the people of the country. There will be an increase in demand. More cows will have to be provided. But the poor farmer who helps to carry out this program by diverting some of his lands cannot produce anything that will help to supply that increased demand for milk and butter. If we do not get a balanced condition

for agriculture, then all our efforts are going to fail anyway. The objections to this measure will disappear if we do get a balanced condition for agriculture, and I expect to see it.

It is natural for Senators to defend the conditions they find in their own States, in their own localities. If I were defending those conditions I should be in favor of the amendment instead of being opposed to it. But I think we ought to realize that we must give and take in connection with this great question. After all, Senators, there is a greater question involved than may appear on the face of the proposed legislation. Soil erosion and control of floodwaters are involved. Reforestation is involved. We cannot increase our forests without, perhaps in theory, coming into competition with the man who owns timber and who wants to sell it. We cannot prevent erosion without perhaps coming into competition with a farmer who produces something on land where there is no erosion. So, after all, it is all tied up in the general good. The question, as I see it, is, "What is the general good?"

We find continual criticism which, in many cases, is without any foundation whatever. I have before me an editorial taken from one of the newspapers in the great Middle West, a section which has suffered from drought and dust storms. The editorial develops the idea I mention. It speaks of certain persons who are called "lawyers and politicians." I take it that it is no disgrace to be either a lawyer or a politician, but that is what they are called. The lawyers and politicians referred to appear night after night at county meetings. They are always opposed to anything Congress is doing. They are opposed to this bill. They say to the people, "You are going to be forced into slavery. This bill has some compulsory features which are objectionable to all men who love liberty."

Various controversies have arisen. I desire to read, Mr. President, an editorial which appeared in the Lincoln Star, published in Lincoln, Nebr., January 25, 1938.

First, let me ask Senators whether they have ever been in a dust storm. Do they know what a dust storm is? Unless we can stop dust storms, or unless Nature relents, a large portion of the bread basket of America will be wiped out.

I have read about dust storms. Even in Washington, D. C., I have seen the dust which had come from the Dakotas, from Nebraska, from Kansas, from Colorado, from Texas, and from Wyoming, like a cloud in the sky, but I did not realize what it meant. I have read about men out in their automobiles being blinded by a dust storm. I have read how they got off the road, and how they perished; and I could not understand why a man driving along in an automobile on a paved road could not turn on his lights and keep on the highway, regardless of any dust storm. It seemed incredible to me. But a year ago I was driving through the Midwest in my automobile. Our party stopped for lunch at a certain town. We were about 40 miles from the place where we expected to stay all night. After lunch a man who was there said, "You are going to get in a dust storm when you get out here a couple of miles." I had read of dust storms covering vast areas of territory, innumerable square miles, but there was no dust storm where we were. It was a beautiful, sunshiny day.

We started, and we had gone about 4 or 5 miles when we ran into a dust storm. It was a local dust storm. I never saw anything like it in my life, although I had lived in that section from the time when I was a young man. It was just as impossible to see as though one were put in a dark room with no possibility of any light entering the room through any crevice. Although we had the lights turned on we could not see farther than the hood of our automobile. We were on a paved road. Sitting on the side of the car nearest the edge of the road I could look down and see the pavement just a few feet below me, and in that way I was able to guide the driver. If he went too far to the right, I could see the wheel getting off the pavement. We were afraid we might meet someone. We had our lights on, but we traveled at a snail's pace. We met several cars which were traveling in the same manner. We did not see them until they were right beside us on the pavement. It was impossible to see anything.

Senators do not know what dust storms, such as occur in the great West, are like, unless they have had an experience that tells them what it is. A dust storm cannot be described. It never has been described. Lights do no good. I read about a man in Kansas who got off the paved road and got out of his car to find the road. He never got back into his car. He wandered away a few rods, and was found dead the next day, suffocated. His car was found only 3 or 4 feet from the paved highway.

Dust storms represent one of our difficulties, and one of the problems which we have to solve, if possible, by legislation. It will be a difficult thing to do. Perhaps it will be impossible, but there is no reason why we should not try. We are trying to take one step in that great program with this bill.

I now read the editorial to which I referred from the Lincoln Star, published in Lincoln, Nebr., dated January 25, 1938:

ALL BUT UNNOTICED

It was a cold wave to many, that swept across Nebraska Monday, emphasized by boisterous winds, but far more important these days it was another demonstration of the cruel gradual working forces of erosion in many sections. The skies were filled with dust. It has not been an uncommon experience in this era of "black blizzards." At York, visibility was reduced greatly and from other communities reports came that a lashing northwest gale was whipping up the fields exposed to its sweep.

Four million acres of wheat and more, representing some of the hopes of a large farm population, bore its brunt in varying degrees. Where last week's wet snowfall had been heaviest, and in a few areas where a snow covering remained, chances of damage were minimized. Where little or no moisture had been received, it was a savage lashing which those wheat fields received.

The practical application of conservation principles is not glamorous. So frequently and to so many nothing connected with the soil or concerned with the soil is glamorous. All of it represents hard work and planning. None of it reaches toward relaxation or recreation. It is so obvious and so elemental that it offers no invitation to curiosity and no opportunity for adventure. It is altogether so unfeeling, so drab, so much a part of humdrum existence that generation after generation is content to pass it by, content to live in whatever temporary security can be had, and content to grab for itself what it can get, regardless of what may happen to it later and if not to it, to that which follows.

These are not discouraging days of fighters. They are days well calculated to test the mettle of the most courageous and the most gallant. They are days which in the physical realm furnish so much to stimulate thought. They go directly to a sharp controversy that is echoing in many counties at this time. It is the debate aroused by proposed farm legislation.

People here say they do not want anyone telling them what to do; they do not want controlled production. They do not want ruinously low prices. They want decent prices for farm products. They do not want constantly decreasing acre yields. They want to go on taking from the soil in the same measure it has yielded. They do not want the depressing, apprehensive developments projected by dust storms which have become so common. They want those old days when skies were bluest of blue, when the air itself was clean, sweet, wholesome, and bracing.

It has become fairly evident that something has happened over much of the Great Plains. Some comfort themselves by saying this is simply another cycle and in a few years things will be as they used to be—rains will fall—droughts will be washed clean again. That is to be greatly desired. But erosion—that slow mysterious force of nature that works ceaselessly in countries where the sweep of winds largely is uncurbed, where long periods of dryness prevail—is a factor that must be recognized and measured.

There are many objectives in a permanent farm program. One is rebuilding the soil and reducing the devastation of erosion. One is the leveling off of too abundant production and softening the effects of underproduction. One is the preservation of reasonably decent prices. The hundreds of thousands who live in this State may at least by their own individual efforts practice conservation. If they reject controlled production they must answer for the probable developments of low prices. But this high gale which swept out of the Northwest, filling the skies with dust, carried something with it besides cold—something for people to think about.

Mr. President, I now come to another editorial from the same newspaper, one of the most ably edited newspapers in the West. I read an editorial that appeared in the Lincoln Star of Lincoln, Nebr., on January 26, 1938. The subject of the editorial is Why Control?

Why must we have control, Mr. President? We talk about regimentation and compulsion in the proposed bill. If we are to serve the farmers of America, if we are to do something for agriculture, why, in whatever plan is adopted, can we not give an advantage to the farmers who will cooperate? A certain type of farmer backs up under the Constitution and says, "Under my constitutional rights I have a right to refuse anything you offer. I will plant anything I want to plant. I will plow anything I want to plow. I will destroy anything I want to destroy. That is my right. That comes from my ownership."

The critics present such a picture to the farmers. They say to the farmers, "If you go into this, you are going to be compelled to do so-and-so."

Mr. President, how far would we get with any program if we induced farmers to take acres out of cultivation and then gave to those who would not cooperate or would not go in the same advantages as those given to the farmers who did cooperate? It seems to me it is foolish to think that we could "get to first base" with such a program. If that is compulsion, then there is compulsion in this bill; and if that is compulsion, then we must have compulsion or we cannot make any plan succeed. So this editor says:

Some of the lawyers, the real-estate men, the businessmen, and the politicians riding around Nebraska to arouse sentiment against pending farm legislation have short memories. They forget the era of ruinously low farm commodity prices preceding these years of drought and scarcity. They forget they, along with a good many other people, were just as outspoken against 8- and 10-cent corn, 35- and 40-cent wheat, ridiculously cheap pork and beef which prevailed during the closing months of the Hoover administration as the most ardent disciple of farm legislation today.

Voluntary action against the accumulation of depressing surpluses of farm commodities had its fair trial. It had its fair trial during the Hoover administration. Through his Farm Board, Mr. Hoover pleaded for reduced acreage. Some farmers complied—a great many others did not—and a great many thought that because a few were reducing acreages there was the golden opportunity for them to fatten the old sock by increasing acreage.

That is just what would happen; that is just what did happen. Let us not let it happen again. If we must have compulsion to prevent it from happening, then that is compulsion of the kind we need for the benefit of humanity in general and for the benefit of the farmer in particular.

The Hoover Farm Board had $500,000,000 from the Federal Treasury to improve price levels on farm commodities. It pegged the price of wheat at $1.26 a bushel. It bought futures on the Chicago Board of Trade to sustain wheat prices.

This is nothing new; all Senators know it is what actually happened and what was actually brought to pass, no matter how much we may concede, as I do, the good faith of the men who were behind the program. I voted for the bill to give them an opportunity to try it.

It stored millions of bushels of the grain in elevators and at terminals and paid huge sums for storage facilities to elevator operators and to grain men to remove the surplus from the active market.

It failed. Mere storage did not go to the heart of the problem. The greater the storage the more prices were affected adversely. The only method through which farm commodity prices were improved was the ultimate elimination of top-heavy surpluses. In these series of farm meetings over Nebraska the embittered critics of the proposed legislation have had nothing to say about facts that are of common knowledge and painful memory. All they say is that they do not want anyone bossing them, infringing upon their liberty, and seeking to regiment them. Today they talk of an arrogant bureaucracy, and it was but yesterday that they were talking about the failure of Mr. Hoover's Farm Board.

Mr. Hoover, in a faint, half-hearted fashion, believed in rugged individualism. He believed that human flesh would do exactly what it should do. He believed, or professed to believe, people were so perfect that when surpluses accumulated they would automatically plant less. Or he believed that it was a good thing to let millions burn their fingers, pass through trying experiences, acquire, say, a sort of wisdom that comes from suffering and folly. It did not work out. It brought rioting on the highways, defiance of courts, contempt for law, deprivation of inherent rights, and near rebellion among large masses of people.

All this is projected by an observation in an unexpected quarter, in a column not generally in accord with the New Deal. But in the Nebraska City News-Press this appeared: "But the Government, as gullible as it seems to be when it comes to lending, in establishing this crop-lending policy as a permanent thing, wants some degree of protection. It wants to be assured, for one thing, that when it loans 50 cents on a bushel of corn that corn won't drop to 10 cents a bushel the next year. That would put a lot of corn in the Government's hands. The granary wouldn't be normal, in other words. • • • If the Government is to loan on surplus crops, or support the market price, there must be crop control. That would be compulsory. No matter how desirable lending on crops is, there will have to be some crop-production control in order to protect the security. Otherwise the lending can't be done with anything conforming to good business practice."

If the learned lawyers, politicians, and the businessmen in Nebraska, seeking to arouse farm populations in this State against crop control, will put the question more fairly, they may find it convenient to stay closer to home. It isn't a question solely of somebody bossing somebody else. It isn't a question solely of controlled production. Every farm audience ought to be asked, does it expect a fair price for farm commodities. If it does, then how does it expect to get them? Can it produce millions of bushels more grain than can be consumed and still get them? Can it keep on, year after year, piling up surpluses and still get a profitable price? Can it fill the elevators, the cribs, and the bins to overflowing and still get them? Can the Government keep on loaning at 50 cents a bushel on corn regardless of whether corn is 10 cents a bushel next year?

If it can, then automobile manufacturers ought to operate to full capacity every day of the year; jobbers ought to fill their warehouses and then build new ones; retailers ought to increase their stocks indiscriminately and keep people producing without limit or control. There are controls in industry and business, effective controls, which result in suspension of operations and in throwing people out of work. That is common knowledge. In industry, there has been an indirect subsidy under the guise of developing infant industry. It has gouged and exploited people and compelled them to pay billions in tribute to the great industrial enterprises of this country. It has increased the cost of every tariff-protected commodity representing the necessities of the consumer.

It was that, that deliberate exploitation of the consumer, which threw the economic gear out of kelter. If these lawyers, politicians, and businessmen in Nebraska will be fair with their own people, they will quit talking out of the corner of their mouths and place the full facts before those they ask to follow them. Crop control has its restrictions, not as often as has been pictured, but the same practice that industry and business has used for years. And industry itself never has been too proud to accept an indirect subsidy in order to fatten its pocketbooks.

Mr. President, that editorial states, in much better language than I could use, the argument I wish to make, but it seems to me that is the question before us. It goes further than limiting the production of corn, wheat, tobacco, and the other commodities mentioned in the bill. Behind it all is part of a great effort to restore this great country to normalcy.

One of the best arguments on this subject I have ever read was made by a humble postmaster in the little town of Waupaca, Wis., when he was called upon to address the Lions Club. I ask Senators to read it. It goes into the history of the whole matter. It shows that unless we do something we shall be on a parallel with China; that the same natural forces which have ruined other countries will surely ruin ours. The speaker calls a halt on those who find fault simply because the next day they cannot be recompensed in their own pocketbooks for the expenditure involved. We are looking after the interest of our children and our children's children. After all, the condition with which we are confronted goes away beyond the present generation.

For 150 years we have been destroying what Nature has taken millions of years to produce and we must suffer the consequences. We have plowed up land that never ought to have been tilled. We have destroyed forests that never ought to have been cut, at least not until they were ripe. We have permitted millions of tons of our best soil to be carried off in erosion, by drainage of swamps, by expediting the way in which water could get to the sea when we ought to have impeded it as Nature has done in swamps and other wet places, in forests, amongst bushes and grasses.

But we have taken away the grasses; we have cut away the forests; we have destroyed the bushes; we have drained the marshes; and we are today suffering the consequences of our acts. This bill helps us to go back. This bill helps us to rectify the condition, probably only in a small way, but in a degree it will help.

I ask unanimous consent to have printed in the RECORD at this point in my remarks the address delivered by Mr. Carew, the postmaster at Waupaca, Wis., before the Lions Club of that little city.

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Without objection, it is so ordered.

The address is as follows:

[From the Waupaca County (Wis.) Post of January 27, 1938]

SCHOLARLY ANALYSIS OF EROSION BY CAREW—"POSTMASTER JIM" TELLS WAUPACA LIONS UPWARD LINE OF POPULATION, DOWNWARD LINE OF SOIL PRODUCTIVITY, WILL CROSS IN 1960

One of the most substantial, most sobering, and most interesting talks Waupaca Lions have heard in months came from a member of the club, Postmaster "Jim" Carew, who addressed the Lions Monday on soil erosion.

Because the talk is interesting to all the people of this community and not only to the Lions alone, the County Post takes the liberty of republishing the talk in its entirety:

"About a year or so ago, I read an article to the effect that we are sliding down to the sea at the rate of about 3,000,000,000 tons a year. And at a cost in loss of soil fertility of about $400,000,000 annually. Well, I hadn't missed any dirt out of the back yard, and the trees appeared to be numerous as ever out in front—and I couldn't see that I was any nearer the water's edge—so after I had finished reading the article, which dwelt with devastating damage, suffering, and death, all caused by soil erosion, I laid the magazine aside with the thought, 'Gee, that's tough.'

"Then a few days later the daily newspapers were carrying the stories of the Ohio River rampage; of cities inundated; of the untold millions of dollars of property damage; of cities without heat, light, or water; of the spread of disease because of the lack of sanitation; of homes being swept away; of the dread, the fear, the suffering, and death itself from exposure. So I chipped in my little bit toward the relief fund that was being raised locally, with the depressing thought, 'Gee, that's tough.'

"Then right shortly, as I came to work one morning, the snow was all covered with a peculiarly colored deposit; it looked as though the wind had blown everybody's ashpile into a thin film all over the landscape. Farmers coming to town were talking about the funny colored snow, wondering if this was to be the winter of the 'blue snow,' for the entire countryside was tinted. And, that day daily newspapers carried the stories of the terrible dust storms coming out of the southwest—the Dust Bowl. They took samples of the deposits in Portage County and calculated that 20,000 tons of somebody else's topsoil had been deposited in Portage County alone in that dust storm.

"Now these events can be charged against the white man, for they are Nature's warnings of what to expect from the denuding of the earth of its vegetable covering. We are reminded of the history of China, which tells us that China was endowed by Nature with a rich, fertile soil, and for hundreds of years was a land of plenty. The fertile plains of the Yellow River were plains of abundance until Chinese farmers seized them, cut the forests, and plowed up soil whose rich fertility had been centuries in the making.

"The land was stripped of its natural vegetable covering and exposed to the sun, the winds, and the rains which washed away or blew away the top soil. The land exhausted, the farmers moved on and hundreds of millions more acres of China's topsoil were washed down to fill up the lower plains and dump into the sea of yellow mud. The river of abundance became the river of sorrows and the sea into which it flows became the Yellow Sea, with the rich deposits coloring it a distance of 75 miles from its shores.

"In 1931 alone floods sweeping down the denuded hillsides buried the farms of 25,000,000 people under 9 feet of water, taking a toll of more than 500,000 human lives. The Chinese passed on to future generations the burden of paying for their intensive cultivation and exploitation of its rich agricultural lands.

"Well, practically the entire United States was endowed by Nature with the richest blessings ever known to mankind. Our northern tier of States were originally blanketed with a rich and abundant forest; the plains States were carpeted with a rich, natural grass, whose mass of roots not only held the soil in place, but they acted as their own reservoir for storing up water to give them life. Then along came the white man in his march of progress and slew down the forests and ripped up the carpet of grasses and overcropped and overgrazed the land, robbing it and stripping it of its topsoil fertility, leaving it bare and exposed to the sun, the winds, and the rains, which had nursed it for centuries with the ingredients that had built the fertility into the soil. So that today 50,000,000 acres—an area as large as Indiana and Ohio combined—once cultivated in the United States, no longer produces crops. That is more than all of the wheatland harvested in the United States last year. That land lies idle, its surface unprotected by vegetation to hold the soil. And Nature has written her warnings in floods and dust storms—and eventually in food bills to the consumers. More than 300,000,000 tons of rich soil from the fields of the Mississippi Valley alone are dumped into the Gulf of Mexico each year. At that rate, do you wonder at the fear that has been expressed that the Gulf of Mexico may become another Yellow Sea?

"If we could visualize rising high enough to look down upon the section of the United States lying between the Allegheny Mountains and the Rockies we could see something looking like the picture of a tree. The Mississippi River would be the trunk of that tree and its tributaries its branches and the lakes and ponds and marshes its leaves. Now, when rain fell, before the white man went to work on this picture, the humus, which was the sponge created by the decaying of the grasses and the twigs and leaves, held the water and let it slowly trickle down into the earth and fill up the lakes and ponds and marshes and gradually find its way through the little creeks and rivers to the Father of Waters. But since man has denuded that part of the earth of its vegetative covering and left it bare and exposed there is nothing to hold the water when it falls from the sky, for there is practically no humus or sponge left, so it immediately starts rushing down the hillsides, carrying particles of the earth with it. And in no time after the rains stop the sun comes out and dries up the surface, and the winds begin to blow and pick up fresh particles of soil and carry them away.

"Now, weather statisticians tell us that their studies prove that wet and dry cycles have followed through the centuries, but that they were not so destructive as they are today because during the wet cycle the trees and the carpet of humus, together with the marshes, acted as a sponge for holding the water. It did not run off in floods, but was retained where it fell and slowly found its way down into the earth, stored up for the dry cycles, and therefore the dry cycles were not so disastrous. So it is not the weather so much as it is the folly of our system of exploiting our great natural resources that is responsible for the seriousness of our plight.

"It is the overcropping and overgrazing that have forcibly retired from production these millions of acres of some of our best lands. Land that should have been cropped in rotation with grasses and other soil-building crops has grown year after year cotton and wheat and corn and potatoes and other surplus commodities, which have been piled up, unwanted and unsold—even at 6 cents for cotton, 30-cent wheat, and 40-cent potatoes.

"In addition to the 50,000,000 acres now entirely out of production, the best topsoil has been washed or blown away from 125,000,000 acres more—an area as large as Illinois, Iowa, and Kansas combined. And still another tract of 100,000,000 acres is heading in the direction of that soil-stripped land. We have some of these acres right here in Waupaca County.

"The ambitious straining for more cattle and more sheep, more cotton and more wheat, more corn and more potatoes has meant, ironically enough, less production after all. The mad scramble for more production, more profit, resulted in the end in scarcity, because of the robbing of the soil of its fertility. Surely we need our soil and its fertility more than we need a surplus of those commodities, for you know a run-down farm is a poor legacy to leave to sons or daughters—and is a penalty levied against the consumers of the future. Just take a drive next summer on some of the byroads in the towns of Dayton and Farmington and some other sections of Waupaca County and see some of the legacies left to some sons and daughters. Those very legacies have had their effect upon the business of every man in this room; I know that they have affected the sale of postage stamps.

"In a pamphlet by the American Bankers Association are some significant statements—bankers are hard, cold-blooded fellows, you know—present company excepted. But the pamphlet states that 'The welfare of each individual, as well as of the Nation, rests ultimately upon maintaining our soil resources.' That 'Man holds land as a trust, as a steward, rather than as an absolute owner.' That 'this generation is entitled only to what the land will produce, and should leave it unimpaired for the next generation.' That 'soil erosion now menaces the economic and social security of millions of people. Its continuation may make impossible a self-sustaining agriculture in the United States.'

"Conservation authorities state, if soil erosion continues at its present rate, that we will become a nation of hungry stomachs and that the collapse of our civilization is threatened within the life span of those who are now living, unless the destruction of soil ceases. The downfall of all great civilizations can be traced to the lack of food.

"J. N. Darling, who was president of General Wild Life Federation, stated sometime ago in St. Louis that, 'In 1960, at the present trends of soil destruction and increase in population, the upward curve in population will cross the downward curve of tillable soil until we will have just 3 acres of tillable land per person. That is considered the minimum by which we can maintain our standard of living. After that we head down to the level of the Chinese.'

"Now, that's the saddest, most depressing thing I have read, for, you know, 1960 is not so far away. That is the year that I had pegged as beginning to really have some fun, because I will have reached the age when Supreme Court Justices may retire. But since reading that article I don't care much whether I have any more fun after or not. But I have three sons and a daughter—and naturally look forward to a few grandchildren—and I don't like to think of them on greased skids of a downward trend in civilization just because we have failed in our opportunity to correct the mistakes of our preceding, thoughtless, reckless generation.

"So this problem of soil erosion is the most seriously important problem on the horizon today. It is more serious than the threat of war; it is more serious than inflation; it is more serious than unemployment or wages and hours; it is more serious than dictatorship or communism (or whether my boss becomes the next President of the United States), for the fact remains that no government can stand up against the demands of hungry stomachs.

"Now, I haven't time here today to discuss any of the remedies that have been undertaken to correct the evils of soil erosion. I have merely tried to arouse an interest—with the hope that if this subject is of sufficient interest, we may have discussions of the

types and methods of combating soil erosion at some future meetings. This much we know—enactment of soil conservations must be made. And they should be understood by all of us, not just the farmers, because it is only through a thorough understanding of any principle that it can be made workable. And if we read or hear again this cry of regimentation because a farmer is expected to do certain things, comply with certain requirements, in order to become the recipient, the beneficiary of the programs mapped out for his benefit, let us not forget that we are all regimented in nearly everything we do. Why, my friends, the bankers here, regiment me when I borrow money from them; they tell me I must do two things: I must pay a certain rate of interest and pay back the principal. We are regimented when we drive down the streets; our daily conduct and activities are regimented to promote the common good.

"So if we are to accept the statement of the American Bankers Association that 'Man is not an absolute owner of land; that he is only a trustee, a steward,' then surely the enactment of legislation prohibiting the robbing and stripping of the soil of its fertility—the enactment of a legislative program to rebuild and replace that lost fertility—is more important than our humane legislation which prohibits cruelty to dumb animals. We have had some hastily drawn and hastily executed, short-time emergency programs in effect in certain sections of the United States. But it is necessary to consider and enact a permanently constructive program that will embrace the entire section affected by soil erosion.

"Someone has aptly said that grass is the thing that holds the world together. And grass is a native to our entire country. So the first step is to prepare the soil to grow grass—the marl and lime program is a step in that direction—then grow the right type of grasses. Then discourage the draining of our marshes, rather we should fill up some of the ditches and reclaim our natural reservoirs and build new ones.

"And, above all, for us who do not live on farms, we should take more interest in the welfare of our farmer friends, because we must not forget that when the farms and farmers go down, we all go down with them."

Mr. NORRIS. Mr. President, in that connection I ask unanimous consent to have printed in the RECORD, without reading, another editorial written by the writer of the editorials I have already read into the RECORD. The subject of this editorial is "Sweet Liberty." In the editorial he takes up a question which I think has direct application to what we are trying to do. We are trying to stay the devastation which has come to us because we have disregarded Nature's laws. We may think this advice is foolish; we may think it comes from cranks; but history all over the world shows that we are following in the footsteps of those who have destroyed their own country, because we have disregarded the warnings of Nature; and unless we change our course, in the years that are to come our children or our children's children will be in a condition where starvation will be the general rule.

We want to protect our soil. This bill will help to do it. We want to replant our forests. This bill will help to do it. We want to prevent the water which falls on the sidehills of the country from running too rapidly down to the rivers and streams which ultimately carry into the sea the soil and the natural resources God has given us.

I ask unanimous consent that the editorial to which I have referred may be printed in the RECORD without being read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

[From the Lincoln (Nebr.) Star of January 29, 1938]

SWEET LIBERTY

One very simple illustration will serve to set forth how conceptions of American constitutional liberties change. It was not so many years ago that there were no compulsory school laws upon the statute books. A man's children were his children until they attained their majority. They looked to him for discipline. They could attend school or stay out of school, according to their own desires and the will of their parents. That is not true any longer. There is a law today in most States providing for compulsory school attendance for children between certain ages.

It created quite a fuss in the beginning. A good many fathers said that no truant officer was going to check up on their kids and take steps to compel school attendance. The children belonged to them, and no governmental snooper could breathe defiance to the wishes of the parents. It is different today, and the truancy law is enforced rigidly. No one talks about curtailment of liberty—thinks of it in that way—but if there is anything that is more sacred than the right of parents to determine how their offspring shall live and spend the tender years of their lives, then name it.

In the southern part of Lancaster County the other day a farmer was quoted as saying that rather than surrender his liberty he would forego what the Government had to offer by way of a permanent farm program. Another was reported to have said that he was better off with 10-cent corn than $1.50 corn. It will not make a great deal of difference what individual people may think after the passage of a certain period of time. Either the farmer will receive a profitable price for the products of his land—and that means the great mass of farmers; not a few scattered individuals—or he will go bankrupt and lose his land. He can't keep on selling wheat for 35 cents a bushel—which, including investment and all proper charges, cost him much more to raise—and still stay in business. He can't produce anything at a loss over an extended period of time and expect to keep his head above water.

Neither can he expect the Government to loan him a fixed price on corn or wheat or any other commodity unless there is some degree of control of the amount to be produced. Not only the farmer, but the Government itself, would face ruin. In all of these farm discussions that have been taking place in Nebraska, a hard-hitting, two-fisted band of lawyers, politicians, and others—owners of land, to be sure, but generally with diversified interests—have had little to say about the wrath that swept over farm regions in the fall and winter of 1932–33 and a great deal to say about the farmers' liberty.

They have not been even fair about that—no matter what they may have intended to do. They have talked about some outside group of supervisors, imports from other States, coming in to tell the farmers of a locality what they had to do. The farmers of that area elect their own supervisor. If they would be silly enough to choose people from outside the State, then there would be some foundation for the charge. But the natural assumption is that they will choose their own people. They have talked about compulsion, but before there is an exercise of controlled acreage, first the requirements of an ever-normal granary must be met by way of surplus, and then the man on the soil and his neighbors must vote and must cast a majority of 75 percent before control becomes effective.

If that is a destruction of inherent liberties under democratic government, then most of the limitations placed upon people living both in the city and on the farm constitute tyranny. Because those rules that say what an individual may do or may not do represent a mere majority. The regulatory legislation under which business functions represents a mere majority.

This is a matter for the farmer to settle. The impassioned agrarian minutemen—some of them practicing law; some of them active politically; rushing over the State, addressing meetings of farmers, warning them of the dangers besetting them—face a heavy responsibility. It was less than 6 years ago that an overabundance on the farm brought ruinously low prices, open rebellion along the highways, defiance of law, and defiance of courts. Those prices interfered with sheriffs' sales and produced an intolerable situation.

If the critics do not like the pending proposals, what is it that they like? A few say leave us alone. They might get along entirely to their own tastes, but the bulk of the farming population experienced real distress because, first, of low prices and then drought. Uncontrolled production means ruinous prices. It always has and always will. It has ushered in cycles of great agricultural suffering and revolt.

Industry and business possess the mechanics right within themselves to control production. They exercise it partially. When they have too much on hand they simply quit producing. Before there can be any progress in eliminating the inequalities of industrial and agricultural income, the same measures by which industry keeps bankruptcy away must become a part of farm policy.

Mr. NORRIS. Mr. President, I do not wish to continue longer. I do not know that I have added anything to the discussion. I think, however, if I have the right viewpoint of the situation, that we ought to try to banish from our own hearts to some degree the selfishness of human nature. Human selfishness is natural. To a degree, I think it is right. I do not find fault with those who think this bill will not work. They may be right. Perhaps it will not work; but what will work? I admit that you may be of the opinion that nothing will work, and for that reason that you are not required to offer a substitute. But 99 percent of the critics who have been traveling over the country, actuated by motives sometimes partisan, sometimes in the interest of big business, sometimes in the interest of something else, are actuated by unjust motives. Their criticism is not constructive. They ought to bring forth something before they tear down something. What will take the place of this bill? To me, it seems that the situation is almost desperate.

This bill has been worked out by men who are as conscientious as any men with whom I have ever worked. In all my experience in Congress I have never found an instance in which Democrats and Republicans sat down side by side and did a more conscientious job than they tried to do here. The members of the Agricultural Committee may be foolish; they may be all wrong; but you have delegated the power to them. If you do not like the result of their labors, take

it away. I should be glad to have you take it away. Let somebody else assume the burden. Let those who criticize prepare a bill and bring it up. If any semblance of good appears likely to come from it, it will have my enthusiastic support.

Mr. BAILEY. Mr. President, I rise with some reluctance, because I understand it is earnestly desired that the conference report shall be approved before we adjourn this afternoon. Moreover, four Senators have informed me rather urgently that they have engagements to leave the city, and they would like to vote before they go. So I shall undertake to be brief.

If there is any disposition to blame me or to blame anyone for holding the Senate here, I hope the blame will be properly apportioned among all the Senators who preceded me. It just happens that I am one of the last. I am perfectly willing to go ahead with a view to a determination of the matter, and have no disposition to delay the inevitable determination.

I also wish it to be understood, in order that there may be no protest against what I am going to say, that I do not intend to reflect upon or in any way to attack or criticize the committee. The members of the committee have labored with great diligence, and they have advocated the bill here with a great deal of enthusiasm. If I had any comment to make on that subject, I think I should say that each of them has been most enthusiastic, and they have been surpassed in their zeal and enthusiasm only by the zeal and enthusiasm of the chairman of the committee.

I am reluctant to undertake to discuss the proposed legislation from the approach of a fair consideration of the obligations of my oath to maintain and uphold and defend the Constitution of the United States. There was a time, Mr. President, when that was a reasonably substantial approach to matters of this sort; but a new doctrine has been proclaimed by the Assistant Attorney General, who is soon to become Solicitor General by our confirmation and enthusiastic approval. The new doctrine is that the Constitution as well as the Supreme Court has an obligation to follow the election returns, and the Constitution shall mean and the Court shall declare whatever the political platform or the political candidate may believe upon a vote of the people. If we make a fair application of that doctrine, coming from that eminent source—a source that is eminent now, and hoping to be much more eminent in time to come, as I understand from the newspapers—I take it that we shall soon have it determined that anything is constitutional in America if we submit it to the group involved, and two-thirds of them say so. However, I do not take that view of the Constitution—not yet.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. SCHWELLENBACH. I should like to ask the Senator—and I submit this question with the utmost seriousness—in view of the fact that prior to any changes on the Supreme Court there were such extreme changes in the attitude of the Court, for example, the declaration in 1936 with reference to the minimum-wage law, and then a complete reversal in 1937 by the same Court; the declaration in the Carter Coal case to the effect that labor problems were purely local in 1936, and then the declaration in the Jones-Laughlin case that they were a national problem—is it not rather difficult for any Member of the Congress today to decide the question of constitutionality in passing upon proposed legislation under consideration by the Congress?

Mr. BAILEY. Not only difficult, but getting more and more difficult every day. We are in entire agreement. Still that does not convince me of the flower and consummation of that doctrine, to wit, that the Court must accommodate itself to what gentlemen in power say is the meaning of the election, and if the Court does not, that is a resistance to the processes of democracy.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BAILEY. Yes, I yield; but I did not intend to enter upon a filibuster. If Senators wish to have me to, it is all right. I meant to conclude pretty quickly.

I still believe in the Constitution, I still believe in the integrity of the Supreme Court of the United States, I still believe that it is the duty of a Member of Congress to respect the decisions of the Supreme Court of the United States, and I do not believe that the Constitution is an instrument which can be changed at will to accommodate the decisions of the Court to political platforms or biennial elections.

Mr. MINTON. Does not the Senator think that the Supreme Court has rather faithfully reflected the opinions and doctrines of the Republican Party ever since the Civil War?

Mr. BAILEY. I do not, and I think the President of the United States now in the White House confirmed and approved in one speech, in March 1930, every decision the Supreme Court ever made as to the meaning of the Constitution as to the structure of this Government and the powers of its branches; and I read that speech aloud here. If those decisions prior to 1930 were Republican decisions, then I say that the present President of the United States approved every one of them within 3 years of the hour when he took the oath of office as President under the aegis of the Democratic Party.

I am perfectly willing to yield. I said to begin with that I did not care to prolong the debate, and that I was rather inclined earnestly to conform my will to the general desire to have a disposition of the legislation; but I welcome the opportunity for debate and discussion always, and I wish to assure Senators that I shall be very happy to yield at any time.

This is what comes to my mind. I do not have the right as a Senator to vote for the proposed legislation. I am bound by the Constitution, bound by my oath, which is the only condition of my tenure here, a violation of which would justify my expulsion, and whether the Senate expelled me or not, the violation of it would in every real sense expel me within myself. But, passing that by, I am respecting the views of Senators who think they have the right. I do not question that. I am talking only of my own view.

I say that the measure before us cannot be enacted by the Congress, that the bill cannot become law. It is unconstitutional. It is manifestly, it is obviously, it is hopelessly unconstitutional.

I think it is a great pity to enact bills which are to last a year or two and which are held forth as the source of hope, as the Senator from Nebraska just now held forth the pending bill, to enact such bills into law, knowing, as I feel that I know—and I am not resting the opinion on my own judgment; I will give my authority in due course—knowing that they are soon to fall to the ground. We have been warned that when people ask for bread, we should not give them a stone. But I will go further and be perfectly candid. If I had the power to make this bill a law, I would meditate upon it more than a year, because the exercise of unlimited and arbitrary power over a people is the most serious thing a human being ever undertook. I do not think I would dare exercise that power if I had it. I have no taste for tyranny.

To reduce the whole thing to its simplest terms, we are asked to pass a measure now, the effect of which would be that the Congress would say to all the people of America, all the farmers who are farming, "You shall not plant until you get the permission of the Department of Agriculture." We would reduce them to the status of a small boy in the schoolroom, who lifts his hand and asks the teacher for leave to go in or to go out.

We are also asked to say to all those people who are out of work, and who might farm—and the President tells us now that the number has within 90 or 100 days grown by 3,000,000—we are asked to say to tens of thousands of people, perhaps hundreds of thousands, who at the present moment have no opportunity in industry, who might have an opportunity on the land, which has been the hope of all populations, which has been the last stand that desperate men have taken throughout the ages, who, driven back and

back from the streets and the marts have always said, "We will go to the land and make a living"—we are asked to say to those helpless millions, "All right, you are helpless, but if you want to farm, we will not let you farm."

We are not only asked to say that they must ask permission, but we are also asked to say that they will be denied the permission. That is the result of this bill.

There is a good deal of good in the bill, I agree, there is a great deal in the bill which I would approve. I like the soil-erosion program, for example. I think there is something to be done by way of marketing, I think we can devise a better plan of distribution, I think there is a good deal in the matter of loans and advancements; but I cannot vote for legislation which notifies the farmers of America that they must ask the Federal Government, "May I plant cotton?" and be told "No"; "May I plant 6 acres?" and be told, "You may plant three"; or, "May I plant a hundred acres," and be told, "You may plant ten." I will vote against any bill which carries in it such provisions, because I know it is contrary to the spirit of the American people and in absolute violation of the Bill of Rights, which is the source of our civilization itself.

Let us see how the bill proceeds. It proceeds on the theory that we may so employ the commerce clause in the Constitution as to control the production of cotton on a farm in North Carolina, or tobacco, or corn, or cattle, or sheep, or chickens, or any other farm product. Let us look at that just a moment. The commerce clause clearly is in the Constitution for the purpose of uniting the country, regulating the commerce of the country in order to remove obstacles and restrictions and taxes and burdens on the commerce.

Not until the last 2 or 3 years did anyone ever suspect, not until 1930 did the President of the United States ever suspect, because I take his 1930 speech as one of the most thoughtful of his whole life, that the Congress had the power under the Constitution to have anything whatever to do with agriculture, and he said so in that speech.

We are saying to the farmer that, because cotton is shipped across State lines or across the sea, that itself brings the production of cotton into commerce so directly or indirectly, or at any rate so really, that the Congress of the United States has the power to reach out by means of the commerce clause and say to this man, "You have land that you shall not plant;" to that man, "You have land and you may plant 3 acres," and to another man, "You have land and you may plant 10 acres," and to yet another man, "You may plant 500 acres."

That is what the bill provides. That is to be enforced by way of penalties.

What is penalty? It is punishment; not a tax. A tax is not a punishment. It may hurt, but it is not a punishment.

But we purport to exercise the Federal power, assuming that we have it. Let us put it this way. We, as the Congress, arrogate to ourselves the power to impose a punishment upon a man planting more acres of cotton than the Secretary of Agriculture or the local committee says he may plant. That is what we provide in the bill. We can carry it on to corn, we can carry it on to tobacco. We can carry it all the way through the bill. When we get done with it we are bound to realize that we are doing something which within the last 2 or 3 years, in the Butler case, the Supreme Court has already said we could not do; which no American statesman ever said we could do until the last 2 or 3 years, and which the present President of the United States said we could not do on March 7, 1930, and I refer to his speech which I read in the RECORD.

Of course, it is un-American. Of course, it is unconstitutional, and, of course, no matter what is said by way of the condition of the farmers, it is intolerable.

I am saying that the commerce clause of the Constitution never authorized the control of the farms of this country by the control of the farmers. I am going further. I am saying to the Senate that if we pass this legislation it will be in order for us next to pass a bill to the effect that a man shall employ only so many people in his business, because the employment of more than we wish him to employ is a burden on commerce; and we put a tax on such employment. We say he can employ 10 men, but he employs 12 men, and we tax him for the other 2.

I am saying that if this legislation is constitutional we can limit the number of hats or coats that shall be sold in the drygoods store or the clothing store. We can say that the shipment of more than 10,000 hats, say, to this merchant, in a year is a burden on commerce, and that therefore we will put a tax of $2 per hat on every hat which the merchant orders over 10,000. The same way with coats. The same way with flour. The analogy cannot be avoided, the consequences of the principle cannot be avoided, and the conclusion cannot be avoided.

There is nothing in the Constitution, and there never will be anything in the Constitution, to permit it. I could fall on my knees and pray day in and day out that there shall never be anyone on the Supreme Court who will so far forget the meaning of words and the history of the country as to say that the Constitution ever contemplated or could ever be conceived of as meaning any such thing as that.

Mr. President, it is said that all this is cured by the fact that we submit the legislation to the groups involved, and if two-thirds of the farmers voting vote for it then all the unconstitutional features are cured and it becomes constitutional. That is one of the strangest ways I ever heard of for taking unconstitutional legislation and making it constitutional.

I will apply that further. Two-thirds of the cotton farmers can control one-third and impose their will upon the one-third. Very well. When did we ever obtain power to delegate our authority to two-thirds of any body? Is anyone going to say that two-thirds of the religious people of America can vote and control the other one-third? There is your minority group. Let us say that we pass a law providing that the doctrine of religious liberty shall be abrogated in America upon a vote of two-thirds of the religious people, and the one-third shall have to accept the decision, whatever it is. Of course that was never contemplated, and of course Senators do not contemplate it now. All they do now is to say, "All right, we will submit this abrogation of human rights to two-thirds of the farmers, or to two-thirds of the farmers voting, and if two-thirds of them favor the legislation the other one-third is bound."

Follow that principle through and see where it is going. All we are doing is to say that there are no rights in the Constitution for minorities in America—that the Constitution has no meaning!

While the Constitution was made for the country as a whole, its glory from its foundation to the present hour has been in its power, not simply to protect the rights of minorities but to protect the rights of the humblest man who breathes the breath of life. Take all that away and follow the principle through. Let the Supreme Court uphold it as constitutional. Let fate so dispose that men may be appointed to that bench who will do what Mr. Robert Jackson said yesterday before the Judiciary Committee the Court ought to do—that is, respond to election returns—and the Constitution is gone. Every precious right that is written in it is then taken away overnight.

So, Mr. President, I say that the legislation is contrary to the spirit of the American people, contrary to the Constitution, contrary to the plain decision of the Supreme Court on the very point, in discussing legislation passed by the Congress as recently as 1933.

There is another feature there. This bill erects a tariff, not between States, not precisely between geographical sections, but between farm and farm throughout America. Put a tariff on the North Carolina tobacco of 2 or 3 cents a pound, or 50 percent ad valorem. What for? A protective tariff to protect the other farmer. That is good Democratic doctrine, is it not? Put a tariff on cotton. Why? To protect Alabama against the expansion of the production of

cotton in Texas, that is all. You are going to put such a tariff on my State that if we should produce what we did in 1937 the prohibitive tariff will break our backs.

It is more than a penalty. It is a plain, prohibitive, protective tariff—and the farmers have always protested against the tariff—put forward by a political party which, from 1846, the date of the Walker report, to the present hour, has denounced the protective principle, declaring for a tariff for revenue only.

Those are the plain, indubitable, unchallengeable facts about this legislation. I cannot vote for it as long as they are the facts.

The Senator from Nebraska said that the burden is on those who oppose this legislation to propose a better bill. I would dispute that statement, but I am perfectly willing to assume the burden. A better bill than this one could be written, and it would not take any Solomon to write it. Any bill that is constitutional would be better than this bill. A soil-conservation bill could be written, a marketing bill could be written, or a loan bill could be written, all within the Constitution. What I am saying is that if the bill is unconstitutional, I have the right to oppose it without offering more. Such opposition will at any rate keep faith with the Senate and with the people who trusted me with powers under the Constitution, and with no other powers whatsoever.

I wish to call attention to another fact. The Supreme Court of the United States, in the Butler case, said in plain language that the Congress has no power to control agricultural production. There was not any doubt about it. The Court undertook to expand the welfare clause and said that Congress did have the right to spend money for the general welfare, but that it could not spend that money to control agriculture, because that is a right reserved to the States. That decision was a 6-to-3 decision.

Senators may argue that since the Butler decision was handed down the Court has changed. Perhaps so, but it has not changed in that respect.

Read the dissenting opinion in the Butler case, written by Mr. Justice Stone, and signed by Mr. Justice Brandeis and Mr. Justice Cardozo. The dissenting opinion approved the old A. A. A. on the grounds that it was not compulsory control, saying that the gifts provided under the A. A. A. from the processing tax were conditional gifts, and not controlling gifts. The plain inference is that the three judges to whom I refer will join with the other six Justices who handed down the principal opinion and say that this bill is unquestionably and uncontrovertably an assertion of the Federal power to control by way of express and exorbitant and prohibitive penalties, and therefore unconstitutional. I do not care to undertake to anticipate the opinions of men, but in the light of the dissenting opinion in the Butler case, I expect to see a majority of 6 to 2 or 7 to 2—and I hope 8 to 1.

There is nothing in the history of our country, nothing in all the long line of decisions of the court, nothing in the Butler case, which is the most recent decision, the principal opinion and the dissenting opinion which I have discussed, and nothing in the theory that the Court has changed, on which to hang a hope or a theory that this legislation can by any possibility be constitutional.

We are doing a vain thing. It will last a year perhaps. There will be a thousand suits. Penalties will be paid and in 2 years those who paid the penalties will be coming here—and justly so—as they came last year, asking for the return of those penalties, and the Attorney General of the United States will write us a letter, just as he did last year, saying that the penalties ought to be returned.

That is the way the thing appears to me. I think the Senate probably is inadvertent to the fact that the junior Senator from Kentucky [Mr. LOGAN] and the junior Senator from Georgia [Mr. RUSSELL] introduced, last year, bills calling for the refund of the penalties collected under the Kerr-Smith Act and the Bankhead Act of 1933–34, and the fact that the Secretary of Agriculture informed us that the penalties, including the certificates purchased, amounted to $50,000,000, and approved the return of the penalties but not the payment for the certificates.

The present Attorney General of the United States thinks that the farmers were entitled to the recovery by act of Congress as a matter of right under precisely similar legislation. But for this legislation, I take it we would have appropriated the money this year to pay them; but, inasmuch as this legislation is pending, we cannot stultify ourselves to that extent in 1 year. It takes 2 or 3 years to do a thing like that. In the lapse of time people forget.

Let us take the other feature of it. We are proceeding, in this legislation, by way of allotments. We say to one farmer, "You may have 3 acres of tobacco"; to another farmer, "You may have 10 acres of tobacco"; and to a third farmer, "You may have 50 acres of tobacco." We say to one farmer, "You may produce so many bushels of corn"; to another farmer, "You may produce so many bushels of corn"; and to a third farmer, "You may not produce any corn, any tobacco, or any cotton."

We are saying to one American, "You may farm," and to another American, "You may not farm." We are saying to one American, "Your income shall be $10,000 a year," and to another American, "Your income shall be $100 a year." That is the allotment plan. We are attaching that right to his land.

Our party is the party of "equal rights to all and special privileges to" only those who have the most votes. The special privileges are dispensed upon a vote of two-thirds of the group concerned.

We are talking about realities. They cannot be controverted. What is the meaning of it all? I have read many old land deeds, as every lawyer must have done. When we get through the conveyance clause in the deed, and the description of the property, we find some strange words—"to have and to hold, to him, his heirs, and assigns forever, the aforesaid lands, together with all the privileges and appurtenances thereunto belonging."

Have we ever thought about what those words mean? They were the privileges attached to the land under the feudal system. Going back long before the days of democracy, they were the privileges that had come down as parts of the land itself, more deeply attached than the covenants between the parties, running with the land. They were privileges that came from the breast of the king, who at that time was the soul of the country. They could not be divested any more than could the land.

If this bill should pass, when a man tries to sell some land in my State of North Carolina the prospective buyer of the future will say, "How much per acre will you take?" The owner will say, "$100 an acre." The prospective buyer will say, "That is pretty high." The owner will say, "But I have allotments"—privileges and appurtenances. "I can hand those allotments down to the purchaser."

Another man may want to sell some land. The prospective buyer will say, "I will give you $5 an acre for it." The owner may say, "That is too low. I cannot afford to sell it." The prospective buyer will say, "But you have not any allotments"—no privileges and appurtenances!

The allotments are the feudal "privileges and appurtenances thereunto appertaining." The Federal Government is attaching feudal privileges and appurtenances to the land of selected people, not only by act of Congress but by a vote of two-thirds of those voting, and the privileges will be taken away from the fellow who does not vote. He will have to take whatever he gets.

What does it all mean? In biological theory and biological experience there is what is known as a "throwback", an atavism. An individual suddenly crops out who does not look like any of his immediate family. He may be extraordinary in appearance. If one looks far enough back he will find that a remote ancestor looked the same way. He is a "throwback." Here is your throwback.

American democracy, as exemplified in the great Republic which our forefathers created and which we inherited, the richest and the best land on earth, fell into a little trouble.

We went too far, perhaps. We got into the World War. We got confused. The consequence of it is that we throw ourselves back to the feudal period—we abandon the Republic; we bring forth a feudal law of the farm.

The fee of the land in America is in the States, and not in the Federal power; but under the proposed legislation the Federal power will write the feudal fee, the feudal rights, the feudal appurtenances, and the feudal privileges—and we call that democracy!

Mr. President, we have a precise analogy in that matter. When Queen Elizabeth became infatuated with Sir Walter Raleigh she wished to do him a great favor. She was a queen. She had unlimited power. She was not under a constitution. She was not even answerable to a parliament. She wished to do Sir Walter Raleigh a favor because of his courtly ways, I suppose; because he looked so nice, I suppose; because he flattered her so. Queen Elizabeth took 40,000 acres of land in Ireland and handed it over to Sir Walter Raleigh and let the owners of the land starve.

That is the thing that made America. Our ancestors revolted against it, and millions came across the sea because that was the only way to get rid of it. Queen Elizabeth did more than that. She liked Sir Walter Raleigh so well—he was a man lean of purse but rich in tongue—that she gave Sir Walter a monopoly of the wool trade of London. A man could not wear a coat in London without paying a tax to Sir Walter Raleigh—"the privileges and appurtenances to him appertaining." That is the feudal system. That is the repudiation of the republic. We do not have that. Thank God, the Supreme Court prevents that. It may be changed, but it will not be changed soon enough not to repudiate that. And then I think in due season the American people are going to wake up to what is going on. I think the time is going to come when the American people will say to men like you and me, "You attend to your business. You follow the Constitution. You exercise the powers you have, and do not exercise any more, and we shall be satisfied."

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from North Carolina yield to the Senator from Florida?

Mr. BAILEY. Surely.

Mr. PEPPER. I should like to ask the Senator from North Carolina whether, before any of those privileges were exercised the citizens were allowed to vote on the matter, as is provided in this bill.

Mr. BAILEY. Of course not. They did not have a senate over there. The Senator from Florida is intimating that because Senators vote on a thing that makes it right. Hear me, my friends! The Constitution is above the Senate. The fact that we vote on a thing does not make it constitutional.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina further yield to the Senator from Florida?

Mr. BAILEY. I do.

Mr. PEPPER. I spoke in so low a tone that the Senator misunderstood me. I said the citizens voted before any of these provisions went into effect.

Mr. BAILEY. Now we come back to precisely where I began. The theory here seems to be that because the people vote something, the Constitution has to be accommodated to it. The fact is that the people also are under the Constitution. Every election is under the Constitution, and the presumption is that when a man votes he believes in the Constitution, and when he is elected he believes in the Constitution. That presumption is confirmed by the requirement—and it is the only requirement made—after you get your certificate of election, that you shall take an oath to support, maintain, defend, and in every way be faithful to the Constitution, and stay within your powers. That is why we are here.

Let me repeat: President, Supreme Court, House, Senate, State, county, city, home, mother, father, child, black, white, Jew, gentile, Catholic, and Baptist, all are under the Constitution and subordinate to it; and those of us who know its meaning to minorities and to individuals rejoice, and thank our stars and thank the kindly Heaven that it is so.

Mr. President, I often think about our country, and how we got to be settled, and I often think about a fine story that I heard.

A gentleman told me that one day he was coming over from Europe, and he met a lady with her daughter. She was an immigrant. She said, "I am coming to America."

He said, "Why are you coming to America?"

She said, "I am coming to America because I do not want my daughter to be a housemaid."

The gentleman said, "How is that?"

She said, "I am a housemaid. My mother was a housemaid. My grandmother was a housemaid. My great-grandmother was a housemaid. My great-great-grandmother was a housemaid; and I do not want my daughter to be a housemaid. I am going to America."

But if this bill should be enacted, and should be upheld by the Supreme Court, the same thing that kept that woman, her mother, and all of her predecessors housemaids, would be in force in America. Once a tenant, always a tenant. Once a big farmer, always a big farmer—the aristocracy of agriculture. Once a little farmer, always a little farmer. Once a poor farmer, always a poor farmer. You fix American agriculture in the mold of the law, and you determine the bounds of the habitation of every farmer in the land. You cannot avoid that.

What chance has the little man down in North Carolina, say, who plants 5 acres of tobacco? Under this bill he will be permitted to plant only 4 acres this year, and 4 acres next year, and 4 acres forevermore. I know there is a little 5-percent clause in the bill, but that is not going to relieve him. He will take this law to his breast, and he will read it, and he will sit there with his family, and he will know that as long as he lives he will be a small farmer, and when he dies his small estate will be divided among his children, and theirs will be smaller yet. Of course, the legislation is not going to last. Once a tenant farmer, always a tenant farmer under this bill. Once off the land, never again back to it under this bill, except by grace of the Department of Agriculture under the 5-percent clause. Once you do not plant tobacco, never again shall you plant tobacco under this bill. Once you do not plant cotton, nevermore shall you plant cotton under this bill.

Is it conceivable that we should think that such legislation as this is within the realm of practicability or that there could be any emergency on earth that would justify it?

Now I desire to say a word or two about the economic effect of the legislation. Whether or not the Senate hears me, I want the farmers of North Carolina to hear me.

The enactment of this bill will reduce the income of the farmers of North Carolina in cotton and tobacco alone next year, on the basis of present prices, $32,500,000. I am unwilling to impose that loss upon them. It is bad enough to put these penalties upon them; but to put penalties upon them and then take $32,000,000 out of their meager earnings is still worse.

The Senator from Nebraska [Mr. NORRIS] was just talking about the bad condition of the farmers. How much worse will their condition be when you take away from them, by this legislation, $32,500,000 per year?

How do I get my figures? They are very simple. We produced in North Carolina, this year, 575,000,000 pounds of tobacco. Under this bill that amount will be cut by 90,000,000 pounds. We sold our tobacco this year at an average price of 25 and a fraction cents per pound. Divide that by 4, divide 4 into 90, and you get $22,500,000 on the basis of present prices.

Take the case of cotton: North Carolina last year produced 770,000 bales of cotton. Under this bill North Carolina is not allowed to produce more than 517,000 bales, a reduction of 250,000 bales. Count them, at $50 a bale with the seed. That is right. Count them with the seed, at just about 8 cents a pound, which is $40 a bale, and the seed comes to $10, a total of $50. Two hundred and fifty thousand

bales at $50 a bale is $12,500,000; and are we allowed to go into anything else? No. May we plant wheat? No. They even have a quarrel here about whether we may raise chickens.

They even have a dispute about whether we should graze our cows on the land, or enlarge the dairies, or allow the housewife to sell 2 pounds of butter when she has been selling 1, or 2 dozen eggs when she has been selling 1 dozen every Saturday. We are forbidden to raise hogs under penalty of deprivation.

Can we go into anything else? No.

What does that mean? It means that 25,000 or 30,000 North Carolina farm families will be driven from the farms. They will be tenants. They are human beings; they have rights; they are members of this great Government of ours; they are citizens of the United States; they have privileges and immunities. They have a right to a place in the sun. I am saying to the Senate that if they are driven out we will have to appropriate money to support them. There would be nowhere for them to go.

Mr. President, that would be one of the plain consequences of the legislation.

Someone says, "Oh, well, tobacco will go up." That is the theory. Tobacco at 25½ cents is so much above the ordinary level that very few people think it is going higher, and many of us are just hoping it can remain at 25 cents a pound. They say cotton is going up. The Department of Agriculture will tell anyone that there is not a chance in the world of cotton getting above 11 cents in the next 12 months unless there is a world war, and we all hope and pray that there will not be a world war.

There is the picture of North Carolina in the fall of 1938, with the election coming on. I walk around in that State and I see farmers selling a 500,000-bale crop at $12,000,000 less than they sold the 770,000-bale crop for, and I see tobacco farmers selling 90,000,000 pounds less than they sold this year, and I hope the price will be as good as the present price. But I fear there will be a loss of thirty-two million, and, if so, I will have to explain that to them. I am going to tell them I was not for it.

So much for the economic effects.

In conclusion, Mr. President, my objection to the proposed legislation is not that the purpose is not good, not that the motive is not good, not that the Senators have not worked on it and done the best they could do, not that the two great farm organizations have denounced it, one the Grange, the other the American Farm Bureau Federation, not that there is not something in it which I would like to support, but my objection to the proposed legislation is that it will call for the exercise of arbitrary power which we do not have, and it is such an exercise of power as carries us to the point of actually dividing our people up according to our will and fixing them in their places, and our assuming to say what they may plant and when they may plant, how much they may reap and how much they may sell, and that all of that is based upon a conception of the Constitution which has not the slightest support in any doctrine of any statesman or any decision of any court in all the history of the country.

The PRESIDING OFFICER (Mr. DUFFY in the chair). The question is on agreeing to the conference report.

Mr. McNARY. Mr. President, I had hoped during the day that we might get a final vote on the conference report this afternoon, but that now seems impossible, as several Senators desire to speak.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. BARKLEY. We have all been hoping that a vote could be taken on the conference report this evening, and it has not been the desire of anyone to have a session tomorrow. How many other speeches are scheduled?

Mr. McNARY. Mr. President, the Senator from California [Mr. JOHNSON], the Senator from Idaho [Mr. BORAH], the Senator from Utah [Mr. KING], and the Senator from Nebraska [Mr. BURKE] wish to speak, and I desire to speak on the report.

Mr. BARKLEY. In view of that, it is obvious a vote cannot be reached tonight.

Mr. SCHWELLENBACH. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. SCHWELLENBACH. I should like to interrupt the Senator to make just one observation. I think it might be very desirable for the conference report to go over until Monday. There has been considerable discussion both on the floor of the Senate and in the press of the Nation to the effect that under this administration there has been hasty consideration of legislation. It happens that next Monday will mark the end of 1 year from the day when the pending bill was first considered by the Senate Committee on Agriculture and Forestry. On the 14th day of February 1937 the matter was first presented to that committee.

Mr. KING. Mr. President, will the Senator from Kentucky yield to me?

Mr. BARKLEY. I yield.

Mr. KING. Obviously the fault, if there was a fault, rests with the committee which had the bill in charge. I am not making any complaint, but they have had it in charge for many months.

Mr. BARKLEY. Of course, we all know that, no matter who speaks or what he says, there will be no changes made in the final vote on the conference report. I take it that every Senator knows now how he will vote upon it, and I think it reasonably certain that the conference report will be agreed to by an overwhelming majority but, in view of the fact that Senators wish to speak upon it, I do not desire to prolong the session this evening sufficiently to enable a vote to be taken. Therefore I ask unanimous consent that at not later than 3 o'clock on Monday the Senate shall proceed to vote on the conference report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. JOHNSON of California. Mr. President, I do not desire to interpose an objection; but does the Senator propose to have the Senate meet at 12 o'clock on Monday?

Mr. BARKLEY. No; we will meet at 11, if necessary.

Mr. JOHNSON of California. Let us meet at 12 and take the vote at 4 o'clock.

Mr. BARKLEY. I do not think the vote ought to be put off that late. There are some matters which may come up on Monday.

Mr. JOHNSON of California. The antilynching bill?

Mr. BARKLEY. That will automatically come up, of course; but there may be some intervening matters which will receive consideration Monday. I hope there will be no objection to a vote being taken at 3 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. McNARY. Mr. President, is the request based upon the supposition that the Senate will meet at 12 o'clock?

Mr. BARKLEY. That is my view, that the Senate will meet at 12 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. BARKLEY. Senators who indicated to me that they desired to speak have assured me that their speeches will be brief. I think there will be no difficulty in accommodating every Senator who desires to speak within the 3-hour period.

Mr. McNARY. Let me suggest that the Senate meet at 12 o'clock and vote at or before 4 o'clock.

Mr. BARKLEY. That is the request I made, except that I suggested that the vote be taken at or before 3 o'clock. If Senators run out of conversation before 3 or 4, or whatever hour we fix, there will be a vote. I thought I had an understanding with everyone who desires to speak that we would vote at 3 o'clock instead of 4. Now there is the suggestion that the vote be taken an hour later.

Mr. JOHNSON of California. I suggest that we vote at 4 o'clock.

Mr. BARKLEY. I did not take the precaution to consult the Senator from California in advance.

Mr. JOHNSON of California. Of course, Senators will keep within reasonable limits.

Mr. BARKLEY. I hope so. If they do, it will be more than they have been doing all during the consideration of the bill.

Mr. McNARY. I suggest the hour be made 3:30.

Mr. BARKLEY. I will compromise on 3:30 o'clock p. m.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky that the Senate convene at 12 o'clock Monday and proceed to vote on the conference report at not later than 3:30 o'clock? The Chair hears none, and the unanimous-consent order will be entered.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. DUFFY in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO MONDAY

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until Monday, February 14, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 11 (legislative day of January 5), 1938

UNITED STATES MARSHALS

Robert E. Clark, of California, to be United States marshal for the southern district of California. (Mr. Clark is now serving in this office under an appointment which expired February 3, 1938.)

George Vice, of California, to be United States marshal for the northern district of California. (Mr. Vice is now serving in this office under an appointment which expired February 3, 1938.)

REGISTER OF THE LAND OFFICE

William G. Johnson, of Wyoming, to be register of the land office at Cheyenne, Wyo. (Reappointment.)

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

First Lt. Jean Evans Engler, Infantry, with rank from June 13, 1936.

Second Lt. Harold Roy Low, Infantry, with rank from June 12, 1936, effective July 1, 1938.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be colonel

Lt. Col. John Mitchell Willis, Medical Corps, from March 26, 1938.

To be lieutenant colonels

Maj. Carl Randolph Mitchell, Medical Corps, from March 1, 1938.

Maj. Michael Gerard Healy, Medical Corps, from March 3, 1938.

Maj. Martin Fred DuFrenne, Medical Corps, from March 13, 1938.

Maj. Philip Lewis Cook, Medical Corps, from March 18, 1938.

Maj. Charles Fremont Snell, Medical Corps, from March 21, 1938.

To be majors

Capt. Dwight Moody Young, Medical Corps, from March 15, 1938.

Capt. Edwin Sorensen Segard, Medical Corps, from March 26, 1938.

To be captains

First Lt. Bryan Coleman Thomas Fenton, Medical Corps, from March 2, 1938.

First Lt. John Dupre Dupre, Medical Corps, from March 6, 1938.

First Lt. Aloysius Thomas Waskowicz, Medical Corps, from March 20, 1938.

DENTAL CORPS

To be lieutenant colonel

Maj. Warren Charles Caldwell, Dental Corps, from March 12, 1938.

CHAPLAINS

To be chaplain with the rank of lieutenant colonel

Chaplain (Maj.) Philip Francis Coholan, United States Army, from March 7, 1938.

To be chaplain with the rank of captain

Chaplain (First Lt.) John Frazer Chalker, United States Army, from March 19, 1938.

POSTMASTERS

ARKANSAS

George O. Yingling to be postmaster at Searcy, Ark., in place of G. O. Yingling. Incumbent's commission expired January 27, 1938.

Clyde F. Flatt to be postmaster at Siloam Springs, Ark., in place of C. F. Flatt. Incumbent's commission expired January 27, 1938.

GEORGIA

Dan L. Gibson to be postmaster at Albany, Ga., in place of D. L. Gibson. Incumbent's commission expired January 30, 1938.

John Orville Goodson to be postmaster at Chickamauga, Ga., in place of R. W. Baker, resigned.

Oliver F. Deen to be postmaster at Douglas, Ga., in place of O. F. Deen. Incumbent's commission expired January 30, 1938.

George W. Cornwell to be postmaster at Monticello, Ga., in place of G. W. Cornwell. Incumbent's commission expired February 1, 1938.

Dewey G. Burnette to be postmaster at Rockmart, Ga., in place of D. G. Burnette. Incumbent's commission expired February 1, 1938.

Roy D. Smith to be postmaster at Tennille, Ga., in place of J. H. Sheram, removed.

Jeremiah J. Walker, Jr., to be postmaster at West Point, Ga., in place of J. M. Potts, resigned.

HAWAII

Joseph Alves to be postmaster at Wailuku, Hawaii, in place of I. D. Iaea, Jr. Appointee deceased.

IDAHO

Fay W. Sheesley to be postmaster at Hansen, Idaho. Office became Presidential July 1, 1937.

ILLINOIS

John W. Epperson to be postmaster at McLeansboro, Ill., in place of Elwood Barker. Incumbent's commission expired March 17, 1936.

INDIANA

Edward A. Hemphill to be postmaster at Cannelton, Ind., in place of Fred Irvin. Incumbent's commission expired February 21, 1935.

IOWA

Grover Hamilton to be postmaster at Leon, Iowa, in place of J. E. Pryor, removed.

Logan B. Urice to be postmaster at Vinton, Iowa, in place of A. B. Smouse, deceased.

KENTUCKY

George W. Tye to be postmaster at Barbourville, Ky., in place of G. W. Tye. Incumbent's commission expired February 5, 1938.

LOUISIANA

Robert Lee Pettit to be postmaster at Baton Rouge, La., in place of C. F. A. Brown, transferred.

Henry F. Couvillon to be postmaster at Moreauville, La. Office became Presidential July 1, 1937.

MICHIGAN

Eleanor C. Lutz to be postmaster at Pullman, Mich., in place of M. I. Lutz, deceased.

MINNESOTA

Oscar Leonard Flo to be postmaster at Bricelyn, Minn., in place of M. H. Hottinger. Appointee not commissioned.

Alex C. Wahoske to be postmaster at Odessa, Minn. Office became Presidential July 1, 1937.

MISSOURI

Charles Grover Macke to be postmaster at Jackson, Mo., in place of C. W. Medley. Appointee deceased.

NEVADA

Zoe Anderson to be postmaster at Ruth, Nev., in place of C. E. Hutton, resigned.

NEW JERSEY

C. Melvin Johnson, Jr., to be postmaster at Highlands, N. J., in place of J. P. Adair. Incumbent's commission expired February 9, 1936.

NEW YORK

Raymond H. LaClair to be postmaster at Huntington, N. Y., in place of R. L. McBrien. Incumbent's commission expired March 22, 1936. (Removed without prejudice.)

William J. Holbert to be postmaster at Morrisville, N. Y., in place of K. T. Webber. Incumbent's commission expired July 13, 1936.

Francis X. Desmond to be postmaster at Niagara University, N. Y., in place of H. H. Gaff, resigned.

NORTH CAROLINA

Samuel T. Stough to be postmaster at Davidson, N. C., in place of S. T. Stough. Incumbent's commission expired January 31, 1938.

Carroll E. Kramer to be postmaster at Edenton, N. C., in place of C. E. Kramer. Incumbent's commission expired January 31, 1938.

Clarence W. Boshamer to be postmaster at Gastonia, N. C., in place of C. W. Boshamer. Incumbent's commission expired February 1, 1938.

OHIO

Harry D. Arnold to be postmaster at Leetonia, Ohio., in place of H. D. Arnold. Incumbent's commission expired February 1, 1938.

Marjorie Marie Harrison to be postmaster at Malta, Ohio, in place of M. B. Strahl, resigned.

Harry E. Miller to be postmaster at New Concord, Ohio, in place of H. E. Miller. Incumbent's commission expired January 30, 1938.

Anna Mary Tesi to be postmaster at Yorkville, Ohio, in place of M. A. Brooks, deceased.

OKLAHOMA

William F. Goff to be postmaster at Jones, Okla. Office became Presidential July 1, 1937.

OREGON

Willis F. Coffey to be postmaster at North Portland, Oreg., in place of J. D. Kennedy, removed.

PUERTO RICO

Vicenta Correa to be postmaster at Vega Baja, P. R., in place of T. M. Lopez, removed.

SOUTH CAROLINA

Palmer A. Matthews to be postmaster at Winnsboro, S. C., in place of P. A. Matthews. Incumbent's commission expired February 1, 1938.

TENNESSEE

Hollis M. Caldwell to be postmaster at Lookout Mountain, Tenn., in place of H. M. Caldwell. Incumbent's commission expired January 31, 1938.

Ethel H. Stanfield to be postmaster at Signal Mountain, Tenn., in place of E. H. Stanfield. Incumbent's commission expired January 31, 1938.

Phil W. Campbell to be postmaster at Tiptonville, Tenn., in place of P. W. Campbell. Incumbent's commission expired January 31, 1938.

TEXAS

James Thomas Coleman to be postmaster at Livingston, Tex., in place of W. C. Bigby, removed.

WEST VIRGINIA

Jeremiah W. Dingess to be postmaster at Huntington, W. Va., in place of J. W. Dingess. Incumbent's commission expired January 31, 1938.

WISCONSIN

Arthur C. Finder to be postmaster at Ableman, Wis., in place of G. A. Fey, removed.

SENATE

MONDAY, FEBRUARY 14, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, February 11, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and request a roll call in order to secure one.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	Pepper
Andrews	Copeland	Johnson, Calif.	Pittman
Ashurst	Davis	Johnson, Colo.	Pope
Austin	Dieterich	King	Radcliffe
Bailey	Donahey	La Follette	Reames
Bankhead	Duffy	Lee	Reynolds
Barkley	Ellender	Lewis	Russell
Berry	Frazier	Logan	Schwartz
Bilbo	George	Lonergan	Schwellenbach
Bone	Gerry	Lundeen	Sheppard
Borah	Gibson	McAdoo	Shipstead
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Green	McNary	Thomas, Utah
Bulkley	Guffey	Maloney	Townsend
Bulow	Hale	Miller	Truman
Burke	Harrison	Minton	Tydings
Byrd	Hatch	Murray	Vandenberg
Byrnes	Hayden	Neely	Van Nuys
Capper	Herring	Norris	Wagner
Caraway	Hill	Nye	Walsh
Chavez	Hitchcock	O'Mahoney	Wheeler
Clark	Holt	Overton	

Mr. LEWIS. I announce that the Senator from New Jersey [Mr. MILTON] is detained on important public business.

The Senator from Nevada [Mr. MCCARRAN] is detained in his State on official business.

The Senator from New Jersey [Mr. SMATHERS] is necessarily detained.

Mr. AUSTIN. I announce that the Senator from Massachusetts [Mr. LODGE] is necessarily absent on official business.

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

LEAVE OF ABSENCE FOR SENATOR PITTMAN

Mr. PITTMAN. Mr. President, I ask unanimous consent of the Senate, under the rule, that I may be excused from the Senate for a week or 10 days. The Governor of my State has called a very important meeting for the 19th of February, in the capital of Nevada, to deal with an impending question that will be raised in this body affecting the power rights of the State of Nevada under the Boulder Canyon Project Act, and I feel that I should go, even though I dislike to leave at this particular time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada? The Chair hears none, and the Senator's request is granted.

DRAFT OF PROPOSED LEGISLATION—RIO GRANDE RECTIFICATION PROJECT (S. DOC. NO. 149)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmit-

ting draft of a proposed provision pertaining to an existing appropriation for the Department of State (Rio Grande rectification project), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

THE ACCIDENT-PRONE DRIVER

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report entitled "The Accident-Prone Driver," being the sixth of a series of reports based upon investigations of traffic conditions and measures for their improvement, which, with the accompanying report, was referred to the Committee on Post Offices and Post Roads.

DECEMBER REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, reporting, pursuant to law, relative to the activities and expenditures of the Corporation for the month of December 1937, including a statement of loans and other authorizations made during the month, showing the name, amount, and rate of interest or dividend in each case, etc., which, with the accompanying papers, was referred to the Committee on Banking and Currency.

DECISIONS TOUCHING PROFITS OF CERTAIN AIR-MAIL CONTRACTORS

The VICE PRESIDENT laid before the Senate letters from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, copies of two decisions by Division 3, which, with the accompanying papers, were referred to the Committee on Post Offices and Post Roads, as follows:

Decision dated January 21, 1938, in Air Mail Docket No. 37, Delta Air Corporation Rate Review, 1937, touching the profits being derived by or accruing to that corporation, contractor of air-mail route No. 24, from the rate of compensation being paid to it for transportation of air mail on that route; and

Decision dated January 22, 1938, in Air Mail Docket No. 31, Western Air Express Corporation, Rate Review, 1935–36, touching the profits being derived by or accruing to that corporation, contractor of air-mail route No. 13, from the rate of compensation paid to it for the transportation of air mail on that route.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram in the nature of a memorial from the Committee to Aid Chinese People, of Detroit, Mich., remonstrating against the granting of a contemplated loan of $50,000,000 to Japanese industrialists, which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the Pittsburgh chapter of the Pennsylvania Society of Professional Engineers, protesting against any curtailment of Federal funds for highway purposes for the year 1939, which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a resolution of Local No. 12, Workers Alliance of America, of Seattle, Wash., protesting against alleged filibustering in the Senate in connection with the consideration of the so-called antilynching bill, and favoring the enactment of social legislation, including the enactment of the antilynching bill, which was ordered to lie on the table.

He also laid before the Senate a petition of sundry citizens of Far Rockaway, Long Island, N. Y., praying for the prompt enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by San Antonio Lodge, No. 216, Benevolent Order of Elks, of San Antonio, Tex., favoring the adoption of an adequate national defense program, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the Women's International League for Peace and Freedom, of New York City, N. Y., protesting against the making of appropriations for increased armaments, which was ordered to lie on the table.

He also laid before the Senate a petition of sundry citizens of Far Rockaway and vicinity, Long Island, N. Y., praying for the making of increased appropriations for the Works Progress Administration, which was ordered to lie on the table.

Mr. WALSH presented resolutions adopted by the Lions Club, of Barre; the joint Social Justice Councils of Greater Lawrence; the Massachusetts Department of the Italian-American World War Veterans of the United States; the Italian-American Citizenship Association, of Lawrence; and Local No. 204, International Brotherhood of Bookbinders, of Cambridge, all in the State of Massachusetts, protesting against the proposed trade agreement between the United States and Great Britain, which were referred to the Committee on Finance.

USE OF SOCIAL-SECURITY FUNDS

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Finance a letter from Mr. J. R. Wetzel, of Carlisle, Pa.; a letter from Mr. D. W. Bell, Acting Director of the Budget; a statement from the Treasury Department, The Fiscal Administration of the Social Security Act; and an editorial from the Washington Post, February 14, 1938, entitled "Who Finances Work Relief?" All of these pertain to the use of social-security funds for current Government needs, including appropriations for work relief.

The VICE PRESIDENT. Is there objection?

There being no objection, the letters, statement, and editorial were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CARLISLE, PA., *January 23, 1938.*

DEAR SENATOR DAVIS: Having recently learned that the second greatest source of income for the new Federal Budget is expected to be social-security taxes, will you please tell me if this item also holds second place on the expenditures side of the Budget?

Approximately what part of the Budget is made up of relief items other than social-security grants?

Is it true that if social-security taxes are being used to meet current operating expenses, the people will have to be taxed again at some later date to meet pension demands?

Yours truly,

J. R. WETZEL,
36 H Street, Carlisle, Pa.

BUREAU OF THE BUDGET,
Washington, February 11, 1938.

MY DEAR SENATOR: Receipt is acknowledged of your letter of January 27, 1938, enclosing a copy of a letter which you received from Mr. J. R. Wetzel, one of your constituents, who requests information concerning a number of matters relating to the Federal Budget and social-security taxes.

Total estimated receipts for the current fiscal year as contained in the President's Budget message of January 3, 1938, amount to $6,320,513,000. Total taxes under titles VIII and IX of the Social Security Act are estimated at $571,002,000 and are exceeded only by income taxes which are estimated at $2,692,900,000 and alcoholic beverage taxes estimated at $613,860,000.

Total expenditures, excluding debt retirements, were estimated at $7,308,600,000, which includes estimated expenditures under the Social Security Act amounting to $658,700,000. Other important classes of expenditures for the current fiscal year are estimated as follows:

Regular operating expenditures for the legislative, judicial, and civil establishments	$827,300,000
National defense	957,000,000
Veterans' pensions and benefits	573,700,000
Interest on the public debt	927,000,000
Public works, including highways, reclamation, flood control, etc.	878,100,000
Unemployment relief, including Works Progress Administration, Civilian Conservation Corps, etc.	1,759,000,000
Agricultural Adjustment program	442,500,000

Taxes collected under title VIII of the Social Security Act are covered into the Treasury as internal-revenue collections (as required by section 807 (a) of the Social Security Act), just like all other revenue collections, and are included in the total revenue of the Government. These taxes are not segregated for the purpose of providing for the operations of title II (Federal old-age pensions) of the Social Security Act, or for any other purpose, but are mingled with and become a part of the general fund of the Treasury in the same manner as do the moneys received from taxes generally. Moneys in the general fund of the Treasury are available for meeting the expenditures of the Government, including

expenditures under the Social Security Act, but cannot be expended except pursuant to an appropriation by the Congress.

The Congress has appropriated $765,000,000 to the old-age reserve account from which old-age pensions are payable. Any interest earned on investments in this account, which up to December 31, 1937, amounted to $2,261,810.97, is also appropriated for the purposes of the account. Under section 201 (b) of the act it is the duty of the Secretary of the Treasury to invest such portion of the amounts credited to the account as is not, in his judgment, required to meet current withdrawals. It is the policy of the Treasury to invest the amounts available in the account on a monthly basis so as to spread the expenditures charged to the Budget over the year and so as to accord somewhat with the receipts under title VIII. As of December 31, 1937, $513,100,000 in the old-age reserve account was invested in direct public-debt obligations of the United States Government, bearing interest at the rate of 3 percent per annum. The total taxes collected up to December 31, 1937, on the basis of the daily statement of the Treasury, pursuant to title VIII of the Social Security Act was about $517,000,000. The Government securities thus held by the old-age reserve account have the same standing and are redeemed from the same sources as securities of the United States held by private investors and will be redeemed at any time by the Treasury. The proceeds of such redemption will be made immediately available to meet benefit payments authorized under the Social Security Act.

There is enclosed a copy of the daily statement of the Treasury for December 31, 1937, on page 5 of which is a preliminary statement of the public debt as of that date. You will note that included among the outstanding public-debt obligations on that date were $513,100,000 of 3-percent Treasury notes, old-age reserve account series.

It might be pointed out that the payment of old-age benefits is only one of the classes of appropriations authorized under the Social Security Act. Appropriations for a number of other social-security purposes are also authorized by the act. There is also enclosed a copy of a statement appearing on page 5 of the daily statement of the Treasury for January 17, 1938, and which will appear monthly hereafter on the statement for the 10th day of each month, which shows, among other things, receipts and expenditures arising under the Social Security Act which affect the Federal Budget. Attention is called to the fact that this statement does not include the increased expenses of certain agencies of the Government, such as the expenses incident to the collection of social-security taxes by the Bureau of Internal Revenue, inasmuch as such expenses are merged with the regular operating expenses of the respective agencies and are not readily obtainable on the basis of the daily statement of the Treasury.

In this connection, the enclosed mimeographed memorandum, entitled "Fiscal Administration of the Social Security Act," may be of interest to you.

Very truly yours,

D. W. BELL,
Acting Director of the Budget.

Hon. JAMES J. DAVIS,
United States Senate, Washington, D. C.

TREASURY DEPARTMENT,
Washington.

FISCAL ADMINISTRATION OF THE SOCIAL SECURITY ACT

The Social Security Act approved August 14, 1935, provides in titles VIII and IX for taxes upon employers and employees and also authorizes appropriations to meet expenditures for various social-security purposes. The taxes collected under the provisions of this act are covered into the Treasury to the credit of the general fund as internal-revenue taxes and expenditures for the purposes named in the act are made out of the general fund. The taxes collected and the expenditures made under authority of the Social Security Act are handled in the same manner as all other taxes and expenditures of the Federal Government.

Title II of the act provides for Federal old-age benefits. Section 201 (a) of this title creates an account in the Treasury of the United States to be known as the old-age reserve account. It authorizes to be appropriated, beginning with the fiscal year ending June 30, 1937, an amount sufficient as an annual premium to provide for old-age benefit payments, and requires that such amount shall be determined on a reserve basis in accordance with accepted actuarial principles, and upon an interest rate of 3 percent per annum compounded annually.

Old-age benefit investments

Section 201 (b) of the act places a duty upon the Secretary of the Treasury to invest such portion of the amounts credited to the old-age reserve account as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at par, or (2) by purchase of outstanding obligations at the market price.

The Social Security Act extended the provisions of the Second Liberty Bond Act, as amended, so as to authorize the issuance at par of special obligations exclusively to the old-age reserve account, and specifically provided that such special obligations shall bear interest at the rate of 3 percent per annum. Furthermore, the Social Security Act specifically provides that obligations other than such "special" obligations may be acquired for the old-age reserve account only on such terms as to provide an investment yield of not less than 3 percent per annum.

In view of the fact that the market quotations on direct and guaranteed obligations of the United States during recent months have been on a basis which would not provide an investment yield of 3 percent per annum, the Treasury has in fact been limited to investing the old-age reserve appropriations in original issues at par.

When the Treasury sells its obligations to the old-age reserve account the receipts from such sales belong to the general fund of the Treasury and are treated identically in the accounts as if the obligations were sold in the market. The fact that the Treasury, instead of a bank, holds these obligations does not change the character of either the transaction or the security itself. In either event the ultimate payment of the obligation rests upon the credit of the United States.

Old-age benefit payments

Section 207 of the act provides that the Social Security Board shall from time to time certify to the Secretary of the Treasury the name and address of each person entitled to receive an old-age benefit payment, the amount of such payment, and the time at which it should be made; and the Secretary of the Treasury is required to make payment in accordance with the certification by the Social Security Board.

Under the act, such payments obviously would not and could not be paid from the particular taxes collected from employees under the Social Security Act. When such payments are certified by the Social Security Board to the Treasury Department, they will be made from the cash balance in the old-age reserve account; and in the event the cash balance should be insufficient to meet current withdrawals, it is the duty of the Secretary of the Treasury, under the act, to sell back to the General Treasury such amount of the special 3-percent interest-bearing obligations as is necessary to provide the money with which to make the payments.

Such payments will not be dependent upon the appropriation of money to the old-age reserve account (other than the current annual premium previously referred to), but the securities held in the old-age reserve account will be redeemed from money in the Treasury in the same manner as any other public-debt obligations of the United States would be redeemed.

Here again the fact that such obligations are held by the Secretary of the Treasury, instead of a bank, does not in any way affect the character of either the transaction or the security itself. The fundamental principles involved with respect to the redemption of special obligations held for the old-age reserve account are identical with the redemption of United States obligations held by the public. The payment of either rests upon the credit of the United States, and the Congress has provided the machinery for the Secretary of the Treasury to meet such obligations promptly upon redeemable or maturity dates.

The method employed to build up the old-age reserve account is not an innovation of the Secretary of the Treasury but is specifically provided for in the act of Congress approved August 14, 1935.

The procedure of investing the old-age reserve appropriation in special interest-bearing obligations of the United States is the same as that which was followed by the Government in connection with the investment of the war veterans' adjusted-service certificate fund. The Treasury met its obligations to the veterans through and to the extent of such investments when it was called upon to do so. It is also the same as the procedure which has been followed for many years in the investment of retirement funds for the benefit of Government employees.

The method has the following advantages:

1. The securities exactly fit the actuarial requirements which are by law made the basis for fixing the appropriations for the fund.

2. The bond market is not disturbed by the purchase of large blocks of securities and by a subsequent continuous pressure for the sale of securities to provide cash for the old-age reserve account to meet current withdrawals, the effect of which might be purchases on a high market and sales on a low market.

3. Commissions to brokers on the purchase and sale of Government securities are saved.

4. Administrative expenses are smaller.

5. It is not necessary for the Treasury to be continuously in the market for funds or to borrow during the regular quarterly financing periods additional cash and to carry this cash, with a consequent loss of interest, until it can be invested in Government securities on the market as and when the appropriations become available.

6. Cash demands of the old-age reserve account can be immediately satisfied by the redemption by the Treasury of the special obligations and the whole plan has greater flexibility.

7. When the heavy payments under the old-age reserve account fall due several years hence, the Treasury will be in a position to do the necessary financing to meet the conditions then existing, without being compelled to sell a quantity of miscellaneous Government securities perhaps unsuited at that time to the market and to the Treasury's program.

Unemployment trust fund

Section 904 of the Social Security Act establishes in the Treasury an unemployment trust fund to which are credited moneys deposited by the States from State unemployment funds. The requirements for investment of the moneys received into this fund are similar to the requirements with respect to the old-age reserve account, except that the required rate of yield of invest-

ments for the unemployment trust fund is governed by the average rate of interest paid on the public debt. In the light of considerations stated with respect to the old-age reserve account, investments for this fund have also been made in special obligations which at the present time bear interest at the rate of 2½ percent.

Effect on the Budget and the public debt

As stated above, the taxes collected under titles VIII and IX of the Social Security Act pass into the general fund of the Treasury. They are revenue receipts of the Government and are listed as such in the daily Treasury statement and in the Budget statements. Similarly, the expenditures for social-security purposes authorized by the act are paid out of the general fund and are accounted for as general-fund expenditures both in the daily Treasury statement and in the Budget statements. These expenditures include: (1) Administrative expenses; (2) investments in the old-age reserve account; (3) grants to States for old-age assistance, for aid to dependent children, for maternal and child welfare, for public-health work, for aid to the blind, and for unemployment-compensation administration. The total of these expenditures has exceeded by a substantial amount the revenue receipts under the act.

Moneys received from the States for the unemployment trust fund are treated differently. They do not enter into receipts or expenditures of the general fund, nor do they constitute part of the Federal Budget. These moneys are received by the Secretary of the Treasury as a custodian or trustee for investment in United States Government obligations under the terms of the Social Security Act.

The effect of the investment of social-security funds in Government securities is to transfer to the old-age reserve account and to the unemployment trust fund the ownership of an amount of Government obligations which would otherwise be held by others. The amount of the obligations held by these funds is listed as a part of the public debt. The issuance of the special obligations to these funds does not operate to reduce the total amount of the public debt, but only to effect a transfer of ownership of a part of it.

[From the Washington Post of February 14, 1938]

WHO FINANCES WORK RELIEF?

With the addition of the $250,000,000 requested for work relief, the estimated deficit for the current fiscal year is expected to rise to at least $1,300,000,000. If revenue returns should fall below the recently revised estimates, the deficit will probably go still higher. It is doubtful whether many people realize to what extent the relief payments which unbalance the Budget are actually borne by the employer and employee groups contributing to various pension funds established to relieve old age and provide compensation for unemployed workers.

The arguments in favor of keeping work-relief outlays to a minimum consistent with alleviation of real distress are strengthened by a survey of the sources of cash income available for Treasury use. At present the Government is deriving large revenues from social-security taxes, from taxes on railways and their employees, levied to provide retirement pensions, and from payments into the unemployment trust fund built up by the States from pay-roll taxes.

For instance, the President estimated in his Budget message that the social-security taxes collected from employer and employee pay-roll contributions would amount to $571,000,000 during the present fiscal year. The return from taxes on carriers and their employees was placed at $150,000,000, while the unemployment trust fund was expected to provide about $653,000,000 additional to be invested in Government securities.

The Government sets up reserve funds on behalf of these insured groups, the assets consisting solely of its own promises to pay. During the current year estimates indicate that approximately $1,194,000,000 will be available for such investments—an amount somewhat smaller than the actual cash receipts from pay-roll taxes levied under the various insurance plans.

Two facts are worth noting in this budgetary picture: The taxed employers and employees are now contributing most of the cash required to meet Federal work-relief costs. Furthermore, because of the existence of the insurance reserves, the anticipated deficit of $1,300,000,000 in the Federal Budget will be almost entirely financed by sale of Government securities to the insurance funds. Of course, present estimates may be subject to some correction, since withdrawals from the unemployment insurance trust fund may be larger than was anticipated. In case of old-age pensions, however, regular benefit payments do not begin for some years.

Hence the Treasury is able to finance its extraordinary expenditures for relief without having to borrow large sums in the open market. Secretary Morgenthau has already said that the additional relief demands would not necessitate any immediate new financing operations. The current unbalanced state of the Budget should not, therefore, arouse fears of inflationary deficit financing, because actual cash receipts at the disposal of the Treasury are almost equal to the amount of expenditures.

The comparative ease of the financing task, indeed, is one of the really serious impediments to vigorous efforts to reduce work-relief outlays. If current contributions to social-security insurance funds were offset by current payments to insured aged and unemployed workers, the Federal Government would have to face squarely the question of financing work-relief outlays either by heavy tax increases or additional borrowing in the open market. As matters stand, it can use the cash from the pay-roll taxes to meet general expenditures and hence is indisposed to consider changes that would reduce the burden imposed upon industry by these taxes.

REPORTS OF COMMITTEES

Mr. McADOO, from the Committee on Patents, to which was referred the bill (S. 475) to establish a Court of Patent Appeals, reported it with amendments and submitted a report (No. 1367) thereon.

Mr. BAILEY, from the Committee on Claims, to which was referred the bill (S. 2967) authorizing the Comptroller General to settle and adjust the claim of Tiffany Construction Co., reported it without amendment and submitted a report (No. 1368) thereon.

He also, from the same committee, to which was referred the bill (S. 1788) for the relief of William J. Schwarze, reported it with an amendment and submitted a report (No. 1369) thereon.

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (S. 2566) for the relief of the Blue Rapids Gravel Co., of Blue Rapids, Kans., reported it with an amendment and submitted a report (No. 1370) thereon.

Mr. REYNOLDS, from the Committee on Military Affairs, to which was referred the bill (S. 3150) for the relief of Ernest S. Frazier, reported it without amendment and submitted a report (No. 1371) thereon.

Mr. NEELY, from the Committee on the Judiciary, to which was referred the resolution (S. Res. 207) providing for an investigation of the National Labor Relations Act by the National Labor Relations Board (submitted by Mr. BURKE December 9, 1937), reported it adversely.

ADDITIONAL COPIES OF WILDLIFE AND THE LAND—A STORY OF REGENERATION

Mr. HAYDEN. From the Committee on Printing I report back favorably, with an amendment, Senate Resolution 234, and ask unanimous consent for its immediate consideration.

There being no objection, the Senate proceeded to consider the resolution (S. Res. 234) submitted by Mr. PITTMAN on February 11, 1938, which had been reported from the Committee on Printing with an amendment.

The amendment was, on page 1, line 5, after the word "use", to strike out "5,000" and insert "3,500."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Special Committee on Conservation of Wildlife Resources of the Senate be, and is hereby, authorized and empowered to have printed for its use 3,500 additional copies of the pamphlet entitled "Wildlife and the Land—A Story of Regeneration."

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RUSSELL:

A bill (S. 3448) authorizing an appropriation for research and experimental work with tung trees, tung oil, and tung-tree products, and other drying oils by the Department of Agriculture and the promotion of domestic and foreign trade in drying oils by the Department of Commerce; to the Committee on Agriculture and Forestry.

By Mr. OVERTON:

A bill (S. 3449) to cancel the indebtedness, and liens, chattel mortgages, and other encumbrances securing the indebtedness on certain oat forage crop loans; to the Committee on Agriculture and Forestry.

By Mr. MINTON:

A bill (S. 3450) to amend an act entitled "An act to authorize boxing in the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

By Mr. LEWIS:

A bill (S. 3451) to construct overhead or elevated roadways to relieve congestion in areas that impede and obstruct commerce of State and interstate commerce in localities and which endanger lives and inflict injury upon persons and

property, and with a view to relieving unemployment, and to provide payments necessary, to levy appropriate tax on vehicles and property to defray expense and upkeep of construction; to the Committee on Interstate Commerce.

(Mr. McADOO introduced Senate bill 3452, which was referred to the Committee on Banking and Currency and appears under a separate heading.)

By Mr. McKELLAR:

A bill (S. 3453) to authorize and empower the officers of the Veterans' Administration to execute, or cause to be duly executed, a lease of a parcel of land, a part of the reservation of the Veterans' Administration at Mountain Home, Tenn., to the John Sevier Chapter, a nonprofit corporation, at Johnson City, Tenn.; to the Committee on Finance.

By Mr. KING:

A joint resolution (S. J. Res. 260) authorizing the President of the United States to call an international conference to formulate measures for the reduction of armaments; ordered to lie on the table.

By Mr. HITCHCOCK:

A joint resolution (S. J. Res. 261) proposing an amendment to the Constitution of the United States relative to taxes on certain incomes; to the Committee on the Judiciary.

EXTENSION OF AUTHORITY OF DISASTER LOAN CORPORATION

Mr. McADOO. Mr. President, I ask consent to introduce a bill, for appropriate reference, to extend the lending authority of the Disaster Loan Corporation to be applied to disasters in the year 1938.

The Senate will recall that a bill was passed authorizing such loans for national disasters during the years 1936 and 1937. The recent tremendous disaster in California, due to the long-continued rains and excessive floods in the northern section of the State, make relief of this sort imperative.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill will be received and referred to the Committee on Banking and Currency.

The bill (S. 3452) to extend the lending authority of the Disaster Loan Corporation to apply to disasters in the year 1938 was read twice by its title and, with the accompanying paper, referred to the Committee on Banking and Currency.

CORRINE W. M'CAMPBELL

Mr. McNARY submitted the following resolution (S. Res. 235), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Corrine W. McCampbell, widow of Frank A. McCampbell, late a laborer of the Senate under supervision of the Sergeant at Arms, a sum equal to 1 year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CONDEMNATION OF INHUMAN METHODS OF WARFARE

Mr. CAPPER. I ask unanimous consent to submit a resolution for reference to the Committee on Foreign Relations.

There being no objection, the resolution (S. Res. 236) was referred to the Committee on Foreign Relations, as follows:

Whereas there have been numerous reports in the press concerning the use of barbaric methods of warfare in current conflicts raging abroad, as a result of which many noncombatant men, women, and children have been killed or seriously injured; and

Whereas it has been stated that communities in which there have been no military forces and which have no apparent strategic value for military purposes have been bombed or bombarded; and

Whereas the wanton destruction of lives and property as a result of such bombings and other action taken by the military and naval forces of the countries and factions involved in such conflicts is entirely incompatible with the fair rules of warfare; and

Whereas such destruction and the use of inhuman methods of warfare have shocked the people of the United States and other nations: Therefore be it

Resolved, That it is the sense of the Senate that the use of barbaric and inhuman methods of warfare should be condemned and that all nations should join in such condemnation to the end that the horrors of war may be minimized.

INVESTIGATION OF COSTS, PRICES, AND PROFITS OF PRINCIPAL COMMODITIES IN COMMERCE

Mr. BAILEY submitted a resolution (S. Res. 237), which was ordered to lie on the table, as follows:

Whereas there are persistent reports that commercial organizations, trusts, and monopolies are demanding prices of consumers that are unjust and calculated to retard distribution and consumption and are paying prices for raw materials that discourage production; and

Whereas such reports, if true, would require action by the Congress in the regulation of commerce; and

Whereas the facts in the premises ought to be ascertained by the Congress: Now therefore be it

Resolved, That the Committee on Commerce of the Senate, or any duly authorized subcommittee thereof, be, and the same is hereby, authorized and directed to make a full investigation of costs, prices, and profits of the principal commodities of our commerce, and to report its findings and recommendations to the Senate.

For the purposes of this resolution the committee is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth Congress, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, documents, and other records, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

LINCOLN DAY ADDRESS BY SENATOR VANDENBERG AT MIDDLESEX CLUB, BOSTON, MASS.

[Mr. JOHNSON of California asked and obtained leave to have printed in the RECORD an address delivered by Senator VANDENBERG before the Middlesex Club at Boston, Mass., on February 12, 1938, which appears in the Appendix.]

LINCOLN DAY ADDRESS BY SENATOR AUSTIN AT UTICA, N. Y.

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an address delivered by Senator AUSTIN before the Republicans of central New York State at a Lincoln Day dinner held at Utica, N. Y., on February 12, 1938, which appears in the Appendix.]

LINCOLN DAY ADDRESS BY SENATOR BRIDGES AT GRAND RAPIDS, MICH.

[Mr. TOWNSEND asked and obtained leave to have printed in the RECORD a Lincoln Day address delivered by Senator BRIDGES at the civic auditorium, Grand Rapids, Mich., on February 12, 1938, which appears in the Appendix.]

FAIR TRADE—ADDRESS BY SENATOR MILLER

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD an address delivered by Senator MILLER at Philadelphia, Pa., on February 11, 1938, on the subject of Fair Trade, which appears in the Appendix.]

REORGANIZATION OF EXECUTIVE DEPARTMENTS—ADDRESS BY SENATOR BYRNES

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BYRNES on February 13, 1938, relative to the pending bill for the reorganization of the executive departments, which appears in the Appendix.]

JAPANESE INVASION OF AMERICAN FISHERIES—ADDRESS BY SENATOR SCHWELLENBACH

[Mr. MINTON asked and obtained leave to have printed in the RECORD a radio address on the Japanese invasion of American fisheries, delivered by Senator SCHWELLENBACH on February 12, 1938, which appears in the Appendix.]

THE RAILROAD SITUATION—ADDRESS BY SENATOR WHEELER

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an address delivered by Senator WHEELER on the 8th instant before the Washington Transportation Club on the railroad situation today, which appears in the Appendix.]

PROBLEMS OF THE BROADCASTING INDUSTRY—ADDRESS BY SENATOR WHEELER

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an address delivered today by Senator WHEELER before the National Association of Broadcasters at the Willard Hotel in the city of Washington, which appears in the Appendix.]

RIVER AND HARBOR IMPROVEMENTS—ADDRESS BY SENATOR PEPPER

[Mr. HUGHES asked and obtained leave to have printed in the RECORD an address delivered by Senator PEPPER before the Thirty-third Annual Convention of the National Rivers and Harbors Congress, January 21, 1938, at the Mayflower Hotel, Washington, D. C., which appears in the Appendix.]

AMENDMENTS TO FEDERAL HOUSING ACT—ADDRESS BY STEWART M'DONALD

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a speech delivered by Stewart McDonald, Federal Housing Administrator, over the radio on February 10, 1938, on the subject The Amendments to the Federal Housing Act, which appears in the Appendix.]

FLOWERED LAND OF FLORIDA—ARTICLE FROM NEW YORK TIMES

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article from the New York Times of Sunday, February 13, 1938, under the heading "Florida 'Boosted' in 1669 Pamphlet," which appears in the Appendix.]

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 558. An act amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes; and

S. 2194. An act to provide for the annual inspection of all motor vehicles in the District of Columbia.

AGRICULTURAL RELIEF—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce.

Mr. McADOO obtained the floor.

Mr. McNARY. Mr. President, when the Senate adjourned on Friday the junior Senator from Utah [Mr. KING] had the floor.

The VICE PRESIDENT. The Chair does not find that in the RECORD.

Mr. McNARY. I wish briefly to discuss one or two phases of the bill, but do not desire to obtrude myself at this time if the Senator from Utah wishes to carry out his intention.

The VICE PRESIDENT. The Chair does not find anything in the RECORD to indicate that any one Senator had the floor. If the Chair had observed that in the RECORD, he would have acted accordingly.

Mr. McNARY. By making that statement I was only attempting to conserve the rights of the Senator from Utah. I have no objection, of course, to any Senator speaking, but I also want a little time only during the course of the day, and I will look after that.

The VICE PRESIDENT. The Chair may state, for the benefit of Senators who may not have examined the RECORD of Friday's proceedings, that when the Senate agreed to take a vote not later than 3:30 o'clock this afternoon there were statements made by several Senators expressing the hope that Senators who would speak on the subject would not use any more time than they thought absolutely necessary in discussing the matter, so that as many Senators as possible might be recognized and speak. The Chair makes that statement so that Senators may observe what seems to be sort of a gentleman's understanding.

Mr. JOHNSON of California. Mr. President——

The VICE PRESIDENT. Does the junior Senator from California yield to his colleague?

Mr. McADOO. I yield to my colleague.

Mr. JOHNSON of California. Mr. President, there was a sort of gentleman's understanding, but, of course, that ought not to interfere with any Senator speaking upon this measure. Sometime before the close of the afternoon, only if it be possible, I myself desire to offer "a few feeble remarks" upon the bill, but I would yield to the Senator from Utah [Mr. KING] and the Senator from Minnesota [Mr. SHIPSTEAD], who, I know, desire to speak.

The VICE PRESIDENT. Let the Chair make an additional statement for the benefit of the Senate. The Senator from California [Mr. McADOO] called the Chair this morning over the telephone and asked to be recognized. The present occupant of the chair said that, according to the RECORD, no Senator had the floor, and that therefore he saw no reason why he should not recognize the junior Senator from California. The Senator from Minnesota [Mr. SHIPSTEAD] visited the office of the Chair this morning and said he also would like to make some remarks.

The Senator from Kentucky [Mr. BARKLEY] told the Chair this morning that he would like to have about 10 minutes. Now the Senator from Oregon [Mr. McNARY] has expressed his wish to have some time, as has the Senator from California [Mr. JOHNSON].

That is the status of requests to the Chair up to this time.

Mr. TYDINGS. Mr. President, the Senator from Maryland would like to have about 3 minutes, if convenient.

Mr. WALSH. Mr. President, my views on the pending bill are so clearly and concisely represented in two editorials, one from the Philadelphia Inquirer printed in the CONGRESSIONAL RECORD of February 11, and the other in the New York Times of this morning that, rather than take up the limited time fixed for debate by making a speech on the subject, I ask that the later editorial be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the New York Times of February 14, 1938]

REGIMENTED AGRICULTURE

Today the Senate is set to vote on the new farm bill. It will almost certainly be passed. Though as it emerged from conference it is 121 pages long, and practically a new measure compared with the widely differing bills originally passed by the Senate and the House, it will have been debated by the Senate for only a few days and by the House for just 4 hours. The House passed the measure by a vote of 263 to 135, but it is difficult to see how more than a handful of those voting had an opportunity even to read it.

Yet this is no routine bill. It puts American agriculture under a regimentation far broader and more rigid than anything undertaken by the old A. A. A. It commits the Government to an indefinite and unpredictable volume of loans and losses. One of America's oldest farm organizations, the National Grange, is opposed to it. For many features of it the Department of Agriculture itself has indicated its lack of enthusiasm. Many of the doubts concerning it are shared by the very Congressmen who are voting for the bill. But few have the courage to vote against it lest they seem to be opposed to "doing something for the farmer."

So many provisions of the bill are unsound and dangerous that it is difficult to say in advance which are likely to prove the most objectionable in practice. At the heart of the bill are the provisions for crop reduction. These apply to cotton, wheat, tobacco, corn, and rice. They are to go into effect automatically (unless in a secret referendum more than one-third of the producers voting express their opposition) whenever supplies in any one of these commodities threaten to exceed by more than a moderate percentage a designated "normal" supply. It would be difficult to imagine a year in which, under the conditions specified, at least one or another of these five major crops would not be under control.

The implications of Government crop reduction ought now to be clear to everybody. It enforces an artificial scarcity of certain commodities in order that the producers of those commodities may oblige the consumers of the country to pay higher prices for them. It encourages inefficiency by compelling the low-cost efficient farmer on good land to curtail his production by the same percentage as the high-cost inefficient farmer on poor land. It subsidizes the inefficient farmer to remain in business. Its quota system, in addition to the immense red tape it involves, treats the production of the commodity involved as a vested right. New producers, for example, in most of these commodities will be restricted to 3 percent of the total acreage allotment, though it is not clear on precisely what principle this favored 3 percent will be selected.

There should no longer be any mystery concerning some of the effects of this crop restriction. Where an export crop is concerned, a crop contraction here simply stimulates increased production abroad, and threatens to prove, in the end, suicidal for our own producers. This has already been clearly illustrated in the case of our cotton. In spite of our own record yield, it is from the immensely increased foreign crop that our cotton growers are now chiefly suffering. The fate of the British rubber restriction and the Brazilian coffee valorization schemes have long existed as warnings, but we have chosen to ignore them.

In addition to all this, there is the effect of crop restriction on the outlook for Government economic intervention in general. There is the problem, for example, of what happens to diverted acreage. The dairy interests have been justifiably concerned lest the crop-reduction program lead to an immense overexpansion of

their industry. Politically, too, output restriction and subsidies for one group of producers must lead to demands for similar favors by an ever-widening circle of producers. What will be the ultimate effect of this on consumers and on general production?

Yet the worst feature of the present farm bill may prove to be not the crop-control provisions but the mandatory crop loans. Hitherto Government loans to farmers on wheat and cotton have at least been discretionary. If the present bill becomes law, such loans must be made if the cotton, wheat, or corn crop is in excess of a "normal" demand, or if the price is less than a stated percentage of 1909–14 purchasing power (in the case of wheat and cotton, 52 percent). The loans are to be at the rate of not less than 52 or more than 75 percent of the "parity" prices. In effect, this means that prices of these commodities are to be pegged indefinitely at the percentage of the "parity" price at which the loan is made, while the supplies not salable at that price are to be held off the market and impounded under Government loans. Such a policy could lead the Government into losses compared with which the losses under the old Federal Farm Board might seem trivial—not to speak of what it might do to the export markets, for example, of our wheat and cotton.

This by no means summarizes all the objectionable provisions of the present farm bill. There are, for example, the enormous and unprecedented discretionary powers vested in the Secretary of Agriculture, and the bill's repeated but uneasy insistence on its own constitutionality. Yet it is scheduled to be passed this afternoon by the Senate, accompanied, no doubt, by a barrage of statements concerning the blessing it is bringing to us all.

Mr. DUFFY. Mr. President, I had intended to occupy a short time today in the discussion of this bill. In view of the limitation of time, however, I ask unanimous consent, in lieu thereof, that a radio address which I delivered last Friday on this subject from the office of the Secretary of the Senate be printed in the RECORD at this point as part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The address referred to is as follows:

THE DAIRY INDUSTRY AND THE FARM PROBLEM

I feel greatly indebted to the Columbia Broadcasting System for this opportunity to speak briefly to the people of America upon the very important subject of the Dairy Industry and the Farm Problem. Of course, in the limited time at my disposal this afternoon, I can only discuss a limited phase of that broad subject. I shall confine my remarks to the pending farm bill, with particular reference to the so-called dairy amendment.

I have just stepped off the Senate floor and have come in here to the office of Col. Edwin Halsey, who is Secretary of the Senate. The discussion now going on, about 50 feet from where I am sitting, is a debate upon whether the conference report upon the farm bill should be adopted.

You will undoubtedly recall from the news accounts that the House of Representatives on last Wednesday adopted this conference report by a vote of 264 to 135, and the matter is now before the Senate for discussion. The legislative situation is this: The House adopted a farm bill, and, of course, it came to the Senate for action; the Senate adopted a bill that was quite different from the House bill, and, therefore, under the rules, both the House and Senate appointed what is known as conferees. These gentlemen have been working for many weeks in an endeavor to reconcile the differences between the House and the Senate bills, and, in fact, have written a new farm bill which contains important provisions of both the original House and Senate bills. When the original bills were up for consideration in both the House and Senate, the so-called dairy amendment was the subject of much vigorous discussion and debate, and in both Houses this amendment was added to the bill by a somewhat close vote. As I was very active in advocating the adoption of this dairy amendment in the Senate, I wish to present to you the viewpoint of those who endeavored in this bill to protect the dairy interests in this country.

Before going into the merits, a very interesting legislative situation has developed. I had prepared an amendment to be presented in the Senate, which I felt would protect the interests of those concerned in dairying, but after the House had adopted their amendment, it was thought by the Senate adopting exactly the same language as the House, there would be nothing to go to conference, and that that provision in that precise form would have to stick. By a very technical interpretation, merely because of the position of the amendment, in the bill, and because the Senate struck out all after the enacting clause, it is now claimed by the conferees, that the amendment was subject to action by them, and they have proposed a very decided change, at least in the wording.

It was 101 years ago when this country began to look at agriculture as a Federal function. In 1836 the Commissioner of Patents helped agriculture by using $1,000 of Federal funds for the purchase of seed. In 1842 we had the first report on agriculture, and the first survey of crop prospects; on May 15, 1862, the bill which established the Department of Agriculture was signed by President Lincoln; on February 9, 1889, agriculture was elevated to the same status that was accorded to other interests in this country, and a Secretary of Agriculture became a member of the President's Cabinet. The first Commissioner of Agriculture had two employees, while in June a year ago there were 42,980 on the Federal pay roll in the Department of Agriculture.

In the agricultural appropriation bill which was passed for the present fiscal year, the appropriation amounted to over $900,000,000. While it is true that this bill contains a number of items not related directly to agriculture, yet the constant and greater demands made by agriculture for assistance from the Federal Government has made such a large appropriation necessary. It shows that a considerable proportion of the income of the National Government is directed to a study of the problems of agriculture together with the granting of direct assistance to those who till the soil. It shows that we here in Washington are making a tremendous effort to try to arrive at a proper solution of the farmers' problems.

Let us consider briefly some of the fundamental difficulties which our American farmers have encountered, especially since the time of the World War. In the days when our country was developing, the flat, fertile prairie States were ideal for large-scale agricultural operations, and farm machinery was used to a great advantage. Most of the agricultural areas in Europe were too small or too hilly for the use of this kind of machinery. Most of the American farm land was virgin soil, and hence American farm products were able to undersell farm products of European countries. For a while the American farmers' market was limited only by the limits of his own productiveness. Our population continued to increase rapidly at the rate of about 1¼ million persons a year, so the farmers had a fast-increasing home market as well as a foreign market.

Prior to 1930 there were from 200,000 to 500,000 immigrants per year, mostly from Europe, and they settled chiefly in the cities where, of course, they consumed farm products. During the period of the World War, American farmers, who were encouraged by high prices and urged on by patriotic considerations to make two blades of grass grow where one grew before, plowed up 40,000,000 acres of pasture land; but at the same time war conditions caused 41,000,000 additional acres to be brought into production in Canada, Australia, and the Argentine. Then many nations which had suffered from the war blockades embarked upon programs of developing their agriculture so as to be able to feed themselves. Many farmers assumed obligations and gave mortgages at the high prices during the war years, but when the drop in such prices occurred after the war, they had no reduction in their debt obligations. The farmer's cost of production remained high, his farm area had greatly expanded, his foreign markets began rapidly to melt away. While the farm mortgage debt in 1910 in this country was a little more than $3,000,000,000, it was $8,500,000,000 in 1933. The cash income of farmers dropped from almost $10,500,000,000 to slightly more than $4,000,000,000 in 1932.

The big problem, of course, is the great farm surpluses which we can so readily produce in this country. We know what such surpluses mean to farm prices. We have had the terrifying experience of having great, unsold agricultural surpluses drive down the price of agricultural products so we had 5-cent-per-pound cotton, 30-cent-per-bushel wheat, $2.50-per-hundredweight hogs, 8.6-cent-per-pound cheese, and 17.9-cent butterfat. Therefore, in the present bill an attempt has been made to do something about the surpluses in five great agricultural products, cotton, wheat, corn, tobacco, and rice. While many farmers rebel at the thought of limiting production of agricultural surpluses, it would seem that there are only three things that can be done. One is to do all we can to increase the purchasing power of the people of this country; secondly, to find additional export markets for our agricultural products; and thirdly, to follow the example of industry in limiting the production to at least that amount which can be sold at a profit. In other words, farmers quite generally have come to the conclusion that if they insist on producing the same quantities of wheat, corn, hogs, cotton, dairy and other agricultural products as in the 1920's, it is certain they will have to accept very low and unsatisfactory prices, and that until foreign trade can be revived and some way found to greatly boost domestic demand, farmers will necessarily have to adjust production to fit demand.

With the general objectives of this farm legislation, I believe that the dairy farmers, generally, have no complaint. While dairy products do not come under the provisions of this bill, yet, dairy farmers have been greatly concerned as to what will be done with the diverted acres. It has been estimated that when the bill comes into operation that farmers will divert as high as 50 or 60 million acres from soil-depleting crops, and they will be required to plant these diverted acres to alfalfa, grasses, and legumes, all of which make excellent feed for dairy cattle.

I feel that I should be much concerned as to the attitude and the welfare of dairy farmers. In my service in the Senate, I have constantly given my earnest attention to the welfare of dairy farmers. My State of Wisconsin is the leading dairy State of the Nation. We have nearly 3,000,000 cows, more than in any other State of the Union. We produce more cheese than all of the other 47 States put together; we are first in the production of condensed milk; we rank third in the production of butter. So, my people are greatly concerned, yet there is hardly a State in the Union where there is not a substantial number of dairy farmers, and they, too, are concerned.

The highest in value of all agricultural products are dairy products. In the marketing year of 1936 to 1937 the value of dairy

products in the United States was three times the value of wheat, almost twice the value of cotton, and more than $200,000,000 in excess of the value of corn.

I have heard some of my colleagues say that the dairy farmer is much better off than many of those engaged in raising other kinds of agricultural products; but in 1932, when cheese went down to 8.6 cents a pound and butterfat sold at a price of 17.9 cents, the situation of the dairy farmer was just as precarious and just as desperate as was the cotton farmer and others who suffered at the same time.

You may be wondering why all the discussion and fuss about the dairy amendment. In brief, the amendment provided just this: That the fifty or sixty millions of acres that would be diverted from soil-depleting crops, and for which the Government would make benefit payments, should not be used for the production of dairy products on a commercial basis. The dairy farmer does not complain that people in the South, or the West, or any other section of the country, may go into competition with him if such competition is on its own power. He has no complaint about fair and natural competition, but the dairy farmer does seriously object to having the Federal Government pay one class of farmers money for taking their acres out of production, and then permitting them to use that land to go into competition with the dairy farmers who are now engaged in that business. The objection is to the Government subsidy being the basis for competition against them.

In this farm bill, as I stated before, the big question is dealing with surpluses. If a large portion of the fifty or sixty millions of acres are planted in soil-conserving crops which can be readily fed to dairy cattle (if that should be used for that purpose), we would have tremendous surpluses of dairy products, and there would be a disastrous decline in the price of dairy products. The dairy amendment specifically permitted a farmer to raise crops on the diverted acres to be used in the production of dairy products which were consumed on the farm. The purpose was to only prevent such acreage from being used on a commercial basis.

I think that the dairy farmers have a perfect right to demand that protection. If no restriction were contained in the bill it would be very natural when farmers were compelled to plant fifty or sixty millions of acres with grasses and legumes, which are so very suitable for feeding dairy herds, that they would use them for that purpose and not plow them under. We do not complain that farmers in certain parts of the country desire to diversify their farming activities; I think it would be a good thing for them to do so; but such farmers shouldn't be permitted to accept the Government benefits for taking their land out of production and building up their soil and then use that as a means of competing against the established dairy farmer.

The conferees have changed the wording of the amendment. I have read and reread it, I have carefully studied it, and the language is so ponderous and difficult that I scarcely know what it means. The excuse which the conferees give for making a change in the original dairy amendment is that the substitute which they propose is more flexible and more workable. I hope that is all that the change means, and that our dairy farmers will be protected from Government-subsidized competition. I am willing to accept the statement of those in charge of the bill that the dairy interests of this country will not be harmed when this bill becomes a law.

Mr. BURKE. Mr. President, I merely desire to call the attention of the Chair to the fact that at the conclusion of the session on Friday, as shown by the CONGRESSIONAL RECORD, the senior Senator from Oregon [Mr. MCNARY] stated the names of certain Senators who desired to address themselves to this measure, and included my name in the list. I wish now to reiterate that if the opportunity is offered, I desire to express my views on the pending bill for a few moments at some time later in the afternoon.

Mr. McADOO. Mr. President, I desire to address myself briefly to the pending bill. I do so with a great reluctance, because I know that the time of the Senate is quite limited, and that many other Senators desire to speak. It is my purpose, therefore, to take up certain features only of the bill.

The bill is proposed as permanent legislation. As I view the measure, it is so revolutionary with respect to our agricultural economy that a thorough and complete discussion of it in all of its aspects is highly desirable in the public interest.

I am moved somewhat in what I say by the effects of the bill upon my own State; but that is not the controlling influence in the judgment I have formed. I have come to the conclusions I have reached after long consideration. I have tried to forget any local interest, and to consider only its national and international effects and implications.

Five major crops are the principal objects of this legislation—cotton, corn, wheat, tobacco, and rice. I shall speak only with respect to cotton; and I desire to take up first the subject of cotton in California, because it has peculiar aspects and, to my mind, is entitled to special consideration—a consideration which, in spite of all our efforts, has not, I think, been given to it in the bill as reported from the conference committee.

All Senators know, without my attempting to go into detail, the tremendous suffering and great disasters which followed the drouth and the dust storms which overwhelmed certain areas in the West 2 years ago. Senators now on the floor have experienced these western dust storms. I can think of nothing more terrible in its effects upon the human constitution for the time being than one of these terrible disasters. The people who were driven from their homes in the West in great numbers and who had to seek other places to go where they hoped that they would be able to make an honest living, came in great numbers into California. I have here the best figures available on the subject. These figures disclose that there came into California, in the last 6 months of 1935, 43,000 of these people; in the year 1936, 97,000; and in the first 6 months of 1937, 37,000; or a total in the 2 years of 177,000 American citizens, driven from their homes by grave disaster, and setting their faces westward in the hope that the promised land might be found where they could settle in peace and contentment and make an honest living.

These people are those only who came into the State by motor. Other thousands came by foot, by train, on busses, and by any other means available to them. It is estimated that fully 250,000 such people came into the State of California alone.

The States from which these people emigrated were chiefly Texas, Oklahoma, Kansas, and other States of the Union, but more particularly States where cotton was the chief subject of agriculture, and where, therefore, the knowledge gained in that industry was the principal farm education they brought with them to California. Naturally, they went into the great San Joaquin Valley, because in certain counties of the State, probably six in number, the soil is peculiarly favorable to the production of a high-grade cotton called alcala cotton, and irrigation is available. They found that under irrigation on those lands they were able to raise 570 pounds of cotton to the acre. This is a long-staple cotton, an inch and a quarter staple, of a peculiarly fine quality, grown, I believe, only in the States of Arizona and New Mexico in addition to California, and so much in demand that we do not produce enough of it to meet the demand, and those who purchase it willingly pay 1 cent a pound premium for it.

Mr. President, in the year 1935 California planted 218,000 acres to this cotton. In 1936 there was an increase of 150,000 acres, making a total for 1936 of 368,000 acres. In 1937 there was an increase of 246,000 acres, making the total for 1937, 614,000 acres planted in cotton in the small area to which I have referred. In 1936, 30,000 acres were diverted, and in 1937 about the same amount.

That great increase of acreage reflected the migration from the Dust Bowl and the drought areas into my State. I have letters from numerous farmers in that section of California, quite touching in character, in which they tell me that at last they and their families had found a place in the world where they thought they were assured of a comfortable living, and where school facilities were available to their children.

They had the other modern facilities. Conveniences in the way of power, light, radios, everything that marks the present progress of our civilization, they found at their command. It is estimated that something like 100,000 of these people settled in the San Joaquin Valley, and the estimate I have is that 60,000 to 66,000 of those people are employed as cotton pickers during the cotton season.

The problem is one which cannot be dismissed lightly, because many of the men who have gone there with their families, and have found employment on large ranches by the year; others who have become sharecroppers, or have

leased lands; others, with small means, who have been able to make the down payment on their properties, giving mortgages to the banks for the balance, are greatly alarmed, because they are now faced, if this bill shall become a law, with the interdiction against an American citizen making a living on the land under his feet, and from which he can take care of his family.

Mr. President, that is an anomalous situation in this country. That is a cruel and extraordinary situation in this country. If we had a cotton history of 15 or 20 or 30 years, as is the case in the South, where people have gradually adjusted themselves to the conditions, it would be a very different problem, but what are we to do with these people when we say to them, "You cannot plant the ground which you have leased, or which you have bought. You cannot continue to receive the employment which these ranchers have offered to you, because the great Government of the United States has drawn a dead line here and said that beyond that you cannot go?"

Mr. President, the effect of such a law is tantamount to the Government saying: "You cannot make a living. We forbid you to make a living. We forbid you to exercise your lawful right to make a living." Or, "We will put you on relief. We will appropriate money out of the Treasury to put you on relief." Or, "We will give you two or three hundred dollars an acre subsidy on your farm if you do not plant cotton." Every self-respecting American citizen rejects, naturally, that sort of an opportunity. He does not want relief; he wants the chance to make an honest living, and to bring his family up in respectable surroundings and on respectable terms.

Mr. CHAVEZ. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from New Mexico?

Mr. McADOO. I yield.

Mr. CHAVEZ. I dislike very much to interrupt the Senator's remarks at the moment, but I desire to call his attention to the fact also that the best available information from the Department of Agriculture is to the effect that the cotton about which the Senator is talking, the cotton of New Mexico, the cotton of California, the cotton of Arizona, and of some parts of Texas, all goes to foreign markets, and while we are worrying about our foreign markets, here is one product the raising of which is proposed to be cut down, a product which goes to foreign markets, and does not interfere with the domestic market whatsoever.

Mr. McADOO. Mr. President, I thank the Senator for the suggestion. I had intended to refer to that later on in my remarks.

I wish to say also, with respect to the quality of the cotton, that by the statute law of California no one is permitted to plant any cotton in that State except the alcala cotton. We make that provision because that kind of cotton represents the highest standard and type of cotton for the particular purposes for which it is grown, and because the State has made it its business to try to impress a brand upon it which means that the cotton is exactly what it is represented to be. That is the reason why it has been in as wide demand in foreign markets, as has been referred to by my distinguished colleague, the Senator from New Mexico [Mr. CHAVEZ], and it is also in demand in the American mills where the finest grades of textiles are manufactured.

Mr. President, let us see what the result will be if this bill shall be enacted, provided the Secretary of Agriculture carries out what I understand to be the terms of the measure, and we must assume that he will. When we get into these bureaucratic agencies, as I have learned by experience in my own State, we find that they are not always responsive to the people—not even to a Senator or to a Representative in Congress. I said "responsive" not "responsible." They are not always responsive, and a bureaucratic administration of these farms will, in my opinion, create so much discontent and dissatisfaction, and we shall hear such a protest about the act before the next session of the Congress, that this supposed solution of the agricultural problem will be repealed or so modified that it may be workable, and at the same time respect essential and fundamental American rights.

I should like to call attention to some of the administrative features which the farmers will have to observe before they can plant cotton or pick cotton or sell cotton. If I were a cotton farmer today, I should have to have someone sitting alongside me to interpret the law so that I might know what I could do lawfully and escape jail or a penalty or the loss of soil-erosion benefits or some other kind of benefits under the act.

I find on page 37 of the conference report this provision:

> The Secretary shall provide, through the county and local committees, for measuring farms—

"Measuring farms." We are to begin to measure the farms all over the United States—

> on which corn, wheat, cotton, or rice is produced, and for ascertaining whether the acreage planted for any year to any such commodity is in excess of the farm-acreage allotment for such commodity for the farm under this title.

The farmer will not only have to submit to measurement of his farm, but he will have to have a measurement made to determine whether or not he has exceeded the allotted acreage; all of which means the maintenance of some form of organization to check not only the farmer's original acreage which he may plant to one of these commodities but also to check the results of his planting to determine whether or not he has infringed the law.

Mr. POPE. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. POPE. Is the Senator in favor of the Soil Conservation Act?

Mr. McADOO. I am in favor of the Soil Conservation Act. I voted for it.

Mr. POPE. Does not the Senator know that the farms are measured and allotments made under the Soil Conservation Act?

Mr. McADOO. I do; but the Government is to go into the measurement of crops now. Soil erosion is one thing, and planting of crops and the results of the planting are another thing.

Mr. POPE. Will the Senator yield further?

Mr. McADOO. I yield.

Mr. POPE. Does not the Senator know that under the Soil Conservation Act there is a measuring of crops such as those he has mentioned, and has been for several years?

Mr. McADOO. Does the Senator mean soil-repletion crops?

Mr. POPE. Measuring the farm.

Mr. McADOO. I am talking about the crops produced on the farm.

Mr. POPE. That is done under the Soil Conservation Act also.

Mr. McADOO. For everything that is produced on the farm?

Mr. POPE. Certainly.

Mr. McADOO. Outside of these major commodities?

Mr. POPE. The crops are measured and photographed.

Mr. McADOO. Which crops?

Mr. POPE. The lands are measured and photographed, and that record of the farm is now available.

Mr. McADOO. The crops are measured?

Mr. McNARY. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. McNARY. Let me make an observation, in view of the statement made by the Senator from Idaho. Under the Soil Conservation Act, of course, measurements are made for the purpose of making benefit payments, but under the proposed law they are to be made for the purpose of acreage control and marketing control. That is the difference.

Mr. McADOO. I thank the Senator from Oregon. Whether or not we already have in effect these crop measurements, I am relating these provisions of this major operation which is to be performed on agriculture, and which is intended to be permanent in character, and I think any sort of bureaucratic

control of this sort of the farmers is not only inadvisable but is fundamentally wrong agricultural economy.

There is also a provision that—

The Secretary shall provide by regulations for the identification, wherever necessary, of corn, wheat, cotton, rice, or tobacco so as to afford aid in discovering and identifying such amounts of the commodities as are subject to and such amounts thereof as are not subject to marketing restrictions in effect under this title.

Mr. President, let us consider that just a moment. The Government is to follow these products into the channels of commerce for the purpose of identifying them and determining whether or not, by the permission of the Secretary of Agriculture, they are marketable products, whether or not they infringe the provisions of the law.

My objection to that is that between these two provisions we are setting up a bureaucratic control which is, I imagine, more offensive to the free men who are living on the farms than any other law in existence, because in every other phase of our social and economic life, I think, the farmer has always justly boasted of the fact that he has a greater degree of freedom and liberty than any other class of our citizens. But he is to be subjected now to this kind of compulsion and regulation.

In addition to that, the payment and collection of penalties are provided for.

SEC. 372. (a) The penalty with respect to the marketing, by sale, of wheat, cotton, or rice, if the sale is to any person within the United States, shall be collected by the buyer.

(b) All penalties provided for in subtitle B shall be collected and paid in such manner, at such times, and under such conditions as the Secretary may by regulations prescribe. Such penalties shall be remitted to the Secretary by the person liable for the penalty, except that if any other person is liable for the collection of the penalty such other person shall remit the penalty. The amount of such penalties shall be covered into the general fund of the Treasury of the United States.

Mr. President, here we have again perhaps one of the inevitable steps in the enactment of this kind of legislation. Perhaps it is necessary to set up a system of espionage of farm production and of farm marketing in the United States. Perhaps that is necessary. I do not know. I have tried my best during the 5 years I have been a Member of the Senate to view these questions in the large, and see if we could relate, as probably has been necessary, the various kinds of legislation essential to overcome the depression through which we have passed, but I confess that I have not great confidence in my judgment about these matters. I can only offer my best opinion. But, Mr. President, when we now contemplate the regulations to which the farmer must subject himself in the future I think we are doing not only an unwise thing, but something against which the farmers ultimately will express their resentment in very strong terms. For that reason I do not want to vote for legislation which is likely to produce such results.

While I am criticizing the measure, I should like to say that I have unfeigned admiration for the Committee on Agriculture and Forestry which has done such strenuous and difficult work. The farm problem is not an easy one to solve. I am perfectly willing to concede that. I think the committee has shown an assiduity and an application to the tremendous amount of detail and investigation which preceded their report on this bill, in the highest degree commendable, and I would not for one instant criticize them for what they have done. I am criticizing, or at least expressing my views, only as to the effect of the measure which we are asked to adopt and to make the supreme law of the land.

I am not going to discuss the constitutional aspects of this question. I am frank to say that I do not think the Federal Government has any right to go on a man's farm, through a delegated authority, or in any other way, and measure off that farm and tell the farmer what he can plant on it. I do not concede that for a moment; I do not think the bill is constitutional, but as I have already said, I am not going to argue the constitutional phases of the bill. Those questions have been presented already by Senators who are great lawyers, such as my able colleague from North Carolina [Mr. BAILEY], who are more competent to discuss the constitutionality of the measure than am I. But as a lawyer I have looked into it to some extent, and I cannot reconcile my conceptions of the constitutional authority of the United States with the exercise of any such power as is here attempted.

In the declaration of policy in this bill it is said that, among other things, we are enacting this bill—

To provide an orderly, adequate, and balanced flow of such commodities in interstate and foreign commerce.

I should now like to bring to the attention of the Senate an analysis which I made of certain sections of the bill insofar as they relate to foreign commerce.

Mr. McGILL. Mr. President, will the Senator yield before he enters upon that phase of his argument?

Mr. McADOO. I yield.

Mr. McGILL. I observed at the outset of the Senator's address that he made a statement to the effect that if he were a cotton farmer it would be necessary for him to have someone to advise him at all times in order to avoid being fined. The other day while this bill was being discussed by the senior Senator from Michigan [Mr. VANDENBERG] he made the assertion that a farmer might be fined in the sum of $500. When the measure was first introduced there was provision with reference to a fine, but not of that amount, which was, by an amendment submitted by myself, stricken out of the bill by the Senate. I know of nothing in the conference report wherein it is provided that a fine may be assessed against a producer or a farmer. I am wondering to what part of the report the Senator refers when he states that if he were a farmer he would have to have someone advise him in order to escape being fined.

Mr. McADOO. I did not say in order to escape being fined. I said "escape the penalties of this measure."

Mr. McGILL. I beg the Senator's pardon if I misconstrued his statement.

Mr. McADOO. My recollection is that I said "the penalties of this measure."

Mr. BORAH. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. BORAH. The Senator from Kansas has referred to the removal of the "fine" provisions, but there are provisions in the measure which compel the observance of the law by setting what may be designated a penalty in the way of what may be called a tax, are there not?

Mr. McGILL. That is when marketing quotas are put into effect, after a vote by the farmers or the producers of a commodity; but the Senator from Michigan [Mr. VANDENBERG] has specifically stated in substance that under this measure a farmer might be found guilty of a crime and be fined.

Mr. BORAH. Those provisions have been eliminated.

Mr. McGILL. Those provisions have been eliminated as I understand, and I challenge anyone to show where there is any such provision in the conference report.

Mr. BORAH. Those provisions have been eliminated.

Mr. McGILL. Yes. Some Senators do not agree with what we are saying about that.

Mr. BORAH. But I am speaking of the other methods by which enforcement is brought about. They are not in the nature of a fine, it is said, but there is not very much difference between a fine and a penalty superinduced as this one is.

Mr. McGILL. There are certain penalties in the nature of civil penalties upon dealers and purchasers of commodities where marketing quotas are in effect, if such marketing quotas are not adhered to, but there is no such thing as a criminal penalty.

Mr. McADOO. I may say to the Senator from Kansas that, as I read the measure, a farmer who otherwise might be entitled to a benefit under the Soil Erosion Act or parity payments, but who violated the provisions of this measure, could be denied the benefits under the Soil Erosion Act and under the Parity Payment Act.

Mr. POPE. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. POPE. I may say to the Senator that in that respect he misunderstands the measure, because it is provided in the conference report that if the farmer complies with the Soil Conservation Act he will get soil-conservation payments. It is an entirely separate and distinct question from the marketing quota features of the measure. On the other hand, if the farmer does not comply with the marketing quota features of the measure, he may be subject to the penalties for selling his commodities as provided in the conference report. But they are now separated, so if the farmer complies with the soil-conservation provisions of the measure, he gets his soil-conservation payments.

Mr. McADOO. Regardless of any violations of any kind?

Mr. POPE. Regardless of whether or not he complies with any other features of the measure.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. BORAH. I must admit that that is perhaps somewhat confusing.

Mr. McNARY. I will ask the Senator from Idaho if he will speak so we can all hear him. I am very much interested in that phase of the measure.

Mr. BORAH. What I desire to know is, if the farmer raises all he desires to raise, what does the bill do about it?

Mr. POPE. In the first place, if he pays no attention to the soil-conservation program and does not participate, he will not get soil-conservation benefit payments. If an election, a referendum, is held, and two-thirds of the farmers voting impose the marketing quotas, then he is under obligation to comply with the provisions of the law with reference to marketing quotas and not sell more than the law specifies as his marketing quota. If he does sell more, the only penalty is that he pays the tax for selling in excess of his marketing quota.

Mr. BORAH. In other words, he is shut off the market, the market is closed to him beyond the amount which has been assigned to him.

Mr. POPE. It simply means what it says; that if marketing quotas are established by two-thirds of the farmers themselves, then the farmer who exceeds his marketing quota can sell, but he must pay the penalty, or if he does not desire to pay the penalty, then he must store or keep his commodity.

Mr. McADOO. The penalty is a fine after all. What is it but a fine?

Mr. McNARY. The penalty in the case of wheat for selling in excess of the marketing quota is 15 cents a bushel, and a similar sum in the case of corn. It is a very large sum in the case of cotton.

Mr. McADOO. In the case of cotton it is 2 or 3 cents a pound, is it not? I do not care whether Senators call it a penalty or a bouquet, or what it is called; if it takes money out of the farmer's pocket, because he does not do something he is expected to do under this measure, it is a fine.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair). Does the Senator from California yield to the Senator from Nebraska?

Mr. McADOO. I yield.

Mr. NORRIS. What would the Senator suggest instead of the method provided in this bill to carry out the provisions of the law if the farmers by a two-thirds vote reach a conclusion or arrive at a decision? If there is no penalty, what good are the provisions of the bill?

Mr. McADOO. I am not objecting to the penalty, I may say to my distinguished friend from Nebraska, if this bill is to be passed, because I think it is the inevitable consequence of the attempt to compel the farmers to do what the bill calls upon them to do; and the only way to make the provisions of the bill effective is to assess a fine, penalty, or whatever one chooses to call it.

Mr. POPE. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. POPE. If the Senator were convinced that the farmers of this country desired a specific law or program, would he wish to deny them what they desire?

Mr. McADOO. If the proposed legislation were appropriate, and came within the Constitution and the laws of the land, I should be perfectly willing to concede it.

Mr. POPE. Let me ask the Senator a further question. The Senator and I are both Democrats, and believe in majority rule. May I ask him whether or not he objects to the farmers who sell deciding upon the program by a two-thirds' vote?

Mr. McADOO. No; I do not object to it, but I do not concede that the decision of the farmers necessarily means that we as Senators must adopt their program and vote for it, whether or not it be constitutional.

Mr. POPE. Does the Senator object to giving the farmers the privilege of voting and imposing a program upon themselves if they desire to do so?

Mr. McADOO. I do not. I am perfectly willing that the farmers should do that if the measure they favor is legitimate, sensible, and economic, and squares with the Constitution of the United States. I should support them in that character of measure.

Let me ask the Senator from Idaho a question. Under the provisions of the bill with regard to a referendum in the case of cotton, for example, are we to have a national referendum on cotton, and are the results of the referendum to apply to every State and county in the Union, and affect every farmer in the Union?

Mr. POPE. Only those who raise cotton.

Mr. McADOO. I am speaking of the cotton farmer, and I am referring to cotton from one end of the country to the other. Is the referendum provided for in the bill a national referendum, or is it a local referendum binding only upon those within the area where the referendum is held?

Mr. POPE. It is a Nation-wide referendum, held in the various counties where cotton is produced.

Mr. McADOO. It is a national election. No allowance is made for the varying conditions under which cotton is raised in this country, or the economic foundations upon which the people stand in various sections of the country; and yet, on an informal referendum of that kind, we in California may be ruined, or farmers in other States may be ruined. I myself am not in favor of that kind of legislation or that method of administration.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. BANKHEAD. I should like to ask the Senator if all the objections he is now raising were not raised in connection with the passage of the original bill? They do not arise for the first time in the conference report.

Mr. McADOO. I do not think they do. I voted for the bill originally, because I understood that the treatment of California was going to differ from the way in which she is treated in the conference report. I am not claiming that any contractual obligation was entered into, but I find that the agreement was not carried out in accordance with my understanding at the time.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. HATCH. A great deal has been said about the conferees and their weeks of work and about the penalties and compulsory features of the bill. The penalties and compulsory features of the bill have been greatly modified since the bill left the Senate and went to conference.

Mr. McADOO. I concede that. That fact, however, is not really material to the main objections which I have to this measure. It is only incidental.

I have referred to the administrative measures very briefly and very sketchily. I could go into many more which I think they are decidedly objectionable, because they impose upon the farmers of this country a new order which I think the farmers will resent. They will not get the benefits which they expect under the bill.

In addition to my belief that we are not passing a measure which is going to confer the benefits expected—and I regret the necessity of coming to that conclusion—I think grave constitutional questions are involved. We shall probably find, after the act reaches the courts, that we have passed an unconstitutional bill. I think that result will inevitably follow.

Mr. McGILL. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. McGILL. The Senator will agree, will he not, that when the bill passed the Senate and was sent to conference the principles embodying the marketing quota system and penalties were in the bill, and that the penalties now provided in the conference report are less than they were in the original bill?

Mr. McADOO. I concede that. I had the same objections to the original bill, although I voted for it in order that it might go to conference with the hope that there might be evolved legislation which would appropriately solve the farm problem.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. HATCH. The Senator has mentioned the State of California. I am somewhat familiar with conditions in the State of California, and I realize some of the apparent injustices which may fall upon that State as a result of the passage of the bill; but I desire to call the Senator's attention to the fact that under the bill as reported by the conference a method is provided by which California is treated on exactly the same basis as every other State and locality in the United States. All are treated exactly alike. There is a peculiar condition in California which on its face perhaps may appear to make the bill at this time seem unfair to the State of California; but if this program remains in effect, the injustices will be progressively eliminated by the passage of time. Under the Bankhead Act, the old cotton program froze the growth and production of cotton during the period from 1928 to 1932, and there was no room for expansion and development of new territory. Under the pending bill, that situation is entirely changed. Instead of adopting one year as the basis, the bill takes the 5 preceding years and prescribes a fair method, which eventually will overcome some of the Senator's objections.

Mr. McADOO. The provisions in the bill allowing 2 percent for new acreage available are, to my mind, wholly insufficient. I do not think those provisions will take care of the natural growth of the country.

What will we do for the people about whom I have spoken, who are thrown upon relief? We shall have to pass bills taking money out of the Treasury of the United States, putting those people on the dole, when they can make an honest living on the soil right under their feet. I cannot understand the logic or the philosophy of that sort of legislation. In the older cotton States of the country, the Southern States, where cotton production has been an established industry for a hundred years and more, a very different situation presents itself, although I must say that I think even in the South this bill will fail to confer upon the farmers the benefits which they expect.

Mr. President, I am taking more of the time of the Senate than I intended to take. The interruptions have interfered with the continuity as well as the brevity of my argument. While I am glad to yield at any time, I make that excuse to my colleagues so that they will understand that I have not intentionally taken a longer time than I expected to be on my feet. I have not remained on my feet for this length of time because of a lack of consideration for those who desire to follow me.

Mr. McNARY. Mr. President, I merely wish to express the hope that the Senator will keep in mind the fact that the hour for voting is 3:30, and that he will not yield too frequently.

Mr. McADOO. I am very anxious to conclude. I am never very anxious to make a speech, but I am always very eager to conclude one; so I shall rush along as fast as possible.

One of the reasons for this legislation is the hope that it will improve our foreign markets. That hope is expressed in section 2 of the bill.

I say that the pending bill will do exactly the reverse. It will throttle our foreign markets for cotton.

I have prepared a statement which I desire to read for the RECORD, instead of trying to explain the matter extemporaneously.

With respect to the effect of the pending bill—and I want those who are interested in this measure to consider this—on the exportation of cotton, it is difficult to form any judgment until definite conclusions are reached as to the interpretation and effect of section 381 (b) and (c) of the conference report.

Section 381 (b) reads as follows:

(b) Any producer for whom a loan has been made or arranged for by the Commodity Credit Corporation on cotton of his 1937 crop and who has complied with all the provisions of the loan agreement except section 8 thereof, may, at any time before July 1, 1938, transfer his right, title, and interest in and to such cotton to the Corporation; and the Corporation is authorized and directed to accept such right, title, and interest in and to such cotton and to assume all obligations of the producer with respect to the loan on such cotton, including accrued interest and accrued carrying charges to the date of such transfer. The Corporation shall notify the Secretary of Agriculture of each such transfer, and upon receipt of such notice, the Secretary shall, as soon as compliance is shown, or a national marketing quota for cotton is put into effect, forthwith pay to such producer a sum equal to 2 cents per pound of such cotton, and the amount so paid shall be deducted from any price-adjustment payment to which such producer is entitled.

I assume that the object of that provision is that if 12 cents per pound have been loaned on cotton by the Commodity Credit Corporation, the borrower may turn in that cotton, convey title, be relieved of his obligation, and let the Commodity Credit Corporation assume the loss. Cotton is now selling at about 8½ cents a pound. The loss would have to be paid out of the Treasury of the United States. I assume that that is the purpose of that provision.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. GEORGE. I was not a member of the conference committee, and I am not a member of the Agricultural Committee, but I should like to state my understanding of the purpose of the provision just referred to.

Under the loan which was made on the 1937 crop, the loan agreement required the sale of the cotton by the farmer before he could claim the price-adjustment payment. This provision simply authorizes the transfer of the title to the property by the farmer to the Commodity Credit Corporation, and thereafter, so far as that provision of the contract is concerned, he is to be in a position to receive the so-called subsidy payment or price-adjustment payment.

If the Senator from California will read further in the conference report he will find that inhibition is placed upon the sale of this cotton taken over by the Commodity Credit Corporation until it reaches a price sufficient to pay the original loan, plus interest, plus carrying charges, and plus the price-adjustment payment, which virtually freezes the cotton in the hands of the Commodity Credit Corporation until it reaches a price of 11 cents a pound.

Mr. McADOO. My distinguished friend from Georgia has stated the facts as I was going to state them with respect to that particular phase of the matter. In other words, it is proposed to freeze the cotton in the hands of the Commodity Credit Corporation at 11 cents a pound. I will recur to that point in just a moment, because I am now addressing myself to the effect that the bill as now framed is going to have upon our exportable surplus of cotton.

Now let us take section 381, paragraph (c), which reads, as follows:

(c) The Commodity Credit Corporation is authorized on behalf of the United States to sell any cotton of the 1937 crop so acquired by it, but no such cotton or any other cotton held on behalf of the United States shall be sold unless the proceeds of such sale are at least sufficient to reimburse the United States for all amounts (including any price-adjustment payment) paid out by any of its agencies with respect to the cotton so sold. After July

31, 1939, the Commodity Credit Corporation shall not sell more than 300,000 bales of cotton in any calendar month, or more than 1,500,000 bales in any calendar year. The proceeds derived from the sale of any such cotton shall be used for the purpose of discharging the obligations assumed by the Commodity Credit Corporation with respect to such cotton, and any amounts not expended for such purpose shall be covered into the Treasury as miscellaneous receipts.

It is perfectly clear from those two provisions that the purpose is to freeze the cotton in the Commodity Credit Corporation, which already has about 5,000,000 bales of cotton under loans averaging about 12 cents a pound. I will ask the Senator from Alabama if I am correct about that?

Mr. BANKHEAD. No; the Senator is not correct. The cotton the Senator is talking about is already in the hands of the Corporation. It is the loan cotton.

Mr. McADOO. I understand that.

Mr. BANKHEAD. The Senator says there may be additional cotton so held. This loan plan is limited to cotton already under loan.

Mr. McADOO. That is what I intended to say. This is the cotton the Corporation holds under the 1937 loan and, as I understand, the Commodity Credit Corporation has today something like 5,000,000 bales of cotton upon which loans have been made.

Mr. BANKHEAD. Yes; and this applies to that cotton and no other cotton.

Mr. McADOO. It applies only to 1937 cotton.

Mr. BANKHEAD. It applies only to 1937 cotton. That is the only cotton that the Commodity Credit Corporation has under loan to which this provision applies.

Mr. McADOO. That is as I understand it; that is what I was trying to say.

Mr. BANKHEAD. This will not cost the Government a dime, but, on the other hand, will give the Government an opportunity to recoup 2 cents it has got to pay, anyhow. Does the Senator know that 13,000,000 bales of cotton are hanging over the market or will be hanging over it next August?

Mr. McADOO. I know that.

Mr. BANKHEAD. This is intended for the benefit of the farmers by taking a certain part of it and holding it off the market, while we are reducing the crop, so that the price may reach some reasonable point, without cost to the Government.

Mr. McADOO. I concede the purpose, but I do not concede that it is without cost to the Government, because the Government advances 2 cents more a pound which is to be taken out when the sale is made.

Mr. BANKHEAD. No. It is to be taken out of the adjustment price, which there is no way to avoid. The Government is pledged to that.

Mr. McADOO. Suppose the Senator had borrowed on a hundred bales of cotton from the Commodity Credit Corporation at 12 cents a pound in 1937; he is the obligor on the note; and if the Government sold at auction, or sold at the market price, and credited it, he would still owe the Corporation money, would he not?

Mr. BANKHEAD. No. These loans, as in the case of corn loans, are not recourse loans.

Mr. McADOO. There would be no recourse to the Senator.

Mr. BANKHEAD. No recourse at all.

Mr. McADOO. The recourse is to Uncle Sam.

Mr. BANKHEAD. Of course, just as it is in the case of corn loans.

Mr. McADOO. Exactly; Uncle Sam pays the difference; that is all.

I am not objecting to giving the farmer the subsidy. It may be justified by the emergency through which we have gone and another which we may have to face. But I am analyzing this to show what the effect is upon the Treasury of the United States and upon our export trade.

Now it is proposed to freeze all this cotton in the Commodity Credit Corporation on which it has made loans, and then to authorize it to make more loans on cotton.

Mr. BANKHEAD. I do not think it is fair for the Senator to say we are going to freeze all that cotton. We do not freeze all the cotton, because those who have borrowed on it may release title, and I doubt if half a million bales of the 5,000,000 bales have been released, because there is not sufficient inducement to do so. And the advanced payment of 2 cents, on application, will be paid in full within 10 or 14 months.

Mr. McADOO. I may say to my distinguished friend that that is all conjectural, because we do not know what the market price will be.

Mr. BANKHEAD. It is no more conjecture than the statement of the Senator that we are freezing all this 5,000,000 bales.

Mr. McADOO. We are freezing it for the time being.

Mr. BANKHEAD. We do not freeze it at all.

Mr. McADOO. Whether or not we are freezing it is not material to my argument. The only point I am now trying to make is the more we try to prop the market the more difficult it is to create any foreign trade. That goes without saying. Cotton today is selling at 8½ cents a pound. Suppose the Commodity Credit Corporation has 6,000,000 bales of cotton upon which it has loaned 12 cents a pound and it is forbidden to sell it at a price less than that which will reimburse the Treasury for the money so advanced, how, in the name of conscience, can it be sold in foreign markets at a price 4 cents higher than the export price?

Mr. BANKHEAD. Is it the Senator's point that he wants cheaper cotton?

Mr. McADOO. No. My point is that the provision of the bill that has been made for those dealing in cotton does not promote foreign trade in cotton.

Mr. BANKHEAD. What would promote it? Cheaper prices?

Mr. McADOO. How is it going to be sold in any market, whether in the domestic trade or in the foreign trade, at more than the market price?

Mr. BANKHEAD. That is what I am asking. Is the Senator advocating a cheaper price? Does the Senator know that we are not shipping any more cotton to foreign markets with a price of 8½ cents a pound than we shipped when it was 13½ cents a pound?

Mr. McADOO. I did not know that.

Mr. BANKHEAD. Then the Senator ought not to argue the question.

Mr. McADOO. I will accept the Senator's statement, but that is not material to my argument, anyway. We should try by this bill to create a situation under which we cannot only encourage our export trade in cotton and wheat and other commodities, but also do it in such a way that it is not going to cost the Treasury or the people of the United States any money.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. HATCH. The question I desire to ask the Senator deals with the point he is discussing, for it seems to me the Senator from California is laboring under the impression that the "freezing", as he calls it, of this cotton is going to remove available supplies for export. Does not the Senator from California realize that, with the cotton now on hand, even if it is frozen, there will be available for the foreign markets of the world all the cotton and more than they will buy from us at any price?

Mr. McADOO. I am coming to that.

Mr. HATCH. Very well.

Mr. McADOO. I am coming to that and I am glad that the Senator brought it up at this juncture. I may say to my distinguished friend from New Mexico that, of course, it it is true whatever may be the effect of this bill, that we cannot sell the surplus cotton of this country in the foreign market. So I think this bill is fundamentally unsound. I think that the true policy we should have pursued would have been to protect our farmers in the domestic market, with a minimum price for their cotton, so that they would be safe whether they could sell the surplus in foreign markets or not; then we should sell the surplus wherever we

could at whatever price we could get for it, but at the same time make the farmers secure in the home market and in the home consumption.

Mr. HATCH. Mr. President, will the Senator yield once more, and I will not bother him any further?

Mr. McADOO. The Senator does not bother me; I am delighted to yield to the Senator.

Mr. HATCH. The point the Senator has made brings out squarely the two different philosophies which have prevailed in the Congress. The Congress has decided upon the other philosophy, and not the one the Senator favors. Having so decided, the "freezing" of the cotton does not change the situation at all so long as we permanently follow the philosophy laid down by the bill.

Mr. McADOO. I concede the Senator's point, but that is not material to my argument. I think, under the circumstances, that the more of this cotton the Government buys, the worse it is going to be when the day of final liquidation comes, because every year we are going to continue to grow a surplus of cotton in this country and the only way, on God's earth, to save the cotton industry, which is declining rapidly all the time because of the increase in foreign production, is to give our farmers the home market, as I have said before, at a price which will give them a profit on the domestic consumption of the crop, and then leave it to them to raise or not to raise any surplus cotton. If they should raise a surplus, then they should be compelled to put that cotton into the hands of a surplus corporation for the benefit of all the people of the United States; for whenever we give them a minimum price for cotton used in home consumption we have bought their surplus for the benefit of the Nation, and it can be so employed. That, in my opinion, is the only way we are going to save the cotton situation in this country.

I know it is needless for me to make an argument for that policy now, because the bill I presented for that purpose was rejected by the Senate by a vote of 40 to 46. It was defeated by six votes, and I am not making this argument with the idea that it may prevent the adoption of the conference report. I am making it merely for the RECORD, because I think the educational processes which are inevitable from a free and full discussion of this question may ultimately lead us to the right solution. That is the only reason why I am making this speech.

Mr. POPE. Mr. President, will the Senator yield for one more question?

Mr. McADOO. I yield.

Mr. POPE. I voted in the Senate for an amendment to the bill containing the philosophy which was in the Senator's amendment. After the Senate had voted down the Senator's amendment, however, and had adopted the philosophy of this bill, and the House had done the same thing, does the Senator feel that the conferees would have had any justification for discarding what the Senate had voted for and what the House had voted for, and adopting the philosophy which the Senate had repudiated?

Mr. McADOO. I concede the point raised by my distinguished friend from Idaho; and I repeat that I am not arguing for the substitution of my philosophy for the report of the committee. I am merely stating it for the RECORD, because I think the educational processes which will continue to revolve around this problem must of necessity proceed until we can find a proper solution of it.

I should like to read an analysis I have made of the cotton export problem involved in the pending measure; but, instead of taking the time of the Senate to do so, I ask that it be incorporated in the RECORD as part of my remarks.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

With respect to the effect of the pending bill on the exportation of cotton it is difficult to form any judgment until definite conclusions are reached as to the interpretation and effect of the so-called Smith amendment, which constitutes section 381 (b) and (c) of the conference bill, and which reads as follows:

"(b) Any producer for whom a loan has been made or arranged for by the Commodity Credit Corporation on cotton of his 1937 crop and who has complied with all the provisions of the loan agreement except section 8 thereof may, at any time before July 1, 1938, transfer his right, title, and interest in and to such cotton to the Corporation; and the Corporation is authorized and directed to accept such right, title, and interest in and to such cotton and to assume all obligations of the producer with respect to the loan on such cotton, including accrued interest and accrued carrying charges to the date of such transfer. The Corporation shall notify the Secretary of Agriculture of each such transfer, and upon receipt of such notice the Secretary shall, as soon as compliance is shown or a national marketing quota for cotton is put into effect, forthwith pay to such producer a sum equal to 2 cents per pound of such cotton, and the amount so paid shall be deducted from any price-adjustment payment to which such producer is entitled.

"(c) The Commodity Credit Corporation is authorized on behalf of the United States to sell any cotton of the 1937 crop so acquired by it, but no such cotton or any other cotton held on behalf of the United States shall be sold unless the proceeds of such a sale are at least sufficient to reimburse the United States for all amounts (including any price-adjustment payment) paid out by any of its agencies with respect to the cotton so sold. After July 31, 1939, the Commodity Credit Corporation shall not sell more than 300,000 bales of cotton in any calendar month or more than 1,500,000 bales in any calendar year. The proceeds derived from the sale of any such cotton shall be used for the purpose of discharging the obligations assumed by the Commodity Credit Corporation with respect to such cotton, and any amounts not expended for such purpose shall be covered into the Treasury as miscellaneous receipts."

Depending upon the interpretation of several ambiguous provisions, this amendment can be entirely meaningless or very harmful. First of all, the question arises as to whether section 381 (b) offers any incentive whatever for the producer to surrender his title and interest in any loan cotton to the Commodity Credit Corporation. The only incentive offered is a payment of 2 cents per pound on such cotton, which the Secretary is directed to make "as soon as compliance is shown or a national marketing quota for cotton is put into effect." It is further provided that "the amount so paid shall be deducted from any price-adjustment payment to which such producer is entitled."

The producer is entitled to his payment of 3 cents per pound under the terms of the third deficiency appropriation act at the earliest practicable time after it has been ascertained that "his acreage planted to cotton in 1938 does not exceed his farm acreage allotment for 1938." This constitutes the definition of compliance for the purpose of the $130,000,000 appropriation available for the payment of price-adjustment payments. It is also provided in section 381 (a) that cotton not sold prior to July 1, 1938, shall be held and considered to have been sold on June 30, 1938. It accordingly follows that all producers who have sold the amount of their quota upon which they were entitled to the payments will get their full payment just as soon as it is administratively practicable after compliance has been determined. Producers who have put all of their cotton in the loan or some of their quota cotton will get those payments as soon after July 1, 1938, as is administratively practicable.

In the case of this 3 cents, or in the case of the 2-cent payment authorized by section 381 (b), the ascertainment of compliance is necessary unless the language "or a national marketing quota for cotton is put into effect" changes the situation. Apparently this language is without effect since the Secretary has no appropriation available for any payment except the $130,000,000 appropriated by the third deficiency appropriation act, which requires compliance. Section 381 defines compliance and may be construed to amend the third deficiency appropriation act to that extent, but it does not make the funds available to the Secretary simply because a national marketing quota has been put into effect, with which the producer may or may not comply.

In addition, the language "and the amount so paid shall be deducted from any price-adjustment payment to which such producer is entitled" would seem to imply that the Secretary of Agriculture must first determine that the producer is entitled to a price-adjustment payment from which the 2-cent payment may be deducted. It would, therefore appear that the Secretary will be in position to make the 3-cent payment to the producer just as soon as he could make the 2-cent payment under section 381 (b), except where compliance could be ascertained prior to June 30, 1938, and all of the producer's cotton is in the loan.

It would also seem that the provision quoted just above would prevent any producer from receiving any larger amount than he would be entitled to under the 3-cent payment plan, and that it was intended simply to give the producer his payment sooner than he would otherwise have received it. It is worthy of note that the language requiring compliance was inserted after the original provision was drafted by Senator SMITH, and it is believed that it has the effect of depriving the provision of its intended purpose to expedite payments. Attached to this memorandum also is a copy of a letter from Senator SMITH to the editor of the Washington Post, which indicates that "the payment of 2 cents per pound is in lieu of and not in addition to the price-adjustment payment plan, and it will require no additional funds." There is also attached a copy of the press statement issued by Senator SMITH, which states that "cotton under the loan made before July 1, 1938, can be transferred to the Commodity Credit Corporation on the basis of the average price at that time. In that case the farmers will get a price-adjustment payment of 2 cents immediately and they can get the rest later."

This language also supports the idea that the payment to the individual producer is limited to the amount of the price adjustment payment to which he would be entitled.

If the above interpretations of the provisions of section 381 (b) are correct, and will be followed by the Secretary of Agriculture and the General Accounting Office, then the individual producer has no incentive whatever for transferring his title to loan cotton to the Commodity Credit Corporation. He would surrender whatever chance he might have of receiving a higher price for such cotton in exchange for nothing. In such case, therefore, it could not be expected that producers who were properly advised of the situation would take advantage of this provision.

On the other hand, if the provision is interpreted to give the producer 2 cents a pound on all his loan cotton without limitation to his price adjustment payment, an additional incentive is offered and it could be expected that considerable additional cotton would move into the loan and that title to a great portion of the loan cotton would be transferred to the Commodity Credit Corporation and thus impounded. Of course, a question would arise as to whether there are any funds available for such payments and it is believed that there are not, but it must be admitted that the provisions of section 381 (b) could not deliberately have been made more ambiguous.

Section 381 (c) is likewise not entirely clear. It is plain that the limitations there contained are intended to apply to all cotton, title to which is transferred to the Commodity Credit Corporation. From the way the provision is written it would appear that neither before nor after July 31, 1939, could the Commodity Credit Corporation sell any portion of this cotton at less than an amount sufficient to cover the amount of loans, carrying charges, and any price-adjustment payments, although some of the statements of the sponsors of the amendment indicated that the limitation as to the amount at which the cotton could be sold would not be effective after July 31, 1939. From the way the amendment is drafted, there is an additional limitation as to the amount of the cotton to be sold which becomes effective after July 31, 1939, and there is no language to indicate that the earlier limitation as to the price at which it can be sold is made inapplicable after that date.

Equally ambiguous is the question of what cotton is "held on behalf of the United States." Presumably this would cover only cotton title to which is held by the Commodity Credit Corporation or other Governmental agencies and would not apply to cotton pledged to the Commodity Credit Corporation to secure loans. If this interpretation is the correct one, then since no incentive is offered to the producers to transfer title (if that be correct) it is not likely that the limitation on the sale would have any particular effect on the marketing or upon exports of cotton. On the other hand, if cotton held as collateral is included within the term "held on behalf of the United States," the entire amount of loan cotton would be tied up indefinitely; and if the producers would receive additional money as a result of surrendering their title to the Commodity Credit Corporation, it could be expected that very large additional amounts of cotton now held by producers would move into the loan and then into the hands of the Commodity Credit Corporation. A situation might result, therefore, where more than 10,000,000 bales would be in the hands of the Government, and the Government be forbidden to sell the cotton at less than the price specified. Such a situation would probably result in a very great reduction of exports immediately.

It should be noted, however, that unless title to the cotton were surrendered by the producers, they would still have the right to redeem their cotton by paying the amount of their notes plus carrying charges and interest, unless the incentive offered by section 381 (b) is sufficient to persuade them to transfer title to the cotton to the Commodity Credit Corporation.

It will be apparent from the above discussion that until the departments concerned arrive at the proper interpretation of the Smith amendment it will not be possible to evaluate the effect of this bill on the exportation of cotton. Interpreted one way, the Smith amendment can be meaningless. Interpreted another, it can be utterly and entirely destructive of our export commerce.

FIXED PRICE LOANS

In spite of the fact that neither the House nor the Senate bills fixed the rate of loans on cotton, the conferees have adopted the following provision:

"(c) The Corporation is directed to make available to cooperators loans upon cotton during any marketing year beginning in a calendar year in which the average price on August 1 of seven-eighths Middling spot cotton on the 10 markets designated by the Secretary is below 52 percent of the parity price of cotton on such date, or the August crop estimate for cotton is in excess of a normal year's domestic consumption and exports, at rates not less than 52 percent and not more than 75 percent of the parity price of cotton as of the beginning of the marketing year" (sec. 302).

The effect of this provision is to peg the price of cotton at approximately 8½ cents per pound, since the Secretary is required to make loans without regard to his judgment as to the effect. Whether this provision will constitute a major interference to the movement of cotton into export will depend upon the course of the world market price. At a conference with the Secretary of Agriculture last fall it was stated by several of the world's foremost cotton merchants that perhaps a price of 7½ cents per pound would be necessary to keep our markets for cotton, and the Secretary indicated that the views of many of his experts coincided with those of the cotton merchants. If they are correct, therefore, the effect of this provision may be to compel the surrender of our world cotton market. On the other hand, if foreign producers are dissatisfied with the level of prices and reduce their acreage, the provision may not have any serious effect. It must be plain, however, that it is a very unwise provision and that it will undoubtedly have the effect of persuading some countries to continue to encourage the production of cotton. It may be, therefore, that this provision, unless some additional artificial scheme is adopted, will constitute a final blow to the retention of our export markets.

EXPORT BOUNTIES

Section 203 of the bill takes away the prohibition against the bounties on the exportation of manufactured cotton. The Secretary of State and the Secretary of Agriculture have heretofore indicated their opposition to any such bounties. Nevertheless the removal of this prohibition, if it received widespread attention, is likely to place considerable difficulties in the way of selling cotton to foreign countries beyond the amount necessary to fill hand-to-mouth requirements. Particularly in the case of American cotton merchants who send consignments of cotton abroad and hedge their cotton in the American cotton markets is this amendment likely to produce caution, since the effect of the payment of a bounty would be to separate the American price level and the foreign price level by the amount of the bounty, and the merchant would automatically suffer a loss of that amount. Foreign cotton mills would also hold up any purchases of cotton for stock for fear that their competitors would be given a price advantage in raw-material cost, if a bounty should be put on for the general effect of production restriction.

COMPULSORY RESTRICTION OF PRODUCTION

The announcements of the Department of Agriculture under the Soil Conservation Act and the provisions of the present bill indicate a severe restriction of the amount of cotton to be produced for the season 1938–39. The intended crop is 10,700,000 bales, although careful cultivation and the use of fertilizer on the contemplated acreage may produce a larger amount. If we have normal weather conditions and normal insect infestation, a crop of 11,000,000 bales will probably be produced. If the Smith amendment ties up any cotton, particularly if it ties up a large amount, which one interpretation would cause, there could be a very great shortage of cotton for exportation. It must be plain, too, although it is apparently not to a great many people, that instead of giving notice to the world that we intend to keep our world cotton market the effect of the pending bill providing for restriction of our crop is actually to give notice to the world to go ahead and help themselves to our world cotton market. This is particularly true if foreign producers are willing to produce and sell cotton at the present price. These prices have caused some unrest and dissatisfaction in India, but with the removal of exchange control in Brazil the Brazilian cotton producers are at the present time receiving as much for their cotton as they did last season in terms of milreis, and are expanding rather than contracting their acreage.

Even if the Smith amendment is meaningless, however, the provision regarding quotas and compulsory penalties are such that, if they remain in effect, the Secretary will probably be compelled to proclaim an 8,000,000-bale quota in 1940 under section 343 (a), and we will be out of the world market.

The Commodity Credit Corporation now has tied up about 6½ million bales of cotton, and more is moving into the loan. No one in the trade expects the price of cotton to go high enough to take cotton out of the loan. Foreign cotton producers will see to it that the world price does not go high enough to do that. Our exporters anticipate, therefore, an actual commercial shortage of American cotton of many qualities at the start of this next season, and believe that the position of American cotton in many of the markets of the world will receive a definite set-back.

Many foreign spinners rely exclusively on American cotton because there has always been a large available reserve from which they could obtain any cotton they needed at the market price. Unless the Commodity Credit Corporation adopts some plan which permits cotton to move out of its stocks at the world price—and it will be subject to political attacks if it does—it is anticipated that the present legislation gives a definite blow to any hope for continued maintenance of American exports.

CONCLUSION

The pending measure provides no additional funds for payments to southern cotton producers. The severe restriction of acreage provided will greatly reduce the amount of work available to agricultural labor in the South. The reduction of production will still leave a world supply of cotton practically as great as this year, and there is no reason for anticipating any increase in the price level even if our crop is not in excess of 11,000,000 bales. As a matter of fact, prices would be about the same if the crop were larger. The total income of the cotton farmers next season will, therefore, be greatly reduced. From the point of view of the South, the present bill is simply a repetition of most of the unfortunate provisions which have been in effect from 1929 to date, and unless it breaks down of its own weight there is nothing in the picture to cause any optimism on the part of those engaged in the exportation of cotton.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Missouri?

Mr. McADOO. I yield.

Mr. CLARK. I think I understand the purpose of the Senator from California in the remarks he has made. Let me ask him if it is not true that he is making this exposition in the Senate today by reason of the fact that he is well aware that the conference report, having once been agreed upon, is the only matter now before the Senate, and he is fully aware of the fact that the conference report is going to be adopted. He is simply stating his own philosophy of the matter, with the idea that the subject inevitably must be reviewed at a later time.

Mr. McADOO. In addition to that, I may say to my distinguished friend from Missouri, I feel obliged to state my position about the conference report as a matter of record, because I desire it to be the explanation of my vote when the time comes to vote on the report.

This morning I received a letter from a man in one of the greatest agricultural States in the Union. It is not marked "personal," but I hesitate to use it without the consent of the writer. I should like to read what he says about the bill, however:

> There is imperative need for national farm legislation which would be constructive, and which would assure each farmer his fair share of the American market at an American price, and leave the farmer free to produce any amount for foreign markets he may desire.

That is practically the bill which I introduced here.

> The farm bill as per the conference committee print would continue a policy of scarcity, Government control, and bureaucratic regimentation under which the farmer would exchange his American freedom for less than a mess of pottage. The policy of attempting to control and reduce agricultural production will drive people off the farms onto relief. It will increase the debts and taxes, diminish purchasing power, and curtail employment.
>
> Under this economically fallacious bill, our farmers will face both short crops and low prices, which will be disastrous to them and to the Nation. The farm bill as per the committee print, will not solve the agricultural problem, but will cause further loss of foreign markets. Agriculture is our basic industry, and there is no good reason why the Congress of the United States should pass an impractical, indefinite, un-American, and perhaps unconstitutional farm measure.
>
> If the present farm bill is fully discussed on the floor of the Senate, its fallaciousness will be disclosed, and the Congress will substitute therefor a farm bill which will give the farmer a definite and practical program, and one that will benefit all groups of American citizens as much as it does the farmer himself.

Mr. POPE. Mr. President, will the Senator yield at that point?

Mr. McADOO. I yield.

Mr. POPE. Does the writer of the letter which the Senator has read outline any farm bill which he thinks would be satisfactory?

Mr. McADOO. He has not attempted to do so in the letter. What his reasons are for not doing so, I cannot say. I continually hear speeches made by Senators which are just like this letter from my friend. They criticize and object to things without proposing alternatives, just as I am doing today; but I hope I am offering some helpful suggestions for the future.

Mr. President, in conclusion I wish to say, again with an apology for taking so much of the time of the Senate, that it is with genuine regret that I find myself unable to support this bill. It does grave injury to my State. I think it will do grave injury to agriculture throughout the country. I think any complicated measure of this kind which attempts by legislation to revolutionize the farm economy of the United States, which is based upon these major crops, is bound to have repercussions and unfortunate results which in the future will require correction at the hands of Congress.

With that statement, Mr. President, I renew my thanks to my colleagues for giving me their patient attention.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes.

AGRICULTURAL RELIEF—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce.

Mr. SHIPSTEAD. Mr. President, I know that other Senators desire to speak, and I have promised them that I shall conclude my remarks as quickly as possible. In order to avoid taking up time by a general discussion of the bill and interfering with other Senators who have remarks to make, I shall refuse to yield to any interruption. We are to vote at 3:30; and out of courtesy to other Senators who desire to speak I shall present the picture as I see it, and ask not to be interrupted.

From a study of the bill in relation to the general economic system of the country, I have come to the conclusion that the farm problem cannot be solved merely by voting on an agricultural bill. Some other things are necessary to bring the farmer the economic security to which he is entitled, and to which the bill says he is entitled.

I shall not criticize the bill. That has been done. I do not intend to do it. I offer no criticism of the committee. But I have come to certain conclusions from a study of the bill, and I have followed the trail which I found it was necessary to follow in order to see how it would fit into our economic system of this country.

In the beginning, I must call attention to a little bit of history to show what agriculture has done, and how it has suffered from a constant attack upon its income by the nonagricultural population and by industry. So far as I have learned anything from history in regard to the course of past civilizations, I find that civilizations have gone down principally because of the exhaustion of agriculture, and the attack of the nonagricultural populations upon the income of agriculture. I think we ourselves have already gone far in that direction.

I have here some figures which were compiled by the various departments of the United States Government; and, taking those figures and those statistics, I asked the Bureau of Agricultural Economics to prepare for me these graphs in order more specifically to illustrate the problem to the Senate.

Here is a graph showing, from 1880 to 1935, the percentage of total farm population. In 1880 more than 45 percent of our population was on the farm. Today about 25 percent of the population is on the farm.

This graph shows how farmers are being deprived of their property and homes and becoming tenants. In 1880, 25 percent of our farmers were tenants. Now about 42 percent of our farmers have become tenants, showing that since 1880, and even before that time, agriculture has gradually been undermined, and has been suffering from a constant, progressively intensive attack upon its income by the nonagricultural population.

During that period, what did agriculture do for the United States? It fed the population; and it did more than that. It fed the world. England forsook agricultural production and became an industrial country. The money that built the railroads of the United States, the money that built the cities of many of our States, was raised by the issuance of bonds which were sold to European investors by the banking houses of Amsterdam, Antwerp, Paris, and London; and who paid the interest charges on those bonds? Our main and practically sole export was agriculture; and the foreign exchange which paid the interest owed by this country for building railroads, cities, States, and counties was paid by agriculture.

What did it cost the farmer to feed the world, build our cities and our railroads, and support our great shipping?—because the farmer paid the freight to Liverpool on every

agricultural commodity that was shipped there, and thus our shipping was supported by agriculture. What did it cost the farmer to do that? He has been losing his farm, and the farm population has gradually been driven to the urban communities.

It has been suggested to me that because there are so many less people on the farms now, the farm population ought to be satisfied with less total income than it had proportionately in 1880 or in 1910. The answer to that is that these 25 percent of our population are feeding so many more people, and therefore they ought to have a greater share of the income. Consider the year 1910, when 35 percent of our people fed themselves and 65 percent of the population. Like a boarding-house keeper who used to feed 4 people and now feeds 10, he ought to have more of an income for feeding 10 than he had for feeding 4. That is one illustration of what it has cost the farmer.

I refer now to another illustration, of constantly increasing farm mortgages. In 1910, 10 percent of the valuation of the farm land and the buildings was mortgaged. Then, with the cheapening of the dollar, valuation increased. When the dollar became dear, a valuation of about $30,000,000,000 in farm values was wiped out, and now, according to the Department of Agriculture, 20 percent of the valuation of buildings and land, is mortgaged, and 42 percent of the farmers have become tenants.

I refer now to another chart, to show how this intensive and progressively intensifying attack on the income of the farmer has been accomplished. In considering this graph, and the period from 1910 to 1914, we assume that all these freight rates, farm-machinery prices, and farm prices, are at 100. Of course, they were not at par, but this is for the purpose of illustrating what has happened since 1915, to show the intensifying attack upon the income of the agricultural community.

It is confined, for the purpose of clarity, to only a few items, for instance, freight rates. Here we see an increase in freight rates, and Senators will notice that the price of transportation, where the farmer pays the freight both ways on everything he buys and what he sells throughout that period of time, rose sharply and remained practically the same up to the present. That is on the theory that our industrial system and our transportation system are built on the feeling that the higher the prices the more prosperous the industry. If that were true, the railroads ought to be in fine shape today. If that were true, the industries of this country ought to be in fine shape today. This shows, for instance, the prices of agricultural machinery constantly remaining the same, following a terrific increase after 1915. When the depression came, and they could not get the prices they had raised so high, they quit producing, and dropped to 6 percent of production. Here we see that while industrial prices remain steadfast, farm prices slumped to almost nothing.

Here I show farm taxes, another terrific attack upon the farmer's income. While this chart to which I am referring applies only to farm machinery and to railroad rates and to taxes, the general economic picture as stated in figures of the Government itself would prove that other industrial prices are constantly increasing, and were maintained throughout the depression, which showed a persistent and constant attack upon the income of the farmer.

I refer now to another chart, showing the production of agriculture and of industry. Senators can see that agricultural production has remained practically steady. Here we have the drought area, or the period of the drought. When the drought attacked 42 States, in addition to what we call reduction of production, with all that pressure against production, we succeeded in having very little reduction of production, and of course the cost of production on account of industrial prices remained the same.

Here is a chart showing production of industry. Industry is supposedly based on the theory that is called mass production. It is not mass production at all, as I see it. The machinery is set for mass production but mass production is not permitted. The efficiency of the American system of production is not permitted to operate because the minute there appears to be from some source economic purchasing power in the country, the industrial system immediately starts to raise prices, and raise prices at a vigorous speed, as though they did not want people to buy. When purchasing power comes, prices start to rise, and interfere with sales and, therefore, production, because there are less sales on account of high prices. When they cannot get the high prices any longer, they shut the factories, and down goes production, withholding from the people the benefits of mass production and cheaper goods.

How has that system worked? To me it seems very plain what the answer is. Instead of having poverty in plenty, we have poverty in potential plenty, because the machinery of plenty is not permitted to operate under monopolistic practices. Everything is subjected to monopolistic price fixing, and unless industry can get the price it wants, it always decreases production until it has exhausted purchasing power. People are thus deprived of benefits they should have because the purchasing power is destroyed.

Under that system, what is the logical conclusion? There are high prices and reduced production. As production is reduced, unemployment is increased. As unemployment is increased, larger sums must be appropriated for relief, and as larger sums are appropriated for relief, there are higher taxes, and that again increases costs, and induces higher prices, and that again reduces sales, because it exhausts purchasing power so much more quickly, and reducing sales reduces production, and reducing production increases unemployment, and that increases appropriations for relief, and that increases taxes, and that again increases costs, and there is the same cycle working over and over again until cost gets so high nothing is produced. That spells suicide. After all these years of remedial legislation, still 10,000,000 out of work, 6,000,000 on part-time work. Relief appropriations going up, tenancy increasing, people dispossessed of ownership of property.

We have been told, and asked to believe, that the American system of industrial production is an intelligent system. High prices spell less and less production to be sold for more and more. Higher prices, less production—pay more and more for less and less.

If that were an intelligent system, certainly our industry today ought to be in a very flourishing condition. If that is an intelligent system of production and distribution, our laboring people ought to be employed all over the country. That has been the system to which we have been subscribing, and of which we have been so proud. Yet, I am informed that today, under that system, which is said to be so intelligent and so efficient and so excellent, 10,000,000 people are unemployed, and 6,000,000 people are working on part-time employment. No white man's country in the world has so many people on relief as we have. With the exception of Russia, there is no country in the world with so great natural resources as this. If our system of production were permitted to operate, if efficiency of production were not withheld through monopolistic practices, our people would all be working and enjoying the benefits of mass production. If mass production was permitted to operate, unit costs and prices would be lower, more goods produced, more labor employed and more security.

Mr. President, that is not the system into which this bill intends to integrate agriculture. It is on the other hand based on the assumption, so far as I can see, that industry has been very intelligent, and has been very successful on the theory of scarcity, and that a system of scarcity of operation is good for the country and is good economics. If that be true, then the bill fits into the economic system of the country, and ought to be a part of it. If this bill will integrate agriculture into this system of production and make it a part of it and stop the constant, intensively increasing attack upon the income of the farmer, and give him the share to which he is entitled and the share that he must have, it ought to be adopted. I do not believe it will accomplish this.

Here is another graph showing industrial production and prices of durable goods. It will be seen that when the time came when people could not buy any more, prices were not reduced sufficiently to make any difference. The purchasing power had been destroyed through high prices. There was no more purchasing power, so production ceased, but prices remained the same.

I indicate on the graph the agricultural production and prices. Senators will see the difference between the two. Here are the industrial prices. Here is industrial production. Senators will see, however, that even with the drop in prices and with the curtailment of acreage agriculture was forced even by the cruel forces of nature to continue production, because of the difficulty of reducing production.

Mr. President, if high prices and controlled production represent the road which leads to salvation for the industrial system, then agriculture ought to be integrated into it. Suppose we do that. Suppose this measure will accomplish everything we hope for it; suppose that control of production is successful, and that it is practical, and through parity payments on five major agricultural products will be given a fair price—what is there to prevent these industrial corporations who control production and prices from again raising prices and taking away from the farmer every benefit he has under this measure?

It is now generally conceded that the railroads are going to get an increase of 15 percent in their rates.

That means 30 percent, because a farmer who ships his grain to Liverpool delivers it at the price he receives at Liverpool. If he buys anything from the industrial part of the country, he must pay the freight back. So to him an increase of 15 percent in railroad freight rates means an increase of 30 percent.

On the other hand, I realize that the proponents of this measure say it has for its purpose the giving to the farmer of his parity of income. If he is to get that, and if this measure becomes a part of our legislation, fitting agriculture into the economic system, then the purpose of it ought to be carried out. As I understand it, the $500,000,000 that was taken away for the purpose of benefit payments has been restored for conservation payments, and I think that is a good thing. But what will it cost to give the farmer what we say in this measure he ought to have? It must be raised by taxes. And the logical thing to do is to provide the money to give it to him, and then see to it that these monopolistic corporations which fix prices on everything the farmer buys cannot take it away from him under the system under which he has been operating.

The farmer's share of the national income, to which we say he is entitled, is 17 percent. That was what he received in the period from 1910 to 1914, inclusive. There are more people to be fed now, and therefore the agricultural population ought to have more than it had out of the national income in the period from 1910 to 1914, because the agricultural portion of our population feeds more people, but that period and that income has been set as the standard, so we will accept that. What will it cost to give the farmer that? We must levy taxes to furnish parity payments on the five major crops. Then there are no parity payments for the farmer who does not raise one of the five major crops. There is nothing for the dairyman and poultry farmer, livestock man and fruit grower. He will practice soil conservation and he will get soil-conservation payments, but there is nothing provided to give him his share in the national income. I am here to give the picture as I see it. But assuming we were to give the farmer 17 percent of the national income and assuming that the national income would be the same as it was in 1936, with the $500,000,000 included. In 1936 he had not quite 9 percent of the national income. He is entitled to 17 percent of the national income. We must make up the difference in taxes. So far as I can estimate, in order to give him what he is entitled to and what he ought to have, we must levy taxes in the amount of about two billion to two and a half billion dollars, in addition to the $500,000,000 we give him in conservation payments.

When the agricultural appropriation bill comes through, and if an amendment to that effect is offered, I shall vote for it, if Congress makes this the agricultural policy and integrates it with the industrial policy of the country. That will be the honest thing to do.

I am free to say I think industry is committing suicide, because under its system of operation it keeps more and more people on relief. When the Government started to spend money, prices and production advanced right away. When the Government did not have any more of the taxpayers' money, the purchasing power went down and relief was started, and so we asked for more appropriations, and more taxes were levied, and because of the lack of operations people cannot get work, they must be fed, and the taxes will undermine the industry itself.

I would with great reluctance cast a vote indicating that I thought this system of industrial production and price control was an intelligent system. For industry it is suicidal. If permitted to continue, it will bankrupt the country and bring ruin. I think it has gone a long way toward doing almost irreparable damage to our economic life, our political system, and to the country in general, and to our population, making paupers out of our people. More and more people have lost their homes and their farms; more will lose them. That is continually progressing in spite of all our experimentation and all our benefit payments. In 1936 the American farmer received about $3,000,000,000 below his share of the national income.

Mr. President, I have been here a considerable time. I voted for agricultural bills because it was said they were the best we could get. I do not find any fault with anyone who votes for this bill. Anyone who believes in this present system of production and distribution ought to vote for it. I am not going to discuss its constitutionality. I assume that that has been done by men more able to do it than I am. I am discussing it simply from the standpoint of economics as a part of this present system of industrial production and control of prices.

I know that the measure is going to pass. I am not making these remarks for the purpose of preventing its passage. I know it is going to pass. But I would make one suggestion, if I may, that in the early future the Congress of the United States select from the House of Representatives and the Senate certain members of the Committees on Interstate Commerce, the Committees on Finance and Ways and Means, the Agricultural Committees as a joint committee to study the economic problems affecting the country as a whole. We have been approaching the solution of our economic programs piecemeal. We deal with the situation or approach the question very much as the blind men in the story who touched various parts of the elephant and then attempted to describe him. We say we must do something for the farmer, and then we say we must do something for the railroads, and then we say we must do something for the banks, and then we say we must do something for business. Out of this conglomeration we are not advancing, we are retrograding. We are getting more and more in debt. I apologize at this late hour for not being able to offer anything better, because the problem is too large to solve in a month or two, or even in a year. We have accepted bills prepared for us by so-called experts and get nowhere.

I call this to the attention of the Senate for the purpose, if I may, of showing how the economic system of the United States should be studied as a whole, with the idea in view of integrating one thing to the other, but not letting one arm of our economic system destroy another, because if one is permitted to destroy the other, the whole structure will fall.

I should like to call attention to just one more chart. I have before me a chart which I exhibited to the Senate on a previous occasion. It shows a comparison of national income with agricultural income.

National income has varied with the variation in the value of the dollar. It has been said that the national income last year was something like sixty-five to sixty-eight billions.

The national income for the period of 1909 has been referred to as low. The reason why the national income seems low in that period is because the national income is stated in terms of dollars; and in comparing the national income for two periods the dollar represented in one period may not be comparable with the dollar of another period. The dollar is worth more at one time than at some other time; and while the national income may be increased in dollars, that does not necessarily mean that our national wealth has increased. It is very easy to raise the national income in terms of dollars. By cutting the dollar in two it is possible to raise the national income from $50,000,000,000 to $100,000,000,000. One can go even further than that.

One can take the dollar and cut it into four pieces, and call every 25-cent piece a dollar, and make the national income $200,000,000,000. So, while some of these figures may indicate that there were a great many dollars—credit dollars—that does not necessarily mean that our national wealth was increased. Shutting off production does not increase the national wealth. It restricts the production of wealth. We may cheapen the dollar and make more dollars, but whether I make $1 a day or $10 a day makes very little difference if in either case I can buy a pair of shoes with my day's wages.

One of the charts represents the income of the agricultural population. It occurs to me that the resulting picture produced by the chart is quite appropriate. As you will see, one line represents the income of the nonagricultural population and another represents the income of the agricultural population. It seems quite appropriate, as shown by the chart, that the nonagricultural population should be standing on the backs of the agricultural population. Of course, the chart was not constructed to convey that idea, but the idea occurred to me in looking at the chart.

The chart for 1936 shows the national income in comparison with the agricultural income. The agricultural income, including benefit payments, production control, and so forth, should have been at this point [indicating] about 17 percent, rather than here [indicating] less than 9 percent. So it can be seen that in 1936 the farmer got only 50 percent of what he was entitled to.

If it had not been for the attack upon his income through the control of production and high prices of industries, his income would have gone much further than it did. It would have bought more. But the farmer was still suffering from the policy of constant attack upon his income. This attack is never interfered with by the Government. It is often encouraged by the Government, not only through legislation, but through decisions of our courts, and through the economic pressure of industrial and financial economic power.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. TYDINGS. Do these charts represent the same dollar all the way through, or a varying dollar?

Mr. SHIPSTEAD. They show the situation in terms of the varying value of the dollar.

Mr. TYDINGS. The old dollar and the new dollar?

Mr. SHIPSTEAD. Yes. During the war we had credit inflation, which cheapened the dollar. Then we had deflation. Now we have another inflation, cheapening the dollar, so we must not believe that because we have a greater income in terms of dollars, we necessarily have an increase in wealth.

I think the bill, as it comes from conference, is a better bill than the bill which left the Senate. I think it is better as regards the details of the conservation payments and the management features. There is some provision in the bill for the insurance of wheat crops. The insurance feature is an interesting experiment, and I hope it will be successful. However, the bill involves commitment to a policy of industrial economics which I believe is destructive of our economic life, and which, if continued, will undermine our system of government, not because of the bill, but because of the economic forces which are at work in this country undermining our economic life.

Many people think such a system is intelligent and efficient. In my opinion, it is nothing of the kind. The bill, to my mind, seems to assume that it is necessary for the farmer to become a part of that destruction system. I hesitate very much to commit myself to such a policy.

I have a great deal of sympathy for the Members of the Senate who have worked so assiduously and so earnestly for this bill. I know their earnestness and sincerity, but I am becoming more and more convinced of the immensity of the problem we have to solve.

I apologize for my inability to be present last year when the foundation of the bill was laid. It was impossible for me to be present. I am not sure that I could have offered a better bill if I had been present.

From a recent study of this bill, I have come to the conclusion that the proposed legislation, as it would fit into our economic situation, is intended to become a part of the destructive system to which I have referred and which is not regulated. If we are going to regulate agriculture, we must regulate industrial production and industrial prices. If we can do that, we may be able to stop the destructive process. I do not know whether it is desirable for us to attempt such regulation. The ultimate logic of it is that we must go through with it. If that course is found to be the road to salvation, we will have to take it. I do not like the prospect of the consequences involved in such a program, because I have little faith in Government efficiency and honesty.

On the other hand, if something can be done to stimulate industrial production and do away with high prices, high profits, and monopolistic practices in connection with industrial production, it will be a good thing. The farmers have been forced to a policy of plenty, a policy of producing wealth in abundance, instead of restricting it.

Consider what the farmers did for the country when they produced to the limit. They built the country. As I have said, they built the railroads and the cities. The cities stand on the backs and on the graves of the farmers who made this country by producing real wealth in plenty. Perhaps it can no longer be done. I should be willing to join with anyone in making a study of the whole economic system of the country as a whole and in trying to see if we can establish an intelligent, sane, and economic balance. It has been said that the economic balance between agriculture and the urban population is what has kept France on her feet.

In 1931 England had to take drastic steps in her economic life. The first thing she did was to see to it that prices were not raised. We followed the opposite course. We have said that the road to salvation lies along the way of high prices and control of production. I repeat that if that is the road to salvation industry should be very prosperous and labor should be employed.

Mr. President, out of courtesy to other Senators who wish to speak, I do not want to take any further time of the Senate. At some future date I expect to have something further to offer, perhaps in the form of a remedy, but due to the lateness of the hour I shall not now take any more of the time of the Senate.

Mr. BORAH. Mr. President, I do not rise to discuss the bill at this time, although I hope to do so later. I should like to suggest that there ought to be some way by which to preserve the charts referred to by the Senator from Minnesota [Mr. SHIPSTEAD] so that the public may have the benefit of them in connection with the Senator's remarks. I understand it is not permissible under the rules to print them in the RECORD. I should like to ask those who are familiar with such things if it is practicable to print them as a Senate document.

Mr. McNARY. Mr. President, that question has been answered before. It is practicable, but it requires the unanimous consent of the Senate, in view of the rules. I think the Senator could get unanimous consent to have them printed as a public document.

Mr. BORAH. Mr. President——

Mr. SMITH. Mr. President, before the Senator begins, I should like to ask just one question of the Senator from Minnesota.

Mr. BORAH. I should like to submit a unanimous-consent request, and then I shall yield the floor. I ask unanimous consent, Mr. President, that the charts which have been referred to by the able Senator from Minnesota in his address be printed as a Senate document.

The PRESIDING OFFICER (Mr. MURRAY in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. BORAH. The Senator's remarks, of course, should be included. I shall discuss the bill later.

Mr. SMITH. Mr. President, a great deal of criticism has been leveled at this bill. It has been criticized on the ground that it looks toward Federal control of agricultural production. The Senator from Minnesota [Mr. SHIPSTEAD] criticized the industrial system. Would the Senator advocate the control of industrial processes by the Federal Government?

Mr. SHIPSTEAD. I am willing to do anything within reason that would restore the proper balance in our economic life. I am inclined to believe that legislation can be enacted to stop monopolistic practices and to enforce competition and efficiency. Such legislation would compel competition, which would naturally lower prices. The automobile industry may be cited as an example of an industry in which there is terrific competition, which brings about efficiency and real mass production. I do not know of any other great industry that has that system of competition. It has made the automobile industry the most profitable industry in the country. It undersells all foreign competition and sells its products in the domestic market and all over the world.

Mr. SMITH. I am just wondering if it would be possible to draw the line between what is a monopoly and what is clearly efficient and cheap production. Everything moves along the line of least resistance. People are going to buy where they can get value for less money. There may be certain combinations or forces that will supply to the consuming public a product at a much less price than would be the case if the product were distributed along the lines of so-called competition. I wonder if legislation could be so framed as to draw the line between those who are possessed of the ability to produce a given necessity at a lower price because of efficiency, and allow them to serve the public while regulating those who certainly use monopoly for the purpose of crushing competition and then recouping themselves at the expense of the public?

It is not an easy problem; it is not easy in the bill we have before us. I did not intend to have anything to say about the bill, and do not now, but I was intrigued when the Senator from Minnesota was criticizing the industrial system outside the realm of pure monopoly. He was criticizing it as a system, saying that whenever it became unprofitable to produce, those engaged in that system stopped producing and then waited until production again became profitable.

Mr. SHIPSTEAD. I did not say they stopped because it was unprofitable; I said they stopped because they could not get the price they wanted.

Mr. SMITH. I think that amounts to the same thing.

Mr. SHIPSTEAD. I do not wish to discuss that point now, as I know that other Senators desire to address the Senate, but I shall be glad to discuss it at some future time.

Mr. McNARY. Mr. President, I shall condense my remarks to a very few moments. Other Senators desire to discuss the bill, and under the unanimous-consent agreement we must conclude the argument by 3:30 o'clock this afternoon. I shall yield sparingly because of the short time I have within which to speak.

My attention has been called to a certain provision in the conference report found on page 153 of the triple print. I speak of it because it seems to be a very unusual provision and casts upon the Government an exceedingly heavy burden and will operate in the bill as a subsidy, if I have a proper understanding of the language.

In the bill, as I read it, there is a provision which, by the way, was inserted in the conference report without ever being considered by the House or Senate committees or on the floors of the House or the Senate; it crept in and has remained there, because of the ruling of the Vice President, which has so changed our practice as to leave us now with a third house, wholly independent of the Senate and House of Representatives, to formulate our legislation. Upon that subject I shall address myself to the Chair at some other time.

If I understand this proposition—and my remarks are addressed to members of the conference committee—it appears that in 1937 the Federal Government made a loan to the cotton producers of 1937 of 9 cents a pound on between five million and six million bales. If I am incorrect in any of my statements, I wish to be corrected as I go along. Cotton, at the present time, is being sold for about 8½ cents a pound. The loan to which I refer was made nearly a year ago. In the meantime, interest, insurance, and warehouse charges have run against the cotton. The bill as framed by the conferees, if I understand it correctly, provides that the title and the possession of this cotton shall be transferred to the Commodity Credit Corporation. After July of this year, if the grower and owner of the cotton complies with the soil-conservation agreement for 1938, he will receive, in addition to the 9 cents, 2 cents a pound, which will make 11 cents a pound on cotton, which is now selling for 8½ cents in the market, and the Federal Government will assume arrearages in the payment of warehouse charges, insurance, and interest, which amounts to about $4.50 a bale, representing nearly a cent a pound and making a total indebtedness incurred by the Government of 12 cents a pound. At this point I desire to place in the RECORD a statement as to the various charges, which shows that they aggregate $4.30 for a 500-pound bale. In order that I may hasten on my remarks, I ask that the statement may be incorporated at this point, without reading.

The PRESIDING OFFICER. Without objection, the statement will be incorporated in the RECORD.

The statement referred to is as follows:

Warehouse charges per bale per month including insurance on 1937–38 cotton: Maximum, 25 cents; minimum, 14 cents; compress rate minimum, 17 cents; approximate average, 20 cents.

1934–35 cotton: Maximum, 25 cents; minimum, 11¾ cents; approximate average, 16½ cents.

Interest to producers, 4 percent per annum.

Banks carrying loans allowed 2½ percent for time cotton is held. One and one-half percent to Commodity Credit Corporation.

Estimated annual carrying charges per bale, including insurance, $4.30.

Mr. McNARY. The peculiar thing about it all, and the philosophy which underlies this "investment" on the part of the Government is that this cotton, after being impounded by the Federal corporation, cannot be sold in excess of 300,000 bales a month or a total in 1 year of 1,250,000 bales.

Mr. President, if 6,000,000 bales are now held it will take nearly 6 more years to distribute into the currents of trade the 6,000,000 bales of cotton that have been impounded. The result will be that during this whole period the Government will be carrying these charges I have enumerated which amount to about $4.30 per 500-pound bale. During a period of nearly 6 years Senators can figure what the aggregate will be.

Then, during that time there may be a constant flow over and above normal yield and consumption of cotton. This supply, which may be abnormal, is in addition to the 1,250,000 bales of cotton, running all the while into the currents of production. It will take the Government nearly 6 years to get rid of this cotton, and all the time deterioration is taking effect and charges are piling up. In my opinion—and I hope this record may be consulted at the end of the 6-year period—it will have a demoralizing effect upon the price level of cotton. I feel that those who are taking this

subsidy today are taking it at the expense of those producers who are going to make cotton in the future. How a provision of this kind could be written into a bill of this nature is beyond explanation.

Mr. BONE. Mr. President, will the Senator from Oregon yield for a question?

Mr. McNARY. Yes. I had hoped that I would not have occasion to yield, because I must hurry along. But I yield to my very good neighbor and friend from Washington.

Mr. BONE. Could the Senator tell us approximately what it would cost the Surplus Commodity Credit Corporation to make a 2-cent loan on cotton; and, to go a step further, I may state that I ask that question because that corporation has loaned money on apples or made purchases of apples from our apple growers in the Pacific Northwest; and it has seemed to me that the fund available for the type of loans that have been helpful to our farmers there will be no longer available if the cotton loans are made.

Mr. McNARY. I have not those figures, but if the Senator will take 6,000,000 bales of cotton, multiply it by 500 pounds to the bale, and then take a loan of 3 cents to date, I think he will find that with a 1-cent loan the bill is about $25,000,000 a year, and with 3 cents on 6,000,000 bales multiplied by 500 pounds to the bale the total would be pretty close to $70,000,000. It is too late to remedy this except by defeating the conference report, a result which I do not anticipate.

Mr. President, hurrying along rapidly, it must be said that this bill gives no new benefits that are not now provided by existing law save a subsidy to the cotton growers of 1937, which I use as the text of my remarks. It simply extends the provisions of and carries on the good work being done by the Soil Conservation Act. It only does one thing to the farmer. It places certain restrictions about him. It also covers him with compulsory provisions and makes him a vassal of the Secretary of Agriculture.

When the committee took the bill down to the boys on the farm and on the range, it contained two hearts that beat as one. One was the ever-normal granary, the song from the very heart of the Secretary of Agriculture. That has been eliminated from the bill. The other was the parity price, which intrigued the farmers. They wanted parity price, and they are entitled to parity price. That was the covenant of the measure. It then contained 46 pages. Now it has grown into 121 pages; but during that growth nothing has been included in it but coercion. The benefits which the boys were told they would receive through parity payments are not in the bill. The conferees cut them out.

The present occupant of the chair [Mr. MURRAY in the chair] and the other Senators who are doing me the honor to listen to my remarks will remember that when the bill came to the Senate it contained a mandatory provision that the Secretary should make parity payments based upon the average price the farmer received during the golden age of 1909 to 1914, during the administrations of President Taft and President Wilson, when there was no farm relief measure on the books. In the bill at that time was a parity schedule, showing what the benefits to the farmer would be per bushel or per pound. If you go through the record of the hearings at which the farm boys came before the committee, you will find that it was parity they were seeking, not compulsion. Parity is not in the bill at present, however, nor is one cent provided for parity payments. Therefore, I say the bill that comes from the conference committee does not carry any benefits in addition to those now on the statute books; but, on the contrary, it carries a philosophy and a policy which I am afraid will be regretted by the American farmers in a short time.

Mr. POPE. Mr. President, will the Senator yield for a question at that point?

Mr. McNARY. Yes.

Mr. POPE. Is the Senator in favor of appropriating additional money to make parity payments?

Mr. McNARY. Yes, indeed.

Mr. POPE. I am very glad to hear it.

Mr. McNARY. I am in favor of it, Mr. President; but I did not go abroad telling the boys "down on the farm" that parity payments are in the bill. Parity payments were the only thing I saw in the bill that had any value. I never was for the ever-normal-granary scheme. It was ruined by a provision which was inserted in the bill when it was before the committee, and wholly apart from the text which the committee took to the boys living out in the country. But the consumers of the country were intrigued to study the bill. Some few of them believed in it because of the ever-normal-granary feature, which was calculated, in a time of scarcity and scantiness of production or drought to prevent the price level of our foodstuffs from becoming too high. That is out of the bill.

Hastening on, Mr. President, the bill gives the Secretary of Agriculture more power than has ever before been given to a ministerial office in this country, or, I might say, in the world, because in most countries the person in power, whether he be emperor or king or czar, wields that power; but here we are giving it to a Cabinet member. The bill makes the Secretary of Agriculture the autocrat of the breakfast table. He practically controls the price of everything consumed on the table, from fruit juices in the morning to dessert at dinnertime. Let it be understood that I do not claim that there is any power here directly to let the Secretary fix these prices; but the power lurks in the bill, through acreage control and through the requirement of marketing quotas, which is production control in another fashion, to influence the price level of the commodities covered by the bill. Their values are directly related to the values of every other farm product that is raised. The less the production of wheat and corn, the higher the cost of poultry and eggs and beefsteaks and vegetables of all kinds. In that fashion the Secretary of Agriculture, under the provisions of the bill, if he decides arbitrarily to use this power, in some instances must do so under acreage control, and the acreage allotments which are fixed in the bill for 1938, and the assignment of marketing quotas.

Who ever thought that in this country we would give the Secretary of Agriculture this unusual superpower to regulate the diet of the poor man, and the diet of the rich man, and all those who range between? It presents an unthinkable situation.

Mr. President, this bill is designed wholly to create scarcity in production. There would be no reason for the allotment and control of acreage, and the control of marketing quotas, unless the purpose were to create scarcity, and make this country in a few years self-contained and self-sufficient. If that is to be the nationalistic view, I think it is too bad for agriculture. In all the bills which Congress heretofore has had before it for consideration, the question always was, "What can we have for domestic consumption? What will be the price for the products which are domestically consumed? Are we aiding in any way the exportation of our surpluses and getting rid of them on the world market?" Nothing of that kind is in this bill. Always heretofore, when we were becoming self-sufficient and taking a narrow view of the farm problem, we have considered the matter of adequate tariff protection. Not so here. There is not a word of that kind here. Under the policy of the Secretary of State and of the administration, through the reciprocal-trade agreements, we find that more and more imports of agriculture are coming into the country to a greater extent than we have ever known at any previous time in its history. Indeed, I recall not long ago reading in one of the newspapers published in Washington that during January of this year, for the first time in the history of the country, agricultural imports exceeded agricultural exports by a wide margin. Under this plan, in my judgment, if we have a drought in 1938 or 1939 or 1940, whenever this measure may end—because it has no ending so far as language is concerned—we shall find it necessary to import into this country millions and millions of bushels of wheat and corn, and large quantities of cattle and livestock and dairy products and other rural products.

Mr. President, much could be said against the bill. I must hurry along, as I have already occupied 15 minutes; but in conclusion I desire to say that it is useless to pass this measure. It will give nothing new to the farmers, except to the cotton growers of 1937. It will not aid by one iota the growers of the other products mentioned in the bill. It will do positive damage to every other crop not mentioned in the bill. The gross income per annum of those mentioned in the bill is less than two-fifths of that of the crops not mentioned in the bill, and the bill will only add to their production a higher cost.

The bill simply puts a little more harness on the farmer. It gives to the Secretary of Agriculture superpower to direct the farmer to handle his property in the way the Secretary desires. The proud American farmer, who formerly boasted of his individuality and his independence, has lost these cherished prerogatives under this bill. I say to you, Mr. President, and to the other Senators present, that in a very few years, in my judgment, the vote cast today for the conference report will be regretted by those who vote for the conference report, because they are substituting a servile agriculture in the place of the proud and independent agriculture which made America great.

Mr. President, those are a few of the major reasons for my position regarding the bill. I shall not comment upon the constitutionality of its provisions. In my judgment, the bill runs counter to the decision in the Butler case, the A. A. A. case. It cannot particularly please the administration, because the President, in his famous speech at Wichita, said that he did not want compulsory control of farming; he wanted the control to be voluntary. In this case it is coercive. The Secretary of Agriculture said that the heart of this whole plan was the ever-normal granary. It is gone. Soil conservation, I repeat, is the only thing left in the bill that is worth while, except that it contains the unfortunate addition of compulsory control of the farmer.

Mr. President, these are the major reasons for my opposition to the bill, and there are a number of minor reasons, and all taken together make it impossible for me to support the bill.

Mr. President, I will say one further word, so that I may not be accused of not having any ideas about farm matters. For 4 years I worked on the floor of the Senate on a bill which bore my name, in part, which in its philosophy, in its general purpose, and in its efficiency, was incomparably better than the measure before us. There was the debenture plan, which was backed by the National Grange. There was the plan which our friend, John A. Simpson, president of the Farmers' Union, supported, which was tendered recently by the able Senator from California [Mr. McAdoo]. Those were workable plans; those plans would leave the farmer independent; those plans would give us the highest domestic prices; those plans would regulate foreign importations. Those plans would protect the farmer from invasion of foreign-produced agricultural products.

Mr. President, with this statement I give way to others who desire to speak.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER (Mr. MURRAY in the chair). Does the Senator from Oregon yield to the Senator from Delaware?

Mr. McNARY. I yield.

Mr. TOWNSEND. I call the attention of the Senator to the fact that the Government is carrying a million six hundred thousand bales of cotton under 10-cent loans.

Mr. McNARY. That is true. My reason for not referring to that provision was that it was covered in the bill reported to the Senate by the Senate Committee on Agriculture and Forestry. The other proposition, the real subsidy, is the one written in by the conferees, to which I have called attention:

Mr. JOHNSON of California. Mr. President, I had an address prepared, adjectival in character, denunciatory of a sort, relating to the particular bill before us; but I will omit all that to call attention in a very brief moment to what is the vice of the pending bill, and why no man who values his independence, and no man who asserts that he has the manhood to stand up and do his duty, can afford to vote for this particular measure.

If this measure shall be carried out, it will be the beginning of regimentation of industry in this country, the beginning of it with a major industry, it is true, but soon will come the festering sore in relation to everything in the Nation. It will be begun with agriculture, but those responsible for it, camouflage it as they may, and sugar-coat the pill which they are administering to the farmer by the various sums to be yielded to him under the pending measure as they will, nevertheless will have begun administering the noxious dose to all our people. They are proceeding upon the way which has led to ruin always in relation to agriculture, in relation to industry, in relation to democracy itself.

Because, sir, the bill takes us into a new field in industry, I am opposed to it. Every farm bill that has been before us in twenty-odd years I have voted for. I started with the McNary-Haugen bill, and I have gone down the line ever since. But no bill yet has endeavored to take the farmers of this land by the scruff of the neck and tell them what they must do and how they shall do it. This is the first time, and being the first time, we ought to meet the attempt, and meet it in manly fashion, and defeat it in manly fashion.

This is the first time that any effort has been made to regiment any major industry in this country. I cannot repeat that often enough, because it is the beginning of the end of our kind of government if the effort succeeds.

Mr. President, we have had some instances of the way in which the bill was viewed by the Department of Agriculture. Do Senators realize what that Department thinks of it? On the 17th day of January 1938, while the bill was in conference, the Department of Agriculture gave out a statement, quoted by the Associated Press, and sent all over this country, that the bill was not needed now, that the reason for its passage had gone by. I read:

> Administration leaders said yesterday the need for a new production-control program for 1938 crops did not appear so urgent as when President Roosevelt called Congress into special session last fall to consider legislation for it.

Mr. POPE. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. POPE. The Senator is not quoting, of course, from any communication from the Department of Agriculture, but from a news story that was published by the Associated Press?

Mr. JOHNSON of California. Yes.

Mr. POPE. I may say to the Senator that I am informed that no such statement was ever made by the Department of Agriculture or by the Secretary of Agriculture. Secretary Wallace himself stated to me that no such statement was ever made, but that it was a conclusion drawn from a statement made by the Bureau of Agricultural Economics, merely giving the facts with reference to the production of commodities.

Mr. JOHNSON of California. I accept the statement made by the Senator. When was the denial made; on what date?

Mr. POPE. I know of no denial.

Mr. JOHNSON of California. Of course, it must have been denied, if the Secretary of Agriculture told the Senator any such thing.

Mr. POPE. I will say to the Senator that the Secretary told me what I have related, and I have no doubt that he will tell the Senator the same thing. I do not suppose that it is the duty of the Secretary of Agriculture to deny every newspaper story.

Mr. JOHNSON of California. Ah, but it is a statement while the bill is in conference, on the 17th day of January, quoting the authority of the Department of Agriculture. If it were not true, why was there not some sort of denial of it? I would assume, of course, that if it did not occur, as it is in this article stated, there would have been a denial, and

I will assume anything else the Senator wishes me to assume concerning the Department of Agriculture.

I read further from the statement:

They explained that recent developments indicated the threat of excessive agricultural surpluses was not so great as last year's bumper crops were being harvested.

It was such a threat that caused farm prices to decline during the harvest period, leaders said.

Since then, however, prices of wheat, corn, and, to a lesser extent, cotton have advanced. This relieves some of the pressure for immediate congressional action. A conference committee is attempting to adjust differences between the farm bills passed by the House and Senate.

Agricultural Department officials said these other factors had tended to lessen need this year of the new program.

I would not do the Secretary of Agriculture an injustice. As keenly as I feel about this bill, I would not do any one member of the Agricultural branch of the Government an injustice. I hope that if this article is untrue, the Department will see that a denial is made of it, and I will be very glad to see that I do not depend upon it, if such a denial shall be made.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. BARKLEY. No particular individual of the Department of Agriculture seems to be quoted in the newspaper article, therefore it is difficult to fix responsibility upon any particular person in the Department. But, inasmuch as the Senator has read it, whoever may have given the Associated Press the intimation that the pressure for immediate legislation had been lifted, it ought to be stated that early last spring the Secretary of Agriculture urged that there be agricultural legislation at the regular session. When that was found to be impossible, he urged that the President call an extra session in November, which the President did, in order that legislation might be enacted, and I have never heard of any statement from the Secretary of Agriculture——

Mr. JOHNSON of California. One moment; I am very glad to yield if the Senator wishes to interrupt me, but I was going to take but 10 or 15 minutes only in speaking at this time, and I would rather that the Senator would not take all of the 10 or 15 minutes in correcting me.

Mr. BARKLEY. Inasmuch as I have taken only half a minute, I assure the Senator that I will not take 10 or 15, and I apologize to him for interrupting him at all.

Mr. JOHNSON of California. I accept the apology. The article continues:

Improvement of the export markets—

Mr. President, why is it that this article creates such a dreadful fluttering in the dovecote? I am not quite clear about that myself. I picked it up in good faith. I went to the trouble of asking the Associated Press if the article could be verified, and I received the assurance that it could be, and did not read it until I had received such assurance. I see that it has created quite a furor on the other side, and perhaps we ought not to pay the attention to it I am giving it. Perhaps we ought to accept what Senators say. But I make the statement, Mr. President, that by the bill now pending the Secretary of Agriculture would be given more power, as the Senator from Oregon has said, than any one man has ever been given. Here he stands upon the high peak and looks over all the United States, and he divides it up into various sections. No one man could sit upon that high peak and, from his eminence, determine what the soil conditions were in one part of the country or in another, and concerning all of them act justly. He would have to endeavor to do what no man who ever was born could do, and the gentlemen who have given him this unlimited power, without knowing what they are doing, have given to him a power that it to be exercised by an individual who cannot himself exercise it, and who cannot be able ultimately to accomplish results from it.

By this bill he is placed in an attitude comparable to that of King Canute, who said to the ocean that it should recede. He is put in the class of Joshua, who commanded the sun to stand still. He is told that he shall penalize the fertile lands of the West, and that he shall determine that the lands of the East shall pay certain things of like character with the lands of the West. The bill penalizes fertility of soil. The Creator himself is penalized when the effort is made to distinguish, as the Secretary of Agriculture would seek to distinguish, between the various soils of this land.

I shall now read the remainder of this article, as I stand here, or I am going to fall down. [Laughter.]

Recent Government reports showing a substantial increase in livestock on feed in the Corn Belt, indicating that more grain will be needed for feeding than anticipated.

Should drought conditions continue in the Midwest, only cotton growers, these officials said, might need control measures to prevent production of another excessive crop.

Leaders emphasized that they considered need of the legislation as great as ever, however.

"It would be nice to have the legislation on the books," they said, "just in case it were needed."

Mr. President, did you ever hear a reason such as that given for enacting legislation which would change the very stream of Government of this country?—

It would be nice to have the legislation on the books.

"Nice," it is said, "just in case it were needed."

So, without sufficient debate, without permitting investigation of any character at all, the legislation is to be put upon the books by the strong arm here in order that it might be "nice, in case the legislation should be needed."

Mr. POPE. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. POPE. Since interrupting the Senator before, I find that on Thursday following the Associated Press story to which the Senator has referred, the Secretary of Agriculture himself called a special press conference, and he opened the conference by referring to the story and declaring it to be entirely an error and by asserting the need for a farm bill. That information I have obtained from some of the reporters who were present at the time the statement was made by the Secretary correcting the error contained in the newspaper article to which the Senator has referred.

Mr. JOHNSON of California. Very well. Let us now consider it corrected then. I am considering it as corrected by the Senator from Idaho [Mr. POPE]. The gist of the article, however, remains the same, and it may be corrected and corrected and corrected in different fashions and in different ways, but there stands the article in some aspects uncorrected. So we will leave that for the time being.

Mr. BORAH. Mr. President, will the Senator permit me to offer here in connection with his remarks another statement by the Associated Press which it seems to me ought to be corrected?

Mr. JOHNSON of California. I yield.

Mr. BORAH. It appears in this morning's Washington Post. It reads:

An Agriculture Department economist predicted yesterday that the administration's ever-normal-granary program would not raise farm prices materially within the next few years.

Louis H. Bean, economic adviser of the Agricultural Adjustment Administration, made the prediction in discussing the "long-time outlook" for agricultural prices and purchasing power.

He said that, judging from the history of farm prices and some of the major supply-and-demand factors, including the new farm legislation, "it would appear that the purchasing power of farm price, and therefore of farmers, is likely to be lower over the next few years than it was in 1935–37."

I wonder why we are passing this bill.

Mr. JOHNSON of California. Well, that should be corrected.

Mr. BARKLEY. Mr. President, will the Senator give the name of the economist?

Mr. BORAH. Yes. Louis H. Bean, economic adviser of the Agricultural Adjustment Administration.

Mr. BARKLEY. He seems to have "spilled the beans."

Mr. BORAH. He certainly has, because he says that the prices in the next few years are going to be lower than they were in 1935–37; hence we must pass this bill to lower farm prices.

Mr. JOHNSON of California. Oh, that is quite true. We jump this way and we jump that way and we jump the other way, and down and up in this bill, until we are in a maze of contradictions that no living soul can unravel and no living soul can tell the significance of. We have debated this bill but a few days, it is true. We have not had the opportunity to debate it at length, it is true. But we know that no man here understands the bill, and nearly every man who has spoken upon it insists that he does not understand the measure.

What are we legislating for? Why are we passing such a bill? Why is it that sentient men representing the Senate of the United States will sit here and pass a bill of this sort which none of them really understands or comprehends? It passes belief, and it makes certain that what we are doing is not for the best. It is an important measure, more important than any that has come before us at this session or during the last session. It is important because it deals in the fashion that it does with our economy, and it deals in the fashion that it does with the basic industry of the land.

I may have indulged in a discussion under more or less tension, but in order to attempt to relieve it I shall read some "famous pieces by famous people." These are strange things:

> If it cannot be stopped in any other way, Congress should enact a law imposing very severe penalties upon any Government official who undertakes to influence either crop production or crop prices.

Ah, the Senator from Idaho [Mr. POPE] shakes his head at that. I read another "famous piece":

> The business of Government employees should be administrative. Farmers have been the victims of Government exploitation.

Again:

> And especially should Government officials be forbidden to put out any statements circulated to influence agricultural prices. Such statements are pernicious in the extreme.

And again:

> There are too many people in public office who seem to think they ought to exercise some sort of guidance or guardianship over the farmer.

Of course, that does not refer to United States Senators.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. JOHNSON of California. Yes.

Mr. BARKLEY. Does the Senator from California approve the Republican Party platform of 1932 favoring the control of production?

Mr. JOHNSON of California. The Senator is not going to involve me in a political discussion. I am not one of those hide-bound persons of either party, and I am not going to enter into a discussion of party platforms.

Mr. BARKLEY. Then I assume the Senator is not willing to discuss that feature?

Mr. JOHNSON of California. I am not willing to discuss it, because I do not give a tinker's most profane word what the platform of the Republican Party was in 1932, and I know the Democrats feel the same way about the platform they adopted in 1932.

Mr. BARKLEY. The Senator, however, knows that the Republican Party in its platform did declare in favor of control of production.

Mr. JOHNSON of California. The Senator is saying that in opposition to what I was reading; is he not?

Mr. BARKLEY. I was saying it in opposition to the theory of the Senator that some officials are trying to control or influence production.

Mr. JOHNSON of California. I was reading Famous Pieces by Famous People.

Mr. BARKLEY. The Republican platform of 1932 was made by famous people.

Mr. JOHNSON of California. I continue to read these "famous pieces":

> There are too many people in public office who seem to think they ought to exercise some sort of guidance or guardianship over the farmer.

I want the attention of the Senator from Kentucky while I read to him again. Please do not leave. [Laughter.]

Mr. BARKLEY. I shall be gone for only a moment. I am trying to get another Republican to make a speech against this bill.

Mr. JOHNSON of California. No, no; the Senator will not find him in that particular place in which he is now looking.

These are Wallace's "famous pieces." What I just read to the Senate was from Mr. Henry A. Wallace, the Secretary of Agriculture. I took it from Boake Carter's column in a recent newspaper. I will give the Senate the authority for it. It was true. I want to be fair to Wallace. These were the views that he held in 1920. There has been quite a change from those views now, and the views which I read are quite at variance from those he now asserts.

I want to congratulate the Senator from South Carolina [Mr. SMITH]. The Senator from South Carolina was alone on the conference committee. He dealt apparently by himself. The Senator from South Carolina obtained the one great concession that was obtained in the conference report, found in the amendment that was read by the Senator from Oregon [Mr. MCNARY]. The Senator from South Carolina has again enthroned King Cotton. King Cotton is written throughout this bill and the bill in every aspect is written around him. The Senator from South Carolina deserves well of his constituency. He has done a faithful job for them, and for that service they should be ever in his debt. I trust they will remember it in the days to come, even though the other members of the conference committee may have forgotten the particular service that he rendered to his people during that long conference. I take off my hat to the Senator from South Carolina for accomplishing the result that he did in this bill.

I have talked longer than I should. I wanted to talk for a long time. There is a great deal of matter that I should like to go over, but inasmuch as I have not the time, and others ought to be permitted to occupy some of the time, I want to insist that this bill, placing the power that it does in the hands of the Secretary of Agriculture, alters the economy of this country, and alters our democracy. Once it has been altered, more easily thereafter we travel the downward path.

> Vice is a monster of so frightful mien
> As to be hated needs but to be seen;
> Yet seen too oft, familiar with her face,
> We first endure, then pity, then embrace.

This sort of thing will enable the Federal Government and those who believe that the Government ought to be regimented to adopt regimentation for all industry. Against that I protest. I protest against the power that is given to the Secretary of Agriculture. No one man should have such power. No one man should have at his command such an army of retainers as to enable him to do just as he desires. No one man should have it in his power to bring to Washington every colored editorial writer in the Union and pay his expenses out of the taxpayers' money, as the Secretary of Agriculture has done. Little it was, perhaps, but it showed the thought and the disposition of those who were then in charge of the Agricultural Department. Every colored newspaper editor was brought here—to do what? To be taught the farm bill so that he might carry the good news to his people. That was a misuse of power, an abuse of power, that ought not to be condoned. When we give to the man who is responsible for such a thing power over the very life and daily work of men engaged in agriculture, we do something which ought not to be done and something which bodes ill for our democracy.

Mr. BURKE. Mr. President, I am opposed to the compulsory features of the bill. It will be necessary for me to take only a few moments, because the argument has just been presented in eloquent fashion by the senior Senator from California [Mr. JOHNSON]. I subscribe fully to all he has said on the subject.

I was interested earlier in the day to note that the proponents of the measure advanced the claim that, whereas there were very severe penalties in the bill as it passed the Senate for failure to comply with the compulsory features

of the bill, those provisions have now been somewhat modified and softened. That is true, of course; and I am glad that that much improvement has been made. But I was interested in the argument because it contains a clear admission that, in spite of the softening of the penalties, compulsion is still the essential feature of this bill.

Although many features of the bill are incomprehensible, no one of average intelligence could read the conference report and remain in any doubt that its very heart is compulsory control of agricultural production. I am disturbed and alarmed about it, and determined that by no vote or voice of mine shall such a system be foisted upon this country.

It may be said, of course, that there is no compulsion in the bill, because the farmer may refuse to be a cooperator, and may then plant whatever he pleases. But, of course, one must emphasize and underscore the word "plant." He does have that right; but even at the start very heavy penalties are imposed upon him if he refuses to become a cooperator and to comply with the compulsion. Very large sums of money are to be distributed to farmers out of the Treasury. I am not objecting to that, but in reference to compulsion, I say that the farmer who does not choose to be a cooperator, who wishes to farm in his own way, will find himself denied the right to share in many of the benefits paid out of the Treasury of the United States from a tax fund to which he has contributed.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BURKE. Yes; I am glad to yield.

Mr. HATCH. I merely desire to call to the attention of the Senator a fact which I think he overlooks. I believe the Senator is confusing the marketing-quota provisions with the provisions in the bill relating to soil-conservation practices. I merely want to say to the Senator that the two sets of provisions are entirely separate and distinct. Payments for soil-conservation practices have nothing whatever to do with the marketing quota.

Mr. BURKE. Let me ask the Senator a question, since he has made that explanation. Does the Senator mean to say that if this bill were enacted the farmer who declined to be a cooperator in reference to the five crops mentioned in the bill could still continue to draw the same soil-conservation payments that he would have received if the measure were not enacted, or the same payments that his fellows who become cooperators would receive?

Mr. HATCH. The point I make is that the cooperator of whom the Senator speaks is not cooperating at all with the marketing quota, which is the part which controls production. The feature to which the Senator refers relates to the soil-conservation practices. There is no change from the present law in that regard. Under the Soil Conservation Act as it is today, if a farmer complies with certain soil-conservation practices, he receives pay for it; and that situation remains true under this bill. If he does not comply with the soil-conservation practices, he does not get the compensation.

Does that answer the Senator's question?

Mr. BURKE. I think there is more to the matter than the Senator from New Mexico has said on that point. In raising the point I had in mind the fact that during the past 4 years farmers in the Corn Belt have received great benefits from corn loans. Such loans have enabled the farmer to store his corn in cribs on the farm and market it when conditions were more favorable. I should like to ask the Senator from New Mexico [Mr. HATCH], the Senator from Kansas [Mr. MCGILL], the Senator from Idaho [Mr. POPE], or any other Senator, whether under this bill the farmer who raises corn will be able to obtain the same loan if he refuses to become a cooperator in the first instance or votes against the marketing quota established.

Mr. HATCH. In fairness to the Senator, as well as to the Senators from Kansas and Idaho, I should permit those Senators to answer that question. The two Senators referred to have worked on the corn quotas throughout the year. I may say, however, that my construction is that there are provisions in this bill under which the noncooperator may receive loans under the corn program. He may obtain a loan.

Mr. POPE. Loans may be obtained on wheat and on cotton as well.

Mr. BURKE. May he obtain the same size loan that he could obtain if he were a cooperator?

Mr. POPE. He may obtain 60 percent of such amount.

Mr. BURKE. He may obtain only a portion of the amount that he would receive if he became a cooperator. Of course, that is not compulsion to the *n*th degree; but if we say to a man, "If you become a cooperator you may receive a loan of a certain amount on your corn, and if you do not cooperate you may receive only 60 percent of such amount, I say the element of compulsion is present.

Mr. POPE. Mr. President, will the Senator yield?

Mr. BURKE. I yield.

Mr. POPE. Does the Senator take the position that if the great majority of the farmers desire to cooperate in a program to reduce production, with the idea of increasing the price, and there are those who will not cooperate—"chiselers," as they are called—the so-called chiselers should be treated in the same way as cooperators under the law?

Mr. BURKE. I do not call a chiseler the independent farmer who wants to farm according to his own ideas rather than those of the Secretary of Agriculture. I call him an independent, free-born farmer. More than that, however, I say that the Government has no right to take money from me, for example, by taxation and lend it out to the Senator under privileges which would be denied to me. If both the Senator and I are farmers, both of us contribute to the funds in the Federal Treasury; and if the loans are to be made on corn stored in the crib on the Senator's farm and on my farm, such loans ought to be in the same amount, regardless of what our views may be on the antilynching bill or on methods of farming or on some other question that may be before the country.

I do not desire to take very much time this afternoon, but I should like to call attention to a thought-provoking article that appeared in the Country Home Magazine for November under this title "Farm As You Are Told, Or Else!" It is a short article, and I will not take time to read it if I may have unanimous consent to have it inserted in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, the article will be printed in the RECORD.

The article referred to is as follows:

[From the Country Home Magazine, November 1937]

FARM AS YOU'RE TOLD, OR ELSE!

(By George Kent)

(In Germany, Hitler's man Darré decrees what you plant, what you sell; and fixes the price; then Darré's men see that you obey without question.)

The cows are filing into the barn when the Government men arrive. They take the stools from the hands of the farmer's wife and the hired girl, sit down and begin milking. When they strip the 40 cows, they tote up the milk and set some figures down in their notebooks. Before leaving they walk about the barn, peer into corners, ask a few questions about how the milk pails are cleaned. They leave without another word.

A common incident, this is, in the experience of the German farmer who toils under the swastika banner of Nazi dictatorship. To every farm in Germany the government men come to check up, to make sure that the amount of milk this farmer delivers is precisely the amount he draws from his cows. For the farmer must bring all his milk to a control station. He cannot retain so much as a pint to churn butter for the family. The skim milk he needs for his pigs he must buy back. The price he gets is a thing of steel—fixed by the government, to be accepted, not discussed.

It's all a detail in the program upon which the Reichsführer Hitler rode into power. A program to make the German Nation sufficient unto itself. To make its army a threat to enemy powers, to keep its imports as near equal to its exports as possible, to manage its industries so that there might be employment for German workers, and German goods for them to buy. It's a plan the industrious German people sought refuge in after a lost war and its aftermath of more than a decade of economic and political chaos.

Naturally the basic burden of this structure of self-support falls upon the farmer, for the stimulated nation depends upon him for its food. Nothing is bought beyond German borders which can possibly be produced within the country. But don't think that puts the German farmer in a position of power or makes him the

beneficiary of sky-high prices. He takes his place calmly in a vast, intricate economic plan of the Nazi State.

Let's consider how all this affects the daily life and business of, say, Hans Vogel. Hans is one of your typical pear-shaped, geranium-checked farmers. Before Germany joined the ranks of dictatorships Hans killed each fall four or five fat pigs and made them into a winter's supply of sausage and headcheese. Now he brings his pigs to the Nazi control station and receives for them the price which the Government has established at a desk in an office in far-away Berlin. He has a fat steer which he is anxious to sell in the market. Exciting places, these German markets used to be. The trader beat his palm as he named a figure. The farmer beat his palm as he named another. And with beating of palms the chaffering proceeded until at last a bargain was made. Now in the market, metamorphosed by the Nazis, an officer comes along, glances at the beast, names a figure—and the sale is over. Completed before the farmer can open his mouth.

Hans and his fellow farmers are governed by these regulations because German agriculture is literally one vast corporation—the National Food Corporation. At its head is the Minister of Agriculture, R. Walther Darré, a man with absolute powers over all that concerns farming, intimately or remotely. He rules not only the farms but the milling and processing industry, and all industries and traders that have to do with the produce of the land, plant, or animal. He has power over imports, authority to regulate the retail business, the right to fix prices.

The German cooperatives which before Hitler were flourishing organizations operating chains of stores throughout the country have at their heads appointees of Herr Darré. The agricultural schools are supervised by his men, and so, too, every institute, including the German counterpart of our 4–H clubs or Future Farmers of America. Also the farmers' own organizations. Darré's men rule the German equivalents of the Farm Bureau, the Grange, and farmers' unions.

Under him labor's a vast bureaucracy and these officers working for German self-sufficiency affect almost every phase of the German farmer's business. For example, in the spring Hans Vogel used to manure his land from the well-strawed mountain that lay back of his barns. But Government men came, took samples of the earth, came back to direct that he use this, that, and the other commercial fertilizer.

Who was to pay for it; where was the money to come from? That is up to Hans Vogel, whose fertile acres had always bumpered into harvest without outside aid. Germany, taking no chances on the future fertility of her direly needed soil, has steadily lowered fertilizer prices.

The mayor, appointed by Berlin, comes with a decree, and as a result 15 acres Hans must sow that year in flax. Flax, ugh! He hates the stuff. Any other crop would pay him more. But German farmers learn not to argue with a decree. There's always a concentration camp to take care of Germans who are not in full accord with Germany's rebirth.

Supervisors, inspectors stalk the fields, squinting, estimating. When the potatoes push through the sod they come along, pointing to spots where seeds have failed to produce, ordering the farmers to put in others. They insist on catch crops—between crop plantings—so vigorously that there is no longer any leisure. Ascension Day, once a holiday and a day of merriment, is spent in toil. At night the farmers, Hans Vogel among them, listen to radio addresses from high Government officials in Berlin. Attendance is noted. Absence from an address by Hitler is a serious offense if it occurs more than twice. Failure to listen in on Generals Göring or Goebbels is only a trifle less serious.

This farm of Hans Vogel is a beautiful place. Its 300 acres used to be sowed in wheat, rye, oats, clover, and potatoes. There were cows, pigs, horses, geese, chickens and, in the yard, for beauty, two peacocks. It had come down to Hans from three centuries of Vogels, peasant farmers all of them.

Much of the pleasure of ownership vanishes when it becomes known that a supervisor could take over the farm and operate it if he was displeased with the owner's operation of the place. The official can peer into the farmer's books, take over his cash and use it to defray expenses. He can sleep in the farmer's beds, eat his food, and order the owner and his wife to work.

There is a decree that infested crops must be destroyed, infected machinery, buildings, and equipment disinfected. For this service, all the farmers pay. For the destruction of his infested crops, he receives no compensation.

What torments Hans Vogel most is the "hereditary estate law." You see, he has an eldest son, a lad who has found the girl of his dreams and is ready to marry her. Hans has no cash but he figures he ought to be able to raise 50,000 marks on his acres (about $20,000) and use the money to buy for his boy a farm alongside his own. So that when he dies the two farms would be one and be more than enough to support all the Vogels, little and big.

But the law says no. Because his farm is registered as a hereditary farm. And that is a farm that can neither be sold nor mortgaged. He can't raise a penny, not alone on the land, but not on his machinery or his insurance—not even on the beds and bed linen. If he needs money for seed or other farm financing, he has to borrow on his personal credit.

What hurts most is the clause which informs him that if he is careless, inefficient, undignified, or unworthy, the farm can be taken away from him. Burdened with restrictions, inspected and supervised constantly, the farm has, for all practical purposes, ceased to be his own.

In Germany today, there are about 1,000,000 of these hereditary farms, ranging in size from 50 to 300 acres, about 55 percent of the total agricultural area of the country. One purpose was to prevent farms from being split into parts too small to support families decently.

Many of the laws that control them existed before the National Socialist regime came into power, but it was for Hitler and Darré to put them into effect with force. Here and there they have accomplished what a gentler regime could not have done. In the dairy industry, for example, the milksheds are defined, the prices equalized so that a farmer remote from fluid-milk territory does not suffer by his remoteness. Cheese, butter, and processed-milk products are priced more equitably in relation to the price of fluid milk.

Housewives are taught to separate their garbage so that the cities may be ringed by suburban pig-feeding establishments. The public is urged to chew its food more thoroughly so as to appease the appetite more quickly. Radio speakers pound home the calorie and vitamin gospel—menus are distributed—all to keep Germans eating only food they can raise at home.

The latest step, taken late last July, was an edict by the government requisitioning the entire wheat and rye crops. Farmers were forced to deliver all they raised, except just what they needed to feed their own families, to a government agent, so that the nation's bread supply might be safeguarded. For feeding bread crops to livestock, farmers may be fined up to $40,000.

According to G. L. Steere, American agricultural attaché at Berlin, these strenuous efforts have succeeded in making the country 81 percent self-sufficient, a figure explainable in part by exceptional harvests, for the soil of Germany for the most part is none too fertile and the weather not dependable. Many farmers refuse to be content with the rigid quota system which makes it impossible for them to own what they produce, and eliminates the law of supply and demand.

So they do not disobey the commands of Minister Darré or his subordinates; they evade them. The bootlegging of food in Germany is known as the schwarzhandel, or black trade. Darré estimated recently that one-third of all food produced is sold surreptitiously.

There are syndicates or gangs which sell coveted foodstuffs on a large scale, operating strings of high-powered cars. There are individuals who travel with false-bottomed trunks and suitcases on trains. The penalties are severe, at first fines, later prison. Bootlegging on a large scale can be punishable by death.

So does farming go when a people elect to live under a dictatorship.

Mr. BURKE. Mr. President, I should like to say just a word about the article. It describes agricultural conditions in Germany as they are today, and not the farm-bill conference report, upon which we are soon to vote. To my mind, however, it is perfectly clear that the same spirit that prevails in the control of agriculture in Germany is wrapped up in the bill upon which we are soon to act, and that we are placing it not immediately, perhaps not fully, in the hands of the Secretary of Agriculture, but we are making it entirely possible for the time to come very soon when the farmers of this country may be told by the Secretary of Agriculture, "You farm as you are told, or else!" Right now under this bill that principle may be applied to the extent of saying, "Farm as you are told or else you will not receive soil-conservation benefits; farm as you are told or else you will not receive loans on your corn and wheat to the same extent as those who comply with the program." I do not believe that the farmers of America are ready as yet to subscribe to that kind of a program. It is undoubtedly true that they are going to have it thrust upon them at this time, but I do not believe they will be satisfied under it or long permit it to stand. On that point I should like to present a few views of the Nebraska farmers as submitted to me during the last few days. I have in my hand a telegram dated February 10, which comes from McCook, Nebr., the home of my distinguished colleague, and reads as follows:

McCOOK, NEBR., *February 10, 1938.*

Senator E. R. BURKE,
Washington, D. C.:

Farmers of this county at McCook, Nebr., voted 286 against the compulsory features of farm bill to 83 in its favor.

IRA SPENCER, *Secretary.*

I now read an invitation to a farm meeting in Hamilton County, Nebr.:

You are invited and urged to attend a public meeting of farmers Saturday afternoon, January 22, 1:30 p. m., high school auditorium, Aurora. The purpose of this meeting, which is nonpartisan and nonpolitical, is to hear a discussion of the compulsory features of farm legislation now before Congress. This is something many farmers do not understand.

COMMITTEE.

After the matter had been fully discussed for several hours by the proponents and opponents of the pending measure, a vote was taken. I have before me the tally sheet showing that 21 farmers attending that meeting favored the compulsory-control features of the pending bill and 435 are opposed to them.

I could show that in almost every county in the State of Nebraska where meetings have been held during the last few weeks and this whole matter discussed, the advantages of this bill, the continuation of soil conservation and the loaning provisions, the setting up of research laboratories to devise new uses for farm products, the beginning of a program of crop insurance, all such features of the bill have met with general approval, but when it came to the compulsory-control features, by votes of 10 to 1, and, in some cases almost unanimously, the farmers of Nebraska said, "We want nothing to do with the program which fixes compulsion upon us."

For these reasons, Mr. President, and because I thoroughly disapprove of inaugurating a system in this country under which anyone from the outside may say to our farmers, "Farm as you are told or else you will not get this or you will not get that, you will not be treated in the same way as are your neighbors who are willing to bend the knee," I am opposed to the conference report, and shall vote against it.

Mr. MINTON. Mr. President, may I ask the Senator a question?

Mr. BURKE. I yield.

Mr. MINTON. Does not the Senator think that this propaganda magazine to which he refers might get some thought-provoking material out of the title "Farm as you please—so what?"

Mr. BURKE. Possibly.

Mr. MINTON. There was a time when farmers of this country farmed just as they pleased—so what? We had in my section of the country 8-cent corn, 2-cent hogs, and 20-cent wheat, and prices along similar lines. If we want to go back to that condition the farmers should farm as they please.

Mr. BURKE. I suggest to the junior Senator from Indiana that he write out his views on that subject and submit them to the Country Home Magazine which I have heard by him for the first time called a "propaganda magazine." In the section of the country from which I come it is recognized as one of the worth-while farm publications; it enters many tens of thousands of farm homes, and never before have I heard it referred to except in the highest terms.

Mr. PEPPER. Mr. President, I shall speak only for a few minutes in the precious time which remains between now and the hour for voting on the conference report. I merely wish to echo what I think was an unequivocal and the most appropriate expression I have yet heard made about the bill, the one made by the distinguished senior Senator from Nebraska [Mr. NORRIS] to the effect that this bill was the best we could do at this time. I think the committee which has worked so hard upon this bill is deserving of a high degree of credit and praise from their colleagues and from the country. The only regret I have, Mr. President, is that more of the commodities of my State are not included within the provisions of the bill, and I wish to express the very earnest hope that my colleagues will see fit when we come next to consider the farm problem to include within the provisions of so salutary a measure as this such commodities as fruits and vegetables, which are produced in my State.

Mr. President, I wish to make an inquiry, if I may, of the Senator from Idaho [Mr. POPE] with respect to crop insurance. The Senator will recall that at the last session I was the author of Senate Resolution 108, which directed the Secretary of Agriculture to transmit to the Senate, at the earliest practicable date, his recommendations for the establishment of a system of crop insurance for fruits and vegetables. Later on the Secretary reported to the Senate that he could not comply with that direction, for the reason that he did not have adequate funds with which to do so.

Subsequently, in the Senate farm bill, a provision was inserted as section 80, of which provision I was the author, wherein the Senate recognized the insecurity which those engaged in agriculture and horticulture experience on account of the hazards to which they are subjected in producing their crops, and indicated a desire to eliminate those hazards and to stabilize agricultural yield against such hazards in every way possible. To that end the Senate bill appropriated $150,000, or so much thereof as might be necessary, for the purpose of having a study made of a feasible plan for crop insurance for fruits, vegetables, and other agricultural products.

The question I wish to ask is whether or not the same principle embodied in the Senate bill with respect to crop insurance is contained in subparagraph (h) of the conference report appearing on page 184, which contains this authority on behalf of the Crop Insurance Corporation:

(h) May conduct researches, surveys, and investigations relating to crop insurance for wheat and other agricultural commodities.

Further, I should like to ask whether the provision in section 516 appropriating $6,000,000 annually for the administrative expenses of the Crop Insurance Corporation, together with paragraph (h), embody the spirit and the purpose of the provisions of the Senate bill wherein it was sought to assure the farmers producing fruits and vegetables and other agricultural projects which are subject to natural hazards protection against such hazards at the earliest practicable date?

Mr. POPE. Mr. President, in answer to the question of the Senator from Florida I will say that the conferees discussed his amendment and decided that, since the provision to which the Senator has referred is contained in the crop-insurance portion of the bill, it covers the matter as to fruits and vegetables, which was embodied in his amendment, and that appropriations were made not only of $6,000,000 for the year 1939, but provision also was made for carrying on certain research work for the remainder of the present year. So I think I may safely say to the Senator that under the provisions of the bill fruits and vegetables, as well as other commodities, will receive the benefit of a substantial appropriation for research, so as to carry out the purpose of the Senator's amendment.

Mr. PEPPER. I thank the Senator.

Mr. POPE. Mr. President, I desire to have a final word for about 5 minutes on the pending question. I understand that my colleague the senior Senator from Idaho [Mr. BORAH] desires to speak, and I do not wish to deprive him of any time which he may desire, but I should like about 5 minutes before 3:30 o'clock in which to say just a few words.

Mr. BARKLEY. Mr. President, in that connection I desire to say a few words on the bill before it is voted on, not having discussed it at all since it has been under consideration; and, if necessary to do it, in order that the two Senators from Idaho may have time, I am willing to move up until 4 o'clock the time for voting.

Mr. BORAH. Mr. President, instead of 4 o'clock, why not make the hour for voting 5 o'clock.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. CONNALLY. It seems to me it would be better to have the Senator from Idaho, if he cares to do so, speak on the bill now instead of tomorrow. I believe in full and free debate; and I should be glad if the leader would extend the time for voting until 4:30 instead of 3:30.

Mr. BORAH. Mr. President, I stated my position with regard to this bill rather fully when the bill was being considered by the Senate. The bill has been changed by the conference committee in some of its details, and I think for the better; but the fundamental principles upon which it rests—scarcity of production, or reduction of production, and compulsory control—are in the bill in a controlling degree. That being true, a mere change of detail, of course, could not control my vote.

In view of the fact that we have only 15 minutes left, and that the Senator from Kentucky [Mr. BARKLEY] desires to close the debate, which he is entitled to do, I simply ask permission to insert in the RECORD several letters on the subject. Under the circumstances I must forego a full discussion and leave the expression of my views to the matter I insert.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

THE NATIONAL GRANGE,
Washington, D. C., February 9, 1938.

To the Members of the Senate:

Our contacts convince us that the overwhelming majority of Grange members throughout the country view with deep disapproval the compulsory features of the new farm bill.

Under this legislation, as we see it, the farmer is asked to sell his birthright for a mess of Federal pottage that he does not even get. No emergency, however great, could justify Congress in passing the bill in its present form. It would be playing the shabbiest kind of a trick on the farmer if Congress, under the guise of doing something to help in the solution of his problems, should bind him hand and foot and deprive him of his fundamental and constitutional rights.

No fair-minded and intelligent person can deny that this proposed legislation is in flat contradiction of all our proclaimed principles and ideals, and that its enactment would lay the basis of a degrading system of peonage for the farmers of the country.

It is true that certain provisions of the bill that have no connection with the attempt to control the production and marketing of farm products are good and meet with our approval. But the objectionable provisions of this measure far outweigh the good.

If this legislation is to be enacted, it should first be stripped of its compulsory features. It should be redrafted or amended in conformity with American principles and traditions.

If the parliamentary situation is such that the bill cannot be amended, it should be killed outright and one that would really do the farmers some good should be written and passed at this session of Congress.

Yours sincerely,

THE NATIONAL GRANGE,
FRED BRENCKMAN,
Washington Representative.

TEXAS STATE GRANGE,
Granger, Tex., February 11, 1938.

Senator WILLIAM E. BORAH,
Senate Office Building, Washington, D. C.

DEAR SENATOR: The Texas Grange considers the farm bill now before the Senate unsound and un-American and, if passed by the Congress, it would fail to solve the agricultural problems. The bill is indefinite, unworkable, and offensive to the American farmer, who rightfully objects to being regimented.

Passage and administration of this bill would cause general demoralization in American agriculture, would drive thousands of farmers to the relief rolls, and cause further animosity and leave the farmer in worse condition than he is today.

Regimentation of agriculture cannot lead to anything constructive or beneficial. We believe this bill should be defeated and then a farm bill written that will insure the American market for the American farmer and leave him to adjust his own farming practices.

With kindest regards, I am,
Sincerely,

RALPH W. MOORE,
Master, Texas State Grange.

DEPARTMENT OF AGRICULTURE,
STATE OF TEXAS,
Austin, February 9, 1938.

Senator WILLIAM E. BORAH,
Senate Office Building, Washington, D. C.

DEAR SENATOR: There is imperative need for national farm legislation which would be constructive and which would assure each farmer his fair share in the American market at an American price and leave the farmer free to produce any amount for foreign markets he may desire.

The farm bill, as per conference committee print, would continue a policy of scarcity, Government control, and bureaucratic regimentation, under which the farmer would exchange his American freedom for less than a mess of pottage. The farm bill, as per the committee print, will not solve the agricultural problems but will cause further loss of foreign markets.

The policy of attempting to control and reduce agricultural products will drive people off the farms onto relief. It will increase the debts and taxes, diminish purchasing power, and curtail employment. Under this economic and fallacious bill our farmers will face both short crops and low prices, which will be disastrous to them and the Nation.

Agriculture is our basic industry, and there is no good reason why the Congress of the United States should pass an impractical, indefinite, un-American, and perhaps unconstitutional farm measure.

If the present farm bill is fully discussed on the floor of the Senate, its fallaciousness will be disclosed and the Congress will substitute therefor a farm bill which will give the farmer a definite and practical program and one that will benefit all groups of American citizens as much as it does the farmer himself.

May I ask that you read very carefully the enclosed leaflet.

With best wishes, I am,
Sincerely yours,

J. E. MCDONALD,
Commissioner of Agriculture.

CO-OPERATIVE OIL ASSOCIATION, INC., OF BOISE VALLEY,
Caldwell, Idaho, February 10, 1938.

Hon. W. E. BORAH,
United States Senator, Washington, D. C.

DEAR SENATOR: Our board of directors in session yesterday sent the following telegram to Representatives Clark and White:

"We hereby register unanimous determined opposition to the Pope-Magill farm bill."

For your information, the members of the board who represent some 5,000 agricultural producers in this valley, were very positive in their statement of opposition. They feel that the passage of this legislation would be a serious detriment to the agricultural producers in this State.

Very truly yours,

GEO. G. BARRETT.

Mr. POPE. Mr. President, I desire to pay a tribute to the conference committee. I think all the opinions which prevailed on the floor with reference to farm legislation existed within the conference committee. There were those who believed in a program of price-fixing. There were those who were opposed to any sort of control. There were those who believed in strong compulsory control, and others who believed in voluntary control. There were those who believed that none of those things would be effective, but that action in connection with the value of money was the only thing which would solve the problem.

So we had all those differences of opinion, and they were very deep and abiding opinions with the members of the committee; but I have never in my life seen a more earnest and devoted set of men. There was a determination to reconcile their differences which was as strong, I venture to say, as any which ever existed in any group of men. The one thing, I think, which held them together, and enabled them to reach an agreement, was the realization that the farmers of the country are occupying an unequal position in our economic system. Every one of us knew that the farmer is at an economic disadvantage. Here was an industry of more than 30,000,000 American people, on $40,000,000,000 worth of farm lands, with more than 1,000,000,000 acres in cultivation. There are 65,000,000 cattle, and 51,000,000 hogs. Farmers produce over 2,000,000,000 bushels of corn a year, some 800,000,000 bushels of wheat, and an average of 13,000,000 bales of cotton. Yet the corn farmer is receiving an average of 50 cents a bushel on the farm, with 85 cents as parity, which represents equality of purchasing power. The wheat farmer is receiving 90 cents a bushel on the farm, with $1.15 as parity; and the cotton farmer is receiving 8½ cents a pound for his cotton, with 16 cents as parity. This illustrates the inequality of agriculture when compared to other industry.

More than a century ago Alexander Hamilton, the patron saint of the protective tariff, in advocating it, foresaw the injustice that would be done to agriculture under such a system. He advocated a bonus to the farmers to offset tariff benefits to the manufacturers.

Therefore, the first man who ever advocated a bonus to the farmers was Alexander Hamilton in a speech on the protective tariff. This is what he said:

> The true way to conciliate these two interests (industry and agriculture) is to lay a duty on foreign manufacturers of the material, the growth of which is desired to be encouraged, and to apply the produce of that duty by way of bounty, either upon the production of the material itself, or upon its manufacture at home, or upon both. In this disposition of the thing the manufacturer commences his enterprise under every advantage which is attainable, as to quantity or price of the raw material.

Now, Senators, I ask you to observe this expression:

> And the farmer, if the bounty be immediately (paid) to him, is enabled by it to enter into a successful competition with the foreign material.

So, Hamilton argued for a protective tariff, and a bonus for the farmer.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. POPE. Just a moment.

Thomas Jefferson, on the other hand, opposed a tariff for protection, but acceded to a tariff for revenue only. Jefferson feared that the tariff would injure consumers, build up fortunes for the manufacturers, and the farmers would not receive the bonus.

For many years all party platforms have been promising the farmer equality with other industry. This disparity of agriculture is a mighty serious matter. It means foreclosure of mortgages, a low standard of living, disappointment, distress, and ultimate bankruptcy. A tremendous responsibility rests upon the Congress to remedy this situation.

The conference committee realized that the manufacturing industry has been and is now in receipt of large benefits furnished by the tariff laws. It has been estimated that at least $4,000,000,000 is paid by the consumers—of which the farmers are about one-third—to the protected industries of this country. In other words, every man, woman, and child under the American flag pays about $35 per year for this tariff protection. Only about $600,000,000 per annum goes into the Federal Treasury. The other $3,400,000,000 goes into the pockets of the beneficiaries of the tariffs passed by the Congress. It is not possible to make an accurate estimate of the tariff benefits, but a fairly accurate estimate has been made on a limited list of commodities, which I ask to have printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

SELECTED ITEMS OF INFORMATION CONCERNING THE COST OF THE TARIFF TO UNPROTECTED SEGMENTS OF AMERICAN POPULATION

1. On April 27, 1936, the Senate adopted Senate Resolution 265, the second and third paragraphs of which directed the Tariff Commission to supply the Senate with specific information relating to the operations of certain large corporations and to furnish on the basis of this information estimates of the financial benefit derived by such corporations from our tariff laws and the effect of the tariff upon prices to consumers.

The report of the Tariff Commission entitled "Sales and Income of Certain Manufacturing Companies and Rates of Duty and Other Information With Respect to Their Products" concluded that despite every effort, it had not proved practicable to estimate the benefits furnished by the tariff laws. The last four requests of the Senate resolution relating to the effect of the tariff on prices could be answered, the Tariff Commission reported, only after long investigation. In short, there is no information in this report that is of any value to us.

2. Representative RANKIN (Mississippi) made the following statement in the House on June 6, 1934 (CONGRESSIONAL RECORD, p. 10634):

"One of the main things that brought this country to the terrible conditions through which we have been passing for the last few years, was the high protective-tariff policies of the party then in power, which enriched the favored few at the expense of the unprotected many. It was simply legalized highway robbery. One of the best informed men on the tariff question has stated that from 1921 to 1929 the tariff cost the people of this country on an average of approximately $4,000,000,000 a year—not $4,000,000, but four thousand millions of dollars—every year that rolled around. That was an average of about $35 per capita for every man, woman, and child under the American flag. Of that $4,000,000,000 he stated that only six hundred million went into the Federal Treasury, while $3,400,000,000 went into the pockets of the favored beneficiaries of this outrageous high protective tariff that was sapping the lifeblood from the masses of the American people, destroying our international trade, and bringing this country to wrack and ruin.

"With the exception of a few dairy farmers and a few truck growers, the farmers got no benefit whatsoever from the tariff, and the dairymen and truck growers merely gathered the crumbs that fell from the banquet table. In order to pretend to the wheat growers that they were helping them by the tariff, they put a duty of 30 cents a bushel on wheat, and then raised it by Executive order to 42 cents a bushel, at the very time when wheat was selling for 10 cents a bushel more in Canada than it was in the United States; which shows that the tariff on wheat was ineffective. The wheat and corn growers got absolutely no benefit from the tariff. The cotton growers got none, for the reason that, like the wheat and corn farmers, they ship out more of their products than are shipped in. Yet, every one of these farmers was paying on an average of $35 a year for every man, woman, and child in his family.

"It cost the average agricultural county in the United States more than $1,000,000 a year. No wonder our farmers became bankrupt. It was a system of economic slavery imposed upon a free and enlightened people by the Harding-Coolidge-Hoover regime that has hardly a parallel in all the history of civilized society. Our farmers were soon bled white * * *."

TARIFF AND PAUPER-LABOR THESIS

3. Prof. F. W. Fetter, of Princeton University, makes the following statement in his pamphlet entitled "The New Deal and Tariff Policy," published by the University of Chicago Press as Public Policy Pamphlet No. 7:

"This specter of a reduction of the American standard of living through a lowering of the tariff to the level of the "sweated" and "peasant" labor of Europe and Asia is held constantly before our citizens. It is undoubtedly a very effective appeal. Despite the fact that a raising of tariffs in 1930 was followed by the most serious economic depression in American history, high-tariff advocates still preach that the American tariff is the only thing that stands between our workers and the standard of living of the Chinese coolie. That is, they claim that a lowering of tariff rates would defeat the purposes of the New Deal.

"If our present distress under the highest tariff rates in American history did not raise serious doubts in the minds of thinking citizens as to the validity of the belief that a high tariff insures prosperity, there are other reasons to make one pause before accepting the 'pauper labor' thesis. High wages or a high standard of living means that the public receive for their work a large share of material things. High wages cannot be produced by the politician as the magician produces rabbits out of a hat; they can only result from a large amount of production per capita. It is the general standard of productivity that sets the wage level. The United States, with rich resources, much machinery, and relatively small population, has a relatively high standard of living; England, with poorer resources, less effective use of machinery, and a denser population, has a somewhat lower standard; and China and India have extremely low standards of living because average per capita production in these countries is small. High standards of living, which are the result of productive efficiency, express themselves in a wage level which all producers must meet. If the American standard is $5 a day for workers of given skill and training, that wage level is the result, in large part, of rich natural resources and our facilities for machine production. It is not based upon what Americans can do embroidering, making cutlery, or growing sugar beets or alligator pears. These activities are not so well suited to American conditions, and producers in those lines find difficulty in paying the high wages set by our more effective industries and lines of agriculture. They cannot meet foreign competition, so the phrase goes, and hence, even with high tariffs, imports of these products continue.

"If one takes a knot-hole view of the economic scene, he sees only the fact that the producer in these lines cannot, at the American wage level, hire men and compete with foreigners. Hence he concludes that the importation of foreign goods lowers American wages. This fails to consider that the import of these foreign goods make possible the export of those goods which can be produced so effectively in America—cotton, to which our climate is well suited; wheat, to which machine-farming methods can be applied; automobiles and machinery of all kinds. Keeping out these foreign goods does not make more work—it simply means that Americans, instead of being allowed to raise wheat, cotton, or apples, or manufacture automobiles, shoes, or agricultural machinery, must turn to sugar beets, requiring exhausting hand labor, to vegetables which can be raised under more favorable conditions in tropical regions, or to fine textiles or hats which can be produced more cheaply abroad."

4. The following excerpt has been clipped from an article entitled "Tariff Bargain Under the New Deal," by Maxwell S. Stewart, and published by the Foreign Policy Association in Foreign Policy Reports, May 23, 1934, volume 10, number 6:

"COST OF TARIFF TO THE AMERICAN CONSUMER

"Opponents of the traditional tariff system claim, moreover, that it places a burden on the American consumer wholly incommensurate with the benefits received. (For a detailed discussion of the effect of the tariff on prices, cf. P. G. Wright, Protection—Benefits and Burdens (Freeport, Ill., the Rawleigh Foundation, 1930), pp. 16–25.) A protective tariff, by definition, restricts trade and permits relatively inefficient producers to dispose of their output on the home market at prices substantially above those of the outside world. (Tariffs: The Case Examined, edited by Sir William Beveridge (Longmans, 1932), pp. 31–77.) The revenue collected, although clearly coming out of the pockets of the consumers, cannot, however, be considered as wholly a liability, since it permits a corresponding reduction in some other form of taxation. The real burden of the tariff is not to be measured by the increased cost of imported articles, but by the uneconomic cost of domestic products, sold above world prices, and by limitation of consumption as a result of increased prices.

"Because of the complexity of the problem, no statistically accurate estimate of this cost has ever been made. The extent to which home-produced goods are more expensive than similar duty-free imports varies with each commodity. Although the prices of such goods cannot ordinarily be greater than world prices plus shipping charges and duty, and are frequently less, it is impossible to determine how much less. A rough estimate may be obtained, however, by applying the formula used in a recent study of the Australian tariff (cf. J. B. Brigden, D. B. Copland, E. C. Dyanson, L. F. Giblin, and C. H. Wickens, The Australian Tariff: An Economic Enquiry (Melbourne University Press, 1929), p. 37):

"a. When it is clear that imports contribute a substantial proportion of the quantity of any particular goods consumed, it may be expected that the price of home-made goods is at least equal

to that of imported goods plus duty, and the excess cost of such articles is the maximum possible for the particular rate of duty.

"b. When the imports of the whole of any class of goods are relatively small, so that consumption is almost entirely of domestic goods, it may be presumed that the price of the domestic product is somewhat below that of the imported goods after the duty has been paid. In such cases the excess cost may be estimated to average at least one-half the possible maximum.

"While this method of estimating the cost of the tariff seems at first sight to be extremely arbitrary, the errors involved would tend to cancel out, giving at least an approximate measure of excess costs. The chief difficulty involved in an attempted application of this measure to American conditions lies in the inadequacy of statistics on domestic production. Only in the case of a few of the principal products is the available material sufficient for even the rough estimate desired. Moreover, there are many articles, particularly those which are imported in negligible quantities because of high protective duties, where the influence of the tariff cannot be determined. Despite these handicaps, some conception of the size of the bill paid by the American public for protection may be gained by applying the above formula to a few of the heavily protected commodities that continue to be imported into the United States in considerable amounts.

Cost of the tariff to the consumer with respect to certain products [1]

Product	Year	Percentage imported by quantity	Duty	Value of dutiable imports [2]	Value of domestic production [2]	Estimated cost of tariff [2]
CLASS A. IMPORTS CONSIDERABLE						
Sugar	1933	26	2 cents per pound	[3] 1,630	[3] 4,605	$184,200
Cattle hides	1930	21	10 percent	$24,369	$91,000	8,270
Epsom salts	1931	12	¾ cent per pound	61	1,524	515
Soybean oil	1931	9	3½ cents per pound	139	(4)	1,368
Peanut oil	1932	11	4 cents per pound	91	(4)	514
Watch cases	1931	11	72 percent	118	2,160	900
Watch movements	1931	12	88½ percent	2,745	14,795	6,909
Flaxseed	1931	57	65 cents per bushel	14,125	13,285	7,150
Carpets, etc	1931	17	60 percent	187	1,119	420
Tapestries, etc	1931	18	55 percent	1,575	7,242	2,570
Ferro-manganese	1931	11	$42 per ton	1,752	12,999	6,685
CLASS B. IMPORTS SMALL, RELATIVE TO HOME PRODUCTION						
Wool, raw	1931	9.8	22-37 cents per pound	8,738	[5] 251	45,000
Dairy products	1932	.5	Various	13,098	1,422,000	[6] 105,586
Lead	1929	1.5	2½ cents per pound	1,050	84,735	28,580
Cigars	1931	.3	76 percent	1,472	223,126	100,000
Peanuts, shelled	1929	7	6 cents per pound	1,330	24,497	17,500
Onions	1931	.7	2½ cents per pound	130	14,897	4,500
Beans, dried	1931	3	3 cents per pound	1,282	31,199	19,200
Dyes, etc	1931	5.5	51 percent	5,376	37,753	6,300
Plate glass	1931	5	Various	1,104	26,111	6,600
Dolls, etc	1931	6	70 percent	627	9,392	1,935

[1] Sources: U. S. Tariff Commission, Economic Analysis of Foreign Trade of the United States in Relation to the Tariff, Report of Tariff Commission in response to Senate Resolution 325 (72d Cong., 2d sess., S. Doc. No. 180), pt. I; Commerce Yearbook, 1932; Tariff Act of 1930; Ronald R. Renne, The Tariff on Dairy Products (Madison, Wis., Tariff Research Committee, 1933); Willet & Gray, Weekly Statistical Sugar Trade Journal, 1934.

[2] 3 ciphers omitted.

[3] Thousands of tons.

[4] No available statistics.

[5] Millions of pounds of scoured and pulled wool.

[6] Estimate by Renne.

Estimated cost of tariff on above products, $554,693,000.

Thus the total cost of the tariff to the consumer on the above 21 products, the imports of which constituted less than 15 percent of the total dutiable imports of the United States, was more than half a billion dollars.

"While protectionists do not deny that tariffs tend to raise prices, they insist that the money expended by virtue of the higher prices goes entirely to American producers, leaving no net loss in dollar purchasing power. The very fact that the domestic prices of many commodities are so much higher than those of the outside world is taken as an indication of the need of protection if the American producer is not to be completely eliminated. Since the recipients of the bounty thus provided would presumably spend the entire amount on American products, it is further argued that by keeping the money within this country, greater employment will be given and American economy correspondingly strengthened. (Cf. editorials in New York American, passim.)

"This interpretation, however, is said by advocates of tariff revision to rest on a confusion, which results from thinking of the problem in terms of money instead of what money will buy. Greater clarity is possible when it is realized that the American consumer has received nothing in exchange for the extra amounts expended on tariff-protected articles, thus suffering a definite lowering in living standards. By diverting labor and capital from the Nation's most efficient industries, the tariff serves to reduce the amount and range of commodities available for general consumption.

5. On October 17, 1929, Senator Hiram Bingham, of Connecticut, was permitted in response to his request to appear before a Senate committee on lobby investigations. Senator WALSH, after questioning Senator Bingham, spoke as follows:

"Cutlery, on which you already have a duty of 107.6 percent, I see has been raised to 115.6 percent.

"Senator BINGHAM. Yes; and that is not anywhere near enough * * * Notwithstanding that very high duty * * * the cutlery business in Connecticut has been in very bad shape.

"Senator WALSH. * * * The average of the whole is a raise from 27.7 to 31.6 percent. On that basis the people of the United States would contribute by the tariff, to the prosperity of Connecticut industries from $556,000,000 under the present law to $632,000,000 under the Senate bill. * * * These raises of 4 percent mean an additional cost to the people of the United States of $76,000,000."

Mr. Grundy, of Pennsylvania, also appeared before the Senate committee:

"Senator Blaine speaking: * * * I observe that aluminum—all that is produced in America—is produced by the Aluminum Co. of America, and it produces about one-third of the total world production. If the tariff on aluminum is effective * * * the tariff tax would be $19,000,000.

"You appreciate that the products of aluminum go into the cost, the operating farm cost of milk containers, cream containers, cream separators, and a large variety of farm implements and utensils made of aluminum products.

"The farmer uses scythes, sickles, grass hooks, and corn knives. The annual tariff tax on that is $240,000. They bear a tariff rate of 30 percent.

"Let us take another item. Shovels, spades, and scoops, a large part of the production is used upon the farm, and that tariff tax, if it is effective, is $4,600,000 a year. They bear a rate of 30 percent ad valorem.

"'Internal-combustion engines.' Those are gas engines. Those bear a tariff rate of 31.24 percent. The farmer uses internal-combustion engines to a very large extent, and the tariff tax on that, if it is effective, is $36,740,000 a year.

"* * * Now we will take miscellaneous machinery, of which the farmer uses a large quantity. The tariff tax on that, if effective, is $7,240,000 a year. * * * Pliers, pincers, and nippers. The tariff tax now is 60 percent and they propose to raise it to 75 percent. That is a tax upon the farmer. Take saddle and harness hardware, used largely on the farm. The tariff tax is 47.6 percent. That tax represents $2,980,000 a year.

"Take the little item of chains; a very common article upon the farm. * * * The ad valorem equivalent on that is now 28.61 percent, and it is proposed to raise that to 38.36 percent, which will yield a tariff tax, if effective, of $8,640,000 a year. * * * Woven wire, galvanized-wire fencing, and wire for baling, practically all of which is used upon the farm. The tariff tax is 17.67 percent. * * *"

(This material has been quoted from David L. Cohn, Picking America's Pockets, Harper & Bros., 1936, pp. 55, 60–66.)

6. A careful study made by the American Farm Bureau Federation in 1923 resulted in the conclusion that the Tariff Act of 1922 was resulting in an additional net loss of $300,000,000 to the farmers as a whole. Other investigations indicated that this figure may have been too low. We find no similar studies with respect to the Tariff Act of 1930, but in view of the sharp increases in rates brought about by that measure, together with retaliatory tariffs on American products subsequently imposed by European nations, it seems reasonable to conclude that American farmers are today possible losers to the extent of over a half billion dollars annually as a direct consequence of the world-wide tariff situation.

(This material has been quoted from David L. Cohn, Picking America's Pockets, Harper & Bros., 1936, pp. 71–72.)

Mr. BURKE. Mr. President, will the Senator yield at this point for a question?

Mr. POPE. I yield for a question. I am very anxious to conclude.

Mr. BURKE. Can the Senator refer us to any statement by either Alexander Hamilton or Thomas Jefferson advocating the compulsory control of production, telling the farmers what they may produce without paying a penalty?

Mr. POPE. Certainly not, and the Senator knows it. They had not considered the matter at that time.

Mr. BURKE. The Senator was quoting them as authority.

Mr. POPE. The members of the conference committee had all this in their minds, and it melted the differences of opinion into an agreement. I think they came to the conclusion that their differences of opinion were a small matter compared to this unfair, unequal, and unjust position of the American farmer. In a land whose Government rests upon the declaration that all men are created equal under the law, such a situation cries out for justice.

A great responsibility, therefore, rested upon the conference committee, and I venture to assert that in large measure they met that responsibility. It is now for the

Senate to act. It is my hope that this great body will meet its responsibility in the same full measure of devotion to justice to the American farmer.

Mr. BARKLEY. Mr. President, in the remaining time I cannot, of course, hope to discuss this bill.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McNARY. Earlier in the day the able Senator from Kentucky expressed the hope that he might have 10 minutes to speak on the bill. Circumstances will prevent his having that time. I ask unanimous consent that there be a modification of the agreement entered into on Friday, and that the Senator from Kentucky have 10 minutes for his concluding address.

Mr. BORAH. Mr. President, I ask that the agreement be modified by unanimous consent so that we may vote on the bill at 5 o'clock.

Mr. BARKLEY. Unless the Senator from Idaho himself wishes to occupy part of that time, I should not wish to have the debate go on that long. I do not want to make more than a very brief talk on the bill. I have no objection to an extension of the time for voting.

Mr. NORRIS. Mr. President, it seems to me it is the duty of all of us to act according to the agreement heretofore entered into. Therefore, while I very much dislike to do it, I object to any extension; and I submit to the Chair that I think it is contrary to the rule to extend the time for a vote, even by unanimous consent, unless the roll is called before the extension is made.

Mr. BARKLEY. Mr. President, it usually happens that in my effort to accommodate other Members of the Senate I deprive myself of any opportunity to express my views on important legislation. I do not at any time wish to deprive others of an opportunity to discuss measures in which they are interested, but I do wish to say a few words about this bill now, which I have not done at any length since it has been under consideration since last August.

Of course, in the few minutes remaining I can do nothing more than merely refer to the measure. Everyone in any political party, or without any political party, who has given any thought to agriculture, knows that it has been and now is a national problem. There is no State in the American Union which can deal by itself, or in cooperation with the other States, with the subject of agriculture. Both political parties for the last 12 or 15 years have declared the agricultural problem to be a national problem, and promised that they would deal with it in a national way.

The only way in which any such problem can be handled is by national legislation. Not only have both political parties declared in favor of dealing with this question in a national way, but both parties have declared in favor of the control of agricultural products by cooperation between the Government of the United States and the farmers of the Nation in undertaking to bring about control. I have not the time, as I hoped I would have, to read the platforms of both political parties, which are disdained by the senior Senator from California [Mr. JOHNSON], who says that he cares not a tinker's dam about them, yet the American people have passed upon these platforms at one time or another by electing or defeating men who ran for office on a national ticket declaring in favor of dealing with agriculture and declaring in favor of the control of agriculture through national means.

Mr. JOHNSON of California rose.

Mr. BARKLEY. I cannot yield. I am sorry, but I have only 3 or 4 minutes, and I wish to insert the platform declarations of both parties with reference to agriculture since 1920.

In the Republican platform of 1920 we find the following declaration:

> The farmer is the backbone of the Nation. National greatness and economic independence demand a population distributed between industry and the farm, and sharing on equal terms the prosperity which it holds is wholly dependent on the efforts of both. Neither can prosper at the expense of the other without inviting joint disaster.

Their platform in 1924 contained this declaration:

> In dealing with agriculture the Republican Party recognizes that we are faced with a fundamental national problem and that the prosperity and welfare of the Nation as a whole is dependent upon the prosperity and welfare of our agricultural population.
>
> We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor.

In his address to the Republican convention of 1928, as temporary chairman, the Honorable Simeon D. Fess made the following statement on agriculture:

> The purpose of the administration in further aid is to avoid the Government taking over from the farmer his own control of the great industry, but to aid him in that control. This aid is justified because of the inherent nature of an industry of slow turn-over, unregulated production, and uncertain consumption. Could agricultural production be held within the limits of consumption the problem would be solved. Or could consumption be indefinitely increased the problem would be solved. The former can be tempered, but not fully controlled, while the latter may be increased, but within limitations. Where the Government can assist in regulating production and increasing consumption, it should cooperate with the farmer for such purposes.

In the Republican platform of 1928 we find this plan:

> The agricultural problem is national in scope, and as such is recognized by the Republican Party, which pledges its strength and energy to the solution of the same.
>
> The market promises every assistance in the reorganization of financial lines and, where diversification is needed, governmental assistance during the period of transition.
>
> The Republican Party pledges itself to the enactment of legislation creating a Federal farm board, clothed with necessary powers (among other things) to prevent and control surpluses through orderly distribution.
>
> The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to secure its prosperity and success.

In 1932 the Republican platform contained this declaration:

> The fundamental problem of American agriculture is in the control of production to such volume as will balance supply with demand. In the solution of this problem the cooperative organization of farmers to plan production and the tariff to hold the home market for American farmers are vital elements. A third element, equally vital, is the control of acreage of land under cultivation as an aid to the efforts of the farmer to balance production.

In 1928 the Democratic platform contained the following declaration on agriculture:

> The Democratic Party recognizes that the problems of production differ as between agriculture and industry. Industrial production is largely under human control, while agricultural production, because of lack of coordination among 6,500,000 individual farm units, and because of the influence of weather, pests, and other causes, is largely beyond human control.
>
> Producers of crops whose total volume exceeds the needs of the domestic market must continue at a disadvantage until the Government shall intervene as seriously and as effectively in behalf of the farmer as it has intervened in behalf of labor and industry. There is a need of supplemental legislation for the control and orderly handling of agricultural surpluses in order that the price of the surplus may not determine the price of the whole crop.

In the Democratic platform of 1932 will be found the following pronouncement:

> We advocate the extension and development of the farm cooperative movement and effective control of crop surpluses, so that our farmers may have the full benefit of the domestic market.

The Republican platform of 1936 contained the following declaration:

> Agriculture: The farm problem is an economic and social, not a partisan, problem, and we propose to treat it accordingly. Following the wreck of the restrictive and coercive A. A. A., the New Deal administration has taken to itself the principles of the Republican policy of soil conservation and land retirement. This action opens the way for a nonpolitical and permanent solution. Such a solution cannot be had under a New Deal administration which misuses the program to serve partisan ends, to promote scarcity, and to limit by coercive methods the farmer's control over his own farm.
>
> Our paramount object is to protect and foster the family type of farm, traditional in American life, and to promote policies which will bring about an adjustment of agriculture to meet the needs of domestic and foreign markets.

Mr. President, I take it for granted that, without regard to the attitude of the Senator from Oregon [Mr. McNARY],

who now criticizes any effort to control production, and criticizes the doctrine of scarcity, which he denounces, his party and he himself have advocated control of production. The Senator from Oregon would shake his gory locks at me if he had any [laughter], but not having very many, and they not being gory, he need not shake what he has left at me. [Laughter.] The platform is here, and the Senator in his activity heretofore, in the passage of the Farm Board bill, which he helped to create, and in the very platform in which the farmer was promised aid, joined his party in indicating that they were in favor of creating a farm board which, among other things, would have the power to control production and to prevent surpluses in the United States.

If the Senator does not believe that, I can read the statement.

The only way to prevent a surplus is to prevent it. It is not possible to prevent anything except by making it impossible for it to be produced, and the Republican Party declared in favor of the prevention of surpluses and, where they could not be prevented, for the orderly distribution of such surpluses as might be created through lack of ability to prevent them.

We have made an effort to comply with the obligation we believe we are under to the American people, to deal with agriculture nationally. It is a complicated subject. It is one which requires deep thought and study, and I dare say that there are many farmers, as there are many Senators, who may not understand all the intricacies and the details of the proposed legislation, any more than they understand all the details of the antitrust laws, the Federal Reserve System Act, or any other important piece of legislation which has been enacted since the Government of the United States was founded.

Ever since last spring, nearly a year ago, we have been trying to meet this demand, and I congratulate the Committee on Agriculture of the House and the Committee on Agriculture and Forestry of the Senate; I congratulate the membership of both the House and the Senate; I congratulate the members of the conference committee, who have for a year been working on this measure. Senators have criticized legislation which is "hand picked" and sent to us. I congratulate the Secretary of Agriculture on the fact that he has not tried to cram any bill down the throat of Congress. All the Members of the House and of the Senate, the two committees, and the conference committee, have tried to write the bill, and this measure now comes before us for a final vote as the result of all their efforts.

Mr. President, this is an honest effort to meet the demand of the American farmer, and while it may not be any more perfect than other legislation has been, I express the honest conviction that it is the best farm bill that has ever been acted on by the American Congress in an effort to deal with a great problem of American life. It may have to be changed in the years to come in some particulars, and if it is changed, I think we will have the intelligence, based upon our experience, to make such modifications as may be required.

Mr. President, I hope the bill will be speedily enacted and signed by the President and that the Department of Agriculture, charged with the administration of the law, will administer it in such a way as to bring its benefits to the American people through agriculture, the great fundamental industry of the Nation.

The VICE PRESIDENT. The time has arrived for the vote ordered by the Senate. The question is on agreeing to the conference report.

Mr. BARKLEY and Mr. McNARY demanded the yeas and nays, and they were ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bankhead	Borah	Bulow
Andrews	Barkley	Bridges	Burke
Ashurst	Berry	Brown, Mich.	Byrnes
Austin	Bilbo	Brown, N. H.	Capper
Bailey	Bone	Bulkley	Caraway
Chavez	Harrison	McGill	Reynolds
Clark	Hatch	McKellar	Russell
Connally	Hayden	McNary	Schwartz
Copeland	Herring	Maloney	Schwellenbach
Davis	Hill	Miller	Sheppard
Dieterich	Hitchcock	Minton	Shipstead
Donahey	Holt	Murray	Smith
Duffy	Hughes	Neely	Thomas, Okla.
Ellender	Johnson, Calif.	Norris	Thomas, Utah
Frazier	Johnson, Colo.	Nye	Townsend
George	La Follette	O'Mahoney	Truman
Gerry	Lee	Overton	Tydings
Gibson	Lewis	Pepper	Vandenberg
Gillette	Logan	Pittman	Van Nuys
Green	Lonergan	Pope	Wagner
Guffey	Lundeen	Radcliffe	Walsh
Hale	McAdoo	Reames	Wheeler

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present.

The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BROWN of Michigan (when his name was called). On this vote I have a pair with the junior Senator from Massachusetts [Mr. LODGE]. Not knowing how he would vote if present, I withhold my vote.

Mr. AUSTIN (when Mr. LODGE's name was called). The junior Senator from Massachusetts is necessarily absent from the Senate. I am informed that if present he would vote "nay."

Mr. SHIPSTEAD (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. GLASS]. I transfer that pair to the Senator from Maine [Mr. WHITE], and will vote. I vote "nay." I am not advised how the Senator from Virginia [Mr. GLASS] or the Senator from Maine [Mr. WHITE] would vote if present and at liberty to vote.

Mr. HALE (when Mr. WHITE's name was called). My colleague [Mr. WHITE] is necessarily absent from the Senate. If present, he would vote "nay" on this question.

The roll call was concluded.

Mr. LEWIS. I announce the pair of the Senator from Virginia [Mr. BYRD] with the Senator from New Jersey [Mr. MILTON]. If present and at liberty to vote, the Senator from Virginia would vote "yea"; if present and at liberty to vote, the Senator from New Jersey would vote "nay."

The Senator from New Jersey [Mr. SMATHERS] is paired with the Senator from Nevada [Mr. MCCARRAN]. The Senator from New Jersey, if present and at liberty to vote, would vote "yea," and the Senator from Nevada would vote "nay."

The junior Senator from Virginia [Mr. BYRD] and the senior Senator from Virginia [Mr. GLASS], the Senator from Utah [Mr. KING], and the Senator from New Jersey [Mr. MILTON] are absent on important public business.

The senior Senator from New Jersey [Mr. SMATHERS] is necessarily detained.

The Senator from Nevada [Mr. MCCARRAN] is absent on official business in Nevada.

Mr. BROWN of Michigan. The Senator from Vermont [Mr. AUSTIN] having announced that if the junior Senator from Massachusetts [Mr. LODGE] were present he would vote "nay," I desire to announce that if I were at liberty to vote I should vote "yea."

The result was announced—yeas 56, nays 31, as follows:

YEAS—56

Adams	Connally	Hitchcock	Pepper
Andrews	Dieterich	Hughes	Pope
Ashurst	Duffy	Lee	Radcliffe
Bankhead	Ellender	Lewis	Reames
Barkley	Frazier	Logan	Reynolds
Berry	George	Lonergan	Russell
Bilbo	Gillette	McGill	Schwellenbach
Brown, N. H.	Green	McKellar	Sheppard
Bulow	Guffey	Miller	Smith
Byrnes	Harrison	Minton	Thomas, Okla.
Capper	Hatch	Murray	Thomas, Utah
Caraway	Hayden	Neely	Truman
Chavez	Herring	Norris	Van Nuys
Clark	Hill	Overton	Wheeler

NAYS—31

Austin	Borah	Burke	Donahey
Bailey	Bridges	Copeland	Gerry
Bone	Bulkley	Davis	Gibson

Hale	Lundeen	O'Mahoney	Tydings
Holt	McAdoo	Pittman	Vandenberg
Johnson, Calif.	McNary	Schwartz	Wagner
Johnson, Colo.	Maloney	Shipstead	Walsh
La Follette	Nye	Townsend	

NOT VOTING—9

Brown, Mich.	King	McCarran	Smathers
Byrd	Lodge	Milton	White
Glass			

So the conference report was agreed to.

ENROLLMENT OF AGRICULTURAL RELIEF BILL

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 31, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 8505) to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, the Clerk of the House is authorized and directed in the second paragraph of subsection (d) added to the Soil Conservation and Domestic Allotment Act by section 101 of the bill to insert the word "permanently" after the word "be" in the parenthetical expression so that such parenthetical expression will read as follows: "(except for lands which the Secretary determines should not be utilized for the harvesting of crops but should be permanently used for grazing purposes only)."

Mr. BORAH obtained the floor.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. BORAH. I yield for a question.

Mr. SMITH. I wanted to make one statement in reference to the word which the concurrent resolution seeks to restore. It was a typographical error. The word was inadvertently left out.

Mr. BORAH. It is my understanding that the concurrent resolution is now before the Senate for consideration.

The VICE PRESIDENT. The concurrent resolution is now before the Senate for consideration.

Mr. BORAH. I desire to debate it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. CONNALLY. The Senator from Louisiana [Mr. ELLENDER] had the floor, and yielded, with the understanding that he would resume the floor when the farm bill had been acted upon. It is my understanding, from previous statements by the Chair, that the concurrent resolution is a privileged matter.

The VICE PRESIDENT. The Chair will say in answer to the Senator from Texas that the antilynching bill is not now before the Senate. When the antilynching bill comes before the Senate, the Senator from Louisiana will have the floor. But the Senator from Idaho [Mr. BORAH] was on his feet asking for recognition when the message from the House of Representatives was laid before the Senate.

Mr. CONNALLY. I have no objection to the Senator from Idaho taking the floor.

The VICE PRESIDENT. The Senator from Idaho has the floor.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CLARK. Is it correct that the matter just reported from the House of Representatives is the matter before the Senate?

The VICE PRESIDENT. This is a concurrent resolution reported from the House of Representatives.

Mr. CLARK. And, therefore, it is a privileged resolution?

The VICE PRESIDENT. Yes. The parliamentary clerk advises the Chair it is a privileged matter.

Mr. CLARK. A further question for information. That does not displace the antilynching bill?

The VICE PRESIDENT. It does not.

Mr. BORAH. Only temporarily.

Mr. President, we have just passed the farm bill, and undoubtedly it will be signed by the President and become a law. The supposition and undoubtedly the belief of those who favored the bill is to the effect that it will increase farm prices and aid agriculture. We naturally all hope that may be true. But I am of the opinion, and that opinion I wish to express in some detail, that unless this measure is followed by legislation at this session we can hardly hope for any real benefits, even if we accept the theory and philosophy of those who advocate the bill.

I desire to call attention, Mr. President, as a preface to my remarks to the condition in this country at the present time.

We now have about 10,000,000 unemployed, with 500,000 more in the offing who will become unemployed within the next 2 or 3 months. We may expect between eleven and twelve million unemployed within a reasonable time. After the antilynching bill shall have been disposed of, we are preparing to consider an appropriation of $250,000,000 to take care of the unemployed for a time. My understanding is that it is not anticipated that that appropriation will by any means take care of the situation. It will take care of it only temporarily, perhaps until March or April.

I cannot bring myself to believe, Mr. President, that any program which looks to a curtailment in the production of foodstuffs in this country under these circumstances can be a wise policy. A few days ago I read, in a report filed by agencies in Washington, D. C., having to do with local conditions, a statement to this effect:

> Wives and babies are slowly starving. * * * Employable men, willing to work, are unemployed. They and their families are suffering from starvation.

That report has to do with conditions in the District of Columbia. I have here, however, reports from other parts of the country showing a similar condition of affairs.

I read an item from the St. Louis Post-Dispatch of February 8, 1938, as follows:

> Scores of persons dragged Palmer Slough in east Poplar Bluff all night Saturday and during Sunday, Monday, and today for Irish potatoes dumped there by the Surplus Commodities organization here.
>
> Arthur Ramsey, one of those who recovered many of the sacks of potatoes, said one man succeeded in getting about 35 sacks before others learned the potatoes had been dumped into the slough.
>
> "They said the potatoes were culls," said Ramsey, "but I've never seen finer ones in my life."
>
> W. G. Eckhardt, district supervisor of Surplus Commodities, said the shipment of potatoes from Idaho for distribution in Stoddard and Pemiscot Counties had failed to pass inspection. He said claims against transportation companies had been filed, after which the potatoes were sent to headquarters here for disposal.
>
> C. R. Dyck, State supervisor, according to Eckhardt, came here and ordered the potatoes thrown into the slough. Somebody saw them being dumped and the word soon got around.
>
> Eckhardt estimated about 7,500 pounds had been dumped.
>
> State highway patrolmen who examined some of the potatoes said they appeared to be in excellent condition.
>
> The many persons who recovered the potatoes from the slough used boats and mussel-shell grabhooks while others, wearing high boots, waded along the edge of the slough dragging the potatoes out by the sack.
>
> Pemiscot and Stoddard Counties are among the seven southeast Missouri cotton-producing counties where it was announced in January, in a Social Security Commission report, that 18,700 members of agricultural workers' families were living in destitution. Pemiscot County at the time had 2,000 applications for relief on file.
>
> In Stoddard County there are 525 families receiving relief and in Pemiscot 735 at the present time.

Could anything be so inexplicable, so strange and cruel, as to reduce the production of foodstuffs, to throw foodstuffs into sloughs and rivers, in a land where wives and children are hungry even to the verge of starvation?

I now invite your attention to a report made by the Federal Trade Commission which deals with the question of who controls the food supply in this country. I think anyone who examines this report will have no doubt that the food supply in this country is under the control of three or four monopolies in the United States, and that the monopolies controlling the food supply of the country not only control the price which the consumer has to pay, but they control, with respect to a number of commodities, the amount which the farmer receives for them on his farm.

Powerful combinations are fixing the price for the producer and the price for the consumer. Those who live in the section of the country where sheep and cattle are produced know that the price of lambs and the price of beef have practically disappeared; but there is no change of any

moment in the price of lamb chops. There is no change of any moment in the price of beef when it gets to the table. While the price to the producer is such that he cannot continue in business if the present price continues, the price to the consumer remains about the same. That is so by reason of the fact, as the Federal Trade Commission report shows, that the power of the monopolies is sufficient to control the price to the producer and the price to the consumer.

I read the following statement from page 30 of a review published in a current magazine of the report to which I have referred:

> The price of bread in recent months has been at its highest in 7 years. The consumers' food bill has soared $50,000,000 a year through these prices alone. But if the bread bill has soared, then the profits of the bread industries have skyrocketed. Net profits of Continental Baking for 39 weeks ending September 25, 1937, showed more than a 100-percent increase over a similar period in 1935. And General Baking's net profits hit the bull's-eye with an increase of 1,100 percent in profits between the 1935 and the 1937 fiscal years.

Mr. President, we have had prosperity in certain portions of the business world, and we now have it. There is no recession there. There is plenty of prosperity, it seems, among those who control the food commodity supply for the people of this country. The profits of those in control are constantly increasing, and apparently they are not affected by what we call a recession.

The review continues:

> The farmer's share of a loaf of bread is suitable for a microscopic slide. He receives 1 cent. The retailer gets a few tenths of a cent more. The baking monopolies account for most of the rest.
>
> Section after section in the food industries tell the same story. The F. T. C. sums up its entire report when it says:
>
> "The progressive enlargement of a few predominant enterprises has gone so far that, in financial strength and in numbers of persons subject to their control, the largest concerns exceed some State governments."

Without going into too much detail in connection with this report, which consists of several volumes supplying the data and the facts, we find that the food supply of this country is under the control of a few great corporations. Those corporations are fixing the price, and the price is such as to assure them not only of the profits ordinarily enjoyed, but profits constantly increasing during these days of depression or recession.

Confining ourselves to the consumer in the first place, in what respect may we hope that the great consuming public of the country will derive any benefit from any of this legislation which we are enacting from time to time? Bear in mind that it must follow, as night follows day, that the more people there are in the country who cannot buy foodstuffs, the more severe will be the pressure upon the producer, and the more ineffective any bill passed here will be in his recuperation or rebuilding. So long as monopolies control the food supply and fix the price of things the people must have, nothing we can do will bring relief to the consumer. Unless we do bring relief to the consumer, unemployment will continue, relief appropriations will increase, and taxes will increase month by month and year by year.

I read another paragraph or two from the review referred to:

> Its report, in fact, is not confined to the dairy monopoly alone but discusses grain, flour mills, bakeries, biscuit companies, livestock, meat packing, and chain groceries. And to round out all sources of income for the farmer the report also includes studies of the cotton and tobacco industries.
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> That members of the Food Trust have broken even the present inadequate antitrust laws is easily apparent in the report. In clear violation of the Clayton Act, many of them have bought capital stock and controlling interests in competing firms and have established themselves in so strong a position that they could name their own prices either to the farmer or to the consumer.
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> But law violation has not been the biggest sin of the food combines. More serious has been the utter helplessness of both farmer and consumer in driving a reasonable bargain with the trusts. For his share the farmer is given the low price that the monopolies decide he shall be given. And the consumer has had to tighten his belt or else pay impossible prices for milk, butter, meat, and other important items in the daily diet. This stretch between the farmer and the consumer is growing wider all the time. How much of it is taken out in profits by the heads of the monopolies is indicated by the Commission's disclosure that even during the depression years many firms paid average salaries of $50,000 or more, excluding bonuses and commissions ,to their officers. Profits of 10 companies handling milk and milk products averaged $37,428,162 during the lean years of 1929–34.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Idaho yield to the Senator from Vermont?

Mr. BORAH. I yield to the Senator from Vermont.

Mr. AUSTIN. I should like to inquire if the report to which the Senator has referred purports to be a report for the United States as a whole, or whether it is limited to some certain area of the United States?

Mr. BORAH. The report purports to be a report for the entire United States.

Mr. AUSTIN. I think it is very unfortunate to refer to the two commodities, bread and milk, if the effort is to show that the conditions depicted there cover the entire United States. For example, in New England our bakers are constantly pleading with their representatives in Congress to come to their relief on account of the competition with Canadian bread, which is shipped in every morning by truck as far south as Rhode Island. There is also very substantial competition in milk. We have for the past 4 or 5 years had a desperate struggle in New England trying to keep the price of milk up to such a standard that the farmers can afford to produce it. So I am just wondering whether the conditions spoken of comprehend New England.

Mr. BORAH. Yes; I think the report intends to do that because it says that—

> Profits of 10 companies handling milk and milk products averaged $37,428,162 during the lean years from 1929 to 1934.

I take it that that was intended to cover the entire United States, including New England.

Mr. DAVIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. BORAH. I yield.

Mr. DAVIS. Is the Senator reading from an article that is based on a report of the Federal Trade Commission?

Mr. BORAH. I am.

Mr. DAVIS. Has that report of the Federal Trade Commission been made public as yet?

Mr. BORAH. I think it has been made public, but it has not been printed. When it was offered for printing here by the able Senator from Iowa [Mr. GILLETTE] it was claimed that it would cost too much money, the sum of $125,000 being mentioned; but my inquiry has led me to believe that the printing would not cost in excess of $5,000. It ought to be published, and I hope it will be published later.

The Senator from Iowa has made an effort to secure the publication of this report.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. I yield.

Mr. O'MAHONEY. I should like to say to the Senator from Idaho that the Committee on Appropriations has recommended an increase in the appropriation for the Federal Trade Commission for the purpose of having this report published, and an amendment to that effect will be presented when the independent offices appropriation bill is under consideration by the Senate.

Mr. BORAH. I am pleased to hear that.

Mr. President, the Senator from Vermont [Mr. AUSTIN] referred to the fact that this report deals with milk and bread, but it deals also with the food supply as an entirety—with meats and with all other products which are designated as food supplies. It is intended to cover the entire field; it is not limited to particular industries. Although the findings I have read relate to particular industries, the report intends to cover the entire field.

Unless we are prepared to deal with this matter, we are in a position that our farm bill and our housing bill will be practically stripped of any real beneficial effect to the American people. We passed the housing bill the other day. Eighty percent of the materials which go into the construction of houses is controlled by monopolies. The price of 80 percent of the materials is fixed by great corporations of this country. When we leave the housing bill and consider the question of food supply for those who are to live in the houses, we find that the food supply is practically under the control of a few corporations. Whenever we undertake to reach the small man, the one sometimes called "the forgotten man," when we undertake to reach the man at the lowest round of the economic ladder, we are absolutely prevented from reaching him because the price of the commodities and things which he must have is fixed by the great monopolies of the country.

Mr. POPE. Mr. President, will the Senator yield for a question?

Mr. BORAH. I yield.

Mr. POPE. Would the bill which the Senator from Idaho and the Senator from Wyoming [Mr. O'MAHONEY] are sponsoring, providing for the incorporation of interstate corporations, enable the Government to deal with that situation?

Mr. BORAH. The bill which the Senator from Wyoming and I have offered would control the particular corporations to which I am referring today. According to my investigation, they are all engaged in interstate commerce. There are a very few great corporations dealing either with the supply of commodities or foodstuffs that would not be controlled by the measure which we have introduced.

I have on my desk here an item appearing in the newspapers of February 13, setting forth that a young mother 19 years of age was arrested and fined and sent to prison for forging a check for $5. Her plea in defense was that the check was forged in order to enable her to buy sufficient food for her family. Mr. President, in all probability, had that mother been permitted to buy foodstuffs at a price fixed in the competitive world or other than by monopolistic power, she would have been enabled to take care of her family upon the income which she had. In other words, as I said a moment ago, those who are struggling to keep off the relief rolls, those who are really at the lowest round of the economic ladder, are every day paying tribute with their few pennies, their quarters, and their half dollars to the great corporations which may fix the price which they must pay for that upon which they live. I ask my associates, If we do not take action in regard to this condition before the present session of Congress closes, how can we hope to remedy the condition of those we are so anxious to reach?

There is no lack of prosperity in this country in a vast field of industry; there is no want of profits in a vast field of our industry. The want and the need are among the fifty or seventy million people in the United States who are struggling against great odds to produce sufficient in one way or another, by labor or otherwise, to buy their subsistence from day to day. I say that we cannot reach those people; we cannot help them unless we take away from the corporations the power to fix the price which those consumers must pay.

A great number of the people of the United States can pay these prices without any real financial or economic injury to themselves. We are really living as a nation now and running the Government upon one cylinder. The fifty or seventy million people who ought to be a part of our wealth-producing country, who ought to contribute to our prosperity and contribute against recessions and depressions, cannot even get started. Why? Simply because the 25 cents or the 50 cents or the 75 cents which they would put into the savings banks the monopolists reach out and take from them by increasing the price of things they need. They cannot put any money away. The price which they have to pay is all and often more than they can pay.

We hear much said about the savings banks. Where do the savings in those banks come from? The sixty-five or seventy million people to whom I refer have no savings in the savings banks. They are without means of protecting themselves for a rainy day and at the same time be enabled to live from day to day upon what they can earn. Why? Because the price of everything which they buy is fixed by monopolies. It is a serious situation and one that should be recognized by this great Nation. When we find the food bill of the country is in the control of monopolies, it presents a problem of the first magnitude.

We might not be concerned with steel; we might not be moved by the aluminum monopoly, although the products of steel and aluminum go into things which are very near the home life, but when it comes to dealing with the food supply which affects the very life of the people, as this report unquestionably shows, we cannot afford to delay; we dare not procrastinate. It is dangerous to procrastinate in such a matter, as more than one nation in the past has discovered.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. TYDINGS. I am wondering if the Senator knows—I do not—whether the Government has ever made an investigation as to the various items that affect the price of food from the time it leaves the farm until it reaches the ultimate consumer, such as transportation, and so on? I wonder if the Government has ever made any study of that kind, and has any actual figures to show the various steps up from the time the commodity leaves the farm until it reaches the consumer?

Mr. BORAH. I am not familiar with any accurate data upon that particular phase of the matter; but if some interesting facts should be developed upon that phase of the matter it would not disturb the persons who monopolistically control these things, because they would fix the price not according to the facts as they are disclosed, but according to what traffic would bear.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. TYDINGS. The point is that I think we could isolate the thing if we had that sort of a break-down, and tell where the main increase comes. For example, in my own State, which is a cattle-fattening State, quite often the farmers are practically unable to sell their cattle at all. They go to market with their cattle, and there is no demand for the cattle. The packing houses say they are filled up; they have no place to store it.

Mr. BORAH. Exactly.

Mr. TYDINGS. And the farmer has to sell, for probably 7½ or 8 cents a pound, fat cattle for which he paid nearly that much when he bought them.

I think it would be very interesting if, over a period of time, we could ascertain the percentage step-up which occurs from the time the product leaves the farm until it reaches the ultimate consumer, so that we could see where the main increase in price comes; whether it is with the large concern to which the Senator alludes, or the retailer, or the transportation man, or the handler, or where it may be.

Mr. BORAH. Mr. President, the farmer takes his livestock to the market. There he meets Mr. Monopoly, who says to him, "The price today is off." The farmer cannot stay there indefinitely. He must sell. The price may go up again in his absence, but when he returns he is told once more, "The price is off today." That statement rings in the ears of every western producer of livestock, and he knows precisely where it comes from. He recognizes his master's voice. It is the voice in unison of about three or four meat-packing companies in the United States.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. TYDINGS. The situation in the West and in the East must be very much the same, because if the price of meat goes up half a cent a pound, the following Thursday—which is the usual cattle day in Baltimore—all the farmers come in to get the advantage of the slight increase in price, and, of course, the price immediately goes down again. At the present time the farmers of my State are keeping their cattle,

at great expense, because it would be absolutely confiscatory to sell them at the present price.

There has been some reduction in the retail price of meat; but I should like to know what constitutes the spread between the price the farmer gets and the price the consumer has to pay. I should like to see the transaction broken down into its various stages, so that we could see who is getting the most profit out of it.

Mr. BORAH. Mr. President, that would be interesting, but it would not make a particle of difference to monopoly. They know now where the transaction is broken down, and who is getting the profit; but they fix their price so as to take care of themselves, regardless of what occurs up to the time the product reaches them.

The freight rates from the West are no higher today than they were a year ago, and I presume the charges of the commission agents are about the same. When the stock producer gets to the market he is not met there with an increase of freight rates because it has not happened. He is not met there with an increase of commission agents' charges because it has not happened. He is met there with the statement that there is no market; and that is the matter which is controlled by the great packing companies of the United States.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. TYDINGS. I think one of the causes of the low price of beef to the farmer in the East at the present time is the fact that the consumer is not buying as much as he bought 5 or 6 months ago. The farmer has stocked up with lean cattle, thinking he would fatten them on a continuing market; but the buying demand of the public has subsided. Consequently, with the farmer's finished product coming to the market, there is not enough buying power under it to keep up the price. I do not mean that the monopoly perhaps is not taking advantage of that situation; but I do think that the farmer's price is affected by the lack of consuming power more directly than by anything else at the present moment.

Mr. BORAH. I think there is a great deal in the fact that the public is not consuming so much, because it has not anything with which to buy. A very small amount of meat it being eaten in the United States compared to the amount that would be eaten if the people had the means with which to buy.

Mr. TYDINGS. That is true.

Mr. BORAH. And why have not the people the means with which to buy?

Mr. TYDINGS. I should not want to get started on that discussion.

Mr. WALSH. Because they are unemployed by the millions.

Mr. BORAH. They are unemployed; but even when they get employment, what can they save out of their pay? The price of everything they must have in order to live, either building material for their homes, or their food, is fixed so as to take away from them in increased prices every dime and every quarter and every half dollar they have received.

Mr. TYDINGS. Mr. President, will the Senator yield at that point?

Mr. BORAH. Yes.

Mr. TYDINGS. What the Senator says about monopoly is largely true. I remember that when we were having our labor difficulties a year and a half ago, when the sit-down strikes were on, the big concerns selling farm equipment came to a farm which I happened to know something about and said that because of those difficulties, starting on the 20th of that month there would be an increase of 20 percent in the cost of farm machinery; and every farmer in that particular locality who bought farm machinery after that time had to pay an increase of 20 percent for that machinery. Of course, that shows just how the price may be raised almost arbitrarily, and the farmer has no way of meeting that sort of increase when he comes to sell what he produces. How it can be done, I do not know.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BORAH. Yes; I yield.

Mr. AUSTIN. I desire to ask the Senator from Idaho if he does not believe that one of the reasons why, during the past 6 months, a large number of persons have not had the means with which to buy, is that for each of 12 months in the year 1937 there were withdrawn from the purchasing power of the people net contributions of the Federal Government aggregating $275,000,000 per month. Is not that the probable cause of what is euphemistically called a "recession"? It is the perfectly obvious and natural course which follows any fictitious prosperity, any prosperity which is created solely by the Government.

Is not our situation today in part due to the sudden education of the people and adaptation by them to a support furnished by the Government and its subsequent withdrawal when the well began to run dry, with a consequent increase in the lack of purchasing power?

Mr. BORAH. Mr. President, undoubtedly the matter of taxes is one of the great contributing causes to the distress which exists in this country; but, in my opinion, it really does not very much affect the question I am discussing, and I will tell the Senator why.

The years 1928 and 1929 were the greatest wealth-producing years this country has ever experienced. Investigation now has shown that in 1929 over 70 percent of the people of the United States were living on the bare necessities of life, and that 50 percent of them were living on less than the bare necessities of life. Millions and millions of people in the United States in those great wealth-producing years, when we were levying a lighter tax than at the present time, were living on the ragged edge of hunger all the time. Why was that so? It was because those who controlled these great natural resources and food supplies were fixing the price at which the people should buy; and, believe me, if the other Members of the Senate will investigate the matter as long as I have they will conclude that that price is fixed as nearly as possible at the maximum amount the people can pay. That is the basis upon which these monopolists operate. They are like a great czar looking out over the people and saying, "These people can pay so much. Now they have passed a farm bill. The farmers think they will get a little more. We will increase the price of agricultural products."

A few days ago I saw in the newspapers an announcement to the effect that agricultural products would go up in price next year. Who knows they will go up? How can anyone say that next year the prices of agricultural products will go up? It is the men who control the power to send them up, and no one else, who could make such a statement. So, if the farmer gets some benefit out of this measure—which I fear he never will—those people who fix the prices which the farmer must pay in order to run his farm will fix the prices in accordance with the increased income. I suppose they were anticipating some change when they announced that the prices of agricultural products would go up.

Mr. President, I am aware of the fact that I am talking on a subject which writes me down as a fanatic, because I have talked on it so long, but I say that it is my conviction that we never can reach the poor people of this country and restore them to any degree of decent living until we take away the power of private corporations to fix prices.

If Senators will look over the field they will find that the private corporations are in control of practically everything which men and women must have in order to live. Take the oil industry for example. Five corporations can tell us just exactly what it will cost us if we drive home in our automobiles. They can fix the prices from time to time, and they do it. They may sit in a room in the Blackstone Hotel in Chicago, as they did sometime ago, and determine upon a policy to eliminate the independent man, and to control the situation absolutely. Private corporations are in control of copper, they are in control of oil, they are in control of the natural resources, they are in

control of aluminum, and now they are in control of the food supply of the country. And they are impoverishing the people more and more in numbers year by year. I do not contend that monopoly is the sole cause of our present unhappy condition. But I do contend that it stands in the way of our successfully reaching in our remedial measures the body of our people.

I stated a moment ago that we cannot afford to procrastinate. Dr. Sprague, the able, sincere, and unselfish adviser of the world, said in an interview a few days ago that he doubted the ability to control monopolies—I am not quoting his words exactly, but the substance—and that he did not know whether it was advisable or not.

Mr. President, there comes a time in the suffering of the people when they blow into a thousand pieces these theories as to whether or not it is advisable to give them a chance to live upon a decent standard. If we do not handle the matter in an orderly way, if we do not do it under the law, if the Government does not protect the people and give them the protection against exploitation which they are entitled to have, it will be done in a different way. I do not know when, but I do remember that the great financier of Louis of France said to his king, "If you will follow my advice, I can bring prosperity of a substantial degree to the people who are complaining." The king said to him, "I will take your advice," and the great financier proceeded to outline his system. But the powerful combines and great influences of the time called upon the king and told him that what his minister advised would ruin his country, that he could not afford to follow such a financial course. So the king broke with his finance minister, dismissed him, and upon his successor the people called, and there followed the only remedy the people had—riot, bloodshed, and the French Revolution.

I am not anticipating revolutions in this country, but I do know that there is a limit to human endurance, which will come to the American people, just as to all other people. So long as the people see these vast gatherings of untold millions going to the hands of those who control the food supply, and so long as they see the ravages of hunger about them, see their children in want, and have not the means to respond to the pallid lips begging for food, so long as that condition continues, there is being planted in this country the seeds of revolution. It is certainly not safe or wise to tempt the most patriotic of people too far or trifle with them too long.

There are theorists who sit around and say that it would disturb business, and that we should give business a rest. I would give them a rest. Legitimate business is entitled to a rest, but there is and can be no rest for legitimate business so long as monopoly continues to have its way. It will in time destroy legitimate business.

Mr. President, a few years ago another Roosevelt started upon a fight against monopolies, against trusts, and he made great headway. It got to be a very serious matter with the trusts and the monopolies. George W. Perkins, then a member of the firm of Morgan & Co., conceived the idea of creating what he called a business court, or a business committee, or a set of businessmen appointed by the Government, with whom other business might meet for the purpose of sitting down with monopolies and determining just what they could do and what they should do. He said that the monopolists were not bright lawyers and were not keen about interpreting law; that they might make mistakes, and that what they desired was to be advised in advance that they were not making a mistake; that the monopolies should be left intact, left free to control the situation, but advised just how far they should go. This was a scheme for the purpose of advising these great business interests so that they could keep out of the clutches of the law.

Mr. President, that scheme has been revised. We now have another proposal which, as they say, would and should take the penalties off these men, take the threat of penalties off the men who control monopolies and fix prices, advise them as to what they can do, how they should do it, and so forth. That leaves the monopolies in control, but to depend upon proper advice being given by the agents of the Government so that they will do the right thing. We are to have a system in which those who control the national resources, the food supply of the country, and levy tribute upon 130,000,000 people are to be furnished advisers as to what is safe. This little committee composed of monopolists and their advisers are to be the economic dictators of the Nation. It is the shrewdest scheme that could be devised to foster, maintain, and perpetuate monopoly in this country.

Mr. President, this young mother who forged the check for $5 in violation of the law to enable her to buy food for her family goes to the penitentiary, but it is proposed that those who compel her to do this thing, by fixing the prices which she could not pay, are to go free, under advice from the Government—a damnable and infamous doctrine. It separates this country into two classes, the poverty-stricken and the multimillionaire. There is only one way to meet monopoly, and that is to destroy it. Monopoly has been the enemy of democracy and society and honest politics wherever it has appeared, and it will destroy any democratic government where it continues to exist.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BARKLEY. I have not been able to follow the remarks of the Senator consecutively, because of interruptions, but who is it that is proposing to do what the Senator suggested a moment ago?

Mr. BORAH. For the satisfaction of the Senator, it was not the administration.

Mr. BARKLEY. I did not think it was. I had not heard of any such proposal.

Mr. BORAH. But it is being urged upon the administration, by those who profess to be the friends of the administration and said to enjoy its confidence, that is still an imitation of George W. Perkins who was a devoted friend to the first Roosevelt, and sad were the fruits of the friendship.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. BORAH. I yield.

Mr. AUSTIN. I am much interested in the discussion. It seems to me the Senator depends on price fixing as the basis for the ascertainment of what constitutes monopoly, and I wish to ask him if he thinks that it is beneficial for our country to have the Government take over an entire industry, like the coal industry, and create a bureau which will fix prices by ascertaining the weighted cost of production, and putting a minimum price on the entire commodity for all buyers, regardless of conditions and circumstances?

Mr. BORAH. As the Senator knows, I am sure, I voted against both coal bills. I do not believe in price fixing, either by the Government or by private corporations. I do say, however, that it is my deliberate judgment that if price fixing by private corporations continues, price fixing by Government will inevitably follow. If prices continue to be fixed by private corporations, the people will in a very short time demand that the Government do the price fixing, and not the private corporations. I do not believe in either practice. I think that if proper rules of conduct are established in this country, and there is competition, there will be no reason for the fixing of prices by the Government, and that I hope to avoid second only to avoidance of the other.

The able senior Senator from Wyoming [Mr. O'MAHONEY] and I have presented a bill, which is now in committee, and which I hope shortly will be reported, dealing with this subject. It is not my purpose today to discuss that measure in detail. I do wish to say, however, that we have received a great many letters protesting against the measure. The first great objection made to it is that the definition of interstate commerce is so wide-ranging that it would be something far beyond any precedent heretofore existing.

The Senator from Wyoming and I accepted the definition of interstate commerce announced by Chief Justice Marshall and Chief Justice Hughes. We thought they were sane and sound. We primarily relied upon their definitions. We feel that we could have found no safer guides on that question.

These correspondents disclose in their letters, before they get through, that they do not desire to have the National Government undertake to control interstate commerce in the full sense of the term. They desire that the State corporations may continue to deal with interstate commerce under the instrumentalities or charters which they have gotten from the States, leaving a wide range of territory over which neither the National Government nor the State government can exercise beneficial or effective control.

Secondly, they say we would destroy State rights. That is a subject upon which I am rather sensitive. I want to say from this floor that if these gentlemen will point out wherein we invade State rights in any substantial particular whatever—and I think I speak for the coauthor of the bill—we will take the provision out of the bill. We knew enough to know that we could not invade the rights of the States, that we could not exercise control over commerce beyond the terms of the Federal Constitution. And more than that we had no desire to interfere with the powers of the State. We are both believers in the rights of the States and in the Federal Constitution. Now, if unwittingly we have fallen into so serious an error as is charged, let those who thus charge be specific and they will be heard with sympathetic ears.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. O'MAHONEY. I agree with what the Senator has said. I think the votes which were cast this afternoon by the Senator from Idaho and myself with respect to the farm bill, upon the theory that that measure constituted too large a degree of Government interference with the private rights of private individuals, are proof sufficient that we have no intention whatsoever of invading State rights with respect to business.

Mr. BORAH. Mr. President, I repeat that what we ask for is constructive criticism. We are not sensitive to criticism. We are somewhat impatient with criticism which does not point out anything to sustain or support their position. If they will point to us where we are interfering with State rights, I repeat, it is our purpose to remove it from the bill before it is finally presented to the Senate.

FEDERAL INCORPORATION ON THE AIR

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. SCHWELLENBACH. I wonder if the Senator would object if at this time, in connection with the statement of the Senator from Idaho, I should make what might be in the nature of an announcement in reference to the bill which has been introduced by the Senator from Idaho and the Senator from Wyoming. There is to be a debate on Thursday evening, February 24, at 9:30 o'clock, eastern standard time, at the Town Hall meeting of the air in New York, which will be broadcast over the National Broadcasting System. The Senator from Wyoming [Mr. O'MAHONEY] will present the affirmative of the proposition of Federal incorporation, and he will be opposed by Mr. James Cromwell. I think the Members of this body will be interested in listening to that debate upon the precise question which the Senator from Idaho is now discussing.

I thank the Senator from Idaho for giving me this opportunity.

Mr. BORAH. Who is opposing the Senator from Wyoming?

Mr. SCHWELLENBACH. Mr. James Cromwell.

Mr. BORAH. He is a very able gentleman; I will leave the matter in the hands of the coauthor of the bill.

One word, Mr. President, in conclusion. It was the hope of the Senator from Wyoming and myself to establish fair and honest rules of conduct for corporations engaged in interstate commerce. We desire to write into the bill itself, if we can, such rules or such provisions as will protect the consumers of the country from what we conceive to be unjust acts upon the part of certain corporations. It is not our purpose to interfere in any way with the powers of the State to deal with intrastate commerce, or to invade in any respect the powers of the State with reference to the subject of commerce, but if we can accomplish it we are determined no longer to permit the instrumentalities created by the States or the corporations created by the States to control or interfere with interstate commerce.

There are now 48 States issuing corporate charters, and granting powers and giving authority to corporations, and those corporations purport to deal in and carry on interstate commerce. We propose, if we can, to see to it that the Federal Government controls the instrumentalities and the charter powers of corporations which deal in interstate commerce, as well as the attempt to control interstate commerce, while leaving the instrumentalities in the hands of the States. We are not seeking to take anything in addition to that which has been given to Congress by the Constitution of the United States, but we feel we want rules established which will protect the people of this country from monopoly. We want to occupy the whole field of interstate commerce both as to commerce and the instrumentalities of interstate commerce.

Mr. NORRIS. Mr. President, I wish to call the attention of the Senate to the parliamentary situation as I see it. There is no opposition to the concurrent resolution now before the Senate and being debated so far as I know. It provides for the correction of a typographical error. In the meantime, the conference report on the farm bill, which we have agreed to, will be held up until the Senate passes the concurrent resolution, because the concurrent resolution must be passed before the engrossment of the farm bill can take place.

Therefore, as interesting as is the discussion to which we are now listening, and as much as I agree with what the Senator from Idaho has said—and I agree fully with it—the effect of the discussion, in the parliamentary sense, is simply to hold up the farm bill.

I appeal to Senators, since there is no opposition to the concurrent resolution, that we be permitted to vote on it so that the farm bill may be engrossed.

Mr. KING. Mr. President, I was detained in a committee meeting when there was a roll call and a vote on the conference report. I regret very much that I was unable to be present at that vote. I was very much opposed to the bill and the conference report, and regret that I was not here to vote against the adoption of the report. I wish the RECORD to show at this time my statement that if I had been present I should have voted "nay" on the conference report.

The VICE PRESIDENT. The question is on agreeing to the House concurrent resolution.

The concurrent resolution was agreed to.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. The antilynching bill automatically comes before the Senate, and the Senator from Louisiana [Mr. ELLENDER] has the floor.

MOTION TO CLOSE DEBATE

Mr. WAGNER. Mr. President, I ask that I may file at the desk a petition in accordance with the provisions of rule XXII of the Standing Rules of the Senate, embodying a motion to close debate upon the pending bill.

The VICE PRESIDENT. The Senator has the right to file the petition. The Senator will send it to the desk to be read under the rule.

Mr. WAGNER. Very well. I may state that the Senator from New Jersey [Mr. SMATHERS], who is unavoidably absent, asked me to state that if he were present he would sign the petition.

The VICE PRESIDENT. The clerk will read the petition.

The Chief Clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

ROBERT F. WAGNER.
FREDERICK VAN NUYS.
ROBERT J. BULKLEY.
WILLIAM H. DIETERICH.
ROYAL S. COPELAND.
SHERMAN MINTON.
BENNETT C. CLARK.
ELBERT D. THOMAS.
GEO. MCGILL.
FRED H. BROWN.
HOMER BONE.
M. M. NEELY.
HERBERT E. HITCHCOCK.
L. B. SCHWELLENBACH.
JOSEPH F. GUFFEY.
ROBERT M. LA FOLLETTE, Jr.
HARRY S. TRUMAN.
JAMES H. HUGHES.

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Texas?

Mr. ELLENDER. I yield.

Mr. CONNALLY. Under the rule, in case cloture should be adopted, no amendments will be considered except those which have been read. I therefore ask unanimous consent that amendments to the pending bill which are now on the desk be considered as having been read. I do not care to take up the time of the Senate to have them read.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. KING. I have two amendments to offer to the pending measure. Inadvertently I left them at my office. I ask unanimous consent that I be permitted to hand them to the clerk and that they be considered as having been read.

The VICE PRESIDENT. Are they amendments to this particular bill?

Mr. KING. Yes, to the bill now before the Senate.

The VICE PRESIDENT. Without objection, the amendments to which the Senator from Utah refers will be considered as having been received, submitted, and read.

(The amendments submitted by Mr. KING intended to be proposed by him to the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching were considered as read and ordered to lie on the table and to be printed.)

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BARKLEY. Without in any way surrendering any rights which the Senator from Louisiana has by reason of occupying the floor, I ask that he may yield to me in order that I may move an executive session.

The VICE PRESIDENT. Will the Senator from Louisiana yield to the Senator from Kentucky, without losing any of his rights, for the purpose stated?

Mr. ELLENDER. I yield.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McGILL, from the Committee on the Judiciary, reported favorably the nomination of Maurice M. Milligan to be United States attorney for the western district of Missouri.

Mr. BURKE, from the Committee on the Judiciary, reported favorably the nomination of A. Cecil Snyder to be district attorney for the district of Puerto Rico.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

If there are no further reports of committees, the clerk will state, in their order, the nominations on the Executive Calendar.

COLLECTORS OF CUSTOMS

The Chief Clerk read the nomination of Agnes M. Hodge to be collector of customs for customs collection district No. 35.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Fountain Rothwell to be collector of customs for customs collection district No. 45.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

BOARD OF TAX APPEALS

The Chief Clerk read the nomination of Clarence V. Opper, of New York, to be a member of the Board of Tax Appeals.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the United States Public Health Service.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Public Health Service be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I move that the nominations in the Army be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

IN THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I move that the nominations in the Navy be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

IN THE MARINE CORPS

The Chief Clerk read the nomination of Maj. John T. Walker to be lieutenant colonel.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, February 15, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 14 (legislative day of January 5), 1938

COLLECTORS OF CUSTOMS

Agnes M. Hodge to be collector of customs for customs collection district No. 35, with headquarters at Minneapolis, Minn.

Fountain Rothwell to be collector of customs for customs collection district No. 45, with headquarters at St. Louis, Mo.

BOARD OF TAX APPEALS

Clarence V. Opper to be a member of the Board of Tax Appeals.

UNITED STATES PUBLIC HEALTH SERVICE

Marion F. Haralson to be senior surgeon.
John F. Mahoney to be senior surgeon.
John W. Cronin to be passed assistant surgeon.
Dwight K. Shellman to be passed assistant dental surgeon.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Capt. Wilbur Fisk Browder to Quartermaster Corps.
Capt. Ernest Benjamin Gray to Quartermaster Corps.
Capt. Emil Frederick Kollmer to Quartermaster Corps.

PROMOTIONS IN THE REGULAR ARMY

Clarence Talmage Marsh to be colonel, Coast Artillery Corps.
John Blackwell Maynard to be colonel, Coast Artillery Corps.
Jacob Herman Rudolph to be colonel, Air Corps (temporary colonel, Air Corps).
Raymond Ceward Baird to be colonel.
Arthur Griffith Campbell to be colonel, Coast Artillery Corps.
Marvin Conrad Heyser to be lieutenant colonel, Field Artillery.
Harold Preston Kayser to be lieutenant colonel, Infantry.
Basil Dennis Spalding to be lieutenant colonel, Infantry.
Sidney Guthrie Brady to be lieutenant colonel, Field Artillery.
Robert Sherman Barr to be lieutenant colonel, Ordnance Department.
Charles Joseph Herzer to be lieutenant colonel, Coast Artillery Corps.
George Lea Febiger to be lieutenant colonel, Infantry.
George A. Pollin to be lieutenant colonel, Field Artillery.
Claud Edward Stadtman to be lieutenant, Field Artillery.
Arthur Edwin King to be major, Field Artillery.
Aubrey Jefferson Bassett to be major, Infantry.
Frank Amedee Derouin to be major, Infantry.
Gottfried Wells Spoerry to be major, Infantry.
Harry Donnell Ayres to be major, Infantry.
Edwin Uriah Owings Waters to be major, Infantry.
William Ward Wise to be major, Chemical Warfare Service.
Frederick Harold Gaston to be major, Field Artillery.
John James Gorman to be major, Infantry.
Rodney Campbell Jones to be major, Coast Artillery Corps.

APPOINTMENTS IN THE REGULAR ARMY

Leonard Paul Zagelow to be second lieutenant, Medical Administrative Corps.
George Henry Wilson to be second lieutenant, Medical Administrative Corps.
James Wheeler McCormley to be second lieutenant, Medical Administrative Corps.
Ernest William Bye to be second lieutenant, Medical Administrative Corps.
John Valdo Painter to be second lieutenant, Medical Administrative Corps.

PROMOTIONS IN THE NAVY

Joel W. Bunkley to be captain.
Joseph J. Clark to be commander.
Albert M. Bledsoe to be commander.
Corydon H. Kimball to be lieutenant commander.
John W. Davison to be lieutenant.
Warren S. MacLeod to be lieutenant (junior grade).
Jack O. Wheat to be passed assistant paymaster.

MARINE CORPS

Maj. John T. Walker to be lieutenant colonel.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 14, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we pray in the name of Him who has unveiled the secret of Thy purpose for humanity; He is before all things. At His feet we hear the song of hope and breathe the prayer of gratitude. We pray Thee that our daily comfort may be borne of the conviction that Thou art always near. Impress us, our Father in Heaven, that it is ours to make the unknown future brighter, to see the vision and fulfill it. May we so labor, plan, and live as to be an inspiration and a blessing to others. Oh, breathe Thy silent, life-giving power into us that service may be our souls' immortal purpose and our richest achievement. No life is useless, neither is its labor in vain that lightens the burden of another. Do Thou harmonize all true works and workers. Encourage us to walk in Thy way, think Thy thoughts, and let the pure, deep splendor of Thy spirit dwell within us. In our dear Redeemer's name. Amen.

The Journal of the proceedings of Thursday, February 10, 1938, was read and approved.

EXTENSION OF REMARKS

Mr. HAINES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter I received from a constituent and a copy of my reply thereto.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter I received from Secretary of State Hull having to do with national defense and our foreign relations and also the letter that I wrote to Secretary Hull on the same subject.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BOYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement of the honorable Gov. Henry Horner in a petition of the State of Illinois to the National Bituminous Coal Commission.

This statement will be longer than the amount allowed by the rules of the House, and the Government Printing Office estimates the cost at $120.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent that I may have inserted in the RECORD a Lincoln Day address made by myself.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend in the RECORD my own remarks and include therein a short article which I believe will be read with interest by all of the adolescent period.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

KING-MAVERICK RESOLUTION FOR LIMITATION OF ARMAMENT

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I have introduced today an identical resolution with one introduced by Mr. KING in the Senate which calls for a conference on limitation of armament, to be held in the United States of America.

At this time the world is in serious trouble, and I believe the time to have a peace conference or an armament conference is in advance of war and not after war. To forestall death and destruction is much more pleasant than post mortems. [Applause.]

JAPANESE REPLY WAS NOT BELLIGERENT

I may also say that the Japanese reply to our note requesting information on naval vessels was not belligerent. It was rather courteous and showed a willingness to cooperate. The note mentioned the fact they were willing to abolish capital ships used in aggressive warfare.

We had a conference for big-business men.

We had a conference for little-business men and the little-business men's conference was a flop; but with the world in such a terrible situation, let us try, let us not lose hope, and the time to have a limitation or armament conference is now!

SAVE MILLIONS OF LIVES, BILLIONS OF DOLLARS IN PROPERTY, CIVILIZATION ITSELF

We may save millions of lives and billions of dollars in property values, and may save civilization itself.

I ask the support of this House and the American people in carrying out such limitation of armament conference. We can lose nothing, and there is everything to gain. [Applause.]

EXTENSION OF REMARKS—EXPLANATORY INFORMATION

By unanimous consent, I am extending my remarks to include certain explanatory documents. They are (I) the King-Maverick resolution, (II) a full copy of the Japanese note to the United States, and (III) an editorial from the Springfield Republican. They are as follows:

I. KING-MAVERICK RESOLUTION (H. J. RES. 598)

Whereas the increase in world armaments is causing deep concern among the people of all lands and is regarded by them as provocative of international conflicts; and

Whereas such increase imposes heavy burdens of taxation upon the people and every form of industry, and interrupts trade and commerce among nations: Now, therefore, be it

Resolved, etc., That the President of the United States is requested to invite the governments with which the United States has diplomatic relations to appoint representatives to a conference to be held in the city of Washington, which shall be charged with the consideration of the causes and purposes of present military and naval expenditures, and with the formulation of measures by which armaments of war, either upon land or sea or air, shall be effectually reduced and limited in the interest of world peace and the relief of all nations from the burdens of inordinate and unnecessary expenditures for the provision of armaments.

That it is the sense of the Congress, in case an understanding can be reached at such conference, that it will conform its appropriations for military and naval purposes, including building plans, to the terms of such understanding.

II. JAPANESE NOTE, DATED FEBRUARY 12, 1938, SENT TO UNITED STATES, FRANCE, AND ENGLAND

The note from Japan, in full, is as follows:

It may be recalled that at the last London Naval Conference the Japanese Government proposed in earnest their desire to bring about a drastic reduction in naval armament, the total abolition of capital ships and aircraft carriers which are aggressive in their nature, and at the same time contended that qualitative limitation, if unaccompanied by quantitative limitation, would not be calculated to achieve any fair and equitable measure for disarmament.

Unfortunately, the views of the Japanese Government were not shared by your government and other governments concerned. This fundamental principle entertained by the Japanese Government was, as your government will be aware, made clear again last year in their reply to the proposal of your government regarding the limitation of gun calibers. The Japanese Government always were prompted by a spirit of nonmenace and nonaggression and have no intention whatever of possessing armament which would menace other countries.

At this juncture, when as a result of the nonacceptance by other countries of the reasonable desires of Japan in the matter of disarmament, there is as yet in existence no fair disarmament treaty to which Japan is a party, the Japanese Government are of the opinion that mere communication of information concerning the construction of vessels will, in the absence of quantitative limitation, not contribute to any fair and equitable measure of disarmament and regret that they are unable to comply with the desire of your government on this point.

The Japanese Government fail to see any logical reasoning in the assumption on the part of your Government that this Government must be deemed to entertain a scheme for constructing vessels which are not in conformity with the limits provided by the London Treaty of 1936 from the mere fact that they do not dispatch a reply giving the desired information; and they are of the opinion that it is not a matter which should concern this Government if your Government, on the basis of whatever reason or rumor, should exercise the right of escalation provided in any treaty to which Japan is not a party.

Your Government are good enough to intimate that, should the Japanese Government hereafter be prepared to agree to some limitation in respect of the tonnage of vessels and the caliber of guns, they would also be prepared to discuss the matter. The Japanese Government, still holding the firm conviction that qualitative limitation, if not accompanied by quantitative limitation, would by no means contribute to the attainment of any fair and equitable measure of disarmament, cannot but consider that the discussion suggested by your Government would not conduce in any measure to the realization of their desires concerning disarmament.

It is to be added, however, that as the Japanese Government did not fall behind other governments in their ardent desire for disarmament, they will be ready at any moment to enter into any discussions on the matter of disarmament which gives primary importance to a fair, quantitative limitation.

III. EDITORIAL FROM SPRINGFIELD REPUBLICAN CONCERNING PRESENT SITUATION

The following is the editorial dated February 13, 1938, at Springfield, Mass.:

A second opportunity

Japan's formal reply to the request for information on her naval program confirms the most pessimistic expectations on the main point. The refusal, however, is qualified by an expression of willingness to be "ready at any moment to enter into any discussions on the matter of disarmament which gives primary importance to a fair quantitative limitation."

The refusal to give the information desired is regrettable, for it will add to the danger of an intensified arms race. But, at the same time, there is imperative need for a frank facing of the situation at Washington. Admiral Leahy, now the professional head of the Navy, should be recalled as a witness before the House naval committee. He should be asked in what way the interests of the United States would suffer if such a Japanese proposal were agreed to with naval limitations so low as to confine Japan more closely to her sphere and the United States to ours.

Situation should be explored with candor

The answer to that question would throw more light on the problem now before the country than the answer to any question yet asked. It would establish more clearly what is involved in the President's request for a 20-percent increase of the American Navy.

There is cause for apprehension that that increase, if granted by Congress, will lead to greater increases. For this reason, if for no other, the whole situation should be explored with convincing candor. A national decision can then be more intelligently made.

No such thing as absolute security in world

There is, in this world, no such thing as absolute security. To cover a warship with armor, instead of merely limited areas of her hull, would cause her to sink like a stone. Armies and navies can become so big that their costs sink the standard of living, in addition to the dangers they create by inviting reprisals born of the fear instilled in other peoples. Nations, like individuals, must choose between the risks of life.

If it is argued that naval equality on a reduced scale on the opposite sides of the Pacific would endanger the United States, two things should be pointed out. The greater the reduction the greater the inability to conduct offensive operations at a distance. At the same time any reduction would bring the Japanese navy more within range of effective action by the Russian submarine flotilla maintained at Vladivostok.

Courage needed in present aroused state

If it should appear, in the final analysis, that the chief reason for the desired maintenance of the Navy on an enlarged basis above the $550,000,000 it will cost during the coming year is its supposed need for defending the Monroe Doctrine, there will be advantage in that demonstration. We shall know what we are being asked to pay for.

After having refused Japan's demand for naval equality 2 years ago at London, it would take courage, in the aroused state of present feelings, to grant that demand now. But to grant it then on the greatly reduced scale of naval establishments which Japan had suggested seemed the only hope of an escape from the vicious circle of an armament race and the mounting spiral of its costs.

If Japan is ready to take the same position now, the pros and cons deserve the most careful thought that can be given in all their aspects. There may be no third opportunity. The Japanese reply should not be dismissed without further consideration simply because it is not the reply which the United States would find most agreeable.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks by placing in the RECORD a Lincoln Day speech, and also a radio address.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on two different subjects.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a Lincoln Day address delivered by myself.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKS of New Hampshire. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an article which appeared in the February 6 edition of the Boston American, embodying a statement by

Hon. Gov. Francis P. Murphy, of New Hampshire, in the flood-control issue.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein two letters I have received from two delegates to the small-business men's conference, and also a short 10-point program of the National Businessmen's Association.

The SPEAKER. Is there objection?

There was no objection.

Mr. BINDERUP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech delivered by Abraham Lincoln on the monetary question.

The SPEAKER. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to withdraw from the Committee on Military Affairs certain affidavits relating to the bill H. R. 3068.

The SPEAKER. Will the gentleman state whether or not an adverse report has been filed on the bill by the committee?

Mr. GIFFORD. I do not recall that any report has been filed, but I do not think that any bill of this type, granting an honorable discharge to a soldier, has been reported for 2 or 3 years. These affidavits are lying in the committee, and the petitioner would like to have them withdrawn.

The SPEAKER. The Chair asks the gentleman from Massachusetts to withhold his request until he can determine whether or not an adverse report has been filed by the committee. The Chair will be glad to recognize the gentleman later.

Mr. GIFFORD. Very well, Mr. Speaker.

LEAVE TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. SEGER] be permitted to address the House for 15 minutes tomorrow, after the conclusion of the legislative calendar and any special orders that have been heretofore made.

The SPEAKER. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day, and the Chair recognizes the gentleman from Maryland [Mr. PALMISANO], chairman of the Committee on the District of Columbia.

EXTENDING COMPENSATION ACT TO CERTAIN PERSONS IN THE DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I call up the bill (H. R. 7834) to amend the act entitled "An act to provide compensation for disability or death resulting from injuries to employees in certain employments in the District of Columbia, and for other purposes", and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland calls up the bill H. R. 7834 and asks unanimous consent that the bill be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide compensation for disability or death resulting from injuries to employees in certain employments in the District of Columbia, and for other purposes", approved May 17, 1928, be, and the same is hereby, amended by changing the period at the end of subsection (4) of section 2 thereof into a semicolon and adding the following words immediately thereafter: "and (5) any secretary, stenographer, or other person performing any services in the office of any Member of Congress or under the direction, employment, or at the request of any Member of Congress, within the scope of the duties performed by secretaries, stenographers, or such employees of Members of Congress."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WASHINGTON COLLEGE OF LAW

Mr. PALMISANO. Mr. Speaker, I call up House Joint Resolution 582, supplementing and amending the act for the incorporation of Washington College of Law, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia, and ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland calls up House Joint Resolution 582, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the title of the joint resolution.

The Clerk reported the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the certificate of incorporation of Washington College of Law, of Washington, D. C., under chapter 18 of the Code of Laws of the District of Columbia (1929 D. C. Code, title 5, ch. 8) be, and the same is hereby, approved and confirmed, except as herein specifically altered and amended.

SEC. 2. That the management of said corporation shall be vested in a board of trustees consisting of not less than 6 nor more than 11 in number, as determined from time to time by said board of trustees; that Edwin C. Dutton, Mary O'Toole, Bessie Parker Brueggeman, John E. Lasky, Katharine R. Pike, and Harry G. Meem shall act as and constitute the first board of trustees under this act and shall be classified with respect to the time for which they shall severally originally hold office into three equal classes, the first class for the term of 1 year, the second class for the term of 2 years, and the third class for the term of 3 years; the respective original terms of office of any additional trustees shall be such as to equalize said three classes, as far as possible; and the successors to each class of trustees shall severally hold office for the term of 3 years, so that the term of office of one class shall expire annually.

SEC. 3. That the said board of trustees is authorized to (a) make, alter, and repeal bylaws for the management of the said corporation and rules and regulations for the government of the institution and the "schools", faculty, and students thereof; (b) elect as officers of the said corporation a president, a vice president, a treasurer, and a secretary, and such other officers as it may find necessary, for the respective terms and with the respective powers and duties as fixed by the bylaws of the said corporation; (c) remove any trustee when, in its judgment, he shall be found incapable, by age or otherwise, of performing or discharging, or shall neglect or refuse to perform or discharge, the duties of his office; (d) create and establish schools and departments of learning to be connected with and become a part of said institution, and establish such scholastic boards and officers as may be required for academic operation and direction in education; (e) appoint, from time to time, such deans, professors, tutors, and instructors as it may deem necessary, and fix their respective terms, duties, and salaries; and (f) grant and confer degrees.

SEC. 4. The said corporation shall adopt a common seal, under and by which all deeds, diplomas, and acts of the said corporation shall pass and be authenticated, and the same seal at their pleasure to break and alter, or to devise a new one.

SEC. 5. That the income of the said corporation from all sources whatsoever shall be held in the name of Washington College of Law and applied to the maintenance, endowment, promotion, and advancement of the institution, subject to conforming to the express conditions of the donor of any gift, devise, or bequest accepted by the said corporation, with regard to the income therefrom.

SEC. 6. That nothing in this joint resolution contained shall be construed as preventing the Congress from amending, altering, annulling, or repealing the same or any part thereof.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

CHIEF INSPECTOR, HEALTH DEPARTMENT

Mr. PALMISANO. Mr. Speaker, I call up the bill (H. R. 9100) limiting the duties of the Chief Clerk and Chief Inspector of the Health Department of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland calls up the bill H. R. 9100, and asks unanimous consent that it be

considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter neither the chief clerk nor the chief inspector of the Health Department of the District of Columbia shall act as a deputy to the health officer of said District.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

TAX EXEMPTION FOR SOCIETY OF THE CINCINNATI

Mr. PALMISANO. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H. R. 9024) to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia; and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

Mr. BOILEAU. Mr. Speaker, reserving the right to object, I wish the gentleman would explain this bill in more detail and explain the nature of this devise, or legacy in the will that is referred to. What is its nature?

Mr. PALMISANO. A public-spirited citizen willed this property to the Society of the Cincinnati with a proviso that it be tax-exempt. I understand there is another provision that should this property be not tax-exempt to this particular society then it will go to another society or legation that has this exemption.

Mrs. JENCKES of Indiana. Mr. Speaker, will the gentleman yield that I may answer the question of the gentleman from Wisconsin?

Mr. PALMISANO. Mr. Speaker, I yield.

Mrs. JENCKES of Indiana. According to the will of Mr. Anderson, this property is to go to the Society of the Cincinnati. The Society of the Cincinnati is the only patriotic organization in which George Washington participated. It was established by him and the officers of the Revolutionary Army. The Society's membership today numbers about 1,100 scattered throughout the United States.

Mr. and Mrs. Larz Anderson in their travels, while he was Ambassador to Japan and later to Belgium, collected a great many art treasures which are now in this house. The treasures go back also to Revolutionary times. If this property is not tax-exempt the Society of the Cincinnati cannot take on the burden. If it does not go to them it will go either to a tax-exempt educational institution outside of the city of Washington or become the property of a foreign embassy or legation which will not contribute to the taxes of the District.

Mr. BOILEAU. I appreciate the fine work the Society of the Cincinnati has done, that it is deserving of our interest and all of that; and I am perfectly willing that their property should be tax-exempt. I have not been able to find the exact provision in the will to which reference is made.

Mrs. JENCKES of Indiana. It is not in the will. I am sorry my colleague was mistaken when he said it was a provision of the will that this should be tax-exempt. The Society of the Cincinnati has brought out the fact that before they can accept the property it will have to be tax-exempt, for they cannot assume that additional burden.

Mr. BOILEAU. If that is the only reason for the statement that this devise should be tax-exempt, I am willing, so far as I am concerned, to let this bill go by; but in reading the report I got the impression that there was a specific provision in the bill directing that this property should be tax-exempt, no matter who purchased it or acquired it; in other words, that there was some provision in the will specifically stating that this property should be tax-exempt. Under such circumstances, I, for one, would not be willing by unanimous consent to let such a bill pass, because I do not believe in that theory.

Mrs. JENCKES of Indiana. That was an error, either a typographical error or an error of understanding. It was not in the will. I think the gentleman from New York [Mr. FISH] will bear me out in that statement.

Mr. BOILEAU. This property was willed to the Society of the Cincinnati.

Mrs. JENCKES of Indiana. This property was willed to the society without specific conditions.

Mr. BOILEAU. But it says that the acceptance of the gift is contingent upon being granted tax exemption.

Mrs. JENCKES of Indiana. The Society of the Cincinnati itself has brought up the contingency. There are only 1,100 members of this society in the United States. The society has no source of revenue. The S. A. R. Building and the D. A. R. Building and property of other patriotic societies in the United States are exempt.

Mr. BOILEAU. But the distinguished lady sent out a letter to Members of Congress—and I am always glad to read any information she sends to Members—in which she made this statement:

Under the terms of the will of Mr. Larz Anderson, this property must be sold to a legation or embassy, or to an institution, whose property is tax-exempt.

Mrs. JENCKES of Indiana. I am sorry that mistake was in the letter.

Mr. BOILEAU. And the letter goes on to state:

So, under no circumstances will the District of Columbia or Federal Government ever receive any taxes from this property.

Mrs. JENCKES of Indiana. The idea back of that letter was that the District of Columbia would not get the taxes, because, according to the terms of Mr. Anderson's will, the property goes either to an educational institution, a patriotic organization, or a legation or embassy. The only other people in Washington who would have any use for it would be a legation or embassy.

Mr. BOILEAU. What was the purpose of the gentlewoman's statement in her letter to the Members of Congress?—

Under the terms of the will of Mr. Larz Anderson this property must be sold to a legation or embassy, or to an institution, whose property is tax-exempt.

Mrs. JENCKES of Indiana. There was a mistake in that statement.

Mr. BOILEAU. What is the provision in the will?

Mrs. JENCKES of Indiana. The provision in the will is just as I stated in the beginning, the property was left first to the Society of the Cincinnati.

The Society of the Cincinnati brought up the question that it could not meet the taxes. If they refused the deed, then there comes this provision in the will that the property shall be left to an educational institution. All educational institutions are tax exempt every place, not only in the District of Columbia, but in my own town as well, and I think in the gentleman's district. If that fails it would probably be sold to a legation or embassy.

Mr. BOILEAU. Probably or must?

Mrs. JENCKES of Indiana. There is no "must."

Mr. BOILEAU. The lady's letter gave me the wrong impression.

Mrs. JENCKES of Indiana. I am sorry.

Mr. BOILEAU. I want to make my position very clear. I have nothing but the highest regard for the Society of the Cincinnati and for the gentlewoman from Indiana, but I was under the impression from reading the letter, and the report of the committee gave me the same impression, that the will provided it must go to a tax-exempt organization. I would not permit any person under the guise of making a benevolent gift in his will providing that it must go to a tax-exempt organization.

Mrs. JENCKES of Indiana. I will back my colleague in that statement.

Mr. BOILEAU. The lady's assurance is sufficient for me, and I withdraw any objection I may have.

Mr. FISH. Will the gentlewoman yield to me?

Mrs. JENCKES of Indiana. Yes.

Mr. FISH. This bill, if it passes, will permit the Society of the Cincinnati, one of the oldest patriotic societies in America, to have a general headquarters here in Washington. There are very few left in the society and they are the descendants of the officers of the American Revolutionary Army. I am convinced if this bill passes and the Society of the Cincinnati takes over this building, in a very short time it will become one of the greatest patriotic shrines in Washington and in America.

Those of us who happen to be members of the society will give paintings of the officers of the Revolutionary War and other gifts that have to do with the history of our country. It so happens that my grandfather for 50 years was president general of the Society of the Cincinnati. In the last few years I have inherited a vast amount of letters, documents, and books having to do with that society. I have no place to keep them. They do not serve any useful purpose now, as I have to keep them locked up in a safe.

Mr. Speaker, if this bill is passed I will be more than glad, as the executor of that estate, to turn all these letters, books, and historical documents, and everything else that has to do with the Society of the Cincinnati over to the national headquarters of the society when established at the Anderson house. I believe in a short time it will be opened to the public. Is that right?

Mrs. JENCKES of Indiana. It will be a public museum.

Mr. FISH. It will be a public museum, and in a very short time it will become one of the greatest patriotic shrines in our country. I therefore hope the bill will be passed without opposition.

The SPEAKER. The Chair feels there may be some misunderstanding about the matter now pending. The gentleman from Maryland [Mr. PALMISANO] asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection to the request?

Mr. HOOK. Mr. Speaker, reserving the right to object, in order to ask one question. Is there anything that would prevent this or any other society or person that may obtain title to this property from using it for commercial purposes if they are tax exempt?

Mr. PALMISANO. There are no charges to be made and once the property goes back to private business naturally it would be taxed. This is not an exemption of the property. It is only an exemption of this society as long as it operates the property as a museum.

Mr. HOOK. As long as it is not used for commercial purposes.

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. PALMISANO]?

Mr. GIFFORD. Mr. Speaker, reserving the right to object, may I ask, is this a corporation and will the property be owned by individual shareholders?

Mrs. JENCKES of Indiana. This is an organization just the same as the S. A. R. and the D. A. R. It is a patriotic group of citizens who are preserving the legends of our country.

Mr. GIFFORD. The report indicates very little. If the property was sold or should later be gotten rid of, would any shareholder profit by the ownership?

Mrs. JENCKES of Indiana. I would say "no." It is a corporation, but there is no capital stock.

Mr. GIFFORD. There is nothing in the report that shows under what conditions the gift was made.

Mr. PALMISANO. May I read the bill?

Mr. GIFFORD. I have read it.

Mrs. ROGERS of Massachusetts. I am sure that the Society of the Cincinnati will always keep it in their possession. The membership descends from generation to generation. My husband was a member of the Society of the Cincinnati and I know that society would never let it go. The members all feel that membership is a very precious inheritance. It would always be kept as a shrine, as was the intent of Mr. Larz Anderson.

Mr. GIFFORD. Of course, I have read the report.

Mr. PALMISANO. I do not know whether the gentleman read the bill or not.

Mr. GIFFORD. I was asked to offer an amendment to the bill to include a similar organization; that is, an organization that has for its object similar purposes. I realize it would probably not be germane, but I did promise to find out exactly whether or not in the final disposition of this property any shareholder might profit thereby. The report of the committee does not contain this information.

Mr. PALMISANO. I may say that the last paragraph of the bill reads as follows:

> Which museum shall be accessible to the public at such reasonable hours and under such regulations as may, from time to time, be prescribed by said society, and subject to the further proviso that if any part of said property is sold, then the exemption as to said part and said part only shall determine, and if any part of said property is leased, then the exemption shall cease for so long and so long only as said part is so leased.

Mr. GIFFORD. Exactly. That implies that sometime the exemption might be taken away because someone did profit by it. A delicate question is involved here. Some others are watching this bill. I have asked the gentleman, if they find they cannot support that otherwise, cannot a fee be charged for entrance? It is not contemplated, but would the exemption then be taken away, or if a dining room were installed or some kind of a cafeteria were put into operation, or the slightest business carried on?

Mr. PALMISANO. It would seem to me that particular phase of it would be taxed.

Mr. GIFFORD. It would seem so, but the bill does not so state.

Mr. PALMISANO. The part of the bill I just read so states.

Mr. GIFFORD. The bill and this brief report have caused several others to believe they ought to be included. I want to bring out in this short debate why they cannot be included, and this is the reason for my query.

Mr. PALMISANO. I believe whenever a bill is introduced in behalf of a particular organization, the particular question involved ought to be considered separately. I do not believe it ought to be included in this bill.

Mr. GIFFORD. The fact that exemptions may be taken away implies that they could do certain things for which they would suffer that penalty, so it seem to me there is something back of it somewhere by which somebody might be profited, and might use the property, by suffering the taking away of the exemption later, for carrying on some sort of business.

Mr. PALMISANO. That would be up to the society. If they attempted to commercialize the proposition, then they would suffer such a penalty.

The SPEAKER. Is there objection to the request of the gentleman from Maryland that the bill be considered in the House as in Committee of the Whole?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That title 20 of the Code of the District of Columbia (to March 4, 1921) be amended by adding to such title a paragraph numbered ( ) as follows:

"The property situated in square No. 67, in the city of Washington, D. C., described as lot No. 42, as per plat recorded in the office of the surveyor for the District of Columbia in liber 27 at folio 135; lot No. 43, as per plat recorded in said surveyor's office in liber 28 at folio 25; lot No. 49, as per plat recorded in said surveyor's office in liber 40 at folio 15; and part of original lot No. 5 described as follows: Beginning for the same at the northeast corner of said lot and running thence west along the south line of a public alley 30 feet wide 47.17 feet to the east line of another public alley, 30 feet wide; thence south along the east line of said alley 74 feet; thence east 47.17 feet to the west line of a public alley, 15 feet wide; thence north along the west line of said alley 74 feet to the place of beginning, occupied by the Society of the Cincinnati, a corporation of the District of Columbia, with all the buildings and improvements thereon, and the contents thereof are hereby exempt from all taxes so long as the same is so occupied and used, subject to the provisions of section 712 of this title, providing for the exemption of church and school property, subject to the proviso that said society shall maintain therein a national museum for the custody and preservation of historical documents, relics, and archives, especially those pertaining to the American Revolution, which museum shall be accessible to the public at such reasonable hours and under such regulations as may, from time to time, be prescribed by said society; and subject to the further proviso that if any part of said property is sold, then the exemption as to said

part and said part only shall determine and if any part of said property is leased then the exemption shall cease for so long and so long only as said part is so leased. This exemption to become effective on the date of the passage of this act."

Mr. DIRKSEN. Mr. Speaker, I move to strike out the last word, and ask unanimous consent to proceed out of order.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, since this matter of tax exemption has come up, may I call attention to a kindred matter.

I desire to address myself particularly to those Members of Congress who come from the great land-locked empire of the Central West and to point out to them the importance of a bill that was introduced by Representative FORD of California, the companion bill to another measure which is now being urged by a member of another body and on which hearings are being held. The Ford bill bears the number H. R. 8547 and provides for an amendment to the Panama Canal Act to the effect that "no tolls shall be levied upon vessels engaged in the intercoastal trade of the United States." Perhaps this measure has escaped your attention and if so, you should at once give the matter some real thought because its implications are far-reaching and of tremendous import to the people, the industries, and the shippers of the inland empire.

I was under the impression that the Panama Canal belonged to all of the people of the United States and not merely to those who reside along the balmy shores of the Pacific or the rugged coasts of the Atlantic but perhaps this is a mere delusion. I was of the opinion that the $400,000,000 which went into the construction of the Panama Canal was coaxed from the pockets of all the people of the United States in the form of public revenues and not merely from Hollywoodians of California or the paved-street dwellers of the Atlantic seaboard, but perhaps this is an hallucination. It occurs to me that the $106,000,000 interest charge occasioned by the building of the Panama Canal fell with equal burden upon all the people of the United States and not merely upon the residents of the sun-kissed slopes of the Pacific or the rock-bound reaches of the Atlantic, but perhaps this too is a mere fancy. I have been of the opinion that the $195,105,000 maintenance cost of the Panama Canal from 1914 to 1937 was paid from revenues that had been gathered by assiduous Federal tax collectors from all of the citizens of this country instead of the favored few within the shadow of the Pacific or within the sound of the Atlantic's wild roar but perhaps this is just a whimsy of mine.

Perhaps I am mistaken. Perhaps I have been mistaken since that day when the burly Theodore Shontz and the mild-mannered Surg. Gen. William Crawford Gorgas and the capable Col. George W. Goethals made history in the swamps of Panama. I even cherished the singular idea that the people of such States as Illinois, who pay more Federal taxes into the coffers of Uncle Sam than a great many of these coastal States combined, uncomplainingly paid a greater proportionate share of the cost and maintenance of the Panama Canal than the States which now receive the benefits, but perhaps that, too, is an idle caprice of mine.

Apparently this Canal belongs to the people who live in the sunny clime of the Golden Bear State and among the fragrant apple blossoms of Oregon and Washington. Apparently it belongs to the rugged individualists of New England and the good-natured folks of the South Atlantic, for here is a bill which, if adopted, will remove the 90-cents per ton toll on laden vessels and the 72-cents per ton toll on vessels in ballast and make free to their commerce a canal that was paid for in large part by all of the people, the industries, the shippers, and the large and small merchants of that great block of inland States that constitute the very heart of this country.

What an achievement for the sponsor of this bill if it should ever be adopted. He can justly proclaim that, single-handed, he accomplished that which all the navies of all the nations of the earth could not accomplish—the capture of the Panama Canal for the industries and shippers of the Atlantic and Pacific seaboard. This feat should constitute laurels enough for a lifetime.

But where does it leave the Central West, the people of the Great Plains States and the Mississippi Valley who must depend on rail transportation which is at a terrible disadvantage with water-borne commerce through the Panama Canal because of artificial restrictions imposed upon rail carriers by the Interstate Commerce Commission? How could the inland shippers and factories ever compete with their more favored competitors on the Pacific and Atlantic seaboard? If this bill were ever enacted, the markets for the inland producers would be shrunk overnight. It would mean the transposition of industries from the land-locked Middle West to locations in the East and West where these free canal facilities would be available. It would mean the gradual disemployment of many Midwestern workers and an aggravation of the already acute unemployment problem. It would mean a gradual recession in property and land values in many inland States. It would mean that the very canal which became a reality because the people of the inland States were generously taxed to make it a reality would be used to destroy their markets, their jobs, and their property values. What an accomplishment that would be for one man. Hercules could have done no better.

I warn you Members from the Central States that this innocuous five-line bill is no idle threat. Hearings have been in progress in the other body. It is being pushed with vigor and enthusiasm. In a moment when alertness has succumbed to apathy, we may find it reposing in the Committee on Merchant Marine and Fisheries of the House, already approved by another body. The time to investigate the tremendous effect that this measure would have upon the inland area of the United States and its people is now, and once you have examined it you will need no urging from me to persuade you of its catastrophic effects upon the millions in the Central West who were taxed to build the canal.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. PALMISANO. Mr. Speaker, this completes the business of the Committee on the District of Columbia.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a bill I am introducing today, together with statements, excerpts, and speeches made by the President of the United States and others.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MANSFIELD, Mr. SCHULTE, and Mr. STACK asked and were given permission to extend their own remarks in the RECORD.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks I made this morning, and to include therein a short editorial from the Springfield Republican, of Springfield, Mass.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OF THE FEDERAL TRADE COMMISSION ACT

Mr. LEA. Mr. Speaker, I call up the conference report on the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House, insert the following:

"That section 1 of the Act entitled 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914, as amended (U. S. C., 1934 ed., title 15, sec. 41), is hereby amended by inserting before the period at the end of the third sentence thereof a colon and the following: '*Provided, however*, That upon the expiration of his term of office a Commissioner shall continue to serve until his successor shall have been appointed and shall have qualified.'

"SEC. 2. Section 4 of such Act, as amended (U. S. C., 1934 ed., title 15, sec. 44), is hereby amended to read as follows:

"'SEC. 4. The words, defined in this section shall have the following meaning when found in this Act, to wit:

"'"Commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

"'"Corporation" shall be deemed to include any company, trust, so-called Massachusetts trust, or association, incorporated or unincorporated, which is organized to carry on business for its own profit or that of its members, and has shares of capital or capital stock or certificates of interest, and any company, trust, so-called Massachusetts trust, or association, incorporated or unincorporated, without shares of capital or capital stock or certificates of interest, except partnerships, which is organized to carry on business for its own profit or that of its members.

"'"Documentary evidence" includes all documents, papers, correspondence, books of account, and financial and corporate records.

"'"Acts to regulate commerce" means the Act entitled "An Act to regulate commerce", approved February 14, 1887, and all Acts amendatory thereof and supplementary thereto and the Communications Act of 1934 and all Acts amendatory thereof and supplementary thereto.

"'"Antitrust Acts" means the Act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890; also sections 73 to 77, inclusive, of an Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894; also the Act entitled "An Act to amend sections 73 and 76 of the Act of August 27, 1894, entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes'", approved February 12, 1913; and also the Act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914.'"

"SEC. 3. Section 5 of such Act, as amended (U. S. C., 1934 ed., title 15, sec. 45), is hereby amended to read as follows:

"'SEC. 5. (a) Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are hereby declared unlawful.

"'The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, common carriers subject to the Acts to regulate commerce, and persons, partnerships, or corporations subject to the Packers and Stockyards Act, 1921, except as provided in section 406 (b) of said Act, from using unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce.

"'(b) Whenever the Commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition or unfair or deceptive act or practice in commerce, and if it shall appear to the Commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect and containing a notice of a hearing upon a day and at a place therein fixed at least thirty days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the Commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the Commission to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the Commission. If upon such hearing the Commission shall be of the opinion that the method of competition or the act or practice in question is prohibited by this Act, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition or such act or practice. Until the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, or, if a petition for review has been filed within such time then until the transcript of the record in the proceeding has been filed in a circuit court of appeals of the United States, as hereinafter provided, the Commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section. After the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time, the Commission may at any time, after notice and opportunity for hearing, reopen and alter, modify, or set aside, in whole or in part, any report or order made or issued by it under this section, whenever in the opinion of the Commission conditions of fact or of law have so changed as to require such action or if the public interest shall so require: *Provided, however*, That the said person, partnership, or corporation may, within sixty days after service upon him or it of said report or order entered after such a reopening, obtain a review thereof in the appropriate circuit court of appeals of the United States, in the manner provided in subsection (c) of this section.

"'(c) Any person, partnership, or corporation required by an order of the Commission to cease and desist from using any method of competition or act or practice may obtain a review of such order in the circuit court of appeals of the United States, within any circuit where the method of competition or the act or practice in question was used or where such person, partnership, or corporation resides or carries on business, by filing in the court, within sixty days from the date of the service of such order, a written petition praying that the order of the Commission be set aside. A copy of such petition shall be forthwith served upon the Commission, and thereupon the Commission forthwith shall certify and file in the court a transcript of the entire record in the proceeding, including all the evidence taken and the report and order of the Commission. Upon such filing of the petition and transcript the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, evidence, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the Commission, and enforcing the same to the extent that such order is affirmed, and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public or to competitors pendente lite. The findings of the Commission as to the facts, if supported by evidence, shall be conclusive. To the extent that the order of the Commission is affirmed, the court shall thereupon issue its own order commanding obedience to the terms of such order of the Commission. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

"'(d) The jurisdiction of the circuit court of appeals of the United States to affirm, enforce, modify, or set aside orders of the Commission shall be exclusive.

"'(e) Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the Commission or judgment of court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation from any liability under the Antitrust Acts.

"'(f) Complaints, orders, and other processes of the Commission under this section may be served by anyone duly authorized by the Commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the residence or the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same.

"'(g) An order of the Commission to cease and desist shall become final—

"'(1) Upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; but the commission may thereafter modify or set aside its order to the extent provided in the last sentence of subsection (b); or

"'(2) Upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review dismissed by the circuit court of appeals, and no petition for certiorari has been duly filed; or

"'(3) Upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review dismissed by the circuit court of appeals; or

"'(4) Upon the expiration of thirty days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Commission be affirmed or the petition for review dismissed.

"'(h) If the Supreme Court directs that the order of the Commission be modified or set aside, the order of the Commission rendered in accordance with the mandate of the Supreme Court shall become final upon the expiration of thirty days from the time it was rendered, unless within such thirty days either party has instituted proceedings to have such order corrected to accord with the mandate, in which event the order of the Commission shall become final when so corrected.

"'(i) If the order of the Commission is modified or set aside by the circuit court of appeals, and if (1) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered in accordance with the mandate of the circuit court of appeals shall become final on the expiration of thirty days from the time such order of the Commission was rendered, unless within such thirty days either party has instituted proceedings to have such order corrected so that it will accord with the mandate, in which event the order of the Commission shall become final when so corrected.

"'(j) If the Supreme Court orders a rehearing; or if the case is remanded by the circuit court of appeals to the Commission for a rehearing, and if (1) the time allowed for filing a petition for certiorari has expired, and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered upon such rehearing shall become final in the same manner as though no prior order of the Commission had been rendered.

"'(k) As used in this section the term "mandate", in case a mandate has been recalled prior to the expiration of thirty days from the date of issuance thereof, means the final mandate.

"'(l) Any person, partnership, or corporation who violates an order of the Commission to cease and desist after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $5,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the United States.'

"SEC. 4. Such Act is further amended by adding at the end thereof new sections to read as follows:

"'SEC. 12. (a) It shall be unlawful for any person, partnership, or corporation to disseminate, or cause to be disseminated, any false advertisement—

"'(1) By United States mails, or in commerce by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of food, drugs, devices, or cosmetics; or

"'(2) By any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce of food, drugs, devices, or cosmetics.

"'(b) The dissemination or the causing to be disseminated of any false advertisement within the provisions of subsection (a) of this section shall be an unfair or deceptive act or practice in commerce within the meaning of section 5.

"'SEC. 13. (a) Whenever the Commission has reason to believe—

"'(1) that any person, partnership, or corporation is engaged in, or is about to engage in, the dissemination or the causing of the dissemination of any advertisement in violation of section 12, and

"'(2) that the enjoining thereof pending the issuance of a complaint by the Commission under section 5, and until such complaint is dismissed by the Commission or set aside by the court on review, or the order of the Commission to cease and desist made thereon has become final within the meaning of section 5, would be to the interest of the public,

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States or in the United States court of any Territory, to enjoin the dissemination or the causing of the dissemination of such advertisement. Upon proper showing a temporary injunction or restraining order shall be granted without bond. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business.

"'(b) Whenever it appears to the satisfaction of the court in the case of a newspaper, magazine, periodical, or other publication, published at regular intervals—

"'(1) that restraining the dissemination of a false advertisement in any particular issue of such publication would delay the delivery of such issue after the regular time therefor, and

"'(2) that such delay would be due to the method by which the manufacture and distribution of such publication is customarily conducted by the publisher in accordance with sound business practice, and not to any method or device adopted for the evasion of this section or to prevent or delay the issuance of an injunction or restraining order with respect to such false advertisement or any other advertisement,

the court shall exclude such issue from the operation of the restraining order or injunction.

"'SEC. 14. (a) Any person, partnership, or corporation who violates any provision of section 12 (a) shall, if the use of the commodity advertised may be injurious to health because of results from such use under the conditions prescribed in the advertisement thereof, or under such conditions as are customary or usual, or if such violation is with intent to defraud or mislead, be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $5,000 or by imprisonment for not more than six months, or by both such fine and imprisonment; except that if the conviction is for a violation committed after a first conviction of such person, partnership, or corporation, for any violation of such section, punishment shall be by a fine of not more than $10,000 or by imprisonment for not more than one year, or by both such fine and imprisonment: *Provided*, That for the purposes of this section meats and meat food products duly inspected, marked, and labeled in accordance with rules and regulations issued under the Meat Inspection Act approved March 4, 1907, as amended, shall be conclusively presumed not injurious to health at the time the same leave official "establishments."

"'(b) No publisher, radio-broadcast licensee, or agency or medium for the dissemination of advertising, except the manufacturer, packer, distributor, or seller of the commodity to which the false advertisement relates, shall be liable under this section by reason of the dissemination by him of any false advertisement, unless he has refused, on the request of the Commission, to furnish the Commission the name and post-office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in the United States, who caused him to disseminate such advertisement. No advertising agency shall be liable under this section by reason of the causing by it of the dissemination of any false advertisement, unless it has refused, on the request of the Commission, to furnish the Commission the name and post-office address of the manufacturer, packer, distributor, or seller, residing in the United States, who caused it to cause the dissemination of such advertisement.

"'SEC. 15. For the purposes of sections 12, 13, and 14—

"'(a) The term "false advertisement" means an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates under the conditions prescribed in said advertisement, or under such conditions as are customary or usual. No advertisement of a drug shall be deemed to be false if it is disseminated only to members of the medical profession, contains no false representation of a material fact, and includes, or is accompanied in each instance by truthful disclosure of, the formula showing quantitatively each ingredient of such drug.

"'(b) The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

"'(c) The term "drug" means (1) articles recognized in the official United States Pharmacopœia, official Homœopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

"'(d) The term "device" (except when used in subsection (a) of this section) means instruments, apparatus, and contrivances, including their parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

"'(e) The term "cosmetic" means (1) articles to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof intended for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such article; except that such term shall not include soap.

"'SEC. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (l) of section 5, it shall certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection.

"'SEC. 17. If any provision of this Act, or the application thereof to any person, partnership, corporation, or circumstance, is held invalid, the remainder of the Act and the application of such provision to any other person, partnership, corporation, or circumstance, shall not be affected thereby.

"'SEC. 18. This Act may be cited as the "Federal Trade Commission Act".'

"SEC. 5. (a) In case of an order by the Federal Trade Commission to cease and desist, served on or before the date of the enactment of this Act, the sixty-day period referred to in section 5 (c) of the Federal Trade Commission Act, as amended by this Act, shall begin on the date of the enactment of this Act.

"(b) Section 14 of the Federal Trade Commission Act, added to such Act by section 4 of this Act, shall take effect on the expiration of sixty days after the date of the enactment of this Act."

And the House agree to the same.

CLARENCE F. LEA,
VIRGIL CHAPMAN,
HERRON PEARSON,
CHAS. A. WOLVERTON,
CARROLL REECE,
Managers on the part of the House.

BURTON K. WHEELER,
ROBERT F. WAGNER,
JAMES J. DAVIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the Houses on the bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The conference agreement retains all of the provisions of the House amendment with certain minor exceptions, which will be explained hereafter, and in addition has retained the provisions of sections 1, 5, and 6 of the Senate bill.

Section 1 of the Senate bill contained several amendments to section 4 of the present Federal Trade Commission Act. Said amendments dealt solely with definitions, including "commerce", "corporation", "documentary evidence", "acts to regulate commerce", and "antitrust acts." No comparable provisions were contained in the House amendment. The conference agreement retains these provisions of the Senate bill.

Section 5 of the Senate bill contained an amendment to section 1 of the present Federal Trade Commission Act providing "That upon the expiration of his term of office a Commissioner shall continue to serve until his successor shall have been appointed and shall have qualified." No comparable provision was contained in the House amendment. The conference agreement retains this provision of the Senate bill.

Section 6 of the Senate bill contained the usual separability clause that if any part of the act or the application thereof to any person or circumstance be held invalid the remainder of the act and the application of such part to other persons or circumstances shall not be affected thereby. An identical provision was contained in the new section 17 of the Federal Trade Commission Act in section 2 of the House amendment. The conference agreement eliminates this provision in the Senate bill and retains it in the House amendment.

Section 2 of the Senate bill was the same in substance as section 1 of the House amendment with respect to declaring unlawful "unfair or deceptive acts or practices in commerce." Section 2 of the Senate bill also provided that cease and desist orders of the Commission should become final within 60 days after issuance against any person not seeking court review of such orders within that period. The House amendment to the same effect is more definite and certain and is similar to that found in the Revenue Act of 1926, fixing the time when orders of the Board of Tax Appeals become final. Section 2 of the Senate bill also provided a civil penalty of $500 for each failure to obey the Commission's cease and desist order after the same became final and conclusive and while the same was in effect, with a further penalty of $25 for each day such violation continued. The House amendment provided a civil penalty of not more than $5,000 for each such violation of the Commission's cease-and-desist orders. The conference agreement adopts section 1 of the House amendment.

Section 2 of the House amendment contained provisions dealing with the false advertisement of food, drugs, devices, and cosmetics. This section added new sections 12 to 18, inclusive, to the present Federal Trade Commission Act. There were no similar provisions in the Senate bill. Section 4 of the conference report retains the provisions of the House amendment, with certain modifications. The new section 14 (a), as added by the House amendment, provided penalties for the violation of the new section 12 if the use of the commodity advertised may be injurious to health because of results from such use. The conference agreement provides penalties for the violation of the new section 12 (a), instead of the new section 12. This is not a change in substance, but to make the reference more accurate. The conference agreement restricts the penalties under this section to those cases where the injury may result from the use of the commodity "under the conditions prescribed in the advertisement thereof or under such conditions as are customary or usual." These words clearly include cases where injury may result from the use of the commodity as recommended in the advertisement or where it is used under customary or usual conditions. The section does not contemplate penalization in those cases where the use is not as recommended and is not under usual or customary conditions. It is not intended to extend to cases where there might be injurious results merely because of reactions of consumers due to their peculiar idiosyncrasies or allergic conditions. A similar modifying provision containing the same subject matter is added by the conference agreement to the definition of false advertisement in the new section 15 (a) as approved by the House.

The new section 14 (a), in section 2 of the House amendment, exempted from its provisions products duly marked and labeled in accordance with rules and regulations issued under the Meat Inspection Act, as amended. The conference agreement eliminates such exempting language and substitutes in lieu thereof a provision that for the purposes of this section meats and meat-food products duly inspected, marked, and labeled in accordance with rules and regulations issued under the Meat Inspection Act shall be conclusively presumed not injurious to health at the time the same leave official "establishments."

The new section 15 (a), in section 2 of the House amendment, relating to the definition of the term "false advertisement," contained a provision that if, at the time of the dissemination of an advertisement, there existed a substantial difference of opinion among experts as to the truth of a representation, the advertisement should not be considered misleading on account of such representation if it stated clearly and prominently the fact of such difference of opinion. There was no similar provision in the Senate bill. After consideration in conference the House conferees concluded that this language was unnecessary for the purposes of the legislation, and the conference agreement eliminates this provision from the House amendment.

The new section 15 (e), in section 2 of the House amendment, defined the term "cosmetic" as meaning "(1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance," etc. The conference agreement strikes out the word "intended" after the word "articles" in this definition and inserts said word after the word "thereof."

CLARENCE F. LEA,
VIRGIL CHAPMAN,
HERRON PEARSON,
CHAS. A. WOLVERTON,
CARROLL REECE,
Managers on the part of the House.

The conference report was agreed to.

EXTENSION OF REMARKS

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including two letters I have written to my constituents.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. O'NEILL of New Jersey. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from New York [Mr. BARRY] may be permitted to extend his own remarks in the RECORD and include therein a copy of a radio address, Lincoln—An Analysis, by William D. Bosler.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

OBLIGATIONS OF THE RECONSTRUCTION FINANCE CORPORATION

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill, H. R. 9379, to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes.

The Clerk read the title of the bill.

Mr. SNELL. Reserving the right to object, Mr. Speaker, it seems to me this is a rather far-reaching bill. I did not know the bill was coming up today. I have reserved the right to object in order that I may consult with a member of the committee, the gentleman from Michigan [Mr. WOLCOTT] regarding this matter.

Mr. GIFFORD. Reserving the right to object, Mr. Speaker, we could hardly hear the title of the bill as read. As I understand, this is a bill giving the Treasury the power to appropriate at any time to keep the capital stock of the Corporation——

Mr. STEAGALL. No. This bill provides for the transfer to the Treasury of accounts of the Reconstruction Finance Corporation insofar as they represent contributions by the Corporation to the capital stock of other corporations and contributions to relief measures, which stand in a category separate and apart from the ordinary business transactions of the Reconstruction Finance Corporation. This is purely a bookkeeping proposition, I am sure the gentleman will agree.

Mr. GIFFORD. Will the gentleman grant us a reasonable length of time to discuss the bill?

Mr. SNELL. Reserving the right to object, Mr. Speaker, it seems to me this bill is important enough that we should

have a little notice in advance of bringing it up for consideration. There are several Members on this side who want time to discuss the bill. I believe it would be better if the gentleman would withdraw his request for the present and bring the bill up at another time. We will not object to the gentleman's bringing it up at some time in the future, if he will tell us when he expects to do so. We should like to have a little notice before the bill is brought up. This is a far-reaching bill, and it is important enough that it should not be sprung on us without our knowing anything about it.

Mr. STEAGALL. I may say to the gentleman that if he will consult the minority members of the Banking and Currency Committee they will all substantiate the statement I have made, and I am sure the gentleman from Massachusetts [Mr. GIFFORD] will now agree that this is only a bookkeeping transaction between the Treasury and the Reconstruction Finance Corporation to which no one in the world would object.

Mr. SNELL. I think that statement is probably correct, but I understand from the members of the committee they did not know the matter was going to be brought up at this time.

Mr. STEAGALL. I tried to get word to every member of the committee this morning.

Mr. SNELL. I appreciate that, but it was not expected to be called up, and I think the gentleman should give a day's notice, and then we shall not object.

Mr. RAYBURN. Mr. Speaker, if the gentleman will permit, I may say to the gentleman from Alabama that if the request I am going to make is granted, to have the call of committees tomorrow instead of waiting until Wednesday—and I may say I have discussed this with the minority leader—we will call only one committee tomorrow, in my opinion. This may not take all of the day, and perhaps it will be agreeable to the Speaker to recognize the gentleman from Alabama tomorrow, and if it were also agreeable to the gentleman from New York, we could probably consider the measure tomorrow.

Mr. STEAGALL. That would be entirely satisfactory.

Mr. SNELL. I think that would be better.

Mr. STEAGALL. Let me suggest to the gentleman from New York that we have two bills and, perhaps, we may pass this first bill, about which there certainly cannot be any controversy, and let the other bill be taken up tomorrow, with the understanding that gentlemen will have opportunity to discuss it.

Mr. GIFFORD. Mr. Speaker, further reserving the right to object, I want at least 8 minutes on this bill.

Mr. STEAGALL. I have not the slightest objection to the gentleman having the time and would be pleased for him to have it.

The SPEAKER. Does the gentleman from Alabama withdraw his request?

Mr. SNELL. Mr. Speaker, I wish the gentleman from Alabama would let both bills go over until tomorrow.

Mr. STEAGALL. Very well. I withdraw the request, Mr. Speaker.

CALENDAR WEDNESDAY BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that business in order on Wednesday of this week may be in order to be considered on tomorrow, Tuesday.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, it is my understanding that because of the conversation which we have had, it is the intention of the gentleman from Alabama [Mr. STEAGALL] to bring up the two banking bills which have been referred to here on tomorrow?

Mr. RAYBURN. We intend to call only one committee tomorrow, and it is hoped they will get through in time so that we may take up these matters.

Mr. WOLCOTT. The Banking and Currency Committee will be called out of order?

Mr. RAYBURN. The Speaker can recognize the gentleman from Alabama, as he did today, to submit the unanimous-consent request.

Mr. WOLCOTT. And we will be given an opportunity to debate these bills tomorrow?

Mr. RAYBURN. Yes.

Mr. WOLCOTT. And we will not be confined to the rules that usually prevail on Calendar Wednesday as to bills on the calendar?

Mr. RAYBURN. No; it will be a matter of unanimous consent and the bills will be considered under the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

Mr. NICHOLS. Mr. Speaker, I rise to advise the House that our colleague the gentleman from Minnesota, Mr. RYAN, has lost his wife, and by reason of her death I ask unanimous consent that the gentleman from Minnesota may have leave of absence from the House for 1 week.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, if I may ask the gentleman from Texas a further question, as I understand, if we have Calendar Wednesday business tomorrow, there will not be any private bills called up tomorrow?

Mr. RAYBURN. No.

Mr. BACON. Mr. Speaker, will the gentleman from Texas yield?

Mr. RAYBURN. Yes.

Mr. BACON. Is it the intention to take up the relief bill on Wednesday?

Mr. RAYBURN. That is correct.

EXTENSION OF REMARKS

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of peace and to include therein excerpts from a speech by Abraham Lincoln made when he was a Member of this House.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The Chair cannot recognize the gentleman from Pennsylvania for that purpose, as there are three special orders for today.

Mr. RICH. Mr. Speaker, I was under the impression the House was about ready to adjourn, and I did not know of the special orders.

I ask unanimous consent, Mr. Speaker, that I may proceed for 10 minutes following the special orders for today.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. Under the special order of the House heretofore made, the gentleman from Indiana [Mr. GRAY] is recognized for 20 minutes.

THE CAUSE OF THE 1937 DEPRESSION AND THE REMEDY

Mr. GRAY of Indiana. Mr. Speaker, the failure to realize the power of money in industry has resulted from money being considered as an agency separate and apart from our economic or industrial system, and its vital and intimate relations in the conduct and working operations of our organized system of industry.

MONEY A VITAL PART OF INDUSTRY

Money is as vital in our industrial system as production, distribution, or consumption. Money was developed along with industry, and the movements and operations of money cannot be considered, analyzed, or explained separate and apart from industrial operations any more than the engine or the motor can be considered separate and apart from the automobile.

Our organized industrial system has been built upon, or founded upon, the facilities and agencies of money serving as a means or measure of a value, and for the exchange of

services and the products of labor, and any disturbance of the money functions of industry will shake or disrupt the whole industrial structure.

If our currency agencies and facilities upon which the industrial system was built is left exposed to the private money profiteers for selfish profit, gain, and advantage, the industrial building will be undermined like the house built upon the sands when the winds come and the rains descend.

It was the invention of money that made modern industry possible, and without the use of money for exchange there could have been no progress in industry. Men would have remained in the caves, advancing no further than the Stone Age, rising little above natural impulse or instinct and the common level of animal life.

It was money that has enabled men to exchange their services and what they produced for other services and what others produced, to specialize in one certain line of industry, and thereby to produce more and better of all the comforts and conveniences of life, enabling them to enjoy the services and products of other men, as well as of their own skill and labor.

We could do away with the railroads, with the telegraph, telephone, and mail service, we could junk the automatic machine in every factory, do away with gas, steam, and electric motor power and return men back to work by hand, and industry would survive the ordeal, and production and consumption would go on. But do away with money, the means of exchange, in all its forms and functions, and the social and industrial order, and all modern industry will perish. And men will be driven back to live again in the caverns and caves of the earth, each left to produce as a jack of all trades and a master of none, and all to return to crude and primitive life.

Money is the means of maintaining an even balance between industrial production and consumption, and alone facilitates and makes possible the distribution of consumable goods for use and without such industrial balance or equilibrium the wheels would clog on their bearings and the whirling shafts and pulleys of machines would falter, slow down, and stand still.

Too much money in circulation makes a boom in business, too little money in circulation makes an industrial panic or depression, and a total want or failure of money would not only retard and slow down industry, but would destroy all industrial enterprise.

INCOME FOLLOWS UP WITH THE MONEY SUPPLY

While volumes would be required to explain and verify the operations of economic laws which enter into the particular causes bringing on the 1937 depression, many of which I have already considered in my former remarks here, I must at this time be content to emphasize one only for the purpose of making this explanation.

It is an infallible and immutable law of monetary movements and economic operations, and recognized as certain and positive in science, that commodity values and the general price level follows the volume and relative supply of money, rising as the relative money supply rises or increases and falling as such relative supply decreases or falls.

THE LAW OF ATTRACTION AND GRAVITATION

Under this monetary and economic law, commodity values and the general price level follows up with the increasing money supply and follows down with the volume of money decreasing, like the tide rises and follows the moon under the law of attraction and gravitation in its course across the expanse of the ocean, and falling again as the moon disappears beneath the horizon.

And it is no less fundamental in economic science that the price level following up and down with the relative supply of money, earnings and income, and the buying and consuming power, are carried on the same rising and ebbing tide, rising with an increase of the money supply and falling with a want and scarcity of money.

EMPLOYMENT FOLLOWS THE INCREASE OF MONEY

And employment, the economic counterpart of industry, follows no less with the rising and falling movements of money along with prices, values, earnings, and consuming power in the industrial march, rise or decline, and with such even and parallel course as to make an increase of money or employment a measure for the increase of the other.

THE NATIONAL INCOME FOLLOWS THE INCREASE OF MONEY

The law of monetary attraction of gravitation with the rising supply of currency and credit pulling or drawing commodity values and the price level can probably be shown best, illustrated and proven, by the rise and fall of the national income, which is a multiple or sum total of individual earnings and which follows along with the value of money, prices, values, and employment.

In 1929 we had a full or higher money supply with accompanying higher prices and values and followed by higher earnings and buying power and with full and general employment of labor.

And with this higher money supply and following up with higher values, earnings, and employment, we find the national income at $69,000,000,000, with farm income at $13,000,000,000, and with the United States Treasury income at $9,000,000,000.

But in 1933 we had a lower or decreased supply of money with accompanying lower prices, values, and employment, and the national income fell or declined from sixty-nine billions in 1929 to thirty-nine billions in 1933, or a fall of the national income of $30,000,000,000 under a lower money supply.

THE FARM INCOME FOLLOWS AS MONEY INCREASES

In 1933, with such lower supply of money, farm income fell or declined from $13,000,000,000 in 1929 to $5,000,000,000 in 1933, or a fall of the farm income of over $7,000,000,000 under a failure or lower supply of money.

UNITED STATES TREASURY INCOME FOLLOWS WITH INCREASE OF MONEY

In 1933, with such lower supply of money, the United States Treasury income fell or declined from $9,000,000,000 in 1929 to two-plus billion dollars in 1933, or a fall of the United States Treasury income of almost $7,000,000,000 under a lower money supply.

EMPLOYMENT FOLLOWS INCREASE OF MONEY

But this is not all this comparison shows. It shows that under the increased money supply in 1929 and prices, earnings, and consuming power increasing with money, that employment of labor likewise followed up with the higher level of prices, earnings, and money, and that employment decreased in 1933 in ratio with the failing supply of money in circulation.

Following in 1936 there was an increased supply of money over the volume and supply of money in 1933; and with borrowing for relief and recovery still operating to increase the money supply, the national income raised back from $39,000,000,000 in 1933 to over $63,000,000,000 in 1936, or an increase of $24,000,000,000 in 3 years under a greater volume of currency and credit.

It is a fact demonstrated by science and proven by trial and experience that prices and values fall and employment of labor declines in the same ratio or proportion as the money supply is reduced, and all go down hand in hand together.

If the money supply is reduced one-half, prices and values fall one-half, earnings and income will fall one-half, the buying and consuming power will go down one-half, and the hours of employment will decline one-half. This economic law is as unvarying as the law holding the planets in space.

THE REMEDY IS TO RESTORE THE MONEY SUPPLY

Our problem, therefore, is to reverse the operations bringing on a fall and failure of the money supply and to start back an increase of currency and credit and to carry with it a rise of prices and values, a restoration of earnings and income, a rise of the buying and consuming power, and a restoration of employment to an even balance of money in industry.

PANICS DECLARED A MYSTERY

Panics and depressions have long been held to be incomprehensible mysteries defying the powers of men to explain,

or as a scourge sent upon the people to punish men for some offense to God, or for their undue thrift and enterprise, and in providing plenty and too great an abundance.

Some men have advanced the very illuminating theory that panics cannot be explained, that is, they come upon the people suddenly, like some phantom ghost from the somber depths of darkness to hover over the land for a time only to disappear as mysteriously as they come.

Only nature and the supernatural are confusing, bewildering mysteries before men. We cannot comprehend eternity, the causes in far-away space, the infinite works of the Almighty.

But panics do not involve the supernatural, nor are they natural conditions. Want, suffering, destitution, and distress in the midst of plenty and great abundance is not a natural condition; it is an unnatural condition, a perverted man-made economic condition.

There is a reason, a cause for every change or condition in human affairs. There is a rational means and remedy to be resorted to for relief and recovery from every evil and abuse caused by men, and which on realizing the cause we can know the remedy, the means of relief.

Panics are conditions brought on by men, resulting from the relations of men in the course and conduct of men. Panics are caused by men and within the comprehension of men, and can be remedied by men.

To say that these man-made panics are an insolvable problem before men, are incomprehensible mysteries, is a maneuver, an artful gesture to evade public responsibility, or a cowardly mental retreat.

THE MYSTERY OF YELLOW FEVER

There was a time when yellow fever was alike held a mystery before the people, when the sickness, bringing suffering and death to many thousands in certain sections of the country, was by many people believed an evil or scourge sent as a punishment by the Almighty, and nothing could be done to arrest the disease.

But yellow fever is no longer a mystery because of the secret spread of the disease. It is now well known and understood to be caused by certain insects, and the scourge has been arrested or prevented and the Almighty has been exonerated from the charge of afflicting this particular punishment.

The mystery of yellow fever was solved by medical science, discovering that the poisonous virus was carried by a certain tropical insect, the mosquito, and protective measures against these insects have brought relief from the yellow fever scourge and the fatal disease has been abated.

And the so-called mystery of panics or depressions has now been solved no less than yellow fever by economic students and monetary scientists, who have discovered that panics are caused by leaving the operations of public currency under the secret control and regulation of private financiers and banking corporations with temptation to use and manipulate for their selfish profit and gain.

The control and manipulation of the currency by private bankers and financiers as a cause of panics and depressions has been proven and confirmed over and over again, even more definitely, positively, and conclusively than the cause of yellow fever was found, and later proven and confirmed by the medical fraternity, and the trial and test of the remedies applied.

And as yellow fever was eradicated and the appalling loss of life stopped or abated so the reoccurrence of panics or depressions can be equally guarded against and prevented, only the prevention of panics and depressions is an operation much less intricate and difficult than to safeguard against the spread of disease by insects.

When the discovery was made that yellow fever was caused by mosquitoes communicating the poisonous virus or germs, the medical fraternity or profession in charge promptly met the emergency and provided effective measures, and by applying the preventive remedies yellow fever was stamped out as a disease.

But this prompt and effective action of the physicians and medical fraternity coming to the rescue of stricken humanity, with measures to stamp out yellow fever, is in sharp and striking contrast with the course of the manipulating bankers and financiers on the discovery of the cause of panics.

When the cause of panics or depressions was found to result from the evils and abuses of the private, secret control of money, the financiers, instead of cooperating and taking measures to abolish the evils of private regulation and control, and to apply the remedy of open public regulation, have conspired to deny and conceal the cause, to thwart and prevent the control of money taken from them.

Instead, the gambling bankers and financiers have organized a great propaganda system concealed under the cover of sermons, lectures, and editorials, to spread misleading and erroneous money theories, to create false public opinion, reaching out to schools, colleges, and civic orders, to pervert and mold the plastic mind of youth as well as the mature minds of men.

And more, they have organized a cordon lobby encircling, encompassing the National Capitol, and centering upon the Federal Congress, with sentinels, scouts, and pickets by patroling the corridors and committee doors, with ample funds for entertainment, feast, and function, to warp the minds and entangle legislators unawares.

MUST KNOW THE CAUSE

As long as men were resigned to the belief that disease and human affliction were mysteries brought upon the people by the judgment or acts of God, little or no progress could be made in preventing or arresting the disorders of the disease.

And as long as men can be held in the erroneous belief that panics are mysteries or the result and judgment or the acts of God to punish and chastise His children on earth, for too great enjoyment of the fruits of their toil and labor, there can be no progress made in economic recovery, or in safeguarding against the recurrence of panics.

MEMBERS UNWITTINGLY USED

And whenever I see a Member here assuming an air of serious apprehension and concern, and hear him observe, speak, or prattle about fiat money or printing-press money, as if all money was not fiat money, as if all money was not printing-press money, and declaring upon the horrors of inflation when every inflation brought about in this country has been brought and directed by the financiers themselves—whenever these Members assume such views and apprehension, then I know that their masters are near about, moving in the garb of plain-clothes citizens, observing from the corridors or checking from the galleries, and listening to their misled poll parrots, repeating after them in blind, vacant stare, "Panics are incomprehensible, bewildering mysteries," and money is a power to be controlled by bankers.

THE 1937 DEPRESSION THE SAME AS ALL OTHERS

Every panic or economic depression which has come in this country since the organization of the Government has come with the same fall of prices and values, the same failure of earnings and income, and buying and consuming power, the same general and widespread unemployment, and the same want and scarcity of the money supply.

And this 1937 depression is not unlike or is no exception to all other panics which have come as a blight upon Nature's bounty, and to bring want, suffering and distress, destitution, hunger, and starvation in the midst of plenty and great abundance.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. GRAY of Indiana. I yield to the gentleman from Texas.

Mr. McFARLANE. I am very much interested in the gentleman's address. He referred to lobbyists a moment ago. I heartily agree with the gentleman, but I am wondering if the gentleman has some remedy to eliminate these lobbyists other than the legislation that this House killed a few years ago, which would have done that very thing, and which would

have required them to register and give the public the information required.

MONEY LOBBYISTS ASSUME CHARACTER OF ECONOMISTS

Mr. GRAY of Indiana. I am not greatly impressed with the efficacy of lobby legislation to protect Members on this floor. This protection rests largely with the Members themselves and the proper information imparted to them.

The Members of the House come here honest and well-meaning and anxious and impatient to serve their constituents faithfully and well. But they are met here at the threshold by the private banker's lobbyist, posing in the guise of special economists and monetary experts, and are misled to believe that economic depressions are incomprehensible mysteries and beyond the powers of men to fathom and explain. And Members are unconsciously persuaded to give up the worry of a study of money and take advice and information from these so-called specialists, speaking in vague and technical terms.

Money is not a mystery any more than other problems of our intricate and complicated industrial system, and every Member of this House is as capable or more capable, if he would devote himself to a study of the subject, than the so-called special monetary experts who swarm the corridors and committee rooms in plain clothes to conceal their identity and to convince Members of their mental depravity or inability to cope with the problems of state.

I would like to see every Member of the House resent these reflections upon his mental integrity and independence and assert himself in the exercise of his own native ability to think for himself upon money and be the architect of his own mental fortune.

I must assume, in making this explanation of the remedy to relieve from the 1937 depression, that Members here have either heard or read my particular and more detailed statement of the causes of this 1937 relapse, delivered on the floor of the House January 7, and published in the January 10, 1938, CONGRESSIONAL RECORD.

THE CAUSE BRIEFLY STATED

This industrial panic or depression has resulted from an impaired or diminishing volume, a part failure of the money supply. Production and consumption have been thrown out of balance. The distribution of goods has been retarded and slowed down, bringing on a failure or partial paralysis of industry.

Briefly restating and explaining the cause, this 1937 panic was brought on, in part, by a suspension of relief payments, but largely coincident and in far greater portion by the Federal Reserve Board and banks drastically contracting currency and credit under a double order of increasing bank reserves.

It was the Federal Reserve Board orders of July 14, 1936, and January 30, 1937, effective August 15, March 1, and May 1, following, in all, increasing bank reserves 100 percent, contracting currency and credit over $3,000,000,000, bringing a fall of values of over $32,000,000,000, and a corresponding destruction of the buying and consuming power.

CONCISE STATEMENT OF REMEDY

Therefore, the most brief and concise statement explaining the remedy for this depression, and apparently the most logical facilities to be used would be to say, reverse the operations of the Federal Reserve Board and banks by and through which the currency was contracted and the depression was brought upon the country.

Mr. BEAM. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Indiana be extended for 5 minutes.

Mr. GRAY of Indiana. Make that 20 minutes.

Mr. BEAM. Twenty minutes.

Mr. GRAY of Indiana. I want to explain this panic and fix the responsibility where it belongs.

The SPEAKER pro tempore. Is there objection?

Mr. SNYDER of Pennsylvania. Mr. Speaker, we have three or four more speakers coming on this afternoon.

Mr. Speaker, reserving the right to object, I have a hearing of the Subcommittee on Military Appropriations and I have a special order for today. Will not the gentleman kindly make his request 5 minutes?

Mr. GRAY of Indiana. I hope the gentleman will not object and prevent me getting additional time. The effect of this panic will be felt in every congressional district.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to proceed for 20 additional minutes. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. GRAY of Indiana. I do not yield for a speech, but I yield for a very pointed, sharp, quick question.

Mr. SABATH. It will not be sharp and it will not be quick, but it may be enlightening.

Mr. GRAY of Indiana. Make it as short as possible. I want to explain the remedy for this depression.

Mr. SABATH. The gentleman stated that the recession set in. Was it not brought about by certain leaders of industry for the purpose of bringing about the repeal of the tax laws that we passed, and to stop us from passing the wage and hour bill? Is not that the thing that started it?

Mr. GRAY of Indiana. No. While I concede that some of these men are not above doing what the gentleman from Illinois charges against all of them, but they did not do it. They did not have to do it. The financiers were in better position and did it for them.

Mr. SABATH. The gentleman is in error.

Mr. GRAY of Indiana. We have the Presidency, we have the House, we have the Senate, and all the powers of government in our control, and with all these we cannot be heard to say that a comparatively few men in private business could bring on this Nation-wide depression.

This panic was created by the Federal Reserve Board increasing bank reserves and contracting the currency over $3,000,000,000 in 8 months.

This claim of capital on a sit-down strike and refusing to produce, with the crowded inventories and bursting warehouses, has mitigated more against this administration and Congress than any other apology which could be offered and would commit us to the policy of evasion and make this administration and Congress responsible for the deliberate crime or the criminal negligence of the Federal Reserve Board.

The overcrowded inventories and the bursting warehouses filled with manufactured goods, which could not be sold or moved for want of purchasing power of the people to take, disproves the theory of capital on a sit-down strike and refusing to produce. It shows instead that capital was relying on normal consumption in the future and was taken by surprise and stopped when the storehouses would hold no more.

This depression, like all other depressions, has come, first, from the consuming side of industry and not from the producing side, and with the conditions presenting the same false and misleading appearance of overproduction, and with the people suffering want and distress in the midst of plenty and abundance. The inventories and warehouses could be warped into the old-time theory of overproduction more than made consistent with the theory of capital on a sit-down strike and refusing to produce.

With the crowded inventories and bursting warehouses found when the depression came, the theory of capital on a sit-down strike is as incompatible as the theory coming from the other side of the House that this was all caused by a want of confidence in the administration, when there was more production than the people were able to take and would show that capital was working with too much confidence in the future and the ability of the people to buy and take their goods.

Mr. Speaker, I ask unanimous consent to proceed for 20 additional minutes.

Mr. SABATH. Mr. Speaker, reserving the right to object, I merely want to call the gentleman's attention to the fact that conditions are improving in his own State; men are returning to work. They have increased production in the steel industry last week by 50 percent.

Mr. GRAY of Indiana. But we are following in the footsteps of the Hoover administration and Congress by allowing the private bankers to remain in the control of the currency and we are suffering from the same currency evils and abuses which brought on the 1929 panic.

Mr. SABATH. We told the Republicans they were responsible.

Mr. GRAY of Indiana. Yes; we condemned the Republicans for allowing the panic of 1929, and, unless we act promptly now to stop this relapse or recession, this administration will be held in the same disrepute.

Mr. SABATH. I disagree with the gentleman.

Mr. HOFFMAN. Mr. Speaker, reserving the right to object, I would call the gentleman's attention to the fact that in the last 5 years the average citizen has had more leisure time on his hands in which to enjoy himself than ever before.

Mr. GRAY of Indiana. Pardon me, but your party was in power in 1929 and until 1933, and during that time you gave the people more leisure than the leisure time you now complain of to me.

I want it understood that I am complaining of this administration following in the footsteps of the Hoover administration and Congress in allowing the money changers to continue on in the control of public currency, and that the most criminal charge that I could make against this administration and Congress is that we are following in the same course as the Hoover administration and Congress, and as being as bad as the Hoover administration and Congress—that is, if we do not remedy and stop this depression.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GRAY of Indiana. I am talking about the 1937 depression; I want to be honest enough to admit there is a depression. An honest confession is good for the soul and unless we concede there is a depression we can never hope to provide a remedy.

There is a depression and it was brought on by the Federal Reserve Board in the employ of the Government by taking orders from the private bankers and financiers.

The Government was to control the Federal Reserve System, but the Federal Reserve banks are controlling the Government, and if this administration and Congress allows them to continue their control over the public currency this administration and Congress will be responsible for the continuance of this relapse or depression.

But leaving the cause of this depression and the responsibility for its occurrence and looking only to a remedy and for immediate and prompt relief, we would say command the Federal Reserve banks. But it would be impossible or impractical to reverse the currency and credit operations which brought on the 1937 depression by resorting to the means and facilities of the private Federal Reserve Bank System.

The private Federal Reserve banks are not, in fact, public or governmental agencies, and the Government is without positive power to exert any certain or compelling force through and by means of the Federal Reserve System to bring about such reversal of operations necessary to restore the currency equilibrium.

And even if the private Reserve banks which secretly contracted the currency and credit and brought on this economic depression, could be trusted or relied upon to act in good faith with Congress, and to restore back the normal volume of money, there is a reason why they could not so act.

PRIVATE RESERVE BANKS CANNOT RESTORE MONEY

The Federal Reserve Bank System is a passive monetary agency with facilities only to be acted upon in its operations of making loans and extending credit to borrowers, and is, of itself, without positive or compelling force to move or advance business and industry. It can only contract and withdraw currency and credit, but without positive power to expand or reflate.

When an economic depression has set in and industrial activities have bogged down, the conditions come to stagnation or a standstill, like an automobile stalled in the mud or mire and powerless to start or move out alone by the exertion of its own power, or without some other or extraneous force.

Men cannot be coerced to borrow money, nor can banks be compelled to make loans, nor to go into business or enterprise, nor to make investments in property. But all must wait for some positive or compelling force to break the economic inertia or stagnation and first set the wheels of industry going.

The one exception of the Reserve System under which its facilities could operate with postive force is the open-market operations—buying bonds and securities. But this would add no new or increased currency in circulation and would leave the distribution of money and credit going to a limited class or an exclusive few—to surplus investors—and not to producers and consumers.

It would be impractical if not impossible to reverse these currency and credit operations which brought on the 1937 depression, through and by means of the passive agencies and facilities of the private Federal Reserve banks, by means of which a contraction of the currency was deliberately initiated and carried out.

MUST RESORT TO DIRECT POWERS OF GOVERNMENT

To meet this crisis and emergency, Congress is especially and particularly fortunate in being prepared and completely or fully ready to move or take action for industrial relief. We have every necessary currency facility, every required money agency and instrumentality ready, available at hand, and in working order to carry out the precise operations required.

All we have to do to start normal recovery is to resort to existing governmental agencies, is to command and direct existing public officials in the exercise of already authorized powers to carry out operations already tried out and tested. No new facilities, systems, or operations will be called for to bring about full and complete relief from this depression.

We must resort immediately and directly to the positive and compelling forces of the governmental currency facilities for the issue and distribution of new money generally and widely among all the people to restore back the normal money supply and the buying and consuming power to all the people.

Prompt, immediate, and adequate relief from the evils and distress of this 1937 depression requires that Congress act and make prompt resort to the direct and positive currency powers of the Government to remedy the cause, and relieve present conditions, brought on by the private Federal Reserve banks, by increasing reserves and contracting loans and credit.

And there would be no change of money from the 346,000,000,000 of currency now in use in our every-day commercial and industrial affairs. There would be no token money or scrip money, nor money in new and untried form to be tested out or experimented with in the administration of the new currency order.

MONEY OPERATES AUTOMATICALLY

After the money was paid out into circulation in a sufficient volume, supply, or amount to restore an even balance of industry of money with goods and exchange operations, barring the criminal interference of man, money would function as automatic as nature and no further governmental supervision would be required.

TWO SEPARATE CURRENCY SYSTEMS

We have two separate currency systems to provide the people with money and carry on their business and industrial affairs. One, our public or governmental currency system as provided for under the Constitution coming down from Jackson and Lincoln, with money to be issued and controlled by Congress.

The other is a private bank currency system outside and independent of the Government, and in violation of the Constitution, carried on for private profit and gain with

money secretly regulated and controlled, and used by the private bankers and financiers in their stock gambling and speculative operations.

Our public, our governmental currency system as provided for under the Constitution has been given up and abandoned, and its currency power surrendered over to be exercised by private bankers for selfish profit, gain, and advantage and in gross disregard of the public welfare.

WHAT I AM PROPOSING TO DO

What I am proposing and wish to do here is to make immediate and prompt resort to the powers of our public or governmental system to provide sufficient new, non-interest-bearing currency to replenish the normal money supply, depleted and exhausted to a scarcity by the private bankers in their gambling orgies.

This resort to our governmental currency system is to enable Congress to act promptly to relieve the cause of this depression, from such want of scarcity of currency and credit, sufficient to do the business of the country, until in due and deliberate time a full and complete governmental reform currency measure can be considered and the currency powers reclaimed to Congress.

PROVISIONS OF CONSTITUTION ARE AMPLE

The provisions of the Constitution are ample and complete to authorize and fully empower Congress to issue full legal tender money to control and regulate the value of money, to restore and maintain the volume and supply of money, and to take all necessary and proper action to raise and stabilize the price level.

Clause 2 of section 8, article I, of the provisions of the Federal Constitution vests in Congress the authority and power to issue and make money full legal tender, and under clause 5, section 8, article I, Congress is authorized to control and regulate the volume and supply of money in circulation.

LAWS ARE ON THE STATUTE BOOKS

Under these provisions of the Constitution, Congress, in the exercise of such powers, has provided for the issue of such legal-tender money by laws enacted February 28, 1862, and by laws supplemental thereto enacted July 11, 1862, and March 3, 1863, all of which remain in full force and effect today.

The United States Supreme Court, the highest judicial tribunal in the land, the Court of final and last resort, has considered, adjudged, and decreed that Congress is duly empowered and authorized to issue full legal tender money and to regulate and control its value.

In the case of *Hepburn* v. *Griswold* (8 U. S. 603), and in the Legal Tender cases of *Knox* v. *Lee* and *Parker* v. *Davis* (79 U. S. 457), these several laws enacted by Congress are confirmed as valid exercise of powers under the provisions of the Constitution.

To provide for the issue of full legal tender money it will not be necessary to change or alter, nor to amend, add to or take from, a single clause or provision of the Constitution, nor to enact a single new law, nor to provide or create a single new office, nor a single new board or agency.

All that remains for Congress to do is to command officials already empowered to act, to direct the functions and operations of existing governmental means and agencies, is to smite the rock of constitutional powers and full legal tender currency or money will come forth like gushing water.

MONEY REDEEMABLE AND CONVERTIBLE

This money to be used under this bill will be issued under existing monetary laws in force and confirmed by the Supreme Court and will be the same money now in use, redeemable or convertible the same as other money, and under all the guaranties and safeguards as the money now accepted and in circulation, and based upon the same gold reserve.

The apprehension of so-called "inflation," nor of "flat money," nor "printing-press money" cannot enter into the consideration of this money more than any other money now issued. It will be the same money in every way, only it is more of the same money, a greater volume and supply of the same money.

The amount of money under this bill, to be issued and paid out into circulation, will be limited to a certain amount. The money will be issued and paid out until the 1926 price level is restored, then the further issue will be discontinued. And if prices rise above the 1926 level, then money will be withdrawn and retired.

And after the money is paid out into circulation all further operations will be as automatic as maintaining the popul tion of the country. No further direction or supervis..n would be required; it will only be necessary to protect and safeguard the operations of the law of supply and demand, and leave the energies and enterprise of the people unrestrained.

I HAVE FILED A BILL TO CARRY OUT ORDERS

I have filed bill H. R. 9260 to provide and for the purpose of Congress making such demand upon, and ordering and directing the Secretary of the Treasury to proceed in obedience to existing law to issue non-interest-bearing currency notes, and to pay the same out into use and circulation as a means to restore and stabilize the price level.

FINE OR IMPRISONMENT, OR BOTH

I have provided in this bill for the imposition of a fine, imprisonment, or both for a violation of the currency order or a failure to carry out and observe and abide the directions to be followed in issuing the new money and maintaining it in use and circulation.

And if Andrew Jackson were only here today to lend the aid of his counsel, wisdom, and judgment, and his courage, resolution, and iron will, and his defiance of the money changers, to enforce the provisions of the measure, I would add the penalty of hanging as a just and merited punishment for the crime of bringing on panics and the want, anguish, destitution, and the sufferings of the people.

And if this bill was enacted into law today, the program for full and final recovery could be started and go forward tomorrow, and without borrowing at interest and spending, without the levy of burdensome and crushing taxes, without the destruction of farm foods and other vital necessaries, and while maintaining plenty and great abundance.

ALL IS READY AND WAITING FOR CONGRESS TO ACT

All these necessary agencies of the Government are provided, ready and waiting, and the fertility of the soil and the resources of the country, the climate, air, water, and sunshine, the energies and enterprise of the people and all the requirements of nature and man are waiting the order from this Congress, the word to go, to bring back prosperity and abundance to the people.

All is ready, ample and complete as creation in all its bountiful parts, as the earth and fullness thereof, with its warmth and air and light and water to promote the growth and well-being of all animal and vegetable life upon the soil and the surface of the earth.

But this administration and Congress, blind to the errors of other Congresses, and failing to take lesson, heed, or profit even from its own errors, mistakes, and failure of borrowing, spending, taxing, and destroying food, is still accepting the explanation or mystery and is following the Hoover administration and Congress and leaving the money changers in the control of the currency.

THE ONLY OBSTACLES

There is only one hindrance or obstacle standing in the way of returning prosperity, of a return of earnings and consuming power, of a return of employment to the people, and relief from want, suffering, and distress and that is, this confused and bewildered Congress, misled and following the advice of the private bankers as their advice was followed by the Hoover administration and Congress to leave them in control of the people's money.

STRANGE SPELL OVER CONGRESS

If this strange spell of irresistible siren charm and enchantment long held over Congress by the crafty bankers and financiers could only be broken and Congress left free to exercise its normal, rational mind in the study and consideration of money as a vital and indispensable part of industry, and its power for evil as well as for good, Congress would suspend the rules in its haste to recover back its surrender of

constitutional power over money and to order and direct the Secretary of the Treasury to issue full legal tender currency and to pay it out into use and circulation until the money balance in industry was restored.

If Congress could only be aroused, awakened to a realization of the crimes of money and to the false and delusive plea of bankers, and to recover its control over public currency, the effect upon the people and the country would be instantaneous, like magic the doors of factories, mills, and workshops would stand ajar, swing open, the wheels of industry would start, the whir of machinery in motion, the din of saw and hammer, would sing the song of prosperity returning, amid the glad rejoicings and hosannahs of 130,000,000 suffering people, and beginning psychologically in less than 30 days.

LOSS CANNOT BE REGAINED IN LIFETIME

While full and complete recovery of the economic loss from this and the 1929 panic, the loss of wages, earnings, and income, the loss of property and labor values, the loss of homes and farms by foreclosures, can never hope to be realized even in the span of the average lifetime, yet the further progress of this depression and the further loss to the people, their further sufferings and distress, their further waiting in enforced idleness can be stopped, halted, and turned back, turned back toward prosperity again, toward relief in less than 30 days.

This administration and Congress has been following blindly in the footsteps of the Hoover administration and Congress, and is holding back recovery, or standing as an obstruction in the way of prosperity struggling and threatening to return as nature is welling to burst into life.

This Congress following equally or more blindly than the negligent and indifferent course of the Hoover administration and Congress, is holding back the fertility of the soil, is holding back the resources of the country, is holding back the energies and enterprise of the people, is holding back the existing facilities of the Government and will not let them go.

IF ANDREW JACKSON WAS HERE

Andrew Jackson drove Nicholas Biddle and his private bankers from the money temple of the Nation when Jackson was President. But Nicholas Biddle and his private bankers are lurking under the name and style of the Federal Reserve System and are back again in the Nation's money temple. And if we could only bring back the spirit of Andrew Jackson we could drive them out again.

DISCOVERED CONTRACTION MARCH 16, 1937

Let me observe here that I might as well have made this statement on the 16th day of March last and would have made the statement on the 16th day of last March, or as soon thereafter as I could have prepared a statement, if I had not been deceived, misled, and thrown off my guard by the article published on that day by Chairman Eccles of the Federal Reserve Board. I was misled to withhold my statement and will read here from the article published which served to throw the public off its guard; I will read only the first three paragraphs as follows:

[The Washington Post, March 16, 1937, page 14]

ECCLES' STATEMENT ON CREDIT AND MONETARY POLICIES

I wish to correct erroneous interpretations which have been circulating with reference to my position on credit and monetary policies.

I have been and still am an advocate of an easy-money policy and expect to continue to be an advocate of such a policy so long as there are large numbers of people who are unable to find employment in private industry, which means that the full productive capacity of the Nation is not being utilized.

Under such conditions, to restrict the available supply of capital and thus to make it difficult, if not impossible, to employ these people would not only be antisocial but uneconomic.

I do not believe that sharp price rises in certain basic commodities should be controlled at this stage of the recovery by a restrictive money policy which would tend to freeze and might bring about an actual reduction in the total volume of employment and production.

WHY STATEMENT WITHHELD?

When I read that article on the 16th day of March last, I stopped my investigation. I believed that the Board was going to suspend further proceedings in the course of operations then under apprehension not only by myself but many others, and whose criticism at the time prompted Chairman Eccles to make his statement.

Mr. Eccles was a public official, and we had a right to rely upon and accept his word in good faith. But he did not stop and suspend the currency operations then in progress, contracting the currency, but continued on until he had brought on the 1937 depression.

WOULD CONGRESS HAVE LISTENED?

But I am wondering now what a statement then would have availed me if made and presented to the House more than for use now as "I told you so." This statement would have probably been received and listened to as a pessimistic and unwarranted alarm cry, predicting a fantastic calamity never to be realized, and would have gotten me nowhere in gaining attention to stop the operations which brought on the depression.

WILL CONGRESS LISTEN NOW?

And even now, facing the stern realities of a depression realized and at hand, I am wondering if I will be able to gain sufficient serious attention here to explain the cause and a remedy to stop the further progress of this depression; that is, to lock the door even after the steed has been stolen and to safeguard against a further theft and robbery of the stable.

AFTER STEED IS STOLEN

And here is a warning note, but sounded only after the steed had been stolen, by a Washington correspondent of the Philadelphia Record and published January 2, 1938, and in which the action of the Federal Reserve Board, in increasing reserves and contracting the currency is characterized as the "biggest miscalculations."

[From the Philadelphia Record, January 2, 1938]

BUSINESS SHADOW TRACED TO CUT IN EXCESS RESERVES—RESERVE ACTION WIPED OUT THIRTY BILLIONS OF POTENTIAL CREDIT; MARKET BREAKS AND RECESSION FOLLOWED QUICKLY

(By Felix T. Cotten, Record's Washington Bureau)

WASHINGTON, January 2.—The Federal Reserve Board order of January 30 doubling member bank reserve requirements threw a shadow over the business picture for the entire year and affected every subsequent move by either the Reserve Board or the Treasury relating to credit.

This drastic order was the culmination of a program of credit contraction begun the previous summer, including a 50-percent increase in reserve requirements and inauguration of gold sterilization.

BOND PRICES WAVER

The second reserve-requirement hike in the spring increased to $3,000,000,000 the amount of commercial bank funds tied up and wiped out more than $30,000,000,000 of potential credit expansion.

Thus by this huge "money freezing" the Reserve Board, under the direction of Chairman Marriner S. Eccles, once regarded as a liberal, went the whole way in using its power.

One early result was that interest rates, both short term and long term, began to rise. Banks—particularly large ones—sold Government securities largely from necessity of meeting the reserve requirement increases.

CRITICISM IGNORED

The result was a drastic break in Government bond prices. To try to check the break, the Treasury in March bought $115,000,000 of Government securities for its various trust funds, and the Federal Reserve open-market committee absorbed $103,000,000 of Government bonds.

The effect of Government bond price break was carried into corporate issues and gave a shock to the new-issue market, to stock prices, and to business generally. Despite widespread criticism, the Reserve Board doggedly stuck by its program, although it back-tracked in indirect ways.

When the $218,000,000 of March Government securities purchases failed to halt the bond-market break, the Federal Reserve open-market committee abandoned the process of shifting from Treasury bills and notes into bonds, and during April bought $96,000,000 of Government securities.

When a new break in both bond and stock markets developed in August, the Reserve Board prodded Reserve banks into reducing rediscount rates. Since the rates were not reduced to the prevailing short-term rate level, however, the psychological effect was bearish.

SHORT-TERM RATE SOARS

The Government's short-term rate, which, under the stimulus of the May 1 reserve requirements increase, had risen in April to the highest point in years, again soared.

The open-market committee then arranged with the Treasury for desterilization of $300,000,000 of gold, cutting the "cold storage" gold fund from $1,385,000,000 down to $1,085,000,000.

It also authorized a new Government securities buying program confined to Treasury short-term paper.

The announced purpose of this credit-easing move was to avert a "squeeze" in the money market due to the fall in money in circulation. Probably the main motive was to try to slow down the stock-market break.

BOND MARKET STRENGTHENED

Although the action had no effect on the stock market, it strengthened the Government bond market. Interest rates were lowered again when the open-market committee, in November, bought $38,000,000 of Treasury bills and notes, increasing Reserve bank holdings of Government securities to $2,564,000,000.

The gold movement, meanwhile, was reversed, and the Treasury some weeks ago began to export gold. The sterilization fund, which after September 12 climbed back to $1,272,000,000, has been reduced by exports to $1,227,000,000.

In some respects, the Reserve Board's credit-tightening program proved to be one of the year's biggest miscalculations. Last January the Board had the future blueprinted down to the last detail.

Short-term interest rates, the Board admitted, would go up, but long-term rates would not; they would merely not go down further. Member bank excess reserves on May 1 would be reduced to $500,000,000, and thereafter they could be made to disappear entirely at pleasure.

CITED AS SLUM CAUSE

As a result of the Government securities-buying program, and the Treasury action in allowing its working balance to decline, excess reserves on May 1 were around the $1,000,000,000 figure, and have risen since.

In the course of its efforts to ease credit last September, the Reserve Board made installment paper eligible for rediscount at Federal Reserve banks.

The action of the Federal Reserve Board in increasing reserves and contracting currency would have been the appropriate remedy if the general price level had been rising too high, but such contraction of the currency was without force and effect to reduce prices fixed by nonmonetary causes, and was a fatal error of miscalculation when the price level was already too low.

THE VOLUME OF MONEY CONTROLS PRICES

The amount and supply of money in circulation controls and fixes the general commodity price level, where the economic law of supply and demand is left free to operate like the amount of water in a pond controls the level of the sticks, boards, and logs floating upon the surface of the water.

EXCEPTION TO GENERAL RULES

But there are exceptions to general rules and there are certain individual prices which are fixed by separate and independent causes and which stand out alone higher or lower, like a stone, post, or piling above or below, the water level, in a pond or lake, and fixing prices above or below the general price level, and which are independent of the law of supply and demand of money.

These separate and independent prices are fixed by separate and independent causes operating and are taken out of the law of supply and demand operating upon certain articles, products, and commodities, as by collusion of parties, or under monopoly, or by agreements in restraint of trade. These are nonmonetary prices and beyond the reach of the law of supply and demand of money.

LED AND MISLED PRESIDENT

Where the chairman of the Federal Reserve Board deceived or misled the President or made his biggest miscalculation, if his action was not deliberate or intended, was in holding up certain higher prices before the President as measuring the general price level, well knowing the same to be fixed or nonmonetary prices, and not prices under the law of supply and demand and which were still below the 1926 level to which the administration and Congress was committed to raise prices.

Relying upon this misrepresentation of facts and jugglery of the general price level, the President was misled by Eccles to make the statement at his April 4, 1937, press conference that "prices were getting too high," and thereby lead or mislead unwittingly to sustain the Federal Reserve Board in its course of currency contraction.

It is inconceivable that the Federal Reserve Board with all the facilities at hand and available to detect and measure nonmonetary prices as well as the general commodity price level would make such an error or miscalculation, and the act was either deliberately and criminally intended or the chairman was guilty of criminal negligence.

PANIC WAS CERTAIN TO COME

If this panic had been criminally conspired, had been criminally conceived or intended, it could not have been more deliberately planned and the plan carried into effect more certain than under the movements and operations directed by the Federal Reserve Board and banks which led up to and culminated in this depression.

Here is another warning note, a distress signal, sent out to lock the stable door after the steed was stolen, unavoidably delayed by reason of concealment, and sent out by a Democratic administration supporter and who had recommended Marriner S. Eccles for chairman of the Federal Reserve Board.

ANOTHER WITNESS

This warning note comes in the form of an editorial by the editor of the Philadelphia Record, and appears on the editorial page of the December 10, 1937, issue of that Democratic and administration organ. I will only read a part of this editorial here, but will include the whole of the article in my remarks to be printed in the RECORD, which is as follows:

Marriner S. Eccles is the country boy who came to town and got taken in by the city slickers.

Back home in Ogden, Utah, where there isn't anybody as smart as Winthrop W. Aldrich, Eccles was a liberal. But when the Wall Street experts went to work on him, his liberalism dried up and he has become the outstanding reactionary in the Roosevelt administration.

And the most pitiable part of it is that Eccles doesn't even know what happened to him. He thinks he thought it all out himself.

When Eccles, as head of the Federal Reserve Board, appeared this week before the Banking Committees of the House and Senate he demonstrated conclusively what the Record has long suspected.

That Eccles has lost track of what it is all about and is too stubborn to admit his own past errors and his present confusion.

In conversation with members of the House Banking Committee on Tuesday Eccles said he favored increased Government spending to pull the Nation out of the present recession. Yet before the Senate on Wednesday he still had the gall to defend his own policy of raising reserve requirements, which was part and parcel of the economic philosophy that led the administration to cut spending.

Last winter and spring Eccles was seeing a nonexistent inflation bogey that Winthrop W. Aldrich, board chairman of the Chase National Bank, has conjured up for him.

And Eccles was exercising the spell with increased reserve requirements, panicky warnings that frightened investors, and speeches urging the balancing of the Federal Budget.

The senseless increase in reserve requirements alone froze $3,000,000,000 of bank funds and inevitably depressed business.

That action by itself might not have been enough to counteract the forces set in motion by the New Deal, that were making for recovery.

But taken together with the gold sterilization policy, the cut in Federal spending; the balance-the-Budget cry, the locking up of social-security payments—they formed a combination that would have produced a recession under any conceivable conditions.

Eccles and his teammate, Secretary of the Treasury Morgenthau, carried out a deflationary program so drastic that it would have checked even a headlong inflation.

Trouble was last winter there was no headlong inflation, but a sound, gradual recovery that had not even reached the 1926 norm at which the administration was supposed to be aiming.

Eccles used a stomach pump on a man who was beginning to show signs of recovering from starvation.

And now that the victim is desperately sick, as a result of the treatment, Eccles admits it, but he won't stop the pump.

He has half reversed his position of last March, when he demanded a balanced Budget to "check inflation."

He knows now that the Budget can't be balanced if the depression that he initiated continues. Yet he refuses to take his stranglehold off the economic system of the Nation. He refuses to lower gradually the absurd reserve requirements.

What Eccles knows now about the credit restriction policy, the Record knew a year ago.

Again and again we warned Eccles that just what has happened would happen.

That wasn't clairvoyance on our part, but plain common sense. Eccles used a power that had been given him in order to check a dangerous inflation should one materialize. Even though it didn't materialize, the use of those powers was bound to have a deflationary effect. They were labeled "deflation," and they produced deflation.

That's all. The reason the Record saw that in advance and Eccles didn't is because he was listening to Aldrich and his friends The Record had heard enough of their advice during the depression.

Now, instead of admitting his mistake, Eccles is clinging to it, yelling for still higher interest rates on the housing program, blaming labor, blaming Congress, blaming everyone but himself for the tragic error that he made.

This newspaper was the first to urge the appointment of Marriner S. Eccles as chairman of the Federal Reserve Board.

But we are not like Eccles. We admit our mistakes.

Perhaps we can make amends by being the first to call for Eccles' resignation.

CALLS FOR ECCLES' RESIGNATION

The editor of the Philadelphia Record, a Democratic administration organ, now calls for the resignation of Marriner S. Eccles as chairman of the Federal Reserve Board.

I approve of this editor's frank and candid confession of his error in recommending Eccles to the President as chairman of the Federal Reserve Board, as well as of his demand that Eccles now resign his office. But this will be as fruitless as demanding the dismissal of a bellboy in a hotel to punish the landlord for running a disorderly house.

I am going the editor of the Philadelphia Record one better. I am demanding not only the resignation of Eccles for his surrender of the money temple to the private bankers, but I am demanding the resignation of his masters in the Federal Reserve Bank System, and that the private bankers resign from the control of the public currency.

ADMINISTRATION MUST CALL FOR ECCLES' RESIGNATION

And if this administration does not call for the resignation of Chairman Eccles now, after this disclosure of his course and conduct, it will be held as condoning his crime or his criminal negligence, and will be assuming responsibility for his action in bringing on a drastic contraction of the currency and credit and the 1937 relapse or depression.

[Here the gavel fell.]

Mr. GRAY of Indiana. Mr. Speaker, I have something more I want to say and I would rather say it to Members face to face than in the RECORD. I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to proceed for 5 additional minutes. Is there objection?

Mr. SABATH. Mr. Speaker, I object; others are waiting to be heard under special orders.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, earlier in the day I was given permission to address the House for 10 minutes at the conclusion of the other pending special orders. Because of the necessity of my attending a committee I shall not be able to use this time.

Mr. SEGER. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes following the other special orders for today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SNYDER of Pennsylvania. Mr. Speaker, the gentleman from New York [Mr. SIROVICH] has consented that I may speak ahead of him in the regular orders heretofore entered for today. I therefore ask unanimous consent that I may speak at this time pursuant to a special order previously entered instead of the gentleman from New York [Mr. SIROVICH].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SIROVICH. Mr. Speaker, reserving the right to object, and I shall not object if I do not lose my opportunity to speak after the gentleman addresses the House.

The SPEAKER pro tempore. The gentleman from New York will not lose his place. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. SNYDER] is recognized for 20 minutes.

Mr. SNYDER of Pennsylvania. Mr. Speaker, about 2 years ago I called to the attention of the House a bill I introduced at that time concerning a system of superhighways for the Nation. I realized in my study of the growth of nations that in the stone age of a nation its transportation, its employment, and its national-defense equipment must be of a certain type as in the early days of our Nation. We then went over into an agricultural Nation for some years and we adjusted our employment program, we adjusted our transportation facilities, and we adjusted our national-defense equipment to meet the needs of the day. Within the last 100 years, and more specifically within the last 50 years, we have slowly developed into an industrial Nation of no small magnitude. Necessarily the avenues of unemployment have widened; therefore the avenues for more employment must be broadened. The transportation facilities that were satisfactory 50 years ago for the transportation of our commodities at that time surely cannot be considered adequate today. The national-defense equipment that was satisfactory for the Nation 50 years ago or even 25 years ago is not adequate for today.

Last year on the 2d day of February the House kindly gave me permission for 20 minutes to present my Transcontinental System of Highways. On the 18th of May 1937, the chairman of the Committee on Roads, the gentleman from Oklahoma [Mr. CARTWRIGHT], held hearings before his committee, and you will find a full report in the road hearings for 1937. When these hearings were concluded there went out across the Nation the news of my particular system of highways. Immediately letters began to come in from all parts of the Nation and at this point in my remarks may I call attention to some of the inquiries or observations?

Here is one from Sheridan, Wyo., dated February 20, 1937:

We have observed with a great deal of interest your remarks on the floor of the House on February 2 with respect to the bill which you have introduced providing for a system of superhighways. Having taken the leadership in the Western States in the general highway-development program and the appropriation therefor during the past several years, we are naturally very much interested in your proposal.

Another one from Mount Vernon, Mo., dated February 26, 1937, as follows:

I have received your speech on superhighways for our country, the United States of America. After reading it, I can sincerely say that I heartily agree with you and I wish that you would push a measure to a final conclusion.

Houston, Tex., February 10, 1937:

Congratulations to you on offering H. R. 4198 providing for the local survey in the building of a system of transcontinental and north-and-south highways.

Denver, Colo., February 23, 1937:

In the CONGRESSIONAL RECORD of February 2, 1937, I read with great interest your speech with reference to a system of national highways. Your plan is an excellent one and I am glad to see that you have introduced a bill to make it a reality.

Mr. LEWIS of Colorado. Will the gentleman yield?

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include therein details with reference to dates, and so forth, of these letters, parts of which I shall read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SNYDER of Pennsylvania. Mr. Speaker, here is one from Chicago, Ill., Kraft-Phenix Cheese Corporation:

Can you furnish to the attention of the writer a copy of H. R. 4198, a bill dealing with the construction of certain transcontinental highways?

Here is one from Quincy, Ill., August 31, 1937:

Our Congressman, LEWIS L. BOYER, informs me that you are preparing to submit to Congress a national-highway plan.

The writer is personally interested, together with his organization, in this matter and would appreciate a copy of your plan if available.

Here is one from Kingston, Ga., dated September 4, 1937:

I wish to endorse your movement about the superhighways as outlined in the enclosed clipping.

That is from Wade C. Johnson, general merchandise, and he encloses a clipping from his home newspaper.

Here is one from Norman Bel Geddes & Co., New York, dated September 8:

In yesterday's Sun, there was a story about your plan for a network of highways for national defense.

It occurs to me you might be interested in seeing our plan for a national highway system, the purpose of which is to increase safe-driving speeds and eliminate all elements of danger at intersections.

Here is another one from Baltimore, Md.:

We have read with a great deal of interest the press reports that you are backing the construction of nine superhighways and that at the next Congress you will resume legislation with the view to accomplishing this purpose.

Here is one from Helena, Ark.:

Notice in the press you are advocating nine superhighways for national defense. We are at this time interested in a bridge across the Mississippi River at this point.

And so forth. Here is a clipping from the New York Times enclosed with a letter from Brooklyn, N. Y., dated September 1, 1937:

The enclosed clipping meets the approval of those who have given the subject mature thought.

Here is one from Panama, Okla., endorsing the project.

Here is another one from Rice Lake, Wis.

Here is one from Columbus, Ohio. Here is one from Cleveland, Ohio, as well as one from Huntington, W. Va. Here is another from the Cleveland Press asking for a copy of the hearings on the bill.

I may say these letters are dated during the months of July, August, September, and October 1937. Here is one from South Carolina. Another one from Erie, Pa., another one from Lakeland, Fla. Here is one from the Super Highway News of Wooster, Ohio, dated February 11, 1937:

Received your notification that you are reintroducing your road bill, and have held up our issue awaiting your revised bill.

May I say at this point that I want to give them credit for being one of the pioneers of a program of this sort.

June 22, 1936, from the Better Roads magazine in Chicago, I received the following letter:

We shall appreciate it if you will send us a copy of your bill providing for the construction of three transcontinental and six north-south high-type modern highways.

Also, from the Commonwealth of Pennsylvania, Harrisburg, Pa., January 22, 1937:

To you has been attributed a bill providing for a survey of a system of three transcontinental and six north-south highways. When available, please send material or information on this proposal.

Yellowstone Trail, Ipswich, S. Dak., October 14, 1937:

I have before me a copy of H. R. 7079 introduced by you, May 17. We are intensely interested in the subject matter of the resolution providing for the building of super highways.

Eads, Colo., March 19, 1937:

I read your speech in the CONGRESSIONAL RECORD of February 22, 1937, and agree with you on the subject you talked on.

From Covina, Calif., September 4, 1937:

I note from the papers you are a live wire, and that you are interested in building some real highways in America. More power to you.

Rusterholtz & Rossell, Inc., Syracuse, N. Y., June 30, 1937:

I wish to congratulate you and also be one of the first to lend you my support in reference to your public-highway program. I noticed the article in reference to your program in the Saturday, June 12, issue of Automotive Daily News.

From La Fayette, Ind., September 7, 1937:

Patriotism has to spend 3 cents to talk, and feels impelled to talk to somebody.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I gladly yield to the gentleman from Arkansas.

Mr. TERRY. When did the gentleman first introduce his bill dealing with national highways?

Mr. SNYDER of Pennsylvania. Two years ago. Then I reintroduced the bill on February 2, 1937, and a revised edition was introduced on May 17, 1937.

Mr. TERRY. The plan the gentleman is now advocating is the same general plan he advocated 2 years ago?

Mr. SNYDER of Pennsylvania. Very much the same. I have made some alterations, to which I intend to call attention when I return to the map.

Mr. TERRY. I should like very much to hear the gentleman discuss the merits of his bill. I believe we all concede the gentleman is the father of this plan as far as the Congress is concerned.

Mr. SNYDER of Pennsylvania. With reference to the merits of the bill, I have three outstanding objectives in mind when I present the bill this year, just as I did last year. I believe the first objective, the relief of unemployment, is more outstanding and deserves more attention this year than when I presented the bill last year. This plan would relieve a certain percentage of unemployment over a period of years. The second objective is transportation, and the third national defense.

Mr. ZIMMERMAN. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. In view of the fact the President insists we must curtail our present road-building program as well as the expenditures for the construction of roads in the years 1940 and 1941, does the gentleman believe it would be advisable to undertake a great program like this?

Mr. SNYDER of Pennsylvania. I believe the program is very advisable, because we would be building a worth-while project, one which would be handed down to future generations for years to come, instead of giving the people a dole or having them working on W. P. A. projects which might not be of such value as this highway system. This would be a project of great value. If we were to spend a billion dollars a year, we could put approximately 1,600,000 men to work on this project each year for a space of 8 years. If we were to spend half a billion dollars a year, we could put approximately three-fourths of a million to work.

Mr. ZIMMERMAN. Conceding the fact that a program like this, extending over a long period of time, would call for the expenditure of large sums of money which would put a great many men to work and absorb some of the unemployed of our country, does not the gentleman believe we had better go ahead with our present program of building secondary roads and farm-to-market roads, or roads which would reach to the farmer back in the rural settlements of our country, rather than concentrate on this great program of building transcontinental highways?

Mr. SNYDER of Pennsylvania. I may say to the gentleman we should not stop building farm-to-market roads. This would be a superhighway project, and we would go ahead and spend on the other roads the same amount of money as now. If the gentleman will kindly read the bill, he will find I suggest this program may be carried out in one of three ways. Either the United States Government will build the highways, or, as I suggest in the bill, and as I prefer, the building may be let out to private contractors and no contract shall be let covering a distance of less than 10 miles, or the highways may be built on a self-liquidating basis.

Mr. ZIMMERMAN. As I understand, this program is to be carried on in addition to our present program?

Mr. SNYDER of Pennsylvania. Absolutely.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I am pleased to yield to the gentleman from Nebraska.

Mr. STEFAN. The gentleman gave some very interesting testimony on this subject before our Committee on Roads.

Mr. SNYDER of Pennsylvania. That was May 18 last.

Mr. STEFAN. At that time the gentleman stated he was in favor of continuing the secondary or farm-to-market road-building program in order that the question of the food of the Nation might be tied in with the question of national defense, both of which features the gentleman stressed in connection with the program of building superhighways. In other words, the gentleman believes these superhighways are just as important to our country today as a battle fleet.

Mr. SNYDER of Pennsylvania. I certainly do.

Mr. STEFAN. The gentleman recalls that in our hearings just a few days ago experts told us that because of the highly mechanized state of the Army today, unless we have roads similar to these superhighways, the Army will be in the same position as a submarine without an ocean. In other words, we will have to have these highways in order to move our troops for actual national defense.

If I may make a further observation, during our hearings on the new road bill, which will come before the House for consideration very soon, the question of the plan of national defense was stressed very much. Experts appeared before our committee and testified that highways are as important for national defense as an army or a battle fleet. They told us that a 20-foot concrete highway today costs approximately $20,000 a mile. A 20-foot concrete highway running from Baltimore to San Francisco thus would cost exactly the same as one battleship of the type they will ask us to build in this next appropriation bill for the Navy. Insofar as national defense is concerned, one of these highways is worth 10 of the battleships they are going to ask us to build. [Applause.]

Mr. SNYDER of Pennsylvania. Let us now speak of the labor that cannot be cared for under our present set-up. Industry will not take them back into its ranks, because they are too old. Social security does not care for them. We must do something for them, either put them on W. P. A. or put them on relief.

It might be stipulated that men in this class should be taken care of first in the building of such highways—that at certain appropriate locations along these highways would be constructed community settlements, something like the C. C. C. camps, only of a more permanent character.

Here perhaps our Federal housing program could function to advantage. I am convinced that one of the best Nation-building procedures to which we could resort would be to have several million of our city population move or be moved out along such highways. Acreage for building community centers would be secured along the highways at different intervals, and substantial houses, that would cost two to four thousand dollars, could be built to house the men working on this construction. The incentive would be that if they would work for so long, paying so much a month as rental, that at the end of a certain number of months the property would become theirs. Each of these homes would have a certain acreage attached to them, so any man who had any red blood and backbone could make himself a permanent home.

Mr. Speaker, this would not only be a Nation-building program but it would be a citizenship-building program. Taking these millions of men away from the cities where under present conditions they will never be reemployed, would surely be a worth-while step toward adjusting our social and economic problems.

Mr. Speaker, as long as we have hundreds of thousands of able-bodied men loafing around our street corners and in our bowling alleys, poolrooms, barrooms, and gambling joints, just so long will we be slowly but surely building a citizenship that will eventually be too flabby and weak to perpetuate our form of government.

These men, if put to work on such a constructive project as building these highways, would take on new life, because they would know they were building something permanent and worth while that would be handed down to their children, and to their children's children. They would feel sure that they were contributing something that would make their Nation a better place in which to live.

Further, you fruit growers in the South and the West, and you grain growers should be interested in this. If we had this system of highways in operation this very day, complete, it is estimated by those who have been figuring on this matter that the food, shelter, clothing, and equipment bought by the people of this Nation could be delivered to them at a cost of about 15 percent less than the present cost.

With reference to the national-defense system, you will observe on my map three highways running east and west and six running north and south. At the junction of these highways there will be an airport about 2 miles square.

We are spending about $1,200,000,000 in national defense this year, and I am heartily in favor of every penny of it and would be in favor of spending more. The Army will spend a certain amount of this total, and I would call your attention to the fact that we must look to the protection of both our shores. If we had a system of roads similar to the system proposed here we could zone a lot of our national-defense equipment, up to the weight of 8-inch guns, in the middle of the United States, and our wing material we could zone here also, and in case of emergency, in less than 12 hours we could have all of our wing material concentrated at one point, and in less than 72 hours we could have all of our rubber-wheel equipment on one seacoast or the other wherever needed.

The situation in Spain has taught us a lesson with respect to stationary equipment. I would not do away with a single bit of our stationary equipment on our coasts or elsewhere, but it has been learned that within a space of a comparatively few hours after Franco attacked Madrid that much of the stationary equipment that had been there for years was destroyed.

[Here the gavel fell.]

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may be granted an additional 10 minutes.

The SPEAKER pro tempore. Is there obection to the request of the gentleman from Indiana?

There was no objection.

Mr. FLETCHER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Yes.

Mr. FLETCHER. May I ask the gentleman this question. The railroads are going bankrupt in great numbers and they are down here now asking a 15-percent increase in freight rates. Will the gentleman explain whether he proposes taking over all the railroads under the circumstances of this competition, or how does the gentleman stand on that proposition?

Mr. SNYDER of Pennsylvania. I would not propose taking over the railroads, because it is the business of the railroads to look after themselves, but I would say that looking to the interests of the masses of the people, the people would be better served in the distribution of their commodities with a system of highways like the one proposed.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. I would like to inquire of the gentleman the estimated cost of this undertaking?

Mr. SNYDER of Pennsylvania. I thank the gentleman for the inquiry. I made considerable inquiry of the Army engineers and Bureau of Roads, and while I will not say the Army made the statement—I never quote the President of the United States or the Army engineers—yet I can say that the Army agrees that this would be a great addition to national defense installation, and it could be built for $8,000,000,000. There would be sixteen or seventeen thousand miles of construction and the average cost would be $500,000 a mile at the present dollar value. You will recall that these roads are to be as straight as possible and built to withstand loads so as to convey at least an 8-inch gun.

Mr. ROBSION of Kentucky. In 1920 there were two ideas with respect to roads before the country. One was the idea in the bill that Senator TOWNSEND and I had charge of pro-

viding for the present Federal-aid system. At that time the farmers, the automobile associations, and all the others were opposed to this character of road building, but favored the farm-to-market roads. We now have millions of miles of unimproved highways, and I am wondering if we can spend $8,000,000,000 for this character of road when there are millions of American people still in the mud, and I see that you miss Kentucky and Tennessee and a lot of other States under this plan.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman from Texas.

Mr. McFARLANE. It has been brought out in our committee by the Bureau of Public Roads that such a project as the gentleman is now describing so well has not only proven workable and sound in England, but also in Germany, and it seems to me that such a program would be self-liquidating if carried out along the same lines as the program carried on in England, and I believe if carried out in some such manner it would be highly satisfactory.

Mr. McSWEENEY. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman.

Mr. McSWEENEY. I have a fellow townsman, Mr. Steiner, who, as the gentleman probably knows, is advocating a transcontinental highway of this type.

Mr. SNYDER of Pennsylvania. That is the gentleman I referred to a while ago.

Mr. McSWEENEY. I simply wanted to call the gentleman's attention to that fact.

Mr. SNYDER of Pennsylvania. I thank the gentleman, because I do not want to be put in the position of trying to take any credit from anyone else.

Mr. McSWEENEY. May I ask the gentleman about his plan of liquidating the project?

Mr. SNYDER of Pennsylvania. That would be determined in the final culmination of the set-up or procedure when the bill comes up for final adjustments.

Mr. FADDIS. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Yes.

Mr. FADDIS. I am very much interested in the gentleman's proposition. I believe such a plan is easily feasible in this country. I believe the time is here when a proposition of that kind can be made self-liquidating, and that it can be financed by a bond issue, liquidated by tolls charged for transportation over the roads. I think it is one of the steps of the very near future.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Yes.

Mr. MARTIN of Colorado. Referring to the gentleman's statement that the total cost would be about $8,000,000,000, has consideration been given to a practical means of making it self-liquidating in whole or in part?

Mr. SNYDER of Pennsylvania. Such consideration has been given, but my bill calls for one of three procedures, namely, built by the Government, or let out to private contractors, or let out to private contractors with Federal money on a self-liquidating basis. As the gentleman will recall, I offered a bill a few years ago to make locks and dams self-liquidating. I am not in favor of building locks up and down the rivers which cost millions of dollars, as we have done on the Monongahela and the Ohio and then turning them over. We have just as much right to build roads and turn them over, but I am convinced that the time is here when self-liquidating roads will be patronized sufficiently to pay for them over a period of 20 or 24 or 28 or 32 or some multiple number of years.

Mr. MARTIN of Colorado. I believe some such system as this is necessary, and will yet be realized in this country.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Yes.

Mr. STEFAN. In order to clarify the cost question, the Members of the House should know that concrete roads do not cost as much as they used to cost. They used to cost $26,000 a mile for a road 20 feet wide, and today the cost is approximately $20,000 for a 20-foot road. The cost of it would depend upon how wide you wanted it.

Mr. SNYDER of Pennsylvania. The roads would be 100 feet of concrete, straight across, leveled on 100 feet on either side. There would be no wires and the lighting system would be at either side. They would be lighted up like Main Street at night, and our airplanes would be flying over a main street from coast to coast. The roads would be divided into sections, and if an airplane should get in trouble he could radio down to a control point and say that he will land in section 17 or 18 or whatever it might be and in a very few minutes he could land safely in that section because traffic would be cleared. These big airports at the 18 intersections would be feeders, as the gentleman said, for small roads, marketing roads, and airplane lanes would run into this feeder at different places.

Mr. STEFAN. Is it not true that our road department today is not building Federal-aid highways unless they are accessible to all Army equipment?

Mr. SNYDER of Pennsylvania. That is correct.

Mr. McFARLANE. It is true, as has been brought out in our Committee on Roads, that road construction in our local work program is about to play out, and such a nationalized program would replace the local program, and at the same time would be largely self-liquidating.

Mr. SNYDER of Pennsylvania. I thank the gentleman for his observation.

Mr. FADDIS. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Yes.

Mr. FADDIS. The gentleman mentioned locks and dams on the Monongahela River. They have been wonderful things for two or three corporations. Here is a plan for putting into operation transportation provisions that thousands and thousands of businessmen could take advantage of instead of their being applied only to two or three corporations.

Mr. SNYDER of Pennsylvania. I thank the gentleman for his contribution.

Mr. STARNES. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Yes, indeed.

Mr. STARNES. I am very much interested in the gentleman's able contribution to this problem of solving unemployment. Has the gentleman stressed the question of our national defense properly?

Mr. SNYDER of Pennsylvania. I would not say that I had done it properly, but I have stressed it. It is so important that it would take half an hour to do justice to it.

Mr. STARNES. I think this is a real contribution to the question of national defense, as well as to unemployment, and as a means of communication among our people. I compliment the gentleman upon his able work in that connection in initiating this movement.

Mr. SCHULTE. Mr. Speaker, we are all very much interested in the question of unemployment. About how many people would be employed on this plan?

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has again expired.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended 10 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SCHULTE. Relative to employment, we are all very much interested in it especially at this particular time, how many men will be employed on this project?

Mr. SNYDER of Pennsylvania. Answering the gentleman as to employment, I was informed that the expenditure of $1,000,000,000 at the present time on a road-construction project of this kind would mean the employment of about 1,600,000 men for a year. If the amount were $500,000,000, of course, but half that number of men could be employed.

Mr. SCHULTE. Does the gentleman mean that the 1,600,000 would be employed in the collateral industries affected, the steel industry, cement industry, road machinery industry, and so forth, or would this many men be employed as road workers?

Mr. SNYDER of Pennsylvania. I mean they would be employed as laborers; I did not mean the cycle that would take in the ore mines, the manufacturing industries, transportation, and so forth.

Mr. SCHULTE. So, a person would be safe in saying that it would mean the indirect employment of about 3,000,000 people.

Mr. SNYDER of Pennsylvania. I think the gentleman's observation is about correct.

Mr. RIGNEY. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. RIGNEY. I understand that the highway is to be lighted. Would not this make for safety in commercial aviation to a great extent?

Mr. SNYDER of Pennsylvania. I am glad the gentleman called attention to this feature. These great highways from ocean to ocean will do a great deal to make for safety in air transportation. The gentleman feels, I am sure, as I do, that within the next 10 years we shall be able to get in passenger planes carrying 40 people or more in New York and, without intermediate stops, land in San Francisco 10 hours afterward. They would not come down, of course, between New York and San Francisco unless something went wrong, but if anything did go wrong they could land safely at any one section on such highway.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mrs. ROGERS of Massachusetts. I think if the gentleman would study the map a little more he would find that a road that came down from Augusta through Lowell would be much more satisfactory and that it would take care of a great many more people. [Laughter.]

Mr. SNYDER of Pennsylvania. I thank the gentlewoman from Massachusetts for her observation.

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. KITCHENS. Does not the gentleman think that his map would look a little better if he had another road running across the country from the northeast to the southwest running through Arkansas, for example? [Laughter.]

Mr. SNYDER of Pennsylvania. I may say to my friend from Arkansas that the exact details of the location of these highways will be worked out later. We had to get a general plan for a start, but it would deviate from the plan as the Army engineers may think best. My bill calls on the Army engineers to determine the exact location.

Mr. KITCHENS. I appreciate very much the plan and proposal the gentleman has submitted. I am much more in favor of this type of national defense than I am of spending so much money on the Army and the Navy.

Mr. SNYDER of Pennsylvania. I thank the gentleman for his contribution.

Mr. MEEKS. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. MEEKS. I notice that the highway from Baltimore to San Francisco is so located that it departs from the route of the present national highway to Indiana and Illinois especially. The gentleman has taken it out of a line of towns that the national highway now travels through. He has taken it away from Terre Haute, a city of 70,000, and put it through Crissman, Ill., and has run it through on Highway No. 121 in Illinois. What is the reason for this?

Mr. SNYDER of Pennsylvania. I may say to the gentleman from Illinois that my bill calls for a road that does not go through a city, if it can be avoided.

Mr. MEEKS. That is the reason for making the relocation?

Mr. SNYDER of Pennsylvania. That is it exactly.

Mr. MEEKS. A number of other similar bills are pending. Is this also true of these bills?

Mr. SNYDER of Pennsylvania. I am sorry, but I cannot answer the gentleman.

Mr. SCHULTE. Mr. Speaker, will the gentleman yield further?

Mr. SNYDER of Pennsylvania. I yield.

Mr. SCHULTE. I would ask the gentleman whether the railroads would not be affected by such a system of highways. The railroads have asked for a 15-percent increase. By granting this increase are we not just delaying the inevitable end for the railroads?

Mr. SNYDER of Pennsylvania. That is what many believe.

Mr. SCHULTE. Because, sooner or later they are going to sink of their own weight.

Mr. SNYDER of Pennsylvania. I know many people think so.

Mr. SCHULTE. The Government is going to have to take them over and operate them, whether they want to or not, some of these days.

Mr. SNYDER of Pennsylvania. That is what a great many people think.

Mr. Speaker, I yield to the chairman of the Committee on Roads.

Mr. CARTWRIGHT. Mr. Speaker, the gentleman from Pennsylvania [Mr. SNYDER] and the gentleman from West Virginia [Mr. RANDOLPH] have been pioneers in advocating consideration of the desirability of building superhighways, and both have introduced bills dealing with this big subject.

In May of last year I was glad to arrange for public hearings before the Committee on Roads on three superhighway proposals which were pending at that time, at which many important facts and interesting arguments were brought out and a historic record was made.

Unquestionably, there is a growing interest in superhighways. In the beginning most people considered any proposal of this kind as just a beautiful dream. But the sentiment for superhighways has been steadily increasing, and I think will continue to increase. Those who have been giving the most thought to our highway problems believe that not only are the so-called superhighways definitely in the picture for the future but that the time is here when we should begin to plan them, especially between the large metropolitan centers where there are large intercity movements of traffic.

One of the big problems is the acquisition of the land for rights-of-way. If a practical plan can be worked out to finance the cost of the needed land, possibly by obtaining excess land for sale or lease after the new highway is built, so that only the cost of the highway will have to be liquidated by toll charges, it will be a long step on the road to superhighways.

I do not think we can consider the superhighway as a substitute for our present system of State roads which the Federal Government has been helping to build. And it should be remembered that there are still many gaps in our State systems which have never been improved to a satisfactory standard, as well as many more thousands of miles that need to be modernized—rebuilt, widened, or relocated. And there are also thousands of bridges on our present road system which need to be widened or rebuilt in the interest of safety.

I have been glad to cooperate with the gentleman from West Virginia [Mr. RANDOLPH] and the gentleman from Pennsylvania [Mr. SNYDER], who have been specially interested in superhighways, in helping them to obtain consideration of their proposals. Today I had lunch with the distinguished Senator from Ohio [Mr. BULKLEY], who is the author of a bill recently introduced in the Senate proposing to build a national system of superhighways, and I am glad to see the interest and discussion which his proposal has brought forth.

While no definite action has been taken yet, I think it is not unlikely that the House Roads Committee will report a bill within the near future providing for some definite study and preliminary planning along this line.

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, I believe this is both a serious and an important matter. It has become serious because of the unemployment problem and if we realize that our economy will not work and provide sufficient employment if we de-

pend upon such industries as produce food, clothing, and shelter, we will then realize that in order to keep our people occupied, we will have to develop other means of providing work. Here is where the importance of the question enters.

One finds a whole lot of interesting material to talk about in the development of leisure time. I find in the amusement and entertainment field possibilities that must be explored if we are to solve the unemployment problem. But while considering the consuming possibilities of leisure time, we must attend to the immediate task of finding jobs for our people. I really believe that the day of the transcontinental toll road is here, because we have exhausted to a very marked degree work projects that we have heretofore found for our people. I mean by that, such projects as the P. W. A. and the W. P. A. have been doing. We must go into another field, and the field the gentleman from Pennsylvania presents is a very interesting one. It is a field that commands our thought and attention if we are to solve the employment problem. We cannot muster our unemployed into the Army as has been done in European countries. We want constructive work projects. I therefore congratulate the gentleman on developing a very interesting problem. International as well as transcontinental toll highways will soon become realities. The use of these roads will or should require sufficient tolls to pay for them.

Mr. SNYDER of Pennsylvania. I thank the gentleman for his contribution. I was wondering whether it would help the mail situation.

Mr. MEAD. It would help the mail.

Mr. SNYDER of Pennsylvania. Mr. Speaker, through the courtesy of the gentleman from New York [Mr. SIROVICH], who gave me his place, I am going to ask the Members not to request additional time. However, I am going to ask them for their hearty cooperation from now on in seeing what we can do toward bringing about the fulfillment of some procedure along these lines.

Mr. ANDERSON of Missouri. Will the gentleman explain why the highway goes from Springfield down to Phillipsburg, then back up here instead of going straight across?

Mr. SNYDER of Pennsylvania. The gentleman was not here when I answered that question.

[Here the gavel fell.]

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from New York [Mr. SIROVICH] is recognized for 1 hour.

Mr. McCORMACK. Will the gentleman yield for a unanimous-consent request?

Mr. SIROVICH. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter which I sent to Aubrey Williams, Acting Administrator of the Works Progress Administration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MEAD. Will the gentleman yield further for a unanimous-consent request?

Mr. SIROVICH. I yield to my colleague from New York.

Mr. MEAD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech delivered by the United States attorney in my own district on the subject of the Federal Government.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNYDER of Pennsylvania. Will the gentleman yield for a unanimous-consent request?

Mr. SIROVICH. I yield to the gentleman from Pennsylvania.

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent that all those who spoke on the matter about which I addressed the House a few moments ago may have the privilege of extending their own remarks in the RECORD on that subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. O'CONNELL of Montana. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Montana.

Mr. O'CONNELL of Montana. Mr. Speaker, this morning the Washington Post carried the story that in an address before the members of the Abraham Lincoln Brigade in convention assembled I attacked the very able, the very distinguished, and very honorable chairman of the House Committee on Foreign Affairs, and that I referred to him and attacked him as a Fascist and a Ttory.

I rise at this time to say to the gentleman from Tennessee, and I have already talked with him this morning, that I made no such attack on him; but in discussing the present neutrality law I referred to it as the McReynolds bill and said it was a Tory and a Fascist piece of legislation.

Mr. Speaker, I have the highest regard in the world for the distinguished gentleman from Tennessee. I admire his ability and I have nothing against him personally. I am therefore sorry anything of this kind occurred. I agree with the speech the gentleman made on November 17, 1937, in which he stated it is high time that America do away with its isolationist policy and go on an aggressive peace-policy basis, something that will define the difference between an aggressor and the victim.

I thank the gentleman from New York [Mr. SIROVICH] for yielding.

Mr. ANDERSON of Missouri. Mr. Speaker, I suggest the absence of a quorum.

Mr. SIROVICH. Will the gentleman withhold that? I am satisfied to proceed.

The SPEAKER pro tempore. The Chair will count.

Mr. ANDERSON of Missouri. Mr. Speaker, I withdraw the point of order.

The SPEAKER. Under special order the gentleman from New York [Mr. SIROVICH] is recognized for 1 hour.

Mr. SIROVICH. Mr. Speaker, the most terrible word in the dictionary is not war or epidemic or earthquake, but inquisition—the reign of terror imposed upon man in the name of a dogma or a holy principle. The inquisition as an institution is no longer in existence, but the inquisition as a principle is still a driving force in world history and as such is as active today as ever.

In speaking of the inquisition, I have in mind the Spanish Inquisition, which began in 1481 and was presided over by the grand inquisitor, Thomas Torquemada, who often was tremblingly remembered as Torquemada the Terrible, or Torquemada the Cruel, the Hitler of his day. The Spanish Inquisition was not established by the Catholic Church. In fact, Pope Sixtus IV denounced its brutalities, barbarities, cruelties, and viciousness. Many other popes adopted a similar attitude, and the head of this Spanish Inquisition, Thomas Torquemada, was excommunicated by the Catholic Church for violating its decrees and acting contrary to its spirit, while his followers were outlawed. Still the Spanish Inquisition continued officially for more than 350 years, ending in 1834.

When we speak of the Spanish Inquisition, we are reminded of its terrible dungeons, its shocking torture chambers, its galleys, and its mass burning parties of human beings known as auto da fes. We are reminded of the most appalling crimes committed against man and God by sadistic fanatics in the name of some abstract principle of theology. We are reminded of the bestialized men who by torture and terror forced their fellow men to denounce relatives and friends, thereby delivering them to the agents of the inquisition. Thousands of men and women who were suspected of nonconformity were thrown into deep dungeons known as "murus strictus," or "narrow walls," where the prisoner, chained to the walls, had room only to stand erect and to receive the bread and water of affliction. If after a long confinement in these dungeons the will to truth of the accused was still unbroken, he was put to the rack, and if physical torture and spiritual torment proved of no avail,

the accused was condemned either to perpetual imprisonment or to be roasted alive at the stake on the horrible auto da fe.

Since the day of its inception on February 6, 1481, when 6 men and women were burned at an auto da fe in Seville, to the year 1834, when the Spanish Inquisition officially discontinued its operations, 44,658 persons were burned alive, 180,000 persons were burned in effigy and their property confiscated, and 340,241 persons were condemned to prison and torture. Such is the gruesome and appalling record of the Spanish Inquisition, which not only consumed its victims but devastated and devitalized Spain itself and reduced the mistress of the New World and the greatest power in Europe to the position of a forgotten nation and a forsaken land.

On the personal side the Inquisition, as an inferno and as the greatest exhibition in history of barbarity and beastliness, was the creation of three highly abnormal personalities—King Ferdinand of Spain, the most unscrupulous ruler in all history and the prototype of Machiavelli's Prince as the ideal of the remorseless ruler; his Queen, Isabella, daughter of one mad princess and mother of another; and the Grand Inquisitor, Thomas Torquemada, whose bloodthirstiness and joy from the sufferings of others are traceable to an intense form of dementia. "The Inquisition," says Salvadore de Madariaga, the greatest Spanish scholar of our time, "was conceived and founded as a department of state outside of the jurisdiction of the church and its bishops." This is not the only time that the Catholic Church has been misused by unscrupulous rulers, potentates, tyrants, and despots to attain their sinister ends. For more than a thousand years the great Catholic Church had been the repository of knowledge and the source of culture and civilization in the Western World. It can rightfully claim to have been the only moral, humane, and intellectual force during barbarous times. Therefore, the Catholic Church cannot be held responsible for crimes committed in its name or against its principles and traditions, which it always fought for and maintained for the benefit of the people who were members of its faith.

It was the Inquisition with its reign of terror that forced upon its peoples, races, and religions in the Spanish lands—Christians, Jews, and Moors—and upon its many principalities one religion, one church, one racial rule, and one authority. Of all the European countries, Spain is the least equipped for a highly centralized government. Its vast mountain ranges and deep valleys separating one province from another are conducive of sectionalism and separatism. To impose a centralized authority and a totalitarian regime upon such a highly individualistic people, the bloody Inquisition was introduced. The fifteenth century despot, Torquemada, created the pattern and established the formula for the twentieth century dictator—Hitler.

Inquisitorial Spain is an exceptional example of how a purely philosophical principle can be distorted and misused to serve inhuman purposes. St. Augustine, whose ramified system of theology and philosophy was the spiritual springboard not only of the Middle Ages but of many tendencies in modern times as well, was the greatest and most brilliant religious figure of the first 10 centuries following the time of Christ. He imposed his powerful and gifted spiritual personality upon 30 generations of men. Truly can it be said of him that he was the founder of the Western Church and the preeminent scholar of early Christianity. The period which St. Augustine ushered in is distinguished by its deep social pessimism. Fundamentally, he taught man is sin-laden and filled with evil, needing an absolute authority such as the church to guide him. This made the church the supreme authority in spiritual matters.

St. Augustine divided humanity into two categories, the one predestined to eternal grace, the other to everlasting damnation. The latter included the vast majority of the people, the former a small minority of saints and sages divinely endowed with the right and duty to lead the masses and to impose their spiritual will upon them by force, if necessary. Out of this spiritual division of humanity and the basic conception of the inequality of man sprang the political despotism, medieval authoritarianism, and totalitarianism of the Spanish Inquisition, which represents the most relentless and pathological distortion of the collective spiritual theological doctrine of predestined grace and damnation, for the economic, political, and militaristic exploitation of the Spanish people under Torquemada.

The Spanish Inquisition, whose spirit is again hovering over the whole world and is once more dividing humanity into two halves, aspired to an order of things which is strikingly reminiscent of the modern totalitarian state. It aspired to one-party rule, outlawing all other parties; to a complete suppression of personality; to a complete enslavement of the masses and the debasement of the people; to imperialism and militarism; to political absolutism; and to the deification of the state, which the church was made to serve. Long before the Nazis in Germany invented the racial passport, the Spanish Inquisition had already discovered the certificate of racial purity known as the limpieza, though Spain racially was no purer than is Nazi Germany. Adolph Hitler can claim a tradition 450 years old. His alleged brand-new theories of the State, society, art, finance, economics, and religion are in fact copied from inquisitorial Spain, the first Fascist state in Europe. Like the modern Fascist state, inquisitorial Spain said to the individual "Accept our beliefs, doctrines, principles, and ideas or forfeit honor, freedom, security, wealth, and life."

The Spanish Inquisition was the first political agency in the Western World to purge and liquidate its opponents. It was the first institution to perfect the principle of absolute rule or dictatorship, to introduce torture and sadistic cruelty to punish their spiritual opponents, to identify race with state and to deify race and state. It was the first agency in the Western World to say to man that the salvation of his soul was more important than the welfare of his body, and even of his physical existence. Consequently, the Inquisition tortured and destroyed the body so as to save the soul, in the name of a dogma or holy principle. The Spanish earth is reddened with human blood in the name of the Prince of Peace.

For many centuries racially diversified Spaniards, Basques, Castilian, Catalans, Moors, Mohammedans, and Jews lived peacefully side by side in the Spanish peninsula, each performing a valuable function, each making a definite contribution to culture and the civilization of Europe, mediating between the then flourishing Orient and the still primitive Occident, and preserving for the Occident the cultural heritage of classical antiquity. The cultural creativeness especially of the Moor and Jew aroused the wrath and envy of the representatives of inquisitorial Spain, culminating in the forcible expulsion of Moor and Jew from the land which they had enriched for many centuries. In uprooting and destroying an organic part of the native population, Thomas Torquemada furnished the example for Adolf Hitler.

Like every other sinister force in history, the Spanish Inquisition, too, outgrew the scene of its original activities and spread to many parts of Europe, becoming, in the course of time, a great driving force in the political, economic, social, and religious life of the European Continent. The spirit of the Spanish Inquisition continued and extended itself in the violent acts of the Counter-Reformation, in the St. Bartholomew Massacre, the most terrible purge in all history, and in the Spanish end of the monarchomachic movement which lasted until the seventeenth century and whose leaders taught that it is permissible to assassinate kings and potentates who tolerate nonconformists.

As a reaction to the spirit of the Inquisition, with its mixture of mysticism and sadism, the enlightenment movement was born in western Europe at the end of the seventeenth century. Its purpose was primarily to overcome and to remove the evil genius of Torquemada from the fabric of European life. It rejected everything that the Inquisition had established—political despotism, the suppression of the personality, the suppression of thought and conscience, a highly

centralized authority degenerating into authoritarianism and the machiavelian principles in political life. It affirmed an optimistic outlook on life conducive to personal freedom, the individual pursuit of happiness, religious tolerance, the sovereignty of the mind, and the emancipation of the masses. This movement spread over Europe, with the exception of Spain where the grand inquisitor still reigned supreme and where the final will and testament of the king always began with the words, "I admonish my successor to uphold the Inquisition, to protect and guard it, and always to come to the rescue of its leaders and agents." While all the European nations prospered spiritually and progressed culturally under the spell of the enlightenment movement, Spain sank deeper and deeper into poverty, ignorance, and superstition until finally it became forgotten and forsaken. Yet despite the destructive effects of the Inquisition upon Spain, the rulers of the Spanish people continued to cling to the institution of Torquemada until the fourth decade of the nineteenth century.

Since the seventeenth century the people of Cervantes, Velasquez, El Greco, Murillo, De Vega, and Calderon, virtually disappeared from the realm of European realities as the result of the operations and activities of the Inquisition. As a political power Spain was replaced by England and as a cultural power by France. But in spite of these great historical changes and developments, the hold of the spirit of the Spanish Inquisition upon the political leadership of the great western powers was still so great that three revolutions were required to break it—the English Revolution, the French Revolution, and the American Revolution. It was these revolutions that emancipated individual man from the forces of medievalism, from the shackles of spiritual collectivism, from the chains of authoritarianism, and fully established the authority of man's reason.

But in spite of the complete break with medievalism, brought about by these revolutions, Torquemada's ghost was by no means destroyed for no sooner did the enlightenment movement spend itself when the spirit of Spanish Inquisition, with its postulate of political absolutism, reasserted itself again after the Napoleonic wars in the form of the Holy Alliance, whose purpose was to overawe and destroy the forces of liberalism. But the Holy Alliance, consisting of three despotic States—Russia, Austria, and Prussia, with their counter-revolutionary aspirations, proved to be only an episode in modern European history, for by the middle of the nineteenth century the forces of liberalism and democracy began to regain their ascendancy and overwhelmed the structure established by Metternich, the managing director of the Holy Alliance. When the Holy Alliance, representing the last tremor of the spirit of the Spanish Inquisition in the nineteenth century was finally liquidated, Europe reestablished a liberal order which remained the dominant tendency from the middle of the nineteenth century to the outbreak of the World War. Modern science, exchange economy based upon modern industrialism, and parliamentary democratic government, are the heritages of that age.

The last half of the nineteenth century witnessed the economic, cultural, and territorial enrichment of many nations. England, France, Germany, Austria, and Italy moved from strength to strength, riding in on the tidal wave of nineteenth century progress. Only Spain was not a party to this tendency, steadily losing ground until, as a result of the Spanish-American War she lost her last holdings in the New World. The once mighty Spain was now impotent and sterile. What an irony of fate. What a tragic retribution.

The economic and political developments in the west, spelling continued progress, were also attended by spiritual advancement. The modern state as it freed itself from the spirit of the inquisition, began to identify itself with humane interests, caring for the sick, helping the poor, assisting the downtrodden, and assuming obligations for those less favored by fate. New social legislation was introduced in every western parliament, and laws guaranteeing a minimum of social and economic security to the underprivileged were adopted. This social legislation and general spirit of humanitarianism developed the moral sensibilities of men, leading to a greater appreciation of the individual and his worth. These spiritual and moral processes continued until the World War, in the course of which human life was cheapened, debased, and degraded. A modern, liberal, and progressive Europe went to war, and a medieval, demoralized, debased, and regimented Europe returned from it. The mass butcheries of the World War made man forget to think in terms of personality and taught him instead to think in terms of the horde—of the regiment, the brigade, the army corps. He ceased to move freely as he did before the war and commenced to move only according to given orders. It was on the blood-drenched battlefields of Europe that free man was destroyed, and from the shell-torn battlefields a dehumanized, brutalized, and regimented humanity emerged. It was in this tragic hour of European history that the spirit of the Spanish Inquisition, always lurking behind the scenes, awaiting its opportunity, once again overwhelmed and devitalized a disspirited, impoverished, debased, and barbarized humanity. Before the returning soldiers could exchange their uniforms for civilian dress Torquemada's spirit again was permeating Europe, inspiring the new dictators to resort to his old bag of tricks. Wherever this accursed spirit rose to power it suppressed freedom of speech and assembly, freedom of thought and conscience, freedom of movement and action, and reduced the individual to an insignificant atom in the political and economic structure of the state. Wherever it rose to power it dismantled universities and transformed them into centers of Fascist propaganda. By enslaving the human mind and driving the most creative spirits out of their countries it destroyed cultural creativeness and paralyzed the best energies in the nation.

Few of us fully appreciate the devastating effects of the modern dictatorships upon the cultural life of the nation it overwhelmed. No great work of art, literature, science, or philosophy has come out of any of these dictator- or inquisitor-ridden states. Their specific gifts to humanity are bigger and better barracks, bigger and better regiments, more concentration camps and jails, more torture chambers, but less food for the people. The slogan of the modern dictator is "More cannon and less butter," "More concentration camps and fewer schools," "More military exercise and less mental effort." That order which was symbolized in inquisitorial Spain by the slogan "Spain for the Spaniards," has been adopted, parrotlike, by the modern dictatorships who shout "Germany for the Germans," "Rumania for the Rumanians," "Poland for the Poles," with the consequence that the ethnic and religious minorities in the modern dictator state are subject to the same cruelties, to the same tortures, and to the same outbursts of sadism as were the religious and ethnic minorities in the Spain of Torquemada. Never in the history of Europe have two movements and two tendencies of life so resembled one another as the Spanish Inquisition and the modern dictatorial states. Both are animated by the same spirit, the spirit of fanaticism, intolerance, and oppression; both have the same objectives, to reduce man to a tool in the hands of the despot; both use the same methods in the struggle with their opponents—oppression, torture, confiscation of property, and murder; both betray the same contempt for the human personality, for man's reason and his inalienable right to freedom and the pursuit of happiness; both aspire to one and the same goal—the perpetuation of an absolute, totalitarian, and authoritarian order of things maintained by force and terror. The inquisition announced that its rule would last for all eternity, while Hitler, being more modest, does not expect his rule to last more than a thousand years.

As a result of this resemblance between the inquisitorial and the dictatorial states, it cannot be a matter of indifference to the latter whether the new Spain, having just overthrown its medieval order of things, adopts a positive or a negative attitude toward Torquemada's gift to humanity.

Spain being a land laden with tradition, could rid itself but recently of its medieval luggage. Not ideas as much as poverty and oppression brought out the fall of the old order in the Spain of 1931. A country in which the great landowners, comprising but 1 percent of the population, owned 51 percent of the arable land; a country in which 70 percent of its population were illiterate; a country in which a million agricultural laborers earned less than a peseta a day—a paltry 8 cents; a country in which 1 percent of its people owned 57 percent of its industrial wealth; a country in which the majority of the rural population lived a life of such fabulous poverty that existence was sustained by an inadequate diet of inferior vegetables and fruits, and yet which paid more than one-half of the tax levied on the Spanish land, was surely ripe for revolution. When it finally occurred 7 years ago, the republican regime approached the land problem very timidly, fearing the combined opposition of the feudal lords and their ally, the military, consisting of 22,000 officers of an army of 120,000, forming a state within a state. The very proposal to divide the great estates of the absentee landlords called forth a powerful reaction, raising to power and office such violent reactionaries as Gil Robles and Alessandro Lerroux, who used and abused their office to organize the military so as to overthrow the Republic should it dare to seek a just and permanent solution to the agrarian problem. Despite their bloody suppression of agrarian and industrial revolts during 1934–35, even the reactionaries were convinced that new elections would return a liberal and democratic majority to the Spanish Parliament. And when in February 1936 their political expectations were fulfilled and the Spanish people in a free election participated in by all parties returned a preponderantly liberal majority to the Cortes, the heirs to Torquemada's order began to prepare to overthrow and destroy the Republic. Three main elements combined in this conspiracy against the Spanish Republic—the army officers who in Spain are organized in a professional trade union to defend their interests even against the Government, the grandee landlords, and the reactionary industrialists headed by Spain's richest man and greatest illiterate—that prince of Spanish smugglers, Juan March, the ultimate financier of the rebellion against the Government. To make certain that their treachery would triumph, the army officers, grandee landlords, and reactionary industrialists allied themselves with the agents of the Fascist powers of Europe to whom, in exchange for military support, they offered Spain's natural resources as collateral.

Today it is a matter of historical record which no one denies any longer that long before the first shot was fired in the Spanish civil war, the agents of the Fascist powers, together with the traitors to the Spanish Republic, carefully planned and organized all the details of the revolt against the duly constituted government of the country. The rebellion which broke out on July 17, 1936, was not the spontaneous affair of an allegedly outraged population, but the planned and deliberate work of traitors, conspirators, and foreign agents.

Soon after the Nazi diplomatic and consular agents were withdrawn from Spain, the authorities in Barcelona and Madrid discovered documentary evidence of systematic Nazi conspiracies against the Republic, some of these compromising documents dating as far back as 1934. The Nazis understood that the normal development of the Spanish Republic must be a source of strength to France and to democracy in general. To encircle France and to dig a grave for European democracy, the destruction of the Spanish Republic was decided upon in Berlin. It was with these arch enemies of liberal and democratic Spain that Franco entered into a conspiracy. And Mussolini was not slow to follow the Germans, for Fascist Italy had the same interest in destroying the Spanish Republic as did Nazi Germany, both governments being especially interested in laying their hands on Spain's natural resources.

Franco, himself, primarily was concerned in perpetuating the power of the Spanish military junta and in protecting the interests of the feudal lords and industrial barons, who were shamelessly exploiting the Spanish workingmen, paying them less than starvation wages, which was from 2 to 3 pesetas a day—from 16 cents to 24 cents a day. This situation was about to be corrected by the Republic through appropriate social and economic legislation. To forestall this progressive step, the militarists, the feudalists, and the industrialists united in an organized conspiracy against the young Republic.

Francisco Franco wages war against the Spanish Republic with the help of Mohammedan Moors and Nazi pagans. Therefore, he cannot honestly say that he is fighting to preserve Christianity. Encouraged and supported by the feudal grandees Franco cannot honestly say that he is fighting for the Spanish peasant. Financed by the captains of industry and big business, who make no bones of their contempt for labor, Francisco Franco cannot honestly claim that he is waging a war for the emancipation of labor. What then are the war aims of General Franco, whose paroxysm of self-centered patriotism and hatred has already devastated a half of Spain and taken a toll of hundreds of thousands of human lives. From his administrative acts during the past 18 months, his war aims can be clearly formulated as follows:

First. A revived and savage nationalism and racialism symbolized by a new limpieza.

Second. A religious and intellectual totalitarianism on a scale worthy of the Nazis and reminiscent of Torquemada.

Third. Political absolutism denying to the Spanish people any freedom of thought, expression, or action, and in line with the basest traditions of Ferdinand and Isabella.

Fourth. Militarism as the arm of Franco's reestablished inquisition.

Fifth. The perpetuation of a feudal order and the economic exploitation of religious and political nonconformists expressing itself in the confiscation and expropriation of the property of his opponents.

To Franco belongs the credit that in his zeal to reestablish the Inquisitorial order he has even excelled his inspiration and master, old Torquemada himself. There is no record to show that Torquemada ever executed as many as 3,000 nonconformists in one city. But, according to an undenied dispatch in the New York Times of January 16, 1938, Franco executed 3,000 civilians in the small city of Teruel—one-fourth of its entire population—whom he suspected of Loyalist sympathies. His appalling cruelties in the ancient Catholic holy city of Guernica, belonging to the ancient, loyal, Catholic Basques, where his brave Nazi German allies bombed and laid waste this purely civilian town with its ancient religious shrines and holy places, and ruthlessly and systematically machine gunned and murdered virtually the entire fleeing civil population, estimated at 8,000 souls, must have caused even a Torquemada to shudder in his grave. And what was his justification for the murder of scores of arrested Basque Catholic priests whose only crime consisted in seeking to defend their religious liberties and venerable traditions of political independence? Franco's reasons for these shocking crimes were no better than those which caused him to shoot every Protestant pastor and Free Mason whom he was able to seize within his territory. All these barbarities, perpetrated in the name of patriotism and religion, were for the purpose of imposing his rule upon an unwilling population, who but 2 years ago, in the last popular expression of their political will, rejected categorically the entire political, cultural, and economic order which Franco represents. The grand inquisitor, Thomas Torquemada, with a semblance of reasonableness, could claim that he represented the will of the Spanish people. But Francisco Franco, his native legatee, cannot rely even upon such dubious representations. Torquemada did not call in Moors and German Nazi pagans and Italian Fascists to enforce his will, as does "El Caudillo," "The Leader," Francisco Franco. Torquemada honestly, though mistakenly, believed himself to be serving the interests of his own country, but Francisco Franco is serving the interests of Germany and Italy. His civilian population he represses with

the aid of the Blackshirt Italians, religious conformity he enforces with the sensitive help of the pagan German Nazis, and his Spanish soldiers are being kept in line with the assistance of the patriotic Mohammedan Moors, who apparently relish this glorious opportunity to avenge the cruelties perpetrated upon their people by Torquemada.

The principal Fascist power in Europe, appreciating the importance of a Fascist victory in Spain and hoping that Franco's victory would tip the scale in favor of fascism in the western world, are supporting him with men, money, and munitions. At present 150,000 black-shirt Italians and 25,000 Nazi Germans are fighting on the side of Franco to destroy the Spanish Republic. According to a report circulated widely in the American and English press, Germany is involved in Franco Spain to the tune of $200,000,000 and Italy in the sum of $140,000,000. For these military, political, financial, and ideological reasons neither Germany nor Italy can disentangle herself from the Spanish situation without serious damage to prestige and prowess. The probability is that, far from withdrawing from the Spanish adventure, each will continue to pour in more men, millions, and munitions and continue the struggle for the Fascist redemption of Spain even though the entire Spanish people be destroyed in the process. What matter if Spain perish so long as its soul is saved for fascism.

While a final Franco victory is far off, it is not out of the realm of probabilities. But what would such a victory signify, and what bearing would it have upon western civilization? A Franco victory would mean the Fascist encirclement of France on three borders, thereby immobilizing her as a great power. With Italy controlling the principal Mediterranean ports of Spain, the French Republic would be at the mercy of Mussolini and with the Spanish Morrocan port of Ceuta now held and fortified by the Germans, Gibraltar, as well as the entire Mediterranean life line of Great Britain would be imperiled. A Franco victory would complete the Fascist conquest and subjugation of Europe, forcing a medieval order upon the entire European world. Neither France nor England could hold her own in the face of a completely fascisized Europe. The United States would remain as the sole surviving democracy, facing not only a Fascist Europe but, in view of the successful Fascist propaganda in South America, a hostile Western Hemisphere as well. Aloof though we wish to remain from the Spanish tragedy, the conclusion becomes inescapable that the outcome of the civil war in Spain must affect greatly not only our position as the leading democracy in the world, but our very security as a nation. But what are we doing to help democracy to survive and thereby fortify our own security? So far everything we have done tended to assist fascism everywhere, and not only to penalize democracy abroad but even to jeopardize its very existence. The American Neutrality Act which was promulgated for the purpose of keeping this country out of foreign wars, so far, has had the effect of depriving duly constituted governments fighting to preserve democracy and independence of the possibility of maintaining themselves against traitors and Fascist invaders. To Germany and Italy we cheerfully sell arms and munitions, which in turn are transshipped to Franco Spain. American-made bombs sold formally to Germany are laying waste undefended Spanish cities. But at the same time we refuse to sell arms and munitions and even antiaircraft guns to the duly constituted and popularly elected Government of Spain. Should Franco's arms be victorious and should thereby a new middles ages descend upon the world, America will have to bear a major share of the responsibility.

We protest against the bombing of open and undefended cities within republican Spain without fully realizing that we, too, are partly responsible for the havoc and destruction resulting from these bombings. Can we continue this policy of promoting fratricide in Spain without burdening our conscience? The least we can do in this Spanish catastrophe is to deal fairly with those who now are shedding their blood for their national independence, territorial integrity, political liberty, and religious freedom and make available to them at least the opportunity to purchase the arms and munitions and antiaircraft guns that they need so desperately in their struggle against the new inquisition. Such a just attitude toward the cause of Spanish democracy necessarily must lead to the repeal or revision of our Neutrality Act, whose consequences at present tend to involve rather than keep us out of war.

Like many decisive battles in the past, the Battle of Madrid, too, will decide the destinies of many future generations and the fate of states and entire continents. The United States still has it within its power to help decide the fate of that battle in such a manner that the outcome of the civil war may not engulf western civilization in its greatest tragedy since the days of Attila. To prevent the victory of Torquemada's spirit, to save France and England and the cause of democracy in general from the terrific Fascist onslaughts, and to prevent our own political and spiritual isolation in a hostile Fascist world, we are bound in duty and honor to give a new deal to struggling democracy abroad by embargoing oil, arms, and munitions to those powers who are at war with the Spanish Republic and to enable republican Spain to continue the struggle for its very existence as a free and independent nation.

Mr. Speaker, the Battle of Madrid will seal not only the future destinies of the Spanish people for decades to come but also will determine the political and spiritual future of Europe for several generations. The Battle of Madrid will decide whether democracy and political and spiritual freedom shall prevail or whether autocracy and political and spiritual despotism shall be perpetuated. The Battle of Madrid will decide whether or not the struggle for the emancipation of man waged during the last 400 years has been in vain. Should Franco emerge the victor from the fateful Battle of Madrid, the night of medievalism once again will descend over all Europe and nullify all the accomplishments of the Renaissance, the Reformation, and the three great political revolutions in England, France, and the United States, which had spelled the end of the first middle ages in the Western World.

Mr. Speaker, can the American people remain indifferent to the possibility of a new medieval Europe? Can the United States remain indifferent to a resurgent spirit of feudalism, militarism, and despotism as visualized by the Fascist powers? With Spain a prey to Mussolini and Hitler what can the other nations of Europe look forward to? Can America hope to remain immune from attack if the entire European continent groans under the heel of the Fascist despot?

Mr. Speaker, the United States cannot possibly desire a Fascist victory in Spain. Such a victory, by necessity, must spell the triumph of fascism in the whole of Europe. The United States must not help to dig the grave of European democracy. The blood of our heroes of the World War cries to us from their graves: "Democracy and freedom are in danger; they must be preserved that we may rest in peace. Let us not assist Franco, Hitler, and Mussolini. Let us not revive the spirit of Torquemada, the spirit of fanaticism, the spirit of beastliness."

As long as there is a duly accredited Spanish Ambassador in Washington and an American Ambassador to Madrid, we must not deny to the legally constituted Government of Spain the right to buy in America antiaircraft guns, arms, and munitions that it may defend itself against traitors and invaders. We cannot pay lip service to democracy and at the same time, by our moral indifference, contribute to the cause of fascism.

Mr. Speaker, history has demonstrated that the future destinies of generations of men and of cultures of countries and continents are decided on the field of battle. In ancient times the Battle of Salamis decided that Hellas and not Persia become the spring and fountain of western culture. Later the clamoring and shouting of Cato the Elder from the rostrum of the Roman forum, "Delenda est Carthago" ("Carthage must be destroyed") culminated in the final triumph of the civilization of Rome over the despotism

of Carthage. The battles of the Crusaders determined that Christianity and not Islam become the prevailing religion in the western world. The Battle of the Spanish Armada in 1588 signified the downfall of the Spanish and the rise of the British Empire and the victory of Anglo-Saxon over Spanish civilization. The Battle of Waterloo assured a European Continent of free and independent nations in place of a Napoleonic empire. The World War, in the words of Woodrow Wilson, the greatest spiritual representative of American democracy, was fought to make the world safe for democracy. But Woodrow Wilson was 20 years ahead of his time, for the World War did not definitely decide the final outcome of the issue upon which it was fought. Although it resulted in the overthrow of the Hohenzollerns, Romanoffs, and Hapsburgs, other and more dangerous despots in the persons of Mussolini, Hitler, and Franco rose in their place in an effort to destroy democracy entirely. The battle to make the world safe for democracy is being fought at this very moment before the gates of Madrid.

The role assigned to America in history is to act as the messiah of democracy. Let us therefore resolve that no legal technicalities may make America the Judas of democracy.

Mr. Speaker, freedom of speech and assembly, freedom of the press and action, freedom of religion and conscience must be preserved everywhere if democracy is to survive. As ancient and independent Rome cried out uncompromisingly, "Delenda est Carthago" ("Carthage must be destroyed") so must we, with firm resolve, continually exclaim, "Delenda est Nazimus, Fascismus, Francoismus" ("Fascism, nazi-ism, and Francoism must perish that democracy may live!"). [Applause.]

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I yield very gladly to the gentleman from Nebraska.

Mr. STEFAN. The gentleman always amazes me with his great retentive mind. His, in my opinion, is one of the great minds of America. He always makes a masterful address in this House, which, I believe, most men listen to with gratification. I wonder if the gentleman would enlighten the Members of the House with an explanation of the evolution of the individual in the historic fabric of the world?

Mr. SIROVICH. The great philosopher, scholar, and poetic genius Goethe once remarked that there are two souls within the breast of every human being. The first represents the individual, the second represents the mass group or herd. The individual typifies the selfish and antisocial feeling that is prevalent in all of us. The mass instinct is the great social, collective instinct that we all feel for our fellow man. These two antagonistic forces represent the polaric tension between them. Man's inner struggle arises from this dual nature—antisocial and social feeling—which is the source of the great conflicts between individualism and collectivism in history. The entire historic process appears as a continuous war between these two tendencies in man's soul, struggling for supremacy. Therefore, the interpretations of this process are either individualistic or collectivistic.

At the dawn of history, when man thought in mythological terms, the individualistic conception of the historical process expressed itself in polytheism, with its frolicking gods and goddesses reigning supreme. When man began to think in religious, Biblical, and ethical terms, the individualistic conception of history expressed itself in the ideal of the Messiah, the religious and ethical superman reigning supreme and imposing justice upon an evil world.

At a later period, when man, at least in the classical world, had learned to think in intellectual terms, the individualistic conception of history found its expression in Plato's ideal of the philosopher-ruler. But with the consolidation of Christianity, when man became theologically orientated, the individualistic conception of history expressed itself in St. Augustine's theory of predestination, the few predestined to eternal grace and the many to everlasting damnation.

When the theological energies of the Middle Ages had spent themselves, and the light of the Renaissance broke, the individualistic conception of history was symbolized by the ideal of the universal man with his diversified mind, of which Leonardo da Vinci is the apotheosis. Out of the diversified mind of the universal man of the Renaissance came a new cosmology, a new sociology, and a new anthropology, culminating utilimately in the mechanistic conception of the universe, a mechanistic conception of society and of man. Delamettrie and Holbach are the foremost representatives of this world picture.

The first scientific reaction to this weltanschauung came with Darwin, whose theory of the selective process and survival of the fittest became the motive power of Nietzsche's superman. In Nietzsche the individualistic conception of history finds its most powerful expression during the nineteenth century. For many decades Nietzsche's superman ideal was one of the dominating forces in western art and literature. Ibsen's drama is as much a reflex of Nietzsche's concept of history as is Hauptmann's The Weavers reflects the Marxian collectivistic conception of history.

Nietzsche's superman is an abstraction and not a specific figure, ruler, artist, or scientist. He did not define who the superman was. Therefore, the great German writers and thinkers during the first third of the twentieth century, especially Oswald Spengler in his Decline of the West, identifies Nietzsche's superman with the superpolitician. The fanatic Nazis went a step farther and reduced this political superman to a figure symbolized as a Führer who is supreme and who must be the leader of society. The Nazi state therefore emanates from the personality of the superman, the superpolitician, the Führer, Adolf Hitler. He becomes the totalitarian and authoritarian despot who organized the state and tells every human being in Germany what he must do. This is my conception of the historic evolution of the development of the individual from mythological times in primitive days to the modern superpolitician, the superman glorified by Germany as its Führer—Adolf Hitler. [Applause.]

Mr. PATRICK. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Alabama.

Mr. PATRICK. I want to pay tribute to the very instructive address that has been so splendidly delivered by the gentleman. May I ask the gentleman to state how much weight may be given to the press reports with reference to an apparent realinement in the political activities of Hitler toward the group that he left out a few days ago by reincorporating those that had not been so high in government. I ask the gentleman the significance of that because I am unable to comprehend it fully.

Mr. SIROVICH. I do not care how many alinements may be made with or by Hitler. Any realinement made by the German despot today can only mean a reshuffling of forces in his favor, and must spell added peril to peace. The general impression is that recent events in Germany will intensify Germany's participation in the Spanish war leading to more bombings of open cities. In addition it will greatly affect the security of the great democracy, Czechoslovakia, the safety of Austria and Hungary and ultimately the peace of Europe. In his despair over his tragic economic problem, Hitler may go to any length to save himself, even at the expense of a world war. [Applause.]

Mr. BARRY. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from New York.

Mr. BARRY. The gentleman in condemning nazi-ism and Hitler, and I agree with him, points out that Hitler is a ruthless dictator, that he is intolerant of religion and would mold religion according to his own way of thinking into a state form. The gentleman further states that Hitler stifles all civil liberties, civil rights, the freedom of the press, and everything that we as a democracy stand for.

I should like to ask the gentleman, Is there any essential difference between the condition existing in Germany and the condition that exists in Russia, where, in my opinion, Stalin is just as much of a ruthless dictator, where religion is not tolerated, and where, like the Nazis have, there is only one party tolerated, the Communist Party? I should like to hear the gentleman say something about that. I have

not heard him touch on that matter. I would like to have him tell us whether or not there is any essential difference and whether or not those two types of government are equally repugnant to the democracy under which we live.

Mr. SIROVICH. Several years ago I rose on the floor of the House and spoke for 1 hour on the subject of democracy versus communism, which brought about a congressional investigation of communism headed by Congressman FISH. I expressed myself at that time as an opponent of communism and everything it stands for and particularly against its religious persecutions and oppressions.

This time I am concerned with the destructive tendencies originating in western civilization and culture, in contradistinction to communism which is of eastern origin. The democracies I would like to see preserved, as I have stated heretofore, are of the type of England and France, which represent the first line of defense in preserving constitutional democracy in the United States. [Applause.]

Mr. BARRY. The gentleman has been discussing the Spanish situation and has pointed out the terrible economic conditions which have brought about this war, according to his way of thinking. I am not familiar with it particularly. I am more interested in what is going on in this country. I am not fighting the Fascists or Communists throughout the world, about which some of my colleagues seem to be disturbed. However, occasionally I buy the Daily Worker, which is the Communist organ in this country. It seems to me that that paper is greatly interested in the so-called Loyalist side, to which the gentleman refers, as constituting the democratic mind. I know, as a fact, that the activities of the Loyalists over a period of years have not been above criticism. I am not speaking for Franco or the Loyalists. I know they have murdered priests, I know they have murdered nuns and that they have destroyed churches. I know they are just as intolerant as Franco. My conclusion is, and I am not alone in this feeling, that the so-called Loyalists or democratic Government of Spain is dominated by communistic influences. I cannot see the gentleman's position in justifying and comparing this form of democracy to the form of democracy under which we live.

Mr. SIROVICH. Let us for the sake of argument examine the two groups that are fighting in Spain, the Loyalists and the Insurgents. On the Insurgent side, are 25,000 German Nazis who are fighting the Catholic Church and everything that pertains to religion in Germany. Are we to believe that they came to Spain to fight for Christianity. On the same side are 50,000 Mohammedan Moors, who for centuries have been among Christianity's most bitter enemies. Are they, too, fighting in Spain for Christianity? In addition there are some 125,000 Italian Fascists on the side of Franco. These are foreign Hessians no better than the German Hessians who fought on the side of the British during the American Revolution. These soldiers have no right to be fighting in Spain, for their governments have not declared war against Spain. But these foreign legions in Spain are helping to impose a Fascist-Nazi regime upon the Spanish people, leading to the destruction of freedom of religion, speech, and press. Not only have they destroyed the loyal Basque Catholic Church, but every type of religious, political, or intellectual opposition.

Now let us examine the Loyalist side. The Loyalists are composed of a conglomeration of several groups. The first is composed of the Right and Left Republicans, whose political ideologies resemble those of our own Democrats and Republicans in this country. The second is the Socialist, composed of many shades of collectivist opinion. These Socialists are similar to those who ruled France until last summer. The third is a group indigenous to Spain only and they are the anarchists and syndico-anarchists of Catalonia, who, in principle, at least, oppose government in any form and are given to political violence. This group is violently opposed to the Communists, because they themselves represent extreme individualism, whereas communism represents extreme collectivism. When the civil war broke out Spain had only some 50,000 Communists out of a population of 25,000,000.

When the revolution broke out and the army revolted the Communists and anarchists tried to seize control and naturally committed grave excesses. I am the last person to condone violence and crime regardless of who commits them. As 90 percent of the Spanish military and peace officers joined Franco, the civil authorities on the Loyalist side were for a time powerless to cope with the situation. But the moment the Loyalist government consolidated its position, law and order were restored and anarchist and Communist lawlessness was suppressed and punished For over a year no reports of violence and lawlessness in republican Spain has reached the outside world. It appears evident that civil life in republican Spain is more or less normal today. I can only hope that out of the bitter struggle in Spain there will come a form of government and a social and economic order based on democracy and justice, freedom and liberty. I need not tell you that I am as opposed to the fascism of the Right as to the fascism of the Left. I am in favor of democracy, rather than the form of government that has prevailed in Spain. [Applause.]

Mr. BARRY. The gentleman has not answered my question. I appreciate the gentleman's description of the various groups that make up the united front in Spain, but I want to ask the gentleman if he does not believe and does not know that Communist Russia has sent emissaries to Spain and is supplying Spain with arms and soldiers.

Mr. SIROVICH. May I answer my distinguished friend, for whom I have a great personal affection and whom I respect, that within the last 24 hours I have reviewed the figures, and I find there are 5,000 Communists fighting in Spain today on the side of the Loyalists. The foreign volunteers on the side of the Loyalists form but 2 percent of their entire fighting force—98 percent being Spanish. While on the Insurgent side 35 percent of the fighting force are foreigners and only 65 percent Spanish. I hope that my distinguished friend from New York is not unfamiliar with the tactics of certain reactionaries who seek to discredit their opponents by labeling them Communists. Was not President Roosevelt painted red by the reactioinary press during the last Presidential campaign? And did not the same thing happen to Mayor LaGuardia last fall? Are we forever to be frightened by the red herring?

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Texas.

Mr. McFARLANE. I appreciate the splendid address the gentleman is making, and I wonder if he would define the monarchomacho movement?

Mr. SIROVICH. The monarchomachic movement represented the political philosophy according to which the relationship of the ruler to the ruled was regulated by a contract or pact. If the ruler was found to have violated this pact, revolution was justified. This theory was the background of Rousseau's Social Contract. In inquisitorial Spain, however, a different meaning was given to this movement. The reactionary Spaniards interpreted the monarchomachic movement in the sense that if a ruler tolerated nonconformity or is a nonconformist himself it is a meritorious deed to assassinate him. It is of interest to point out that it was upon the basis of Rousseau's Social Contract as understood by the liberal adherents of the monarchomachic movement that Jefferson, Madison, and others wrote the Declaration of Independence and brought about the political severance of the American people from the rule of Great Britain. The people of Great Britain believed in the divine right of kings, whereas the American people believed in the sovereign right of the people. [Applause.]

Mr. STACK. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Pennsylvania.

Mr. STACK. I, too, want to congratulate the gentleman on the wonderful address he has delivered in regard to the Spanish Inquisition. May I ask the gentleman if the church's attitude was expressed or implied, and what was the attitude of the Roman Catholic Church?

Mr. SIROVICH. May I say to my distinguished colleague that I believe the Catholic Church for the 2,000 years it has existed has been the greatest institution in the world to develop culture, learning, and civilization. However, the kings who rose to power in Europe took the garb of the church to exploit the people. Many popes from Pope Sixtus IV on denounced such conduct and stated that the church had nothing to do with it and wanted no part of it. The Catholic Church, therefore, deserves the greatest esteem and respect of every honorable man for being interested in the welfare of the common people instead of in tyrants like Torquemada. [Applause.]

Mr. STACK. Following that question and answer, I have another question. Has the church, today, expressed an attitude toward the present trouble in Spain?

Mr. SIROVICH. Not that I know of.

Mr. STACK. I must dispute that statement because I think it has.

Mr. SIROVICH. Will the gentleman state where such a statement may be found?

Mr. STACK. I do not know whether I could tell the gentleman exactly where I found it, but it is universally acknowledged among my people that we should mind our own business here and let the people in Spain take care of themselves over there. If the insurrectionists or the rebels want to fight, let them fight over there, the same as we did here in 1776 when the rebels had to win. I, personally, think that the present so-called Loyalist government in Spain is not a government at all, but is allied with Russia and Japan while the rebels are fighting in Spain for an honest, decent government.

Mr. SIROVICH. Let me answer my distinguished friend by stating that this morning in the New York Times I read of the courageous, distinguished, and lovable Cardinal Faulhaber, of the Catholic Church in Munich, Germany, who arose and denounced Adolf Hitler for having closed and destroyed most of the parochial schools in Germany and persecuted the German Catholics in many ways. To such charges Hitler defends himself by stating that the Catholic Church in Germany is part of a communistic organization and therefore should be denounced. I am sick and tired of hearing this imaginary "red" monster being pulled across the trail every time someone is anxious to blackmail, browbeat, and discredit his opponent. I am tired of hearing the charge that every liberal movement is allied with communism. [Applause.]

Mr. STACK. Please keep Germany out of it and stick to Spain.

Mr. SIROVICH. But Germany is in Spain and cannot be kept out of this debate. And please do not compare the German intervention in Spain with the aid extended by liberty-loving foreigners to the cause of the American Revolution. You know that it was the French under Lafayette who came here to help us establish our democracy. [Applause.] It was Rochambeau who came along to help us in our great hour of need, as well as Count Pulaski and Count Kosciusko. Baron Frederic Wilhelm von Steuben, the brilliant strategic disciplinarian, came over from Germany to organize the Foreign Legion of Germans, Poles, and French to help us fight for democracy. Were these men alive today they, too, would be called Communists by the European Fascists.

Mr. STACK. Give us something about Jack Barry.

Mr. SIROVICH. John Barry was a distinguished Irish-American naval officer who enlisted in 1776 and was the first to capture one of the great British vessels in that historic conflict. He accompanied General Lafayette back to France and was made commodore in the United States Navy, and by many great Americans it is believed that he should have been the first admiral of the United States Navy instead of John Paul Jones.

During the Revolutionary War a foreign legion under General Pulaski, which was formed in Pennsylvania, marched southward through Pennsylvania, Maryland, Virginia, North and South Carolina, and in the Battle of Savannah he was wounded, died and was buried at sea. We find also Count Kosciusko, a great Polish engineer of his time, who built West Point and who fought against Burgoyne. These liberty loving men were animated by the highest ideals of freedom and came over here to aid the cause of freedom.

Let not our religious feeling blind our historical perspectives and distort our political ideals. I believe in religious freedom for every faith. I believe that the religion of the individual is largely an accident of birth, and men and women are members of a particular faith because they were raised in that faith. To hate or to hold one's fellow man in contempt because of his religious views and convictions is entirely un-American.

Our American democracy is an example to the world in matters of religious and racial tolerance. Under the flag of the United States there dwell together peacefully, men and women of all races, colors, and creeds. Yet all are animated by one ideal and inspired by one great motive—the ideal of liberty for all. This is the great source of strength of America.

We cannot better guard and protect this source of strength than by encouraging true democracy everywhere and by discouraging such sinister forces as naziism, fascism, francoism, and communism.

The citizens of our republic come from many climes and have been loyal to many flags. But in America we are one people and owe allegiance only to the American flag. The ideals which this flag represents are the essence of my spiritual life and I am ready to die for it should any nation in the world attempt to destroy it. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SOUTH. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting an address delivered by my colleague, Hon. J. BUELL SNYDER, before the annual convention of the Pennsylvania State School Directors' Association February 2, 1938.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

TRADE AGREEMENTS

The SPEAKER pro tempore (Mr. BIGELOW). Under the previous order of the House, the gentleman from New Jersey [Mr. SEGER] is recognized for 15 minutes.

Mr. SEGER. Mr. Speaker, since Congress passed and President Roosevelt signed the so-called Reciprocal Trade Agreement Act in 1934 the State Department has negotiated 16 agreements with foreign nations involving an import-export trade of $2,500,000,000. Within the past few weeks our State Department opened negotiations for a trade treaty with Great Britain the magnitude of which indicates a complete revision of our tariff structure.

One thousand separate commodities which the United Kingdom sells in the United States are slated for consideration, and, by the same token, the State Department treaty negotiators, under terms of the Reciprocal Trade Act, may grant tariff concessions on any or all of these items. My purpose in speaking today is to warn this Congress and the Nation that with the conclusion of this trade agreement a major portion of the 1930 Tariff Act will have been rewritten, and to warn the negotiators of this treaty that the American people will not stand idly by and permit the idealism of our low-tariff associates to interfere with the principle of protection which for a century has safeguarded the American standard of living from the encroachment of cheap foreign products.

My home State of New Jersey has a greater diversity of industry than any other State in the Union, and my district is in the heart of this industrial area. Almost every manufactured article, the duty on which may be lowered under the

terms of this trade treaty with Great Britain, is made in New Jersey. We have a big stake in this latest international move and we do not propose to permit lowered tariffs on our manufactured goods to further depress an already serious living problem without giving voice to every protest at our command.

During the past 3 months, this country has experienced the sharpest business recession in recent history. In this short time, the President told us last week, the ranks of the American jobless had been increased by 3,000,000. It is impossible to reconcile the logic of pursuing a downward revision of the tariff during a period of domestic recession. Our problem of recovery is definitely one of stimulating the production and marketing of goods in our own market. And yet the immediate effect of this trade agreement can be nothing but uncertainty. Lowering the tariffs protecting basic American industries, such as cotton and wool textiles, machinery, chinaware, and leather, threatens the jobs of hundreds of thousands of workers; it presages a flood of foreign-made goods; it disrupts our domestic markets. Future benefits are problematical and certainly not rapidly forthcoming. This trade treaty, striking as it does at the livelihood of American workers and at the ability of American manufacturers to meet foreign competition, threatens an upheaval in our domestic economic structure which should be avoided at all cost.

It has been brought to my attention that the list of commodities to be considered for tariff concessions under the trade agreement with Great Britain includes all articles made wholly or partly of wool. New England and New Jersey are the principal manufacturing centers of wool textiles in the United States. The value of wool textiles in New Jersey alone exceeds $52,000,000 annually. Twelve thousand wage earners depend on this industry for their living.

In 1937, 167,000 persons were employed in the woolen mills of this country and the products of their labors were valued at $711,000,000. This industry, moreover, provides practically the sole market for wool and mohair produced in this country. The existence of the wool textile industry is essential to the maintenance of wool and mohair growing in this country since our growers cannot compete in the world wool market.

You all know the serious economic situation that has beset all branches of the textile industry for several years. Not long ago cotton textile workers engaged in one of the greatest strikes in the history of our country. The struggle for existence in this industry has been intense. Workers have striven for higher wages commensurate with the American standard of living. Manufacturers have been able to grant improved working conditions only because they have been in a measure protected from cheap textile imports from England, Japan, and other countries.

I dare say—and my opinion is borne out by letters I have received from manufacturers—that any reduction in the already inadequate protection afforded the American textile industry from cheap imports would doom this industry to practical bankruptcy. It would cause thousands of workers to lose their jobs. One large manufacturer told me that if the tariff protection afforded domestic-made woolens were reduced, his mill, employing approximately 5,000 workers, might as well close up and convert its sales staff into importers of English-made woolen goods.

Delegates to the National Wool Growers Association meeting in Salt Lake City late last month went on record as opposed to the principle of trade treaties in general, and specifically demanded no reductions in the protective tariffs on woolens and worsteds.

Parenthetically, I want to speak of a smaller industry, which, however small, is the support of several thousand persons in my district. This is the handkerchief manufacturing industry. This industry took a slap under the terms of the trade agreement with France. Now there is the prospect in the British agreement of a further cut in duties protecting this industry from cheap foreign manufactures.

I could go on indefinitely with the list of products scheduled for consideration and for possible tariff cuts. The extent of this proposed tariff change is staggering. The few moments at my disposal make it possible for me to mention only a few of the more pertinent items affected and to take a few moments to warn against hasty and inconsiderate action.

My attention has been called, too, to the fact that while the State Department is busily engaged in rewriting our tariff policy, the Federal Trade Commission is delegated to make a study of the wage scales and costs of production in foreign lands. How, possibly, can the State Department intelligently draw up new tariff schedules without full and authentic information on these costs? Our protective tariff is based on the theory that it must protect high American wages from goods manufactured by penny-paid workers across the seas. Without this information, the trade-treaty negotiators can only guess at the differences between costs of production in competing countries and our own. I maintain, gentlemen, that this country should not negotiate any new tariff agreements until the Federal Trade Commission has placed this absolutely necessary information in the hands of the State Department.

There is another angle of this Anglo-American trade agreement that deserves greater attention than it has received to date. Under the most-favored-nation terms of the trade treaties, any reductions made under the British agreement would result in increased imports not alone from the United Kingdom, but from more than 50 other nations, including Japan. The shocking thing about this situation, I am informed, is that nothing whatever is given in return for the benefits we extend these favored nations. Only a year ago mounting imports of Japanese goods brought forth cries for assistance from the textile industry. Markets were being ruined at an alarming rate by imports of oriental-made goods. A so-called gentlemen's agreement was concluded with Japan, but it is my understanding that the results of that agreement were far from what this country expected. What, may I ask, would be the result of a further cut in textile duties?

Further, England does not need a reduction in our tariff to gain access to the American woolen goods market. The United Kingdom already has access to that market in an alarming degree. Although the Tariff Act of 1930 increased the protection on piece goods, the years 1936 and 1937 have demonstrated that the present rates are inadequate to protect the American workingman and the American textile industry, because importations of wool fabrics from England during those years increased rapidly—increased, that is, in 1936 by 40 percent over 1935, and in 1937 by 70 percent over 1936.

Another way to illustrate the need for maintaining the tariff rate on woolens is to compare the average wages of the American and British wool-textile worker. In 1930, the average hourly earnings of the worker in an American woolen and worsted mill were 46 cents. That is the year the last tariff act went into effect. The average hourly earnings of the British woolen and worsted-mill worker that year were 20 cents. But—and note this—the average hourly earnings of the American millworker rose in 1937 to 59 cents, while the wage of the same British millworker remained where it was in 1930, at 20 cents. In other words, while the British mill owner was paying the same wage to his worker in 1937 that he paid in 1930, the American manufacturer paid 13 cents an hour more. Wages in this country now stand three times the wages for the same workers in Great Britain. In addition, operating costs of the American manufacturer mounted with improved working conditions, with social-security taxes, and heavier operating expense. All this was accomplished while the tariff protection against foreign-made woolens remained the same.

These are but a few of the factors that make it imperative we continue adequate protection for the American workingman and for American industry by means of our time-tried and successful system of tariff protection. Stimulate world trade if you can, I say, but do not do it at the sacrifice of the American worker's pay envelope, or at the expense of the

ability of the American industry to keep its workers employed at a living wage.

We have the word of Great Britain's Chancelor of the Exchequer, Sir John Simon, that he will not allow anything in the new British-American trade pact that will harm industry in that country. On January 29, Sir Simon said: "The British Government will not set its hand to a trade agreement with the United States that is detrimental to our trade." He declared his country would not be overcome by any friendly sentiments toward the United States or by any desire to promote an alliance between the English-speaking countries of the world by granting tariff concessions injurious to British manufacturers.

I only hope our own negotiators will show as good Yankee trading sense as does this Britisher. I only hope their eagerness to rush into world pacts for greater world trade will not tempt them to sacrifice the jobs of American workingmen for a chimera of good will among nations. I hope they will not let our people down.

There is a further factor that I want to call to the attention of this House. This treaty with the United Kingdom will have no bearing on our trade with Australia. A large portion of the raw wool now used by our domestic manufacturers, which is not produced in the western part of our own country, comes from Australia. The State Department has indicated that a treaty with Australia is in the offing, but there has been no indication when it will be concluded. If we alter the tariffs on woolen goods coming in from Great Britain, we injure, desperately, our domestic woolen and worsted markets. But we add injury on injury unless there is some definite understanding as to the future policy with regard to tariffs on raw wool from Australia. I have a letter from a large manufacturer in my district urging that the wool tariffs all be considered at the same time. Unless this is done, there will be only hand-to-mouth buying of raw wool for many months with further loss of employment in domestic mills and harm to domestic wool growers.

This seems a reasonable request. I plan to present it directly to the committee on reciprocity information and I urge other Members of this House to do likewise.

Inasmuch as the Congress no longer makes the tariffs and does not review the pacts negotiated by the executive branch, it behooves us to warn our industries and workers to be on their toes and present the facts to our negotiators now as well as warn the latter we must not sell out any established and vital American industry such as is represented in our textiles. [Applause.]

Mr. Speaker, I withdraw my request to speak tomorrow.

The SPEAKER. Without objection, it is so ordered.

EXTENSION OF REMARKS

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that it may be in order any day after tomorrow to consider the joint resolution making an additional appropriation for relief purposes for the fiscal year ending June 3, 1938.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object. I appreciate the importance of this legislation, but I would like to have it understood, especially as the gentleman from New York [Mr. TABER] is not present in the Chamber at the moment, that when the bill is called up we will have ample time for discussion and consideration of the legislation.

Mr. RAYBURN. It is a very short bill, and if it can be passed during the day it will be entirely satisfactory to me.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a symposium of radio addresses delivered over the radio on Abraham Lincoln by myself and four other Members of the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. REED of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an address delivered by me on Abraham Lincoln's Birthday.

The SPEAKER. Is there objection?

There was no objection.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 558. An act amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Tuesday, February 15, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, February 15, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Tuesday, February 15, 1938, at 10 a. m., for the consideration of a building program for the Navy. Very important.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, February 15, 1938. Business to be considered: Continuation of hearings on S. 69—train length. Railroad interests will be heard.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 3 of the Committee on the Judiciary at 10:30 a. m., Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill (H. R. 8339) providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m. on Tuesday, March 1, 1938, on the bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 a. m., on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 9, 1938, at 10 a. m., on the following bills: H. R. 9225, authorizing the appointment of 30 principal traveling inspectors by the Secretary of Commerce; H. R. 9368, authorizing the issuance of certain seamen's certificates by inspectors of hulls and boilers.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 16, 1938, at 10 a. m., on H. R. 8251, relative to radio operators on cargo vessels.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1080. A letter from the Acting Secretary of the War Department transmitting the draft of a proposed bill to authorize the Secretary of War to acquire by donation land at or near Fort Missoula, Mont., for target range, military, or other public purposes; to the Committee on Military Affairs.

1081. A letter from the Acting Secretary of the Department of the Navy, transmitting a list of confidential contracts entered into during the year ending December 31, 1936, under the Vinson-Trammell Act of March 27, 1934; to the Committee on Naval Affairs.

1082. A letter from the Secretary of Commerce, transmitting a report that papers described in House Document 1677, Seventy-fifth Congress, third session, have been sold; to the Committee on the Disposition of Executive Papers.

1083. A letter from the Acting Postmaster General, transmitting the copy of a bill and report to provide for the purchasing of pneumatic mail tube systems in New York and Boston; to the Committee on the Post Office and Post Roads.

1084. A letter from the Acting Secretary, Department of Agriculture, transmitting part 6 of House Document 462, entitled "The Accident-prone Driver" (H. Doc. No. 462, pt. 6); to the Committee on Roads and ordered to be printed, with illustrations, as part of House Document 462.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KING: Committee on Immigration and Naturalization. H. R. 7780. A bill to amend an act entitled "An act relating to the naturalization of certain women born in Hawaii", approved July 2, 1932; with amendment (Rept. No. 1800). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DIMOND: Committee on Indian Affairs. H. R. 7990. A bill to extend the Metlakahtla Indians' Citizenship Act; without amendment (Rept. No. 1801). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOYKIN: A bill (H. R. 9462) relating to the term of enrollment of company clerks in the Civilian Conservation Corps; to the Committee on Labor.

Also, a bill (H. R. 9463) authorizing a survey of the Tombigbee River, in Alabama, between lock and dam No. 1 and Sunflower Bend, and certain bordering territory; to the Committee on Rivers and Harbors.

By Mr. PATMAN: A bill (H. R. 9464) providing for an excise tax on retail stores; to the Committee on Ways and Means.

By Mr. CARTWRIGHT: A bill (H. R. 9465) to authorize a preliminary examination and survey of the Kiamichi River and its tributaries in Pushmataha and Choctaw Counties, in the State of Oklahoma, for flood control, for run-off and water-flow retardation, and for soil erosion prevention; to the Committee on Flood Control.

By Mr. COLLINS: A bill (H. R. 9466) to amend Veterans Regulation No. 1 (a), as amended, part 111, entitled "Payment of pension for disabilities or death not the result of service"; to the Committee on Pensions.

By Mr. COLMER: A bill (H. R. 9467) authorizing an appropriation for research and experimental work with tung trees, tung oil, and tung-tree products, and other drying oils by the Department of Agriculture, and the promotion of domestic and foreign trade in drying oils by the Department of Commerce; to the Committee on Agriculture.

By Mr. FLANNERY: A bill (H. R. 9468) to amend the act of May 13, 1936, providing for terms of the United States district court at Wilkes-Barre, Pa.; to the Committee on the Judiciary.

By Mr. FORAND: A bill (H. R. 9469) to provide annual salaries for postmasters of the fourth class; to the Committee on the Post Office and Post Roads.

By Mr. KNUTSON: A bill (H. R. 9470) to provide for the use in motor fuels of alcohol manufactured from agricultural products grown in the United States; to the Committee on Ways and Means.

By Mr. WALTER: A bill (H. R. 9471) authorizing the Secretary of the Navy to provide for the construction of a vessel to be furnished to the State of Pennsylvania for the benefit of the Pennsylvania Nautical School, and for other purposes; to the Committee on Naval Affairs.

By Mr. WHITE of Idaho: A bill (H. R. 9472) relating to certain entries for stock-raising homesteads; to the Committee on the Public Lands.

By Mr. LUECKE of Michigan: A bill (H. R. 9473) to amend the National Firearms Act; to the Committee on Ways and Means.

By Mr. O'NEILL of New Jersey: A bill (H. R. 9474) to reduce the rate of interest on obligations of home owners to the Home Owners' Loan Corporation to 3½ percent; and to allow the Home Owners' Loan Corporation to extend the period of amortization of home loans from 15 to 20 years; to the Committee on Banking and Currency.

By Mr. PALMISANO: A bill (H. R. 9475) to create a commission to procure a design for a flag for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PIERCE: A bill (H. R. 9476) providing for the examination and survey of the Columbia River at The Dalles, Oreg.; to the Committee on Rivers and Harbors.

By Mr. SMITH of Washington: A bill (H. R. 9477) to authorize the reimbursement of the port of Vancouver,

Wash., for dredging work done in the Columbia River covered by project set forth in Rivers and Harbors Committee Document No. 81, Seventy-fourth Congress, second session; to the Committee on Rivers and Harbors.

By Mr. STEAGALL: A bill (H. R. 9478) to provide for the subscription by Reconstruction Finance Corporation of the stock of a corporation which is hereby created to finance self-liquidating public works which will create additional facilities for national defense, aid in air navigation, furnish employment for citizens now on relief, decrease unemployment, stimulate business recovery, and promote public safety, to define the powers and limitations of such corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. SUMNERS of Texas: A bill (H. R. 9479) to amend section 35 of the United States Criminal Code to prohibit purchase or receipt in pledge of clothing and other supplies issued to veterans maintained in Veterans' Administration facilities; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 596) making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938; to the Committee on Appropriations.

By Mrs. O'DAY: Joint resolution (H. J. Res. 597) recognizing World Youth Congress as an important peace project; to the Committee on Foreign Affairs.

By Mr. MAVERICK: Joint resolution (H. J. Res. 598) authorizing the President of the United States to call an international conference to formulate measures for the reduction of armaments; to the Committee on Foreign Affairs.

By Mr. DOUGHTON: Concurrent resolution (H. Con. Res. 32) authorizing the Committee on Ways and Means of the House of Representatives to have printed for its use additional copies of the hearings on the bill for the "Revision of the Revenue Laws, 1938"; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9480) granting an increase of pension to Amelia J. Kyle; to the Committee on Invalid Pensions.

By Mr. BOYKIN: A bill (H. R. 9481) granting a pension to J. C. Anderson; to the Committee on Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 9482) for the relief of Euel Caldwell; to the Committee on Claims.

By Mr. COFFEE of Washington: A bill (H. R. 9483) for the relief of Fred Siegel, Tacoma, Wash.; to the Committee on Claims.

By Mr. CULKIN: A bill (H. R. 9484) granting an increase of pension to Bertha Gates; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 9485) for the relief of James D. McCaffrey; to the Committee on Military Affairs.

Also, a bill (H. R. 9486) granting a pension to William R. Donaldson; to the Committee on Pensions.

By Mr. EICHER: A bill (H. R. 9487) granting a pension to May E. Neely; to the Committee on Invalid Pensions.

By Mr. LAMNECK: A bill (H. R. 9488) granting an increase of pension to Theresa C. Schaffer; to the Committee on Invalid Pensions.

By Mr. McFARLANE: A bill (H. R. 9489) for the relief of John L. Lasater; to the Committee on Claims.

Also, a bill (H. R. 9490) for the relief of the heirs of Lemuel J. Ward, deceased; to the Committee on Claims.

By Mr. O'BRIEN of Illinois: A bill (H. R. 9491) extending the benefits of the Emergency Officers' Retirement Act to Hugo J. Kulicek; to the Committee on Military Affairs.

By Mr. O'NEAL of Kentucky: A bill (H. R. 9492) for the relief of Charles T. Wise; to the Committee on Claims.

By Mr. PETERSON of Georgia: A bill (H. R. 9493) for the relief of John N. Crotty; to the Committee on Military Affairs.

By Mr. SHEPPARD: A bill (H. R. 9494) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Ben White, Arch Robinson, Lee Wells, W. S. Wells, A. J. McLaren, A. D. Barkelew, Oscar Clayton, R. L. Culpepper, W. B. Edwards, the estate of John McLaren, the estate of C. E. Wells, and the estate of Theodore Bowen; to the Committee on Claims.

By Mr. SMITH of Oklahoma: A bill (H. R. 9495) for the relief of James Roubidoux; to the Committee on Indian Affairs.

Also, a bill (H. R. 9496) granting a pension to Annie Joyce; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 9497) for the relief of the heirs of Thomas McGovern, deceased member of the National Home for Disabled Volunteer Soldiers; to the Committee on Claims.

By Mr. TOWEY: A bill (H. R. 9498) for the relief of Theodore R. Flohl; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4065. By Mr. BARRY: Petition of the Ozone-Tudor Civic Association, Inc., Ozone Park, N. Y., protesting against the importation of women's shoes from Czechoslovakia; to the Committee on Foreign Affairs.

4066. By Mr. BYRNE: Petition of the New York Legislature, memorializing Congress to enact any appropriate legislation which will prevent the punishment or destruction of persons accused, or suspected, or crime in any other way, or by any other authority, than by due process of law, etc.; to the Committee on the Judiciary.

4067. By Mr. COFFEE of Washington: Resolution of the Workers Alliance of Washington, Harold Brockway, secretary, and the King County Council of the W. A. W., James Riley, secretary, urging that the Congress repeal the Woodrum amendment by passing the Schwellenbach-Allen resolution and expand the Works Progress Administration to 3,000,000 jobs; to the Committee on Appropriations.

4068. Also, resolution of the executive board of the General Welfare Federation of Washington, Inc., pointing out the need for immediate ample Federal social security for the aged, coupled with economic recovery, and to that end urging early consideration and passage of House bill 4199, as is, but urging that if the original bill cannot be passed without amendments, the so-called Boileau amendments thereto be accepted in order to secure passage of the measure; to the Committee on Ways and Means.

4069. By Mr. CULKIN: Petition of the Women's Home Missionary Society of the First Methodist Episcopal Church, Grand Rapids, Mich., with 75 members, Edith Grettenberger, president, advocating the Capper bill (S. 1369) and the Culkin bills (H. R. 4738 and H. R. 13) antiliquor advertising measures; to the Committee on Interstate and Foreign Commerce.

4070. Also petition of the Women's Foreign Missionary Society of the First Methodist Episcopal Church, Grand Rapids, Mich., with 75 members, Edith Grettenberger, president, advocating the Capper bill (S. 1369) and the Culkin bills (H. R. 4738 and H. R. 13), antiliquor advertising measures; to the Committee on Interstate and Foreign Commerce.

4071. Also, petition of the Legislature of the State of New York, respectfully requesting the Senate of the United States to enact legislation which will prevent punishment or destruction of persons accused or suspected of crime in any other way or by any other authority than by due process of law and by a duly constituted court of justice; also urging each Member of Congress from the State of New York to use his best efforts in obtaining passage of the said legislation; to the Committee on the Judiciary.

4072. Also, petition of the United Photographic Employees, Local Industrial Union, No. 415, C. I. O., New York City, opposing enactment of the Sheppard-Hill bill (H. R. 6704); to the Committee on Military Affairs.

4073. Also, petition of Irma Brenon and other residents of Lowville, N. Y., asking rights as citizens and voters to be fully informed as to the present and future foreign policy of the United States; to the Committee on Foreign Affairs.

4074. By Mr. FITZPATRICK: Petition of the Bronx division of the American League for Peace and Democracy, opposing the passage of the Hill bill (H. R. 6704), better known as the industrial mobilization plan; to the Committee on Military Affairs.

4075. By Mr. FLAHERTY: Petition of the committee on Federal taxation and expenditures, Boston Chamber of Commerce, Boston, Mass., representing the position of that organization in connection with the proposed Revenue Act of 1938; to the Committee on Ways and Means.

4076. Also, petition of the Jeffries Point Improvement Association of East Boston, Mass., concerning reciprocal trade treaties; to the Committee on Ways and Means.

4077. Also, petition of the Boston Typographical Union, No. 13, Boston, Mass., protesting against the transferral to private concerns from the Government Printing Office of certain printing under the planograph method of reproduction; to the Joint Committee on Printing.

4078. By Mr. HART: Petition of the Jersey Coast Fisherman's and Clammers' Association, Inc., Toms River, N. J., urging that the present Congress of the United States be memorialized and requested to take the necessary steps to further the general improvement of the lighter-than-air facilities and equipment of the United States of America, particularly at Lakehurst, N. J.; to the Committee on Naval Affairs.

4079. By Mr. JARRETT: Resolutions of the Pomona Grange, No. 25, Mercer, Pa., opposing the Cummings firearms bill; to the Committee on Military Affairs.

4080. Also, resolutions of the Pomona Grange, No. 25, Mercer, Pa., favoring immediate enforcement of the Neutrality Act; to the Committee on Foreign Affairs.

4081. By Mr. KEOGH: Petition of the Merchants Association of New York, New York City, concerning pending tax legislation; to the Committee on Ways and Means.

4082. By Mr. LAMNECK: Resolution of Fred Klaass, clerk, Ohio House of Representatives, memorializing Congress to adopt the Universal Service Act (H. R. 6704); to the Committee on Military Affairs.

4083. By Mr. MAGNUSON: Resolution from the Board of County Commissioners of King County, Seattle, Wash., asking for the repeal of the Woodrum amendment, the passage of the Schwellenbach-Allen resolution, the expansion of the Works Progress Administration to provide work for 3,000,000 individuals, a relief grant to the States averaging $15 per month for each case on the relief rolls, and requesting a deficiency appropriation for the balance of 1938 to take care of these requests; to the Committee on Appropriations.

4084. By Mr. MARTIN of Massachusetts: Petition of the New England Shoe and Leather Association, urging no concessions which would increase importation of shoes be granted by the United States in reciprocal-trade agreements; to the Committee on Ways and Means.

4085. By Mr. MEAD: Petition of the citizens of Lackawanna, N. Y., commenting upon the power of Congress to coin and regulate money; to the Committee on Coinage, Weights, and Measures.

4086. Also, petition of the citizens of Lackawanna, N. Y., commenting on the new Federal Housing Administration's program; to the Committee on Banking and Currency.

4087. By Mr. MERRITT: Resolution of the Manhattan Branch of the Women's International League for Peace and Freedom, strongly objecting to the Hill-Sheppard bill; to the Committee on Military Affairs.

4088. Also, resolution of the executive committee of the World Jewish Congress, requesting the secretary-general of the League of Nations to take cognizance of the extreme urgency and gravity of the situation in which the 758,000 Jewish citizens of Rumania now find themselves; to the Committee on Foreign Affairs.

4089. Also, resolution of the Legislature of the State of New York (concurred in by the senate), requesting that the Senate of the United States enact with all convenient speed any appropriate legislation which will prevent the punishment or destruction of persons accused or suspected of crime in any other way or by any other authority than by due process of law and by a duly constituted court of justice; to the Committee on the Judiciary.

4090. Also, resolution of the National Association of Tobacco Distributors of New York, pledging the wholesale tobacco trade in any constructive measures tending to stamp out unfair trade practices looking to restoration of prosperity; to the Committee on Interstate and Foreign Commerce.

4091. By Mr. PFEIFER: Petition of the New York Women's Trade Union League, New York City, concerning the Sheppard-Hill bill (H. R. 6704 and S. 25); to the Committee on Military Affairs.

4092. Also, petition of the United Photographic Employees, No. 415, New York City, concerning the Hill-Sheppard bill (H. R. 6704); to the Committee on Military Affairs.

4093. Also, petition of the Merchants Association of New York concerning amendments of the Federal tax laws; to the Committee on Ways and Means.

4094. By the SPEAKER: Petition of the Marine Park Civic Association, Inc., Brooklyn, N. Y., petitioning that the Floyd Bennett Field Airport, in the Borough of Brooklyn, city and State of New York, be designated as a Government trans-Atlantic and transcontinental airplane base and air-mail service station; to the Committee on the Post Office and Post Roads.

4095. Also, petition of the Unista Society, Philadelphia, Pa., petitioning consideration of their resolution concerning employment; to the Committee on Ways and Means.

4096. Also, petition of the Goshen Grange, No. 121, West Chester, Pa., petitioning consideration of their resolution with reference to business recovery; to the Committee on Ways and Means.

4097. Also, petition of the Alabama Jersey Cattle Club, petitioning consideration of their resolutions Nos. 1, 2, and 3 with reference to livestock and dairy industry; to the Committee on Agriculture.

4098. Also, petition of the Regular Veterans Association, Post No. 32, Antigo, Wis., with reference to House bills 8782, 8948, and Senate bill 947; to the Committee on Military Affairs.

4099. Also, petition of the Regular Veterans Association, Sawtelle Post, No. 2, West Los Angeles, Calif., with reference to House bills 8943 and 8782; to the Committee on Military Affairs.

4100. Also, petition of the Pennsylvania Society of Professional Engineers, Pittsburgh, Pa., petitioning consideration of their resolution with reference to highway work; to the Committee on Roads.

4101. Also, petition of the National Association of Tobacco Distributors, Inc., New York, with reference to unfair trade practices; to the Committee on Interstate and Foreign Commerce.

4102. Also, petition of the Kelley Ingram Post, No. 668, Veterans of Foreign Wars of the United States, Birmingham, Ala., with reference to House bill 9285; to the Committee on Pensions.

4103. Also, petition of the Maryland Historical Society, Baltimore, Md., petitioning Congress to save the United States frigate *Constellation* and station her at Fort McHenry as a just recognition of the prominent part that was taken by Maryland in founding the United States Navy; to the Committee on Naval Affairs.

4104. Also, petition of the United Federal Workers of America, Local 50, Washington, D. C., requesting consideration of the following bills (H. R. 9158, 8428, 9157, and 8431); to the Committee on the Civil Service.

SENATE

TUESDAY, FEBRUARY 15, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, February 14, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 7834. An act to amend the act entitled "An act to provide compensation for disability or death resulting from injuries to employees in certain employments in the District of Columbia, and for other purposes";

H. R. 9024. An act to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia;

H. R. 9100. An act limiting the duties of the Chief Clerk and Chief Inspector of the Health Department of the District of Columbia; and

H. J. Res. 582. Joint resolution supplementing and amending the act for the incorporation of Washington College of Law, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hughes	Overton
Andrews	Copeland	Johnson, Calif.	Pepper
Ashurst	Davis	Johnson, Colo.	Pope
Austin	Dieterich	King	Radcliffe
Bailey	Donahey	La Follette	Reames
Bankhead	Duffy	Lee	Reynolds
Barkley	Ellender	Lewis	Russell
Berry	Frazier	Lodge	Schwartz
Bilbo	George	Logan	Schwellenbach
Bone	Gerry	Lonergan	Sheppard
Borah	Gibson	Lundeen	Shipstead
Bridges	Gillette	McAdoo	Smith
Brown, Mich.	Glass	McGill	Thomas, Okla.
Brown, N. H.	Green	McKellar	Thomas, Utah
Bulkley	Guffey	McNary	Townsend
Bulow	Hale	Maloney	Truman
Burke	Harrison	Miller	Tydings
Byrd	Hatch	Minton	Vandenberg
Byrnes	Hayden	Murray	Van Nuys
Capper	Herring	Neely	Wagner
Caraway	Hill	Norris	Walsh
Chavez	Hitchcock	Nye	Wheeler
Clark	Holt	O'Mahoney	

Mr. LEWIS. I announce that the junior Senator from New Jersey [Mr. MILTON] is detained from the Senate on important public business; that the junior Senator from Nevada [Mr. MCCARRAN] and the senior Senator from Nevada [Mr. PITTMAN] are detained in their State on official business; and that the senior Senator from New Jersey [Mr. SMATHERS] is unavoidably detained.

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

PROPOSED STATEHOOD FOR HAWAII—REPORT OF JOINT COMMITTEE ON HAWAII (S. DOC. NO. 151)

The VICE PRESIDENT laid before the Senate a letter from the chairman of the Joint Committee on Hawaii [Mr. KING], submitting, pursuant to Senate Concurrent Resolution 18, Seventy-fifth Congress, the report of the joint committee on its investigation and study of the matter of proposed statehood and other subjects relating to the welfare of the Territory of Hawaii, which, with the accompanying report, was referred to the Committee on Territories and Insular Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a memorial from Beauticians Local No. 720 A, of Marysville, Calif., praying for the enactment of the bill (H. R. 7085) to regulate barbers in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

He also laid before the Senate a letter in the nature of a memorial from Local Union No. 117, Sawmill and Lumber Workers, International Woodworkers of America, of Coquille, Oreg., remonstrating against the enactment of the bill (S. 2108) to amend the National Labor Relations Act, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by Springstead-Gerow Post, No. 32, Regular Veterans Association, Antigo, Wis., favoring the enactment of legislation granting increased benefits and compensation to enlisted men of the regular armed forces, which was referred to the Committee on Military Affairs.

He also laid before the Senate a resolution adopted by the Maryland Historical Society, Baltimore, Md., favoring the preservation of the United States frigate *Constellation* and the stationing of that ship at Fort McHenry, Md., which was referred to the Committee on Naval Affairs.

He also laid before the Senate a resolution adopted by Malvani-Petraccaro Post, No. 22, United American War Veterans, of Morristown, N. J., favoring the naming of a new battleship, *New Jersey*, which was referred to the Committee on Naval Affairs.

He also laid before the Senate a resolution adopted by Agriculture Local No. 2, United Federal Workers of America (affiliated with the C. I. O.), Washington, D. C., favoring the making of an adequate appropriation for the National Labor Relations Board, which was ordered to lie on the table.

He also laid before the Senate telegrams in the nature of petitions from the pastor and members of the congregation of the Berea Presbyterian Church, of St. Louis, Mo.; and meetings of citizens assembled under the auspices of the Youth Council, N. A. A. C. P., New York City, N. Y., and the N. A. A. C. P., Tulsa, Okla, praying for the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, which were ordered to lie on the table.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

The VICE PRESIDENT. When the Senate took a recess yesterday the Senator from Louisiana [Mr. ELLENDER] had the floor, with the understanding that he should have the floor this morning. The Senator from Louisiana asks unanimous consent that he may be permitted to yield to any Senator for any purpose without losing his right to the floor. Is there objection? The Chair hears none.

Mr. MCADOO. Mr. President, will the Senator yield to me for a moment?

Mr. ELLENDER. I yield, provided I do not lose the floor.

The VICE PRESIDENT. If the Senator from Louisiana will permit, the Chair will recognize other Senators as though the Senator from Louisiana had yielded.

Mr. ELLENDER. In addition to routine business, I agreed, if unanimous consent could be obtained that I would not thereby lose the floor, to permit other Senators to debate the pending bill.

The VICE PRESIDENT. The Chair has just gotten unanimous consent for the Senator from Louisiana to yield for any purpose for all time to come without losing his rights.

Mr. ELLENDER. I did not intend to extend the privilege or that the order be entered, in such a manner, Mr. President.

The VICE PRESIDENT. Then the Chair will vacate the order. The Senator from Louisiana objects. The Senator from Louisiana has the floor. Now the Senator from Louisiana can handle the matter.

Mr. ELLENDER. I will yield for regular morning business, provided I do not lose the floor.

The VICE PRESIDENT. The Senator can make any request he desires and the Chair will put it.

Mr. McADOO. Mr. President——

The VICE PRESIDENT. The Senator from Louisiana has the floor. Does he yield?

Mr. ELLENDER. I yield for a question. In fact, I yield for the purpose of transacting routine business provided I do not lose the floor.

The VICE PRESIDENT. If the Senator yields for any purpose but a question, he will lose the floor.

Mr. ELLENDER. Very well.

The VICE PRESIDENT. The Chair tried to help out. If that is not what is wanted, very well.

Mr. ELLENDER. Mr. President——

Mr. McADOO. Mr. President, will the Senator yield to me for a moment?

Mr. ELLENDER. I yield for a question only.

Mr. McADOO. I wanted, I will say to my colleague from Louisiana, merely to make a very brief statement about the birthday of Susan B. Anthony and to make a request.

Mr. ELLENDER. I do not yield for that purpose. The Vice President has ruled that by doing so I would lose the floor.

Mr. ASHURST. If the Senator from Louisiana will yield to me, why should he not accede to the suggestion of the Vice President who tried to protect him?

Mr. ELLENDER. It was agreeable to me to yield for regular routine business, provided I did not lose the floor, but the Presiding Officer made the order too broad.

Mr. BARKLEY. Mr. President, will the Senator yield for a parliamentary inquiry?

The VICE PRESIDENT. Let there be order; it is impossible to transact business in the Senate.

Mr. BARKLEY. May I propound a parliamentary inquiry?

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. BARKLEY. Under the rule, at 1 o'clock tomorrow the Senate will vote on the motion which has been entered providing for a limitation of debate.

The VICE PRESIDENT. The Senator from Kentucky states the situation correctly.

Mr. BARKLEY. Will not every Senator at that time lose the floor?

The VICE PRESIDENT. That is correct.

Mr. BARKLEY. And a new dispensation will begin after that vote is cast without regard to how it goes?

The VICE PRESIDENT. The Senator states the parliamentary situation correctly.

Mr. BARKLEY. So there is no particular advantage, it seems to me, in any Senator retaining the floor, because everybody loses it tomorrow at 1 o'clock.

The VICE PRESIDENT. The Senator can make an appeal to the Senator from Louisiana who has the floor.

Mr. CONNALLY. Mr. President, will the Senator from Louisiana yield to me for a question?

Mr. ELLENDER. Yes; I yield for a question.

Mr. CONNALLY. Will not the Senator from Louisiana be willing to yield if unanimous consent is obtained that he will not, by yielding, in any wise prejudice his right to the floor?

Mr. ELLENDER. Yes.

Mr. CONNALLY. I make that request.

Mr. BORAH. Just a moment. The Senator from Louisiana——

Mr. McADOO. Mr. President——

The VICE PRESIDENT. Just a moment. The Senator from Louisiana has not yielded the floor. The Chair will ask him again, does he want to yield; and if so, to whom?

Mr. ELLENDER. I yielded to the Senator from Texas and have answered his question. I do not know of any other Senator who desires to ask a question. If so, I will be glad to answer it.

Mr. BARKLEY. Mr. President, will the Senator yield if I propound what I am about to say in the form of a question?

Mr. ELLENDER. Yes.

Mr. BARKLEY. Inasmuch as when we vote tomorrow at 1 o'clock on the pending motion, which has been entered, all rights are lost, so far as the maintenance of the floor is concerned, what advantage is there in the Senator holding the floor all the afternoon and not yielding to others who may want to speak? In other words, what right does the Senator lose, for after the vote tomorrow we start over again.

Mr. BORAH. Mr. President——

Mr. ELLENDER. In answer to the question of the Senator from Kentucky, I will state that I have some very important facts and figures which I should like to give to the Senate this afternoon, and I would not like to be deprived of the right. My fear is that should I agree to permit Senators to speak without limitation, the whole afternoon would be consumed.

Mr. BARKLEY. The Senator indicated to me in private conversation that he was willing to yield to several Senators who desire to speak on the other side of the question.

Mr. ELLENDER. I did, and I intended to do so. I am now willing. But, as the Chair put the question, he asked if I would yield for any purpose and for all time to come to all Senators. I do not wish to have the order entered in such a manner. I might as well give up the floor.

Mr. BARKLEY. The Senator does not have to do that.

Mr. ELLENDER. I am aware of that. I am willing, provided unanimous consent is given that I shall not lose the floor, to yield the floor until, say 2:30, for the purpose of giving other Senators an opportunity to discuss the pending bill.

Mr. BARKLEY. Of course, I do not know how long any Senator wishes to speak; but that means that any Senator who obtained the floor could occupy the time, if he was sufficiently long-winded, until 2:30, and in that event only one Senator could speak. It seems to me the Senator from Louisiana will lose no rights in the long run by yielding to such Senators as may want to speak, for such time as they may want to occupy, with the understanding that he shall not lose the floor today or tomorrow until the vote is taken on the cloture motion.

Mr. ELLENDER. Mr. President, as the Senator from Kentucky indicates, some Senators who may be a little long-winded may take all the afternoon. I do not want to extend them the privilege. I should like to yield part of my time, say, until 2:30, if it can be arranged by unanimous consent, without in any manner losing my right to the floor.

Mr. McADOO. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from California will state it.

Mr. McADOO. I understood from the Chair that a unanimous-consent agreement had been made that the Senator from Louisiana, although having the floor, might yield it for certain purposes indicated by the question as it was put to the Senate; in other words, that bills might be introduced, or some question asked, or some brief statement made, and that the Senator from Louisiana would not lose the floor. If that is correct, I should like to ask the Senator to yield to me for a very brief moment in order that I may make a statement to the Senate.

The VICE PRESIDENT. The Senator from California is incorrect. The Chair put the unanimous-consent request, probably in the language of the Chair, that the Senator from Louisiana be permitted to yield to such Senators as he saw proper for any purpose that he saw proper, and the Chair thought he obtained unanimous-consent; but the Senator from Louisiana himself objected. So the Senator from Louisiana has the floor, and he may yield only for a question.

Mr. McADOO. Mr. President, may I ask unanimous consent——

The VICE PRESIDENT. The Senator may not, unless with the permission of the Senator from Louisiana. Does

the Senator from Louisiana yield to the Senator from California to ask unanimous consent?

Mr. ELLENDER. If I will not lose the floor, I will yield.

The VICE PRESIDENT. The Senator will lose the floor if he yields.

Mr. ELLENDER. Then I refuse to yield.

Mr. President, just before the conference report on the farm bill was up for consideration 2 or 3 days ago, I was discussing with the Senate mob rule in this country since 1906. I read from several editorials on the subject, with particular reference to certain race riots which took place in Atlanta, in Tulsa, in Springfield, and in Washington. I pointed out to the Senate that here in the city of Washington we had a riot in 1919 which lasted for 4 days, notwithstanding the fact that the Marines, the Army, and the Navy were called out to try to stop it. By the grace of God on the fourth day, so the newspapers recorded, a big rain came along, and, somehow or other, that helped to curb the rioters. [Laughter.]

Before I proceed to give other instances of race riots that took place in this country, I propose to insert in the RECORD some more facts and figures from certain cities throughout the Nation, showing the ratio of crime as between the whites and Negroes.

It will be recalled that during the course of my remarks I stated to the Senate that I would gather more data with respect to certain crimes in many of the southern and northern cities in this country. I now propose to cite to the Senate additional figures gathered by me, and having the same purpose as the other data on this subject that I have placed in the RECORD.

It will be recalled that I made a comparative analysis of the statistics with regard to prisoners received in State and Federal prisons and reformatories for the 2 years, 1934 and 1935. By that analysis I demonstrated that for the year 1934, according to available figures, for 10 of the Southern States the number of colored persons per 10,000 Negro population who were received in State and Federal prisons and reformatories amounted to 11, as compared to 5 whites in these same 10 Southern States. In the North, East, and West, with the 35 remaining States, where the Negro amounted to only 3 percent of the entire population, we find that the number of white prisoners received per 10,000 was 4, almost the same number as in the South. But the number of colored prisoners received was 27, or almost 3 to 1, as compared to the South. In 1935 the comparative figures were: In the South, whites, 5; colored, 13 per 10,000. In the North, with 35 States and only 3 percent of the population being colored, as compared to 27 percent in the South, the number of prisoners was 5 whites as against 28 colored.

I have here the figures for 1936 showing the prisoners received in State and Federal prisons and reformatories during that year. For the 10 Southern States the number of Negro prisoners was 6,886 out of a total Negro population of 5,779,958, or the rate was 12 per 10,000. In the remaining 35 States, where the Negro population was only 3 percent of the entire population, the number of Negro prisoners received was 8,592. There the Negro population was 3,085,508, or 28 colored persons per 10,000 as compared to 12 per 10,000 in the South. To put it another way, the 10 Southern States had almost twice as many Negroes as the 35 Northern, Eastern, and Western States, and the number of prisoners was almost 2,000 less.

Now let us see how the figures as to the whites compare. For the same year and in the same States in the South, with a white population of 19,611,562, 9,339 white prisoners were received in State and Federal prisons, and for the 35 remaining States, with a white population of 84,718,040, there were 35,369 white prisoners received in State and Federal prisons.

Per 10,000, the rate in the South was 4.8 percent, and in the North 4.2 percent, showing that the rate was almost the same with respect to the whites of the North and the whites of the South; but so far as the colored people were concerned, there was a great difference—12 for the South as against 28 for the North.

Mr. President, as the majority leader, the Senator from Kentucky [Mr. BARKLEY] said this morning, I agreed to yield the floor to several Senators provided unanimous consent could be obtained that I would not lose the floor. I am willing to have the Chair submit that request, and I shall agree, provided my rights to the floor are maintained.

The VICE PRESIDENT. The Senator from Louisiana asks unanimous consent of the Senate that the Chair may recognize various and sundry Senators for the purpose of discussing various and sundry subjects under the rules of the Senate, provided, that when they conclude their remarks he may again assume the floor without losing any rights. Is there objection?

Mr. JOHNSON of California. I object.

The VICE PRESIDENT. The Senator from California objects. The Senator from Louisiana has the floor.

Mr. ELLENDER. I am sorry that the Senator from California [Mr. JOHNSON] has objected, Mr. President. I was very anxious to carry out my agreement with various Senators. I am particularly anxious to accommodate the Senator from Illinois [Mr. LEWIS], the Senator from California [Mr. MCADOO], the Senator from Indiana [Mr. MINTON], and the Senator from Ohio [Mr. BULKLEY].

Mr. BARKLEY. Mr. President, will the Senator yield to me to propound a unanimous-consent request on another phase of the matter?

Mr. ELLENDER. I yield for a question.

Mr. BARKLEY. Without the Senator losing any of his rights.

Mr. ELLENDER. There seems to be objection, and I would not like to lose the floor. I will yield only for a question.

Mr. BARKLEY. The question I wish to ask is, will the Senator yield so that I may propound a unanimous-consent request about the proceedings tomorrow?

Mr. ELLENDER. Provided I do not lose the floor, I yield.

Mr. BARKLEY. I ask that the Senator do not lose the floor. I ask that I may ask the Senator from Louisiana a question, and that I may propound a unanimous-consent request without his losing any rights at all.

The VICE PRESIDENT. Is there objection?

Mr. JOHNSON of California. Mr. President——

Mr. BARKLEY. I hope the Senator will not object.

The VICE PRESIDENT. Just a moment. The Senator from Kentucky has to get unanimous consent. The Senator from California is on his feet.

Mr. JOHNSON of California. I do not know what is sought by the Senator from Kentucky.

Mr. BARKLEY. I was about to submit——

Mr. JOHNSON of California. Just a moment. I want to explain why I objected a moment ago. First we started with a mode of procedure. Then the Senator from Louisiana concluded. Then there was a new mode of procedure, and it was because of that fact that I made the objection.

Mr. BARKLEY and Mr. ELLENDER addressed the Chair.

The VICE PRESIDENT. Just a moment. The Senator from Kentucky has asked unanimous consent that he may propound a unanimous-consent request without interfering in any way with the present rights of the Senator from Louisiana, he having the floor. Is there objection? The Chair hears none, and the Senator from Kentucky may propound his unanimous-consent request.

Mr. BARKLEY. I ask unanimous consent that tomorrow, from the time the Senate meets until the vote is taken, at 1 o'clock, the time may be equally divided, under the control of the Senator from New York [Mr. WAGNER] and the Senator from Texas [Mr. CONNALLY].

Mr. JOHNSON of California. I object to that, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. ELLENDER. Mr. President, I mark the table to which I have just referred Exhibit 1, and in due time I shall ask that it be incorporated with my remarks.

I desire to read into the RECORD certain crime data I have obtained with reference to the city of Jacksonville, Fla., for the

year 1937. I made an attempt to obtain similar data from many other cities of the country, particularly in the North, so as to compare such figures with the figures relating to the South, but unfortunately police records in many cities of the North, as well as in many cities of the South, fail to differentiate between white prisoners and colored prisoners, and treat them all as a whole. Quite a few cities have separated them, and during the course of my remarks last week I cited the figures as to New Orleans, Washington, Cincinnati, Baltimore, and various other cities. I now propose to cite the figures for Jacksonville, Fla.

These figures show the number of arrests for murder, manslaughter, rape, robbery, aggravated assault, housebreaking, larceny, and auto theft; in other words, the same heinous crimes with which I dealt in giving statistics for other cities. I give the figures only as to those crimes because they are the only crimes included in the statistics I furnished the Senate last week for the other cities.

The white population of the city of Jacksonville, Fla., is 81,320, or 63 percent of the whole. The Negro population is 48,196, or 37 percent of the whole. These population figures are taken from the 1930 census. Here are the figures as to arrests in Jacksonville in 1937 for the various crimes:

Crime	Whites	Negroes	Total
Murder	6	32	38
Manslaughter	10	10	20
Rape	3	2	5
Robbery	29	27	56
Aggravated assault	31	128	159
Housebreaking	80	167	247
Larceny	155	380	535
Auto theft	19	26	45

The total number of whites arrested was 333, as compared with 772 Negroes, or a grand total of 1,105.

The rate per 10,000 of like population was 41 for the whites and 161 for the colored people. The ratio between the whites and the colored was 1 to 4. In other words, based on comparative population, for every white person arrested for any of the crimes mentioned four colored people were taken into custody. Bear in mind that the Negro population in Jacksonville is 37 percent of the whole and the white population 63 percent.

I shall mark this table Exhibit 2, and in due time I shall ask that it be incorporated with my remarks.

I have figures with reference to the city of Charleston for 3 years, 1935, 1936, and 1937. The total population of Charleston, according to the last available figures, those for 1930, is 62,239, of which 55 percent are whites, and 45 percent colored. The whites and colored are almost equally divided.

During the year 1935 the following arrests were made in the city of Charleston—eight major crimes with which I am dealing:

	Whites	Negroes	Total
Murder	1	7	8
Manslaughter	None	None	None
Rape	None	None	None
Robbery	51	272	323
Aggravated assault	17	41	58
Burglary and housebreaking	1	14	15
Grand larceny	6	37	43
Highway robbery		13	13
Total	76	384	460

For the 8 heinous crimes above-mentioned there was a total of 76 whites arrested and 384 colored, or a grand total of 460. The rate per 10,000 of like population for the whites was 22, and for the colored 137. The ratio between the whites and the colored was 1 to 6. Bear in mind that the population of Charleston is almost equally divided between the colored and the whites.

Compare those figures for Charleston, where the population of the colored as compared with the population of the whites is almost equal, that is, 45 percent colored and 55 percent white, with the figures for the city of Cincinnati, for instance, where the Negro population is only 11 percent of the whole population, as against 89 percent for the whites, and you will find that in the city of Cincinnati, with the percentage of colored and whites as I have just indicated, there were more colored people than whites arrested for the crimes I have mentioned.

I now ask the question: What would happen in the city of Cincinnati if it had the same ratio of whites and colored as does the city of Charleston? As I illustrated the other day, the ratio in the city of Cincinnati for these various crimes as between the whites and the Negroes is 1 to 11.

I desire to state that I shall now mark the document from which I have just read Exhibit 2–A. Later on I will ask unanimous consent that it be printed immediately following my remarks.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. Yes; I yield for a question.

Mr. CONNALLY. I ask the Senator from Louisiana if he would be willing to yield to various Senators who desire to place matters in the RECORD? Would the Senator be willing to ask unanimous consent that he be permitted to yield to Senators who desire to introduce matters in the RECORD, introduce bills and so forth, with the understanding that he does not lose his right to the floor.

Mr. ELLENDER. I ask unanimous consent to permit Senators to put into the RECORD such matters as they desire, and to speak on the pending bill, provided that after that shall have been done I may continue my remarks without losing any of my present rights on the floor.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Is there objection? The Chair hears none, and it is so ordered.

ADDITIONAL PETITIONS

Mr. WALSH presented a telegram embodying a resolution adopted by Lodge No. 847 of the Order of Sons of Italy in America, Southbridge, Mass., protesting against the proposed reciprocal trade agreement with Great Britain if it should lower the tariffs on optical goods, cutlery, woolens, or textiles, which was referred to the Committee on Finance.

Mr. LODGE presented petitions of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted and to restore the congressional function of coining and issuing money, and regulating the value thereof, which were referred to the Committee on Banking and Currency.

Mr. GEORGE presented the following resolution of the House of Representatives of the State of Georgia, which was referred to the Committee on Agriculture and Forestry:

Whereas the food value of cottonseed oils and peanut oils are of immense importance to the people of the United States, and besides otherwise forms a large part of the shortenings and margarines consumed by the people; and

Whereas there are certain Federal statutes that demand special taxes and special licenses and other severe restrictions against the sale and use of articles of food aforesaid: Now, therefore, be it

Resolved, That the Congress of the United States be urged to repeal the Federal statutes which now fixes special taxes and licenses and other severe restrictions against the sale and use of food products made of cottonseed oil and peanut oil; be it further

Resolved, That the clerk of the house is instructed to forward a copy of this resolution to each Member of Congress and Senate from the State of Georgia, and a copy to the United States House of Representatives and a copy to the United States Senate.

Mr. GEORGE also presented the following resolution of the Senate of the State of Georgia, which was referred to the Committee on Agriculture and Forestry:

Whereas cottonseed and peanuts are valuable money crops to the farmers of this State; and

Whereas the farmers of Georgia are vitally interested in obtaining a large and profitable market for cottonseed and peanuts; and

Whereas the food value of cottonseed oils and peanut oils are of immense importance and value to the people of the United States; and

Whereas the oils obtained from cottonseed and peanuts can successfully be used as shortening and margarine and by such use will create a market for these Georgia farm products; and

Whereas there are now in effect certain Federal statutes that require special taxes and special licenses which tend to restrict the use of cottonseed and peanut oils, margarines, and shortenings, and hence inure to the detriment of Georgia farmers: Therefore be it

Resolved, That the Congress of the United States be memorialized and petitioned to repeal the Federal statutes which now levy special taxes and licenses and other restrictions against the sale and use of food products made of cottonseed oil and peanut oil; be it further

Resolved, That the Georgia delegation in Congress be urged to actively assist in bringing about the repeal of the said statutes and restrictions; be it further

Resolved, That a copy of these preambles and resolutions be dispatched to the House of Representatives of the United States and to the Senate of the United States, as well as to each member of the Georgia congressional delegation.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3035. A bill to authorize the city of Vancouver, Wash., to construct and maintain a historical memorial on the Vancouver Barracks Military Reservation, Wash. (Rept. No. 1372); and

S. 3095. A bill authorizing the Secretary of War to grant to the Coos County Court of Coquille, Oreg., and the State of Oregon an easement with respect to certain lands for highway purposes (Rept. No. 1373).

Mr. SHEPPARD also, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 2829. A bill authorizing more complete development of that portion of Santa Rosa Island conveyed to the county of Escamba, State of Florida, by the Secretary of War (Rept. No. 1374); and

S. 3126. A bill authorizing the Secretary of War to convey a certain parcel of land in Tillamook County, Oreg., to the State of Oregon to be used for highway purposes (Rept. No. 1375).

Mr. McADOO, from the Committee on Banking and Currency, to which was referred the bill (S. 3452) to extend the lending authority of the Disaster Loan Corporation to apply to disasters in the year 1938, reported it without amendment and submitted a report (No. 1376) thereon.

Mr. BYRNES, from the Select Committee on Government Organization, to which was referred the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, reported it with amendments.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3454) to amend the provisions of the Agricultural Marketing Agreement Act of 1937; to the Committee on Agriculture and Forestry.

A bill (S. 3455) authorizing the Secretary of War to convey to the Port of Cascade Locks, Oreg., certain lands for municipal purposes; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 3456) to amend the Rural Electrification Act approved May 20, 1936; to the Committee on Agriculture and Forestry.

A bill (S. 3457) to amend the Reconstruction Finance Corporation Act approved January 22, 1932; to the Committee on Banking and Currency.

By Mr. BARKLEY:

A bill (S. 3458) to provide for the establishment of a commissary or vending stand in the Washington Asylum and Jail; to the Committee on the District of Columbia.

By Mr. SHEPPARD:

A bill (S. 3459) to authorize the Secretary of War to acquire by donation land at or near Fort Missoula, Mont., for target range, military, or other public purposes (with accompanying papers); to the Committee on Military Affairs.

By Mr. WALSH:

A joint resolution (S. J. Res. 262) to set apart public ground for the Smithsonian Gallery of Art, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. BAILEY:

A joint resolution (S. J. Res. 263) providing for nonpartisan administration of relief expenditures, and for other purposes; to the Committee on Finance.

HOUSE BILLS AND JOINT RESOLUTION

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 9024. An act to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia; to the calendar.

H. R. 7834. An act to amend the act entitled "An act to provide compensation for disability or death resulting from injuries to employees in certain employments in the District of Columbia, and for other purposes";

H. R. 9100. An act limiting the duties of the Chief Clerk and Chief Inspector of the Health Department of the District of Columbia; and

H. J. Res. 582. Joint resolution supplementing and amending the act for the incorporation of Washington College of Law, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; to the Committee on the District of Columbia.

AMENDMENT TO NAVAL APPROPRIATION BILL

Mr. TYDINGS submitted an amendment intended to be proposed by him to House bill 8993, the naval appropriation bill, 1939, which was ordered to lie on the table and to be printed, as follows:

On page 44, line 19, after the figures "$1,706,000", to insert the following proviso: "*Provided*, That from January 1, 1938, majors in the Marine Corps who held permanent commissions as second lieutenants prior to the act of June 4, 1920, shall not be involuntarily retired until they have completed 24 years of service."

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 9306, the first deficiency appropriation bill, 1938, which was ordered to lie on the table and to be printed, as follows:

On page 15, after line 13, to insert the following:

"RIO GRANDE RECTIFICATION PROJECT, DEPARTMENT OF STATE

"The unexpended balance of the appropriation made for the fiscal years 1936–37 for the construction of the Rio Grande rectification project under the jurisdiction of the Department of State and the International Boundary Commission, United States and Mexico, is hereby continued available for the same purposes until June 30, 1938."

INVESTIGATION OF COSTS, PRICES, AND PROFITS OF PRINCIPAL COMMODITIES IN COMMERCE—REFERENCE OF RESOLUTION

On motion by Mr. BAILEY, the resolution (S. Res. 237) providing for an investigation of costs, prices, and profits of the principal commodities of commerce of the United States (submitted by Mr. BAILEY on the 14th instant), was taken from the table and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 32), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 2,000 additional copies of the hearings held before said committee during the current session on the bill for the "Revision of the revenue laws, 1938."

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 8505) to provide for

the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce, and for other purposes, and it was signed by the Vice President.

CIVIL LIBERTIES—ADDRESS BY SENATOR LA FOLLETTE

[Mr. MINTON asked and obtained leave to have printed in the RECORD a radio address on the subject of civil liberties delivered by Senator LA FOLLETTE on Monday, February 14, 1938, which appears in the Appendix.]

LINCOLN DAY ADDRESS BY SENATOR DAVIS AT INDIANAPOLIS, IND.

[Mr. DAVIS asked and obtained leave to have printed in the RECORD a radio address delivered by him at Indianapolis, Ind., on February 12, 1938, and an editorial from the Indianapolis Times of February 12 headed "Let Lincoln Speak," which appear in the Appendix.]

TRADE AGREEMENTS AND AGRICULTURE—ADDRESS BY LYNN R. EDMINSTER

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address on the subject Trade Agreements and Agriculture, delivered by Lynn R. Edminster before the American Farm Economic Association, Atlantic City, N. J., December 29, 1937, which appears in the Appendix.]

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On February 8, 1938:

S. 1255. An act for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel, K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald; and

S. 2602. An act for the relief of George Yuhas.

On February 9, 1938:

S. 2768. An act authorizing the Comptroller General to adjust and settle the claim of Leo L. Harrison;

S. 2769. An act authorizing the Comptroller General to adjust and settle the claim of Irvin H. Johnson;

S. 2832. An act authorizing the adjustment of the claims of Frank Pashley and Brown Garrett; and

S. 2773. An act to authorize the issuance of an unrestricted patent to Judson M. Grimmet.

On February 10, 1938:

S. 2418. An act for the relief of John Prosser; and

S. 2606. An act for the relief of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

On February 11, 1938:

S. 1691. An act to provide that residence requirements for judges shall not be held to apply to judges who have retired; and

S. 2387. An act to authorize certain officers and employees of Federal penal and correctional institutions to administer oaths.

On February 12, 1938:

S. 676. An act for the relief of Heinrich Schmidt, G. m. b. H., of Flensburg, Germany; and

S. 2583. An act to provide for the acquisition of certain lands for and the addition thereof to the Tahoe National Forest, in the State of Nevada, and the acquisition of certain other lands for the completion of the acquisition of the remaining lands within the limits of the Great Smoky Mountains National Park, in east Tennessee.

On February 14, 1938:

S. 2759. An act authorizing the sale of certain lands to the regents of the Agricultural College of New Mexico.

ANNIVERSARY OF BIRTH OF SUSAN B. ANTHONY

Mr. McADOO. Mr. President, I ask the Senator from Louisiana if he will object to my making a very brief statement to the Senate?

Mr. CONNALLY. Mr. President, I ask the Senator from Louisiana if he will propound to the Senate a request for unanimous consent to that effect.

The PRESIDING OFFICER. The present occupant of the chair will interpret the unanimous consent just given to include a brief statement by the Senator from California [Mr. McADOO], and the Chair will protect the rights of the Senator from Louisiana.

Mr. ELLENDER. I am willing to yield for that purpose, provided I do not lose the floor.

The PRESIDING OFFICER. The Chair will assure the Senator from Louisiana that his rights will not in any way be infringed upon.

Mr. McADOO. I thank my colleague the Senator from Louisiana for the opportunity he has given me to make a very brief statement to the Senate.

Mr. President, today is the one hundred and eighteenth anniversary of the birth of one of the great figures of history, Susan B. Anthony, who was born in South Adams, Mass., more than a century ago. She was one of those great women who devoted their lives exclusively to the service of humanity, and as a result of her efforts—I may say as a direct result of her efforts—we have today in the Constitution of the United States equal suffrage for both sexes.

At 5 o'clock this afternoon in the crypt of the Capitol, at the monument which has been erected there in her honor, commemorative ceremonies will be held. I have been requested to make a brief speech on that occasion and have consented to do so.

I ask unanimous consent of the Senate that upon the conclusion of the ceremonies there I may be permitted to insert in the Appendix of the RECORD the brief speech I shall make upon that occasion.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL INVENTORS DAY

Mr. BULKLEY. Mr. President, with the permission of the Senator from Louisiana, I should like to make a very brief statement concerning a Senate joint resolution introduced by me concerning National Inventors Day.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BULKLEY. Mr. President, 91 years ago last Friday, February 11, Thomas A. Edison, our greatest inventor, was born in the village of Milan, Ohio. That date has been suggested as National Inventors Day by the National Inventors Day Committee, headed by Dr. Frederick J. Root, of Cleveland.

The committee has instituted a movement to have this date set, not as a legal holiday but as a day of observance of the achievements of inventors of the past and present and for encouragement of the inventors of the future. Realizing as we do the great results accomplished for our civilization by inventions and the disclosure of new processes, we must in all humility express again our gratitude to Thomas A. Edison and the other great inventors, to whom we owe the benefits derived from their genius.

Last year the Ohio Legislature adopted a resolution requesting the Governor to issue an annual proclamation for the regular observance of National Inventors Day, and at that time I placed the resolution in the CONGRESSIONAL RECORD.

This resolution provided that the day should be set aside in observance not only of the birthday of one of Ohio's most illustrious sons, Thomas A. Edison, but also in recognition of the accomplishments of the many outstanding inventors of the State and Nation, and, to quote the resolution—

> Thereby also give active encouragement to the inventors of the present and the future who, by their creations, will continue to enrich living in the present and the future.

Last week I introduced Senate Joint Resolution 257, requesting that February 11 be observed hereafter as National Inventors Day and that the calendar week in which National Inventors Day occurs be designated as National Advancement Week for the purpose of providing a time during

which the new and improved products developed by scientific research and invention, engineering and industry may be presented to the public and during which efforts may be renewed to increase employment and advance business for the ensuing year.

The resolution also suggests that during National Advancement Week the teachers and instructors in the schools and colleges be requested to place special study and emphasis upon the lives of outstanding inventors and upon their inventions. The resolution asks that at regular meeting times during National Advancement Week civic, business, scientific, professional, religious, and fraternal organizations observe, appraise, and express appreciation for the many inventions which aid national advancement and individual convenience, security, comfort, and well-being.

In the resolution, which was concurrently filed in the House of Representatives by the Representative of the Thirteenth District of Ohio, in which Thomas A. Edison was born, it is asked of the President that he issue a proclamation each year before National Advancement Week calling upon the people appropriately to observe National Inventors Day and National Advancement Week. The resolution does not provide that National Inventors Day be a legal holiday.

Recently I took up with the Post Office Department authorities the matter of issuing a National Inventors Day stamp for 1938. Although I was informed this was not practicable this year because of a previously defined program, I was told it is quite possible that a group of stamps in 1939 will be devoted to inventors. In the resolution it is requested that the Postmaster General be directed to issue, beginning with 1939, a special National Inventors Day-National Advancement Week postage stamp to be placed on sale during National Advancement Week of each year, featuring the outstanding phases of inventions.

Mankind's advancement through the ages is largely due to the achievements of inventors, who, in many cases, exhibited unusual courage as they braved the taunts of their skeptical fellow men while they went about the task of creating things that had been considered impossible.

The birthday of Thomas A. Edison is appropriately chosen for National Inventors Day. When we take stock of his accomplishments we realize the amazing inventive ability of the man. We can recall the electric light, the talking machine, the typewriter, the mimeograph, the railway signal system, the camera, the electric dynamo, the plate-glass making process, the electric locomotive—and he made possible the X-ray, radio, sound pictures, and television.

Inventions are the basis of industrial accomplishment, national progress, and individual well-being. Inventions in the past have provided work for millions in our growing country. Who will deny the possibility of inventions of the future taking up the slack in employment which periodically affects this Nation? Inventors of the past should be honored. Inventors of the present and future should be encouraged. We have this opportunity by the proper observance of a National Inventors Day and National Advancement Week.

WITHHOLDING OF SPEECHES FROM CONGRESSIONAL RECORD

Mr. LODGE. Mr. President, I make the point of order that the CONGRESSIONAL RECORD for January 31, 1938, is incomplete in that it does not contain the whole of the remarks of the Senator from Kentucky [Mr. BARKLEY], with interpolations. I ask unanimous consent that the official transcript be printed in the RECORD.

Mr. BARKLEY. I object.

The PRESIDING OFFICER. Objection is heard; and the present occupant of the chair is of the opinion that no point of order can lie against the withholding of remarks from the RECORD.

The Chair would like to call attention to the rule which is printed in the RECORD. The copy the Chair has is that of January 4, 1938. The Chair calls attention to page 44, on which the laws and rules for the publication of the RECORD are printed.

The Chair would like to suggest that the only provision of the rules issued by the Joint Committee on Printing pursuant to the authority of title 44, section 181, which seems to relate to this general matter, is rule VIII, which reads as follows:

> 8. The Public Printer shall not publish in the CONGRESSIONAL RECORD any speech or extension of remarks which has been withheld for a period exceeding 30 calendar days (exclusive of Sundays and holidays) from the date when its printing was authorized: *Provided*, That at the expiration of each session of Congress the time limit herein fixed shall be 10 days, unless otherwise ordered by the committee.

So the Chair holds that no point of order may be made, and, objection having been raised to the unanimous-consent request of the Senator from Massachusetts for the insertion in the RECORD of the original transcript of the speech of the Senator from Kentucky, it cannot be printed in the RECORD by unanimous consent.

Mr. BARKLEY. Mr. President, I wish to state in this connection that I am very appreciative of the high compliment paid me by the Senator from Massachusetts in his desire that this speech of mine should be embalmed in the CONGRESSIONAL RECORD, and his impatience at its being withheld. It is a speech, I suppose, which I made with reference to the conference report on the housing bill. Before the day's proceedings were over on that day I asked the reporters to allow me to have the copy in order that I might go over it, because my experience has been—and all of us, I suppose, have had the same experience—that frequently errors are made in the rapid run of debate. The speech was not delivered to me on the evening of the day it was made. I saw it not at all, and have not seen it since. It was not of sufficient importance to me, as it seemed, to make any great amount of difference whether it was printed later in the Appendix of the RECORD or not; and, the matter having been disposed of, I did not suppose anybody was sufficiently interested in my remarks on the conference report on the housing bill to insist that the speech which I had made should go in the Appendix of the RECORD, whether I wanted it to go in the RECORD or not.

I have no objection to the speech going in the RECORD. I have no objection to anything I ever say on the floor of the Senate going into the RECORD, but the delay in having it printed is my own fault. I accept full responsibility and I do not suppose I am to be censored for having withheld this speech until now, or for withholding it altogether if I do not see fit to have it published in the RECORD.

Mr. LODGE. It is my understanding that the copy of the remarks which had been sent to the office of the Senator from Kentucky had been mislaid by him or that he had not received it.

Mr. BARKLEY. How did the Senator get his information as to the intimacies of my office, and what was his object in prying around to find out?

Mr. LODGE. I spoke to the Senator about this matter the other day, and that is what I understood the Senator to say.

Mr. BARKLEY. The Senator certainly misunderstood me. I did not say it had been mislaid. I do not know whether it has been mislaid or not. It was not delivered to me in accordance with the request I made, so that I might look it over for any corrections necessary, my object at the time being that it should go in the RECORD on the day it was delivered. Inasmuch as I did not get it in the RECORD, it did not seem to me to be consequential whether it ever went into the RECORD or not, and I do not think now it is consequential whether it ever goes in the RECORD or not.

Mr. LODGE. The point I am trying to convey to the Senator from Kentucky is that I am not in the least trying to criticize him. It was my understanding that somehow or other the original transcript of the remarks was not approved and returned; and inasmuch as these remarks not only involve his own words but the words of the Senator from Idaho and the Senator from Illinois—which to me were a very pertinent part of the debate—it seemed to me that it was my duty, inasmuch as I took part in this matter as a Member of the Senate, to try to keep the RECORD clear. If we are going to have a CONGRESSIONAL RECORD, it certainly

ought to be complete, and it certainly cannot be complete if it does not contain the remarks of every Senator, including the majority leader. That is my sole object, just as a matter of convenience to the Senate.

Mr. BARKLEY. The Senator, of course, got his name into the RECORD in that manner simply because I yielded to him on one or two occasions during my short address for questions or in reply to some statement of my own.

There is nothing new about the fact that in both branches of Congress speeches are sometimes made which are not subsequently printed in the RECORD. It used to be almost the unbroken rule of the Vice President of the United States, when he was a Member of the House, not to make speeches on the floor, and not to print them when he did make them. That is a matter which is largely in the control of the Members of the two bodies.

I had no intention of withholding the speech, and for that reason I asked that it be sent to me before the day was over so that it might go into the RECORD of the regular proceedings. Inasmuch as it did not reach me and I did not see it, and have not yet had an opportunity to go over it, I did not regard it as of such importance that anybody would take it upon himself to insist that my remarks be printed in the RECORD. The fact that the Senator and other Senators participated in the colloquy was largely due to the fact that I yielded to them. I do not think the colloquy was any more important than the speech itself.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. I yield.

Mr. McNARY. In many years' experience in this body I do not recall that there was ever a speech held out of the RECORD. The Senator from Kentucky says that is optional with the Senator who makes a speech or engages in debate. I think the RECORD has been complete in all the twenty and a half years I have served in the Senate, and I do not recall that any speech has ever been held out of the RECORD. That is what we have a RECORD for. In this particular instance, as I recall—I was on the floor at the time—the Senator from Kentucky, the Senator from Idaho, and the Senator from Illinois engaged in a little controversy over some remarks made by the able Senator from Massachusetts. The colloquy is an integral part of the whole proceeding. I am really surprised that the Senator from Kentucky would dismiss it so lightly as to say that he would choose, now or hereafter, whether or not to insert in the RECORD any statement he makes. If that is to be the case, then there will be no continuity in the RECORD of the debates, in the Senate. We might as well dispose of the whole proposition. I am really surprised that the Senator from Kentucky should want purposely to withhold any speech he has made on the floor of the Senate, particularly when objection is made by a fellow Senator.

Mr. BARKLEY. I had no purpose to withhold this speech, and for that very reason I asked that it be sent to my office on the very day of delivery that it might go into the proceedings. But there is nothing that usually appears in the CONGRESSIONAL RECORD so cold and uninteresting as a speech which has been delivered days before, and which is put in the Appendix of the RECORD. I regard it as of no importance whatever. I have no objection to the speech going into the RECORD. I cannot quite understand the anxiety of the Senator from Massachusetts that it go in, unless it is because he wants his name to appear in the body of the speech which I made. When I get an opportunity to go over the speech, unimportant as it was, to see whether it is correctly reported, and whether any mistakes have been made in the transcript, if the Senator from Massachusetts or the Senator from Oregon thinks that it is now worth the expense which would be involved in printing it in the RECORD, and that it ought to go into the permanent RECORD, I certainly have no objection, but I am not going to do it at the behest or coercion of any other Senator.

Mr. LODGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LODGE. Is it in order to make a motion that this matter be inserted in the RECORD?

The PRESIDING OFFICER. The Chair would hold that such a motion would displace the unfinished business.

Mr. LODGE. I move that this matter be inserted in the RECORD.

Mr. BARKLEY. I make the point of order that the Senator from Louisiana yielded, not for any such purpose as that but for Members of the Senate to make addresses on the pending question, and therefore it is not in order now to make a motion of that sort.

The PRESIDING OFFICER. If the Chair recalls correctly the unanimous-consent agreement, it was to the effect that the Senator from Louisiana [Mr. ELLENDER] might yield to other Senators without losing his right to the floor. The Chair does not think it was confined to addresses on the pending subject.

Mr. LODGE. I withhold my motion.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. LEWIS. May I ask the Senator from Louisiana if it was his intention to yield so that those who might wish to make short addresses in behalf of the bill might deliver such addresses, the Senator from Louisiana still continuing his right to the floor, having yielded merely for the purpose of an address on the same subject matter?

Mr. ELLENDER. I will yield for that purpose, Mr. President, provided I do not lose the floor by so doing. I will ask the Chair to put the question.

The PRESIDING OFFICER. Is there objection to the Senator from Louisiana yielding the floor, without losing his rights, to permit other Senators to discuss the pending question?

Mr. CONNALLY. Without prejudice to the right of the Senator from Louisiana to resume the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEWIS. Mr. President, I desire to address myself to the bill, with particular regard to the assertion on the part of most able and respected Senators that the bill is unconstitutional. I particularly should like the attention of the Senator from Idaho [Mr. BORAH] and that of the distinguished Senator from Georgia [Mr. GEORGE] and, of course, of the eminent leader of the opposition, the Senator from Texas [Mr. CONNALLY]—all of whom, I see, honor me with their presence.

I wish to take the position that the courts have held directly to the contrary of the position our honorable friends have taken, because our friends, as I see it, have assumed a basis which is not the real basis of the bill, nor of the controversy upon the constitutional clause applicable.

My position is that if the power involved were a power which had been separately given to the States under the tenth amendment solely as a privilege of action under the old theory that they were sovereignties separate from the National Government, and wholly distinct from the powers given to the National Government, I should then concede that we could not intrude upon the power vested wholly within the States. But I respectfully insist that two powers, or two rights, are granted under the tenth amendment. The State has granted power in two forms. One is to the Federal Government as a government. The second is directly vested and reserved in the people as distinguished from the forms of government either of State or of Nation. The third is that the only way the people as distinguished from the State can speak in legislative bodies is through their representatives, and their representatives are those we call the Congress of the United States.

I invite attention at the outset to the proposition that there is fundamentally the inherent right of the Government

as a government to protect its citizens. To my able friends who have made splendid arguments to the point on a basis they thought unanswerable I respectfully state that they overlook the fact that a citizen is a citizen of the United States as well as a citizen of a State, and that, in respect to his being a citizen of the State, it is only a State matter and cannot be intruded upon by the Federal Government; but in that he is a citizen of the United States it is the United States Government he has the right to look to for protection, and that cannot be prohibited by the States.

Now, Mr. President, I call attention to a very recent opinion which my able friend from Idaho cited in 222 United States, the case of the *City of Chicago* v. *Sturges*, which comes from my State, where the court lays down the doctrine, omitted from consideration by the Senator because of his attention being attracted to other parts of the opinion, that—

> Primarily, governments exist for the maintenance of social order. Hence it is that the obligation of the Government to protect life, liberty, and property against the conduct of the indifferent, the careless, and the evil-minded may be regarded as lying at the very foundation of the social compact. A recognition of this supreme obligation is found in those exertions of the legislative power which have as an end the preservation of social order and the protection of the welfare of the public and of the individual. If such legislation be reasonably adapted to the end in view, affords a hearing before judgment, and is not forbidden by some other affirmative provision of constitutional law, it is not to be regarded as denying due process of law under the provisions of the fourteenth amendment.

Since that is a fundamental doctrine, which I assume need not be discussed further but must be admitted, I lay down the other doctrine that the Supreme Court early, intermediately, and lately have decided that a law cannot be held invalid merely because there is doubt about it. Even though doubts as to constitutionality are founded in the honest judgment of those advocating that viewpoint, they are not sufficient to reject it.

I recall, of course, that the President of the United States was very much condemned because, writing a letter to a Member of the House of Representatives concerning a bill that was pending, he said, "The mere fact that there exists a doubt is not sufficient for you to reject action." The country rose up, in certain select quarters, to condemn the President of the United States in that he had said, "Despite the fact that you have a doubt, you should still vote for a measure." That was held up as being something so extraordinary as to be unprecedented in law and wholly in violation of the spirit of the Constitution; and yet the Supreme Court says:

> It is incumbent, therefore, upon those who affirm the unconstitutionality of an act of Congress to show clearly that it is in violation of the provisions of the Constitution. It is not sufficient for them that they succeed in raising a doubt.

But when the President of the United States used that exact language he became, in the minds of some, a criminal against the theory of political virtue in political government.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. LEWIS. I yield to the Senator from Nebraska, with pleasure.

Mr. NORRIS. If the rule were followed that the critics of the President would have us follow, does the Senator know of any piece of controverted legislation enacted by the Congress since the Senator has been a Member of the Congress that would have passed? In other words, can the Senator recall any controverted piece of legislation as to which someone of great ability, and in whose judgment there was great confidence, had not declared on the floor of either one House or both that it was unconstitutional?

Mr. LEWIS. I say to the able Senator from Nebraska that the very question answers itself. But, in addition to that, may I be emboldened for the moment I shall occupy to invite attention to the case of Metropolitan Casualty Insurance Co. against Brownell, Receiver, in Two hundred and Ninety-fourth United States Reports, page 584:

> It is a salutary principle of judicial decision, long emphasized and followed by this Court, that the burden of establishing the unconstitutionality of a statute rests on him who assails it, and that courts may not declare a legislative discrimination invalid unless, viewed in the light of the facts made known or generally assumed, it is of such a character as to preclude the assumption that the classification rests upon some rational basis within the knowledge and experience of the legislators.

The Senator from Idaho [Mr. BORAH] honors me with his attention. May I be pardoned for a personal reference when I say that he and I have participated in arguments before the Supreme Court of the United States in matters involving controversies between States and particularly when States have had before them the question as to how far it is in the power of the Federal Government to legislate upon a matter which touches the State and how far it is within the power of the States to interfere with the rights of the Federal Government to legislate upon matters affecting Federal citizens in the Federal relationship. I invite attention to the position I am taking, that this bill must be placed upon the basis of the United States entering on a proceeding in behalf of the people, and that that provision of the Constitution in the tenth amendment makes two references, one to the rights reserved to the States, and the other to those reserved to the people. I maintain that it is the people who speak upon this bill, as distinguished from the powers reserved to the States, which are intended purely for local self-government, and that therefore the people, when they speak on national rights through their legislature, must speak in this body, the Congress, and ever so when it is sought to act for the protection of the life of national citizens, that as to this a State cannot interdict such procedure by holding it to be an invasion of the States on the theory that such action will wholly cripple, if not destroy, them in local State government.

My able friend, the Senator from Georgia [Mr. GEORGE], presented a most elaborate and almost conclusive argument on that distinction in behalf of his own State of Georgia. He pointed out that when a matter is reserved to the States an intrusion by the Federal Government would make such an act unconstitutional and be an invasion of State rights. On this State rights doctrine the address of the Senator from Georgia will not be excelled by any speech to be delivered on this floor.

The Senator from Idaho, in a very able speech, filled with the power of the lawyer as well as the eloquence of the orator, insisted that the pending bill is a violation of the whole theory of government, and that, therefore, as such must be looked upon as a movement looking to the impeding of the very theory upon which the Government was founded. It is upon that I take grave issue with my learned friend. At this point I wish to say I am the Senator to whom the able Senator from Idaho referred when he said in his speech that there were Senators on this floor who have said, though they regretted their conclusion, that there now had come a time when the Federal Government would rapidly invade the whole theory of our Government's local organization, and the States would on general legislative subjects become merely as provinces or subdivisions of the Federal Government, particularly as to the legislation governing the citizens of the United States. As to this, the States would no longer be sovereign bodies as against the Federal Government.

I might call the attention of my able friend to the observation in a case with which he cannot be unfamiliar in view of the extent of his very large practice at the bar in the West, to say nothing of his reading as a legislator. I ask the attention of my able friend to the reasoning in the case of Kansas against Colorado. I refer first to the position taken by counsel—

> Whatever the particular matter of internal policy may be, the respective "rights" or jurisdiction involved, whether Federal or State, should be measured by the test whether they concern only

the rights of a State or its citizens within a State, or affect other States and their citizens and the citizens of the United States in general. * * *

The powers reserved to the people relate to possible encroachments on their personal and individual rights, of life, liberty, and the pursuit of happiness.

I invite the Senator to observe the distinction.

The powers reserved to the States are powers confined wholly to their respective borders. The powers reserved to the people relate to possible encroachments on their personal and individual rights of life, liberty, and the pursuit of happiness.

The Supreme Court of the United States, through Mr. Justice Brewer, has affirmed this particular contention. I invite attention to it. Says the learned Justice, speaking for the Court:

Under the tenth amendment, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." The argument of counsel ignores the principal factor in this article, to wit, "the people." Its principal purpose was not the distribution of power between the United States and the States, but a reservation to the people of all powers not granted. The preamble of the Constitution declares who framed it, "We, the people of the United States," not the people of one State, but the people of all the States, and article X reserves to the people of all the States the powers not delegated to the United States. The powers affecting the internal affairs of the States not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, and all powers of a national character which are not delegated to the National Government by the Constitution are reserved to the people of the United States.

Then the Court, concluding and quoting from *Fairbank* v. *United States* (181 U. S. 283), says:

We are not here confronted with the question of the extent of the powers of Congress but one of the limitations imposed by the Constitution on its action, and it seems to us clear that the same rule and spirit of construction must also be recognized. If powers granted are to be taken as broadly granted and as carrying with them authority to pass those acts which may be reasonably necessary to carry them into full execution—in other words, if the Constitution in its grant of powers is to be so construed that Congress shall be able to carry into full effect the powers granted—it is equally imperative that where prohibition or limitation is placed upon the power of Congress that prohibition or limitation should be enforced in its spirit and to its entirety. It would be a strange rule of construction that language granting powers is to be liberally construed and that language of restriction is to be narrowly and technically construed. Especially is this true when in respect to grants of powers there is as heretofore noticed the help found in the last clause of the eighth section, and no such helping clause in respect to prohibitions and limitations. The true spirit of constitutional interpretation in both directions is to give full, liberal construction to the language, aiming ever to show fidelity to the spirit and purpose.

Mr. President, I respectfully insist that these distinctions make it very clear that this particular legislation is addressed, through the people of the United States, to its people, and by its people to the protection of its national citizens; that therefore it is not at all within the provision which reserves to the States certain powers only to the States granted. It is specifically that power which is reserved to the Federal Government, to be exercised in its own behalf, in behalf of its citizens, white or black, yellow or colored. Therefore, sir, I insist that it is not at this time open to the position taken by the able Senators that it violates the provision of the Constitution in reference to the powers wholly granted to the States. Therefore, sir, I respectfully insist that the better rule is that laid down by the Supreme Court of the United States in a case reported in Two Hundred and Twenty-seventh United States Reports at page 308, a case which came from the part of the country in which I live, a case which probably has not been observed by able Senators having their attention addressed to the mere provision of the Constitution applying to the State. Here the Supreme Court says that the control of the morals of the citizens of a State by the enactment of laws against crime can be exercised by the State only within its jurisdiction, "but there is a domain," and I invite the attention of my able friends, knowing how eminent they are as lawyers, to the distinction which may be observed as that for which I am contending—"but there is a domain which the States cannot reach, and over which Congress alone has power, and if such power is exerted," says the Supreme Court, "to control what the States cannot, it is an argument for—not against—its legality. Its exertion does not encroach upon the jurisdiction of the States."

This, sir, was a criminal case, arising under laws of the United States making criminal certain conduct which our eminent friends on the other side have said wholly violates that provision of the tenth amendment, that the power to punish for crime is vested wholly in the States. It was contended in that case that the particular punishment of the particular crime alluded to was as an act on the part of Congress, and, therefore, that it violated the portion of the law that vested in the State the protection of its citizens as well as the punishment of offenses committed by its citizens. But I insist that when the subject matter is one in which the Federal Government has jurisdiction, it has the right both to pass laws and to enforce them without regard to what the States may do in the way of taking any similar action. I must insist now, under the law, that not only is the bill constitutional within the meaning of the people and the clause referring to the people and the rights reserved to the people in the tenth amendment, but that, sir, it conjoins to any action by any State and adds to the separate action which the State shall take, seeking to prevent lynching, the power of the Federal Government to protect the citizen of the United States in his rights as a citizen under the power that is granted to the people, who speak through their Congress for the people.

For that reason, may it please you, sir, I take the liberty of differing from my able friends and of calling attention to specific distinctions which I fear, in the zeal they felt on the assumption of the fourteenth and tenth amendments they have overlooked. I summon my able friend from Idaho [Mr. BORAH] particularly to state whether he does not concur with me that the Supreme Court of the United States, in a case in Two Hundred and Sixth United States Reports, with which he is not unfamiliar in its general doctrine, specifically makes the distinction and leaves it where I now lay it.

Mr. ANDREWS. Mr. President——

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Illinois yield to the Senator from Florida?

Mr. LEWIS. Certainly.

Mr. ANDREWS. Inasmuch as the Constitution speaks of life, liberty, and property, and all offenses must come under some one of those three divisions, I ask the able Senator if it would not be possible, under his interpretation of the Constitution, for the Federal Congress to take charge of, define, and punish all crimes, and take that jurisdiction totally away from the States, if it so desired, if the theory he has announced is the law.

Mr. LEWIS. Mr. President, I answer my able friend that if the Federal Congress themselves created the crime by definition, they could enforce the law against it in pursuance of their right to protect the people. But if it were an offense which was distinctively and wholly State, and the State had proceeded to pass laws to punish it, in that case the power of enforcement under the tenth amendment is granted to the States. That is my answer to my able friend.

Now, sir, I must conclude, as I am taking more time from my friend the Senator from Louisiana than was my intention. I merely wanted to lay forth the ground I wish to take upon the law as to constitutionality.

Mr. President, I assume that to this bill there will be amendments offered looking to the construction or the elimination of certain of its provisions, as to the form of its application, and how far or otherwise it may apply in its execution. As to that, sir, I shall not now speak, as I have a pending amendment on the table and necessarily the consideration of amendments will ensue at a later time.

Therefore I shall not now enter upon a discussion of the general question. I conclude this argument, which is purely on the law under the Constitution, with a view of demonstrating where the power to pass this bill really lies, as distinguished from that which my able opposing friends seemed to think we contended. The argument would have been in their favor if we had so contended as to the power upon which they assumed we based this bill.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Georgia?

Mr. LEWIS. Yes; with great pleasure.

Mr. GEORGE. I wish to direct the Senator's attention specifically to the tenth amendment and ask him if the powers reserved to the States and to the people are not above both the State and the Federal Governments until the people delegate the powers, say, by their Constitution.

If the Senator will permit me, I will read the tenth amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

With my able friend's consent, I desire to observe that my interpretation of the tenth amendment always has been, and I thought it was the universal interpretation, that the powers reserved to the people could not be exercised and were not exercisable by the States or by the Federal Government unless and until the people saw fit to delegate those powers by their Constitution. In other words, Mr. President, I know the doctrine is a little strange, because I have often heard it controverted on this floor, but nevertheless it is essentially sound, that there are immemorial rights of free men which are above the reaches of government, local or general; and the fact that we do not find in the local government the power to deal with a specific situation is no reason at all, nor can it ever become the premise upon which we may reason to the false conclusion that that power must exist in the general government.

The able Senator from Illinois has placed his hand specifically upon the whole philosophy of the American system of government when he refers to the tenth amendment, because there are certain immemorial rights of the individual citizen which are above the reach and beyond the power of the general government and the State government, because those powers and rights have been reserved to the people.

The people may delegate them; but, recurring to the very language of the tenth amendment, the power is not delegated to the United States by the Constitution—and that is the only way the people can delegate the power, by the Constitution or organic law.

Mr. President, I think that the distinguished Senator from Illinois has made a valuable contribution to the constitutional aspects of the bill, because he has put his hands upon what I believe to be the strongest position upon which the bill could be defended. While I do not agree with my distinguished friend's interpretation of the tenth amendment, with all deference to his learning, his wide experience, and great ability, it is true that the fourteenth amendment for the first time clearly differentiated between the citizens of the United States and the citizens of the several States. It is quite true that there is a citizenship of the General Government as well as a citizenship of the local governments. That always was, perhaps, the proper interpretation to be placed upon our whole system, but it was not definitely clear, it was not pushed into bold outline, until the fourteenth amendment was ratified and became a part of the Constitution. With the deference which is due my distinguished friend from Illinois on account of his wide experience, great ability, and learning, I cannot agree with the interpretation which he has placed upon the tenth amendment, to wit, that the Congress may exercise a power that was reserved to the people unless and until the people delegate to the Congress the right to exercise that power.

Mr. LEWIS. Mr. President, I am not unconscious of the fact that we are rapidly approaching the time when the confusion referred to by the Senator from Georgia will have to be cleared, and when we will have to meet the confusion by some form of greater clarification, by legislation or judicial decision.

This is the distinction. The able Senator from Georgia whose argument, as I have previously stated, was quite complete, and will not be excelled by any to be delivered on the floor at any time, reserves to himself the conclusion that the tenth amendment, taking from the States certain power, gives to the Federal Government a limited power. Let us concede that. The able Senator from Idaho contended that limited power was very clearly expressed and, once violated, would tend to upset if not wholly destroy the very fundamentals of government by allowing a trespass to be ratified by Congress.

I respectfully insist that, in addition to the doctrine asserted as to the powers under the Constitution which are reserved to the States, there are also the powers reserved to Congress, and this is founded on the specific provision that the other power is reserved to the people.

I now ask my able friend from Georgia, how can the people act? He would intimate they must first in some form communicate to the Congress before they can act. Then at every election we would be compelled, before acting on any governmental proposition, as I see it, to hold a referendum, the particular question to be voted upon at the time of elections of Members of Congress, rather than to assume that the question had been respectfully left to the people's representatives.

My contention, as the able Senator from Idaho said the other day, is that the States in matters of national concern are portions or sections of the Government, and my answer to the able Senator is that the words "the people" must be construed to mean what they say as defined by the Supreme Court of the United States through Mr. Justice Brewer. It is the people themselves who speak in acts of Congress. That power is inherently always within them. When the able Senator from Georgia intimates that there are certain personal rights, natural rights of the human being, that have ever been since his existence, I answer yes. Among the declarations that have come down to us in history that have no foundation in truth, is that credited to Mr. Gladstone, that "the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man," when as a matter of fact all students know it was a mere compilation; after all, of the ancient doctrines that came down from the Witenagemot of Germany, the utterances of those defined by the great philosophers under the Albigenses and from them passed on down, from that great source to which Tacitus refers, who gives the Germans credit in his work as being those who laid the foundation of provisions which subsequently were contained in our Constitution, particularly the Witenagemot, then followed by the Anglo-Saxon and English legislative bodies.

Mr. BAILEY rose.

Mr. LEWIS. I am sure my able friend from North Carolina has risen to call my attention to the fact that in the very charter we speak of as from John, there emerged, as the able Senator from Georgia has said, ratification of the innate and natural rights of the human being. But I respectfully insist that when we met we sought to put some limitations upon the exercise and some definition of the enjoyment of these particular natural rights.

I yield to the Senator from North Carolina.

Mr. BAILEY. Mr. President, the distinguished and learned Senator takes the view that powers reserved to the people in the tenth amendment are delegated to the Congress.

Mr. LEWIS. I have taken the position that the only way the people act is through their representatives, under our form of government. Therefore, when the people send the Congress here without limitation upon it, the powers inherent within that Congress fully extend to everything that is not forbidden. I may say to the Senator, before he further interrupts, that my position may shock my able friends who

are very excellent lawyers. I know it is contended by some schools that that which is not provided in the Constitution is prohibited. I contend the opposite doctrine, that it is only that which is absolutely prohibited that is in any wise interdicted as against the action of the people. I yield to the Senator.

Mr. BAILEY. Mr. President, the Senator is driven to take the position that the powers reserved to the people are not reserved at all, that the language means nothing, but that they are delegated to the Congress. He cannot get out of that dilemma.

Mr. LEWIS. I accept it, that the powers of the people under the tenth amendment merely call attention to them. There are no powers granted to the people. It is a mere expression that those powers are all within the people. "Reserved" means reserved for action. It merely means to say, "That which we take from you is what you give to the States." That which they exercise is fully given, but that which is the people's is not impinged upon or intended to be prohibited, but authorized for enjoyment by action by the people in legislation.

Mr. BAILEY. Mr. President, the powers were not granted to the people. The powers were inherent in the people before the creation of the Federal Government. The Senator has taken the view that the language of the Constitution, to wit, "The powers are reserved to the people," does not mean that at all, but means that the powers herein which we thought were reserved to the people are really given to the Congress.

Mr. LEWIS. My position is that that which is ever in the people, in their government, remains in the people; that is the idea the provision intends to convey—that that which is granted or recognized within the States is a privilege of local self-government granted to what we called in that day a sovereignty—because it was the people themselves, but the people in divisions. But after that had been reserved, the tenth amendment specifically states that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Mr. BAILEY. Mr. President, to interpret the language according to the interpretation the Senator has given us would mean that the powers not delegated to the Congress are delegated to the Congress.

Mr. LEWIS. I must say that the Supreme Court of the United States differs with my able friend, and I shall read him the exact words. Says Mr. Justice Brewer, speaking for the Court:

> The argument of counsel ignores—

Referring to the argument or position such as my able friend assumes here:

> The argument of counsel ignores the principal factor in this article, to, wit, "the people."

Says Mr. Justice Brewer:

> Its principal purpose was not—

My able friend must see that it says "not" to the very thing he asserts in his great capacity:

> Its principal purpose was not the distribution of power between the United States and the States, but a reservation to the people of all power.

Surely if I am right—as right I think I am, sustained by the Court—if it be true that the pending bill does create offenses which would be offenses against the United States, it provides a method by which the United States shall protect the citizens of the United States. That, I contend, is the exercise of the power of the people through their Congress speaking for the people, in the protection of all the people, by protecting one at a time or at all times against the crime defined in the bill.

I conclude by calling attention to the fact that in the language of the Supreme Court of the United States, when an act has been made a crime by the Federal Congress, the mere fact that the act may be made a crime by State law does not prohibit the Federal Congress from treating it within its domain as completely as the State might treat it within its domain.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. LEWIS. I yield.

Mr. DAVIS. I should like to ask my able and eminent friend the Senator from Illinois whether he has reached the conclusion that the bill itself is constitutional?

Mr. LEWIS. I not only regard it as constitutional but as a very salutary bill, and a good one to carry out the theory which the States say they desire to carry out, to prohibit and prevent lynching, a blight on civilization.

The junior Senator from Georgia [Mr. RUSSELL] and the Senator from Tennessee [Mr. MCKELLAR] alluded the other day to the fact that in the South there had been eight lynchings. I did not desire to interrupt them, because such interruptions break the continuity of one's argument, but eight lynchings was the exact number in the Western States. So that this bill is not a bill addressed to the Negro, the bill is not one addressed to sections, it is not addressed to a race. I am compelled to inform my able friends that from California to my State of Illinois eight lynchings did occur. I hope and pray the number may grow less and less, that lynching may soon cease altogether.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. LEWIS. I yield to the Senator from Florida.

Mr. ANDREWS. As I understand, the Senator's contention is that the powers reserved to the people may be exercised by the Congress?

Mr. LEWIS. I know of no other way they could be exercised but by Congress, unless the States have acted.

Mr. ANDREWS. Is it not true that if a power is reserved to the people we cannot exercise it on this floor, because it is their power until they delegate it to us?

Mr. LEWIS. I cannot accept the theory that they must delegate us the power by specific action, because if that were true we could never assemble Congress without some previous action having been taken, through referendum or some other form. I reserve the other point, that when we assemble, where there is no prohibition against our action, we represent the people, and the full power of the people is in us for appropriate legislation within the Constitution.

Mr. President, I thank the Senate for its kindness. I have really taken longer on this abstract question, as it appeared to be at first, than I had intended. I wanted to make very clear the distinctions I stand on as the reason for supporting the bill, and why I insist it is constitutional, and oppose the basis which my able friends assert and upon which they make the contention that it is unconstitutional. I feel that the bill cannot be considered to have the question of its constitutionality depend upon the contention made against it by those who oppose the bill.

I conclude with the statement that the measure, as I understand it, looks to the prohibition of the serious offense of taking the life of a human being without due process of law. That seemingly is in some quarters looked upon as justified because of certain conditions and, we may say, the victim's violations of law. But sir, I shall conclude in a single phrase. It is from the great law. I call my honorable friends' attention to the fact that these distinctions and discriminations we hear made with respect to race and color were made some thousands of years ago, before our immediate legislative ancestors came to life. The ancient governments of the world practiced wrongs of the nature this bill would avoid. Then the governments, by means of religious precepts sought to meet such conditions as we are now discussing by what may be found in a single expression in Deuteronomy, the sixteenth chapter, beginning with the nineteenth verse, as follows:

> Thou shalt not wrest judgment; thou shalt not respect persons. * * *
>
> That which is altogether just shalt thou follow, that thou mayest live, and inherit the land which the Lord thy God giveth thee.

Upon that, sir, I submit the merits of the bill, and again thank the Senate.

Mr. MINTON. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield upon the same conditions as heretofore.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The Senator from Louisiana yields to the Senator from Indiana on the understanding had in the unanimous-consent agreement that he will not thereby lose any rights.

Mr. MINTON. Mr. President, I shall discuss for a few minutes this very controverted measure, and I hope to do so without offense and without rancor. Everyone on the floor of the Senate—and I dare say in the country—is opposed to lynching. I received a letter the other day from a friend of mine in one of the Southern States in which he took the position that, in order to terrorize the Negro and keep him in his place in the South, it was absolutely necessary to lynch a Negro ever so often. No Senator on this floor has ever taken any such position, and none of them would take such a position, because they do not believe in lynching. They deplore lynching, each and every one of them, just as much as I do. They want to see lynching extirpated just as much as I do. They are against lynching, because lynch law is no law; lynch law is anarchy, and we are all against anarchy. We are simply trying to do by different methods what we all believe must be done. So when we approach the solution of any problem in the Congress of the United States two questions should be asked: First, is that which we are seeking to do a thing which ought to be done? Then, have we the power to do the thing we seek to do?

I take it that the thing we seek to do is to eliminate lynching. Perhaps I am wrong about the method which is sought to be pursued under this bill, but I should say that no one on the floor of the Senate will challenge the first proposition, that all of us want to do what we can to stamp out the horrible crime of lynching.

This bill, as I see it and as I read it, is not directed at any one section of the country, for to admit that it is, is to admit that that section of the country is guilty of this one particularly heinous crime. I do not admit it. The facts do not support it. In my own State of Indiana the horrible crime of lynching has been committed, be it said to the everlasting shame of my great State. We are not proud of that, and we want to do what we can, acting through our own State and through the power of the Federal Government, to stamp out the horrible crime of lynching.

I do not see anything in this bill which is directed any more to one section of the country than to another. I cannot see that it "picks" on one section of the country, as asserted by an able Senator here on the floor of the Senate. It applies as much to Indiana as it does to any other State of the Union. So I take it that we all want to stamp out lynching, and we want to do what we can to eliminate this atrocious crime.

The opponents of the bill have pointed out—and it was alluded to a moment ago—that the crime of lynching is being stamped out in this country because it is decreasing year by year, and that last year there were only eight lynchings in the whole United States. That is something in the way of progress. But the short and complete answer to that is that, while there were eight lynchings in the United States last year, there was not a single prosecution. In other words, there was 100 percent failure to prosecute for the most heinous crime known to the category of crime.

Senators have pointed out the fact that there have been thousands of other crimes committed in this country and only eight crimes of lynching. That is true, but it is also true that there have been thousands of prosecutions for other crimes, but there were no prosecutions in the year 1937 for the eight lynchings which occurred in that year. History discloses that throughout the United States in less than 1 percent of the cases of lynching during all of the years have there been prosecutions. So, with that kind of a record staring us in the face, may we not well ask the question whether or not we are using all the agencies that are at our command to stamp out the thing which we all condemn and damn?

So we find that lynching, as I said a while ago, is not law; it is mob rule; it is the rising up of the community in defiance of all law; and when the community reaches the point that it goes out as a mob and takes the law into its own hands, that community is going to defend itself in its own jurisdiction whenever it is challenged. So it seems to me it is utterly futile to attempt to pursue a mob in the community where the mob acts, if the mob acts, as it usually does, by the acquiescence or consent or connivance or the neglect of the legal officers.

We come now to the question of method. The opponents of the bill say, "We are making progress. Leave us alone. Leave the States alone to do this job"—although the States last year prosecuted no one for the crime of lynching.

On the other hand, we look about to see if there is any other power which may be invoked to aid the States to cooperate in this matter of stamping out lynching. We turn to the Federal Constitution and come to the fourteenth amendment, upon which the bill is based.

The very able Senator from Idaho [Mr. BORAH] on February 4 addressed the Senate on the constitutionality of this bill. At the outset of his remarks he made this statement:

> But aside from the language of the section itself, the Supreme Court of the United States many times has decided that a county is part of the State, and that a suit against the county is a suit against the State.

If we read that statement of the Senator from Idaho without applying it to his argument, as I understand it, we might get a misunderstanding of the law, which I am sure the Senator from Idaho did not want to create, although the question has been mooted in a very able speech by the distinguished Senator from Georgia [Mr. GEORGE], whether or not one could sue the State or a subdivision of the State without its consent. But I think the authorities are so clear upon that proposition that there is no deviation whatsoever with respect to it.

It is true, as we all know, that the States, under the doctrine of Chisholm against Georgia, were subject to being sued without their consent in the courts of the United States. That led to the enactment of the eleventh amendment, which says, of course, that a State may not be sued without its consent. But it does not say that a county or a city, or any other subdivision of a State, may not be sued without its consent. In fact, it has been expressly held by the Supreme Court of the United States, in an unbroken line of decisions, that the eleventh amendment does not relieve the subdivisions of the States—the municipalities, counties, and such—from suit without the consent of the State.

That question was expressly decided in *Lincoln County* v. *Luning* (133 U. S. 529). At page 530 the Court said:

> First, it is claimed that because the county is an integral part of the State it could not, under the eleventh amendment of the Federal Constitution be sued in the circuit court * * *.
>
> With regard to the first objection, it may be observed that the records of this Court for the last 30 years are full of suits against counties, and it would seem as though by general consent the jurisdiction of the Federal courts in such suits had become established. But irrespective of this general acquiescence, the jurisdiction of the circuit courts is beyond question. The eleventh amendment limits the jurisdiction only as to suits against a State.

In *Hopkins* v. *Clemson Agricultural College of South Carolina* (221 U. S. 636), at page 645, the Court said:

> But neither public corporations nor political subdivisions are clothed with that immunity from suit which belongs to the State alone by virtue of its sovereignty. * * * Undoubtedly counties, cities, townships, and similar bodies politic often have a defense which relieves them from responsibility where a private corporation would be liable. But they must at least make that defense. They cannot rely on freedom from accountability as could a State.

In *Ashton et al.* v. *Cameron County Water Improvement District No. 1* (298 U. S. 513, p. 542)—and that is one of the

cases cited by the Senator from Idaho—the dissenting opinion of Mr. Justice Cardozo said:

> In the public law of the United States a State is a sovereign or at least a quasi sovereign. Not so, a local governmental unit, though the State may have invested it with governmental power. Such a governmental unit may be brought into court against its will without violating the eleventh amendment.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. DUFFY. In the cases cited by the Senator, were all the prosecutions or suits brought in State courts or were some of them brought in the Federal courts?

Mr. MINTON. Some of them were brought in the Federal courts.

The Senator from Idaho, in the course of his great speech on February 4, in which he held that this bill was unconstitutional, attacked the bill and our proceeding on the basis, as I understood him, that under our system of government there is a dual sovereignty—a Federal sovereignty and a State sovereignty. He proceeded to cite cases along that line.

He argued that the Federal sovereignty could not invade the State sovereignty; and, vice versa, the State sovereignty, under its limitation of powers, could not invade the Federal sovereignty, because to admit that either could invade the sovereignty of the other would be to permit the one, perhaps, to destroy the other. But it must be remarked that the cases which the able Senator cited, and all the cases which deal with the doctrine of dual sovereignty, deal with the definite, separate powers of the two sovereignties, the State and the Federal Government. They deal with powers which are confined to separate spheres or separate domains, and which operate in those separate spheres or separate domains. In fact, they operate in separate planes, and those planes never come in contact. The powers under the cases cited by the Senator from Idaho, never coalesce; and whenever there has been an attempt to bring about a conflict between the sovereign power of the Federal Government and the sovereign power of the States, the Supreme Court has stepped in and has constructed—and it alone has constructed—the doctrine of dual sovereignty.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. GEORGE. What does the able Senator do with the case, let us say, of Collector against Day, where the simple question was whether the Federal Government might tax a State officer's salary? There is no question about the Federal Government having the right to tax. There is no question about the State having the right to have officers. Was it not flatly held that the Federal Government could not tax the salary of a State officer, solely because to permit the Federal Government to tax the salary of a State officer would put it within the power of the Federal Government to destroy the State office, if the Federal Government wished to go that far?

Mr. MINTON. The Senator is correct.

Mr. GEORGE. Is not that the doctrine of the early case of McCulloch against Maryland? It is not a question of conflict.

Mr. MINTON. I am coming to that.

Mr. GEORGE. Let me call the Senator's attention to the fact that under the sixteenth amendment to the Constitution, the income-tax amendment, the Federal Government has the power to tax income "from whatever source derived"; but it has been uniformly held that, notwithstanding that broad power, the Federal Government cannot tax the income derived by a State official exercising an essential function of State government. The latest case to this effect is a case which, as I recall, was cited by the distinguished Senator from Idaho [Mr. BORAH] in his very able address a few days ago in this body, in which case the Supreme Court said that a drainage district, by virtue of the fact that it is clothed with the power of eminent domain, is clothed with a function of the sovereign power of the State, and may not be a subject of bankruptcy under a Federal act, though the Constitution of the United States gives to the Federal Congress the power to enact uniform bankruptcy laws without any exception in terms. I do not think the Senator would want to allow his statement to rest in the broad way in which he has put it—although I can appreciate the position taken by the Senator—that the only time the Supreme Court has said that one of the dual sovereigns could not be interfered with or molested or impeded or obstructed in the exercise of its function was when there was a conflict between the two sovereigns over the power.

Mr. MINTON. Up to this point the Senator and I do not disagree at all. Perhaps we do not completely understand each other. I say that in the argument which was made by the distinguished Senator from Idaho the other day to the effect that this bill violated the doctrine of dual sovereignty, the authorities which he cited, which uphold the doctrine of dual sovereignty, were authorities which deal with the separate powers and the definitive powers of the separate sovereigns.

For example, in the case of Collector against Day, referred to by the Senator from Georgia, the Supreme Court held that in the exercise of its sovereign power of taxation, the Federal Government could not invade the sovereignty of the State so as to tax the salary of an official of the State, who in that case was Mr. Day. The Supreme Court said that it is true that the Federal Government has this broad sovereign power of taxation, which lies all over the land, and that there is reserved to the State a broad power of taxation, which lies within its borders; but they never operate in the same sphere. When the Federal Government attempts, under the taxing power, to tax the agencies of a State sovereignty, it is invading the separate sovereign power of the State. The Federal Government, therefore, placed a barrier to any attempted conflict between the Federal power and the State power.

The doctrine of dual sovereignty is not written into the Constitution. The doctrine of dual sovereignty has been constructed by the Supreme Court itself, to avoid conflict between the separate powers of the Federal Government and of the State governments under the Constitution. Those separate powers never coalesce. That is the doctrine of Collector against Day. When you turn it around it is the doctrine of McCulloch against Maryland, namely, that the State, under its reserved power to tax, may exercise the taxing power within the limits of its sovereign State; but when it tries to tax the agencies of the Federal Government it breaks down under the doctrine of dual sovereignty. In that instance the Supreme Court again steps in and maintains the balance between the separate and distinct powers of the State and those of the Federal Government. The doctrine of dual sovereignty deals only with the separate and distinct power.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. GEORGE. I am unable to follow the very able Senator. The doctrine of Collector against Day and of the drainage district cases involves the validity of the Federal Bankruptcy Act. McCulloch against Maryland, and all similar cases—and the books are full of them—deal with the doctrine that the broad power exists in the Federal Government to do the thing which is sought to be done, but that that power is stayed when its exercise cripples, impedes, interferes with, or destroys the opposite sovereign within the dual system.

Merely for the sake of making myself clear, I wish to say to the Senator that I could never agree to his proposition that the Federal Constitution does not create two sovereignties. The Federal Constitution and the entire American system of government are based upon and grow directly out of the existence of two sovereigns. Otherwise there would be no State to send a Senator here; and the Congress would have no power to gather up a Senator out of the thin air and bring him here, except as a representative of the State, or, in the case of the Member of the House, a representative of the people.

Otherwise the Government could not be organized. To say that the Constitution does not recognize it when the Constitution is built upon the theory of the dual system, is beyond my power of discernment, to say the least.

I wish again to say to the Senator that I think the whole doctrine of cases such as McCulloch against Maryland, Collector against Day, and others turns squarely upon the proposition, not that the Federal Government is undertaking to exercise a power that it does not have, but that it simply cannot exercise such power against the State, for the reason that the State is sovereign, and, therefore, the power cannot be used in that way. The Federal Government and the States do exercise identically the same powers, Mr. President, even under the income-tax amendment when they tax identically the same source of income within the State; but neither sovereign can tax the income derived wholly by a necessary agency of the other because of the doctrine of the dual sovereignty which necessarily prevents such action.

Mr. MINTON. Mr. President, what I am saying——

Mr. CONNALLY. Mr. President——

Mr. MINTON. Let me speak a moment in my own time.

Mr. CONNALLY. I beg the Senator's pardon.

Mr. MINTON. I will yield to the Senator after I have had a chance to reply briefly to what the Senator from Georgia has said.

Mr. CONNALLY. When I asked the Senator to yield, it was perfectly right for him to say "no," but I do not quite appreciate the Senator's attitude, "Let me use a part of my own time." I have not heretofore interrupted the Senator.

Mr. MINTON. The Senator from Georgia had just spoken at considerable length, and I want to get his point and reply to it while it is fresh in my mind, if I may.

With what the Senator from Georgia has had to say I do not disagree. I do not contend that there are not two sovereigns in this country. What I am leading up to is to develop the fact that the doctrine of dual sovereignty is not applicable to the fourteenth amendment. I am not attacking the doctrine of dual sovereignty as it is applied in the cases cited by the Senator from Idaho; I am trying to confine the authority cited by the Senator from Idaho to the cases to which they belong. I am going to point out that when we are talking about the doctrine of dual sovereignty we are talking about separate and distinct powers of two sovereignties that never coalesce. Attempts may be made to bring them in conflict, but the Supreme Court has raised up this doctrine of dual sovereignty that does not permit such conflict, and, therefore, the two sovereignties of which the Senator from Georgia speaks, and which I recognize, operate in their separate spheres, indeed, in their separate planes; they never come in conflict, by reason of the doctrine of dual sovereignty, and they never coalesce. But that is not the doctrine of the fourteenth amendment.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. MINTON. I yield.

Mr. BORAH. Would the Senator give us an illustration of what he means by "coalesce"?

Mr. MINTON. I mean come together like this [indicating].

Mr. BORAH. Yes; but will the Senator cite an instance in which it occurs?

Mr. MINTON. I am coming to that, and I will give an instance. Going to the other side of it, as I see it, the doctrine of dual sovereignty, about which the Senator from Idaho has been talking, is borne out by the cases which he has cited. The doctrine of dual sovereignty is recognized in our constitutional law, though it has been built up by the Supreme Court. That I admit; but what I am trying to say is that the doctrine of dual sovereignty does not apply to the fourteenth amendment. Why? Because the fourteenth amendment, in the first place, commits the care of the rights of certain persons to the States; that is to say, the States shall not deny due process of law or equal protection of the laws to any person—not merely to a citizen but to any person; he may be a foreigner—within its jurisdiction. It is true that the fourteenth amendment does recognize, for the first time, a difference between State citizenship and Federal citizenship; but the rights protected under the fourteenth amendment as to citizenship are those which stem from United States citizenship and from the Federal Government, and the amendment does not affect State citizenship at all. When the fourteenth amendment throws its cloak around all persons against a denial by the State of due process of law, and affords equal protection of the laws, it throws it around all persons, and one does not have to be a citizen; he can be a foreigner sojourning in this country, but no State can deny him life, liberty, or take property from him without due process of law or deny him the equal protection of the laws. That is what the fourteenth amendment does.

In the first instance, I say that the guardianship of those sacred civil rights of persons is committed by the Constitution to the States. The Federal Government cannot come in and punish individuals who violate the rights of other individuals within the States. The Civil Rights cases and other cases have held that flatly, and there is no question about that; but if the State denies, as the fourteenth amendment says, due process of law and the equal protection of the laws, then what happens? Another sovereignty comes into the picture, and there we have a coalescing of sovereignty. We have as the guardian of the rights of persons under the fourteenth amendment, first, the States; but if the States, in the exercise of any of their authority—legislative, executive, or judicial—deny to anyone the equal protection of the laws or due process of law, then there is another sovereignty to which they may look for the protection of their fundamental rights, and that sovereignty is the Federal Government.

There is where we find the distinction between the doctrine of dual sovereignty which deals with the separate rights of the two sovereignties and the rights that coalesce under the fourteenth amendment. So we have under the fourteenth amendment the rights of persons first committed to the care of the States, and, finally, if the States deny their rights under the fourteenth amendment, then they are committed to the Federal Government. They are committed under the fifth clause of the fourteenth amendment in language as broad, as strong, and as forceful as the human mind can conceive—that is to say:

> The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

The doctrine of the fourteenth amendment is the doctrine of coalescing powers, not separate and distinct powers that never coalesce but are kept apart by the doctrine of dual sovereignty. Therefore, I assert that the doctrine of dual sovereignty has no application to the fourteenth amendment, for there is another sovereignty that can step in, when the State has violated its duty under its sovereign power, and correct the wrong that is being done by the State to any person within its borders. That is not the doctrine of dual sovereignty; it is a doctrine of an overpowering sovereignty; it is a doctrine of a sovereignty that may step in, assume the power that should have been exercised by the State in the protection of the civil rights of persons, and exercise such power in defense of the civil rights of such persons. So when we come to the fourteenth amendment we find an entirely different doctrine from that which exists when we are referring to the doctrine of dual sovereignty.

With regard to the argument of dual sovereignty the distinguished Senator from Idaho asked two questions. First:

> Can one sovereignty interfere with the machinery of another sovereignty?

And then—

> Thus we have in the beginnning the specific question whether the Federal Government can give rise to a cause of action against another sovereignty, the State; whether one sovereignty can proceed to impose upon the other sovereignty anything in the nature of a suit, or a burden, or an embarrassment of any kind whatever.

Mr. President, that proposition has been fairly answered by the Supreme Court of the United States. It was answered in One Hundredth United States Reports in the case of Ex parte Virginia, page 339. I wish to read first from that opinion the fourteenth amendment, which appears at page 344.

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person the equal protection of the laws. * * * The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Then the Court, on page 345, says in regard to these powers:

> They were intended to be what they really are, limitations of the power of the States and enlargements of the power of Congress. They are to some extent declaratory of rights and though in form prohibitions, they imply immunities, such as may be protected by congressional legislation.

Then, referring to the fifth section, the Supreme Court says on the same page:

> All of the amendments derive much of their force from this latter provision—

That is, the enforcing provision—

> It is not said the judicial power of the general Government shall extend to enforcing the prohibitions and to protecting the rights and immunities guaranteed. It is not said that branch of the Government shall be authorized to declare void any action of a State in violation of the prohibitions. It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation.

And the word "enforce" is italicized by the Court.

> Some legislation is contemplated to make the amendments fully effective. Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power.

And here is the complete answer to the query of the Senator from Idaho:

> Nor does it make any difference that such legislation is restrictive of what the State might have done before the constitutional amendment was adopted. The prohibitions of the fourteenth amendment are directed to the States, and they are to a degree restrictions of State power. It is these which Congress is empowered to enforce, and to enforce against State action, however put forth, whether that action be executive, legislative, or judicial. Such enforcement is no invasion of State sovereignty. No law can be, which the people of the States have, by the Constitution of the United States, empowered Congress to enact.

I repeat, from the words of the Court, that—

> Such enforcement is no invasion of State sovereignty.

Why? Because, as I said a while ago, the guardianship of these rights of persons is committed to two sovereignties, the Federal Government and the State government; and when the State violates those rights, then the Federal Government may step in and exercise its sovereignty.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Texas?

Mr. MINTON. I do.

Mr. CONNALLY. Does the Senator contend that there is a certain zone in which both the State government and the Federal Government are charged with a duty and jurisdiction?

Mr. MINTON. The Federal Government has a contingent duty, and that duty is contingent upon a violation by the State.

Mr. CONNALLY. I thought the Senator just said that both the State government and the Federal Government had a duty.

Mr. MINTON. That is true.

Mr. CONNALLY. Let us suppose that the State, then, should make one regulation, and the Federal Government should make another.

Mr. MINTON. The regulation of the Federal Government, being the supreme law of the land, would prevail.

Mr. CONNALLY. Then the Senator is incorrect. Within the zone about which he is talking there is only one sovereignty, and that is the Federal Government, which is supreme.

Mr. MINTON. That is correct. When the Federal Government comes into power it is always sovereign.

Mr. CONNALLY. Certainly; just as the State government within its sphere is sovereign, too. I do not understand that there is any "no man's land" in which both the State and the Federal Governments have a responsibility and a jurisdiction. I do not understand that to be the Constitution, or the law, or anything else.

Mr. MINTON. All I am saying is that there is a field in which the Federal Government and the State government may operate, but the State government operates first. To its charge and keeping are committed the constitutional rights under the fourteenth amendment of persons. There is a contingency under which another sovereignty may come in and operate in the same field in protection of the rights of persons under the fourteenth amendment. That is when the State does something which denies the full protection of the laws, or takes away life, liberty, or property without due process of law.

Mr. DUFFY. Mr. President——

Mr. MINTON. In other words, the Federal Government may come in and exercise its sovereignty only upon the State abusing its sovereign power; and so, when the Federal Government comes in, it is exercising Federal power. It is not exercising State power. The Federal power is supreme when it is permitted to be exercised at all, and it is exercising this Federal power in protection of rights which are committed to it by the Constitution by reason of the denial of those rights by the State.

I now yield to the Senator from Wisconsin.

Mr. DUFFY. Mr. President, the Senator's last statement partially answers the question I was about to propound. The Senator believes that the State, either by acting or by failure to act, might set in motion the events which would permit the Federal Government to come into the exercise of its authority or jurisdiction?

Mr. MINTON. Yes; I think the State is liable for its action; and, as I understand the law, "action" may mean action of omission or of commission.

Mr. WAGNER. Mr. President, will the Senator yield at that point?

Mr. MINTON. I yield to the Senator from New York.

Mr. WAGNER. In further answer to the Senator from Idaho, I recall to the Senator from Indiana that in one of the Scottsboro cases the Supreme Court took jurisdiction of a case under the provisions of the fourteenth amendment by reason of denial of the equal protection of the laws because the court had omitted to assign counsel to the defendant; so there was an absolute failure to act.

Mr. MINTON. That is correct.

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

Mr. MINTON. Yes; I yield to the Senator from Texas.

Mr. CONNALLY. With regard to the interruption of the Senator from New York, in which he stated that it was held in one of the Scottsboro cases that the failure to assign counsel—although there was a sharp conflict between the judges as to that fact—was a denial of due process of law, let me ask what authority that is for affirmative legislation. It simply meant that in the trial of the case under the fourteenth amendment the court, which was a State agency and which was acting for the State, should see that the defendant secured due process of law, which is not part of the fourteenth amendment upon which this bill is supposed to be based.

Mr. MINTON. But the answer to the Senator's query is made by the Supreme Court in the case to which I have just referred, and from which I read a while ago at page 345, when the Court said, referring to this power to protect:

> It is not said the judicial power of the General Government shall extend to enforcing the prohibitions and to protecting the rights and immunities guaranteed. It is not said that branch of the Government shall be authorized to declare void any action of a State in violation of the prohibitions. It is the power of Congress which has been enlarged. Congress is authorized to *enforce*—

And I repeat that the word "enforce" is italicized—

> the prohibitions by appropriate legislation.

Mr. President, on the proposition of appropriate legislation, the discretion lies wholly with Congress. The Supreme Court of the United States has said so. It said so in the case of Virginia against Rives, reported in One Hundredth United States Reports, page 313, and on page 318 the Court said:

> It is doubtless true that a State may act through different agencies—either by its legislative, its executive, or its judicial authorities—and the prohibitions of the amendment extend to all action of the State denying equal protection of the laws, whether it be action by one of these agencies or by another. Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions whenever they are disregarded by either the legislative, the executive, or the judicial department of the State.

And mark this:

> The mode of enforcement is left to its discretion.

That is to say, to the discretion of the Congress of the United States is left the mode of what? Of enforcing the rights of persons under the fourteenth amendment. For what reason? Because they have been denied by a State. The State, therefore, is subject, by the Constitution itself, to the act of the Congress of the United States to protect these persons who have been denied their rights by the State. This is not a foreign government stepping in. This is our Government. This is "We, the people," who have decreed by their fundamental enactment that when the rights of persons are denied by a State to which those rights have been committed, the Federal Government may step in and enforce those rights; and the discretion to enforce those rights is left entirely with the Congress of the United States.

That brings me to this bill. This bill is a two-headed sort of measure. It is a bill of a double aspect. It seeks, in section 3, to punish an officer for dereliction of his duty. In section 5 it seeks to punish the subdivision of the State, the county, or the city, or the municipality in which the lynching may occur, for the failure of its officers to do their duty, and to give a cause of action for damages. Is that warranted by the construction which has been placed upon the fourteenth amendment by the Supreme Court of the United States? Let us take up section 3, in the first instance, and see. As I said, that section is directed to punishing an officer of the State who does not do his duty under the law.

In One Hundredth United States Reports, to which I have so frequently referred, I refer again to the case of Ex parte Virginia. A judge in Virginia, so it was charged in the indictment, had discriminated against a colored man on trial for his life by not permitting any colored men to be selected for the jury. It was openly charged in the indictment that that was the fact, that the judge had discriminated in the selection of the jury. The question arose as to whether or not the sanctions of the law passed by Congress could be visited upon this judge who had denied this man the equal protection of the laws or due process under the fourteenth amendment. The question went to the Supreme Court of the United States, and it was there argued that the Federal Government has not any right to invade the sacred precincts of the sovereignty of the State and to punish one of the State officials for not doing his duty as he should have done it; that that is the State's right, that that is the State's authority, that that is the State's prerogative.

What did the Supreme Court of the United States say to that argument? I read from page 347 of the case of Ex parte Virginia, reported in One Hundredth United States Reports:

> Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty, without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is the act of the State. This must be so, or the constitutional prohibition has no meaning. Then the State has clothed one of its agents with power to annul or to evade it.

On that authority the Supreme Court of the United States held that the judge in the State of Virginia, the great, sovereign State of Virginia, the Old Dominion, should answer at the bar of justice of a Federal court for not doing his duty, thereby enforcing the prohibitions of the fourteenth amendment under the fifth section thereof, as the Supreme Court said they had a right to do. The discretion lay entirely with Congress, and that was the way Congress was dealing with it, under that act.

I say, therefore, that the third section of the bill before us is directed at punishing a State officer who fails or neglects to do his duty. That is all the section seeks to do. If an officer in the performance of his duty denies the equal protection of the laws to someone, or takes life, liberty, or property without due process of law, he is acting for the State, I care not whether it be affirmative action or negative action. If it is one's duty to act and he fails to act, the liability attaches just the same as if he acts when he should not act. The third section of the bill can be bottomed upon the part of the opinion in Ex parte Virginia, which I have just read.

Mr. ANDREWS. Mr. President——

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair). Does the Senator from Indiana yield to the Senator from Florida?

Mr. MINTON. I yield.

Mr. ANDREWS. Did not the decision in the case the Senator has just cited have reference to the selection of an impartial jury to try a case, which was guaranteed under the Constitution under another provision, and has not that always been the rule, and the decision could not have been otherwise?

Mr. MINTON. What is the other provision of the Constitution?

Mr. ANDREWS. That one shall have a right to trial by an impartial jury.

Mr. MINTON. That is not in the Federal Constitution.

Mr. ANDREWS. It is, in substance.

Mr. MINTON. No; the Court here was dealing with the rights of a person under the fourteenth amendment, which that person asserted had been denied him by a judge of a State in the selection of a jury, and he was indicted in the Federal court for the dereliction in his duty. The Supreme Court held that the indictment was good and turned him back to the Federal court for prosecution.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. CONNALLY. I do not desire to interrupt the Senator, but I think he is a little inaccurate in his statement of the facts in the Virginia case. The judge who tried the case was not indicted; it was the county judge, who, as a portion of his duty as county judge, acted as a jury commissioner and selected the jurors. So even the Virginia case cannot be used as an authority for the horrible doctrine here asserted—the right to put State judges and Governors and attorneys general in jail. In that particular case the defendant happened to be a county judge. He did not participate in the trial of the case at all. It was a question as to the selection of the jury. I thought the Senator would want to be corrected.

Mr. MINTON. It does not appear whether the county judge in Virginia had to try the man or not. That does not appear from the opinion. In my own State there is no such practice as that. We have no county judge selecting a jury to try a case in the circuit court. The court which is to try a man impanels the jury. The statement of facts in

this case does not disclose whether or not this judge tried the case. It was a county judge; the Senator from Texas is right about that.

Mr. CONNALLY. It was not a question of impaneling the jury; it was a question of selecting the jury list.

Mr. MINTON. Even so, if he was a county judge—and the statement of fact shows he was—he was an officer of the court, and the Federal law came there and laid its heavy hand on him in the great Old Dominion, the State of Virginia, and punished him for dereliction of duty.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator from Illinois.

Mr. LEWIS. I beg to call the attention of the Senator from Indiana to the fact that my able friend the Senator from Texas failed to observe that, while it is true the man was a county judge, while it is true that he also exercised the duty of selecting and arranging the list of jurors, it was, as the Senator from Indiana wishes to make clear, in his judicial capacity that he served in the position of having to select members from the jury panel.

Mr. MINTON. I am sure that the Supreme Court did not agree with the Senator from Illinois in that. I want to keep the record straight on that. The Supreme Court of the United States did not hold that.

Mr. GEORGE. Mr. President, if the Senator will yield, I want the Senator from Illinois to recollect that the Supreme Court said that the county judge in Virginia was not acting in his judicial capacity. Had he been acting in his judicial capacity, it is a very clear and unmistakable inference that he could not have been held, but he was exercising a purely ministerial function.

Mr. LEWIS. I say to both of my friends that while the Court stated that in that particular action the man was not serving as a judicial officer, the fact is it was because of his position as a judge that he was authorized under the laws of Virginia to select the jury list.

Mr. GEORGE. The Senator is quite right; he was, so to speak, ex officio a jury commissioner, by virtue of the fact that he was a judge. But I call the attention of the Senator from Indiana to the fact that in Ex parte Virginia the particular section of the Federal Code which was held to be good was one which made it a crime for any jury commissioner or any other official who exercised the power of a jury commissioner to deliberately exclude from the jury list and box colored persons on account of race, color, or previous condition of servitude, and for no other reason. So he was indicted for an act, because he did exclude from the jury boxes in Virginia colored people for no other reason than that they were colored, on account of their race, or color, or previous condition of servitude.

Mr. MINTON. I did not say otherwise. That is exactly what I stated happened. It is true, nevertheless, that it was the Federal Government which came in, with the Federal power, taking hold of an officer of the court and punishing him in a Federal court for the dereliction of his duty as an officer of the court.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. WAGNER. On the question as to whether the particular individual was acting on behalf of the State, perhaps the Senator has already read this, but I will ask him to permit me as a part of my question to read just this excerpt:

> A State acts by its legislative, its executive, or its judicial authorities.

And further on:

> Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State.

The point I wish to emphasize is that in the particular instance he was acting for the State.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BORAH. I understand that the Senator from Indiana and the Senator from New York take the position that the act complained of must be a State act.

Mr. MINTON. I admit it.

Mr. BORAH. So I take it that the argument made by the able Senator from Illinois is not accepted by the able Senator from Indiana.

Mr. MINTON. I am frank to say that I do not support the argument of the Senator from Illinois. I admit that before the Federal Government can step in there must be State action which denies the right of some person under the fourteenth amendment. The Federal Government has not any right to come in unless that thing has actually happened, and it will always be a question of fact as to whether or not there has been something done or left undone which has denied equal protection of the laws, or taken life, liberty, or property without due process of law.

Mr. BORAH. The Senator would also, I take it, take the position that the Federal Government can never step in for the purpose of throwing its protection around an individual who has been injured by another individual in the State?

Mr. MINTON. I think that is clear, unless the individual was acting in an official capacity at the time he injured the other person.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. PEPPER. When the officer, or one having the status of an officer, acts not only outside of but in contravention of the local law, then can such action on the part of the officer be chargeable to the State?

Mr. MINTON. Let us look at that proposition a moment. Let us analyze it from the very beginning, and see what its aspects are.

There can be no question that the officer himself, as an individual, could, by failure to do his duty as an officer, lay himself liable to some individual who was injured by his act. I think the Senator from Florida will admit that to be a fair legal proposition.

There is no doubt in my mind that the State can also say to the county or the municipality of which the man was an officer that if he does thus and so in violation of his duty the county or the municipality may be liable. I think the Senator will admit that to be a fair proposition of law.

That is because the State is sovereign over both. The State is sovereign over the individual and it is sovereign over the agencies of Government which it has set up as a city, or county, or township, or what not. Therefore the State is sovereign over both, and the State can punish both.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. CONNALLY. If the State may do that and is sovereign over that jurisdiction, how can the Federal Government also do it?

Mr. MINTON. The Senator knows that the Federal Government and the State both punish persons for committing identically the same act which is an offense against the Federal sovereignty and at the same time is an offense against the State sovereignty.

Mr. CONNALLY. Yes, if it is such an offense; but I am asking the Senator now, if as between the State and its citizen the particular responsibility rests upon the State under its sovereignty as a State, how can the Federal Government come in and undertake to do the same thing, and in effect oust the State itself?

Mr. MINTON. Because the State is not doing its duty toward the persons who are committed to its protection under the fourteenth amendment. It is denying to some person the equal protection guaranteed by the fourteenth amendment, or taking away some rights without due process of law.

I shall proceed to discuss some suggestions evoked by the Senator from Florida. We have now reached the point where the State has punished its own subdivisions for the misdoings of its own officers. That is because the State has sovereignty over the individual, and can punish him. That was the common law. We do not need to have any statute for that. And then the State, being sovereign over its own creatures, places liability upon the county or the municipality.

I say that is done by virtue of sovereignty. Then we assume that under the fourteenth amendment rights of persons have been denied by States, and the Federal Government steps in. It is exercising its sovereignty, and it may punish State officers for violations of the rights of persons, because the Federal Government in the last analysis is the protector of those rights against State action.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. PEPPER. The argument of the Senator from Indiana is now based upon the statement he last made, namely, that the Federal Government is the protector of those rights. He based his previous statement upon the fact that the officer is only accountable to the State government by virtue of the State constitution and the State statute. Therefore, it is for violation of the duty which he owes to his sovereignty that he may be punished, but he may not be punished for the violation of no duty to no sovereignty, as it were. Yet that is what the Senator by his argument would attempt to do. The Federal Constitution says that the judges of the several States shall administer the Federal law.

Mr. MINTON. If the Federal Government steps in it is only because the State has failed; it is only because the State has done something which has provoked the exercise of power by the Federal Government. The Federal Government's power is contingent, contingent upon the State doing something which denies civil rights to some person within its borders. When it does that, when there is such denial, then the Federal Government comes in and puts its protecting arm over that person, and excludes entirely all State sovereignty.

If the Federal Government in the protection of a person whose rights have been denied by the State chooses to punish the officer, that is within its discretion, under Virginia against Rives and Ex parte Virginia. If it chooses to punish the subdivision of the State for the dereliction of its officer, that is within the discretion of the Congress. Why? Because under the fifth section of the fourteenth amendment the Congress of the United States is given power to enforce the fourteenth amendment by appropriate legislation and, as I said a while ago, the Supreme Court of the United States in Virginia against Rives, said that the Congress of the United States is the sole judge of the appropriateness of its legislation; that it lies within the discretion of the Congress of the United States how the guaranteed rights shall be enforced. If it lies within the discretion of the United States how such rights shall be enforced, can it be denied that this bill, which would fasten liability upon a county, is an exercise of such discretion? If it is, then it can fasten liability upon the county. That seems to me to follow logically.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. MINTON. I yield to the Senator from Texas.

Mr. CONNALLY. I understood the Senator from Indiana early in his argument to concede that the Federal Government has no constitutional power under the fourteenth amendment to punish individuals.

Mr. MINTON. As such.

Mr. CONNALLY. Under this bill?

Mr. MINTON. As such.

Mr. CONNALLY. As such. Let us suppose, then, that every man in a county and every woman and every child in a county go out and join a mob, constitute a mob, and lynch someone. Under the Senator's position, of course, the Federal Government could not punish them as such at all, could it?

Mr. MINTON. No.

Mr. CONNALLY. And yet, under his theory, it could levy a penalty on the county, which its taxpayers would have to pay, and assess a penalty on the county itself, unless the sheriff, who might be absent, or who might be somewhere else, intervened and protected the victim of the mob; is that correct?

Mr. MINTON. Yes. There are frequently legal distinctions without a difference.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. PEPPER. The Senator made the statement, if I understood him correctly, that it is within the discretion of the Congress appropriately to exercise its power to protect an individual and to vindicate his rights.

Mr. MINTON. No; I said to enforce the fourteenth amendment.

Mr. PEPPER. Very well. In the Civil Rights cases Congress elected to exercise its power to protect the rights which it thought were conferred by the fourteenth amendment in a broad way, and yet the Court held that was not a legal exercise of the congressional power.

Mr. MINTON. Yes; but the Senator from Florida knows that the fourteenth amendment starts out by saying that no State shall do thus and so, not "no individual shall do thus and so," but "no State." Of course, the Supreme Court of the United States held that under the Constitution Congress could not put the protecting arms of the Government around individuals in their own States and attempt to protect them in the enjoyment of their rights against other individuals. Why? Because the Constitution of the United States said it could not; that the only thing that was committed to the protection of the Federal Government under the fourteenth amendment was the rights of persons which had been denied by State action. And I concede that until a case can be made which makes the State particeps criminis, as we lawyers say, the State cannot be held liable.

Mr. PEPPER. Mr. President, will the Senator yield to answer one more question?

Mr. MINTON. I yield.

Mr. PEPPER. If the sheriff does nothing, but if it is the law of his own State that he shall protect his prisoner, and a Federal offense has been committed, how can the State be chargeable?

Mr. MINTON. In other words, if the State officer neglects to do his duty, how can the State be liable for his omission?

Mr. PEPPER. Yes.

Mr. MINTON. If he may make his State liable for an act of commission, he may make his State liable for an act of omission, because, if it is one's duty to act and he fails to act, liability fastens just as if he acted when he should not.

Mr. PEPPER. The Senator from Indiana is talking about civil liability imposed under the general law, whereas in this particular case the Federal Government can have no authority unless the provisions of the fourteenth amendment may be invoked.

Mr. MINTON. Of course, I have never said anything to the contrary.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. MINTON. I yield.

Mr. BORAH. I have been very much interested in the Senator's able presentation of this matter. I think the Senator and I can agree that before there can be any action on the part of the Federal Government there must be State action of some kind, and I think the Senator and I will agree that under no circumstances can the Federal Government throw protection about an individual citizen for injuries done by another citizen of the State. The only controversy between the able Senator and myself narrows down to the proposition whether or not there is State action in the particular matter described in section 3 of the bill.

Mr. MINTON. That is correct. Section 3, following the authority laid down in Ex parte Virginia, punishes the officer of the State, not for what he does as an individual or what he does not do as an individual but for what he does or does not do as an officer of the State. So he is not being punished as an individual for what he does or does not do as an individual, but he is being punished for what he does or does not do as an officer. And that fastens an entirely different liability upon him.

Mr. BORAH. If we should be so unfortunate as to have this measure here for some time, I shall undertake to discuss the decision in the One Hundredth United States Reports, in State against Virginia, but I think there is a wide difference between the facts in that case and the principle apparently laid down in section 3.

Mr. MINTON. Of course. When the Senator gets around to it, I wish to direct his attention to page 347, and I shall read it to him again.

Mr. BORAH. I am very glad to have the Senator read it. I suppose I have read it 20 times.

Mr. MINTON. So have I.

Mr. BORAH. I understood well that it was the bible of those who were proposing this measure.

Mr. MINTON. Since the Senator has directed my attention to section 3, of course I shall wait until he discusses section 3, and not burden the Senate with further discussion of it.

If I may return to my line of argument, I was trying to sustain the right of the Federal Government to do what it attempts to do under the fifth section of the bill.

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BAILEY. I am troubled by the Senator's position in this respect: Suppose I am a farmer in North Carolina, and someone robs me of my pig, and I complain to the Federal Government that I have been deprived of my property without due process of law, and that it was the fault of the sheriff. Does the Senator contend that that would give the Congress jurisdiction and power to enact a law enabling me to recover damages, or to put the sheriff in jail for failing to protect my property against the thief?

Mr. MINTON. No.

Mr. BAILEY. I should like to know the distinction, then, between that interpretation of the Senator's position and the interpretation upon which he insists under the fourteenth amendment. I have merely confined my question to property. The amendment says "life, liberty, or property." Why confine it to property? I should like to have the Senator make the distinction.

Mr. MINTON. Whenever the sheriff is so exercising State authority as a sheriff as to deny to anyone the equal protection of the laws, or to take his property without due process of law, such exercise of authority constitutes State action. That is as far as I go.

Mr. BAILEY. Mr. President, that is my complaint. I am complaining that the sheriff of my county, as an officer of the State or of a subdivision of the State, is so acting that I am not protected with respect to my property. The question is, Does that give the Congress the jurisdiction or the power to enact legislation imposing a penalty upon the sheriff, or enabling me to sue him for damages?

Mr. MINTON. When one is discussing power, he can always reduce the power to an absurdity. Power may always be abused. It is no argument against the existence of power to say that the power may be abused. Such an argument can always be made. It is a reductio ad absurdum.

Mr. BAILEY. Mr. President, the reductio ad absurdum always lies when the proposition is absurd in itself. There is no ground for complaint on that score. But the fourteenth amendment clearly provides for the protection of life, liberty, or property against deprivation without due process of law. I merely transferred the whole principle of this bill from lynching to stealing. I ask the Senator again, Does he insist that the Congress has jurisdiction and power to pass legislation to protect the citizen of any county or State of the Union against the delinquencies of the sheriff in the matter of stealing?

Mr. MINTON. I will answer the Senator by a comparable argument. If it ever became the custom in North Carolina or Indiana for the sheriff and hog thieves, in broad light when everybody could see them, to go out with a mob and steal hogs and nobody was ever prosecuted, and if that condition became peculiar to North Carolina and Indiana, I think the people might come to Washington and ask the Federal Government to protect their property in their hogs against that sort of activity in North Carolina or Indiana.

Mr. BAILEY. Mr. President, while the Senator said my proposition was absurd to begin with, he is now saying it is serious, and is agreeing that the state of affairs cited would give the Congress jurisdiction.

Mr. MINTON. Yes; I think it would. The Senator is now confining it to stealing. If stealing were connived at or winked at by the officers of the State until it became a scandal, and nobody was ever prosecuted for stealing in Indiana or North Carolina, I think the Federal Government would have the power to intervene. There were eight lynchings last year, and no one was prosecuted. There have been hundreds of lynchings in the past 10 or 15 years, with less than 1 percent of prosecutions.

Mr. BAILEY. Mr. President——

Mr. MINTON. Whenever stealing becomes so much of an avocation in my State or in the State of the Senator from North Carolina that people cannot hold their property under the protection of the law, or may not have the equal protection of the law in the holding of their property, and the local authorities do not do their duty, then I say the Federal Government may step in and say that the Federal power applies to stealing, if stealing becomes a recurring practice.

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BAILEY. The Senator says there were eight lynchings in America last year. Will he state now the number of cases of stealing in Indiana last year in which there were no prosecutions? I will warrant that there were thousands; but on his thesis, his proposition, the Federal Government has the power to go into Indiana or to expand this bill by an amendment giving the Federal Government the power to go into any State and deal with stealing. I ask the Senator if he is willing to have an amendment added to the bill that in all cases where there is a great deal of stealing and no prosecution the Federal Government may impose penalties and civil liabilities upon sheriffs? Will the Senator accept an amendment of that sort?

Mr. MINTON. Mr. President, we are getting nowhere with that kind of an argument.

Mr. BAILEY. I am satisfied the Senator is not.

Mr. MINTON. I admit that there has been stealing in Indiana, but I dare say the record of Indiana will compare favorably with that of North Carolina. But, be that as it may, there have been plenty of prosecutions for stealing in Indiana. Indiana was disgraced at one time by a horrible lynching, and there was no prosecution for it. The State of Indiana was outraged. I should not be ashamed, as a citizen of that proud State, if the Federal Government had stepped in and punished the officers who were derelict in the performance of their duty, if the officers had connived at lynching and such connivance constituted State action. I know the people in my State would not object to such Federal interference. In fact, they would welcome it. If lynchings occurred periodically in Indiana, and the State of Indiana were not doing its duty, I should say, let the Federal Government come in and help the State of Indiana.

We have had some horrible bandits in Indiana. When we found out we could not handle them, thank God the Federal Government stepped in and helped us catch them. I never objected. I do not object to the Federal Government stepping in and exercising its power in cooperation with the other authorities.

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. MINTON. I yield.

Mr. PEPPER. If the Senator's view is correct, that when domestic violence assumes the dimensions of becoming a national danger the Federal Government may voluntarily go into the State and suppress the domestic violence, why did section 4 of article IV of the Federal Constitution specifically prescribe the two cases in which the Federal power could come inside the State boundaries to suppress domestic violence, namely, upon the invitation either of the Governor or of the legislative authority of the State?

Mr. MINTON. Of course, the Senator knows that that part of the Constitution deals with political authority, as the Supreme Court has said time and time again. That part of the Constitution deals with the Federal Government coming in with the armed forces of the United States in aid of the States. The Senator knows that that is what it means. The Supreme Court has said so. So he is talking about the political power of the Federal Government under section 4 of article IV of the Constitution, which has no application at all. It challenges only the military authority. That part of the Constitution has been construed by the Supreme Court of the United States as authorizing the entrance of Federal troops into a State only when the legislature, in session, invites them in and asks for them or the Governor of the State, if the legislature is not in session, requests it. That is all. That is the construction placed upon it by the Supreme Court.

Mr. PEPPER. Mr. President, will the Senator yield for one more question?

Mr. MINTON. I yield.

Mr. PEPPER. I desire to ask a question of the Senator which will illustrate the point as to whether the State is a guarantor of the rights and liberties of the citizens or whether, under the terms of the fourteenth amendment, it merely is subject to a prohibition against itself depriving the citizen of those rights. I make this illustration: Let us suppose, in the first place——

Mr. MINTON. Before the Senator gets too far, let me answer him in the words of the Supreme Court:

> They are to some extent declaratory of rights, and, though in the form of prohibitions, they imply immunities such as may be protected by congressional legislation.

So they are guaranties.

Mr. PEPPER. Let us suppose, in the first case, that a citizen of sovereign State A does violence to another citizen of sovereign State A, which the State fails to prevent. Let the next case be one wherein the citizens of an adjoining State come into State A and commit wrongs upon the citizens of State A in deprivation of the rights guaranteed by the fourteenth amendment. What I propose to ask the Senator from Indiana is whether or not, in either of those cases, the State, by its failure to prevent those acts or wrongs, has been delinquent in the duty it owes to the Federal Government.

Mr. MINTON. On the presentation the Senator makes, I should say it is perfectly evident that it has not been.

The Senator from Idaho, in his speech on February 4, argued that this bill is unconstitutional because it invades the police powers of the States. The Senator from Idaho cited some authorities along that line, none of which, of course, dealt with an attempt on the part of the Federal Government to exercise its power within its own jurisdiction in derogation of the rights of the States.

The Federal Government, I assert, does have police power, because police power is nothing but an attribute of sovereignty; and if the Federal Government is sovereign—and nobody denies that it is—within its own grants, then it has the attribute of sovereign police power.

Whenever the Federal Government acts in matters as to which it has a right to act, and the State comes in conflict with it there, in anything the State does it must yield to the Federal Government. So when the Federal Government is exercising its police power in a field in which it may legally exercise it, the Federal Government is not exercising the police power of the State. It is exercising its own police power. So the argument of the Senator from Idaho that this bill invades the police power of the States falls to the ground, because it is not the police power of the States that is being exercised. It is the police power of the Federal Government, which arises upon the denial of rights guaranteed under the fourteenth amendment.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. MINTON. I yield.

Mr. CONNALLY. Mr. President, let me ask the Senator from Indiana if it is not true that the only Federal right which the fourteenth amendment confers is the right not to be discriminated against by the State? Is not that the only Federal right conferred?

Mr. MINTON. I should not want to limit it to that. It may mean that, but it is conceivable that it could mean much more.

Mr. CONNALLY. Let me read the Senator what the fourteenth amendment provides. After saying that all persons born or naturalized in the United States shall be citizens of the United States, and so forth, it says:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law.

Is it not true that the only Federal right which that amendment confers is the right of equality; in other words, the right not to be denied due process in the one case, and the denial of privileges and immunities in the other? If that be true, is not the Federal power of Congress limited to the correction by affirmative legislation of the denial and that it goes no further than the denial? For instance, when the fourteenth amendment was adopted many of the Southern States, as well as other States of the Union, the State of Ohio, for instance, had laws providing that none but white persons could sit on a jury. The fourteenth amendment was leveled at the legislation by many of the States which, in fact, did discriminate against people of color. So when the fourteenth amendment was submitted in the debates, Mr. Stevens and Mr. Blaine and others pointed out, while the colored man had been given freedom under the thirteenth amendment, that he did not have equality, because many of the States by law were discriminating against him, and, therefore, they said no State shall do so-and-so and so-and-so. But it did not give the Federal Government the right to go into the State and say who should sit on a jury; the States were still free to enact any legislation as to the persons who should sit on a jury, except that they could not discriminate and say that a white man should sit on a jury and a colored man should not. The amendment said that the States no longer could say that white men could be punished for murder by one degree of punishment and colored men by another. Therefore, whatever power the Federal Government acquired under the fourteenth amendment affirmatively was by legislation to make ineffective the denial of equality by the States.

Mr. MINTON. I think the Senator may be right about the limitation as to the denial of equal protection of the laws, but I do not think that it is limited to that provision of the fourteenth amendment that no person shall be denied life, liberty, or property without due process of law. I think it entails more than discrimination. I think we can readily conceive of cases where one would be denied life, liberty, or property without due process of law without there necessarily being any discrimination. It might be that the very process itself which would be used would take life, liberty, or property, but would not discriminate at all; the law might apply to everybody in the community, and everybody in the State, but might be the wrong kind of process. So I do not think that the fourteenth amendment is limited to discrimination. I think that may be true as to that portion of it which deals with the equal protection of the laws.

Mr. President, I should now like to conclude. I have spoken much longer than I had intended, because, after all, I am not engaged in a filibuster, although I am glad of the opportunity to speak on the subject.

Mr. President, the Senator from Idaho in his brilliant peroration concluded his great speech on February 4 by saying:

> If the fourteenth amendment is to be loosely construed so as to permit the Federal Government to go into the States and fasten financial responsibility upon the States or the subdivisions of the States, it can be construed so that it is possible to go into the States and make the duly elected officials of the people subject to the jurisdiction of the Federal Government, there is nothing left of the State government.

Ah, the Senator was in good company when he made that lament. He had high authority with him. I read again from Ex parte Virginia, page 358:

> Nothing, in my judgment, could have a greater tendency to destroy the independence and autonomy of the States; reduce them to a humiliating and degrading dependence upon the central government; engender constant irritation; and destroy that domestic tranquillity which it was one of the objects of the Constitution to insure—than the doctrine asserted in this case, that Congress can exercise coercive authority over judicial officers of the States in the discharge of their duties under State laws.

The argument in that opinion is very much like the peroration of the Senator from Idaho as he closed his great speech; he was, I repeat, in good company; he had high authority; and that high authority was the minority of the Supreme Court speaking. I have just read from the dissenting opinion of Mr. Justice Field in Ex parte Virginia. So the lament of the great Senator from Idaho is not based on the opinion of the majority of the Supreme Court of the United States.

Ah, Mr. President, in conclusion, let me say to you that I believe in the doctrine of State rights realistically; I am interested in State rights; but I am much more interested in human rights. I am much more interested in the substance than I am in the symbol, and I have no hesitancy in challenging the symbols that fritter away the substance.

I think it is clear, under the authorities which I have cited, that the pending bill, if enacted, will not invade the sovereign powers of the States, for the simple reason that the Constitution of the United States has committed to the Federal Government the power that is proposed to be exercised, and when the Federal Government has that power, as the Supreme Court has said, as I have pointed out time and time again, and has discretion in its exercise of that power to enforce it, I submit that this bill is wholly within the provisions of the Constitution of the United States.

Mr. CONNALLY. I suggest——

The PRESIDING OFFICER. The Senator from Louisiana [Mr. ELLENDER] has the floor.

Mr. CONNALLY. The Senator from Louisiana agreed to yield to other Senators or proceedings, and I claim my rights.

The PRESIDING OFFICER. Does the Senator from Texas ask the Senator from Louisiana to yield?

Mr. CONNALLY. No; the Senator from Louisiana yielded originally, with the understanding that other Senators might speak without taking the Senator from Louisiana from the floor. Claiming that right, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Brown, Mich.	Copeland	Green
Andrews	Brown, N. H.	Davis	Hale
Ashurst	Bulkley	Dieterich	Harrison
Austin	Bulow	Donahey	Hatch
Bailey	Burke	Duffy	Hayden
Bankhead	Byrd	Ellender	Herring
Barkley	Byrnes	Frazier	Hill
Berry	Capper	George	Hitchcock
Bilbo	Caraway	Gerry	Holt
Bone	Chavez	Gibson	Hughes
Borah	Clark	Gillette	Johnson, Calif.
Bridges	Connally	Glass	Johnson, Colo.
King	Maloney	Radcliffe	Townsend
La Follette	Miller	Reames	Truman
Lee	Minton	Reynolds	Tydings
Lewis	Murray	Russell	Vandenberg
Lodge	Neely	Schwartz	Van Nuys
Lonergan	Norris	Schwellenbach	Wagner
Lundeen	Nye	Sheppard	Walsh
McAdoo	O'Mahoney	Shipstead	Wheeler
McGill	Overton	Smith	
McKellar	Pepper	Thomas, Okla.	
McNary	Pope	Thomas, Utah	

The PRESIDING OFFICER. Eighty-nine Senators have answered to their names. A quorum is present.

Mr. ELLENDER and Mr. PEPPER addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisana yield to the Senator from Florida?

Mr. ELLENDER. I yield for a question.

Mr. PEPPER. I was wondering if, without violating the unanimous-consent agreement, I could complete the hypothetical case which I started to state to the Senator from Indiana [Mr. MINTON]. I make that request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none.

Mr. ELLENDER. With the understanding that I do not lose the floor, I yield.

The PRESIDING OFFICER. The Chair rules that the Senator from Louisiana will not lose the floor.

Mr. PEPPER. Mr. President, I merely desire to complete the hypothetical case which I started to propound to the Senator from Indiana [Mr. MINTON] in illustrating the nature of the State's obligation as I humbly see it.

I asked the Senator from Indiana whether or not the State would be violating any obligation it owed to the Federal Government if it failed to protect one of its own citizens against other of its own citizens. Then I asked him, in the second place, whether the State would be delinquent in the obligation that it owes to the Federal Government if it failed to protect its own citizen against the aggressions of citizens of another State coming into the first State and inflicting violence upon a citizen of the first State.

The Senator from Indiana answered the question in the negative, by which he gave recognition to the fact that under the fourteenth amendment the State government owes no obligation to the Federal Government to prevent another person from inflicting violence upon its own citizen, but merely an obligation not itself to inflict affirmatively an injury upon its own citizen without due process of law or denial of the equal protection of the laws.

Mr. President in my remarks a few days ago I invited any Senator to cite a case in the United States Supreme Court where a mere omission on the part, either of the State or of one having the status of a citizen or a State officer was held to give rise to the exercise of Federal jurisdiction, and therefore to become a Federal offense. In spite of the remarks of my learned and able friend from Indiana, I have yet heard no case cited which establishes such a proposition.

Mr. ELLENDER. Mr. President, I was very much interested, of course, in the constitutional arguments advanced by my able colleagues who have just spoken; but as I have indicated on several occasions on the floor of the Senate, the questions involved in the bill under consideration go beyond the Constitution.

I have asserted many times that the pending bill and similar bills will lead to social equality between the whites and the Negroes. The pending bill is a make believe "antilynching bill." There is nothing genuine about it. The bill is not being advocated because it will prevent lynching but only to satisfy the demands of a few Negro politicians, who are likely to make further requests should they be successful in their present attempt to humiliate the South.

In the course of my speech, I have produced several tables showing the ratio of crime as between the white and the colored people in various cities of the country, and I shall

now continue along that line. I have but a few cities left to cover, and the figures are very interesting, and I shall ask the attention of Senators.

I concluded a while ago a statement of the number of arrests made in the city of Charleston for the year 1935. I will now present the record of arrests in the same city for the year 1936 for the crimes of murder, manslaughter, rape, robbery, aggravated assault, burglary and housebreaking, grand larceny, and highway robbery.

These crimes are the eight with which I have been dealing heretofore in giving the statistics as to various other cities, and for that reason I am confining my remarks to these crimes only.

Crimes	Whites	Negroes	Total
Murder	None	2	2
Manslaughter	None	None	None
Rape	None	None	None
Robbery	37	253	290
Aggravated assault	1	12	13
Burglary and housebreaking	None	3	3
Grand larceny	7	11	18
Highway robbery	None	3	3

Or a total among the whites of 45 during the year 1936, against 284 among the colored people, with a grand total of 329 among both whites and colored. The rate per 10,000 among the whites amounted to 13, whereas the rate among the Negroes amounted to 101.

In other words, the ratio between the whites and the colored was 1 to 7, and bear in mind, as I pointed out a while ago, that the white population in Charleston was 55 percent of the whole, as against 45 percent for the colored.

I have marked this table exhibit 2–b and in due time I will ask that it be incorporated with my remarks.

Now, I present figures for the same city for the year 1937:

Crime	White	Colored	Total
Murder	None	6	6
Manslaughter	None	None	None
Rape	None	None	None
Robbery	37	229	266
Aggravated assault	1	20	21
Burglary and housebreaking	18	52	70
Grand larceny	12	15	27
Highway robbery	7	4	11

Total whites, 75; total Negroes, 326; grand total, 401.

Rate per 10,000, whites 22, colored 116, or a ratio of 1 to 5, in the city of Charleston for the year 1937.

I have marked this table "Exhibit 2–C," and in due time I will ask that it be incorporated with my remarks.

I now cite figures for the city of Houston, Tex. Houston is a city with a total population, according to the 1930 census, of 292,352, of which 214,687, or 74 percent, are white, 63,337, or 21 percent, are colored, and 14,352, or 5 percent, belonging to other races. For the major offenses with which I am dealing, that is, murder, manslaughter, rape, robbery, aggravated assault, burglary, theft—felony—and auto thefts, the record for the year 1935 is:

Crime	Whites	Negroes	Total
Murder	8	28	36
Manslaughter	None	None	None
Rape	5	8	13
Robbery	112	100	212
Aggravated assault	172	82	254
Burglary	198	256	454
Theft, felony	239	151	390
Auto theft	351	46	397

Total, whites, 1,085; Negroes, 671; total, 1,756. Rate per 10,000, whites 50, colored 106, or a ratio of 1 to 2.

I mark this Exhibit 3–a and in due time will ask that it be incorporated with my remarks.

For the year 1936, in the same city—Houston—bearing in mind the population is 21 percent colored as against 74 percent white, the figures are as follows:

Crime	Whites	Negroes	Total
Murder	15	40	55
Manslaughter	None	None	None
Rape	11	9	20
Robbery	68	75	143
Aggravated assault	166	73	239
Burglary	189	227	416
Theft, felony	214	138	352
Auto theft	275	48	323
Grand total	938	610	1,548

Rate per 10,000, whites 44, Negroes 96, or a ratio between the whites and the Negroes of about 1 to 2¼.

I have marked this table "Exhibit 3b," and in due time will ask that it be incorporated with my remarks.

The following are the figures for the same city of Houston for 1937:

Crime	Whites	Negroes	Total
Murder	20	31	51
Manslaughter	None	None	None
Rape	6	20	26
Robbery	106	83	189
Aggravated assault	203	103	306
Burglary	149	332	481
Theft, felony	186	140	326
Auto theft	294	62	356

Totals, whites, 964; Negroes, 771; or a grand total of 1,735.

Rate per 10,000, among the whites, 45; among the Negroes, 122; or a ratio between the whites and the Negroes of a little over 1 to 2½.

I have marked this table "Exhibit 3–c," and later on I will ask that it be printed along with my remarks.

I ask Senators to study these statistics. In the city of Houston, where the population is 21 percent Negroes as against 74 percent whites, the ratio between the whites and colored ranges from 1 to 2, to 1 to 2½, whereas in the city of St. Louis and in the city of Cincinnati, where the colored population, as I showed a few days ago, is only 11 percent of the entire population, there is more crime among the colored than among all the whites, and the ratio of arrests between the whites and colored is 1 to 8 and as high as 1 to 11. And again I state to the Senate that these figures conclusively prove that the South knows how to handle the Negro problem much better than our northern neighbors.

I propose now to quote figures which I obtained from one of the Wickersham Commission reports. I am sure many of the Senators are familiar with the Wickersham Commission, which was appointed several years ago to investigate crime, and it is my understanding that 10 reports were made. I quote from one of those 10 reports; that is, the one dealing with Crime and the Foreign Born. It happens to be report No. 10, issued by the commission. The letter of transmittal by George W. Wickersham, chairman of the commission, reads as follows:

JUNE 24, 1931.

To the President of the United States.

Mr. PRESIDENT: I beg to transmit herewith the 10th report of the National Commission on Law Observance and Enforcement, treating of Crime and the Foreign Born.

I have the honor to be,
Very truly yours,

GEORGE W. WICKERSHAM,
Chairman.

I propose to cite figures from the report to substantiate the figures which have been inserted in the RECORD by me pertaining to various cities of the country, and to show that the same ratios arrived at by me were also found to exist by the Wickersham Commission in its study of crime among the male population of 15 years and over.

Remember, the reports which I have cited heretofore deal with the eight major crimes—of murder, manslaughter, rape,

robbery, aggravated assault, burglary, larceny, and auto theft—as exists among the Negroes and whites, both male and female, of all ages.

The figures I have cited for the various cities show the ratio existing between the whites and Negroes with respect to both sexes and all ages. This Wickersham Commission report gives figures relating only to the male element of both races from 15 years of age and above.

I now call the attention of Senators to the close relationship of the ratio between the whites and the colored in this Wickersham Commission report compared with the ratios shown in the statements I have heretofore placed in the RECORD. The following are the detailed number of arrests per 10,000 of like population, among males 15 years of age and over, in the city of Detroit for the year 1930:

	Native white	Foreign-born white	Negro
Murder and nonnegligent manslaughter	0.8	0.9	16.5
Negligent manslaughter	1.0	.5	1.5
Rape	2.2	1.5	8.1
Robbery	6.2	2.0	48.2
Aggravated assault	1.6	1.8	30.2
Burglary—breaking or entering	8.0	2.0	73.4
Larceny—theft	24.6	12.1	202.7
Auto theft	3.8	1.1	17.7
Total	48.2	21.9	398.3

Listen to these figures from Detroit: Among the native-born whites there were 48.2 arrests per 10,000; among the foreign-born whites, 21.9; and among the colored, 398.3.

Remember, the population in Detroit in 1930 was a grand total of 1,568,662, of which 66 percent was native white, 25 percent foreign-born white, and 8 percent Negro. All other races, 1 percent.

With those figures in mind, Senators, listen. The ratio between the native whites and the colored was 1 to 8 plus. The ratio between the foreign-born whites and the colored was 1 to 18 plus. Those figures correspond, with very little degree of difference, to the figures I have heretofore cited to the Senate respecting this city and also other northern cities.

I have marked this table "Exhibit 4," and later on I shall ask that it be printed at the conclusion of my remarks.

Now let us take the city of Los Angeles for the year 1929–30. I shall give the number of males, 15 years of age and over, per 10,000 of the same class, charged with major offenses, by nativity and color.

	Native white	Foreign-born white	Negro
Murder and nonnegligent manslaughter	2.3	2.2	5.5
Rape	5.0	1.1	20.6
Robbery	24.7	7.4	51.5
Aggravated assault	4.1	3.0	54.6
Burglary—breaking or entering	23.1	10.2	80.8
Larceny—theft	21.3	11.7	72.1
Auto theft	16.7	5.3	45.9
Total	97.4	40.9	331.0

The total population of Los Angeles, according to the 1930 census, was 1,238,048. Seventy-two percent were native whites; 15 percent were foreign-born whites; 3 percent were colored. All others, 10 percent.

Let us see what ratio existed. Among the native whites the rate per 10,000 was 97.4. Among the foreign-born whites, 40.9. Among the colored, 331. Just think of that! With only 3 percent of the population of Los Angeles being colored, the ratio between the native whites and the colored was 1 to 3½, and between the foreign-born whites and the colored, 1 to 8.

I have marked this table "Exhibit 5," and later on will ask that it be printed in full, following my remarks.

Now we come to the city of Cleveland. The report shows the number of arrests per 10,000 of like population, taking all classes of males 15 years of age and over, charged with the eight major offenses. Total population in Cleveland, as shown by the 1930 census, is 900,429. Of this, the native whites comprise 66 percent, foreign-born whites, 26 percent, and Negroes, only 8 percent.

Listen to the figures:

	Native white	Foreign-born white	Negro
Murder and nonnegligent manslaughter	1.3	1.2	18.2
Negligent manslaughter	.8	.3	.6
Rape	1.6	.3	1.7
Robbery	13.6	1.4	64.9
Aggravated assault	1.1	.9	19.4
Burglary—breaking or entering	14.2	1.4	76.9
Larceny—theft	23.7	7.2	154.9
Auto theft	12.1	.5	25.6
Total	68.5	13.2	362.2

Among the native whites, out of every 10,000 of males of 15 years and over, there was a total of 68.5 arrests. Among the foreign-born whites, 13.2. Among the Negroes, 362.2. In other words, the ratio between the native whites and colored was a little over 1 to 5, and the ratio between the foreign-born whites and colored was 1 to 27.

I have marked this table "Exhibit 6," and at the proper time I shall ask that it be printed along with my remarks.

Let us take the city of Buffalo, N. Y., for the year 1930 and consider the arrests among the same classes of people for the same crimes. The population of Buffalo, according to the 1930 census, was 573,076. Native whites amounted to 77 percent, foreign-born whites to 21 percent, and Negroes to 2 percent.

Let us see how Buffalo fared:

	Native white	Foreign-born white	Negro
Murder and nonnegligent manslaughter	0.4	0.3	12.5
Negligent manslaughter	3.9	1.0	12.5
Rape	4.5	1.1	45.7
Robbery	7.5	3.0	91.4
Aggravated assault	15.2	11.7	490.2
Burglary—breaking or entering	32.1	4.4	230.2
Larceny—theft	81.5	29.6	473.6
Auto theft	21.2	4.2	87.2
Total	166.3	55.3	1,433.3

In the case of the native whites, the rate per 10,000 was 166.3; for foreign-born whites, 55.3; for Negroes, 1,433.3. Just think of that, Senators!

The ratio of native whites to the colored was 1 to 8½, and the ratio of the foreign-born whites to the colored was 1 to 26 plus.

I have marked this table "Exhibit 7," and later on will ask that it be printed following my remarks.

Let us take the city of Cincinnati for the year 1930, on the same basis. Remember, Senators, the report deals with the number of males per 10,000 of the same class, 15 years of age and over, charged with major offenses, by nativity and color. The total population of Cincinnati as shown by the 1930 census was 451,160. Native whites, 82 percent; foreign-born whites, 8 percent; Negroes, 10 percent. Here are the figures:

	Native white	Foreign-born white	Negro
Murder and nonnegligent manslaughter	1.5	0.4	15.4
Negligent manslaughter	3.3	.4	5.8
Rape	2.6	.4	8.0
Robbery	9.6	.4	74.6
Aggravated assault	5.2	1.7	87.0
Burglary—breaking or entering	14.5	.4	111.9
Larceny—theft	32.9	2.7	470.4
Auto theft	11.4	1.2	81.2
Total	81.0	8.7	854.4

Total arrests per 10,000 for the native white, 81. For the foreign-born whites, 8.7. For the Negroes, 854.4.

This gives us a ratio between the native whites and the colored of 1 to 10½, and between foreign-born whites and colored of 1 to 98.

I have marked this table "Exhibit 8", and at the conclusion of my remarks I shall ask that it be printed along with the other tables from which I have read.

I invite Senators to compare these tables with various other tables which I placed in the RECORD pertaining to the cities that I mentioned here, and Senators will find that there is very little difference between these figures, as compiled by the Wickersham Commission, so far as the ratio between the whites and Negroes is concerned, and those which I prepared and have introduced heretofore.

Mr. President, I have here a summary of the crime figures as compiled by the Wickersham Commission for the five cities I have just mentioned, which summary I propose to place in the RECORD at the conclusion of my remarks so that Senators can see for themselves at a glance ratios in crime that exist as between the whites and the Negroes in these five cities. The population for all of these five cities I have just mentioned is, according to the 1930 census, 4,731,375, of which 71 percent are native white, 20 percent foreign-born white, and only 6 percent Negroes. Three percent are other races. Here are the figures per 10,000 of like population:

I give the ratios between the whites and the colored for the five cities: Among the native whites and the Negroes, 1 to 6. Among the foreign-born whites and the Negroes, 1 to 19. I have marked this table "Exhibit 9," and later on I shall ask that it be printed along with other tables on this subject immediately following my remarks. The figures I have just given, Mr. President, should convince anyone that wherever the colored people congregate in a particular locality, especially in the North, they are more prone to violate the law than the whites. As I said heretofore, whenever you give them an inch they take a yard. Give them a yard and then take a rod. Give them a rod and they take 5 miles. [Laughter.]

I contend that if these colored people are permitted to congregate in Harlem and ask for such rights, or are permitted to congregate in Indianapolis and ask for such rights, or are permitted to do the same thing in various other cities, they will not stop merely by asking for the enactment of the pending bill, but they will ask for the passage of other legislation leading to social equality, so that in the course of time they may take charge of some of the governments of the States of our Nation. I, for one, do not want to see that happen and will never consent to it.

That concludes the data I have gathered with reference to crime. A comparison of the ratio of crime as between the Negroes and the whites in the North and in the South ought to be convincing. As I have shown, in Cincinnati, with a Negro population of only 11 percent out of a total population of 451,000 there were more arrests among the 11 percent of colored people than there were among the entire white population. I believe Senators ought to take notice of that condition.

As I have pointed out, we have done a much better job in the South than has been done in the city of Washington, D. C., where the Federal Government is in charge. I have submitted data showing that in the city of New Orleans, La., the ratio of crime as between the whites and the Negroes amounts to only 1 to 1½, to 1 to 3, whereas in the city of Washington, which is under control of the Federal Government, the ratio runs from 1 to 6, to 1 to 10. For that reason, I say, let us alone; we have dealt with the Negro problem satisfactorily in the past and we will continue to do so if only the rest of the country will not disturb us.

I propose to continue reading descriptions of various race riots that have taken place throughout the country. As I pointed out a few days ago, most of the race riots referred to took place in the North. The reason why more of them have taken place in the North than in the South is that in the North the Negro usually is a little more brazen and impudent than in the South. He goes a little too far.

Of course, the white people of the North do not like to rub elbows with the colored people. I think the northerners dislike it more than do southern people.

As I pointed out, various northern State legislatures have given certain privileges to the Negro race in exchange for his vote in the hope that the Negroes would not try to exercise those privileges. I may say to the Senator from Illinois [Mr. LEWIS] that the only reason why the colored people do not exercise those privileges is because they have not the power to do so; but wait until they get stronger politically. I say then they will demand such rights, not only theoretically, through legislation, but actually. That demand is what gave rise to many of the riots to which I referred 2 or 3 days ago. I read about a riot in Atlanta, and one in Springfield. I read about one in Washington, D. C., which lasted for 4 days. The Army, the Navy, and the Marines could not stop the riot in our Capital City. As the newspaper from which I quoted pointed out, it was fortunate that rain fell on the fourth day, because with the help of the rain the authorities were able to stop the rioting.

While all that was going on in Washington for 4 days, a riot occurred in New Orleans, and a small group of policemen stopped it. How? Simply because the people of the South know how to handle the colored problem, whereas the people of the North do not.

I read from the Outlook of January 15, 1921, which gives an account of a race riot which took place in Tulsa:

THE LESSON OF TULSA

On the night of June 1 a newspaper despatch from Tulsa, Okla., said: "The hospitals of Tulsa are filled with wounded and dying men tonight and the morgues are crowded with dead after 24 hours of rioting between white men and Negroes."

On the same day a woman stenographer in a Tulsa office wrote this moving letter to the editors of the Outlook:

"Today Tulsa is torn by a civil battle between the white and black races which is sickening to all right-minded, thinking people of this city. All of little Africa is burning; many people, both white and black, lie dead and wounded.

"The cause of the trouble is the usual one. A young Negro is accused of attempting to attack a little elevator girl. He claims he intended no wrong, but, of course, his story has no chance of recognition.

"I am a stenographer in a downtown office, and just now a large company of Negroes were marched through the street past my window, under the protection of white soldiers. They are taking them to the ball park, where they will be under protection. They are homeless, most of them innocent of any wrongdoing or even wrong thinking, helpless, dumbly wondering why this thing should be.

"The whites here are much more to be blamed than the Negroes. It is largely an element of hoodlum white boys, craving excitement, and looking for any opportunity to start a race riot."

In other words, Mr. President, as I pointed out, the same little element which started the riot in Atlanta and which started riots in some other cities started a riot in Tulsa. I claim that it is the same little element which does the lynching in the South and in other parts of the country. The Senate should take note of the vast majority of good people of the South who are as much opposed to lynching as are the proponents of this bill, and give some credence to their honest views regarding the pending bill. They all know that this measure will not in any manner prevent lynchings; that, on the contrary, as I have stated on many occasions, its passage would in all probability increase them.

I continue reading from the Outlook:

"How long are such outrages going to be allowed? Cannot America find some means of preventing such terrible occurrences? The Negroes are with us here in America, though they did not ask to be brought here. There is wrong on both sides, but in some manner law and order must be maintained."

What caused the rioting, shooting, and burning that left in Tulsa a wake of deaths (at least 30 persons were killed), widespread suffering and destitution, thousands of homeless people, acres of smoldering ruins, a money loss of perhaps a million dollars? Superficially, the answer might be that it was a strange misunderstanding of facts. General Barrett, in command of the State militia, is quoted in the papers as saying that the riot was caused by "an impudent Negro, a hysterical girl, and a yellow journal reporter." Again superficially, it may be said that this

horror was caused by the misuse of a word; it was reported that a white girl had been "assaulted" by a colored man; the fact was, it now appears, that a bootblack stepped on an elevator girl's foot, that she slapped him, and he grasped her by the throat.

But the real causes lie deeper. Americans take the observance of law and order for granted. Civilization, they assume, has reached a stage where force is not needed. Then, under some comparatively slight provocation, the wild-beast element in society leaps up, the peace officers are unready, and we have the race riots of Washington, Omaha, East St. Louis, Chicago, and Tulsa. Especially is this true when race feeling is involved. Race aversion (from which few of us are free) easily becomes race prejudice; race prejudice is quickly fanned into race hatred; race hatred among the ignorant and violent elements, black and white, may at any moment blaze into race war.

The following account comes to the Outlook from a well-informed western correspondent upon our telegraphic request:

"Tulsa, the scene of the recent rioting, is an Oklahoma oil city of mushroom growth. It has a population of 73,000, of whom perhaps 8,000 are Negroes. The Negroes are employed chiefly in forms of service not sought by the whites. The men are porters, barbers, bootblacks, day laborers; the women cooks, charwomen, laundresses. There has been no industrial race friction.

The industrial depression had brought an unusual number of idle men from the oil fields to Tulsa. A few gathered at the courthouse where the Negro was confined. The sheriff ordered them away but did not enforce his order. An altercation followed. Word spread that a lynching was contemplated. Several armed Negroes appeared. A Negro peace officer appealed to them to disperse, assuring them the prisoner would be protected. Most of them started away, but leaders called them back. Whites and blacks continued to gather. The police did nothing. Then a shot was fired and a white man fell.

This was the beginning of a series of battles between rapidly growing mobs of whites and blacks, which the small police force was unable to control. The fighting lasted into the morning. It resulted in the death of 9 white men and more than 20 Negroes and in the wanton burning of the Negro residence district, leaving thousands of innocent persons homeless. Tulsa was impotent, but the government of Oklahoma functioned promptly. By early morning the State was pouring National Guardsmen into the city. Governor Robertson proclaimed martial law, and the rioting abruptly ended. A citizens' committee with the local Red Cross unit at once took the situation in hand and organized relief work. Tulsa is a wealthy community. It cannot spare its Negro workers. At the present writing plans are under way to raise a fund to rebuild the houses destroyed.

What is the significance of this tragedy for the rest of the Nation? Tulsa is not essentially different from any American city in which there is a considerable Negro element. Contemplating the dark episode, almost any other city might echo the humble thanksgiving, "But for the grace of God there goes John Bunyan." So long as race feeling exists there is danger of such outbursts. Deprecate it all we please, the foundations of order are secured through effective police backed by a firm demand for law and order by all decent citizens and helped by the earnest desire of white and colored people to draw together in just and friendly civic relations and to abstain from forcing the questions of social relations to the front. Potentially disorderly elements are restrained by fear of the instruments by which society defends itself. Prompt and energetic action on the part of the peace officers at the first sign of trouble in Tulsa that Tuesday night would have prevented the riots. Governor Robertson, who arrived in the city soon after the disturbances were over, expressed a general opinion when he called the affair "damnable and inexcusable," and blamed the ineptitude of the officers responsible for maintaining order. At the outset a few well-directed policemen could have dispersed the trouble-makers at the court house. Once the mob spirit was aroused and armed crowds had gathered, the situation was out of control until the display of overwhelming force by several hundred determined guardsmen.

In the long run civilization must depend on the education, tolerance, and intelligence of the mass of the people. But, as the experience of Tulsa and so many other cities shows, police forces cannot be demoralized by politics or by neglect except at risk of disaster.

I do not want such a condition as is described in this article to exist in the South or anywhere else, and I do not want to give opportunity for it to happen in the future.

A similar comment regarding the Tulsa riot is made in the Nation in its issue of June 15, 1921, under the title "Tulsa." I quote from the article:

TULSA

"An impudent Negro, a hysterical girl, and a yellow journal"—this, according to the adjutant general of Oklahoma, is the combination which precipitated the terrible race riot in Tulsa and the killing of a score or so of people. Just how "impudent" the Negro was—impudence in a Negro is often self-respect in a white—remains to be proved, and how hysterical the girl; the deadly possibilities of yellow journal reporters the country, alas, knows to its shame. This time the unscrupulous journalist brought about the worst riot since East St. Louis'. The Negro quarter was destroyed by deliberately kindled fires, and thousands of persons were made homeless and penniless, the property damage alone being $1,500,000. But the damage to Tulsa itself would be irreparable if the attitude of that community were the brazenly defiant one which usually marks a southern community after a scene of such violence and lawlessness. Happily, Tulsa has had remorse and is not afraid to admit it. A former mayor, Judge Loyal J. Martin, chairman of the emergency committee, has declared: "Tulsa can only redeem herself from the country-wide shame and humiliation into which she is today plunged by complete restitution and rehabilitation of the destroyed Black Belt. The rest of the United States must know that the real citizenship of Tulsa weeps at this unspeakable crime and will make good the damage, so far as it can be done, to the last penny.

There at last we have the true American note—no effort to blacken a race or to mitigate the shame, but that honest confession which alone is good for the soul of the guilty. To quote Judge Martin again:

"We have neglected our duties and our city government has fallen down. We have had a failing police protection here, and now we have to pay the costs of it. The city and county are legally liable for every dollar of the damage which has been done. Other cities have had to pay the bill of race riots, and we shall have to do so probably, because we have neglected our duty as citizens."

Precisely, that is a good explanation of the intensity of the race problem in most of our cities. Your businessmen lure the blacks into the cities from the land; they pour into already overcrowded quarters to live in hovels or apartments so dilapidated as to be abandoned by all but the most shiftless whites. The burned Negro quarter in Tulsa was described as "a mile square of shacks, huts, and hovels." Then if the Negro seeks to break out of such a ghetto you denounce him for his impudence in intruding upon the white man's preserves and lowering the value of his property. You curse him if out of his slough of despond come contagious diseases, if immorality and vice are rampant among human beings living like animals; and if a criminal bred in this environment comes out of it, you lynch him.

"We Americans," President Harding has just said, "are united in the sweetest concord that ever united men." Witness the smoking ruins of Tulsa, ruins that are to be rebuilt, though the innocent dead cannot be made to walk again! Is it all to end there? Surely there could be no clearer cause than this for the passage of Senator McCORMICK'S bill for a commission to study the race issue. If Mr. Harding is to be President of the whole Nation, if he is to do anything to bring about that "sweetest concord" which today is a figment of his imagination, he should insist upon an immediate inquiry into the color problem.

Now we come to Chicago in 1920. On June 21, 1920, the New York Times carried the following article:

TWO DEAD, MANY HURT, IN CHICAGO RIOT—SAILOR AND WHITE CIVILIAN KILLED AND COLORED POLICEMAN WOUNDED BY NEGROES—AMERICAN FLAG BURNED—POLICE RESERVES AND RIFLE SQUAD AT SCENE OF TROUBLE STARTED BY PARADING ABYSSINIANS

CHICAGO, June 20.—A race riot that in its first stages cost the lives of R. L. Rose, a United States sailor, and Joseph Hoyt, a cigar dealer, the wounding of Joseph P. Owens, a Negro policeman, and serious injuries to other persons had its inception on the South Side tonight with the burning of an American flag.

The available police of three stations were rushed to the scene of conflict, Thirty-fifth Street and Prairie Avenue, with Chief of Police Garrity in command. Chief of Detectives Money and his rifle squad were also turned out.

The rioting began with some 200 members of a Negro society who planned to go back to Africa. They were on their way to a meeting above the Entertainers' Cafe, 209 East Thirty-fifth Street. They paraded west in Thirty-fifth Street and built a bonfire in the middle of the road in front of the cafe. Into this someone hurled an American flag.

A big crowd of whites and Negroes gathered. There were threats and shouts and the brandishing of revolvers.

Another flag went into the flames as Policeman Owens and a white patrolman rushed up. The Negroes crowded about them, threatening and jeering. A party of blue jackets, indignant at the sight of the burning banner, pushed their way into the crowd.

"I don't know just how it happened," said James W. Osborn, a spectator, "but suddenly Owens drew his revolver. There was a number of shots and everybody scattered, it seems, except the members of the Negro society."

Nearby was an automobile filled with rifles. The Negroes made a dash to it and seized the weapons. The policeman fell, wounded in the abdomen, at the first volley. The sailor ran for protection into a cigar store on the corner. He was unarmed. Three of the Negroes followed him to the door of the shop, took aim and killed him and Hoyt, who was behind the counter. The chauffeur of a taxicab standing on the corner was fired upon by another Negro band. The bullet missed him, went through the windshield and sent showers of glass in every direction.

When Chief Garrity arrived, he ordered out all the police reserves in the southern portion of the city.

An investigation was begun immediately. It was found that the organization which had burned the flags was composed of

Syrians. They had with them on their parade their own flag, red, yellow, and green, with a lion on one side of it.

The police who poured into the territory had hard work to keep the great crowds moving. Thousands of colored men and women surged about the place where the sailor and the other dead man lay, and about the Entertainers' Cafe. There were threats on all sides, and the police feared a recurrence of the race riots of last year, with its heavy toll of white and Negro dead.

No arrests were made, but many persons were taken to the Cottage Grove Avenue Station for questioning by the police.

The Abyssinians, it was learned, were to sail on one of the Black Star Steamship Co. vessels, and the police believe the company may be able to furnish the names of those who had already purchased their tickets.

As will be noted from a reading of the article to which I have just referred, the race riot in Chicago resulted in wounding quite a number of people. Two persons were killed. I say that the riots in Chicago, in Tulsa, and in Washington, D. C., were started by the so-called "hoodlum" element. People who hate the Negroes and who are not sympathetic toward them and who do not understand them.

The same class of people are accountable for some of the lynchings that took place in the South. Those lynchings should not be chargeable to the law-abiding people of the South. We of the South are capable of handling the problem and, if left alone, we will do it properly.

Now I refer again to the race riot which took place in Chicago and will give an outline of it, which shows exactly the conditions and circumstances under which it happened. I repeat that I do not propose, if I can help it, to give occasion to repetition of riots of this kind in any part of our country by passing such legislation as that now proposed which seeks to give to the Negro a right which means nothing to him. It is said, "Pass this legislation, and it will stop lynching." I say it will not; I have said so many times. It is merely a little hand-out, not to stop lynchings but to satisfy a few Negro politicians.

The following is from the New York Times of June 22, 1920:

CHICAGO RIOT SPURS NATION-WIDE INQUIRY—GOVERNMENT JOINS INVESTIGATION OF ABYSSINIAN CULT AFTER SHOOTINGS THERE—LEADERS KNOWN IN EAST—WHITE PRISONER AND ONE NEGRO FORMERLY ACTIVE IN NEW YORK—CHICAGO SLAYER IDENTIFIED

CHICAGO, June 21.—While policeman Joseph P. Owens, shot in defense of the American flag, was fighting for his life tonight in the Michael Reese Hospital, his brother officers were cleaning up the mysteries back of the "Abyssinian" parade, the flag burning in Thirty-fifth Street, and the fusilade that killed two white men and wounded half a dozen other persons on Sunday night.

Grover C. Redding, said to be a Georgia darky, posing as an Abyssinian leader, was identified by two witnesses as the slayer of Sailor Robert L. Rose and Joseph Hoyt, cigar store clerk. He was also pointed out by "Dr." R. D. Jones, of Washington, D. C., as the man who burned the flag.

Search was being made for the Fernos, father and son, who, with Redding, are said to have led the parade. The Fernos are declared to have wounded the policeman and others. They, like Redding, were mounted on black horses, and are said to have carried small Winchester rifles under their fantastic robes. There was no sign tonight of any race riot. Both white and colored businessmen in the district offered their united influence for the preservation of quiet.

Sporadic outbreaks that occurred during the morning had resulted in the beating of a number of Negro clergymen and others, but the police had cleaned the streets of all who might be inclined to rowdyism and the Black Belt was quiet.

Jonas was held by the police today with Redding and others alleged to belong to Redding's fantastic Ethiopian or Abyssinian association. Police Capt. Thomas Caughlin pronounced Jonas a radical, but Jonas asserted he had nothing to do with Sunday's parade.

POINT OUT NEGRO SLAYER

The witnesses who pointed out Redding as the slayer of Rose and Hoyt are Harry Scott and D. J. Spillard, an employee of the Entertainers' Cafe, in front of which the shooting occurred.

Redding denied that he had taken part in the parade, denied even that he was Redding. He said that he was George Brown, of St. Louis, and that he had just come to the city and got a job as a laborer on the surface lines. He was not dressed like a laborer, however, and Jonas was positive in his identification of the man.

Jonas was found at Thirty-fifth Street and Grand Boulevard this afternoon. His wife was taken into custody with him. Dispatches from New York identify Jonas as "the Reverend Secretary of the League of Darker People." He was said to have been associated recently with the Black Star Line, owned by wealthy Negroes of the West Indies, but officials of the line denied this.

Jonas in his speech here Sunday afternoon advocated that the Negroes and other classes of laboring men should get together behind Mayor Thompson as a candidate for President of the United States, heading a third party.

He denied that he had anything to do with issuing of propaganda to South Side Negroes in an attempt to get them to return to Abyssinia, with "easy money," equality, and opportunities unlimited.

Federal officials are making an investigation into the dissemination of this propaganda, and Jonas agreed to turn over to them all the evidence in his possession regarding the Abyssinian delegates since they arrived in this country.

Jonas said he had introduced these delegates to President Wilson and had tried to get the Republican National Convention to adopt a plank for a resumption of the treaty with Abyssinia.

PLAN NATION-WIDE INQUIRY

Edward J. Brennan, chief investigator for the Department of Justice, declared today that foreigners who took part in the demonstration might be deported, save those who might be found guilty of murder under the laws of the State of Illinois.

The Fernos went to their home at 4419 East Forty-fifth Street after the riot had ended, held a conference with some of their followers, then changed their clothes and fled.

Search is also being made for two brothers of the name of McGavick, who are said to be agitators of the Abyssinian colonization scheme, and to have been implicated in Sunday's affair. It is believed they may have gone to Philadelphia or New York City.

One of them is said to have left on a Pennsylvania flyer Sunday night. He was dressed in a dark gray suit, is brown skinned, about 30 years old, 5 feet 8 inches tall, and sports a "Charlie Chaplin" mustache.

Admiral F. B. Bassett, commandant of the Great Lakes Training Station, issued an order today forbidding men on leave to visit Chicago until further notice. The commandant's order was prompted by the fact that the 3,500 men on leave in Chicago on Sunday started toward the Black Belt when they heard of the death of their mate, Rose.

Rose's body was taken to Great Lakes today and will receive military burial. R. O. Bennett, Rose's buddy, has asked the Red Cross to try to find the relatives of the dead sailor.

Rose had been in the Navy of the United States for some time. Previously he served in the British Navy. He enlisted at Philadelphia and gave no next of kin. However, it is believed his father is living in Manila.

Marcus Garvey, president of the Black Star Line, with offices at 56 West One Hundred and Thirty-fifth Street, denied yesterday reports that members of a Negro society who planned to go back to Africa and who were involved in the riots in Chicago, had arranged to sail on one of his ships.

AGITATORS GAVE NEW YORK ADDRESS

Chicago dispatches said the propaganda circulated among Negroes there was signed by "George Gabriel, Abyssinian linguist," and by Redding. It gave the offices of the organization.

Charles Manson, a Negro, of 115 West One Hundred and Thirty-eighth Street, said an organization styling itself the Star Order of Ethiopia had been active in various parts of the United States, particularly in New York. Grover C. Redding, secretary and missionary of the order, he said, had lived with him until 4 months ago and then left for Alabama.

George W. Harris, a Negro alderman and editor of the New York News, 135 West One Hundred and Thirty-fifth Street, said he did not believe that Negroes burned the American flag, as reported in Chicago dispatches. On the contrary, he believed that American Negroes were patriotic. If the flag was burned, he said, it must have been done by radicals.

Joel Hickerson, of 62 East One Hundred and Thirty-third Street, described as prophet or bishop of the Church of the Living God, which meets at 54 West One Hundred and Thirty-third Street, said he was interested in the so-called Ethiopian movement. He pointed out one poster, among others in his church, which read, "All come—Ethiopian convention, July 4–6."

He said that the convention was to be held in a One Hundred and Thirty-fifth Street hall and that addresses would be made by Abyssinian, East Indian, West Indian, and Ethiopian speakers. Hickerson said he knew Redding. He also said that the Reverend R. D. Jonas, a white minister, had spoken at his church meetings on behalf of the Ethiopian cause.

In the World's Work for December 1922, under the heading "March of Events," the editor goes into detail as the causes of the riot that happened in Chicago 2 years earlier. I read:

THE CAUSES OF THE CHICAGO RACE RIOT

In July 1919 a race riot broke out in Chicago in the course of which 20 Negroes and 15 white people lost their lives, and 537 people were injured. This outbreak in a northern city was shocking in itself; the fact was, however, that it was only one episode in a display of racial antagonism that was almost epidemic throughout the country. Omaha, Washington, Boston, Tulsa, and other cities were scenes of similarly disgraceful performances.

What was the cause of all this popular fury? "Race riots" have not been unknown in northern cities, but for many years nothing remotely resembling these disturbances had blackened our great centers of population. Evidently they had some common explanation. The country, therefore, owes a great debt to the Chicago Committee on Race Relations, which was appointed soon after the riots, and which has just published, through the University of Chicago Press, the results of its investigations. This report scientifically analyzes the causes of the recent race riots, so far as Chicago is concerned, and it may be assumed that these causes explain the similar tragedies that took place in other cities.

A phenomenon that obtained much prominence in the public prints 4 or 5 years ago was the migration of Negroes from the South into the great cities of the North. This migration seemed to have been the direct cause of the attacks that subsequently followed. The movement apparently gave certain northern cities, especially Chicago, their first experience with the Negro problem. In 1910 this population in Chicago was 44,000; in 1920 the census disclosed that it had increased to 110,000, and this growth of about 66,000 may be taken as representing Chicago's share of the 500,000 Negroes who came north after 1914. Its Negroes previous to this accretion had been of the settled kind that were found in most American cities; practically all of them earned their living by some kind of personal service; they were for the most part well-behaved and hardly ever clashed with white people, or, indeed, had very close contact with them. But these new Negroes from the South were mainly plantation workers; their purpose in coming north was to obtain the high wages which were then offered by industrial plants. The suspension of immigration caused by the war, and afterward the entrance of the United States, had shut off the supply of low grade European labor which had for years manned the stockyards and other industries of Chicago. Southern Negroes largely filled in this gap. Negro women, who had supported themselves chiefly by domestic service, now began to find employment in the mail-order houses, the millinery shops, the clothing factories, and other industries. All this was unprecedented in the story of the Negro race; it represented a great economic improvement; the Chicago Negro found himself, like the white man, a workman in the trades; the day when he would have to content himself with being a waiter, a barber, a porter, or a laborer of the lowest grade was apparently passing. The fact that in the main the black man now received the same wages paid his white associate, also magnified his new importance.

THE "INFERIORITY COMPLEX" IN NEGROES

But anyone who even slightly comprehends that subtle yet very definite thing known as "race consciousness" will understand that these phenomena of equality must inevitably make trouble. White men found themselves obliged to work side by side with Negroes; white women now discovered that their working companions were frequently Negro women. With most white people this would not have made hard feeling; but the white workers concerned, especially those in the stockyards, represented a low order of intelligence and social control—they were Lithuanians, Poles, and other immigrants from Central Europe; a philosophic restraint is not their leading quality. Bad blood resulted. The mere fact that the labor unions refused to admit Negroes on even terms gave the new employees another grievance; and the fact that they were used as strikebreakers increased their unpopularity. But the so-called "social contacts" proved more serious incentives to racial antagonisms.

That, Senators, substantiates the views which I have been trying to express on this floor. The white folks of the North do not like the Negro; they have little patience with his shortcomings and the moment he tries to meet them on their own level, or to take advantage of the privileges accorded to him through various laws, he is hastily and firmly repulsed. The editor from whom I am reading bears me out in that statement. I say that if the colored people are granted the privileges that are being offered by various legislatures throughout the Nation, for poltical purposes, some day they are going to try to take advantage of them, and more race riots are going to occur in this country than one could imagine. Talk about civil war under such circumstances as I have outlined, there will be a war between the whites and the blacks if this racial hatred is fired by such legislation as is being fostered. Mark what I am telling you, Mr. President—give the Negroes the right to vote throughout the country, give them social equality, and see if I am not right; the clash will not be far distant.

It seems to be generally agreed that these southern Negroes were not especially favorable specimens of their race. For the most part they were ex-fieldworkers; they were illiterate, their manners were exceedingly uncouth, their clothes outlandish and bad smelling, and their bewilderment at their new surroundings caused them to behave in a way that made them still more unpopular. The mere circumstance that they were not "Jim Crowed," as they had been in the South, led to strange psychological reactions. Suddenly finding themselves sitting side by side with white people in trolley cars and on the elevated roads—an experience to which they had been entirely unaccustomed—the poor ignorant creatures did not know how to behave, and imagined that a bumptious assertion of independence was essential to their new dignity. It was a manifestation of the "inferiority complex" under rather pitiful circumstances. They sprawled in their seats, they insisted on sitting when white women were standing, and they were constantly on the outlook for insults. Negroes now began to appear in places where their presence had previously been unknown. They found living quarters in sections which poor white immigrants had for years regarded as their own; their children began to mingle in large numbers with white children in the public schools; but perhaps what caused the greatest ill-feeling was the increasing presence of Negro men and women in the public recreation centers. The public parks became a favorite resort; Negro couples filled a considerable percentage of the park benches; Negro baseball and basketball teams preempted a considerable proportion of the public fields; Negroes did not hesitate to appear in the municipal dance halls; they insisted on sharing with the whites the public bathing beaches; the mere fact that, in large numbers, they attended band concerts, added to the general ill-feeling.

The Chicago report presents other facts, but these are sufficient. None of these grievances directly caused the riot, but these were the influences that, working ceaselessly for several months, created that atmosphere of hostility and that "race consciousness" which finally had a disastrous outcome. Most race riots begin with some atrocious act—such as the Negro murder of a white man or an assault upon a white woman. But not this one; the provocation, indeed, so far as one appears, was nothing more serious than the presumption of a Negro bather at one of the beaches, who drifted on a railroad tie from the part of the water tacitly set aside for Negroes into the area preempted by the whites. He was stoned, was hit in the head, sank, and drowned. The "riot" was on. The resentment, the race antagonism, that had been slowly developing for more than a year, now found expression in the usual insane fashion. The whole proceeding not only pictures the human motives that cause a display of this kind, but suggest also the utter hopelessness of the problem. The present commission makes many suggestions for a general improvement in race conditions, but none that are particularly definite or practicable. That the police and municipal authorities were extremely lax and that greater vigilance in these quarters can curb such outbreaks at the beginning is apparent. But a race riot is a strange thing; it bursts out suddenly, sometimes for no especially tangible reason, runs its course, and then suddenly ends. The most encouraging fact is that the Chicago masses show no particular desire to repeat this disgraceful episode.

Here is an account of a race riot which took place in Pittsburgh in August 1931. It grew out of the fact that a number of white bathers did not like to bathe with colored folks on the same beach; all illustrating, Senators, the fact I have been arguing, that certain privileges are being ostensibly accorded to the colored people by the laws of many Northern States, and the white people of those Northern States are refusing to recognize those privileges. I say they are accorded simply to mislead the colored people, with the result that they get them into trouble when demanding equality, and the result is race riots.

I read from the Pittsburgh Sun-Telegraph of August 21, 1931:

BATHERS RIOT AT HIGHLAND PARK POOL—POLICEMAN STABBED, SEVEN HELD AFTER BATTLE; NINE ARRESTED IN EAST END STREET FIGHT

A series of near riots at the Highland Park swimming pool, during which a policeman was stabbed and seven persons arrested, marked the attempt of several scores of Negro picnickers to enter the pool in a group. White bathers, resenting the presence of Negro swimmers, attacked many of the picnickers and stoned others who entered the water.

Patrolman Charles Schierlein, of Mount Washington station, was stabbed twice in the left hand when he attempted to arrest Thelma Brown, 25, Negro, of 1 Dick Street. T. H. Lewis, 38, Negro, of 6120 Orphan Street, who is said to have attacked Patrolman Schierlein to prevent the arrest, was charged with the stabbing, although police failed to find a knife in his possession.

RIOT CALLS SOUNDED

More than 50 policemen armed with riot clubs were rushed to the park in radio-equipped scout and emergency cars when it was learned that a picnic was being held in the park by the United Baptist Sunday schools. Representatives of 25 Negro churches gathered in the park and a few of their number were beaten when they attempted to enter the pool.

The riot calls were sounded when William Struthers, general chairman of the picnic is said to have demanded that the white bathers be ordered from the pool and that it be turned over to the picnickers. This was refused, and when a crowd of picnickers swept into the pool they were set on by a number of young men who had been in the water. Police quelled the disturbance.

Later rocks were hurled from the hillside into the pool. The Brown woman was arrested for inciting a riot, police said, when she urged several of her friends to beat up the white youths. Patrolman Schierlein started to take her to one of the police patrols when he was set on by Lewis, police said. Another battle followed and police finally arrested five other men.

BATTLE IN STREET

Those arrested, with the exception of Lewis and the woman, were charged with disorderly conduct. They are Chester Dudley, 21, Negro, of 6359 Luther Street; Kenneth Washington, 18, Negro, of 1849 Runnette Street, Penn Township; Paul Forlees, 18, Negro, of 5374 Warble Street; Raymond Ligton, 29, Negro, of 501 Larimer Avenue, and John Derizzo, 22, of 105 Stoebner Way.

Nine persons were arrested on suspicious-person charges, following a free-for-all fight between whites and Negroes at Lincoln and Lemington Avenues, last night. Bricks, clubs, and other missiles were used by the combatants, most of whom fled when police arrived. The fight came as an aftermath of the disorders at the Highland Park pool, police said.

Those arrested, according to police, were Joseph Johnson, 21, of 1817 Torrance Street; Carl Thornton, 21, of 1817 Runnette Street; John Taylor, 22, of 10 Torrance Street; James Fucell, 19, of 1400 Brushton Avenue; John Thomas, 22, of 1400 Brushton Avenue; James Washington, 19, of 1300 Barnesfeld Street; Charles Key, 20, of 37 Torrance Street; John Lindsey, 20, of 77 Torrance Street, and Clarence Carmel, 21, of 7300 Mount Carmel Street.

All of this happened notwithstanding the fact that there was on the statute books of Pennsylvania a statute giving to these people the right they claimed to have. I repeat that placing such laws on the statute books, and attempting such others as the pending bill and like measures, will lead to the same result in the future; and this must not again take place in this country.

I read from the New York Times of Sunday, September 9, 1934, an account of an occurrence in Maryland:

RACE RIOT SWEEPS MARYLAND TOWN—200 WHITE MEN BATTLING 400 NEGROES DRIVE NEGRO POPULATION OUT OF PRINCESS ANNE—MOB COURSES STREETS—ROUSED BY A FIST FIGHT, IT OVERRIDES POLICE AND FORCES FLIGHT OF NEGRO FAMILIES

PRINCESS ANNE, MD., September 8.—A race riot between 200 white men and from 400 to 500 Negroes was raging on the streets of this small town on the Eastern Shore of Maryland at 11:30 o'clock tonight. The entire Negro population was being driven from the town.

The trouble started when a Negro allegedly cursed a white man on the street and the two engaged in a fist fight.

The white man badly beat the Negro and drove him from the streets.

A few minutes later the white man started gathering his friends and, rapidly increasing as it marched down the streets, the crowd started for the Negro section of the town.

Forcing their way into a Negro restaurant, the men found the already beaten Negro, dragged him out, and began beating him again. In a few minutes, a battle royal was raging.

The Negroes were scattered and the white men, gathered in angry groups, began talking. A little later they made a rush into the Negro section and began driving men, women, and children.

Screaming and with blood on some of them, the Negroes fled in all directions—afoot and in automobiles, the white men after them with fists, clubs, bricks, and knives. Some of the Negroes fought back, but soon fled.

The small force of three police, headed by Chief Marion Austin, was powerless, and word was sent to Salisbury, 15 miles north, for State police.

How many persons were injured and whether any were killed could not be learned.

That account refers to an incident which happened in Maryland. That again illustrates, Senators, the ill-feeling which actually exists between the whites and the colored population of States not enforcing the color line. I say that down South we understand the Negroes, we sympathize with their weaknesses, we know their habits, and one does not find race riots going on as are enacted in the North, because the average Negro keeps his place down there.

Here is an occurrence in Missouri in November 1934 as reported in the New York Times of November 7, 1934. Here again is a race riot:

SHOTS IN MISSOURI STOP NEGRO VOTE—ONE WHITE MAN IS SLAIN AND TWO ARE WOUNDED BY GUNMEN AT HOLLAND FOR RIDING WITH NEGROES—SEVERAL OF LATTER ARE BEATEN IN TERROR WAVE—TWO MEN KILLED IN KENTUCKY, ONE IN OHIO

HOLLAND, MO., November 6.—Gunmen seeking to prevent Negroes from voting in today's election terrorized this southeast Missouri town today, killed one white man, wounded two others, beat several Negroes, and disappeared before State highway troopers arrived and restored order.

Almost before the firing had ceased Grover W. Dalton, chairman of the State Republican committee, issued a statement calling the disorders "an outrage and a disgrace to the entire State," but adding that "no more than should be expected from the Pendergast-dominated State Democratic machine."

The shootings climaxed a series of anti-Negro demonstrations which have occurred elsewhere in southeast Missouri in recent weeks, prompted by the slaying of Dave Martin of Sikeston, a shell-shocked World War veteran, whose body was found in a field. Three Negroes, now held in jail at Poplar Bluff for safekeeping, are said to have confessed killing Martin.

In today's affray, Horace Farrow, 36 years old, was shot dead and his father, John E. Farrow, 65, was wounded in an attack occurring in front of the Holland Consolidated School about 8:30 a. m.

An hour later, Clarence Posey, identified as a well-to-do farmer, said to be a Republican, was shot and wounded as he was driving into town with several Negroes to vote.

The slaying of Horace Farrow and the wounding of his father, authorities said, was a case of "mistaken identity." The Farrows, officers said, had hired Sampson Brown, a Negro, to drive them to Alamo, Tenn., on a business trip, and Edmond Drobie, a Negro school teacher, was making the trip with them.

Drobie asked to stop at the home of W. K. Myers, superindent of the Holland School, for some books.

As the car containing the Farrows and the two Negroes pulled away from the Myers home, an automobile containing three men drove up and one or more of the men started firing, the gunmen apparently under the impression that the Farrows had brought the Negroes into town to vote.

A bullet struck Horace Farrow in the back and passed through his body, killing him instantly. The elder Farrow was wounded in the arm.

An hour later the three men encountered Posey south of town and began firing. He suffered a scalp wound and was taken to a hospital at Blytheville, Ark.

Several other reports of violence were received. In one instance, the three men stopped an automobile driven by a woman who was bringing several Negroes to vote. She was not molested, but the Negroes were reported to have been beaten severely.

That account again illustrates that the people of the North resent the Negro's attitude. Race riots follow, and I again state that if by law Negroes are given this privilege without actually according the right in the future, it is sure to lead to riots whenever they attempt to exercise the privilege that is denied them.

In New York City in March 1935 the following occurred, according to the New York Herald Tribune of March 20, 1935:

NEGRO BOY, 10, AND A HEARSE START HARLEM RIOT OF 3,000; MOB GATHERS QUICKLY AS FUNERAL CAR, AT SCENE BY CHANCE, STARTS RUMOR CANDY SNATCHER IS KILLED; SECOND CROWD GATHERS, POLICE CONCENTRATE; STORE WINDOWS SMASHED ALONG ONE HUNDRED AND TWENTY-FIFTH STREET BLOCK; ALLEGED RED CIRCULARS SPREAD ANGER IN THRONG

A 10-year-old Negro boy's attempt to snatch a few pieces of candy precipitated a battle between police and Negroes inside and outside the S. H. Kress & Co. chain store at 256 West One Hundred and Twenty-fifth Street late yesterday afternoon. Although the confusion in the store, which began at 4 p. m., was soon ended, it was 7 p. m. before police had cleared mobs from streets in front and behind the store and for hours afterward there were further outbreaks.

A series of trivial incidents, including the accidental appearance of a hearse and a frantic woman's conclusion that the candy lover had been killed, caused the minor incident within the store to grow gradually into a pitched battle between 50 or more police and 3,000 Negroes and some white sympathizers.

SECOND CROWD GATHERS

After police had dispersed this mob, they believed that their troubles were ended, but soon after 9 o'clock a new throng of 2,000 rioters assembled at One Hundred and Twenty-fifth Street and Seventh Avenue. Police kept pushing them back, but because of their number the crowd kept forming anew. As the evening wore on, the riot spread throughout Harlem, with smaller outbreaks here and there. Police were rushed to the section from other parts of the city.

By 10 p. m. windows had been smashed in almost every store front on One Hundred and Twenty-fifth Street between Seventh and Eighth Avenues, the rioters hurling bricks and rocks from windows, roofs, and even from moving automobiles. Many Negroes were arrested in addition to one Negro and four white persons seized in the earlier battle.

BOY BITES TWO MEN AT START

The boy's pugnacity was the prime cause of the trouble. He bit two employees of the store on the hand when they tried to haul him from the candy counter, and this in turn caused a woman clerk to faint. In the riot that soon developed outside two policemen suffered minor injuries, while many others were thumped with rocks and pelted with bottles. Five persons, one a Negro, were arrested.

The store stands midway between Seventh and Eighth Avenues, with its main entrance on One Hundred and Twenty-fifth Street and a rear entrance on One Hundred and Twenty-fourth Street. All the rear windows and two large plate-glass windows in front were shattered by rocks or bottles and many inside counters were damaged. Traffic in One Hundred and Twenty-fifth Street was disrupted for nearly 2 hours.

Several shots were fired into the air when persons standing on nearby roofs in One Hundred and Twenty-fifth Street bombarded police with missiles from above. It was not determined whether police or someone in the crowd fired the shots. No one was hit so far as was known.

BOYCOTT URGED ON HARLEM

The young recreant who caused the riot, identified by police as Cleve Rivera, of 272 Morningside Avenue, disappeared soon after he had been caught near the candy counter. Although store officials and police insisted the boy had not been harmed, much of Harlem still believed last night that he had been beaten badly and the League of Struggle for Negro Rights issued a statement calling on Mayor F. H. LaGuardia to act to stop "so-called race riots in Harlem." The statement urged a boycott of the store.

The employees who seized the boy and were bitten were Charles Hurley, 28, of 2875 Sedgwick Avenue, and Steve Urban, 39, of 4359 Gunther Avenue, both of the Bronx. They turned him over to Jackson Smith, the manager, who went with the boy and two employees into a rear room to learn what had happened. When he found that only a little candy was at stake he said he refused to press the matter and let the youngster go.

Meanwhile, customers in the store, many of them Negroes, had watched the two employees struggle with the boy and then lead him to a rear room. A rumor spread rapidly that he was being beaten. Customers who left the store told persons in the street and soon there was a crowd of 500 Negroes in the store, milling against the counters and demanding that the boy, already free, be released.

BITTEN MEN ARE TREATED

Three police radio cars and emergency squad 6, from East One Hundred and Twenty-second Street, were called, and they gradually pressed the crowd from the store, although not before many articles had been brushed off counters and trampled. As police beat the crowd back, it was discovered that Miss Clara Browder, 20, a clerk, of 473 West One Hundred and Fifty-eighth Street, had fainted. She was treated by the same Harlem Hospital physician who arrived to attend the two employees who had been bitten, each on the right hand and wrist.

Most of those driven from the store congregated outside in One Hundred and Twenty-fifth Street, and the rumor that the boy had been beaten grew slowly into a report that he had been badly hurt, and finally that he had been killed.

Within an hour the throng in One Hundred and Twenty-fifth Street, ignoring police orders to move on, had swelled to 3,000, according to police estimates, and from somewhere pickets had appeared bearing placards reading: "Kress brutality beats Negro child." Several Negroes and white persons mounted soap boxes in the block between Seventh and Eighth Avenues and began denouncing the Kress Co., shouting that it had refused to employ Negroes.

Police reinforcements had been called meanwhile, including all available reserve—uniformed police and detectives from the West One Hundred and Twenty-third Street station, three additional radio cars, emergency squad 5 from East One Hundred and Fifty-second Street, and about six mounted patrolmen. As the police increased their numbers and sought to disperse the mob, its mood became more angry. Bottles and rocks were soon flying.

During the battle Patrolman Irwin Young, of the West One Hundred and Thirty-fifth Street station, suffered a laceration of his right hand, and Patrolman Michael Kelly, of the West One Hundred and Twenty-third Street station, suffering a sprained ankle. Kelly was hit on the leg with a heavy rock while charging the mob. Young was uncertain whether he had been hit by a rock or bitten by somebody. Kelly was taken to Harlem Hospital, while the others were treated at the scene.

Police seized members of the mob who appeared to be its leaders as they drove it back and by 6:30 p. m. they had the One Hundred and Twenty-fifth Street block open to motor- and surface-car traffic. The Negroes began to break into smaller groups and the riot appeared ended when, by coincidence, a hearse stopped on One Hundred and Twenty-fourth Street, a few feet from the back entrance of the store. Some excitable woman saw it and shouted, "It's come to get the dead child."

Almost at once the throng reassembled, this time pushing toward the hearse in One Hundred and Twenty-fourth Street, and the battle then turned to that street. Although the crowd there was smaller, police had difficulty, because the Negroes showered them with miscellaneous missiles from roofs, hallways, and other hiding places.

The store had been closed at 6 p. m. and carpenters and painters, called by the management, were working inside to repair the damage caused there earlier. When members of the mob saw the workmen they shattered all the rear windows.

STORES ALL ALONG BLOCK ATTACKED

By 7 p. m. police had broken up the crowd in One Hundred and Twenty-fourth Street. Thereafter they patroled One Hundred and Twenty-fourth and One Hundred and Twenty-fifth Streets between Seventh and Eighth Avenues constantly to prevent more groups from assembling. The police were hopelessly outnumbered, however, and by 8 p. m. one or more windows in virtually every One Hundred and Twenty-fifth Street store front in the block had been smashed.

Police said that the rumor that the child had been killed had been started by the Young Liberators, which they described as a Communist organization. Last night this group was distributing mimeographed circulars throughout Harlem reading:

"A child brutally beaten.

"A women attacked by bosses and cops.

"A child near death.

"A 12-year-old child was brutally beaten, because the manager thought he stole a 5-cent knife.

"A Negro woman who defended him had her arm broken by thugs and was arrested.

"Workers protest against this lynch attack."

Soon before 10 p. m. all available patrolmen from the sixth inspection division were ordered to Harlem to augment police already there.

There, again, we have an illustration of the apparent ill-feeling which exists between the two races. If the northern whites understood and sympathized with the Negroes of the North as the southern whites understand and sympathize with the Negroes of their section, I am positive that the North would not be confronted with as many riots as I have been describing to the Senate this afternoon.

Here is an account of a race riot that occurred on January 23, 1938, this year. I read from the Long Island Daily Press of Monday, January 24, 1938:

Jamaica youth is killed in south side race riot.—Seven Negroes under arrest in stabbing.—Fatal street brawl begins after argument over parked car.

Imagine that—an argument over a parked car; again showing the ill-feeling which exists in the North between the whites and the colored people. In this case a race riot occurred, in which people were killed and wounded, over a parked car.

Negroes and whites rioted on Jamaica's South Side shortly before dawn yesterday, and when police dispersed the mob after a 30-minute pitched battle, a Jamaica youth lay mortally wounded on the sidewalk. He died 5 hours later in Mary Immaculate Hospital.

Seven Negroes are under arrest today, charged with homicide and felonious assault. Five white men and women are awaiting hearings on disorderly-conduct charges. They were served with summonses.

Casualties from the riot, said to have started with an argument over a parked car, totaled eight. One, a white man, is in a critical condition with stab wounds. Six others, three of them Negroes, were all slashed and bruised, but none critically.

The officers spent more than 19 hours yesterday questioning the more than 40 persons who were at or near the scene when the fight started, and late last night they locked up seven of the Negroes on felonious-assault charges and served three white men and two women with summonses charging disorderly conduct.

The dead man is:

Robert Thomas, a print-shop employee, of 170–05 Gothic Drive, Jamaica. He died in Mary Immaculate Hospital 5 hours after he arrived there.

The injured are:

George Miller, 39, white, of 32 Clarendon Drive, Valley Stream. He is in the same hospital with deep stab wounds.

Theodore Dausch, 29, white, of 61–29 Thirty-sixth Road, Maspeth. Cuts of the right cheek and a bite on the left arm.

William Miller, 32, white, of 42 Washington avenue, Oceanside, stabbed over the left eye.

Eugene Woods, 27, white, of 32–09 Greenpoint Avenue, Long Island City. Stab wounds of right knee and leg.

James Manley, 35, Negro, a longshoreman of 175–15 One Hundred and Tenth Avenue, South Jamaica. Scalp cuts.

Riley Tennyson, 21, Negro, a chauffeur of 169–12 One Hundred and Fourth Avenue, South Jamaica. Scalp and left eye cut.

Samuel Murray, 41, Negro, a tailor of 109–25 One Hundred and Seventy-fifth Street, Jamaica. Scalp cuts.

Those arrested on a double count—felonious assault and homicide—are:

Tennyson, Manley, and Murray.

Clarence Hedon, 35, Negro, a waiter of 173–09 One Hundred and Eighth Avenue, South Jamaica.

Thomas Tucker, 31, Negro, a chauffeur of 171–36 One Hundred and Fifth Avenue, South Jamaica.

Rudolph Rasberry, 29, Negro, a chauffeur, same address.

Frank Clark, 35, Negro, a longshoreman, same address.

Disorderly conduct summonses were returned in Long Island City Court this morning by the following white men and women:

Mrs. Stacia Clements of 105-03 One Hundred and Seventy-first Place, South Jamaica.

Mrs. Mary Dausch of 61-29 Fifty-sixth Road, Maspeth.

Dausch, her husband.

William Miller,

Charles Miller, 54, his father, of 234 Raymond Avenue, Rockville Centre.

The battle opened at about 4 a. m. at One Hundred and Fifth Avenue and One Hundred and Seventy-first Street, South Jamaica.

Since early Saturday night a birthday party for Steven Hoffmann, a boarder, had been going on in the Clements home, with about 25 white men and women taking part. Hoffmann, who is 31 today, is a waiter in Bill's Grill at 92-05 One Hundred and Sixty-eighth Street, Jamaica.

Simultaneously a party was going on around the corner at 171-36 One Hundred and Fifth Avenue, the home of Tucker, Rasberry, and Clark. Only Negroes were here.

AT MILLER'S CAR

When Hoffmann's party began to break up, Charles Miller and his son, William, went to their car, parked around the corner near the Tucker-Rasberry-Clark home.

"From what we can learn," District Attorney Charles P. Sullivan said last night, "Tennyson came outside and started an argument with the Millers over the spot where their car was parked. He is said to have claimed he could not get his car moving because of the Miller car's position.

"When other Negroes joined the argument the Millers attempted to return to the Clements home. A fight started. Negroes ran from one house and whites from the other, and the fight was on."

A riot call brought uniformed police and detectives from the Jamaica station. Thomas was taken to the hospital with George Miller. All the principals were rounded up and taken to the Jamaica precinct for questioning.

Searching the Tucker home, Capt. James J. Fogarty and his aides, all of the homicide squad, found a pocketknife with a 5-inch blade under a soft cushion in the Tucker living room. The kitchen yielded a 12-inch bread knife, police said.

A search of Tucker and Herdon brought a pocketknife to view, police allege.

Blood-soaked clothing found on Tucker and Tennyson was confiscated by police, it was said. The four knives were carefully scraped and the scrapings, along with the bloody garments, were sent to city toxicologist Dr. Alexander O. Gettler for analysis.

The dead youth, a former Jamaica High School student, was with the Quadri Color Co.'s plant at 184-10 Jamaica Avenue, Hollis.

His father, Robertson I. Thomas, who died 8 years ago yesterday, had been president of the Quadri firm.

The Thomas youth was a sergeant with the One Hundred and Sixty-fifth Infantry, National Guard, in Manhattan. Surviving are his mother, Mary, two brothers, Jordayne and Ralph, and two sisters, Constance and Natalie.

The prisoners were questioned in the Jamaica station house for more than 19 hours. The questioning was guided by District Attorney Sullivan and five of his aides, Chief Assistant District Attorney Harry I. Huber, Edward Potter, Martin Schwaeber, John H. Krogmann, and James F. T. Delaney. Police working on the case were under Inspector John A. Lagarenae, in charge of Queens detectives. Thirty detectives from all parts of Queens aided the district attorney's staff in taking statements from the more than 40 Negroes and whites involved.

In connection with the last article which I read, from Jamaica city, I have here the letter which accompanied the newspaper clipping. I shall not give the name of the sender of the letter or his address, but listen to what he says:

Enclosed clipping is an answer to Senator WAGNER's antilynching bill. I live near where it happened and I want to tell you it is not safe for a white person to walk around alone at night even though there are lots of white people owning homes there.

In New York City the niggers have about the best location, with level ground, and centrally located. They are driving the decent white people away. On Saturday nights there are hundreds of extra police transferred from other stations to the nigger belt, as a riot is apt to start at any time.

Mr. President, I have read to the Senate the accounts of numerous riots which took place in recent years, and all of these occurred on almost every occasion because of the racial antagonism which exists between the whites and the blacks of the North. They do not understand each other. The Negroes of the North try to exercise the privileges which the whites of the North have accorded to them, but which they do not want them to exercise. If we in the South give to a colored man certain rights, we are not hypocritical about it, we give them to him and let him exercise them, but in the North a right is given to him as a pretense and the hope that he will not exercise it, and when he does, he meets trouble coming and going.

I shall now take a few moments of the time of the Senate to read some examples of letters and telegrams I have received from all over the country relative to this question. These letters and telegrams I have selected at random from the thousands I have received. A few of them are comical, but most of them reflect, I will say to the Senator from New York [Mr. WAGNER], the true feeling of the people of the North, East, South, and West toward the Negro problem.

As I have contended throughout the debate, it is my belief that the pending bill, together with like bills, involves more of a social problem than anything else. It is my contention that it is absolutely wrong for the State of New York to give to the Negro people by legislative enactment certain rights which they cannot afterward exercise because the great mass of white people do not approve, although the laws are on the statute books. Most of the riots of which I have read resulted from the racial prejudice which exists between the white people of the North and the Negroes of the North.

The first letter which I shall read, with due apologies to the charming former Senator from Alabama, Mrs. Graves, is from Chicago, and reads:

CHICAGO, ILL., *January 18, 1938.*

Senator ELLENDER:

DEAR SIR: All of you Senators that are against passage of the lynch bill must remember if Negroes were in position to lynch your people instead of your people lynching Negroes you would want the bill passed in a hurry; but remember you haven't the type of Negro to deal with today as you had when the Yankees and Confederates were fighting years ago, so the time will soon come, if you southerners isn't careful, where you will be running to Negroes for help; but instead of blacking your faces and hiding you, they will be knocking your brains out. The old-time Negro knew enough years ago the South would be his country; he knew where all your money was, because you had no banks, and all he had to do was kill you and taken all you had—land, money, and all—so fight hard as you wish, the Negroes isn't going to stand for lynching much longer. I want to wake you up on just a little thing that you haven't dreamed of. Some few years ago the Negro was organized by a race of people from across the pond, and pretty soon when they strike at you, then you will be surprised. Your eyes are open, but you sound asleep. And when the war does come and you arm the Negroes, which you will have to do, then you won't need no lynch bill; it will be dead for always. I don't see how you can figure it would be such a disgrace to stop lynching anyone. And tell that old woman Senator that spoke during the last time the bill came up and was defeated on account of her speech she will be the one, I hope, get her lesson first. Excuse mistakes; but remember the Japs is trying every way to get you in a fight, and you are afraid; but to lynch to you it is all O. K. This country has become a great Christian nation because the Japs have slapped you on both sides of your face, and all you ask is to apoligy. What fools you are! By-by, dear Senator.

[Laughter.]

That old woman I spoke of is name Mrs. Graves. Please show her this letter.

Try and guess who wrote this letter.

[Laughter.]

Mr. President, I hold in my hand another communication, which is mimeographed, and is prepared, I believe, by and comes from communistic sources. It shows conclusively that the Communists of the Nation are trying to mislead the Negroes, to misrepresent facts to them, and to get them to do things which I know they would not otherwise do except under such leadership. The colored people are easily misled, and before this debate ends I shall present to the Senate some articles published in various papers prepared by Communists to show how they have been working for years and years in order to get the Negroes to join them so as to obtain a larger following. I will not be surprised if sooner or later they succeed, and we will have more Communists in our midst than Senators would think possible.

I now present a letter which was addressed to me recently, headed "Peace." I suppose all Senators recognize that this salutation comes from one of Divine's "angels." [Laughter.] It is addressed:

Mr. ALLEN J. ELLENDER,
Senator of Louisiana, White House, Washington, D. C.
Personal.

NEWARK, N. J., *February 9, 1937, A. D. F. D.*

It may be remembered that I spoke some time ago about Divine. He added to "Anno Domini" the initials "F. D.," for

"Father Divine." As I have said, I am about to read one of the letters that has come to me, and it is from Faith Confidence, who is one of the angels living in one of Divine's heavens. [Laughter.] She signs it "Faith Confidence." It is a little better written than the last one from which I read:

NEWARK, N. J., *February 9, 1937, A. D. F. D.*

PEACE

Mr. ALLEN J. ELLENDER,
Senator of Louisiana, White House, Washington, D. C.

MY DEAR SENATOR ELLENDER: "As a man thinketh in his heart so is he."

May my salutation to you be peace.

When shot and shells are bursting, and men are falling on the battlefield, and brother fighting brother, it is then we can realize how wonderful the word "peace" is.

It is the love that surges through my heart and veins that causes me to write this letter.

Oh, how I wish that you knew. How I wish you understood the tranquillity of the mind and heart as well as the soul. How beautiful this word "peace" is, but first it must be established within our own hearts and lives. We must love one another as God so loved us.

How unkind and selfish mortality has been.

"God does not make a distinction or look at the outer appearance but looks at our hearts."

As a child I received part of my education in New Orleans, La., and I know conditions of the Southland.

I do so much wish you as well as the whole world knew our Father. How wonderful he really is. How kind and gentle, how merciful, how compassionate, how adorable sweet. I mean Father Divine, who stands in our midsts calling all people of the earth together in universal love.

This winderful Father who heals the sick, restores the sight of the blind.

Think of that!

I have heard the mute give praises to his everlasting name. I have seen an incurable cancer case come up in ambulance and later beheld the wonderful works of "god." The patient cured of cancer.

Yes; I tell you with all the love that is in my heart. This wonderful little holy body—

That is Father Divine she is talking about. [Laughter.] The leader of the cult who has forsaken medical science and is resorting to methods employed in India and dark Africa—

that looks like a man, is the embodiment, the holy tabernacle of God.

Does not Scripture tell you "By His good works ye shall know Him"?

This righteous Government that Father has established, the Bible speaks about. I believe you will find it in the Book of John, chapter 17. If you will test our Father's love, you will taste of the sweetness of life, you will drink from the cup that is filled and overflowing with love.

Listen to this, Senators. Some of you might be interested.

Mr. BARKLEY. Mr. President, will the Senator yield? It is my purpose to suspend at this time and move an executive session if it is agreeable to the Senator from Louisiana.

Mr. ELLENDER. I should like to complete the reading of this letter and one other letter.

I call the attention of Senators to this quotation from this "angel," who probably writes from one of the heavens of Father Divine:

Haven't you some complicated problem that seems to perplex your brain? Isn't there something you desire to seek counsel? Father is the good counselor, the everlasting father, the prince of peace, the king of kings, the lord of lords.

He is God.

And yet he is so sweet and so humble.

[Laughter.]

His name has encircled the earth like a strong golden love chain, and we are becoming to be links in that chain of love. O let not doubt cast its dreary shadow on your heart, for doubt is a deceiver.

Doubt had cast its shadow over my heart, but God in his infinite sweet love led me out into the light of faith. The dawn of the new day. I ask His forgiveness for every doubting. He knows best my heart. O that I might become worthy of his love. O that I might serve him in love and obedience.

From the depths of my heart I tell you, yes, he is God.

I will close with his precious words with you, "Peace, everyone." May they find their way to your heart.

FAITH CONFIDENCE.

I may state to the Senate that I have received many similar letters in high praise of this former slave's son from Georgia. Think of such a condition in America.

I propose to alternate in the reading of these letters; I will read one letter which is sympathetic to the pending measure and one which is against it. I will read a letter from Mount Vernon, N. Y., dated January 20, 1938, as follows:

While not a southern man, I have been there enough to believe that those who are for the antilynch bill do not know much of what they are speaking of, and am with you and those who are fighting this bill. With you to the hilt. And trust that you and yours may be able to fight to a finish those of the North and West and East who are so ill-informed as to conditions under which the South lives or would have to live with Negro supremacy.

I now ask to have printed in the RECORD at this point the tables to which I previously referred and from which I have given the figures.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Prisoners received in State and Federal prisons and reformatories, 1936

	Number of prisoners [1]	Total population [2]	Rate per 10,000
Negroes:			
10 Southern States [3] (3 Southern States not reporting: Alabama, Georgia, Mississippi)	6,886	5,779,958	12.0
35 remaining States and District of Columbia	8,592	3,085,508	28.0
Whites:			
10 Southern States	9,339	19,611,562	4.8
35 remaining States and District of Columbia	35,369	84,718,040	4.2

[1] Based on report prepared by U. S. Bureau of the Census.
[2] Population figures based on 1930 census.
[3] Arkansas, Florida, Kentucky, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

Arrests, city of Jacksonville, 1937

	Whites	Negroes	Total
Murder	6	32	38
Manslaughter	10	10	20
Rape	3	2	5
Robbery	29	27	56
Aggravated assault	31	128	159
Housebreaking	80	167	247
Larceny	155	380	535
Auto theft	19	26	45
Total	333	772	1,105
Rate per 10,000 population (1 to 4)	41	161	

Population:		
Whites	81,320	(63%)
Negroes	48,196	(37%)
Total	129,516	

Crime figures furnished by chief of police, Jacksonville, Fla.
Population figures from 1930 census (U. S. Bureau of the Census.)

Arrests, city of Charleston, 1935

	Whites	Negroes	Total
Murder	1	7	8
Manslaughter	None	None	None
Rape	None	None	None
Robbery	51	272	323
Aggravated assault	17	41	58
Burglary and housebreaking	1	14	15
Grand larceny	6	37	43
Highway robbery		13	13
Total	76	384	460
Rate per 10,000 population (1 to 6)	22	137	

Population:		
Whites	34,177	(55%)
Negroes	28,062	(45%)
Total	62,239	

Crime figures furnished by chief of police, Charleston, S. C.
Population figures from 1930 census (U. S. Bureau of the Census).

Arrests, city of Charleston, 1936

	Whites	Negroes	Total
Murder		2	2
Manslaughter	None	None	None
Rape	None	None	None
Robbery	37	253	290
Aggravated assault	1	12	13
Burglary and housebreaking		3	3
Grand larceny	7	11	18
Highway robbery		3	3
Total	45	284	329
Rate per 10,000 population (1 to 7 plus)	13	101	

Population:

Whites	34,177	(55%)
Negroes	28,062	(45%)
Total	62,239	

Crime figures furnished by chief of police, Charleston, S. C.

Population figures from 1930 census (U. S. Bureau of the Census).

Arrests, city of Charleston, 1937

	Whites	Negroes	Total
Murder		6	6
Manslaughter	None	None	None
Rape	None	None	None
Robbery	37	229	266
Aggravated assault	1	20	21
Burglary and housebreaking	18	52	70
Grand larceny	12	15	27
Highway robbery	7	4	11
Total	75	326	401
Rate per 10,000 population (1 to 5 plus)	22	116	

Population:

Whites	34,177	(55%)
Negroes	28,062	(45%)
Total	62,239	

Crime figures furnished by chief of police, Charleston, S. C.

Population figures from 1930 census (U. S. Bureau of the Census).

Arrests, city of Houston, 1935

	Whites	Negroes	Total
Murder	8	28	36
Manslaughter	(1)	(1)	(1)
Rape	5	8	13
Robbery	112	100	212
Aggravated assault	172	82	254
Burglary	198	256	454
Theft, felony	239	151	390
Auto theft	351	46	397
Total	1,085	671	1,756
Rate per 10,000 population (1 to 2 plus)	50	106	

[1] None reported.

Population:

Whites	214,687	(74%)
Negroes	63,337	(21%)
Others	14,328	
Total	292,352	

Crime figures furnished by chief of police, Houston, Tex.

Population figures taken from 1930 census (U. S. Bureau of the Census).

Arrests, city of Houston, 1936

	Whites	Negroes	Total
Murder	15	40	55
Manslaughter	(1)	(1)	(1)
Rape	11	9	20
Robbery	68	75	143
Aggravated assault	166	73	239
Burglary	189	227	416
Theft, felony	214	138	352
Auto theft	275	48	323
Total	938	610	1,548
Rate per 10,000 population (1 to 2¼)	44	96	

[1] None reported.

Population:

Whites	214,687	(74%)
Negroes	63,337	(21%)
Others	14,328	
Total	292,352	

Crime figures furnished by chief of police, Houston, Tex.

Population figures taken from 1930 census (U. S. Bureau of the Census).

Arrests, city of Houston, 1937

	Whites	Negroes	Total
Murder	20	31	51
Manslaughter	(1)	(1)	(1)
Rape	6	20	26
Robbery	106	83	189
Aggravated assault	203	103	306
Burglary	149	332	481
Theft, felony	186	140	326
Auto theft	294	62	356
Total	964	771	1,735
Rate per 10,000 population (1 to 2½ plus)	45	122	

[1] Not reported.

Population:

Whites	214,687	(74%)
Negroes	63,337	(21%)
Others	14,352	
Total	292,352	

Crime figures furnished by chief of police, Houston, Tex.

Population figures from 1930 census (U. S. Bureau of the Census).

Number of males per 10,000 of male population of same class, 15 years of age and over, charged with major offenses, by nativity and color, Detroit, year 1930

	Native white	Foreign-born white	Negro
Murder and nonnegligent manslaughter	0.8	0.9	16.5
Negligent manslaughter	1.0	.5	1.5
Rape	2.2	1.5	8.1
Robbery	6.2	2.0	48.2
Aggravated assault	1.6	1.8	30.2
Burglary—breaking or entering	8.0	2.0	73.4
Larceny—theft	24.6	12.1	202.7
Auto theft	3.8	1.1	17.7
Total	[1] 48.2	[2] 21.9	398.3

[1] Proportion, 1 to 8+. [2] Proportion, 1 to 18+.

TOTAL POPULATION—1930 CENSUS

Native white	1,040,860	(66%)
Foreign-born white	399,281	(25%)
Total white	1,440,141	(91%)
Negro	120,066	(8%)
Others	8,455	(1%)
Total population	1,568,662	(100%)

Statistics compiled by National Commission on Law Observance and Enforcement, as carried in its report entitled "Report on Crime and the Foreign Born" of date June 24, 1931.

Number of males per 10,000 of male population of same class, 15 years of age and over, charged with major offenses, by nativity and color, Los Angeles, 1929–30

	Native white	Foreign-born white [1]	Negro
Murder and nonneligent manslaughter [2]	2.3	2.2	5.5
Rape	5.0	1.1	20.6
Robbery	24.7	7.4	51.5
Aggravated assault	4.1	3.0	54.6
Burglary—breaking or entering	23.1	10.2	80.8
Larceny—theft	21.3	11.7	72.1
Auto theft	16.7	5.3	45.9
Total	[3] 97.4	[4] 40.9	331.0

[1] Exclusive of Mexicans.

[2] Los Angeles does not separate homicides into negligent and nonnegligent manslaughter.

[3] Proportion, 1 to 3½+.

[4] Proportion, 1 to 8+.

Statistics compiled by National Commission on Law Observance and Enforcement, as carried in its report entitled "Report on Crime and the Foreign Born" of date June 24, 1931.

TOTAL POPULATION—1930 CENSUS

Native white	891,736	(72%)
Foreign-born white	181,848	(15%)
Total white	1,073,584	
Negro	38,894	(3%)
Others	125,570	(10%)
Total population	1,238,048	

Number of males per 10,000 of male population of same class, 15 years of age and over, charged with major offenses, by nativity and color, Cleveland, year 1930

	Native white	Foreign-born white	Negro
Murder and nonnegligent manslaughter	1.3	1.2	18.2
Negligent manslaughter	.8	.3	.6
Rape	1.6	.3	1.7
Robbery	13.6	1.4	64.9
Aggravated assault	1.1	.9	19.4
Burglary—breaking or entering	14.2	1.4	76.9
Larceny—theft	23.7	7.2	154.9
Auto theft	12.1	.5	25.6
Total	[1] 68.5	[2] 13.2	362.2

[1] Proportion: 1 to 5¼+. [2] Proportion: 1 to 27+.

Statistics compiled by National Commission on Law Observance and Enforcement, as carried in its report entitled "Report on Crime and the Foreign Born" of date June 24, 1931.

TOTAL POPULATION—1930 CENSUS

Native white	597,603	(66%)
Foreign-born white	229,487	(26%)
Total white	827,090	
Negro	71,899	(8%)
Others	1,440	(——)
Total population	900,429	

Number of males per 10,000 of male population of same class, 15 years of age and over, charged with major offenses, by nativity and color, Buffalo, year 1930

	Native white	Foreign-born white	Negro
Murder and nonnegligent manslaughter	0.4	0.3	12.5
Negligent manslaughter	3.9	1.0	12.6
Rape	4.5	1.1	45.7
Robbery	7.5	3.0	91.4
Aggravated assault	15.2	11.7	490.2
Burglary—breaking or entering	32.1	4.4	220.2
Larceny—theft	81.5	29.6	473.6
Auto theft	21.2	4.2	87.2
Total	[1] 166.3	[2] 55.3	1,433.3

[1] Proportion: 1 to 8½ plus. [2] Proportion: 1 to 26 minus.

Statistics compiled by National Commission on Law Observance and Enforcement, as carried in its report entitled "Report on Crime and the Foreign Born" of date June 24, 1931.

TOTAL POPULATION—1930 CENSUS

Native white	440,553	(77%)
Foreign-born white	118,316	(21%)
Total white	558,869	
Negro	13,563	(2%)
Others	644	(——)
Total population	573,076	

Number of males per 10,000 of male population of same class, 15 years of age and over, charged with major offenses, by nativity and color, Cincinnati, year 1930

	Native white	Foreign-born white	Negro
Murder and nonnegligent manslaughter	1.5	0.4	15.4
Negligent manslaughter	3.3	.4	5.8
Rape	2.6	.4	8.0
Robbery	9.6	.4	74.6
Aggravated assault	5.2	1.7	87.0
Burglary—breaking or entering	14.5	.4	111.9
Larceny—theft	32.9	3.7	470.4
Auto theft	11.4	1.2	81.2
Total	[1] 81.0	[2] 8.7	854.4

[1] Proportion, 1 to 10½+. [2] Proportion, 1 to 98+.

Statistics compiled by National Commission on Law Observance and Enforcement, as carried in its report entitled "Report on Crime and the Foreign Born" of date June 24, 1931.

TOTAL POPULATION—1930 CENSUS

Native white	368,277	(82%)
Foreign-born white	34,835	(8%)
Total white	403,112	
Negro	47,818	(10%)
Others	230	(——)
Total population	451,160	

Total number of males per 10,000 of male population of same class, 15 years of age and over, charged with major offenses, by nativity and color, for the following five cities: Detroit, 1930; Los Angeles, 1929–30; Cleveland, 1930; Buffalo, 1930; Cincinnati, 1930

	Native white	Foreign-born white	Negro
Murder and nonnegligent manslaughter	1.4	1.1	14.8
Rape	3.3	1.1	9.8
Robbery	13.5	2.8	58.4
Aggravated assault	4.3	3.0	55.7
Burglary—breaking or entering	17.1	3.5	86.6
Larceny—theft	31.2	12.6	226.0
Auto theft	11.9	2.1	37.2
Total	[1] 83.9	[2] 26.5	490.7

[1] Proportion, 1 to 6—.
[2] Proportion, 1 to 19—.

Statistics compiled by National Commission on Law Observance and Enforcement, as carried in its report entitled "Report on Crime and the Foreign Born" of date June 24, 1931.

TOTAL POPULATION—1930 CENSUS

Native white	3,339,029	(71%)
Foreign-born white	963,767	(20%)
Total white	4,302,796	(91%)
Negro	292,240	(6%)
Others	136,339	(3%)
Total population	4,731,375	

Mr. ELLENDER. Mr. President, I now ask unanimous consent to print in the RECORD, following my remarks, extracts from certain letters, telegrams, and so forth, received by me in connection with the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matters referred to are as follows:

NEW YORK.

SENATOR. There are criminals in and out of jail; in high places, and in gutters. Are you advocating lawlessness and mob rule? This is democratic America and the twentieth century. Get yourself straightened out. The mass of people are ashamed of lynch festivals. We should all be equal—black and white—socially, and before the law. Quit stalling. Pass the antilynch bill.

LAKE CHARLES, LA., *January 24, 1938.*

The antilynching bill.
United States Senator JOHN H. OVERTON,
Washington, D. C.

United Senator Senator ALLEN ELLENDER,
Washington, D. C.

DEAR SENATORS: In view of the fact that this legislation, from my casual reading sometime ago, provides remuneration or damages against State officials, etc., in an action by relatives of persons lynched through mob violence, wholly within a sovereign State, I have wondered on what theory:

1. Congress can be vested with power to enact such legislation or give Federal courts jurisdiction, as I understand the Federal Government does not become liable for any such damages regardless of whether the culprit is a Federal or State prisoner.

2. If such law is within the power of Congress, why there cannot be a provision for damages in favor of relatives, etc., for injury inflicted by a white or "nigger" rape fiend, or by gangster-murderers, as the criminal act of an individual or individuals in willfully committing a heinous crime of such nature as to arouse the ire of all good citizens is no different from that of a mob.

3. Why the injured person should not have a lien on any recovery by relatives of such culprits, since they are as much entitled to protection against the acts of criminals under our Constitution and laws the same as a criminal who has been apprehended, especially as in most cases the culprit has confessed his crime or the proof is established beyond any reasonable doubt.

4. If Congress should have the power to pass such a measure, then such an amendment would probably kill the bill, since gangster-murderers are more common in the North than in the South.

FEBRUARY 5, 1938.

Senator ELLENDER,
United States Senate, Washington, D. C.

SIR: Enclosed is a copy of a clipping out of this damnable nigger paper that is allowed in the National Capital:

"SAYS UNITED ASIA WILL GIVE HOPE TO AFRICANS

"To the EDITOR OF THE AFRO:

"I congratulate you on your editorial of January 15, regarding the Sino-Japanese War, which can be appreciated despite the fact that it means suffering and death to millions of Chinese.

"On the other hand, psychologically, a victorious Japanese in China will be a decisive blow to white supremacy in the East and West.

"In the eyes of the Chinese, the *Panay* incident was a defeat for the white world. Like us in America, the Chinese were made to feel inferior through the ruthlessness of the whites. The latter believed their power could never be challenged by anyone not their color. The *Panay* occurrence showed the Chinese that the legend of white supremacy could be questioned and shot to pieces.

"The more Japan strengthens herself commercially in China, the more effectively will the yellow man be able to combat barriers placed against him in America. Consequently, while we sympathize with the Chinese people, eventually a united Asia will be an encouragement to Africa and our dark-skinned brothers throughout the world.

"———— ————.

"NEW YORK."

Thanking you for your attention, I beg to remain,

————— ————.

RESOLUTION ON WAGNER-VAN NUYS ANTILYNCHING BILL

JANUARY 20, 1938.

At a meeting of branch 2 of the Communist Party of the United States of America, attended by members, friends, and neighbors of the twelfth assembly district, Manhattan, the following resolution was passed:

"Whereas the reactionary filibuster of the 11 Senators who are leading the shameful fight against the Wagner-Van Nuys antilynching bill is a criminal sabotage of the democratic rights not only of the Negro people but of the rights of the entire American people; and

"Whereas the passage of the Van Nuys-Wagner antilynching bill is of vital importance in order to preserve elementary human and civil rights as guaranteed by the thirteenth, fourteenth, and fifteenth amendments of the Constitution of the United States for the Negro people, rights which are daily being flouted, as witnessed by the hundreds of lynchings which have taken place in this country and which are a blot on the democratic traditions of this country; and

"Whereas the cynical behavior of the 11 Senators in supporting the filibuster is a shocking action which does not express the sentiments of the working and liberty-loving people of this country: Therefore be it

"*Resolved*, That we, the members of branch 2 of the Communist Party of the United States of America, go on record as strongly supporting this bill; and be it further

"*Resolved*, That since the Communist Party has always been in the forefront of the fight for Negro and other minority group rights and against all forms of racial intolerance and bigotry, that we demand the immediate cessation of the filibuster against this bill and urge that everything possible be done for its speedy passage."

BRANCH 2, COMMUNIST PARTY,
114 Lexington Avenue, New York City.

LOUISVILLE, KY.

Hon. SENATOR ELLENDER,
Washington, D. C.

DEAR SIR: Keep up your fight to kill the antilynching bill. If it is ever passed, a white woman cannot walk the streets of Louisville, Ky. On December 20, 1936, I was on my way home from work. In four blocks of my home a 6-foot Negro knocked me down and took my pocketbook and my week's earnings, which was $6. The police picked me up and brought me home. I was badly hurt. I am 53 years old. I wonder how some of your Negro-loving foes would like for this to happen to their wives, daughters, or mothers?

Tell the northern Senators that want to protect the Negro, to tune in on the police calls in Louisville between 6 and 8 o'clock any night and especially Saturday night. Surely they will change their minds, and get to work on bills to stop people from walking the streets cold, hungry, and broke. Keep your good fight up. Hold the floor for the rest of this session of Congress if it takes it to kill this bill and don't forget there will be lots of Senators looking for new jobs next November.

Ever trying to cram the Negro down white people's throats, and make them like it. Let the North have the Negro. We don't want the black devils. I wish you would read this letter to the Negro lovers if you think it is all right. I am enclosing paper clippings of this week end. Please read them all. So hoping you the greatest of success in your great fight to save the white women from the murderous claws of the black Negro. The Nation surely is behind you. Fight on—don't turn back.

Respectfully yours,

————— ————.

PEACE

LOS ANGELES, CALIF.,
January 28, 1938, A. D. F. D.

SENATOR ELLENDER,
Senate Chamber, Washington, D. C.

DEAR SIR: I am writing to you at this time, calling your attention to the fact that you have made some assertions in the assembly meeting of the Senate of the Government, of which I am part and parcel, expressing yourself in a manner unbecoming a gentleman, public officer, and a citizen of the country, a servant of the people, and paid by the people.

We are aware of the fact that such disreputable men as you are for many years have tried to keep other citizens under the hammer of southern ignorance and potentiality. It is true that this prejudicial feeling of yours reaches much further than the South, or in your immediate circle, but as an individual I am here to say that we are endeavoring to qualify ourselves and there are many who are already qualified to fill the office and offices in the Government that are to be filled and more competently, more honest and true than those who are now serving and have served.

I venture to say that you and your colleagues, as you have expressed the fact that you are not desirous in permitting other citizens to enjoy the rights and privileges of this country, or the blessings of liberty, and to pursue happiness and to promote the general welfare, but rather to promote the partial welfare of the people, which is a gross violation to the third and fourth meanings of the Constitution, and will no doubt hinder the existence of peace within the boundary of the United States, and I further wish to say although you were not elected directly from California, an open national protest can be made for your recall, as you have proven to the country at large your insufficiency and incompetency, serving the people in the spirit of liberty.

Such men as you are will very soon bring about a rebellion in this country. Our religion, as is being mocked by you, is the kind of religion that will eventually right the wrongs of men throughout the world. You have, through and by your statement, infringed upon the spirit and freedom of religion as per law.

As an individual, I am asking at this time that you refrain from making such statements that have been made by you, otherwise we will think there is something in that orange juice that you so frequently imbibe, as spoken of by the papers.

In God we trust, the true and living God, and Father Divine is He! We have been lifted, arisen, and elevated to the Christ consciousness, in His mind and His spirit, throwing off all besetting sins and everything that tends to tie and bind and running the race with patience, and patience is a virtue.

We hear the cry of Father Divine in his infinite stand for equality and social equality, without being married to any of your connections, humanly speaking, because, if you took the time to meditate and ponder over the advocacy of our Father Divine, you would understand that we are living according to the gospel, "no marriage or given in marriage for we are equal unto the angels." If we were thus recognized by the Almighty of our equality, what have we to consider from such corrupt, vile, and ignorant minds as you have. Think this over carefully, and you will have no cause for sleepless nights, and we have listened to the voice of our Lord telling us to qualify ourselves, and we will also be able to serve God and His country as Senators, Congressmen, and Governors, judges—yes, as President of the United States; it is the will of God and it must be done, and none can hinder it—the time has come and now is.

Since your feeling and the feeling of other men is so profound in that respect, why not leave us alone to ourselves, and I am quite sure that you will not have any trouble or any responsibility by way of taking care of us as most of you are thinking that you have to do, as we are fully able as men and women to take care of ourselves as you and others have and are doing, because the same was done before the malicious spirit of John Hawkins and Queen Anne organized their forces and brought our ancestors to this Western Hemisphere, cutting down the roots and branches, but forgot the roots and the trees are growing again.

I further wish to say that as one that has been awakened by the conscious recognition of the Tabernacle of God on earth among men, which is the personified body of Father Divine, I will endeavor to combat such men as you are until something is done to stop the spread of ignorance and malicious mischief by way of words throughout the country.

If you and others feel that you do not want to sit with us in the senatorial assemblage or congressional assemblies or as cabinet workers, or in public offices in a general way, then I repeat, why not leave us alone, for the time is coming when we are going to strike out in a godly and christly manner and yet a lawful one, to elect our own President, Governors, Senators, Congressmen, judges, etc., for we are aware of the fact that you and your type and your people, as you have claimed them to be, would never consider us by way of voting to put us into office.

It goes without saying that we will have to do it ourselves, and we are prepared for same. It may be cited at this juncture such a thought is a divided thought, but it is the only solution to the problem that is confronting the human family and in particular the American and the European nations.

It has been long since said that the Caucasian nation and the Ethiopian nation, yea, the Ethio-American nation cannot, and will not live together, peacefully, because of Caucasian domination and the spirit of Uncle Tom, plus turn-coat British subject, or may I say, British objects?

The time has come that the Scripture and the Gospel, the Prophets and the Psalms, they are being fulfilled in our lives, for it is written: "Ethiopia shall soon stretch out her hands to God and princes shall come out of Egypt (darkness) and 58,000,000 or more of people have stretched forth our hands to the Emmanuel (God with us), Father Divine."

I further wish to say in the mortal way of speaking that it has been said that "50,000,000 Frenchmen can't be wrong"—then how much more 58,000,000 of angels, made of all languages, tongues, and people—yea, even many of your complexion—also stretching forth their hands for emancipation from their delusions and false imaginations, people you call your race, and as per fulfillment of the Scripture and the twenty-fifth chapter of the Gospel of Jesus Christ recorded by Matthew. The sermon on the mount, as preached by Father Divine, when he was in the sonship degree of the body called Jesus. The very same wrangling that is now going on went on heretofore—the Roman government thought that they had defeated God, and today we find that the spirit of Rome is ruling in America.

If Catholics, Ku Kluxers, and "black legions" and every detestable spirit, such as they are, can be lawmakers, why cannot we, who have always been law-abiding citizens through and by our merits and our obedience, become lawmakers now?

The Constitution of the United States affords us that privilege, and we know it, and will now hence demand it and see that it is given to us, or we will take it—not by mob violence or unlawful rebellion but in the onward rush of righteousness, justice, and truth; and Father Divine is the moving spirit; we are following him, never to be beaten, nor to retreat. The world is undergoing a serious change, and America and Americans must live up to the Constitution; that is the most angelic document in a way of speaking ever seen heretofore which was transmitted to them by the spirit of Father Divine more than 130 years ago.

In reference to equality, social equality, most people have misrepresented the meaning of social equality and equality and we as well-thinking people, having been elevated from that which is termed negroism, coloredism, and other isms after the manner of men, giving thanks to Father Divine's personal presence of same, can only see one truism, and that is angelicism, the advocacy of Father Divine, plus constitutionalism in its entirety.

We are willing to serve side by side in public offices with other well-thinking citizens and in particular, Federal capacities. We are demanding it! It has been decreed by god—Father Divine—and his words will never go out and come back void; he, as our only leader, our general, we intend to follow; he has never lost a battle, coming down through 42 generations, and in this battle as in the Ammaggdon, he is victorious, and we are his children, unafraid.

No more of celebrating Lincoln's birthday; we are celebrating the advent of the father, holy ghost, and son, and if Lincoln were here he would have to celebrate us for bringing him out of the mirks and mire, placing him and the country where it is now, not taking any glory for ourselves, giving all the glory to Father Divine for it was his will and yet is his will—we are conquering and to conquer—Amen!

This letter is not private. It is personal and impersonal. Father Divine reigns.

In reference to the antilynching bill that is worrying you and other men, it is a crime in itself that so-called learned men would try to make an offence that is already a Federal crime in itself, a Federal offence. Is it not true that taking the life of any person by way of mob violence, yea, even an individual because of some grievance; committing such an offence is punishable by law, and the penalty is death! How, then, you men have failed to recognize the meaning of such a law or the Constitution proper—hindering and trying to hinder, yea, have hindered the life and existence of other citizens on this earth.

I dare say that the assembly itself, entertaining themselves as they are completely out of order to the true meaning of the Constitution from a standpoint of life, liberty, and the pursuit of happiness.

Shame! Shame! Shame! Time wasted! Prejudice, ignorance, race consciousness, and man's stupidity must be done away with and god's intelligence must reign. It has been so decreed and must go on, for the mouth of god has spoken and Father Divine is god!

Very truly,

———— ————.

———

NEW YORK, N. Y., *January 23, 1938.*

Senator ELLENDER: Stop this filthy attack on the Negro people.

You don't belong to a civilized country. Your actions are typical of barbarians.

The United States can well do without your filibusters, whose contents defy our great American Constitution.

I voice the opinions of the majority of southerners and the entire North.

This letter specifically expresses the feeling of an entire social club composed of 105 members (Club Raven, 97 Avenue B, New York City).

Yours truly,

———— ————.

———

NEW YORK, N. Y., *February 7, 1938.*

Hon. ALLEN J. ELLENDER,

United States Senator, Washington, D. C.:

Raven Club, 95 Avenue B, New York City, is a social club composed of white members—Polish, Jewish, etc.—and are believed to be communistic. Club has a membership of about 50 and has only been at this location approximately 2 weeks, therefore very little known about them in vicinity.

LEWIS J. VALENTINE, *Police Commissioner.*

———

NEW YORK CITY.

You are absolutely right about Harlem, and the same can be applied to Chicago.

Harlem was once a prosperous and partly residential section, but now the black blight is all over it. The little cash in circulation is either relief money or that spent by degenerate whites and visitors—nothing constructive. It is simply a burden on the rest of the city and a potential menace.

REAL NEW YORKER.

———

LOUISVILLE, KY., *January 19, 1938.*

U. S. Senator ELLENDER, of Louisiana,

Washington, D. C.

DEAR SIR: I have been reading your position on the antilynch bill in the CONGRESSIONAL RECORD. Thus far I am somewhat in sympathy with some of your views, although it so happens that I am a member of the colored group.

I write respectfully requesting that you send me a copy of the bill, your speech, and table of figures showing the crime of lynching by years.

With much pleasure I note that you are too much of a gentleman to resort to cheap and undignified vilification to carry your point. Thank you in advance for complying with this, my respectful request.

Yours very truly,

———— ————.

———

SEATTLE, WASH., *January 26, 1938.*

Hon. ALLEN J. ELLENDER,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR ELLENDER: I am a native of old Virginia, and like yourself, I am bitterly opposed to lynching and mob violence of every kind, but I agree with you that the proposed measure will not reduce the probability of lynching, but will tend to increase it. But this is not my chief reason for opposing it. To me it is a flagrant invasion of States' rights and offensively reflects on the sovereignty and integrity of the Southern States. While I deplore filibustering as a general principle, I assure you that if there ever was an issue which justified it this is it, and I pray God that you and the other Senators opposing it may have physical strength to fight on.

I am writing you this out of my heart, not that I know you, but just to say God bless you.

———— ————.

———

BROOKLYN, N. Y., *January 23, 1938.*

Senator ELLENDER,

The Senate Chamber, Washington, D. C.

DEAR SIR: You, being a United States Senator, are privileged to express your views on certain measures that are brought before you; consequently, you have gone your limit in your fight against the passing of the antilynch bill. You have even gone so far as to point out that you are so much opposed to the mingling of the Negro and white race and are against intermarriage between the same. My dear Senator, stop and think, for marriage is a lofty institution. The number of mulattoes in the South indicates and definitely shows that the two groups do mingle. If marriage was permitted, perhaps the morals of both groups would be lifted.

Furthermore, don't forget that there is a living and just God, and in His time He will come to the rescue of a downtrodden group. Then the bill will be passed, and I hope your conscience will sit in judgment on you.

Sincerely yours,

———— ————.

———

GRENADA, MISS., *January 20, 1938.*

Senator ALLEN J. ELLENDER,

Washington, D. C.

DEAR SENATOR ELLENDER: I believe you will be interested in the enclosed editorials on the probable passage of the antilynch bill by some northern Democrats.

The resolutions were adopted at a mass meeting of representative citizens of Grenada and Grenada County. Furthermore, their action was heartily approved of and the same resolutions adopted last night at an overflowing meeting of the chamber of commerce and other civic bodies, which held a joint meeting at our community house. The determination to try to do something about this is not merely the idea of a few Grenada citizens but the entire

community. We believe that our attitude represents the feeling of the entire southland.

I wish to bring as forcibly as possible to your attention the resentment felt in Mississippi of the betrayal by some northern Democrats, and unless that wing of the party desist in their unfair and prejudiced practices, we will be forced to surrender to them the title to our party, retaining the tenets thereof for ourselves. We have only to look back to 1928 to know what the South will do when they feel justified, and we wonder if we are not now more justified than some of our sister States were then.

We have just begun to realize the awful possibilities of this bill, seeing plainly that it is merely the entering wedge that will take from us our State's rights. We are simply not going to surrender these rights without a fight, and should the supreme test come we most surely shall cling to our State's rights. Our fathers and their fathers fought for that cause, and we revere their heroic deeds too much to pass this up without, too, making a sacrifice.

Yours truly,

———.

RESOLUTIONS

The following resolutions were adopted by a mass meeting of Grenada citizens at the mayor's office yesterday.

The resolutions:

"We, the people of Grenada, Miss., in mass meeting assembled, hereby resolve:

"1. The people of our southland condemn lynching as well as other crimes and resent the implication that our sentiment is otherwise. We point with pride to the fact that crime in our section has been lessened more within recent years than elsewhere in our country and are determined that this record shall grow better.

"2. We disapprove the efforts being made in Congress to enact into law the proposed antilynching bill. We regard such proposal as unwise, unjust, and in direct violation of the constitutional rights of the States. As such it ought to be condemned by every American citizen regardless of his locality or political affiliations.

"3. We are disappointed and aggrieved that such measure has been initiated and is being fostered by members of the Democratic Party. This procedure on their part is evidence of their disregard of our judgment, lack of appreciation of our unbroken loyalty, and a departure from the fundamental principles of the party itself. If such course is carried to a successful conclusion it must be evident to the country that we, who remain loyal to the tenets of our party, cannot follow our mistaken brethren to their abandonment of these tenets. Divorcement, produced by their mistaken desertion, will, of necessity, be the result.

"4. We appreciate and endorse the position of our own Senators and commend their efforts to defeat the proposed legislation. We are deeply conscious of and genuinely appreciate the statesmanship, devotion to the Constitution, and unselfish regard for justice manifested by that great American, Senator BORAH. We realize of course, and, at the same time, esteem most highly the fact that his position is motivated by his sense of duty, without regard to its personal or political effect.

"5. We regret the abolition of the 'two-thirds rule' of our Democratic convention and urge our leaders to seek a restoration thereof at the earliest opportunity.

"6. *Resolved further*, That a copy of this resolution be furnished to our two Senators in Congress and to our State senator and representatives, and that same be brought to the attention of the United States Senate and the Mississippi Legislature."

BROOKLYN, N. Y., *January 20, 1938.*

Senator ELLENDER:

Say, Al, what about sitting down and let Congress proceed with important legislation? There are 130,000,000 people just praying for relief.

Father Divine shouldn't worry you. You are trying to make a small man look big. He does not represent the colored people any more than Capone, Dillinger represents the best in the white race.

I do pray to God that some day the South will be a decent place for any person to live and not be denied the right of a citizen. The background of you southerners is not altogether very brilliant—ex-convicts, malcontents, and the undesirable element of the Old World. You are only dragging the South down deeper and deeper. May God have mercy on your soul, because you certainly need it.

Not sincerely yours,

———.

You would like to regulate who or whom I may marry. Nuts to you.

PITTSBURGH, PA., *January 21, 1938.*

Hon. ALLEN J. ELLENDER,

United States Senate, Washington, D. C.

MY DEAR SENATOR ELLENDER: Keep up your great fight for racial purity. North of the Mason-Dixon line are millions of white Democrats who feel exactly as you do, but who have been betrayed by "pork hungry" politicians bent on garnering the Negro vote.

Let us keep in mind that the color line was drawn either by God Himself, or by that inexorable manifestation of the divine will which men call Nature. Since the distinction was made by such high authority, thinking men and women should be only too glad to observe it.

May God help you in your struggle against those who would barter white women for black votes.

Sincerely yours,

———.

PITTSBURGH, PA., *January 20, 1938.*

Senator ALLEN J. ELLENDER,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I read in the newspapers today an account of your speech before the Senate in opposition to the antilynch bill.

I suggest, learned Senator, that if you reversed one of your statements to read thus: "The quicker (the white) people of this Nation realize, or be made to realize, that (the Negro) is (not inferior), the better off he will be"; then you will have stated a demonstrable truth and not a dogma.

Yours truly,

———.

NEW JERSEY

JANUARY 23, 1938.

Hon. ALLEN J. ELLENDER,

Senate Office Building, Washington, D. C.

DEAR SENATOR: Allow me to express my hearty approval of your recent speech in the Senate against the antilynching bill, in which you spoke of conditions in New York City's Harlem. You certainly told the truth about that place. Having lived in the big city for 9 long years, from 1923 to 1932, I know something of conditions there, and I say without hesitation that Harlem is a festering sore on the body of our fair country. There white people and blacks mingle on terms of absolute equality in the restaurants, theaters, night clubs, hotels, churches, etc. Vice and crime flourish there. Respectable white people do not dare to venture out on the streets after dark, for they know the risk one runs of being slugged and robbed, or worse. But nothing can be done about it, because the politicians need the votes of the blacks, and so must avoid doing anything that would offend them. Ask BOB WAGNER why he is so worried about the South and what takes place there, when such conditions as I have just mentioned exist in his own city.

I wish to say here that I am a northerner; was born and reared in upstate New York, a few miles from Albany, and am also a real rock-ribbed Republican, but I do not believe in equality between white people and Negroes. I believe the latter enjoy too much freedom, and if I had my way about it they would not vote in this country. They are as much of a problem now as they were at the close of the Civil War. God only knows what the final solution of the problem will be, but it is the duty of every white man to do all he can in every way he can, to keep this a white man's country. We want no half-breed yellow race in the United States of America. White supremacy must be maintained at any cost. All honor to the southern Senators who have filibustered against this antilynching bill, and I earnestly hope that the filibuster will continue until BOB WAGNER'S pet bill is either beaten or shelved. I am willing to let the Southern States take care of the Negro question in their own way.

I enclose a clipping from the New York Sun of January 17 which may interest you. And now, with best wishes, I remain,

Yours sincerely,

———.

PEACE

SEATTLE, WASH., *February 8, 1938.*

Mr. ALLEN J. ELLENDER,

Senate Office Building.

DEAR SIR: The prejudicial mortal minds of this world might believe and declare that your complexion and mine were the same, but I'm writing this to tell you that I thank God Almighty, Father Divine, that I do not believe in races, creeds, and colors. Evidently it took an antilynching bill to show you how you look in the eyes of others, for it certainly has revealed the libelous, slanderous, and prejudicial state of your own consciousness. Why don't you get acquainted with the Constitution of these United States? Especially as regards religious freedom.

Peace.

———.

PENNSYLVANIA

PITTSBURGH, PA., *January 20, 1938.*

Senator ALLEN J. ELLENDER.

DEAR SIR: As a citizen interested in maintaining, as you say, white man's respect and superiority over the Negro, may I say that since the colored race were granted a vote by Governor Earle, in this State of Pennsylvania, our so-called hill district and east end are fully as bad as Harlem in New York, which you refer to. I was born and raised just north of Harlem, therefore I am in a position to make comparison. Our best theaters, restaurants, and all places of amusements are becoming so infested with the colored race that one hardly cares to patronize them.

We have Negro police. There are United States postal employees up to, as I understand, very close to official positions. A short

time ago I read in the newspaper where they are fighting to become school teachers. God forbid they should ever teach my child.

Senator, do not think this is written by one prejudiced against the colored race. I am not. I believe they are entitled to share in the earthly goods of the world, but, as you say, not by destroying civilization as they did in ancient India.

In conclusion I, and in behalf of my friends and many business associates, who frequently discuss this matter, implore you to continue your work against a problem more detrimental to the coming generation of white men than most people take time to foresee. May success be the reward of your efforts.

Respectfully,

———— ————.

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NEW YORK, N. Y.,
Thursday, January 20, 1938.

DEAR GENTLEMEN: It do us American Negro a great honor if you fellows keep on fighting the lynch bill. Because if the bill is not passed, the lynch bill, to protect our people and their family from inhuman slaughter by this law enforcing officers and blood thirsty poor-white, and now when 14 or 15 millions Negroes refuse to help your people to fight another country like (Japan) getting the Negroe's support and any country that don't believe in pure white supremacy, like Senator from Louisiana [ELLENDER] do. God is with the Negro and when the Negro get smart and see that your people believe in white supremacy instead "of a one for all and all for one"—Divine's motto—"But not for one who's not for all," you will get a surprise of your life. Negro is biding God-speed and he's just praying for a war so he can show men like you! You will need his help, not him needing yours to protect you and your children because his have never been protected in this country. Over 10 millions Negroes is praying for a war and hoping you will be fighting Japan a (non-white race) so you Southerners can have the nerve to ask for Negroes soldiers to fight a (non-white race) and what a surprise you will get! It's too bad (Uncle Sam) isn't divided in two countries! The Negroes will be tickle to fight and die for a man like Wagner and LaGuardia or any north or north east State. But you Southerners going to be the cost of loseing the Negroes' support. In the next war, that got to come. God have it all plan out. Just wait and see! Just like Rome! The last shall be first and first last. Please watch that prophet Negro! Please read careful and study as close as possible. It's a daily talk among Negroes about you Southerners, and hoping for a war!

NEGRO UNION OF HARLEM.

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NEW ROADS, LA., *January 26, 1938.*

Hon. Senator ELLENDER,
Washington, D. C.

SIR: Allow me in the interest of 14,000 people to make a plea for better health. Irrespective to all other things in the world, we must have health. We cannot work the fields nor gather the harvest if we are sick. If we are sick, we must beg the good white people to let us have the money to go to the charity hospital. Now, sir, please listen to this:

All we ever had comes from the white people who love us, and regardless to what happens, I still have unshaken faith in the southern white folk. All the newspaper propaganda does not arouse me. My confidence is unshaken. I was born and reared in the South. I have no fear of what may happen to me. What is it all about?

I speak for 14,000 Negroes, and we need you. As you have all ways and always stood by us, please do so now. We are erecting for ourselves a clinic, but we need someone to speak for us in places where people have money. We need your contribution to help us to buy an office examination outfit, which cost $122.50. Still with the faith of our forefathers in you and all good southern white people, may we expect your contribution?

Thanking you in advance, for we know it is forthcoming,

Yours for southern progress,

———— ————.

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NEW YORK, N. Y., *January 21, 1938.*

Senator ALLEN ELLENDER:

We, citizens, demand an apology to the Negro peoples for your filibustering and antilynch speech. This is material for a civil war. "A house divided against itself cannot stand." Yours for peace on earth to men of good will.

THE NEGRO NATIONALIST PARTY.

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SHREVEPORT, LA., *January 29, 1938.*

Hon. ALLEN ELLENDER,
Senator from Louisiana:

Permit me to thank you and the rest of the delegation from Louisiana for the wonderful work you did against the antilynch bill. The people of the South feel that this is a direct slap at home rule, instead of helping law and order in the South. I feel that this bill, if passed, would work just to the opposite end. The Negro race is progressing nicely in our country. They are provided every facility for free public education and religious worship. The peace officers of the South have worked very hard and have practically succeeded in doing away with lynch law. This courthouse and jail was attacked by a large mob bent on lynching a man who was guilty of raping and murdering a 14-year-old girl. This office and friends of law and order prevented the mob from accomplishing its purpose. Our northern Democrats do not understand the South, and I feel that our Southern State, or any other State in the Union, should be permitted to have some hope of local government free from Federal interference. I feel that the passage of this bill would be a step backwards in law enforcement.

T. R. HUGHES, *Sheriff.*

Mr. ELLENDER. I shall now yield to a question from the Senator from Kentucky [Mr. BARKLEY]. Does the Senator wish to ask me a question?

Mr. BARKLEY. I anticipate having an executive session, and then moving a recess.

Mr. ELLENDER. Mr. President, this afternoon I agreed to yield to quite a number of Senators, who addressed the Senate, and much more time was required than I anticipated. I am now going to ask the Senator if, after the vote on cloture tomorrow, the debate shall continue on the antilynching bill, I will be permitted to continue this debate?

Mr. BARKLEY. I have no objection to that. I ask unanimous consent that following the vote tomorrow on the motion to close the debate the Senator from Louisiana, if he wishes, may continue without losing his rights.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none.

ADDITIONAL COPIES OF HEARINGS BEFORE COMMITTEE ON WAYS AND MEANS—REVISION OF THE REVENUE LAWS, 1938

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 32, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 2,000 additional copies of the hearings held before said committee during the current session on the bill for the "Revision of the revenue laws, 1938."

Mr. HAYDEN. I have conferred with the members of the Committee on Printing relative to the resolution, and I move that the Senate concur in the House concurrent resolution.

The motion was agreed to.

ORDER OF PROCEDURE

Mr. BARKLEY. I ask unanimous consent that during the hour, or whatever time is left after any roll calls tomorrow, prior to the vote at 1 o'clock, such time as may be available for debate be equally divided between those who oppose and those who favor the motion which will be voted on, and that of the time thus divided one-half be controlled by the Senator from New York [Mr. WAGNER] and the other half be controlled by the Senator from Texas [Mr. CONNALLY].

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Kentucky?

Mr. CLARK. Reserving the right to object, I wish to say that in every forum with which I have ever been familiar it has always been the custom for the proponents of a proposition to have the right to open and, if they desire, to close the debate. On the last occasion when cloture on this measure was suggested, I understand from the Senator from New York that he had an agreement with the Senator from Texas that the proponents of cloture should have the close. But when it came before the Senate the Senator from Texas insisted upon his right to close, and the Senator from New York yielded.

Mr. CONNALLY. Mr. President, will the Senator yield there?

Mr. CLARK. I yield.

Mr. CONNALLY. I do not know by what authority the Senator makes that statement. All that occurred, occurred on the floor of the Senate, and all that the Senator from Texas ever contended was that the proponents had the right to open and close. The Chair so ruled, and the proponents apparently took advantage of it. The Senator from

West Virginia [Mr. NEELY] took up all the proponent's time in opening the case, and there was nothing left for him to use in closing. That is how it happened.

Mr. CLARK. Then I am misinformed about the matter.

Mr. CONNALLY. The Senator from New York will not claim anything to the contrary.

Mr. CLARK. Then I withdraw the suggestion. It does seem to me that the proponents of any proposition are entitled to the opening and closing.

Mr. CONNALLY. I have no objection to the proponents having the opening and closing if they want it. That was the understanding the other day.

Mr. BARKLEY. It was generally agreed that the proponents had the right to open and close, but unfortunately the Senator from New York yielded his time to open, and it was all consumed, so there was no more time in which to close.

Mr. CONNALLY. I am glad to have the Senator from Kentucky verify my statement, because that is exactly what happened.

Mr. CLARK. I am certainly willing to accept the statement of the Senator from Texas. I was misinformed.

Mr. BARKLEY. The usual rule will be followed.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Kentucky? The Chair hears none, and the agreement is entered into.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive calendar.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY—MAURICE M. MILLIGAN

The legislative clerk read the nomination of Maurice M. Milligan to be United States attorney for the western district of Missouri.

Mr. TRUMAN. Mr. President, I desire to make a few remarks concerning Mr. Milligan's nomination. I shall take about 10 minutes.

Mr. Milligan is now under consideration for confirmation on a reappointment. I have never thought, and I do not now think, that Mr. Milligan is qualified for the position of district attorney for the western district of Missouri. He is not professionally qualified, nor is he morally qualified.

My opposition to Mr. Milligan began long before vote frauds were brought to light in Kansas City. His morals and his political thinking never appealed to me.

The President has appointed him and the President wants him confirmed because of a situation in Kansas City due to vote fraud prosecutions in the Federal court. Mr. Milligan has been made a hero by the Kansas City Star and the St. Louis Post-Dispatch as a result of these prosecutions. The implication has been that any capable lawyer I would recommend for district attorney in western Missouri would not do his duty in regard to the vote fraud prosecutions. Every good lawyer and decent citizen in Kansas City and Jackson County is just as strongly opposed to vote frauds as are the Kansas City Star and Mr. Milligan.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. TRUMAN. I yield.

Mr. BRIDGES. Does the Senator think that because a man has done his duty and prosecuted those guilty of vote frauds, some of the worst in the Nation, he ought to be penalized now?

Mr. TRUMAN. No; I do not. I have never asked that he be penalized. I asked that he be made a special prosecutor to continue these prosecutions, and that a district attorney be appointed in Kansas City who was agreeable to the Democrats in that community.

The detail work and the actual trial of the vote fraud cases have been done by Mr. Milligan's two able deputies and not by Mr. Milligan. If the district attorney's office was to have been rewarded for vote fraud prosecutions, by a reappointment, one of these able deputies should have been appointed.

Mr. Milligan has accepted emoluments in the form of fees in bankruptcy proceedings in the Federal court of western Missouri. In fact, he has received more money in fees in one case than his salary has been from the Federal Treasury for a whole year. The Federal court at Kansas City is presided over by two as violently partisan judges as have ever sat on a Federal bench since the Federalist judges of Jefferson's administration. They are Merrill E. Otis and Albert L. Reeves. Mr. Reeves was appointed by that great advocate of clean nonpartisan government, Warren G. Harding, and Mr. Otis was appointed by that other great progressive nonpartisan, Calvin Coolidge.

I want to have inserted in the RECORD at this point an editorial from the Kansas City Times, which is the morning edition of the Kansas City Star, of January 7, 1923, on the appointment of Mr. Reeves. It shows his violent partisanship.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. TRUMAN. I also want to say that Mr. Otis has spent his time since he has been a Federal judge in going up and down the country making partisan speeches, which I do not think is the right thing for a Federal judge to do.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. TRUMAN. Yes; I yield.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Did the Senator from Missouri send something to the desk?

Mr. TRUMAN. Yes. I ask that the editorial from the Kansas City Times to which I referred be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

[From the Kansas City Times of January 17, 1923]

A DISAPPOINTING NOMINATION

In nominating Mr. Albert L. Reeves as a district judge, President Harding has selected a lawyer of limited experience and qualifications for such a position. Certainly he would not have been the choice of the members of the bar in Kansas City and western Missouri who know the importance and cherish the dignity of the Federal bench.

Politically Mr. Reeves' affiliations have been with the little minority of the Republican Party known as the boss wing, which has been repudiated repeatedly by the great bulk of the party voters. The appointment is in line with the President's other appointments such as those of E. Mont Reily and C. C. Madison.

Mr. Harding's appointments—in this part of the West, at least—have been generally disappointing. They have shown regard to a little clique of personal followers rather than to the public interest. There were other lawyers presented to the President's consideration for the Federal judgeship of much greater distinction than Mr. Reeves, whose appointment would have helped instead of hurt the prestige of the administration. It is unfortunate for the country, and the Star believes for the President himself, that he has set such an inferior standard of local and regional appointments.

These are the facts as this newspaper sees them. It is for Judge Reeves, by his ability and fairness on the bench, to prove that this opinion of his qualifications is mistaken.

Mr. TRUMAN. I yield.

Mr. BRIDGES. Does the fact that Judge Reeves and Judge Otis, the two judges of whom the Senator speaks, together with Mr. Milligan, the prosecuting attorney, were instrumental in sending to the penitentiary a great many persons who were guilty of vote frauds and corruption in Kansas City in one of the worst cases in the country have anything to do with the Senator's opposition?

Mr. TRUMAN. Not at all.

These two judges have made it perfectly plain to Mr. Milligan—and he has been able to see eye to eye with them, due to the bankruptcy emoluments—that convictions of Democrats is what they want. Lawyers in Kansas City have been afraid to act as defendant attorneys in these cases because it was plainly intimated to them that the Federal judges did not consider it the proper thing to do. Lawyers all expect to practice in the Federal court. In fact, a good friend of mine told me that he did not dare act as a defendant lawyer in these cases because he had important matters pending in Judge Otis' court.

No one in Jackson County is allowed on the jury panels. Everyone in a community of 600,000 people is barred from jury service in the Federal court of western Missouri on these cases. Grand juries were hand-picked and the attitude of the grand jury men was ascertained by the court in advance.

Petit-jury panels are investigated by the Secret Service, and if a man is found to have acquaintances in Jackson County he is barred from service.

I say to the Senate, Mr. President, that a Jackson County, Mo., Democrat has as much chance of a fair trial in the Federal District Court of Western Missouri as a Jew would have in a Hitler court or a Trotsky follower before Stalin. Indictments have been wholesale. Convictions have been a foregone conclusion. Verdicts have been directed. This is Federal court justice in western Missouri, on the face of it a conspiracy between the partisan Federal judges and their bought and paid for district attorney.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. TRUMAN. Yes; I yield.

Mr. BRIDGES. Does the Senator think that there have been any innocent men sent to prison in this connection?

Mr. TRUMAN. Yes; I do. That is the reason I am making this statement. I know that is the case.

There are certain people in connection with the vote frauds who are guilty and who ought to be punished to the fullest extent. But there are people being railroaded in these wholesale convictions who are no more guilty than the Members of this august legislative body.

I am against vote frauds, but that does not prevent my wanting a district attorney who would represent the Government and the people, and who would be above accepting emoluments from a violently partisan court. I hope the law will be amended so that district attorneys of the United States cannot accept fees from outside sources.

I repeat, the President has made this a personal appointment at the behest of the rabidly partisan press, and I am saying that the approval of this district attorney is an approval of the Hitler-Stalin tactics pursued by the District Court of Western Missouri. Because the President asked for him I have not attempted to exercise the usual senatorial prerogative to block his confirmation. I think, however, I would not be doing my public duty if I did not tell the Senate just what is going on.

Mr. BRIDGES. Mr. President, I should like to say just a few words. It is rather unusual for a Republican to rise up and defend one of the Presidential appointments, but when he is right I have no hesitation in defending him.

Mr. TRUMAN. I do not think the Senator would be doing it unless he thought it would do some injury to the Democratic Party.

Mr. BRIDGES. But I rise to that occasion at this time.

The President has nominated a man as United States attorney for the western district of Missouri who has made a great record in the State of Missouri in prosecuting some of the worst vote frauds and corruption that we have seen in this country. I have in my hand a publication known as the Missouri Non-Partisan News, published in Jefferson City, Mo., on October 23, 1936.

It contains two pictures. One of them is a picture of a residence at 912 Tracy Street, Kansas City, Mo., in the fourth precinct of the second ward. That one residence is shown in the list of June registrations as the home of 141 registered voters.

In the same publication is a picture of a vacant lot at 700 Main Street, Kansas City, Mo. This picture is open to inspection. One hundred and twelve voters registered that particular vacant lot as their home.

To show the tangible results, I have in my hand a tabulation of figures of comparative registrations, showing, in 1936, from the various Kansas City wards, a registration of 263,934, and a registration in 1938, 2 years later, of 177,506. After the vote fraud prosecutions the registrations dropped very materially as a result of the excellent action of Mr. Milligan and the two judges who so honestly and fearlessly did their duty.

I invite attention, Mr. President, to ward 2 in Kansas City. In 1936 ward 2 had a registration of 23,524. I am reliably informed that the total population in that ward was approximately 18,200. There was a total registration of approximately 5,000 more than the total population of the ward. What fraud and corruption.

These are some of the things that the gentleman, Mr. Milligan, whom the President of the United States has nominated for the office of United States attorney for the western district of Missouri, has been helping to clean up. The situation is something that commands the support of decent citizens in this country. I believe that when the President is right we should uphold him. The actions of the Pendergast machine has been such that deserve the condemnation of decent citizens. In this instance the President is standing for clean government, and he has nominated a man who has demonstrated his worth and courage.

The distinguished Senator from Missouri [Mr. TRUMAN] has made reference to two Federal judges, Judge Otis and Judge Reeves, who have contributed something in sending to the penitentiary some of the persons guilty of vote frauds. Instead of receiving a rebuke they should receive the commendation of the people of the Nation and Members of this body.

I have in my hand a photostatic copy of the penitentiary record of a man by the name of Alfred Hendrix. Mr. Hendrix at one time held a position in connection with the W. P. A. organization in St. Joseph, Mo., and was convicted of pay-roll padding and fined and sentenced to jail by Judge Merrill E. Otis.

I also have in my hand a photostatic copy of a newspaper article dated St. Joseph, Mo., January 20, 1936, entitled "A. R. Hendrix quits W. P. A. Missouri district director makes no comment on resignation—by the Star's own service."

The article reads as follows:

A. R. Hendrix, district director of the W. P. A. for 16 northwest Missouri counties, has resigned it was announced today. Mr. Hendrix declined to make any comment for statement concerning his resignation.

Mr. Hendrix is a business agent for the Brewery Workers' Union here and was given leave of absence from that position to accept the W. P. A. post. In 1934 he was manager of Senator TRUMAN'S campaign in northwest Missouri and took a leading part in Democratic club organization work here.

I do not think this personal relationship should enter into this question at all. Here is a man, Mr. Milligan, who has done a great job, who has done his duty, who by his courageous action and the honest and courageous action of the judges sitting in these cases has sent to the Federal penitentiary many guilty persons who have been violating the law, who have been perpetrating ballot stuffing and vote frauds—some of the worst in the history of America.

I hesitate to take issue with the distinguished Senator from Missouri as to matters within his own State, but I cannot sit still in this body and see a man who has fought crime and who obviously has done his duty, and who was the personal choice of the President of the United States for this post, and whom, I assume, the President has personally investigated, be the subject of charges or rebuke here without rising to his defense, which means defense of clean, honest, decent government.

Mr. CLARK. Mr. President, I regret exceedingly to find myself in complete disagreement with my colleague from Missouri [Mr. TRUMAN] in regard to this matter. While I

did not support him in his campaign for the senatorial nomination, since he has been a Member of the United States Senate we have been on the most cordial terms, as we had been on the most cordial terms before either one of us ran for the Senate. We served together in the same division in the Army.

I should not feel called on to say anything at this time except for one remark, I think twice repeated, in the address of my colleague, in which he said that Judge Milligan was morally unfit for the office of United States district attorney. My colleague's statement that he had always been opposed to the appointment of Judge Milligan is undoubtedly correct, although I may say that I was not informed of his opposition until a much later date. Judge Milligan was originally appointed on my recommendation, I at that time being the only Democratic Senator from Missouri, and all of the Federal officials—the marshals, the district attorneys, and the collectors in both the eastern and the western districts—being appointed on my recommendation.

I dare say that my colleague originally disapproved of Judge Milligan's appointment. As I say, I originally recommended Judge Milligan for appointment, because I had known him for a great many years and I had the fullest confidence in him; and I may say that at the time of his original appointment the Department of Justice selected him from a number of eminent lawyers in the State of Missouri whose appointment, I had told the Department, would be eminently satisfactory to me.

During Judge Milligan's service he has made a record of sufficient distinction to have received the encomiums of the Department of Justice and of the President of the United States himself, whose attention has been attracted to the record Judge Milligan has made. Therefore, it seems to me that under those circumstances the recommendation of the Department and the recommendation of the President of the United States, through the nomination of the President of the United States, should be sufficient. Therefore, I should not have entered into this debate had it not been for the remark of my colleague to which I have just referred.

Mr. TRUMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to his colleague?

Mr. CLARK. I yield.

Mr. TRUMAN. I wish to have my colleague understand that I am speaking strictly of Mr. Milligan's public morals, not his private morals. I think a man who would accept emoluments from a court in which he has to try cases has not the right sort of public morals.

Mr. CLARK. I am glad to have my colleague clarify that remark, because I understood, as most other persons must have understood from the language of his original remark, that he was referring to Judge Milligan's private morals. I simply desire to say that I have known Judge Milligan for 25 years, and I have never, in any place whatever, heard his moral character called in question. I am very happy to have my colleague clarify the remark.

Mr. President, as to the matter of accepting appointments from trial judges before whom a district attorney has to appear, I myself agree with my colleague that that is a bad practice. While under the law a district attorney has a perfect right to accept private employment, I agree that in general it is a bad practice. Without any reflection on any individual or any individual judge, I agree that it is a bad practice to have a district attorney appearing before a trial judge accepting appointments from that trial judge. But, Mr. President, that is a matter sanctioned by the statute, or at least not forbidden by the statute, and it is a matter specifically sanctioned by the regulations of the Department of Justice. I submit that if the Congress thinks that is bad practice, the remedy is to change the law, or, if the Department of Justice thinks it is bad practice, to change the regulations, but that it should not be brought up as a matter of moral turpitude with regard to a particular incumbent who has been nominated for reappointment after an honorable career at district attorney, or as a reflection on a particular judge.

I myself think, as my colleague has suggested, that the law ought to be changed, and that, pending the change of the law, the regulations of the Department of Justice should be changed; but the practice is certainly no reflection on the moral character of either the judges or the district attorney, since it is specifically sanctioned by the regulations of the Department.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Maurice M. Milligan to be United States attorney for the western district of Missouri? [Putting the question.] The ayes have it, and the nomination is confirmed.

The clerk will state the next nomination on the Executive Calendar.

UNITED STATES ATTORNEY—PUERTO RICO

The legislative clerk read the nomination of A. Cecil Snyder to be United States attorney for the district of Puerto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read the nominations of sundry postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters on the Executive Calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, February 16, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 15 (legislative day of January 5), 1938

COMPTROLLER OF CUSTOMS

Samuel T. Ladd, of Portsmouth, N. H., to be comptroller of customs in customs collection district No. 4, with headquarters at Boston, Mass. (Reappointment.)

COLLECTORS OF CUSTOMS

John H. Dooley, of Portland, Maine, to be collector of customs for customs collection district No. 1, with headquarters at Portland, Maine. (Reappointment.)

Henry V. Schwalbach, of Milwaukee, Wis., to be collector of customs for customs collection district No. 37, with headquarters at Milwaukee, Wis. (Reappointment.)

PROMOTIONS IN THE REGULAR ARMY

Maj. Marvin Randolph Baer, Infantry, to be lieutenant colonel from January 20, 1938.

Capt. Lewis Morrell Van Gieson, Ordnance Department, to be major from January 20, 1938.

CONFIRMATIONS

Executive nominations confirmed by the Senate, February 15 (legislative day of January 5), 1938

UNITED STATES ATTORNEYS

Maurice M. Milligan to be United States attorney, western district of Missouri.

A. Cecil Snyder to be United States attorney, district of Puerto Rico.

POSTMASTERS

ARKANSAS

George O. Yingling, Searcy.
Clyde F. Flatt, Siloam Springs.

KENTUCKY

George W. Tye, Barbourville.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 15, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

For from the rising of the sun even unto the going down of the same, my name shall be great among the Gentiles.

For Thou, Lord, art high above the earth: Thou art exalted far above all gods.

Almighty God, Thou hast made of one blood all nations of men and hast given to this world One to inspire a life of self-sacrifice and goodness. We pray Thee that He may come in all His fullness to break down the walls of prejudice rooted deep in the immemorial past, to widen the pathway of ignorance into an endless highway of mutual understanding, to lift the gates of separation off their creaking hinges and set the jubilant feet of humanity in the tides of peace and cooperation. O Master, speak the word that men and nations may live and that the grasping hand of plunder may be cut off. Heavenly Father, do Thou nourish our President, our Speaker, and the Congress in the folds of Thy care, which never fails. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8505) entitled "An act to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce."

The message also announced that the Senate had agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 31. Concurrent resolution relating to the enrollment of H. R. 8505, the Agricultural Adjustment Act of 1938.

EXTENSION OF REMARKS

Mr. BUCK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain figures regarding naval expenditures in 1935 published by the Navy Department, and testimony from the hearings before the Naval Subcommittee on Appropriations.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. REED of New York and Mr. HOFFMAN asked and were given permission to extend their own remarks in the RECORD.

Mr. BIERMANN. Mr. Speaker, I ask unanimous consent to extend in the Appendix of the RECORD an address delivered by Lynn R. Edminster, of the Department of State, at Ames, Iowa.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein a letter I have received relative to Senate Joint Resolution 64.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech made by myself over the town hall of the air radio broadcast concerning the big Navy.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REVISION OF REVENUE LAWS

Mr. LAMBETH. Mr. Speaker, from the Committee on Printing, I report back favorably (H. Rept. No. 1802) a resolution and ask for its immediate consideration.

The Clerk read as follows:

House Concurrent Resolution 32

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 2,000 additional copies of the hearings held before said committee during the current session on the bill for the "Revision of the revenue laws, 1938."

The concurrent resolution was agreed to, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent that after the disposition of the special orders for today I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I hope the gentlewoman will not ask for 2 minutes, for I have asked other Members to request not more than 1 minute.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I modify my request and ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

RECIPROCAL-TRADE AGREEMENTS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am introducing today a resolution which calls upon the Secretary of State to send to the House of Representatives photostatic copies of documents showing the effect of the reciprocal-trade agreements—copies of information furnished by consuls in countries with which reciprocal-trade agreements are in effect. We know that Nicaragua has canceled her trade agreements. It is of the utmost importance, Mr. Speaker, for us to know the effect of these agreements upon the other countries signatory thereto, as well as to our own country. I believe the country is entitled to the full picture and to all information as to whether or not the trade pacts are working out satisfactorily. The trade-agreement policy is so very far reaching in its effect that the employment of thousands of our workers is jeopardized, and many of these may be added to the staggering roll of the unemployed if we are not careful. We are entitled to all of the facts, and that is the purpose of my resolution.

Mr. Speaker, I received a letter from a woolen manufacturer, in which he tells me that today it is impossible to sell woolen goods. By the same token it is impossible to make them. The result, of course, is that hundreds of people are thrown out of employment. The following is part of the information his letter gives me:

> I am sorry to report that the discussion of this whole subject has already created a very bad condition in the market for wool and for our products. There is practically no wool being sold at the present time, and no one would think of buying either wool or goods, except for immediate consumption, until this matter is settled. In other words, the whole trade fears the future. The only way this can be corrected is by prompt action on both the raw material and the finished products.

I hope the wool growers of the West will join with me in asking that the Australian treaty be consummated at the same time as the treaty with the United Kingdom, as their market for wool will be just as vitally affected and disrupted by uncertainty as to what may be done to the tariff on the raw-wool market as will be the market for the finished woolen products.

[Here the gavel fell.]

CALENDAR WEDNESDAY BUSINESS

The SPEAKER. Under an agreement heretofore made today has been set aside for the consideration of Calendar Wednesday business. The Clerk will call the committees.

EXPERIMENTAL STATION FOR BUREAU OF MINES AT SALT LAKE CITY, UTAH

Mr. SMITH of West Virginia (when the Committee on Mines and Mining was called). Mr. Speaker, by direction of the Committee on Mines and Mining, I call up the bill (H. R. 3029) to provide for the construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to substitute for the House bill S. 628, to provide for the construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah, which is identical with the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to enter into a contract or contracts for the erection and equipment of a building or buildings on a site adjacent to the campus of the University of Utah at Salt Lake City, Utah, suitable for use by the Bureau of Mines for the mining experiment station at Salt Lake City, at a cost not to exceed $300,000, including plumbing, lighting, heating, and other general-service equipment and necessary roads, walks, and ground improvement: *Provided*, That a site adjacent to said campus, acceptable to the Secretary of the Interior, is donated and conveyed by deed giving absolute title to the United States Government.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000 for carrying out the purposes of this act.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 3029) was laid on the table.

EXTENSION OF REMARKS

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. ROBINSON of Utah. Mr. Speaker, this bill, H. R. 3029, after careful consideration by the Committee on Mines and Mining, and after extended hearing held thereon, was reported favorably by that committee with a unanimous report.

The purpose of the bill is to authorize the appropriation of $300,000 to build a suitable experiment station for the United States Bureau of Mines at Salt Lake City.

For at least a quarter of a century, the State of Utah, through the University of Utah, has furnished buildings for the housing of this station. It is now imperative that a new building for this purpose be erected. The State of Utah has contributed a site for the building near the university. This legislation has been recommended for a number of years by the Bureau of Mines because it is well known by this Bureau that the work that is now being done at the experiment station at Salt Lake City should be enlarged. In order to do this, it is necessary to have an adequate building which, it is estimated, will cost $300,000.

There are certain experiment stations at the present time working on particular problems; for instance, there is one in Oklahoma, one in Missouri, and one in Pennsylvania. However, there is no centrally located station working particularly on the problem of nonferrous metals. The work of this station will be directed toward the investigation of these particular metals. It has long been felt by the Bureau of Mines that Salt Lake City is the logical place for such a station. It is the center of one of the most potentially productive and varied mineral areas in the world. A circle of 600 miles radius, with Salt Lake City as its center, embraces an area which has yielded in recent years about 80 percent of the gold, 90 percent of the silver, 55 percent of the lead, 75 percent of the copper, and 25 percent of the zinc produced in the United States, including Alaska. Besides this it includes some of the greatest phosphate iron mineral earth deposits in the United States, which are only partially developed.

In the hearings before the committee, J. D. Conover, secretary of the American Mining Congress, appeared and submitted to the committee a resolution adopted by the advisory board of the American Mining Congress, wherein this group of mining men endorsed this bill and urged Congress to pass it. Their resolution is as follows:

Whereas the exhaustion of high-grade, easily recoverable ores has created a great need for research on the preparation, treatment, and utilization of the low-grade "complex" ores of the western part of the United States; and

Whereas the facilities of the Intermountain Experiment Station of the Bureau of Mines, maintained at Salt Lake City in cooperation with the University of Utah, are inadequate; and

Whereas, owing to the economic situation of recent years, the university is unable to continue such cooperation for work, which in reality is for the benefit of other States as well as Utah, and is finding it difficult to furnish the necessary quarters in university buildings; and

Whereas Salt Lake City, because of its central location with respect to the western metal-mining areas, is a logical place for a nonferrous metallurgical research station: Therefore be it

Resolved by the Mining Advisory Board to the United States Bureau of Mines, That the Congress of the United States be urged to enact the pending bills (S. 628 and H. R. 3029) to provide for construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah, and also to enact the bill (S. 205) to provide additional funds for the maintenance of the experiment station of the Bureau of Mines at Salt Lake City, Utah.

We are in hopes that the establishment of this station at Salt Lake City will not cost the Government any additional funds for its operation, although the Director of the Bureau of Mines, Dr. Finch, in his testimony estimated that it would cost approximately $50,000 per annum to operate this station. It is our opinion that the Mining Bureau should be decentralized and that work that is now being done in Washington can be done nearer the location of the mines, providing, of course, suitable housing facilities and suitable equipment can be provided. It is my opinion that the mining industry has not received anything like fair consideration at the hands of the Government so far as Federal appropriations are concerned. Take into consideration the large amount of money that this industry pays into the Federal Treasury. It is estimated that in an average 5-year period the taxes paid by the mining industry to the Federal Government are $800,000,000. This is approximately six times as much as all taxes paid by agriculture into the Federal Treasury during the same period. Appropriations for the Bureau of Mines have been about 2 percent of the appropriations for agriculture. When 47 percent of the people of my State are dependent on the mining industry, it can readily be understood how important the establishment of this Bureau at Salt Lake City becomes to the State of Utah.

I feel that the university has given every consideration possible to this Bureau; however, the time has come when the Government should assume the responsibility which belongs to it and furnish adequate facilities for its own employees.

I know of no place where the United States Government could expend $300,000 and bring more immediate and lasting results.

Mr. MURDOCK of Utah. Mr. Speaker, in connection with the Senate bill just passed, I ask unanimous consent that I also may be permitted to revise and extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MURDOCK of Utah. Mr. Speaker, for a score of years there has been pending in Congress legislation introduced by Senators and Representatives from Utah providing for the establishment of a Bureau of Mines Experiment Station at Salt Lake City and housing facilities for the same. Session after session of Congress has adjourned with such legislation having passed one House or the other; but up to this time never having been approved by both Houses. This legislation has been urged by the Interior Department, and especially by the Bureau of Mines, as an absolute necessity to the metal-mining industry of western United States. As each preceding bill to the present legislation has failed of passage, the urgent need of such legislation has increased.

At the first session of the present Congress Senators KING and THOMAS of Utah and Representative ROBINSON of Utah and I got together and agreed on the text of a bill to be introduced at this session. This bill was introduced jointly in the Senate by Utah's two Senators; but by reason of the fact that the rules of the House preclude joint authorship in this body, H. R. 3029 was introduced by my colleague, Hon. J. WILL ROBINSON, of the Second Congressional District of Utah, with my approval and whole-hearted support. The number of the Senate bill, which is a companion bill to H. R. 3029, is S. 628. The bills are very short and simple, and provide that the Secretary of the Interior be authorized and directed to contract for the erection and equipment of a building or buildings on a site adjacent to the campus of the University of Utah at Salt Lake City, Utah, suitable for use by the Bureau of Mines for the mining experiment station at Salt Lake City, at a cost of not to exceed $300,000, conditioned on the donation and conveyance by deed of a site, acceptable to the Secretary of the Interior, to the United States Government. A site has been provided by proper legislation and action by the State of Utah acceptable to the Secretary of the Interior and is now available for a building or buildings to be erected under this act.

H. R. 3029 came before the Mines and Mining Committee during the first session of the present Congress and was reported out unanimously by that committee. It might be appropriate at this point to say that the motion to report the bill out was made by Hon. HARRY ENGLEBRIGHT, of California, and seconded by Hon. WILLIAM LEMKE, of North Dakota, both being Republican members of said committee. This fact should be especially significant to my friends on the Republican side of the aisle.

Senate bill 628, by unanimous consent, has been substituted for consideration today for H. R. 3029, so that if the House passes this Senate bill, the only thing remaining to make the pending bill a law is the signature of President Roosevelt.

In nearly all States west of the Missouri River, metal mining is very important to the people inhabiting that part of the United States, and especially it is important to that great section of the United States, known as and comprised of the Rocky Mountain States. Without the great metal-mining industry, the States of New Mexico, Colorado, Wyoming, Montana, Idaho, Nevada, Utah, and Arizona would lose a great deal of their population and their importance to the economic and social welfare of the United States.

I do not desire to bore you with statistics, but to give you some idea of the importance of metal mining in the westernmost 11 States of the United States, may I give you the following figures showing the metallic wealth produced in each of these States during the year 1937: Washington, $2,172,140; Oregon, $2,026,324; California, $44,383,495; Idaho, $38,316,400; Nevada, $34,540,325; Arizona, $89,800,000; Montana, $58,550,820; Wyoming, $62,033; Colorado, $21,850,991; New Mexico, $14,234,539; Utah, $88,582,278, aggregating the sum of $394,519,340 for the year 1937, all of which was new wealth added to the existing wealth of the United States at the time of its production? The predominating metals representing this wealth are copper, lead, zinc, and gold. Most of these States have few manufacturing plants within their borders, but all of them have vast wealth in the form of natural resources. It will therefore be readily seen that this vast new wealth produced in these 11 Western States must quickly find its way into the great manufacturing centers of the East, the South, the Middle West, and the Pacific coast, thus making a magnificent contribution to the economic welfare of the Nation as a whole.

Next to agriculture, mining is the second basic industry in size and importance in the United States. With this in mind, may I ask you to compare the difference in Federal appropriations for the welfare of agriculture as compared to those made for the welfare of the mining industry. I do not ask this comparison for the purpose of in any way criticizing appropriations made for agriculture, as I have voted for each and every appropriation which has come before Congress for agriculture, and I am proud of my record on agricultural legislation. But I ask this comparison for the purpose of showing that the mining industry asks little in the way of Federal aid, and certainly is entitled to the little it asks for.

Salt Lake City is the logical place from all viewpoints for the location of such a mining experiment station. It is the center of one of the most potentially productive and varied mineral areas of the world. A circle of 600 miles radius with Salt Lake City as its center embraces an area which has yielded in recent years about 80 percent of all the gold, 90 percent of all the silver, 55 percent of all the lead, 75 percent of all the copper, and 25 percent of all the zinc produced in the United States, including Alaska. It also includes some of the greatest phosphate, iron, and mineral-earth deposits in the United States, only partially developed. The Salt Lake Valley is the greatest nonferrous smelting center of the United States. The city is conveniently accessible from all parts of the area affected and is the center of a mineral field so varied and interesting that it commands the interest of mining and metallurgical technicians and students in all parts of the world. In and adjacent to Salt Lake City are elaborate and most unusual mining and metallurgical processes in operation, and residents there are mining and metallurgical experts of world-wide experience and repute. The presence and availability of these plants and these experts constitute an important advantage to be gained through the location of the proposed station at Salt Lake City, as they always have and may be expected to continue to cooperate fully with the work of the Government for the benefit of the entire industry.

It is thoroughly understood among western Members of Congress interested in this legislation that this experiment station at Salt Lake City, if and when established, will in no way detract from present experiment stations now located in western States, but that it will supplement their work and it is intended to take care of the metallurgical and mining problems which cannot be handled at present stations by reason of their size and lack of facilities. The station is not intended to in any way compete with private enterprise, such as private assaying and chemical establishments, but under the practices of the Bureau of Mines, its facilities will be available to private enterprise in solving their mining and metallurgical problems with proper provision, however, that in the use of its facilities by private enterprise the Government shall be put to no expense. Similar stations are already in existence in different parts of the United States, serving the oil industry, the iron, steel, and coal industries, and the nonmetallic mineral industry, all of which industries derive great benefit and assistance from these Bureau of Mines stations. It is, therefore, only fair and equitable that the metal-mining industry of the United States be accorded and rendered the same service.

For years the Bureau of Mines has maintained a small station housed at the University of Utah; but by reason of inadequate housing and the lack of equipment and facilities, this station has been greatly handicapped in its efforts to aid mining in the vicinity of Salt Lake City. Insufficient housing and equipment facilities have not only handicapped the Bureau of Mines in their work, but are the source of

constant complaint from the University of Utah by reason of the fact that the university itself is lacking in housing space. So the passage of this legislation and the provision of suitable buildings and equipment will not only augment the efficiency of the Bureau of Mines and its work at Salt Lake City, but will relieve an overcrowded condition at the University of Utah.

The present menace of war throughout the world cannot help but cause each and all of us to make a survey of strategic war materials, the present source and supply of many of which is from without the United States. This condition exists, in my opinion, not because of a lack of these strategic metals and minerals within the United States but by reason of insufficient prospecting and insufficient inducements to compel prospectors and those interested in mining to look for them. In many places in the intermountain States of the West our mineral resources have only been scratched. What the future holds for us in metal and mineral development in the West cannot even be imagined. The United States, with its vast potential storehouses of metal and minerals, should not be dependent on any other country for its supply of them in time of emergency. The experiment station contemplated by this bill will be a great aid and advantage to the prospector in determining the value and utility of hundreds of mineral products which never see the inside of an assay office for the reason that the prospector is wholly without funds to have such products analyzed. The poverty of these prospectors is probably the reason why we are not aware at this time of deposits of manganese, tungsten, tin, and other highly useful and valuable metals and minerals which, in my opinion, exist and are only waiting for the miner or prospector to open them up. Therefore, such a mining experiment station cannot help but become important to our national defense in aiding miners and prospectors to find and develop such deposits.

I could go an and enumerate many other reasons why such a station as contemplated by this legislation is a necessity, but I feel that the unanimity of the Mines and Mining Committee, under the chairmanship of our distinguished colleague, JOE L. SMITH, of West Virginia, in favorably reporting this bill is a sufficient recommendation of the bill without my holding you here longer to point out its merits and advantages. I will, therefore, conclude my remarks by urging your support of this legislation so necessary and vital to the metal-mining industry of the Nation.

Mr. RAYBURN. Mr. Speaker, I do not know of any committee in the next two or three to be called that desires to have bills considered today; I therefore ask unanimous consent to dispense with further proceedings in order for today, Calendar Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CANCELATION OF OBLIGATIONS OF THE RECONSTRUCTION FINANCE CORPORATION

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 9379) to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes, and I shall later ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. SNELL. Mr. Speaker, reserving the right to object, what is the request?

Mr. STEAGALL. I am asking unanimous consent for the immediate consideration of the bill that was mentioned yesterday. I shall ask unanimous consent that it be considered in the House as in Committee of the Whole. I am undertaking to locate the gentleman from Massachusetts [Mr. GIFFORD] who desires to use some time.

Mr. SNELL. He has no objection to the bill?

Mr. STEAGALL. He has no objection to the bill. It comes here with a unanimous report of the committee.

Mr. SNELL. The gentleman from Michigan [Mr. WOLCOTT] wanted some time for discussion, if the gentleman will yield him a little time.

Mr. STEAGALL. I have another bill that I shall call up that the gentleman may use some time on.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the immediate consideration of the bill. Is there objection to the request?

Mr. McFARLANE. Mr. Speaker, reserving the right to object, what time will be allowed to debate this matter and have it fully explained?

Mr. WIGGLESWORTH. Mr. Speaker, a point of order. I suggest the absence of a quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and three Members are present, not a quorum.

Mr. STEAGALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 22]

Allen, La.	Disney	Johnson, Minn.	Pfeifer
Amlie	Ditter	Kerr	Plumley
Barden	Dondero	Kvale	Poage
Bell	Drewry, Va.	Lea	Ramspeck
Boykin	Edmiston	Long	Rankin
Buckley, N. Y.	Farley	Lord	Rockefeller
Byrne	Ferguson	Luckey, Nebr.	Ryan
Casey, Mass.	Frey, Pa.	McCormack	Scrugham
Champion	Gamble, N. Y.	McGranery	Smith, Maine
Chandler	Gasque	McGroarty	Smith, Okla.
Chapman	Gavagan	McLaughlin	Sweeney
Clark, Idaho	Green	McSweeny	Taylor, S. C.
Colden	Guyer	Mapes	Taylor, Tenn.
Cole, Md.	Hancock, N. C.	Mitchell, Ill.	Teigan
Cooley	Harlan	Mosier, Ohio	Thurston
Crowther	Harrington	Mouton	Treadway
Culkin	Hennings	O'Connor, Mont.	Weaver
Daly	Hull	O'Neill, N. J.	Whelchel
Deen	Jacobsen	O'Toole	Wilcox
DeRouen	Jenkins, Ohio	Pettengill	Wood

The SPEAKER. Three hundred and forty-eight Members have answered to their names, a quorum.

On motion of Mr. STEAGALL, further proceedings under the call were dispensed with.

STEPHEN B. M'CANN

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent that I may withdraw from the Committee on Military Affairs certain affidavits relating to the bill (H. R. 3068) for the relief of Stephen B. McCann. The committee has made no report on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DIES. Mr. Speaker, I ask unanimous consent that on today at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a very illuminating address by the president of the Air Transport Association of America on pending and proposed legislation for airways.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CANCELATION OF OBLIGATIONS OF THE RECONSTRUCTION FINANCE CORPORATION

The SPEAKER. The matter now pending before the House is the request of the gentleman from Alabama for the present consideration of the bill H. R. 9379. Is there objection?

There was no objection.

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole; and pending that, I ask unanimous consent that there may be 1 hour of general debate on the bill, one-half to be controlled by the gentleman from Michigan [Mr. WOLCOTT] and one-half by myself.

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, there are two very important bills, which I understand are to be considered this afternoon, that have been reported from the Committee on Banking and Currency. One of these bills the chairman of the committee, the gentleman from Alabama, has mentioned, and the gentleman has asked unanimous consent that general debate on this bill be limited to 1 hour, to be equally divided between and controlled by the gentleman from Alabama and myself.

Although it appears on the face of these bills and I understand the statement will be made that they are simply bookkeeping transactions, questions are involved in both the bills which should be given proper consideration by the House. The first bill the gentleman has mentioned involves a write-off of over $2,500,000,000. The second bill, which it is expected will be brought up, has to do with certain questions of policy concerning the management of the Commodity Credit Corporation, which started out to peg loans to cotton farmers and has lent upward of $300,000,000 up to the present time. These bills are of such tremendous importance that we feel constrained to ask for more time than the gentleman from Alabama has asked. I now have requests from Members on this side of the aisle for fully 3 hours. I do not know that I would be justified in asking this length of time for the Members on this side, but inasmuch as no other business is to be considered this afternoon except these two bills, I wish the gentleman from Alabama would modify his request and extend the time for debate so we on this side may have a minimum of 45 minutes on each bill. I am sure we would have no objection to the consideration of the bill in the House as in Committee of the Whole if such an agreement could be made. However, I really believe we should have more than one-half hour on each side; in fact, one Member has requested more time than that.

Mr. STEAGALL. Mr. Speaker, in deference to the request of the gentleman from Michigan, I modify my request and ask unanimous consent that general debate on the bill may continue for one hour and a half, to be equally divided between and controlled by the gentleman from Michigan [Mr. WOLCOTT] and myself, the debate to be confined to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama that the bill may be considered in the House as in Committee of the Whole?

There was no objection.

The Clerk read the title of the bill.

Mr. STEAGALL. Mr. Speaker, this bill was reported by the Committee on Banking and Currency by a unanimous vote. The measure involves merely a matter of bookkeeping between the Reconstruction Finance Corporation and the Treasury of the United States. It provides for the transfer to the Treasury of stocks and securities held by the Reconstruction Finance Corporation, and a charge-off by the Treasury of similar items against the Reconstruction Finance Corporation. In all, these items total $2,800,000,000. One billion eight hundred million dollars of this amount covers relief funds supplied by the Reconstruction Finance Corporation under the mandate of Congress. Other items represent capital stock in various corporations which the Reconstruction Finance Corporation was required by act of Congress to supply, such as the Home Owners' Loan Corporation, with a capital of $200,000,000, the home-loan banks with a capital of $124,741,000, the Federal Farm Mortgage Corporation with a capital of $200,000,000, the Commodity Credit Corporation with a capital of $97,000,000 and $115,000,000 advanced for crop loans by the Secretary of Agriculture, $40,500,000 advanced to the Farm Credit Administration to create a revolving fund used in part to establish the Production Credit Corporation, and other items of a similar nature. It is felt desirable by the officials of the Corporation and the officials of the Treasury that these transactions should be cleared up in order that the books in both departments of the Government may be clarified.

Not a dollar of any of the funds referred to in this bill is money lent by officials of the Reconstruction Finance Corporation within the exercise of the discretion lodged in them as officials of that Corporation.

May I also say it certainly is desirable that the Reconstruction Finance Corporation, this great institution established by the Congress for the support of legitimate business activity in the United States, should be able to keep its records straight so the business interests of the Nation may know what has happened as a result of the regular business transactions of the country with the Reconstruction Finance Corporation.

This is all I care to say at the moment, Mr. Speaker, and I reserve the balance of my time.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield for a question?

Mr. STEAGALL. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Does not the transfer involved in this measure put the Treasury of the United States into the financing business?

Mr. STEAGALL. Not in any sense of the word. This is simply a transfer to the Treasury of the holdings of the Reconstruction Finance Corporation of stocks and other securities acquired under mandate of the Congress, and not through the exercise of any discretion by the officials of the Corporation. This is purely a bookkeeping transaction. It should be remembered that the obligations of the Corporation are the obligations of the Treasury of the United States.

Mr. WHITE of Idaho. If these obligations are transferred to the Treasury, will not the Treasury of the United States be required to make collections on these obligations?

Mr. STEAGALL. Yes. Whatever is uncollected would be collected by the Treasury.

Mr. WHITE of Idaho. This puts the Treasury in the position of financing business and takes this activity out of the hands of the Reconstruction Finance Corporation.

Mr. STEAGALL. Of course, the gentleman's question answers itself. The purpose of this measure is to transfer these activities to the Treasury in order that it may hold the assets and collect what is outstanding and keep the books straight as between the two agencies of the Government.

Mr. WHITE of Idaho. There are certain collections to be made on these obligations?

Mr. STEAGALL. There are some.

Mr. WHITE of Idaho. And this activity will be transferred to the Treasury and taken away from the Reconstruction Finance Corporation, the purpose for which the Reconstruction Finance Corporation was created. Is that right?

Mr. STEAGALL. I think the gentleman's question has been fully answered.

Mr. WHITE of Idaho. Then the gentleman answers it the way I would answer. Do I understand that the gentleman agrees to this construction of what has been done here?

Mr. STEAGALL. I have stated to the gentleman exactly what is being done.

Mr. WHITE of Idaho. I think the Members of the House should have this made clear. In transferring these obligations from the Reconstruction Finance Corporation to the Treasury we are now putting the Treasury in the business of financing or collecting debts due under these obligations.

Mr. STEAGALL. If the gentleman puts the question in that way, then I answer in the negative—we are not.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman.

Mr. LEWIS of Colorado. I want to ask what was the original purpose in adopting this roundabout method of financing these various obligations which are now being sought to be turned back to the Treasury?

Mr. STEAGALL. Of course, at the time of the passage of the various acts upon which these duties were imposed upon the Reconstruction Finance Corporation it was thought that the Corporation was the simplest method by which to undertake the work. I do not know that there was any compelling reason. It seemed to be the shortest and most practical way.

Mr. LEWIS of Colorado. I thank the gentleman.

Mr. WOLCOTT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the Congress from time to time has passed legislation compelling the Reconstruction Finance Corporation to make available certain sums for relief purposes and to purchase the capital stock of relief agencies. I believe the amount involved is something like two billion and a half dollars. This is being carried today as a loss by the Reconstruction Finance Corporation. It is only natural that Mr. Jones, the Chairman of the Board of the Reconstruction Finance Corporation, should want to keep his books straight and show a net profit upon final liquidation.

We have taken a particular pride in the work which the Reconstruction Finance Corporation has done. Personally I feel this loss should be taken by the Treasury of the United States, and for that reason do not oppose the bill; but there has been some testimony to the effect that this loss will not make any difference in the Treasury statement, that it will not be shown in any different manner from the way it is at the present time. This will be discussed at length later on in the debate concerning the status of these debits on the books of the Reconstruction Finance Corporation with respect to the Treasury statement.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman.

Mr. LEWIS of Colorado. I wish to ask the gentleman the same question I asked the chairman of the committee. What does the gentleman understand was the reason for this roundabout way of acquiring funds for various relief organizations?

Mr. WOLCOTT. I understand the reason to be, and I do not answer the question as a partisan, but I am firmly of the belief that the reason we, as a Congress, compelled the Reconstruction Finance Corporation to raise this money was twofold. First, the Reconstruction Finance Corporation had unimpaired capital which made it possible for them to raise this money. In the second place, the Treasury statement would show these debits against income which would make the statement appear to be that much more out of balance, and I thought at the time, and it was commented upon at the time upon this floor, that we should put these debits where they rightfully belong, in the Treasury of the United States. When we are told that this is not going to show up in the Treasury statement in any other manner than at the present time, I take issue with that fact, although it is immaterial. The public now has to hunt for these losses in the statement of the Reconstruction Finance Corporation. If this bill is passed these losses will be right out in the open on the Treasury statement where they belong and where the people can read as they run and find them. For this reason I do not contest this bill, because I think it is the thing we should have done in the first place, instead of appropriating this money indirectly and trying to cover up the losses in the statement of the Reconstruction Finance Corporation.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Kentucky.

Mr. MAY. As I understand it, this proposal involves sums of money that were paid out for relief and that this represents obligations of the Treasury on loans to the R. F. C. The purpose now is to set it up so that it will disclose exactly what it is and why it is and what constitutes the loss so far as the Treasury is concerned, and it will be shown as an increase of the national debt as appearing on the Treasury statement.

Mr. WOLCOTT. That is correct, as I understand it. The losses have already been taken, it is true, and the money has been spent. They are not recoverable. I understand they are carried on the Treasury statement as recoverables, and if they cannot be recovered, then the Treasury, of course, has no right to carry them on its statement as recoverables.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Speaker, I yield myself 5 additional minutes.

Mr. MAY. Was there any evidence before the gentleman's committee that showed the extent, if any, to which these items are recoverable or collectible?

Mr. WOLCOTT. The gentleman from Massachusetts [Mr. GIFFORD] will cover that, I believe, fully, because he has made an exhaustive study of it and questioned Mr. Jones with respect to it in the committee. As I read the hearings, I cannot find where too much information was given along that line, because so much of it is purely guesswork, and there are contingent losses greatly in excess of those which appear in the hearings.

Mr. WIGGLESWORTH. Is it not fair to state that the result of the procedure which we followed heretofore was to conceal from the public generally what were in effect appropriations?

Mr. WOLCOTT. That is what I understand to have been the purpose of the legislation which obligated the Reconstruction Finance Corporation to make this money available instead of appropriating it directly. In that respect Mr. Jones commented upon the fact that instead of the Congress appropriating the money directly for these purposes, the Congress instructed the Board of the Reconstruction Finance Corporation to raise funds in this indirect manner, and this bill will bring these losses out into the open.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. Yes.

Mr. SNELL. As I understand the gentleman's statement, we have just been fooling the public as to the amount of our expenditures in various relief items, to the tune of two and a half billion dollars.

Mr. WOLCOTT. That is as I understand it.

Mr. SNELL. Do I understand from the gentleman's statement that after this bill is passed and signed by the President it will immediately show up on the Treasury statement that the national debt is two and a half billion dollars more than is shown at the present time?

Mr. WOLCOTT. No. Probably it will not show up in that manner, but it will be where the public can reconcile these losses with the expenditures of this administration without having to grope around in the dark to find them. These losses are chargeable against the several appropriations for relief which we have already made, and which have been covered up in the statement of the Reconstruction Finance Corporation. This will bring them out where the public can understand that this money which the Congress indirectly appropriated for relief and made available through the Reconstruction Finance Corporation is in truth chargeable against the Treasury of the United States, and that nobody, no guardian angel, is going to repay these losses into the Reconstruction Finance Corporation, or indirectly into the Treasury of the United States. They are losses and they should show as losses, and the enactment of this bill will bring them out where they will appear as losses and not as recoverable assets of the Treasury.

In respect to the gentleman's statement that part of these losses which are now carried on the Treasury statement as recoverable, they will henceforth, I understand, be carried as losses, and the gentleman is partially correct in the statement that much of this loss will add to at least the nature of the public debt at this time.

Mr. SNELL. But it will not come out in the open so that every man who looks at the statement will see that the public

debt has been increased the amount it should be, because this is an absolute loss.

Mr. WOLCOTT. We have to distinguish in this particular between the gross debt and the net debt, and I am firmly of the belief, anything to the contrary notwithstanding, that by the transfer of these losses from the Reconstruction Finance Corporation to the Treasury of the United States the net national debt will be increased somewhat, perhaps not the full amount.

Mr. SNELL. The gentleman thinks it will show immediately that the debt is increased?

Mr. WOLCOTT. It should, unless the Treasury covers it up in some other way.

Mr. SNELL. That is what I am getting at. As a matter of fact, it has been increased.

Mr. WOLCOTT. It has been, and should show on the record.

Mr. SNELL. If we have an honest statement from the Treasury?

Mr. WOLCOTT. That is correct.

The SPEAKER pro tempore (Mr. SABATH). The time of the gentleman from Michigan has again expired.

Mr. WOLCOTT. Mr. Speaker, I yield 20 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Speaker, we wish only to talk about the necessity for the enactment of the bill, and I want to say at the beginning that I am almost enthusiastically in favor of it. I have often complained rather bitterly on the floor about the methods of bookkeeping indulged in by the Treasury Department. I have read letters, or portions of letters, received from the Treasury or the Budget Director in acknowledgment of those methods, and at times somewhat apologetic for such misleading reports. There seems to have been some powerful influence to have prevented the R. F. C. from making this request before.

Sad news comes to you today. We have not $4,500,000,000 recoverables. We must charge off some $2,500,000,000 under this bill. The public debt will still be $37,000,000,000. The contingent debt is nearly $6,000,000,000. The notes and bonds have been issued. But your recoverables on the other side of the ledger are to be written off to the amount of $2,500,000,000. We of the minority have explained this situation several times on the floor, but you have kept merrily on, telling the public day after day in the daily Treasury report that we had some five billion recoverables. Among those alleged recoverables were $500,000,000 capital stock, and three and five-tenths billions of notes of the R. F. C. The Treasury has been reporting this entire amount as assets, although they knew that $1,800,000,000 had been allocated to Mr. Hopkins and that the capital stock of many corporate devices had likewise been financed by the R. F. C. I am enthusiastic for this bill, because the public now will be told, and learn, the truth. Shall I dare to say that they have been purposely misled heretofore? That might be too strong language, because perhaps for a year or more there is supposed to be a supplemental report purporting to be an attempt made by the Treasury to set forth the true face values of its securities. It should not include this $1,800,000,000 in the daily Treasury report under assets and liabilities. You will notice the full amount for some days longer, but when this bill becomes law the public will have the sad news that of $3,985,000,000 of R. F. C. securities held by the Treasury, $2,000,000,000 or more have no value. I called the R. F. C. yesterday afternoon and asked, What, at the present time, have you to give to the Treasury in return for the surrender of your capital stock and some three and five-tenths billions of your notes? The answer: "We have one and ninety-six one-hundredths billions only of securities.

Now, this misleading bookkeeping, if I am to refrain from a harsher term, has led the public to believe that the Treasury had good eggs in its basket. They agree now they should not keep this farce up any longer, since the public has learned that all the eggs are not really good.

The teacher said to the little boy: "If I lay three eggs here and five eggs over there, how many eggs will there be?"

The little boy replied: "I don't believe you can do it." [Laughter.]

The administration has evidently been advised that the people now know it cannot lay eggs in this manner.

Several questions have been asked as to why it is that this sort of thing has been carried on. A very prominent Member of another body in a public statement declared:

> The only explanation I received from any Government official was that the reason may have been to avoid large totals in the appropriation bills.

That is the reason, of course. What real value are our Appropriation Committees these days with these many corporate devices, whose capital was furnished by the R. F. C., spending at will without their supervision? This legislator referred to was Senator BYRD, in whom we have great confidence, and he further declared that all the capital stock of these devices added together was not worth 20 percent of its par value. We are constrained to agree that this statement is probably correct.

This bill will be followed by another wherein the Treasury shall make good at any time the capital stock of the Commodity Credit Corporation. We ask: "How much is it impaired at this moment?"

Mr. Jones told us that it is impaired already $75,000,000.

We will pass this bill so that they can merrily keep on doing business and losing money and not need to come to the Appropriations Committee for further authorization. I do not know whether there is any limitation at all or not, for they have authority to sell their securities guaranteed by the Government to the amount of $500,000,000. Private banks loan on cotton, with their bad loans simply guaranteed by this Corporation, as I understand it. Eventually the Corporation may take the cotton, but it would seem that losses were only guaranteed and large sums not really loaned.

What kind of government have we been drifting into wherein these agencies do not have to ask the Appropriations Committee for money; with a set-up entirely outside the Congress, with the capital stock furnished by this Government, and their notes guaranteed by this Government? We shall never know until these corporate devices shall have been wholly liquidated what our condition is; and as I have reported to you before as an example, in this special report of the Treasury not often made, they present as assets at their face value farmers' seed loans dating back even to 1921.

We might go on and recite many cases of capital stock we know to be badly impaired, but we cannot make an accurate statement, as no proper valuation has been made.

Mr. FORD of California. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from California.

Mr. FORD of California. My distinguished friend would say that was not anybody else's fault but that of Congress? The Congress authorized and directed that this be done? It is right up to Congress, is it not?

Mr. GIFFORD. If the gentleman wants to agree to that I appreciate his courage. I have presented this matter before on the floor of the House. It has been presented in another body and this Congress would not take any action. You are taking action now, though, when the R. F. C. itself requests it. Why have they not requested it before?

The Honorable Jesse Jones is one of the ablest men in this country, and I am extremely proud of him. He has demonstrated great ability in administering the huge undertaking of the R. F. C. But something, in my opinion, has held him back from coming here before to make this request. He has placed in the independent offices bill year after year as assets money given to Mr. Hopkins, because it was necessary in order to balance his books.

Mr. TABER. Will the gentleman yield?

Mr. TABER. Is this the way money seems to get out of the Treasury without an appropriation bill being passed?

Mr. GIFFORD. I yield to the gentleman from New York.

Mr. GIFFORD. I have just explained that very fully.

Mr. WIGGLESWORTH. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. It is a fact the genetleman and I and other Members of the House opposed this procedure in the House when the bill was first under consideration.

Mr. GIFFORD. Yes. We of the minority have opposed it and exposed it, but to you with the tremendous majority to protect the administration and the Treasury our protests were of no avail. The majority, therefore, must take full and complete blame for such trickery of bookkeeping used, apparently, to deceive the people.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Maryland.

Mr. GOLDSBOROUGH. The majority party has introduced this bill to clarify the situation?

Mr. GIFFORD. At long last. That is why I enthusiastically support the bill. Remember what your President said when seeking reelection? Read his Pittsburgh speech made in October 1936. Your President ought to have known better. I will be good to him and say that he probably did not know better, because the daily statement of the Treasury may have misled him, but after all if he is a competent President of the United States he should have known the facts. In telling about Hoover going into the red $3,000,000,000 he said Hoover had little to show for it. He recovered $2,000,000,000 of the Hoover $3,000,000,000 and spent it. Yet he has gone, or will have gone, into the red $15,000,000,000 further, and will go in the red $2,000,000,000 more this year with no or few recoverables. Now the sad news comes that we have only two and a half billion recoverables, including Hoover's, which have been dissipated. In that Pittsburgh speech the President stated that we had $6,000,000,000 recoverables. Seemingly, he must have been fully aware that we did not have even four billion. But that statement was obviously believed by the country. Former President Hoover replied to him immediately, exposing the misstatement, but there was apparently little attention paid to his answer. The minority has had an unfavorable court. Newspaper service does not seem to be greatly at our command. There are tons of propaganda flowing from every one of the departments of the Government and literally fed to the newspapers. It has been only recently that real criticism of this administration has begun to appear in the press generally. Many charges are now being made with reference even to the ethics of many high in the administration of the affairs of this Nation. Why is it that lately there has been this change of feeling? I think the newspapermen realize the public has been deceived for much too long; that it is time to tell the truth. Read Westbrook Pegler and others, who are showing real courage in these matters.

Mr. WIGGLESWORTH. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Is it not a fact that none of the loans we have been talking about have been reflected in the gigantic annual deficits?

Mr. GIFFORD. Of course. The deficits have been met by our borrowings to loan to these Corporations. There has been no mention made of these losses, even when the facts were fully known. We are told that we must wait until full liquidation before we know accurately enough for a report. These notes have been held as assets at face value these past 3 or 4 years for the express purpose—we may well assume—of concealing the bad news from the public. I am willing for the President to make statements like this: "We spent it for something. America got something for what we spent: Conservation of human resources through the C. C. C.; billions for security of the better life."

Let him go on like that if he wants to. Let him go on talking about the abundant life. That may be excusable, but cold facts as to the condition of our National Treasury should not be misrepresented.

Mr. FORD of California. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from California.

Mr. FORD of California. Would the gentleman say that the $1,800,000,000 spent for relief was a bad expenditure?

Mr. GIFFORD. Part of it was good and part of it was wasted, in my opinion. We will tell you about that tomorrow.

Mr. FORD of California. Would the gentleman say that the money which goes to make up the Commodity Credit Corporation for loans on cotton, wheat, corn, and other farm commodities was a bad expenditure under the circumstances?

Mr. GIFFORD. I will say that that matter is debatable when we take into consideration what has happened to our foreign markets for cotton.

Mr. FORD of California. Was it a bad expenditure? Say "yes" or "no."

Mr. GIFFORD. Yes and no. The gentleman may well ponder when only 61 cents out of $1 reaches the reliefer's pocket, you are still to continue that method when you bring up the $250,000,000 bill tomorrow. Yes; some expenditures good, some foolish, and much diverted to objects having little relation to relief.

Mr. CRAWFORD. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I should like to ask the gentleman if it is not true that the law of nature operates in such a manner that when 15,000,000 acres of cotton are retired the world production moves on and makes itself independent of that 15,000,000 acres previously cultivated? I should also like to ask the gentleman if it is not true that when one million or two and a half million men are set aside on this shelf we call relief and taken out of the productive machinery of the world, the productive operation of this world is so constituted it makes itself independent of the work of those people and curses them forever?

Mr. GIFFORD. The question of the gentleman from California was not exactly pertinent to this bill, but we read enough, I am sure, to know that the action taken in behalf of cotton—holding up the price by loans so that little of it could be sold abroad—the eventual result may be much worse for the cotton farmer than if we had left him alone. I am not debating that question at the moment. My purpose is to bring you the bad news, which ought to have been told the public long before this, and to remind you of the seeming fraud wrought upon the people by telling them we had good assets in recoverables of twice the amount that existed, which must have been fully known to those who harangued for reelection in 1936.

I apologize, as usual, for the harshness, or whatever you may call it, of my remarks. I wished to emphasize the situation rather than be too conversational. I am sorry you have to take such medicine today. You know I often sympathize with the majority. [Applause.]

Mr. GOLDSBOROUGH. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. FORD].

Mr. FORD of California. Mr. Speaker, the minority speakers so far say they are in favor of this bill. It has been explained very clearly by the chairman that this is purely a bookkeeping transaction, which transfers from the Reconstruction Finance Corporation to the Treasury obligations which this Congress directed the Reconstruction Finance Corporation to incur, and for which there was no security to be given. Get it clear in your minds that the Congress is responsible.

Further, we are told there is $1,800,000,000 of this sum that is to be wiped out, for the reason that it was spent for relief. In other words, it was given to Harry Hopkins. When his name is mentioned there is the suspicion of a sneer in connection with it.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. There was none on my part. May I ask the gentleman, if this is all a bookkeeping transaction, what he has to say about the President's telling the Nation in October 1936 that we have $6,500,000,000 in recoverables, when he knew a certain portion was not recoverable?

Mr. FORD of California. He—the President—did not know what Congress was going to do.

Mr. GIFFORD. After it had been given to Hopkins he did not know?

Mr. FORD of California. There were other recoverables, and the President, not knowing what Congress might do, did not include the $1,800,000,000 at all in the recoverables. The gentleman is forgetting about the H. O. L. C., which is quite an item in connection with Reconstruction Finance Corporation's recoverables.

To proceed, however, $1,800,000,000, this money was given for relief, for the relief of human suffering, to keep American citizens from starving to death in the crisis brought about largely by the idiotic, unscientific, and wholly blind policy pursued by the gentleman's own party.

Mr. RUTHERFORD. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. Not just now. I have another statement to make, and then I will yield.

It is also pointed out that this $1,800,000,000 has been hidden. There has not been a meeting of the Committee on Banking and Currency that I have attended, to which Mr. Jones has been called for some purpose, regardless of the purpose, that this problem has not been brought up by the distinguished and, I am sure, sincere and able gentleman from Massachusetts. The burden of his song for the last 3 years has been, "When are you going to tell the public that $1,800,000,000 of your so-called assets has been spent?" We all know that. Congress knew it. No chairman of any committee has ever come in here, and I am sure our chairman has not, and not told the Congress exactly what we were doing.

Mr. GIFFORD. But the President did not know it, apparently.

Mr. FORD of California. That is the gentleman's idea. Personally I cannot see how the President could know that Congress was going to direct the R. F. C. to advance this money.

Mr. GIFFORD. Does the gentleman agree to that? He said it.

Mr. FORD of California. No; I do not.

Mr. GIFFORD. Did not the President so state in October 1936?

Mr. FORD of California. I do not agree that he included the $1,800,000,000 in his statement.

Mr. GIFFORD. What did he include in it?

Mr. FORD of California. All right; I do not agree that he did, and the gentleman insists that he does. Let us get back to the relief phase of the question.

There are two relief angles to this matter. One of them concerns money the Reconstruction Finance Corporation turned over to the relief agencies for the purpose of relief, as I have previously described. The other is that the Reconstruction Finance Corporation was not only authorized but directed by this Congress to take up the capital stock of various corporations that had for their purpose the further relief of human suffering. The Commodity Credit Corporation, for instance, was authorized to issue debentures. We directed the R. F. C. to take up their capital stock so that they could issue debentures for the purpose of securing funds to lend money on cotton, corn, wheat, and tobacco. Now, we are told that was only partially a desirable transaction, for the reason that if this cotton had gone into international trade we would not have had to lend on it.

Let us analyze this contention for a minute. Suppose the country had produced all the cotton, all the corn, all the wheat, and all the tobacco the fertile acres of the great United States are capable of producing. What would have been the result? Surpluses of almost uncountable quantities, with prices almost at the zero point. We might have maintained our foreign trade in cotton, but we would have been giving cotton to Europe for 3 cents a pound, or maybe 4 cents, when it cost 8 cents a pound to produce it. Therefore we would be giving our soil fertility to Europe for nothing. Is this a condition the gentleman from Massachusetts would like to have continued?

The gentleman states this is one of the results of our operating on a so-called policy of scarcity. Let us analyze that statement for a moment. If the United States Government had kept its hands off agriculture and let it produce to a maximum during those periods, the time would have come when, by reason of the inability of the farmer to get a price for his product that would enable him to live, all production would have stopped very shortly. Then you would have a condition of real scarcity. What would you have paid for cotton, wheat, and corn a few years later under this sort of a condition of scarcity? You would have had to buy these commodities from other countries. You are advocating a policy that would put the United States on a basis where all its agricultural activities would have to cease because the farmers could not get enough for their products to enable them to continue to produce them. If we did not produce hogs, cotton, corn, and wheat, where would we be? We would have to go to the Argentine for our wheat. I do not know where we would have to go for our corn. We would probably have to go to Scandinavia for our hog products, we would probably have to go to Egypt and South Africa and South America for our cotton, and we would be an importing Nation of raw agricultural products due to the fallacy and the idiocy of a policy that you gentlemen are trying to tell us is the best policy for the United States of America.

Mr. MASON. Mr. Speaker, will the gentleman yield there?

Mr. FORD of California. I yield.

Mr. MASON. Would the gentleman say that our farmers would get into such a condition that they could not or would not raise these crops when the price for them was so high that we would go to the Argentine and these other nations to have them shipped in here?

Mr. FORD of California. No; the price would be so low, I said.

Mr. MASON. But if we have to go to other nations to get these products we would have to pay that price.

Mr. FORD of California. Yes; if you stopped producing, then you would have to go to other nations and import them, and our farmers would have to stop if they could not get a price for which the farmer could afford to produce these crops.

Mr. MASON. We have stopped producing now because we have so much on hand, and the gentleman would have us go to foreign nations to buy their products although we have them on hand here.

Mr. FORD of California. The gentleman is either unable to understand me or by deliberate intent, misquotes me.

Mr. MASON. That is at least the impression I got from the gentleman's argument.

Mr. FORD of California. The gentleman got a wrong impression.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. I yield to the gentleman.

Mr. REES of Kansas. I think the gentleman stated that some $1,800,000,000 has been taken out of the Reconstruction Finance Corporation fund and used for relief because of some idiotic mistake of the minority party——

Mr. FORD of California. No; I did not say that, either.

Mr. REES of Kansas. What I want to ask the gentleman is this——

Mr. FORD of California. Apparently you fellows on the minority side cannot think any better in debate than you can in respect of your general policies.

Mr. REES of Kansas. Why would it not have been better for Congress to have appropriated this money through the Appropriations Committee rather than to take it out of the funds of the Reconstruction Finance Corporation?

Mr. FORD of California. I can tell you why. It was probably more convenient and quicker to do it in this way. We were in an emergency and we had to act quickly. We had to get the money and we had to use it then.

Mr. REES of Kansas. Does the gentleman say it would be more convenient for Congress to do it that way?

Mr. FORD of California. No; it was more convenient for the R. F. C. to handle the money in this way because we were in an emergency.

Mr. REES of Kansas. And do so without the consent of Congress?

Mr. FORD of California. The Congress had already given the R. F. C. the power.

[Here the gavel fell.]

Mr. GOLDSBOROUGH. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. I yield.

Mr. WHITE of Idaho. Is there any element of loss connected with this transfer of funds under this legislation?

Mr. FORD of California. Not any more than has already been sustained.

Mr. WHITE of Idaho. There has been a loss sustained already?

Mr. FORD of California. Yes. We gave $1,800,000,000 to the suffering people of the United States to keep them from starving, and we gave them this through the Reconstruction Finance Corporation.

Mr. WHITE of Idaho. Through what channels did we put the money?

Mr. FORD of California. We turned it over to Mr. Hopkins.

Mr. WHITE of Idaho. It was handed to Mr. Hopkins?

Mr. FORD of California. Yes.

Mr. WHITE of Idaho. I understood from the chairman of the Banking and Currency Committee that this was represented by capital stock of the Home Owners' Loan Corporation and the Federal Housing Administration.

Mr. FORD of California. There is another item in connection with that. The R. F. C. was authorized by the Congress to buy the capital stock of these various corporations that were organized for a specific purpose and to do specific things, and I have taken the Credit Corporation as an example.

Mr. WHITE of Idaho. Was there any loss in connection with that transaction?

Mr. FORD of California. Yes; there was.

Mr. WHITE of Idaho. Who gained by the loss? Were the borrowers who always had to put up adequate security and pay adequate interest the gainers as a result of this loss?

Mr. FORD of California. The Corporation I referred to loaned 12 cents on cotton, and cotton is selling now at 8½ cents. They lost 3½ cents on cotton, and the people who had the cotton are the ones who gained. The Corporation has the cotton and will have to sell it for what it will bring.

Mr. WHITE of Idaho. Then this loss represents a loan to the cotton-producing industry?

Mr. FORD of California. Cotton, corn, wheat, tobacco, and other industries that borrowed.

Mr. WHITE of Idaho. Then this money did not go to financing institutions or organizations like the Home Owners' Loan Corporation and the Federal Housing Administration?

Mr. FORD of California. It did, in a measure, because this enabled those institutions to help distressed home owners and farmers at a critical moment, and the Government has taken the loss.

Mr. WHITE of Idaho. We are writing off, according to the chairman of the Banking and Currency Committee, $2,600,000,000——

Mr. FORD of California. No; $1,800,000,000 on the R. F. C. which they gave for relief, and the balance will be be such losses as were sustained on crop or other loans.

Mr. WHITE of Idaho. And the total is $2,800,000,000?

Mr. FORD of California. I will ask the gentleman from Maryland if that is the correct aggregate?

Mr. GOLDSBOROUGH. What is the gentleman's question?

Mr. WHITE of Idaho. The question is, We are writing off by this bill obligations of the R. F. C. amounting to $2,800,000,000, according to the statement of the chairman of the Banking and Currency Committee?

Mr. GOLDSBOROUGH. About $2,600,000,000.

Mr. FORD of California. I did not know the exact figure, but that has all gone to relieve the people of the United States, particularly the producers.

Mr. WHITE of Idaho. Does the gentleman mean to tell me that the $2,600,000,000 has gone out of the Treasury and we will not get it back?

Mr. FORD of California. Yes; and we have spent $15,000,000,000 out of the Treasury that we will not get back.

Mr. WHITE of Idaho. Is it the gentleman's idea that this Congress has appropriated $13,000,000,000 that will never come back to the Treasury?

Mr. FORD of California. Yes; absolutely.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, this bill proposes to relieve the Reconstruction Finance Corporation in case they have any debts and have the Treasury take them over. The distinguished minority member of the Banking and Currency Committee, the gentleman from Michigan [Mr. WOLCOTT] has already made certain observations about the Reconstruction Finance Corporation, and in my time I shall add a few words to what he has already so ably said. It is well to remember—and particularly the Republicans on this side of the House—that the Reconstruction Finance Corporation was recommended by a Republican President. It is a Republican measure. The Democrats took it and used it as a vehicle, and used it successfully, because it is sound legislation and was a sound proposal from the beginning. It provided that loans should be made by the Government on sound collateral and adequate collateral. The result has been that this administration has used the R. F. C. and has loaned $9,000,000,000 throughout this country on sound collateral and has not lost money. It may be that it will end by actually making money. It has been one of the most successful branches or bureaus of the Government—I cannot just at the moment think of anything else that has been successful under the New Deal—in helping industry and business in our country. If it had not been for the R. F. C., it is my opinion that we would have had a very much more serious situation back in 1931, 1932, and 1933.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. FISH. Not now; let me finish my statement. Not only would the banks have been closed, but the railroads, insurance companies and similar business concerns, might well have been likewise closed, and credit might have been paralyzed and collapsed, if it had not been for the Reconstruction Finance Corporation. I am glad to testify also that it has been ably managed, generally, under the Democratic administration, supposedly by a nonpartisan board, and in my humble opinion I believe that Mr. Jesse Jones, Chairman of the R. F. C., has given an honest and able administration of the vast affairs of this Corporation.

We come now to the pending bill which seems to be all right to the committee, which authorizes the Treasury Department to take over certain liabilities that may occur in the future in the R. F. C. That brings us to the Commodity Credit Corporation, and particularly to the cotton situation. Again, for the benefit of the Republicans, I would point out that under a Republican administration, from 1920 to 1930, the price of cotton averaged 17½ cents per pound, during those years. At the present time cotton is selling, after 5 years of New Deal experiments, wand-waving, and crystal-gazing, at 8½ cents a pound. After 5 years, I submit, you

cannot blame that upon the Republican Party. The cotton farmers are now receiving 100 percent less than they received on an average during the Republican administrations for 10 years between 1920 and 1930.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield at that point?

Mr. FISH. No. I wish the gentleman would not interrupt me in that way. The farmers are receiving 8½ cents a pound at the present time, and, I repeat, you cannot blame that on the Republican Party, nor can it be blamed upon the tariff, because this administration has had full control of the tariff for 4½ years. They have taken away the power over the tariff from the House of Representatives and the Senate, which has been surrendered to the Secretary of State. Therefore the price of cotton today cannot be blamed in any justifiable way upon the tariff or the Republican Party.

What is the situation and what is back of this bill? The Commodity Credit Corporation has bought 4,800,000 bales of cotton, which it practically owns for the Governemnt on loans. Mr. Jesse Jones testified before the committee that it would buy 1,000,000 more bales. That means that approximately 6,000,000 bales of cotton would be owned by the Commodity Credit Corporation, through loans with the money of the Government at an average price of about 8.40 cents a pound, and estimated to be worth $300,000,000. Last year there was an excessive cotton crop of 18,000,000 bales. Under the provisions of the farm bill which passed yesterday, the cotton crop is reduced from 18,000,000 to 10,000,000 bales. There is already a carry-over of about 4,000,000 bales in private warehouses.

In addition to that there will be the 6,000,000 bales in the possession of the Commodity Credit Corporation, making a total carry-over of about 10,000,000 bales. What are you going to do; what do you propose to do with the four and a half million bales now owned by the Commodity Credit Corporation? Under the terms of the farm bill you cannot place that cotton on foreign markets; you cannot sell it abroad and bring back that money to be distributed among the farmers. There is a limitation of time, I think 1939, within which you can even sell it on the home market, and, in addition to what we already own, there are the 4,000,000 bales of carry-over, and with the 10,000,000 bales to be produced next year there will be more than enough to take care of all the requirements, domestic and foreign, for next year, and still we will have five or six million bales in the virtual possession of the Commodity Credit Corporation. Do you propose to burn it? Do you propose to destroy it? What does the Congress and the Government propose to do with it?

It seems to me we ought to send this cotton abroad and sell it on the foreign markets for whatever it will bring and bring back that wealth to America to be distributed among the cotton farmers and, in addition, regain the cotton markets of the world, which you people from the South are losing every month and every year. You will do well to sell 4,000,000 bales this year, as opposed to 8,000,000 you used to sell abroad. Step by step Brazil, Egypt, Abyssinia, Soviet Russia, India, and China are increasing their production. They have increased it by 4,000,000 bales, just the amount we have lost on the world market; and as we lose the cotton markets the factory countries, such as Japan, Czechoslovakia, Germany, and England, are equipping their factories to handle the shorter-staple cotton of Brazil and other foreign nations. So once we have actually lost these markets, it will be very difficult to regain them.

I want to know what you are going to do with the $300,000,000 of worthless cotton, cotton which apparently is a total loss—burn it or ship it abroad? These are the two alternatives with your big carry-over and the production you are going to have next year. Furthermore, let me point out, this is not the only sum of money that will be totally lost, the $300,000,000 which the R. F. C. is trying to get away from in this bill. They want to get away from this total loss. That is one reason for this bill. They want to place it on the Treasury Department. I am not blaming them. Somebody has got to pay for it, but that is just one loss that we are going to have to take. If you look at our daily Treasury report you will see that we have a national debt of $37,500,000,000. But that report does not take into consideration the contingent liabilities which amount to $5,000,000,000 or $6,000,000,000 more: $3,000,000,000 on the Home Owners' Loan Corporation, $2,000,000,000 on the Farm Credit Corporation, $500,000,000 on the National Housing Administration, making another $5,000,000,000 or $6,000,000,000 of contingent liabilities that the Federal Government has guaranteed. These are matters for us as Members of Congress to consider when we are trying to put our financial house in order.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. FISH. I know the gentleman has been wanting to ask me a question, or probably give me the benefit of his opinion. I yield.

Mr. PACE. Is it not true that the Commodity Credit Corporation has in the course of its life taken over approximately 4,000,000 bales of cotton? The Government now has only 1,500,000 bales of cotton.

Mr. FISH. I am quoting Mr. Jones. Mr. Jones, in his testimony, said there were 4,800,000 bales owned now by the Commodity Credit Corporation.

Mr. PACE. I think probably Mr. Jones was testifying that the Commodity Credit Corporation had purchased that much cotton at one time or another; but the Government now has a little less than 1,500,000 bales of cotton.

Mr. FISH. He actually gave this figure; and he said, furthermore, they expected to have to take over another 1,000,000 bales, which would make it 6,000,000. He mentions specifically the $300,000,000 at our hearing. I want, of course, to be correct, and the House is entitled to be advised correctly. The principle is the same in what both of us are talking about, but I am positive that my figures are accurate.

Mr. KITCHENS. Mr. Speaker, will the gentleman yield for a question?

Mr. FISH. Yes; for a brief question.

Mr. KITCHENS. I understood the gentleman to say that there was a $300,000,000 loss which the R. F. C. would like to get rid of because of those 4,000,000 bales of cotton.

Mr. FISH. Yes.

Mr. KITCHENS. Does the gentleman mean to say that it is a loss? When these 4,000,000 bales of cotton are sold we should realize around $300,000,000; and, should we get back to the prosperity we once enjoyed and to which we are looking forward, perhaps we shall get 17½ cents for the 4,000,000 bales and double the price, make money on it.

Mr. FISH. I assure the gentleman that I do not think we shall get back to that kind of prosperity until we elect a Republican President.

I want to be fair. I mean exactly what I said. We cannot sell it; our hands are tied by Congress. We have this cotton. We cannot ship it abroad. You should either burn it or send it abroad and sell it for whatever it will bring.

I have Mr. Jones' exact figures here now. I shall insert them in my speech when I revise it. Time is too short to permit me to read them, but they substantiate precisely the figures I quoted.

Mr. FULMER. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. FULMER. As a matter of fact, the Commodity Credit Corporation does not own a single bale of cotton that was placed with them during 1937; they simply lent money on it.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Speaker, I yield the gentleman the balance of the time at my disposal, 4 minutes.

Mr. FISH. Mr. Speaker, I ask unanimous consent to speak out of order during this 4 minutes, although I shall speak on banking matters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. I want to make some observations about the change in the Government's gold policy. I believe that the burying of the gold, that we have bought at twice and three times the cost of production from foreign countries in the ground, has been the greatest folly of the present administration. It has been buried in the ground where it can do no good, where it can feed nobody or clothe nobody. It draws no interest and can accomplish nothing or benefit anyone in need or unemployed.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. FISH. I cannot yield in 4 minutes.

Mr. WHITE of Idaho. I do not think the gentleman wants any information on the subject.

Mr. FISH. I have plently of information to give in 4 minutes anyway.

The President has repeatedly said that one-third of our population is ill-nourished, ill-housed, and ill-clothed. He has been buying from foreign sources out of the Treasury this gold, produced largely in Africa and Soviet Russia at $15 or $20 an ounce, for which we pay $35 an ounce. It comes from out of the ground. We bring it over here, put it back in the ground again where it does no good to anyone in our country. Now, thank God, the New Dealers have seen the error of their ways and the Treasury Department last night has anounced a change in policy. They are going to use up to $100,000,000 in imported gold every 3 months for the purpose of helping credit in our own country, instead of buying the gold at twice its cost of production and giving our money away for gold that we bury in the ground again.

This means that the New Dealers have repudiated their former gold-buying policy, the height, in my opinion, of all the insane policies of New Dealers and of the "brain trusters." They have found from experience that it failed, that it has done no good, and they have now come out openly and said, "We admit our error; we propose to change our fallacious policy and we are going to put this gold to work." I take this opportunity to congratulate the Secretary of the Treasury and the Democratic majority for this change of heart. [Applause.]

Mr. STEAGALL. Mr. Speaker, I yield the gentleman from Pennsylvania [Mr. RICH] 10 minutes.

Mr. RICH. Mr. Speaker, first I thank the gentleman from Alabama, chairman of the Banking and Currency Committee, for the distinct pleasure and honor of having 10 minutes yielded to me, because I was unable to get time from my side of the House.

Mr. STEAGALL. I yield the gentleman the time on condition he will agree to vote for this bill.

Mr. RICH. Mr. Speaker, may I say to the Members of the House that when the Reconstruction Finance Corporation was formed it was called the Reconstruction Finance Corporation. Not until we had the New Deal agencies and organizations did they begin to call it the R. F. C. During recent times all these New Deal agencies have been called by their alphabetical names. Then the Reconstruction Finance Corporation was handled in the same manner and under the same conditions as the other alphabetical New Deal agencies were handled.

Where do we find ourselves today? Just where I expected we would find ourselves under an administration of mismanagement, misrule, and under the rules and regulations that were set up by the various New Deal organizations, which appropriated funds of the Federal Government when they did not know from where they were going to get the money or where they would loan it. They knew that the R. F. C. would be loaned money by the people of this country and that they would have money to allocate to business for business purposes.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. RICH. I yield to the gentleman. Make it short.

Mr. WHITE of Idaho. Where does the R. F. C. get its money? From the people of the United States? Through what channel?

Mr. RICH. They get it through the Federal Treasury, also the sale of bonds, but the Federal Treasury does not know where it is getting the money.

Where do we find ourselves with this bill, H. R. 9379? Under the Emergency Relief and Construction Act, under the Emergency Farm Mortgage Act, under the Home Owners' Loan Act, under the Federal Emergency Relief Act, under the National Housing Act, under the Emergency Relief Appropriation Act, under the Farm Mortgage Corporation Act, and under the Farm Credit Act you have borrowed from the R. F. C. You told the R. F. C. to lend money to all these New Deal alphabetical organizations; now you want to cancel the notes of the New Deal agencies because you want to balance at least one Budget, and this is the only way you know how to do it. You ask the R. F. C. or the Reconstruction Finance Corporation to wipe off of its books the money that the Congress has requested it to lend. Some procedure, I must confess. Some business you are doing. I do not blame Jesse Jones for trying to keep his organization in good condition. I think he is a good financier when he knows enough to balance his books, even if he has to get you fellows to do it for him in such legislation as this. We told you when you passed the New Deal legislation you would be sorry, and the day is here and more to follow.

Mr. LEWIS of Colorado. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. Is it not a fact that under the Hoover administration——

Mr. RICH. We are now under the Roosevelt depression administration. We are not under the Hoover administration.

Mr. LEWIS of Colorado (continuing). Exactly the same method of financing was followed, through the Reconstruction Finance Corporation, as that method of which the gentleman complains that the Roosevelt administration has been following.

Mr. RICH. But the Hoover administration made good, legitimate loans, expecting to get the money back, but you fellows have told the Reconstruction Finance Corporation and Jesse Jones to make loans that you knew you would never get back. Jesse Jones lent recently several million dollars to a college in Texas. He was advised not to make the loan. He made that loan in Texas and Jesse Jones knows he will never get the money back. The people of Texas know he will never get the money back and they do not expect to pay the money back. You watch that loan to the Texas college for $2,000,000.

Mr. LEWIS of Colorado. How about the money lent under the Hoover administration to the Chicago banks?

Mr. RICH. And the gentleman never expects to get the money back.

Mr. MARTIN of Colorado. Tell us about that Dawes loan.

Mr. RICH. It does not make any difference whether you lend money to Mr. Dawes or any other individual, when you know the loan is not good you should not make it. I do not care whether the individual be a Republican or Democrat. That is what I am criticizing you for. You should never have made some of these loans that were made. When you know they were bad loans, that is bad business. I am for good, sound, sensible, honest business.

Mr. HOUSTON. That was made under the Hoover administration.

Mr. RICH. These loans to the above New Deal set-up should not have been made under the guise of trying to give people relief and under that plea asking us to wreck our financial structure. That, to me, sounds like boys' reasons for making bad loans. They are political loans most of them. A political loan is a bad loan.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Oregon.

Mr. PIERCE. Is it not true the Reconstruction Finance Corporation was organized to save the railroads, the banks, and the insurance companies from going through the wringer?

Mr. RICH. Yes; and it did the job admirably. If you, who have pride of authorship in the Federal Reserve System, had had men in the System at that time who would have made loans to the banks as the Federal Reserve System was expected to make loans, that condition would not have existed, in my judgment. May I say, also, that Eugene Meyer, a Republican, who was in charge of the Federal Reserve System, did not do his duty, and this is one reason we had the trouble. If the men in charge of the Federal Reserve had lent money and let the Federal Reserve System go bankrupt, if necessary, we would have served the people of this country and served them well. We might have robbed some banks of a little surplus stock but saved a million depositors of life savings.

Mr. PIERCE. Is it not true we are going to lose practically all the railroad loans? The gentleman knows that is true.

Mr. RICH. You are not going to lose all the railroad loans. You are going to be asked here—and I believe the Members on the gentleman's side of the aisle will vote for it—to take over the railroads, if you do not stop some of your foolish legislation. We are going into a communistic form of government. Everything you have been doing has been in the direction of taking over private business and putting the Government into business, putting the Government into this, that, and the other thing. The first thing you know all you will have will be a communistic state. The gentleman from Oregon, as an honest and conscientious American citizen, ought to try to eliminate or cut down—yes, cut—the many organizations this administration has established. Repeal a lot of these laws and let us get back to fundamental principles of government. Let us get back to trying to help the people of the country by work and not the dole. Instead of trying to bring the lower third up to a more abundant life way beyond the standard of the second class who are workers, and in the process kill off the other two-thirds by excess taxes, let us go along on the basis of economy of government. Let us get the upper two-thirds of the people active in business. If we do this, we will have a good administration yet. We will put the people back to work. Idleness breeds discontent. Jobs make happy homes and furnish food and abundance. Farm scarcity and no food bring diseases, discontent, disgust, and damnation. Let us help to make this a good administration, if that is possible, by obeying the Constitution. Let us go to work and repeal more of the bad laws, so that we can have American markets for the American farmer, laborer, and manufacturer, and we will continue to have a good country. [Applause.]

Mr. STEAGALL. Mr. Speaker, I merely desire to place in the RECORD in detail the items that are embraced in the provisions of the bill before the House, and I repeat that they stand in a separate category entirely from the usual operations of the Reconstruction Finance Corporation. All of these items represent funds that were supplied by the Reconstruction Finance Corporation under mandatory orders from the Congress and without the exercise of any discretion on the part of the officials of the Reconstruction Finance Corporation.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield at that point?

Mr. STEAGALL. Not for the moment.

The items covered in this bill, exclusive of $1,800,000,000 that represents funds expended for relief and for relief purposes only, are as follows:

$124,741,000 represents the capital stock of the home-loan banks;

$200,000,000 the capital stock of the Home Owners' Loan Corporation;

$2,600,000 is loans made by the land bank commissioner to joint-stock land banks;

$200,000,000 the capital stock of the Federal Farm Mortgage Corporation;

$40,500,000 represents money advanced to the Farm Credit Administration to create a revolving fund used in part to establish the Production Credit Corporations;

$115,000,000 for crop loans by the Secretary of Agriculture;

$97,000,000 for capital stock of Commodity Credit Corporation;

$10,000,000 for capital stock of Disaster Loan Corporation;

$7,500,000 for stock of regional agricultural credit corporations;

$10,000,000 was advanced to the Federal Housing Administration to create a mutual mortgage-insurance fund; $15,000,000 for renovation and modernization loans and insurance by F. H. A.; and $32,600,000 for the expense of establishing and operating the Federal Housing Administration; and

$16,000,000 for expenses of operating regional agricultural credit corporations.

There is no basis whatever for the contention that, exclusive of the relief advances made by the Reconstruction Finance Corporation, the holdings to be transferred by the Corporation to the Treasury are not sound and valid, at least to an extent approaching substantial reimbursement of the total funds covered by these different items.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. GIFFORD. The gentleman does not mean that when he states that of the $100,000,000 carried today $75,000,000 is practically wiped out with respect to the Commodity Credit Corporation. The gentleman does not mean that is going to be carried at its face value?

Mr. STEAGALL. The gentleman understands, of course, the operations that will be conducted by the Treasury in dealing with the various items covered in this bill.

Mr. GIFFORD. The gentleman would not want the House to believe that.

Mr. STEAGALL. Certainly, we cannot treat such items as the capital stock of the Home Owners' Loan Corporation or the home-loan bank or the various items I have just read as being worthless paper.

Mr. Speaker, I do not desire to use further time.

Mr. WHITE of Idaho rose.

Mr. STEAGALL. Mr. Speaker, I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Mr. Speaker, I want it to appear in the RECORD that I asked for time to speak on this bill, time was refused me, and I ask unanimous consent that I may extend my own remarks at this point in the RECORD.

Mr. STEAGALL. I wish to yield to the gentleman for a question, if he desires it.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend his own remarks in the RECORD at this point. Is there objection?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, this is a most important piece of legislation. The distinguished chairman of the Banking and Currency Committee has stated that the bill authorizes and it is proposed to write off and cancel $1,800,000,000 in money that has been lent and is due the Reconstruction Finance Corporation. The bill does more than that—it establishes a new precedent; it puts the Treasury of the United States directly in the financing business, in that this bill provides:

> That any evidence of indebtedness with respect to funds disbursed by the Reconstruction Finance Corporation under or by reasons of the provisions of law referred to in subsection (A) hereof be transferred to the Secretary of the Treasury.

And the thing that appalls me is the fact that a bill of this kind which involves fundamental principles affecting the Treasury of the United States and cancels over a billion and a half dollars of obligations due this governmental financial agency, receives such scant attention on the part of the

Members of the House of Representatives. For the information of the Members the bill H. R. 9379 is inserted at this point:

H. R. 9379

A bill to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to cancel notes of the Reconstruction Finance Corporation (which notes are hereby made available to the Secretary of the Treasury for the purposes of this section) and all sums due and unpaid upon or in connection with such notes at the time of such cancelation and discharge in a principal amount equal to the outstanding funds of the Reconstruction Finance Corporation heretofore or hereafter disbursed under or by reason of the provisions set forth in—

(a) Section 2 of Reconstruction Finance Corporation Act, approved January 22, 1932 (47 Stat. 5), as amended; act approved February 4, 1933 (47 Stat. 795); section 1 (a) to (d) and last sentence of section 201 (e) of Emergency Relief and Construction Act of 1932, approved July 21, 1932 (47 Stat. 709); section 1 (e) of Emergency Relief and Construction Act of 1932, approved July 21, 1932 (47 Stat. 711), and any amendatory or supplementary legislation; section 5 of Farm Credit Act of 1933, approved June 16, 1933 (48 Stat. 258), as amended; section 5 of Agricultural Adjustment Act, approved May 12, 1933 (48 Stat. 33), as amended; sections 30 (a), 32, and 37 of Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (48 Stat. 46, 48, and 50), as amended; section 4 of Home Owners' Loan Act of 1933, approved June 13, 1933 (48 Stat. 129); Federal Emergency Relief Act of 1933, approved May 12, 1933 (48 Stat. 55); first paragraph of title II of Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934 (48 Stat. 1055); section 4 of National Housing Act, approved June 27, 1934 (48 Stat. 1247); Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); section 3 of Federal Farm Mortgage Corporation Act, approved January 31, 1934 (48 Stat. 345); section 33 of Farm Credit Act of 1937, approved August 19, 1937 (50 Stat. 717); and

(b) First sentence of section 201 (e) of Emergency Relief and Construction Act of 1932, approved July 21, 1932 (47 Stat. 713); section 84 of Farm Credit Act of 1933, approved June 16, 1933 (48 Stat. 273), as amended; act approved April 10, 1936 (49 Stat. 1191); act approved February 11, 1937 (50 Stat. 19);

together with expenses incurred by Reconstruction Finance Corporation in connection with section 1 of the Emergency Relief and Construction Act of 1932, as amended; and together with the interest paid to the Treasury thereon in the amount of $33,177,491.82: *Provided*, That any evidence of indebtedness with respect to funds disbursed by Reconstruction Finance Corporation under or by reason of the provisions of law referred to in subsection (a) hereof be transferred to the Secretary of the Treasury: *Provided further*, That with respect to funds heretofore or hereafter disbursed by Reconstruction Finance Corporation under or by reason of the provisions of law referred to in subsection (b) hereof, notes shall be canceled by the Secretary of the Treasury only upon the transfer and delivery by the Reconstruction Finance Corporation to the Secretary of the Treasury or to such officer, officers, agency, or agencies as the President shall designate, of all such capital stock as the Reconstruction Finance Corporation may hold pursuant to any provision of law referred to in said subsection (b): *Provided further*, That the Secretary of the Treasury and the Reconstruction Finance Corporation are authorized and directed to make adjustments on their books and records as may be necessary to carry out the purposes of this act.

SEC. 2. The amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of law referred to in subsections (a) and (b) of section 1 of this act is correspondingly reduced by the amount of the notes authorized to be canceled by the Secretary of the Treasury pursuant to section 1 of this act.

SEC. 3. Any sums at any time received by any agency of the United States, including the Reconstruction Finance Corporation, representing repayments or recoveries of funds disbursed out of amounts allocated or made available pursuant to any of the provisions of law referred to in section 1 hereof, shall forthwith be covered into the general fund of the Treasury, except that whenever, under applicable provisions of law or otherwise, such funds represent amounts which continue to be available or required to be expended for the purposes for which originally allocated or made available, such funds shall not be covered into the general fund of the Treasury until the expiration of the period during which they are so available or required to be expended.

SEC. 4. Section 3 of the Reconstruction Finance Corporation Act, approved January 22, 1932, as amended (U. S. C., 1934 ed., title 15, sec. 601, and the following), is further amended by striking out the first two sentences of such section and inserting in lieu thereof the following: "The management of the Corporation shall be vested in a board of directors consisting of five persons appointed by the President of the United States, by and with the advice and consent of the Senate. Of the five members of the board, not more than three shall be members of any one political party and not more than one shall be appointed from any one Federal Reserve district."

Now, Mr. Speaker and Members of the House, if we are going to transfer these accounts to the Treasury of the United States and put the Federal Treasury in the financing business, why have the Reconstruction Finance Corporation? Mr. Speaker, what is the Reconstruction Finance Corporation? It is an adjunct of the Treasury that draws on collective credit of the people of the United States to put the Government in the business of financing commerce and industry, and, most important of all, when we consider the benefits to capitalists, it is the greatest reservoir ever created for the storage of income, yielding wealth out of reach of taxation. When the Reconstruction Finance Corporation was created by law, $500,000,000 was appropriated to finance its operation, and the Corporation was authorized to issue $1,500,000,000 additional bonds to finance its lending; but we find that not one bond of what it was authorized to issue was sold on the market. Of the $9,000,000,000 raised to finance the operations of the Reconstruction Finance Corporation, every dollar was raised by the issuance of R. F. C. notes to the Federal Treasury, which were financed by the sale of tax-exempt bonds.

By putting capital seeking investment through this channel, the Government relieves the investor of the expense and risk of placing his loan, insures the collection of interest, absorbs the losses, and relieves the wealth so invested of taxation. Could any better system be devised for the benefit of our capitalist? Is it any wonder the money stream for business investments has dried up, and the Government forced further and further into the field of business financing, and that business is forced more and more to look to the Government for money to finance its operations to be loaned by some governmental agency? This bill is a demonstration that the Government is absorbing losses incurred in financing business.

Mr. Speaker, whither are we drifting? Is it not time we stopped and gave serious consideration to a solution of the money question and the function that energizes business? Can we go on and on piling up debt and paying interest on profitless business due to depressed price levels resulting from an inadequate and decrepit monetary system?

Mr. Speaker, we have listened to some profound discussions on financial conditions and the causes of the depression; but when we seek enlightenment by asking the privilege of an explanation, the learned gentlemen who take the floor refuse to yield or to explain their statements. I would like to ask one of the gentlemen who preceded me, if the United States Treasury had supported the price of silver in the Hoover administration as is being done today, if the effect of the depression would not have been moderated to a large extent. I would like to have asked the learned gentleman from Massachusetts if the struggle between the financiers of England, France, and the United States for the control of the world's banking business contributed to the collapse and intensified the depression, and, as a part of the fight waged in this contest, if the breaking down of the price of silver by the British financial interests did not have a disastrous effect on world markets and was a large factor in intensifying the depression.

Mr. Speaker, the R. F. C. is just another expedient and substitute for a sound and stable monetary system. If we are ever to establish such a money system in this country, it must be based on a stable monetary unit—a dollar of unchanging value so aptly described by President Roosevelt when he said:

> The United States seeks the kind of a dollar which a generation hence will have the same purchasing power and the same debt-paying power as the dollar value we seek to establish in the near future.

Mr. Speaker, two controlling facts have been demonstrated in recent financial development—the one that while gold is indispensable as a basis of a monetary system, the quantity is insufficient to adequately supply a money of ultimate redemption in the world's monetary system; the other is that a managed currency system based on bank credit is insecure, unstable, and unworkable in times of stress.

Mr. Speaker, it is my considered and firm opinion that we must revise and rehabilitate our monetary system to conform to the principles of economic law, a currency based on cash—money of ultimate redemption, automatically controlled by the coinage of the precious metals in a quantity that increases evenly with the growth of population and the expansion of business which due to the deficiency in the quantity of gold can only be attained by the addition of another metal to gold in our monetary system which will adequately meet the requirements of economic law, that we may have a dollar of unchanging value which can be attained only by the coinage of both gold and silver at a ratio fixed by nature 16 to 1.

Mr. Speaker, when we stop to consider who has the largest interest at stake in the solution of the monetary question and the establishment of a sound and adequate monetary system based on a stable dollar, let me tell you it is our wealthiest capitalists, our businessmen, and our financiers; the collection of interest and the increasing value of their accumulative dollars may appear alluring to them now but security has a greater value to them than hoarded wealth. Their controlling position in society has been attained, their wealth has been acquired, the time is here when the moneyed class if they are to be secure in their advantages must lay aside their money-gaining schemes and come to the assistance of the chosen representatives of the people and their Government to restore business prosperity and reestablish a stable monetary system, and the kind of a Government that will insure fair dealings in business throughout the country. They must come to our aid now if our Government and its institutions are to endure.

The SPEAKER. All time has expired; the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to cancel notes of the Reconstruction Finance Corporation (which notes are hereby made available to the Secretary of the Treasury for the purposes of this section) and all sums due and unpaid upon or in connection with such notes at the time of such cancelation and discharge in a principal amount equal to the outstanding funds of the Reconstruction Finance Corporation heretofore or hereafter disbursed under or by reason of the provisions set forth in—

(a) Section 2 of Reconstruction Finance Corporation Act, approved January 22, 1932 (47 Stat. 5), as amended; act approved February 4, 1933 (47 Stat. 795); section 1 (a) to (d) and last sentence of section 201 (e) of Emergency Relief and Construction Act of 1932, approved July 21, 1932 (47 Stat. 709); section 1 (e) of Emergency Relief and Construction Act of 1932, approved July 21, 1932 (47 Stat. 711), and any amendatory or supplementary legislation; section 5 of Farm Credit Act of 1933, approved June 16, 1933 (48 Stat. 258), as amended; section 5 of Agricultural Adjustment Act, approved May 12, 1933 (48 Stat. 33), as amended; sections 30 (a), 32, and 37 of Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (48 Stat. 46, 48, and 50), as amended; section 4 of Home Owners' Loan Act of 1933, approved June 13, 1933 (48 Stat. 129); Federal Emergency Relief Act of 1933, approved May 12, 1933 (48 Stat. 55); first paragraph of title II of Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934 (48 Stat. 1055); section 4 of National Housing Act, approved June 27, 1934 (48 Stat. 1247); Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); section 3 of Federal Farm Mortgage Corporation Act, approved January 31, 1934 (48 Stat. 345); section 33 of Farm Credit Act of 1937, approved August 19, 1937 (50 Stat. 717); and

(b) First sentence of section 201 (e) of Emergency Relief and Construction Act of 1932, approved July 21, 1932 (47 Stat. 713); section 84 of Farm Credit Act of 1933, approved June 16, 1933 (48 Stat. 273), as amended; act approved April 10, 1936 (49 Stat. 1191); act approved February 11, 1937 (50 Stat. 19);

together with expenses incurred by Reconstruction Finance Corporation in connection with section 1 of the Emergency Relief and Construction Act of 1932, as amended; and together with the interest paid to the Treasury thereon in the amount of $33,177,491.82: *Provided*, That any evidence of indebtedness with respect to funds disbursed by Reconstruction Finance Corporation under or by reason of the provisions of law referred to in subsection (a) hereof be transferred to the Secretary of the Treasury: *Provided further*, That with respect to funds heretofore or hereafter disbursed by Reconstruction Finance Corporation under or by reason of the provisions of law referred to in subsection (b) hereof, notes shall be canceled by the Secretary of the Treasury only upon the transfer and delivery by the Reconstruction Finance Corporation to the Secretary of the Treasury or to such officer, officers, agency, or agencies as the President shall designate, of all such capital stock as the Reconstruction Finance Corporation may hold pursuant to any provision of law referred to in said subsection (b): *Provided further*, That the Secretary of the Treasury and the Reconstruction Finance Corporation are authorized and directed to make adjustments on their books and records as may be necessary to carry out the purposes of this act.

Mr. FISH. Mr. Speaker, I move to strike out the last word. I do this for the purpose of substantiating a statement I made a few moments ago as to what Mr. Jesse Jones testified before the Committee on Banking and Currency on this bill. I quote from the hearings:

Mr. FISH. Could you tell the committee from your own knowledge how many bales of cotton the Commodity Credit Corporation has already taken over?

Mr. JONES. We have now 4,800,000 bales.

Mr. FISH. Do you know whether it is proposed to take over any more?

Mr. JONES. We have agreed to take over whatever the farmer wishes to borrow from us on the 1937 crop.

Mr. FISH. What is your estimate on that?

Mr. JONES. Probably another million bales.

Mr. FISH. Only one million more?

Mr. JONES. I think that that would cover it.

Mr. FISH. At what price do you take it over?

Mr. JONES. At an average of 8.38 this month.

Mr. FISH. Assume that you have in a short time 6,000,000 bales at 8.37; have you the power to sell that on the foreign markets?

Mr. JONES. Yes.

Mr. FISH. Have you the power at the present time to sell any of that cotton on the foreign markets?

Mr. JONES. Yes.

That is before this farm bill went into effect. He goes on to say that under the pending bill—that is, the bill which has just been passed—he did not have the power:

Mr. FISH. Can you, after this bill goes through, sell on the foreign markets?

Mr. JONES. Yes; if we can sell at a price high enough to bring us out.

Mr. FISH. Is that the only limitation?

Mr. JONES. No. You are talking about another fellow's bill. My understanding is that we could not sell this cotton until after July 1, 1939.

Mr. FISH. So you cannot sell any cotton until July 1, 1939?

Mr. JONES. That is right.

Mr. FISH. Then I believe you have the right to sell if you can get the full amount of 8.37?

Mr. JONES. Plus carrying charges.

Mr. FISH. And that really is no power at all, because the cotton is selling under that on the world market; is it not?

Mr. JONES. It is now.

Mr. FISH. So your hands are tied.

Mr. JONES. Under the new act, our hands are tied; under the agricultural bill as it now stands.

Mr. FISH. Your hands are again tied under the act that is pending today?

Mr. JONES. That is the one that I was talking about. Our hands are not tied.

Mr. FISH. But you say this bill will tie your hands.

Mr. JONES. That is my understanding.

Mr. FISH. So that you cannot sell it.

Mr. JONES. So that we cannot sell it.

Mr. FISH. Therefore you will hold this cotton. What can you do with it?

Mr. JONES. We will ask you to tell us—I mean Congress.

Mr. FISH. I will tell you. The only thing that I can say is to burn it.

I repeat to you Members of Congress that we must either enable the Commodity Credit Corporation to sell cotton on the world markets or burn the cotton and take the loss. I prefer to sell it on the world markets and bring several hundred million dollars back to this country to be distributed among our cotton farmers.

I have in the last few minutes communicated by telephone with the Commodity Credit Corporation, and a high official there anticipates that the Corporation, by the 1st of April, will control, through loans at that date, not 6,000,000 bales but over 7,000,000 bales at a cost not of $300,000,000 but of $400,000,000.

Mr. LEWIS of Colorado. Mr. Speaker, I rise in opposition to the pro forma amendment, for the purpose of asking the chairman of the committee a question. Is it not a fact that this method of indirect financing through the R. F. C. originated during the Presidency of Mr. Hoover?

Mr. STEAGALL. Of course, the whole R. F. C. Act originated under the Hoover administration, and we have followed it up from time to time.

Mr. LEWIS of Colorado. And if this is a bad practice, we have simply been following a bad example of our predecessor. Is that correct?

Mr. STEAGALL. I will not say that it is bad practice.

Mr. FORD of California. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Colorado. Yes.

Mr. FORD of California. Under the Hoover administration the money was loaned in from the top, and was loaned indirectly. Under the Democratic administration we loaned it in at the bottom, to the average man, we broadened its scope and gave it to him by indirection.

Mr. LEWIS of Colorado. That was my impression.

Mr. STEAGALL. It is well to remember that there were losses of approximately $500,000,000 on agricultural aid under the Hoover administration.

Mr. LEWIS of Colorado. Yes; many hundreds of millions under the Hoover administration.

Mr. SABATH. Mr. Speaker, I ask recognition for the purpose of complimenting the gentleman from New York [Mr. FISH], who for the first time in a long, long while gives some credit to the administration for the splendid efforts it has made and is making to aid the Nation to speedy, successful recovery and prosperity. He states, however, that the Reconstruction Finance Corporation is the product of the Republican administration, but I call attention to the fact that the first bill on this subject was introduced by your humble servant in January 1931; the second bill was introduced December 9, 1931; and the third bill was introduced January 5, 1932.

This bill, as well as the Strong bill, was referred to the Banking and Currency Committee of the House, and I appeared before that committee several times urging this legislation. I admit that the committee took parts of the Strong bill and parts of my bills, and the composite bill passed Congress in the early part of January. As some of the older Members will recollect, I made a strenuous effort to have the provisions of my bill adopted, which bill named former President Coolidge, Alfred E. Smith, Senator McAdoo, Mr. Stevens, of Illinois, and the Secretary of the Treasury as directors. I am of the opinion that if the provision in my bill to make this a $1,000,000,000 instead of a $500,000,000 corporation had been adopted, it would have been easier to reestablish confidence; but, unfortunately, the then Assistant Secretary of the Treasury, Mr. Ogden Mills, thought a $250,000,000 capital structure would suffice, which amount was later conceded to be inadequate.

THE 1932 PANIC MIGHT HAVE BEEN PREVENTED

Also, I am of the firm opinion that if my bill had passed early in 1931, as I urged and advocated, conditions never would have become so serious in 1932, but, unfortunately, Mr. Hoover and his advisers played politics to the detriment of the country. They refused, as I stated, to listen to my urgent appeal for early action and waited until the Presidential year of 1932, believing that immediately after passage of this legislation, conditions would aright and Mr. Hoover and the Republican Party would be acclaimed as the saviors of the Nation; but they waited too long and at tremendous cost to the country. Not only that but when the House passed the bill which provided for financial aid and relief, not only to the bankers, railroads, and insurance companies, but also to building and loan associations and municipalities of the States, President Hoover vetoed it and insisted that it should apply to self-liquidation projects only, which actually destroyed the intent and the general benefits contemplated.

The gentleman from New York [Mr. FISH] gives a great deal of credit to Mr. Jones, the Chairman of the Reconstruction Finance Corporation, for the efficient manner in which the act has been administered during his chairmanship. I concede that there was improvement in the administration of the act after Mr. Jones became the Chairman, but had he been a little less stringent and exacting and a little more liberal in extending financial aid to business to whom the banks had unfairly refused to loan, I feel that still more good would have been accomplished. However, unlike his predecessor, he was safeguarding the interests of the Government.

I greatly regret that I am obliged to call attention to the fact that under the Republican administration all loans were restricted to large banks, railroads, insurance companies, and, as you have read, to the night loan of $95,000,000 to the Central Trust of Chicago, which was known as the Dawes bank, and which loan was made a few days after former Vice President Dawes resigned as the Chairman of the Reconstruction Finance Corporation. Excuses as to why such a large loan was made were that it was to save several other banks in the Middle West, but, unfortunately, such was not the case. Long before the loan was made to the Central Trust, the outlying banks in the city of Chicago and many others appealed for aid, which, if granted, would have saved at least a hundred outstanding banks in Chicago and surrounding territory.

HALF OF DAWES LOAN REMAINS UNPAID

Unfortunately about half of the Dawes loan is still unpaid, and if charges that losses have been sustained by the Reconstruction Finance Corporation are true, it would apply to the Central Trust, as nearly all the other banks have repaid their loans; and if the same amount that was given to the Central Trust were made to the other banks, nearly all, or, at least, 90 percent of them, could have remained open and over 100,000 depositors and stockholders would not have lost their life's savings.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Mr. Speaker, I rose for the purpose not only of correcting the gentleman from New York [Mr. FISH] but also to remind and familiarize the membership and the country, by a historical recital, that the Reconstruction Finance Corporation legislation was originally passed by a Democratic Congress, vetoed by a Republican President, and, in desperation, to obtain early imperative legislation, Congress enacted the legislation with the Hoover-demanded restrictions.

I am pleased that the Republicans concede that this was a constructive piece of legislation, that it was helpful and beneficial, but I myself greatly deplore that it was not passed a year before, as I urged, and that the first officers of the Reconstruction Finance Corporation restricted the loans to the large and influential banking institutions, railroads, and insurance companies and denied aid to the more deserving industries and businesses.

I cannot conclude without expressing my hearty appreciation for the approval of the gentleman from New York [Mr. FISH] of the administration's new liberal gold policy, which will justifiably increase commercial credit and make money for legitimate purposes easier and available to the extent of at least $400,000,000. If the gentleman, his kind, the short-sighted financiers and industrial leaders, had seasonably cooperated with the administration instead of thwarting the laudable efforts of the administration, this recession in business, calculatingly effected, would not have occurred.

WALL STREET LAWYER TO OFFER F. D. R. $5,000,000 TO QUIT

I have observed in the press of this morning a United Press dispatch from New York City quoting Glen McNaughton, a Wall Street corporation attorney, as willing to lead a movement in Wall Street to raise $5,000,000 to present to President Roosevelt if he will resign within 5 months.

I am sure that the nefarious Wall Street crowd, the big tax-dodgers, and other racketeers would gladly collect a very much larger sum if they could be assured that President Roosevelt would quit his office, they feeling that, if left alone, unrestricted, as they desire, they could, with Mr. Roosevelt out of the way, with impunity and in little time extract from the pockets of our countrymen a hundred times that amount.

Stating this in another way, there are many who would fainly join Wall Street Lawyer McNaughton in his fatuous, contemptible move to rob the Nation of its highest hope, President Roosevelt, who ever uplifts his hands for the protection of the humbler masses and legitimate business against the grafting, wicked, and heartless machinations of the malefactors of great wealth and influence.

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, I move to strike out the last three words.

Mr. Speaker, I call the attention of my colleague from Colorado to the fact that the Reconstruction Finance Corporation was formed during the administration of Mr. Hoover. Today, however, we are trying to give relief to that organization for the New Deal organizations the Democrats set up, the debts of which as recorded in this bill you want to wipe off the books. Read the last section of this paragraph:

That the Secretary of the Treasury and the Reconstruction Finance Corporation are authorized and directed—

Directed, it is—

to make adjustments on their books and records as may be necessary to carry out the purposes of this act.

You are directing the Secretary of the Treasury and Jesse Jones to get together and wipe off of that great organization, the Reconstruction Finance Corporation, all these New Deal organizations' debts, money which you lent to the people of this country, notes which have been defaulted, bad loans, many of which never should have been made in the first place. Now, you come in here and say that this is due to the mismanagement and misrule of the Hoover administration. Anybody with a scintilla of brains or a scintilla of common sense knows that the bill as here set up would not substantiate one word of a statement such as that made by the distinguished gentleman from Colorado, a man whom we honor and love.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. LEWIS of Colorado. I ask the gentleman if this method of financing did not originate during the Hoover administration?

Mr. RICH. Yes; but under the Hoover administration the Reconstruction Finance Corporation was set up for the purpose of making good loans to industries which needed money to continue, in order that the people of this country might be given work. That was the primary purpose of them. But the Democrats came along and asked the Reconstruction Finance Corporation to make loans to organizations that never functioned properly. The R. F. C. made loans under the guise of being good loans which turned out to be worthless; and now you want this great organization, the R. F. C., to charge off these loans. Some system of good business, you might call it; but I say it is awfully bad business.

Mr. LEWIS of Colorado. The gentleman is going to vote for this bill, is he not?

Mr. RICH. These expunged debts will be reflected in the Treasury statement as a greater deficit. The Democrats are responsible for this great national deficit of $37,576,000,000. We shall keep our eyes open to see what the Treasury is going to do with these charge-offs, whether they are going to continue to carry them as assets or whether they are going to show them as deficits.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield further?

Mr. RICH. I yield to my friend.

Mr. LEWIS of Colorado. I ask the gentleman if the loans to the Chicago banks by the Reconstruction Finance Corporation were not made during the Hoover administration?

Mr. RICH. Loans were made to Chicago banks during the Hoover administration, and loans have been made to Chicago banks during this administration. There are lots of banks in Chicago that probably should not have received loans. Loans have been made to banks all over the country that should never have been made.

Mr. HOFFMAN and Mr. LEWIS of Colorado rose.

The SPEAKER. Does the gentleman yield; and if so, to whom?

Mr. RICH. Mr. Speaker, now I yield to the gentleman from Michigan, that genial gentleman [Mr. HOFFMAN].

Mr. HOFFMAN. I want to ask the gentleman if when they made that loan to the Chicago banks they got any votes for it?

Mr. RICH. I do not know whether they got any votes as a result of that first loan; but, boy, oh, boy, oh, boy, did they get votes on subsequent loans! Loans made now carry with them the obligation that they are going to get a lot of votes. And the Democrats only do business with that in view.

[Here the gavel fell.]

The Clerk read as follows:

SEC. 2. The amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of law referred to in subsections (a) and (b) of section 1 of this act is correspondingly reduced by the amount of notes authorized to be canceled by the Secretary of the Treasury pursuant to section 1 of this act.

Mr. WOLCOTT. Mr. Speaker, I move to strike out the last word.

There has been some comment here which perhaps is not germane to the pending bill concerning the so-called Dawes loan made when the former Vice President of the United States was Chairman of the Board of the Reconstruction Finance Corporation.

I have always had a great deal of admiration for Jesse Jones, the present Chairman of the Board of the Reconstruction Finance Corporation, and I may say he did a most courageous thing in settling for all time the responsibility for the so-called Dawes loan. It never was an issue and it never should come up on the floor of this House as a partisan issue. In order that the House may have the benefit of the testimony given by the now Chairman of the Board of the Reconstruction Finance Corporation, Mr. Jones, with respect to that loan, I call attention to his testimony given when the Reconstruction Finance Corporation Extension Act was passed last year.

One of the members of the committee tried to get partisan and criticized the Board for making the so-called Dawes loan, which amounted to something like $90,000,000. Mr. Jones said in substance:

I do not want to duck any responsibility for the so-called Dawes loan. I was a member of the Board at the time the loan was made. I voted to make the loan. I thought it was a good loan, and I still think it is a good loan.

He went on further to say that the total loss on the so-called Dawes loan would be, he knew, under $10,000,000. It was commented on at that same meeting that if every cent of the Dawes loan was lost to the United States Government, it was money well spent because it saved billions of dollars of the depositors' money in the Midwest and prevented a crisis in Chicago such as we had experienced in Detroit, in which millions of dollars of depositors' money were wiped out under the foolish assumption that two of the larger banks in Detroit were not solvent. It has been proven since then that those Detroit banks were solvent. They have paid out 100 cents on the dollar, but there were other banks which were not solvent, and it resulted in a tremendous loss to the people of Michigan and the Midwest. The Dawes loan was made for the purpose of preventing in the seventh Federal Reserve district not a recurrence but an extension of those losses to the city of Chicago and the outlying districts, which used the Chicago banks as depositories for their funds.

Mr. TRANSUE. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Michigan.

Mr. TRANSUE. Speaking of the solvency of the Detroit banks, is the gentleman speaking about the value of the assets as of the time they paid off, or the value of the assets at the time these banks were declared to be insolvent?

Mr. WOLCOTT. All I know about it is that since the Detroit banks were closed, and if the gentleman wants to get partisan about it, they were closed by a Democratic Governor of the State of Michigan, those banks have paid every depositor 100 cents on the dollar.

Mr. TRANSUE. That Democratic Governor was asked to close them by the board of directors of those banks, and the gentleman knows that.

Mr. WOLCOTT. I do not know who asked him to close them.

Mr. TRANSUE. Does the gentleman know anything about the situation?

Mr. WOLCOTT. I know of no one in Washington who at that time asked him to close them. I know it was on the responsibility of the Governor of Michigan that the banks were closed and the gentleman knows that.

Mr. MICHENER. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Michigan.

Mr. MICHENER. Those banks would not have closed had a loan been made to the banks as in the case of the Chicago bank?

Mr. WOLCOTT. I understand that if the Government of the United States or the Reconstruction Finance Corporation had loaned $37,000,000 to the Detroit banks, as it loaned $90,000,000 to the Chicago bank, we would not have had the bank crash.

[Here the gavel fell.]

Mr. WHITE of Idaho. Mr. Speaker, I rise in opposition to the pro forma amendment.

Mr. Speaker, when the general destruction of the financial system of this country overtook us in 1929, the Federal Reserve System failed to function and supply money to business. It was evident at that time that some method must be adopted for securing cash to rehabilitate business. There was no cash available from any source and to head off the remonetization of silver and provide an adequate supply of money to finance business of this country on a sound basis. To finance the control of banking and credit to perpetuate the interest-lending scheme that has been worked out in setting up the Federal Reserve System in this great emergency we had to turn to the collective credit of the people of the United States to supply the money—credit—needed to finance business obtained through borrowings of the Federal Government.

When the R. F. C. was created there was an appropriation of $500,000,000 made to finance the operations of the R. F. C. It was further authorized to sell bonds to the extent of $1,500,000,000 to continue its lending operations. The R. F. C. never sold a single bond to the people of the United States or to the money lenders of the United States. It simply sold its notes to the Treasury and the Treasury in turn sold its bonds to the money lenders. Through this means the lendings were financed by the sale of tax-exempt bonds.

Up to the time legislation was passed putting the R. F. C. in the business of financing the relief program of the Government, the business was conducted on a strictly banking basis. All loans had to have adequate security. Today a bill is brought in here which is a rather involved piece of legislation. It contains numerous references to other legislation. There is no time allowed to study the provisions of the bill and there is only a meager report accompanying the bill.

We are simply going to write off $2,800,000,000 of obligations due the Reconstruction Finance Corporation, and we are told this is simply a bookkeeping transaction. I should have liked to ask the distinguished chairman of the Committee on Banking and Currency a few questions. I should like to know if the item of $23,177,491.82 on line 13 of page 3 of the bill, is to be refunded by the Treasury. The item covers interest paid, according to the bill, by the Reconstruction Finance Corporation to the Treasury. Is this to be a refund to the Reconstruction Finance Corporation from the general fund of the Treasury? What does the item represent? It is not plain. No opportunity has been given to secure information, unless the chairman now wishes to explain this matter. I notice the gentleman is on his feet and seems to want to make an explanation.

Mr. STEAGALL. I understood the gentleman to desire that I answer the question. I may say to the gentleman this is also a purely bookkeeping transaction between the Treasury and the Reconstruction Finance Corporation. It adjusts that interest so the Reconstruction Finance Corporation bears its proportion, and no more.

Mr. WHITE of Idaho. Is that not in the nature of a refund from the Treasury to the Reconstruction Finance Corporation? Why is the item in the bill?

Mr. STEAGALL. The item is in the bill to clear that part of the transaction, and that is all.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Idaho. I yield to the gentleman from Missouri.

Mr. COCHRAN. The gentleman from Idaho realizes, of course, that it is the Congress of the United States that passed the laws which required the Reconstruction Finance Corporation to advance this money. If we had not ordered the Reconstruction Finance Corporation to do this, then the R. F. C. would have had this money as an asset today and not a liability.

Mr. WHITE of Idaho. Heretofore, we have been informed that the lending of the Reconstruction Finance Corporation were reimbursable loans.

[Here the gavel fell.]

The Clerk read as follows:

SEC. 3. Any sums at any time received by any agency of the United States, including the Reconstruction Finance Corporation, representing repayments or recoveries of funds disbursed out of amounts allocated or made available pursuant to any of the provisions of law referred to in section 1 hereof, shall forthwith be covered into the general fund of the Treasury, except that whenever, under applicable provisions of law or otherwise, such funds represent amounts which continue to be available or required to be expended for the purposes for which originally allocated or made available, such funds shall not be covered into the general fund of the Treasury until the expiration of the period during which they are so available or required to be expended.

SEC. 4. Section 3 of the Reconstruction Finance Corporation Act, approved January 22, 1932, as amended (U. S. C., 1934 ed., title 15, sec. 601, and the following), is further amended by striking out the first two sentences of such section and inserting in lieu thereof the following: "The management of the Corporation shall be vested in a board of directors consisting of five persons appointed by the President of the United States by and with the advice and consent of the Senate. Of the five members of the board not more than three shall be members of any one political party and not more than one shall be appointed from any one Federal Reserve district."

Mr. GIFFORD. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I call attention to the fact these capital-stock items will still be carried in the daily report of the Treasury at face value. I ask that you look them over often and wonder what they may be worth. I rise at this moment to remind the House that I offered a resolution recently which has been referred to the Expenditures Committee. In this resolution I asked that these assets be properly evaluated by the Treasury, this to be done by the Comptroller General. I expect very little attention will be paid to my resolution. I call attention to it at this time to say that I believe the public at large would really like to know the value of the securities the Federal Government has received in return for these large expenditures. Your banker would certainly demand of you that you have your securities evaluated before you received accommodation of loans. The Government is very careful that banks and other public instrumentalities make careful valuations of their asserts, and their contingent debts likewise.

I repeat, I have filed a resolution that this may be done. I do not expect it to be adopted by the majority party, who will probably be content that the public be not advised as to the large losses caused by their activities.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMODITY CREDIT CORPORATION

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9361) to maintain unimpaired the capital of the Commodity Credit Corporation at $100,000,000, and for other purposes; and pending that, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I believe we have gone far enough this afternoon in connection with the bill we have just passed to show the controversial character of both these bills and the necessity for full consideration of them. I wonder what the gentleman from Alabama has in mind with respect to the amount and division of the time for general debate on this bill? I may say to the gentleman I have several requests for time. It will be satisfactory to me if we get the same length of time on this bill we had on the other one.

Mr. STEAGALL. Would the gentleman be satisfied with 40 minutes, 20 minutes on each side?

Mr. WOLCOTT. Why not make it 45 minutes on a side, as we did on the other bill? Then if we do not use all our time, I can assure the gentleman I will yield it back.

Mr. STEAGALL. I wish the gentleman would say 30 minutes to a side. That would give us an hour.

Mr. WOLCOTT. I may say to the gentlemen I have requests for more than 45 minutes, but I will try to cooperate with the gentleman and boil them down so they will come within that time. If the gentleman will consent to that length of time, we will try to cut down the debate accordingly.

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent that general debate be confined to the bill and be limited to 1 hour and 30 minutes, to be equally divided and controlled by the gentleman from Michigan [Mr. WOLCOTT] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama for the present consideration of the bill?

There was no objection?

The SPEAKER. Is there objection to the request of the gentleman from Alabama that the bill be considered in the House as in Committee of the Whole?

There was no objection.

The Clerk read the title of the bill.

Mr. STEAGALL. Mr. Speaker this bill provides for the transfer by the Reconstruction Finance Corporation to the Treasury of the capital stock of the Commodity Credit Corporation now held by the Reconstruction Finance Corporation.

The Commodity Credit Corporation was organized with a capital of $3,000,000, subscribed by the President, and later that capital was increased to $100,000,000—$97,000,000 of that amount having been subscribed by the Reconstruction Finance Corporation. The present bill seeks to transfer the capital and the securities of the Commodity Credit Corporation to the Treasury, and provides that on the 1st of April of each year there shall be an accounting and appraisal of the holdings of the Commodity Credit Corporation. Whenever the Corporation's assets exceed its capital, the excess shall be used by the Treasury as a payment on the public debt, and when its capital is depleted the Treasury shall replenish it. Provision is made in the bill for the Commodity Credit Corporation to borrow to the amount of $500,000,000 upon obligations to be secured by the Treasury of the United States.

Mr. Speaker, these are the provisions of the bill briefly stated. The measure was reported by unanimous vote of the Committee on Banking and Currency.

I reserve the remainder of my time.

Mr. WOLCOTT. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, this bill is similar in nature to the bill we have just passed. It is another one of these bookkeeping operations which has for its purpose keeping the records of the Reconstruction Finance Corporation honest, at least.

The Commodity Credit Corporation was set up by the President under general authority which authorized him to create such corporations as were necessary to carry out the provisions of the General Relief Act. It was set up as a Delaware Corporation with a capitalization of $3,000,000. It was set up for the purpose, apparently, of taking surplus cotton off the market and against this capitalization of $3,000,000, the Reconstruction Finance Corporation at one time, a matter of 2 years ago, had made loans up to about $284,000,000. This was when they were pegging the price of cotton at 12 cents a pound. You will recall that at that time a bill was presented to the Congress to raise the capitalization of the Commodity Credit Corporation from $3,000,000 to $100,000,000. The original $3,000,000 of capital had been subscribed and paid in by the Treasury of the United States. The Reconstruction Finance Corporation had made loans against that capital aggregating for cotton something over $284,000,000. It was very apparent that this was a very bad banking situation—to lend so much money against such a small capital.

For this reason the Reconstruction Finance Corporation asked that we raise the capital from $3,000,000 to $100,000,000. This was a bookkeeping operation, inasmuch as the Reconstruction Finance Corporation merely transferred from its loan ledger to its capital-stock ledger the $97,000,000. In other words, they wrote off $97,000,000 of cotton and other loans and purchased with it $97,000,000 of the capital stock of the Commodity Credit Corporation.

It was very apparent at that time that there might be, and, undoubtedly, would be, some large losses by the Commodity Credit Corporation. The Commodity Credit Corporation, ever since its incorporation, has been managed by the Reconstruction Finance Corporation. The board of the Reconstruction Finance Corporation and the board of the Commodity Credit Corporation are very similar, if not identical. The offices of the Commodity Credit Corporation are in the offices of the Reconstruction Finance Corporation. They are one and inseparable, but, of course, it is a matter of pride with Mr. Jones and the other members of the board of the Reconstruction Finance Corporation that they do not want to make loans against which there are likely to be losses. This is bad banking, and so they want to divorce themselves from the probability that they will have to carry the impairment of the capital of the Commodity Credit Corporation.

Now, this bill says that the Treasury hereafter will stabilize the capital of the Commodity Credit Corporation at $100,000,000. If there is any profit it will be put into a fund which they keep for this purpose, and if there is any loss it shall be chargeable against that fund, but what it really means, and what we are really doing here, is relieving the Reconstruction Finance Corporation of the ignominy of having to carry on its books loans which are of doubtful value. At the present time there is an impairment of the capital of the Commodity Credit Corporation of $75,000,000. So if this stock were selling on the stock market it would only be worth $25 as against par of $100.

This is the situation that confronts us now when we have given the "go" sign to the Commodity Credit Corporation in the farm bill to take the surplus of one of the largest cotton crops which we will have had in years off the market. We are going into the business again of taking surplus cotton off the market.

I do not want, and I am not going, to discuss the merits of that activity, but in this particular I want to call the Nation's attention to certain features made in the 1932 campaign condemning the policy of the Farm Board, which was set up under the Hoover administration, for taking the surplus wheat off the market. We were belabored all over the country for adopting a fallacious policy which was ruining our foreign market, which was ruining much of the domestic market, and we were charged with giving a virtual subsidy to the wheat farmers of the Nation. I now want the country to

know that by extending the activities of the Commodity Credit Corporation it is doing for cotton and turpentine and peanuts and prunes just what the Republican Party, in the Republican farm bill, attempted to do for the wheat farmers of this Nation. I think the country should understand it, so if there is any further criticism of the activity of the Republican Party in behalf of the wheat farmers of the West and the Northwest, we should have something to compare it to in this administration.

What we should be doing is creating markets for our cotton and all of our crops instead of curtailing them, but that is beside the issue. I do not blame Jesse Jones and the board of the Reconstruction Finance Corporation for not wanting to assume this loss which is going to be apparent. The loss at the present time, before they start pegging this cotton, is $75,000,000. You are told and will be told that the Reconstruction Finance Corporation, acting through its agency, the Commodity Credit Corporation, is paying 8.38 cents a pound for this cotton. And you will be told also that the quotations on the New York market on cotton this morning, due to the expectant rise in commodity price, due to the current inflation proposals of the administration, show cotton selling for 9 cents, and that we have a 4-cent profit on the 8.38-cent cotton. Ask yourself and ask the Reconstruction Finance Corporation and the Commodity Credit Corporation how many of these 4,800,000 bales of cotton which they are now holding were bought last year at 12 cents a pound, and when I say bought I mean bought. This bill and other bills authorizes the Reconstruction Finance Corporation through the Commodity Credit Corporation, to loan on cotton, and they make loans up to 12 cents, we will say, on cotton.

If the market is only 8 cents, and we peg the price of cotton at 12 cents, there is an immediate loss of 4 cents a pound on cotton, because there can be no deficiency judgment against the cotton grower for the difference between the market price of cotton and the amount which the Reconstruction Finance Corporation, acting through the Commodity Credit Corporation, has loaned. Unless the price of cotton goes above 12 cents and unless in the meantime the Commodity Credit Corporation has not foreclosed against this cotton, the farmer loses his interest in the cotton, and he has virtually, literally, sold that cotton to the Government at 4 cents a pound more than the market price. Whether we want to do that or not is beside the question, but there is a question which I think is germane to this subject, because it might affect the price of commodities generally, and that is this. I refer to the announced policy of the administration yesterday that it is going to at least desterilize gold in some respects, and that the newly purchased gold would not be sterilized, that it would go into the Federal Reserve banks, and that the Federal Reserve banks might inferentially make some use of it. I call attention to the fact that they tried to do exactly the same thing last December. They tried to create a psychological condition by which the people were expected to fear inflation at that time, when they took out of the ground in Kentucky $300,000,000 of gold and deposited it in the Federal Reserve System.

Being interested to see what effect that overt act of inflation might have on the stock market, that noon I read the report, and we noticed that stocks generally went up about an eighth of a point, but when it became known that this was only a bluff, that it was only psychological, the stocks took another drop and the benefits were offset. Now, Mr. Morgenthau says that the Government by depositing this gold, $400,000,000 a year, in the Federal Reserve Banks, which he infers may be used as a basis for money, but he knows better than that, will have a psychological reaction on the country. If Mr. Morgenthau were a student of psychology he would know that by warning the people that it was to have a psychological reaction, it would do just the opposite to what it is intended to do. Unless there is money printed against that, it will have no effect whatsoever upon the commodity price index, and I for one do not contribute to the thought that an increase in the volume of currency of $400,000,000 a year, that money redeemable in gold or otherwise, would have any effect whatsoever upon the commodity price index, unless it was used as a base for credit acceleration and credit velocity, due to the encouragement it might give to business to use that as a base for the acceleration of credit.

What will happen is simply this: By depositing in the Federal Reserve banks $400,000,000 a year of this new gold, we will merely add to the excess reserves of the banks a like amount, and then somebody might expect the Federal Reserve Board to do as it did at a most inopportune time, last October, raise the reserve requirements of the banks and freeze that credit which should be circulating around here, giving acceleration to business. They could have accomplished the same thing if they had reversed their policy of last October and lowered the reserve requirements, and made that much more credit available, and I am anxiously awaiting the effect on the commodity price index today as a result of the action taken yesterday in respect to gold.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. REILLY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. LUCAS] be permitted to proceed for 2 minutes out of order, the time to be charged to this side.

The SPEAKER pro tempore (Mr. PATMAN.) Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LUCAS. Mr. Speaker, Saturday last was the birthday of Abraham Lincoln. In the afternoon of that day I stood in the main street of the resurrected village of New Salem, Ill., the early home of the Great Emancipator. Following the tradition of pioneer devotion to the spirit and memory of that remarkable character, the annual pilgrimage was made by patriotic citizens of all walks of life to the western shrine of American liberty. The gentleman from Illinois, who has the great honor to represent the Congressional District in which New Salem is located, was privileged to participate in a flag-raising exercise in this Lincoln village. I had the rare privilege of presenting an American flag to the Honorable Daniel J. Doherty, national commander of the American Legion, who in turn had charge of the ceremony which hoisted the Stars and Stripes to the heavenly breeze above.

Mr. Speaker, when I step my foot upon the sacred soil where Lincoln trod I confess my absolute inability and utter incompetency to express adequately in words my feeling of meekness and humility in the atmosphere of the great. However, as I stood there in that atmosphere of immortality watching intensely and feelingly the flag of our country take command of all that it surveyed my thoughts drifted back to the past. I tried to compare the days of Lincoln with the feverish, uncertain days of the present.

Yes; today our Nation faces conditions not unlike those which under Abraham Lincoln our Nation faced at the close of the Civil War. Throughout the world in one nation after another we see a triumphant majority, placed momentarily in power by bewildered people, casting aside the past—the traditions and the experience that are the foundations of a nation's strength and union, resorting to every artifice to perpetuate themselves in power in order that through force and violence, if necessary, they may impose untried theories of political and social organization. Even in our own country we can see the beginning of movements among the people which take their inspiration not from the democratic traditions of our Nation, but, making their own doctrines that are exotic, most times visionary, always untried, seek through propaganda and political pressure to impose them here. I thank God that in Washington we have a Chief Executive, a Congress, and a Supreme Court, faithful to the traditions that are the foundation of our greatness, responsive to the will of the people as a whole, seeking the common welfare, not the welfare of any group, however numerous, and whose only purpose is to preserve and enrich that Union which we have inherited from our ancestors and which it is our patri-

otic duty, as it will be our glory, to transmit to future generations.

In these conditions my thought goes back to that fateful April 15, 1865, and to Abraham Lincoln on the battlefield of Gettysburg. The great soul of Lincoln had been tried by the adversities of a prolonged war in which brother was pitted against brother, State against State, region against region, and in which hatreds were engendered that threatened to disrupt forever the bond of union that had been welded at Valley Forge and that generations had sanctified. The majority stood victorious. The minority stood helpless. The soul of Lincoln never was greater than in the day of victory. In that soul there was no thought of conqueror or conquered, no thought of victor or vanquished. There was thought only of the future. Bowed down in the presence of the Almighty on the battlefield of Gettysburg, he saw about him only the ruins of war and the dangers that threatened the Union, and under his leadership the Nation there assembled rededicated itself not to the pursuit of any new ideology or political theory but, under the inspiration of the past, prayed God that it might have a new birth of freedom, and that government of the people, by the people, for the people should not perish upon the earth.

Today in many places throughout the United States young men are parading under a banner upon which blasphemously is inscribed the name of Lincoln. They are youths who, seduced by clever men, have gone to a foreign land to serve in the armies of a government that seeks to erase from the memory of a great nation the glorious traditions of 2,000 years of history; a government which seeks to impose on that nation untried theories and doctrines; a government which to perpetuate itself in office has not hesitated to disregard, to curtail, and even to deny the sacred rights with which, in the language of our great Declaration, man is endowed by his Creator, nor stopped even at the wholesale assassination and complete annihilation of minorities. Cleverly those seducers have sought to establish a relationship between that Government and the great man, Abraham Lincoln, whose memory true lovers of liberty throughout the world are now celebrating.

From these previous remarks it should be distinctly understood that I in no way endorse fascism. To my way of thinking the Fascist doctrine is as vulnerable as the philosophy of the Communist. In fact, there is no "ism" other than Americanism in this land of political and religious liberty which should be countenanced by men who believe in the Bill of Rights.

Abraham Lincoln believed in the union of all the people. He prayed that government by the people, not tyranny by any majority or any group, however powerful, might not perish. He prayed, too, that this Government be of the people, that is, responsive to, and, above all, always subject to the will of the people. And what is more, that it be a government for the people, always respectful not of the interests of any group, however numerous, but of the common good of all. It is with a sense of horror that I witness this attempt to drag down the name of our great Lincoln to the level of any tyranny, whether it be the tyranny of a majority or the tyranny of one man. [Applause.]

Mr. CRAWFORD. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, I desire certain information regarding this bill. As I understand the present law, Congress authorized the capitalization of the Commodity Credit Corporation to the extent of $100,000,000, and provided further that this Corporation could sell its notes, debentures, or bonds in an amount not exceeding $500,000,000. Can some member of the committee inform me as to what is the total amount of money available at any one time for the use of the Commodity Credit Corporation?

If I properly understand it, the total amount that can be made available would be the original $100,000,000 of capital stock and $500,000,000 they could borrow on their notes, bonds, and debentures, which would make $600,000,000. Can any member of the committee clarify this issue and tell us whether that is the total amount that is available at any one time for lending on the part of the Commodity Credit Corporation?

I do not claim to be an expert in this matter, and I do not claim to have any special knowledge with reference to the proposition. Not being a member of the Committee on Banking and Currency, I believe I have a right, as a Member of the House, to rely and depend upon the Committee on Banking and Currency to furnish this information. I hope some member of the committee will give the membership of the House the information requested.

Mr. REILLY. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Wisconsin.

Mr. REILLY. I do not think that information is vital to this bill, which transfers to the Treasury of the United States the stock of this corporation.

Mr. BOILEAU. This bill perpetuates a limitation of $500,000,000 in bonds and debentures and also perpetuates the theory of a capitalization of $100,000,000. I want to know how much money this corporation has available to make these loans that they are charged with making under the present law and under the bill that is now pending before us.

Mr. FARLEY. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Indiana.

Mr. FARLEY. Under the present law we have available $600,000,000 for this purpose. In the pending bill there is the same amount. The gentleman understands this $100,000,000 capital has been impaired.

Mr. BOILEAU. That is right.

Mr. FARLEY. What we want to do is raise this so that the capital will always remain at $100,000,000. We already have $500,000,000 on the debentures.

Mr. BOILEAU. I understand the gentleman to say under existing law. He means under the bill now before us the maximum amount available for loans is $600,000,000?

Mr. FARLEY. To the best of my knowledge, it is.

Mr. BOILEAU. I am under the impression, and I ask the gentleman for verification of the statement, that in addition to those amounts there are the section 32 funds under the Agricultural Adjustment Act, one-third of the amount of money we take in on certain tariffs, also made available to the Commodity Credit Corporation for the purpose of purchasing surplus commodities. Is that true?

Mr. FARLEY. I cannot answer that question.

Mr. CRAWFORD. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I think the gentleman from Wisconsin should also include in his question, which I consider very vital, the fact that as of December 31 the Commodity Credit Corporation had loans outstanding of $182,000,000, or almost 33⅓ percent of the $600,000,000 now being discussed.

Mr. BOILEAU. There is a larger amount than that outstanding. As I understand it, the amount of money that has been lent on cotton up to the present time is over $200,000,000. I may be in error. I do not know. I would like to know if any member of the Committee on Banking and Currency can give us the information as to how much is outstanding at the present time in loans. I would like to have some member of the committee give us this information.

Mr. REILLY. Here are the hearings.

Mr. BOILEAU. I read the hearings, and the statement was made in the hearings that there was $213,000,000 outstanding on cotton alone. There are enumerated a number of other commodities. In addition to that, reference is made to an additional amount of $145,000,000 that banks have lent which the Commodity Credit Corporation feels obligated it should take away from the banks.

How much money is left available now over and above the amount now lent or committed? That is, how much money is available for additional loans?

Mr. REILLY. There is no evidence in the hearings on that subject.

Mr. BOILEAU. That information should be furnished. I am leading up to this point. Yesterday the Senate passed

the farm bill that we worked on for some time. That bill is now pending before the President of the United States. I do not know whether he has signed it yet or not.

In that bill we provided that the Commodity Credit Corporation shall make certain mandatory loans on corn in certain instances, shall make loans on wheat, rice, tobacco, dairy products, and all these other commodities. We provide that they shall make these loans. Now, I want to know how much money is available for this purpose?

According to the hearings, with $213,000,000 outstanding on cotton alone and $145,000,000, if I recall the amount correctly, that the banks have lent and which the Commodity Credit Corporation is obligated to assume and take off the hands of the banks, I doubt if there is very much money left for the purposes of the farm bill.

The gentleman from Iowa [Mr. BIERMANN] is very much interested in this matter. I know one of the reasons why the gentleman from Iowa voted for this bill was because he honestly felt that there are provisions in the bill which will make it mandatory for the Commodity Credit Corporation to make loans on corn. We perpetuate in this bill a limitation of $500,000,000 on any debentures, bonds, or notes outstanding on the part of this corporation. I imagine the gentleman from Iowa is as much interested and more so than I am in trying to find out how much money will be available to carry out the provisions of this bill having to do with the making of mandatory loans on corn. I believe a member of the Committee on Banking and Currency should give us this information.

Mr. BIERMANN. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Iowa.

Mr. BIERMANN. Is there anything in the pending legislation that will prevent the R. F. C. from advancing money to the Commodity Credit Corporation?

Mr. BOILEAU. I presume the Commodity Credit Corporation cannot get the money from the R. F. C. without giving a note, bond, or debenture of some kind. There is a limitation of $500,000,000, total of notes and bonds outstanding. That is the present law. That is the law we have been working under since the Commodity Credit Corporation was established. The limitation of $500,000,000 is perpetuated in the present bill, and I therefore ask any member of the Committee on Banking and Currency to correct me if I am wrong. I understand this bill has been brought up without even considering the proposition as to how much additional money is needed for the purpose of financing the loans under the farm bill which is now lying on the President's desk. The hearings do not show that this question has been gone into, and I will ask any member of the Committee on Banking and Currency whether or not they have considered the additional needs that might be required to carry out this bill? No member of the committee seems to want to give me that information.

Mr. FORD of California. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield with pleasure to the gentleman from California.

Mr. FORD of California. Just what is it the gentleman is trying to find out?

Mr. BOILEAU. I am trying to find out whether there is going to be enough money in the Commodity Credit Corporation to carry out the mandatory loan provisions of the farm bill that is on the President's desk today.

Mr. FORD of California. I will tell the gentleman what he is trying to find out.

Mr. BOILEAU. Is the gentleman telling me or asking me?

Mr. FORD of California. I am telling the gentleman.

Mr. BOILEAU. I will yield to the gentleman for that purpose. I want to get information on that point.

Mr. FORD of California. The gentleman is trying to tell us that a bill has been brought out for the purpose of restricting a law another body has just passed. That is what the gentleman is insinuating.

Mr. BOILEAU. No. If the gentleman wants me to make insinuations, I make this insinuation, that this bill is being brought out here without any thought or consideration having been given to the mandatory provisions of the farm bill. I want to bring this point to the attention of the House. I think we all ought to know this. I believe this feature ought to be considered. If it has been considered, some member of the Committee on Banking and Currency should be able to tell us so. Is the gentleman a member of that committee?

Mr. FORD of California. Yes.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Speaker, I yield 3 additional minutes to the gentleman from Wisconsin.

Mr. BOILEAU. I am going to ask the gentleman a question which I should like either him or some other member of the committee to answer. I am trying to get some information.

Mr. FORD of California. All right; go ahead.

Mr. BOILEAU. Can the gentleman tell us whether or not the committee has considered the needs of the farm bill with reference to these loans in the consideration of the bill before us today?

Mr. FORD of California. Why should the Committee on Banking and Currency consider them?

Mr. BOILEAU. I will answer the gentleman's question as to why they should consider them: Because the most important provisions of the farm bill, according to the gentleman from Iowa [Mr. BIERMANN], who I believe will agree with me in this statement, are the mandatory loans to be made by the Commodity Credit Corporation. Many of the people in this country believe the only benefit of the farm bill is the mandatory loans. The farm bill provides the Commodity Credit Corporation shall make these loans. I want to ask the members of the committee whether in considering this bill they have given consideration to the question of whether the amount of money they are hereby making available is sufficient to make the loans?

Mr. FORD of California. I will answer the gentleman. The purpose of this bill is to make the Commodity Credit Corporation solvent so it can make more loans.

Mr. BOILEAU. I do not suppose the gentleman has read the bill.

Mr. FORD of California. Oh, I have not?

Mr. BOILEAU. Then, I may say to the gentleman, he must admit the bill provides the capital stock of the Corporation shall not exceed $100,000,000, and also provides that the Commodity Credit Corporation shall not have outstanding bonds, indentures, notes, or other evidences of debt, in excess of $500,000,000. Where are they going to get the money? They cannot run the printing presses. Where is the Commodity Credit Corporation going to get the money?

Unless these questions are answered satisfactorily by any member of the committee in the next few minutes, I, for one, am going to protest against the House passing this bill this afternoon, with only a handful of Members on the floor. I have no intention of filibustering and I have no intention of trying to bring the Members back on the floor, but these are questions we have a right to ask. This bill may or may not need amendment. The gentleman from California should have no quarrel with me. I am merely a humble Member of the House, asking for information, and no member of the committee is giving me the information.

Mr. FORD of California. The only quarrel I have with the gentleman, if I get the tenor of his remarks, is that he is insinuating the committee is doing something in the bill to stop the farmer from getting loans, when, as a matter of fact——

Mr. BOILEAU. Just a moment. My time is very short, and I decline to yield further. In the brief time I have left, may I say the gentleman is wrong. I do not desire to leave that inference at all. I do not believe the committee has not given consideration to this question. I do not believe they are trying to nullify the effectiveness of the bill. I do

say, however, that probably their action does that unintentionally, because the hearings do not disclose that the committee gave consideration to that problem.

Mr. FORD of California. Will the gentleman let me say this?

Mr. BOILEAU. If the gentleman will get me additional time, I shall be pleased to answer.

Mr. REILLY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin.

Mr. FORD of California. When this matter came up we were told by Mr. Jones that the Commodity Credit Corporation, by reason of the fall in price of the commodities on which it had made loans, would probably have its capital impaired to the extent of $75,000,000, and that the only way to cure this and to reestablish the capital at $100,000,000 was to transfer the matter to the Treasury so they could reestablish the capital any time it went below that point, thereby giving the Corporation the credit to go out and borrow the necessary money to carry out its functions.

Mr. BOILEAU. I agree to that part of the bill, but that is not all the bill contains. Section 4 contains this provision:

> With the approval of the Secretary of the Treasury, the Commodity Credit Corporation is authorized to issue and have outstanding at any one time bonds, notes, debentures, and other similar obligations in an aggregate amount not exceeding $500,000,000.

I ask the gentleman from California, or any member of the committee, whether that amount is large enough to enable the Commodity Credit Corporation to make the loans provided for in the farm bill? I am not criticizing the committee. I believe, however, the committee has not given thought to this subject matter, and perhaps rightfully so, because the law is not yet signed, unless it has been signed today. I believe they should defer action in order to give this subject matter proper consideration.

No; there is no limitation in the farm bill on the amount the Commodity Credit Corporation may lend. That is an entirely different proposition from the soil-conservation payments.

I hope some member of the committee will explain these matters. I do not desire to make a point of no quorum, but I am going to do so unless these questions are answered. It is not my thought to oppose the bill, but to have these matters straightened out.

Mr. REILLY. May I say to the gentleman from Wisconsin that if the situation as to the Commodity Credit Corporation is such as he states, I should take it to be the duty of the gentleman's committee to call that to the attention of the Banking and Currency Committee or the committee having this legislation in charge. This bill came to the committee from the Corporation with just one provision of any importance, and that was the transferring of the stock from the Corporation to the Treasury of the United States.

[Here the gavel fell.]

Mr. REILLY. Mr. Speaker, I yield myself 2 minutes and yield to the gentleman from Wisconsin.

Mr. BOILEAU. But the gentleman admits there is a provision here limiting the amount of indebtedness to $500,000,000.

Mr. REILLY. It has always been that amount.

Mr. BOILEAU. I admit that has been the law in the past, but now is the time to extend that limitation if we are going to have a substantial amount available for these mandatory loans.

I do not desire to make a useless fight here in the House. There is no thought on my part to be an obstructionist, but I want some information and if I cannot get the information, then I shall have to resort to whatever means I may have in order to get it.

Mr. REILLY. I may say to the gentleman that we have no information before the committee today that would justify us in changing the law as to what can be bought.

Mr. BOILEAU. How much money is outstanding?

Mr. REILLY. That is not an issue in respect of this bill.

Mr. BOILEAU. It certainly is an issue with respect to this bill because that is the whole problem with which we are confronted—to determine how much money the Commodity Credit Corporation is going to be able to lend.

[Here the gavel fell.]

Mr. REILLY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FORD].

Mr. FORD of California. I will tell the gentleman from Wisconsin [Mr. BOILEAU] what he will accomplish by stopping this bill today. He will accomplish the not very laudable end of absolutely impairing the ability of the Commodity Credit Corporation to borrow any money for any purpose.

Mr. BOILEAU. No, we will put it right back in your committee and have you bring it up tomorrow or the day after or some other day. I am not worried about taking the responsibility of stopping the legislation temporarily, although I do not suppose I could stop it temporarily. It is now only 3:30 o'clock and I presume if I made a point of no quorum there would be a call of the House.

[Here the gavel fell.]

Mr. REILLY. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Speaker, I ask unanimous consent to speak out of order for 10 minutes.

Mr. BOILEAU. Mr. Speaker, reserving the right to object, and I dislike to object very much, because as long as I have been in this House I have never objected to such a request, but with a matter of such importance pending, we are entitled to information, and I submit that first of all some member of the committee should give us information; as to how much has been loaned and how much they can loan under the provisions of this bill, and for this reason I must object, Mr. Speaker.

The SPEAKER pro tempore (Mr. PATMAN). Does the gentleman from Michigan [Mr. WOLCOTT] desire to use some time?

Mr. WOLCOTT. Yes, Mr. Speaker, I do.

Mr. BOILEAU. Mr. Speaker, in view of the fact that the chairman of the committee is temporarily absent, and in order that members of his committee may acquaint him with the question presented here, and in order that we may have sufficient time to get the information, I make the point of order, Mr. Speaker, that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Eighty-six Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 23]

Allen, Pa.	Drewry, Va.	Lanham	Ryan
Amlie	Fitzpatrick	Lea	Sadowski
Andresen, Minn.	Flannagan	Lesinski	Schneider, Wis.
Andrews	Frey, Pa.	Long	Shafer, Mich.
Barden	Garrett	Lord	Smith, Maine
Boehne	Gasque	Luckey, Nebr.	Smith, Okla.
Boykin	Gavagan	McGranery	Smith, Wash.
Boylan, N. Y.	Green	McGroarty	Somers, N. Y.
Buckley, N. Y.	Guyer	McLaughlin	Sullivan
Cannon, Wis.	Hamilton	Magnuson	Sweeney
Casey, Mass.	Hancock, N. C.	Mapes	Taylor, Colo.
Celler	Harrington	Martin, Colo.	Taylor, S. C.
Champion	Hendricks	Mitchell, Ill.	Thurston
Clark, Idaho	Hull	O'Connor, Mont.	Tinkham
Coffee, Nebr.	Jacobsen	Palmisano	Treadway
Colden	Jenkins, Ohio	Pettengill	Vinson, Ga.
Cole, Md.	Johnson, Okla.	Pfeifer	Wadsworth
Cooley	Kee	Plumley	Wearin
Crowther	Kirwan	Poage	Weaver
Daly	Kniffin	Quinn	Whelchel
Deen	Kocialkowski	Rankin	White, Ohio
Ditter	Kvale	Rich	Wilcox
Dondero	Lambertson	Rockefeller	Wood

The SPEAKER pro tempore. Three hundred and thirty-seven Members have answered to their names, a quorum.

Mr. STEAGALL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. WOLCOTT. Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, it is wholly by accident that I am favored with a larger audience than is usually the fortune of any member of the Committee on Banking and Currency. Its problems do not interest the greater part of the House, and by their absence they sometimes permit unfortunate legislation. The attendance had dwindled to a handful of Members when the gentleman from Wisconsin [Mr. BOILEAU] asked some information about a point that proved to be of great importance. It had not been called to the attention of the Committee on Banking and Currency, and when he asked for information no member of that committee was able to inform him. Believing it a matter that should receive the consideration of the whole House, or as many of the Members as possible, by doubting the presence of a quorum he asked the attendance of many who were not present.

We had not observed in the committee that in one of the two bills on the floor this afternoon $500,000,000 was set as the maximum available for carrying out the provisions of the farm bill in the matter of compulsory loans, and if his apprehensions are correct, the situation is such that great embarrassment might result if that figure is not enlarged. I myself am not competent to advise the House, because, like other members of the committee, I had not given the matter consideration. If $500,000,000 is not enough, it would be well for the House to amend the bill by giving a larger scope to the powers of this all-important corporation. It is possible that the gentleman from Wisconsin may offer an amendment to that effect. I shall not anticipate him in regard to that, but instead accept with gratitude this opportunity to say to a considerable number of Members of the House something about the subjects that have been under consideration.

Your committee had reported two comparatively unimportant bills, minor bills, to which no man on the committee objected. Our report, therefore, was unanimous, and there would not have been occasion to use this whole afternoon in discussing the topic, save for some collateral issues that were involved, and to those who were not present I would say that one of them concerns the history and achievements of the Reconstruction Finance Corporation. I regretted to observe a tinge of partisanship in some of the observations that were made, and lest the public may gather the impression that they were justified, I ask the House to indulge me to tell the story of the origin of that institution, "all of which I saw and part of which I was."

Would you know why I approve these two bills? First, because we were advised as to their necessity by Mr. Jesse Jones, a man whom I so much respect for his wisdom, his intelligence, his integrity, and his patriotism, that without giving it much consideration I would accept almost any proposal he might make.

Secondly, I voted for these bills because their purpose is to clear the record of the Reconstruction Finance Corporation from any stains that might attach to it. The purpose of these bills is to make clear to history that this is the only institution accomplished by the New Deal whose printed record should be white as snow, the only institution of complete success. I am not going to take the credit for it because a Republican President started it. I want only to tell what happened.

The first great crisis endangering our country was due to the situation resulting from the foreign debts. In May or June 1931 President Hoover telegraphed to all Members of Congress—unless I am mistaken to every man in the Congress at that time, Republican and Democrat alike, asking him if he would support the President in a moratorium on foreign debts. The response was so general in approval that the purpose was quickly accomplished. So the first great crisis of the American depression, nearly 2 years after it had begun in Austria, was met by both sides of the House acting in unison.

I cannot conceive that there is one man here so uninformed, so unintelligent, so false to truth as to say that any one man in this country, whether he were President, businessman, farmer, or anybody else, began this depression. It was 2 years after the fire caught in Austria, and spread all through Europe and came over here when our President for the first time had to meet a crisis.

A few months elapsed and crisis again threatened. I remember I was sitting by my fireside one October evening. I was enjoying the reading of a book. Came a message which asked me to come to Washington. I did not want to come, I did not like the prospect of the travel; but my conscience worked. I realized that the request of a President is a command, and I traveled 600 miles to attend that meeting.

I found at the meeting, beside our host, the Vice President of the United States, the Speaker of the House, the Secretary of the Treasury, the head of the Federal Reserve System, others concerned with our problems of finance, and representatives of both Senate and House Committees on Banking and Currency, the older members thereof both Republicans and Democrats. That was why I happened to be present at the most momentous, the most solemn gathering I ever attended. Why was it momentous? It was momentous because the President knew and told us that unless we were willing to say we would act in accordance with his proposals, every bank in this country would close within 2 weeks.

I know there was absolute disregard of partisanship, nothing but a most earnest attempt to get the views of the men who in Congress, whether they were called Republicans or Democrats, who had lived with banking problems for many years. He asked four things he thought would stave off the panic that threatened. Four things he asked, and the first of these things, and the all-important thing, the greatest thing we ever did to meet the depression, was the creation of what in time became the Reconstruction Finance Corporation. Because I was fortunate enough to have some share in that, and because I realized the gravity of the situation, because I saw it work out so successfully, I have thanked my God that I had some slight share in that meeting and the legislation to follow. And so I rise today in defense and against those who have tried, in the absence of all but a handful of Members, to take away the credit of that, not from a Republican President but from the Republicans and the Democrats who shared in the solemn pledge to do what we could to enact his program.

When we went out, at once the press was informed. The news was sent over all the country, the news of what the President contemplated doing. The country was told that Democrats and Republicans alike had shared in this attempt to save the Nation; and for that reason, because there was no politics in it, because there was no attempt at partisan advantage, nothing but the purpose of men inspired by patriotic motives and concern for the common welfare, the country accepted the program, the closing of the banks was, at any rate, postponed, and for a time the skies were brighter.

I fear somebody will charge me with partisanship if I carry the story beyond that. I have no desire to impute motives or to criticize what later happened. Suffice it here to say, we know that, all through the years that have followed, this Reconstruction Finance Corporation has been the salvation of the people.

The old, old charge was made here that money was lent to the banks in Chicago. The intimation was, as usual, that there was some personal favoritism in it. I wish you could have been here, all of you, and heard the refutation of that criticism. You would have gone away, I believe, better satisfied and fully convinced that there was nothing in that transaction to the discredit of any man concerned therein; and were you to inquire about the matter you would find that all competent judges of finance agree that the money advanced to the Chicago banks saved hundreds of banks in

the Middle West from immediate disaster; that it was probably the most useful thing in all the history of the handling of the situation, with nothing but credit for those who were concerned.

I am, therefore, speaking for these two bills, because they clear the records of the Reconstruction Finance Corporation from the blemishes resulting from the ascribing to them of waste and loss of money by the many temporary organizations that hid under the cloak of the Reconstruction Finance Corporation, profited by its resources, instead of having them charged where they ought to be charged, to the Treasury of the United States.

I wish you had been here and could have heard my colleague, the gentleman from Massachusetts [Mr. GIFFORD], who has made a continued study of this situation during many months, heard his testimony as to the effect of hiding the wastes of the Government under deceptive systems of bookkeeping, heard him show how these things have been kept from public knowledge, how the public has supposed that we were far better off than we actually are.

We are thankful that in these two bills we do something toward placing the responsibility hereafter where it belongs, on the Treasury; whether it be credit or blame, let it be placed there, with the truth clearly to be known to the people. [Applause.]

[Here the gavel fell.]

Mr. GOLDSBOROUGH. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I do not intend to take the 10 minutes allotted to me, but I think I can answer the question propounded by the gentleman from Wisconsin as to what effect the transfer of the stock of the Commodity Credit Corporation from the Reconstruction Finance Corporation to the Treasury will have on the activities of the Commodity Credit Corporation. The original stock of this Corporation was $3,000,000. It was created by Executive order and the money taken out of N. R. A. funds. One half of the stock was to be held by the Secretary of Agriculture and the other half by the Governor of the Farm Credit Bureau.

The outstanding loans of the Commodity Credit Corporation at the present time are $358,000,000. The authorization of bonds, debentures, and other securities of that Corporation has been increased to $500,000,000. The Secretary of the Treasury is authorized to make good the impairment of the stock of the Commodity Credit Corporation, which I understand is now impaired to the extent of about $75,000,000. So the lending capacity of the Commodity Credit Corporation after the stock has been transferred to the Treasury will be about $242,000,000 additional. Of course, the transfer of the stock from the Reconstruction Finance Corporation to the Treasury will have no effect upon the activities of the Corporation or its powers except insofar as the power to float its securities is limited.

Mr. BOILEAU. Will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentleman states that the outstanding loans amount to $358,000,000.

Mr. SPENCE. That is my understanding.

Mr. BOILEAU. What is the total amount that the Commodity Credit Corporation can lend? Is it $600,000,000 or $500,000,000?

Mr. SPENCE. I do not know that there is any limitation. It is a branch of the Reconstruction Finance Corporation and I think the Reconstruction Finance Corporation, as far as I am aware, can float its securities as it pleases.

Mr. BOILEAU. In this bill section 4 provides as follows:

> With the approval of the Secretary of the Treasury, the Commodity Credit Corporation is authorized to issue and have outstanding at any one time, bonds, notes, debentures, and other similar obligations in an aggregate amount not exceeding $500,000,000.

That is all the obligations they may have outstanding. Where else can it get its money?

Mr. SPENCE. It will be limited to $500,000,000 plus the capital stock of $100,000,000, which is now impaired to the extent of $75,000,000. However, the Treasury can make good this impairment, which will make the lending capacity the difference between the outstanding loans of $358,000,000 and $600,000,000, the amount authorized here plus the $100,000,000 of capital stock.

Mr. BOILEAU. That would make available then the sum of $242,000,000?

Mr. SPENCE. Yes; $242,000,000.

Mr. BOILEAU. Does the committee consider that a sufficient amount of money in view of the fact the farm bill, recently passed by the House and Senate, and now on the President's desk for signature, provides for mandatory loans on corn and cotton, in addition to those already authorized by law providing for loans on wheat under certain schedules? Has the Committee on Banking and Currency which reports this bill considered whether or not the $500,000,000 is a sufficient amount to take care of the additional obligations placed upon it by the recent farm bill?

Mr. SPENCE. I think it did; although I do not know that we went into that in any great detail. Mr. Jesse Jones stated he thought the amount available would be sufficient for the purposes of the Commodity Credit Corporation.

Mr. BOILEAU. I do not believe the hearings disclose that. At least I do not see it in the hearings.

I have asked several members of the committee and they told me it was not brought up. If the gentleman says it was brought up in the committee, I will accept his word.

Mr. SPENCE. No; I do not say that. The general purport of his statement would lead me to believe this is sufficient to meet the demands that would be immediately necessary for loans on agricultural commodities.

Mr. BOILEAU. I can appreciate that because at the time he made that statement it was a week or so ago and the farm bill had not yet been passed. It has not been passed yet unless signed by the President today. Under existing law that is sufficient, but does not the gentleman feel it would be well to defer action on this bill for a few days until we find what additional obligation may be placed upon the corporation by the new bill, or else anticipate the President's signature and increase the amount provided by this bill?

Mr. SPENCE. We have placed this in the hands of the Treasury. We have provided in this bill an authorization for an appropriation to make good the impairment of this capital stock, which is $75,000,000.

Mr. BOILEAU. I agree to that.

Mr. SPENCE. The Commodity Credit Corporation will be in a very much better position than it is at the present time.

Mr. BOILEAU. With respect to the $75,000,000 I raise no question. I believe it is fine. But as to the limitation of $500,000,000 incorporated as section 4, I do not believe the gentleman wants to tell the House the committee has considered the question whether or not that is sufficient. If the gentleman wants to say that the committee has considered that and makes such recommendation, I accept the gentleman's statement.

Mr. SPENCE. I will not say they have gone into that in detail. The statement of Mr. Jones was that he thought it would be sufficient to carry out the purposes of the corporation.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Maryland.

Mr. GOLDSBOROUGH. It does appear in the hearings that the Chairman of the Reconstruction Finance Corporation told the committee that $250,000,000 would certainly be sufficient for the present.

Mr. SPENCE. It is my recollection he did make that statement.

Mr. GIFFORD. Will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. I think the gentleman will recall the matter was brought up in this way: The banks make the loans in the first place, and I refer to cotton largely. The Commodity Credit Corporation takes over the loans whenever it says it wants them. The money is not needed for

sometime, because the banks themselves lend it. The banks know the losses will be taken care of.

Mr. SPENCE. I think that is true.

Mr. GIFFORD. It is the private money of the banks that carry these loans now. The $500,000,000 is ample, and I do not believe the gentleman from Wisconsin wants to enlarge that amount.

Mr. SPENCE. The hearings, I believe, disclose that amount will be sufficient, but I do not know that the committee went into it to any great extent or in detail.

Mr. BOILEAU. Is it not a fact Mr. Jones stated there had been up to the time of the hearings the sum of $145,000,000 lent by the banks on cotton alone and that the $145,000,000 had been lent under such circumstances that the Commodity Credit Corporation felt obligated to take those loans off the hands of the banks any time the banks wanted to turn them over to it? Is that not a fact? The hearings show that.

Mr. SPENCE. I remember he made some statement about cotton loans.

Mr. GIFFORD. The banks do not want them so long as the currency is there.

Mr. BOILEAU. The gentleman from Massachusetts says that the banks do not want them so long as the currency is there; but so long as the Commodity Credit Corporation is obligated to take them out of the hands of the banks, you cannot tie their hands and make it necessary for them to repudiate their obligations.

Mr. GIFFORD. That covers their losses only. That is what this bill is for.

Mr. BOILEAU. The gentleman does not understand the point I am making, that the $145,000,000 must be included in the total amount the Commodity Credit Corporation is permitted to lend in case it has to lend it.

Mr. SPENCE. I may say to the gentleman from Wisconsin I believe the Commodity Credit Corporation under this bill will be in very much better shape to handle these matters than it is now with its present impaired capital. There is in the bill an authorization to make good the impairment of its capital, and I believe the amount is sufficient to take care of the matters that will come before it and to subserve the purposes for which it will be appropriated.

Mr. BOILEAU. With reference to the impaired capital, I agree with the gentleman, but I say the tremendous additional burdens we have assumed under the farm bill should be given serious consideration, or else you will be telling your farmers you are going to give them loans on cotton and corn and will not be able to make good on your promises.

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, so much has been said here about the failure of the committee to take into consideration the needs which may develop under the farm bill in connection with the Commodity Credit Corporation that I desire to submit these questions to the House. Is it the custom in this Congress to deal with questions before they are presented? Has any question of that type been submitted to the Committee on Banking and Currency? Can anyone at this hour say what the Commodity Credit Corporation will need in the way of funds with which to finance the commodities that are included in the farm bill? I do not believe so. Therefore, there is no reason you or anyone else should assume the Committee on Banking and Currency could have anticipated that need and provided for it in this bill. This bill provides that the Commodity Credit Corporation may have outstanding at a given time bonds, notes, debentures, and other similar obligations in an aggregate amount not exceeding $500,000,000. If you will take the December 31, 1937, statement of the Treasury Department setting forth the assets and liabilities of the Commodity Credit Corporation, you will find we have in operation what are known as interagency interests, and these Government interagency interests can ebb and flow in sums of millions, tens of millions, and hundreds of millions of dollars when necessary. Does this bill limit the liabilities of the Commodity Credit Corporation to $600,000,000? I do not believe it does. It is speaking about the debentures, bonds and obligations of a similar type that may be outstanding at a given time.

The loan provisions of the new farm bill are exceedingly far reaching. At this hour they are an unknown quantity as to the amount of funds that will be required by the Commodity Credit Corporation. If the President and the Secretary decide to have the loans made, this requirement may run into a figure ranging from two up to five billions of dollars. "Farm commodities" is a very large term. It covers a wide field. This may involve the picking up of billions of dollars' worth of loans by the Commodity Credit Corporation and a release for a like amount on the part of lending institutions now carrying the loans on cattle, sheep, goats, milk products, and so forth. The financing of a given year's crop of foodstuffs which we produce in this country by the Credit Corporation could resolve itself into very large figures. This is no hour to deal with such a problem. Let us await developments and do the job with more information at our command than we have now.

[Here the gavel fell.]

The Clerk read as follows:

Be it enacted, etc., That as of the 31st of March in each year and as soon as possible thereafter, beginning with March 31, 1938, an appraisal of all the assets and liabilities of the Commodity Credit Corporation for the purpose of determining the net worth of the Commodity Credit Corporation shall be made by the Secretary of the Treasury. The value of assets shall, insofar as possible, be determined on the basis of market prices at the time of appraisal and a report of any such appraisal shall be submitted to the President as soon as possible after it has been made. In the event that any such appraisal shall establish that the net worth of the Commodity Credit Corporation is less than $100,000,000, the Secretary of the Treasury, on behalf of the United States, shall restore the amount of such capital impairment by a contribution to the Commodity Credit Corporation in the amount of such impairment. To enable the Secretary of the Treasury to make such payment to the Commodity Credit Corporation, there is hereby authorized to be appropriated annually, commencing with the fiscal year 1938, out of any money in the Treasury not otherwise appropriated, an amount equal to any capital impairment found to exist by virtue of any appraisal as provided herein.

Mr. BOILEAU. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, may I ask the distinguished chairman of the Committee on Banking and Currency and the distinguished chairman of the Committee on Agriculture whether the limitation of $500,000,000, in their judgment, should be in this bill? If they believe it should be in the bill, I hope they will give the House the assurance that during the remainder of this session they will not be coming here with a bill to increase the amount. It seems to me now is the time to take care of this matter. The provision about which I am talking does not appear in the section to which I have offered my pro forma amendment, but I call the attention of the House to section 4, which does contain the limitation of $500,000,000 on outstanding bonds, indentures, and other forms of indebtedness.

I do not want to be in the position of being hostile to the Committee on Banking and Currency, but in view of the fact that some of its members took it as a personal affront that I brought this matter to the attention of the House and asked some questions about it, I believe it might not be a bad idea to ask the chairman of the Committee on Banking and Currency and the chairman of the Committee on Agriculture whether they believe the $500,000,000 limitation should be in the bill. If they believe it is satisfactory, I shall not oppose it. If, however, they believe that sometime during this session an amendment will be offered to increase the amount, it seems to me now would be a good time to change the limitation. Unless the chairman of the Committee on Banking and Currency or the chairman of the Committee on Agriculture should persuade me I am in error and taking the wrong position, I intend to offer an amendment to increase the amount to $700,000,000. There is no thought on my part of impairing the effectiveness of the farm bill. I want it to work for all it is worth.

I should like to have my distinguished chairman of the Committee on Agriculture, if it is not embarrassing to him, state what his views are with respect to how much of these obligations we should permit this Corporation to issue.

Mr. JONES. Answering specifically the question as to this session, I believe undoubtedly the $500,000,000 would be sufficient for this session. However, it rather seems to me that since loans are provided in the farm bill for all commodities, and agriculture is a pretty large industry in this country, it might not be amiss to have the limitation raised $100,000,000 or more. Of course, the capital stock would be in addition to the $500,000,000, which would make $600,000,000, and another $100,000,000 might well be added. This is simply a limitation on the loans to be outstanding. The banks handle about half of these loans, but the Commodity Credit Corporation must guarantee the loans.

I do not see how it could do any harm to increase this amount, because if loans are made and losses are sustained, the Commodity Credit Corporation must pay the losses, anyway. This would not increase the obligations of the Government, but would simply provide a little higher limitation, so in an emergency, without further legislation, additional funds could be made available.

I do not want to be in the position of contending with the chairman of the Committee on Banking and Currency in answering the question the gentleman is asking me. Personally I would prefer to make the amount a little larger. I do not believe we will need this amount during this session.

Mr. BOILEAU. I believe it will be needed at this session if this amendment does not carry.

Mr. JONES. I do not believe it will be necessary at this session, but it is altogether possible that in the future additional funds will be necessary.

Mr. BOILEAU. The gentleman from Kentucky stated $378,000,000 is already obligated. The farm bill which passed the Senate yesterday provides for additional loans on cotton in quite substantial amounts.

Mr. JONES. Yes; it provides under certain circumstances for loans on corn, cotton, and wheat on a somewhat different basis than under the law prevailing heretofore.

Mr. BOILEAU. The amendment provides also for the purchase of some cotton.

Mr. JONES. Possibly.

Mr. BOILEAU. Unless we do something about increasing the amount, there is not going to be anything left for some of the other commodities.

There is not going to be enough money left to make loans on peanuts, on sugar beets, or, incidentally, dairy products. These other commodities are entitled to some consideration, and I am sure my distinguished chairman and the able gentleman from Alabama, the chairman of the Banking and Currency Committee, want to solve this question properly. There can be no harm in raising this amount to $700,000,000; and in view of the advice of the distinguished chairman of my committee that $700,000,000 will ultimately be a justified figure, I believe now would be a good time to accept such an amendment. I appreciate the fact that if I should offer the amendment this afternoon and if it were opposed strenuously by the Banking and Currency Committee it would probably be turned down.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOILEAU. I appreciate the fact that if the gentleman from Alabama and his committee do not accept this amendment it will probably be voted down. There is not any intention on my part to do anything except help this bill, as well as help the farm program, and heeding the advice of the chairman of my Committee on Agriculture, I hope the membership of the House will give favorable consideration to this amendment.

Mr. FARLEY. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman.

Mr. FARLEY. The gentleman has said much this afternoon about the fine character of Jesse Jones and the wonderful way he has handled this proposition.

Mr. BOILEAU. And I have no fault to find with that.

Mr. FARLEY. Is his word worth anything now when he tells us that $250,000,000 additional for loans is sufficient? Does not the gentleman think we should take his word? We are not going into the financing of the Reconstruction Corporation program now.

Mr. BOILEAU. In all fairness, I may say to the gentleman that the hearings do not indicate that he even considered for a moment the farm bill. As a matter of fact, at the time he testified before your committee the farm bill had not been considered and he could not have taken it into consideration. It has now passed the House and the Senate and we all know the President is going to sign it, and therefore we have the right to take into consideration the additional, terrific burden that will be placed upon this Corporation. I want to say to the gentleman and also to the Members from the cotton South that you are going to come in here before long and ask to have this amount raised. Why not raise the amount now? As I see it, this is the only logical thing to do. Mr. Jones did not say that he had enough money to carry on these additional burdens.

Mr. FARLEY. To be sure, he did not, but he said that they had enough for the present.

Mr. BOILEAU. But at that time, may I say to the gentleman, the farm bill was not in the picture and it had not been discussed in your hearings.

Mr. FARLEY. That is the very thing we wanted the gentleman to admit. He is criticizing the action of the committee with respect to something which was not before the committee.

Mr. BOILEAU. I stated a little while ago that this question was not before the committee.

I do not intend to criticize the committee and, as I have said, the matter was not before your committee, and you have the right to change your mind without being at all inconsistent.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I ask recognition in opposition to the pro forma amendment.

Mr. Speaker, I rise for the purpose of asking the chairman of the committee a question. I want to know something in reference to sections 4 and 5 of the bill.

I notice in the hearings, at page 5, that Mr. Jones, of the R. F. C., stated that in 1936 they borrowed money at one-half of 1 percent per annum for the Commodity Credit Corporation with the guaranty of the Reconstruction Finance Corporation and that in 1937 they borrowed money at 1 percent per annum. In section 4 of this bill you give the Commodity Credit Corporation the right to issue bonds, notes, debentures, and other similar obligations up to $500,000,000, and then you provide that they shall bear such rates of interest, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices as may be prescribed by the Commodity Credit Corporation, with the approval of the Secretary of the Treasury.

This means more tax-exempt securities, because you so provide in section 5. Under the plan we have been operating there were no tax-exempt securities, and they were only paying on the borrowed money interest at one-half of 1 percent and 1 percent. Do you think you can sell bonds of the Commodity Credit Corporation in this country, even if tax exempt, that will only bear interest at one-half of 1 percent? If you can, you are accomplishing something we have not been able to do in the past.

Mr. STEAGALL. The bonds, debentures, and obligations of the Commodity Credit Corporation are to be guaranteed by the Treasury of the United States, to be issued in such amounts and under such conditions as the Secretary of the Treasury will approve; and, of course, we assume that these operations will be conducted to the best advantage when the occasion arises for floating these loans.

Mr. COCHRAN. The gentleman has not answered my question.

Mr. STEAGALL. I do not know whether I have or not. If not, I shall try again.

Mr. COCHRAN. They are going to issue bonds; is that right?

Mr. STEAGALL. Yes; they may.

Mr. COCHRAN. And they are going to be tax-exempt securities, and you are going to let the money people of this country get hold of several hundred million dollars more of tax-exempt securities, thus evading taxation; and, at the same time, if I understand this section correctly, you are never going to get a Government bond sold to the public of this country that will only pay one-half of 1 percent or 1 percent, while the Reconstruction Finance Corporation has been able to get money for the Commodity Credit Corporation at these rates of interest. Therefore, under the old plan the interest rate was very low; under the plan you propose here it will be at least double; and, furthermore, the securities will be tax-exempt. Why not leave good enough alone and simply raise the amount?

Mr. STEAGALL. Of course, the gentleman understands that the thing that enabled the R. F. C. to borrow at low rates of interest is the fact that the Corporation itself is a Government organization, set up by the Government, with the Government's guaranty back of its obligations.

Mr. COCHRAN. Yes; and it has done a wonderful job financing organizations Congress provided it should finance.

Mr. STEAGALL. Also, I would say to the gentleman, the question of tax-exempt securities does not have the same terror for me that it seemingly has for the gentleman.

Mr. COCHRAN. It has terror for me; and I submit if we can operate the Commodity Credit Corporation as we have been operating it, with as cheap money as one-half of 1 percent and 1 percent, then continue that policy rather than issue bonds that might draw 2½ or 3 percent and be tax-exempt.

Mr. STEAGALL. Does the gentleman know now what the farmers of my district are paying in interest on loans secured by their cotton at this time under existing law? They are now paying 4 percent.

Mr. COCHRAN. Let me say to the chairman of the committee that I am not asking him what his farmers are paying on loans. That has nothing to do with this matter. I am asking now what it is going to cost the Federal Government to operate under this law in comparison to what it has cost under existing law.

Mr. STEAGALL. I will say that it will be done more cheaply than it is being done now.

Mr. COCHRAN. It is beyond me to understand how that can be done, and the future will show it never will be done.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired. The Clerk will read.

The Clerk read as follows:

SEC. 2. In the event that any appraisal pursuant to section 1 of this act shall establish that the net worth of the Commodity Credit Corporation is in excess of $100,000,000, such excess shall, as soon as practicable after such appraisal, be deposited in the Treasury by the Commodity Credit Corporation and shall be credited to miscellaneous receipts. The Secretary of the Treasury is directed, as soon as practicable, to use any amounts so deposited to retire an equivalent amount of the public debt, which amount shall be in addition to any other amount required to be used for such purpose.

SEC. 3. The Secretary of Agriculture, the Governor of the Farm Credit Administration, and the Reconstruction Finance Corporation are hereby authorized and directed to transfer to the United States all right, title, and interest in and to the capital stock of the Commodity Credit Corporation which each of them now holds. All rights of the United States arising out of the ownership of such capital stock shall be exercised by the President, or by such officer, officers, agency, or agencies as he shall designate, and in such manner as he shall prescribe.

SEC. 4. With the approval of the Secretary of the Treasury, the Commodity Credit Corporation is authorized to issue and have outstanding at any one time bonds, notes, debentures, and other similar obligations in an aggregate amount not exceeding $500,000,000. Such obligations shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices as may be prescribed by the Commodity Credit Corporation, with the approval of the Secretary of the Treasury. Such obligations shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such obligations shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Commodity Credit Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such obligations, the Secretary of the Treasury shall pay to the holder the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such obligations. The Secretary of the Treasury, in his discretion, is authorized to purchase any obligations of the Commodity Credit Corporation issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such act, as amended, are extended to include any purchases of the Commodity Credit Corporation's obligations hereunder. The Secretary of the Treasury may at any time sell any of the obligations of the Commodity Credit Corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the Commodity Credit Corporation shall be treated as public-debt transactions of the United States. No such obligations shall be issued in excess of the assets of the Commodity Credit Corporation, including the assets to be obtained from the proceeds of such obligations, but a failure to comply with this provision shall not invalidate the obligations or the guaranty of the same. The Commodity Credit Corporation shall have power to purchase such obligations in the open market at any time and at any price.

Mr. BOILEAU. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: Page 3, line 15, after the word "exceeding", strike out "$500,000,000" and insert in lieu thereof "$700,000,000."

Mr. BOILEAU. Mr. Speaker, I wish to make my position clear, so far as the Committee on Banking and Currency is concerned, and so far as Mr. Jesse Jones is concerned. I realize that at the time Mr. Jones was before the Committee on Banking and Currency, the farm bill had not yet passed the United States Senate, the conference report had not been agreed to. Obviously at that time he could not have that particular matter in mind when he made any statement with reference to the adequacy of the limitation of $500,000,000 on notes and debentures. He did not have that in mind, and I certainly did not mean it as any reflection upon the Committee on Banking and Currency when they say that they did not have it in mind. Members of the committee freely state to me privately that they did not consider that. I do not say that as an indictment of the committee, and I really mean that I hope that individual members of the committee will absolve me from any thought of trying to accuse them of not using diligence. That was not in my mind, and I do not have that in my mind now. I say that you had no right to consider this farm bill in connection with this bill at that time, and I realize that you were justified, therefore, in not considering it. But now the situation is different. You have now piled onto this Commodity Credit Corporation tremendous additional substantial burdens. You have provided that out of the $242,000,000 you now have left unobligated that they shall make tremendous additional loans on cotton.

You require them in the farm bill to buy up certain cotton, you put obligations directly upon them with reference to cotton which will reduce the amount available for the other commodities in the bill, and the distinguished chairman of the Committee on Agriculture stated a few moments ago that in his judgment, in the final analysis after this bill starts working, they would have to increase this limitation from $500,000,000 to some higher figure. I hope the chairman of the Committee on Banking and Currency will accept this amendment here today. It will not mean that we will necessarily have to spend this money, it will not unbalance the Budget. It will just merely give to the Commodity Credit Corporation an opportunity to carry out the provisions of the law that we have written into the farm bill. Do not forget that we provided for mandatory loans on corn and we provided for loans on all these commodities, and this amount of money thus may not be sufficient to carry out the mandate of the law. If you do make the money available to

take care of all mandatory loans, there will not be enough left for any of the other commodities that might need assistance. I do not think it is selfish for those of us who come from areas that are not provided for specifically to hope that we might get some benefit out of the general provision that the Commodity Credit Corporation shall, with the recommendation of the Secretary of Agriculture and the President, make available loans on agricultural commodities, including dairy products.

We hope that provision will work out. To my knowledge that provision is the best provision in the farm bill. I hope to see it work. The members of the Committee on Agriculture have told me privately on the floor during this debate that they agreed that this amount should be increased. The amendment is not offered with any thought of being hostile to the Committee on Banking and Currency, to any other committee of the House, or to the House leadership; it is offered merely for the purpose of presenting a problem to the House for solution today that must be solved sometime.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. WHITE of Idaho. Reduced to final analysis is it not a fact that this bill and the one previously passed today is an effort to rehabilitate the credit of these lending agencies?

Mr. BOILEAU. That is true, but this provision that I am talking about fixes the limitation. As I understand the law at the present time, it prohibits them from having in excess of $500,000,000.

[Here the gavel fell.]

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent that the gentleman may have 1 additional minute to answer a question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. WHITE of Idaho. I ask the gentleman if this is not an indirect plan to finance business by the sale of tax-exempt securities through the Treasury by funds flowing from the Treasury to the R. F. C. that will be lent to these agencies that have their credit rehabilitated today through this scheme to cancel their existing obligation to the R. F. C.

Mr. BOILEAU. Does the gentleman mean the bill that is before us or my amendment?

Mr. WHITE of Idaho. Is it not an indirect plan to finance business through the sale of tax-exempt securities that will flow through the Treasury to the R. F. C. to be lent to these agencies whose credit has been rehabilitated today by setting these obligations over to the Treasury? Is not that the scheme?

Mr. BOILEAU. Does the gentleman mean the bill or my amendment?

Mr. WHITE of Idaho. I mean the bill, the bills we are considering here today.

Mr. BOILEAU. I believe the bills are justified, and I have no opposition to either of the bills.

[Here the gavel fell.]

Mr. STEAGALL. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I am sure that the views of our distinguished colleague from Wisconsin are not at all different from those of other Members of the House. Our purposes and our desires in this matter are in accord. I know that he as well as I and other Members are glad to give to agriculture at this time the benefits of reduced interest rates that are made possible by the provisions of this bill which exempts from taxation notes and obligations upon which loans are to be made for the benefit of agriculture.

The Committee on Banking and Currency had before it, we thought, the man who was probably more capable of supplying all necessary information than anyone who could have been called before the committee when this bill was under consideration. It is a mistake to say that the Chairman of the Board of the Reconstruction Finance Corporation was not informed of the provisions of the agricultural bill, at the time that he appeared before the Committee on Banking and Currency. As a matter of fact the conference report on the agricultural bill was pending in the Senate, and various references were made to the provisions of the farm bill. The matter was gone over fully and thoroughly, and we were advised that $500,000,000, to be borrowed by the Commodity Credit Corporation in addition to $100,000,000 of capital of the Corporation, would be sufficient to meet all anticipated demands upon the Commodity Credit Corporation.

It should be borne in mind in this connection that, contrary to the facts as they exist under present law and as they have existed heretofore, under this bill the Commodity Credit Corporation will have a valid capital of $100,000,000 which will be kept at par. Annual examinations and appraisals are to be conducted by the Secretary of the Treasury. The bill contains a provision requiring the Secretary of the Treasury to replenish the capital set-up of the Commodity Credit Corporation when the capital is found to be impaired.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. WHITE of Idaho. The gentleman wants to replenish it by funds realized from the sale of tax-exempt securities through the Treasury.

Mr. STEAGALL. The contribution to the capital of the Commodity Credit Corporation, of course, will be made out of any funds in the Treasury available for that purpose; and the provision for exempting from taxation the securities floated by the Commodity Credit Corporation does not apply in connection with the capital to be supplied by the Treasury.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield further?

Mr. STEAGALL. I yield.

Mr. WHITE of Idaho. Is it not a fact that the $9,000,000,000 that has been lent to business heretofore came through the sale of tax-exempt securities by the Treasury? Is not that the fact?

Mr. STEAGALL. May I ask the gentleman—since loans have been made to railroads, insurance companies, banks, and to other corporations from funds raised through tax-exempt securities—does he object to the farmers of this country receiving similar treatment in the present situation?

Mr. WHITE of Idaho. I think the day has arrived when we should quit financing business.

Mr. STEAGALL. I decline to yield further.

Mr. BOILEAU. Will the gentleman yield?

[Here the gavel fell.]

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOILEAU. The gentleman stated a while ago when Mr. Jones appeared before his committee that the farm bill was then pending and that he did give it consideration in connection with this recommendation. I want to read from the hearings just two sentences.

Mr. STEAGALL. Mr. Speaker, I do not yield further. The gentleman has had much more time than I have used to discuss this matter. The farm bill was pending at that time and its operations could be well anticipated.

I do not want to take further time of the House at this late hour, but I do desire to reiterate we have given the officials responsible for the administration of the Commodity Credit Corporation the funds which they require, and which the gentleman from Texas, the chairman of the Committee on Agriculture, says is sufficient for the present session. If it develops at any time that further funds are needed for the operations of the Commodity Credit Corporation I am sure the same sympathetic attitude which has been displayed by the administration heretofore and which is manifest in

the bill now pending before the House may be trusted to deal with that situation if such a condition arises.

Mr. Speaker, I move that all debate on this amendment do now close.

The question was taken and the Chair announced he was in doubt.

Mr. STEAGALL. Mr. Speaker, I withdraw the motion.

Mr. WITHROW. Mr. Speaker, I move to strike out the last two words.

Mr. BOILEAU. Will the gentleman yield?

Mr. WITHROW. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Mr. Speaker, the gentleman from Alabama, the distinguished chairman of the Committee on Banking and Currency, stated a moment ago that when Mr. Jesse Jones, Chairman of the R. F. C., appeared before the Committee on Banking and Currency, he had given the farm bill consideration, and the gentleman from Alabama tried to give the membership of the House the impression that Mr. Jones told the committee that this $500,000,000 was sufficient to take care of all of the needs, even if the farm bill did increase the obligations of the Commodity Credit Corporation. I want to read from the record, page 3 of the hearings held on February 8, before the gentleman's own committee:

Mr. GIFFORD asked this question of Mr. Jones, Chairman of the R. F. C.:

Mr. GIFFORD. You have not contemplated how much more you will load on today's bill——

Mr. JONES. What?

Mr. GIFFORD. We are going to pass an agricultural bill today. You have not contemplated what will be the effect as to that?

Mr. JONES. No; but I do not think it will have any.

Well, it does have something to do with it. All of these loans are required to be made by the Commodity Credit Corporation. The gentleman from Alabama would not yield when I tried to bring out that question. I tried to get him to correct his statement. The gentleman sought to give the membership of the House the impression that Mr. Jones had considered this matter and that he was perfectly well satisfied. I submit to the chairman of the Committee on Banking and Currency that the membership of the House was not advised by him, and I submit he ought to be willing to make the admission to the effect he made a mistake a minute ago.

Mr. STEAGALL. Will the gentleman yield?

Mr. WITHROW. I yield to the gentleman from Alabama.

Mr. STEAGALL. If the gentleman will read again the statement of Mr. Jones, he will see Mr. Jesse Jones stated at the time he did not think there would be any additional obligation created by that act.

Mr. BOILEAU. Does the gentleman know there are a lot of obligations created by that bill? Does the gentleman know all of these loans are to be made by the Commodity Credit Corporation? Does the gentleman know that the Commodity Credit Corporation is obliged to buy cotton? Does the gentleman know that the Commodity Credit Corporation is authorized to make available, with the consent of the Secretary of Agriculture and the approval of the President of the United States, loans on all agricultural commodities? If the gentleman does not know that, there are other Members of the House who do.

If you are going to carry out that bill, you cannot follow the kind of leadership that will not admit what the chairman of the R. F. C. stated in a hearing before a committee of this House. I presented this matter to the House conscientiously. The gentleman from Alabama I do not believe can show where I made a misstatement. I submit we ought to fight this matter out by at least quoting the record properly. There is no reason for hiding things. So far as my motives are concerned, I raise the question so that the farm bill may be made effective. I have nothing to hide; and because the gentleman from Alabama does not want to offer the amendment, he does not want anybody else to offer it either.

According to Mr. Jones himself he did not consider these additional obligations under the farm bill. If you want to make the farm bill operative, I submit that you ought to give the Commodity Credit Corporation authority to borrow enough money. There probably will not be much in it for us, because there are no mandatory loans with reference to dairy products. After you get through with the mandatory loans, there will not be a nickel left for us. But all we ask for is to beg the crumbs off the table. We know we are not going to get much, but we want to at least beg for the crumbs. We do not want the Commodity Credit Corporation saying to us, "Well, Congress limits us. We cannot spend any more money." [Applause.]

[Here the gavel fell.]

The pro forma amendment was withdrawn.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU].

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 42, noes 68.

Mr. BOILEAU. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and fifty-one Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 89, nays 214, not voting 127, as follows:

[Roll No. 24]

YEAS—89

Allen, Ill.	Dingell	Johnson, Luther A.	Murdock, Ariz.
Anderson, Mo.	Dirksen	Johnson, Lyndon	Nelson
Andresen, Minn.	Dowell	Johnson, Minn.	O'Connell, Mont.
Arends	Driver	Johnson, Okla.	Pace
Atkinson	Dunn	Johnson, W. Va.	Patterson
Bernard	Eberharter	Jones	Pearson
Biermann	Eicher	Keller	Pierce
Binderup	Ferguson	Knutson	Reed, Ill.
Boileau	Ford, Miss.	Leavy	Rees, Kans.
Boren	Fries, Ill.	Lemke	Sauthoff
Brewster	Garrett	Luecke, Mich.	Schneider, Wis.
Brooks	Gehrmann	McFarlane	Scott
Buckler, Minn.	Gilchrist	McGehee	South
Burdick	Gray, Pa.	McReynolds	Stack
Cannon, Wis.	Griswold	Maas	Stefan
Carlson	Gwynne	Mahon, Tex.	Teigan
Cartwright	Havenner	Mason	Thomas, Tex.
Case, S. Dak.	Hildebrandt	Massingale	Voorhis
Church	Hill	Maverick	Wearin
Claypool	Houston	Mills	Withrow
Coffee, Wash.	Hunter	Mitchell, Tenn.	
Colmer	Izac	Moser, Pa.	
Cooper	Jacobsen	Mott	

NAYS—214

Aleshire	Creal	Gamble, N. Y.	Kniffin
Allen, Del.	Crosby	Gambrill, Md.	Kocialkowski
Allen, Pa.	Crosser	Gildea	Lambeth
Arnold	Crowe	Gingery	Lamneck
Ashbrook	Crowther	Goldsborough	Lanzetta
Bacon	Cullen	Gray, Ind.	Larrabee
Barry	Delaney	Greenwood	Lewis, Colo.
Barton	DeMuth	Greever	Luce
Bates	DeRouen	Gregory	Ludlow
Beam	Dickstein	Griffith	McClellan
Beiter	Dies	Haines	McCormack
Bell	Disney	Hancock, N. Y.	McKeough
Bloom	Ditter	Harlan	McLean
Boehne	Dixon	Hart	Mahon, S. C.
Boland, Pa.	Dorsey	Harter	Maloney
Boyer	Doughton	Hartley	Martin, Colo.
Bradley	Doxey	Healey	Martin, Mass.
Brown	Drew, Pa.	Hobbs	May
Bulwinkle	Eckert	Hoffman	Meeks
Burch	Edmiston	Holmes	Michener
Byrne	Engel	Hook	Mouton
Caldwell	Englebright	Imhoff	Murdock, Utah
Cannon, Mo.	Evans	Jarman	O'Brien, Ill.
Celler	Faddis	Jarrett	O'Brien, Mich.
Chandler	Farley	Jenckes, Ind.	O'Connell, R. I.
Citron	Fernandez	Kee	O'Day
Clark, N. C.	Fitzgerald	Kelly, Ill.	O'Leary
Clason	Flaherty	Kelly, N. Y.	Oliver
Cochran	Flannery	Kennedy, Md.	O'Neal, Ky.
Cole, N. Y.	Fleger	Kennedy, N. Y.	O'Neill, N. J.
Collins	Fletcher	Keogh	O'Toole
Connery	Forand	Kerr	Owen
Costello	Ford, Calif.	Kinzer	Parsons
Cravens	Fuller	Kitchens	Patman
Crawford	Fulmer	Kleberg	Patrick

Patton	Rogers, Mass.	Snyder, Pa.	Transue
Peterson, Fla.	Romjue	Sparkman	Turner
Peterson, Ga.	Rutherford	Spence	Umstead
Phillips	Sacks	Starnes	Vincent, B. M.
Polk	Sanders	Steagall	Vinson, Fred M.
Powers	Satterfield	Sumners, Tex.	Wallgren
Quinn	Schaefer, Ill.	Sutphin	Walter
Rabaut	Schulte	Swope	Welch
Ramsay	Secrest	Taber	West
Ramspeck	Seger	Tarver	White, Idaho
Randolph	Shanley	Taylor, Tenn.	Whittington
Rayburn	Shannon	Terry	Wigglesworth
Reed, N. Y.	Sheppard	Thom	Williams
Reilly	Short	Thomas, N. J.	Wolcott
Richards	Simpson	Thomason, Tex.	Wolfenden
Rigney	Sirovich	Thompson, Ill.	Wolverton
Robertson	Smith, Conn.	Tobey	Zimmerman
Robinson, Utah	Smith, Va.	Tolan	
Robsion, Ky	Smith, W. Va.	Towey	

NOT VOTING—126

Allen, La.	Eaton	Long	Rogers, Okla.
Amlie	Elliott	Lord	Ryan
Andrews	Fish	Lucas	Sabath
Barden	Fitzpatrick	Luckey, Nebr.	Sadowski
Bigelow	Flannagan	McAndrews	Schuetz
Bland	Frey, Pa.	McGranery	Scrugham
Boykin	Gasque	McGrath	Shafer, Mich.
Boylan, N. Y.	Gavagan	McGroarty	Smith, Maine
Buck	Gearhart	McLaughlin	Smith, Okla.
Buckley, N. Y.	Gifford	McMillan	Smith, Wash.
Carter	Green	McSweeney	Snell
Casey, Mass.	Guyer	Magnuson	Somers, N. Y.
Champion	Halleck	Mansfield	Sullivan
Chapman	Hamilton	Mapes	Sweeney
Clark, Idaho	Hancock, N. C.	Mead	Taylor, Colo.
Cluett	Harrington	Merritt	Taylor, S. C.
Coffee, Nebr.	Hendricks	Mitchell, Ill.	Thurston
Colden	Hennings	Mosier, Ohio	Tinkham
Cole, Md.	Honeyman	Nichols	Treadway
Cooley	Hope	Norton	Vinson, Ga.
Cox	Hull	O'Connor, Mont.	Wadsworth
Culkin	Jenkins, Ohio	O'Connor, N. Y.	Warren
Cummings	Jenks, N. H.	O'Malley	Weaver
Curley	Kirwan	Palmisano	Wene
Daly	Kopplemann	Pettengill	Whelchel
Deen	Kramer	Pfeifer	White, Ohio
Dempsey	Kvale	Plumley	Wilcox
Dockweiler	Lambertson	Poage	Wood
Dondero	Lanham	Rankin	Woodruff
Douglas	Lea	Reece, Tenn.	Woodrum
Drewry, Va.	Lesinski	Rich	
Duncan	Lewis, Md.	Rockefeller	

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Amlie (for) with Mr. Jenkins of Ohio (against).
Mr. Hull (for) with Mr. Buck (against).

General pairs:

Mr. Warren with Mr. Snell.
Mr. Woodrum with Mr. Treadway.
Mr. Rankin with Mr. Wadsworth.
Mr. Bland with Mr. Carter.
Mr. Cox with Mr. Mapes.
Mr. Drewry of Virginia with Mr. Gifford.
Mr. Sabath with Mr. White of Ohio.
Mr. Mansfield with Mr. Culkin.
Mr. Vinson of Georgia with Mr. Smith of Maine.
Mr. Sullivan with Mr. Andrews.
Mr. Taylor of Colorado with Mr. Shafer of Michigan.
Mr. Lanham with Mr. Hope.
Mr. O'Connor of New York with Mr. Rich.
Mr. Mead with Mr. Woodruff.
Mr. McMillan with Mr. Dondero.
Mr. McAndrews with Mr. Tinkham.
Mr. Lea with Mr. Eaton.
Mr. Boykin with Mr. Lord.
Mr. Cooley with Mr. Gearhart.
Mr. Kennedy of New York with Mr. Fish.
Mr. Gasque with Mr. Jenks of New Hampshire.
Mr. Somers of New York with Mr. Reece of Tennessee.
Mr. Allen of Louisiana with Mr. Cluett.
Mr. Boylan of New York with Mr. Rockefeller.
Mr. Chapman with Mr. Plumley.
Mr. Flannagan with Mr. Douglas.
Mr. Schuetz with Mr. Guyer.
Mr. Hancock of North Carolina with Mr. Halleck.
Mr. Wilcox with Mr. Lambertson.
Mr. Weaver with Mr. Kvale.
Mrs. Honeyman with Mr. Daly.
Mr. Elliott with Mr. Mosier of Ohio.
Mr. Wene with Mr. Barden.
Mrs. Norton with Mr. Nichols.
Mr. Frey of Pennsylvania with Mr. Green.
Mr. Whelchel with Mr. O'Connor of Montana.
Mr. Buckley of New York with Mr. O'Malley.
Mr. Wood with Mr. Harrington.
Mr. Coffee of Nebraska with Mr. Pfeifer.
Mr. Lucas with Mr. McGrath.
Mr. Dempsey with Mr. Rogers of Oklahoma.
Mr. Hennings with Mr. Colden.
Mr. Ryan with Mr. Curley.
Mr. Smith of Oklahoma with Mr. Duncan.
Mr. Smith of Washington with Mr. Deen.
Mr. Taylor of South Carolina with Mr. Casey of Massachusetts.
Mr. Hendricks with Mr. Pettengill.
Mr. Clark of Idaho with Mr. Poage.
Mr. Kramer with Mr. Lewis of Maryland.
Mr. Gavagan with Mr. Mitchell of Illinois.
Mr. Long with Mr. Scrugham.
Mr. Fitzpatrick with Mr. Sweeney.
Mr. McGranery with Mr. Cummings.
Mr. Sadowski with Mr. Dockweiler.
Mr. McSweeney with Mr. Luckey of Nebraska.
Mr. Laughlin with Mr. Merritt.

Mr. ECKERT changed his vote from "yea" to "nay."

Mr. PACE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The Clerk read as follows:

SEC. 5. Bonds, notes, debentures, and other similar obligations issued by the Commodity Credit Corporation under the provisions of this act shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation (except surtaxes, estate, inheritance, and gift taxes). The Commodity Credit Corporation, including its franchise, its capital, reserves, and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the Commodity Credit Corporation shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, my distinguished colleague the gentleman from Alabama, Mr. BOYKIN, is unavoidably detained in his district on important official business. Were he here, he would have voted "nay" on this last roll call.

EXTENSION OF REMARKS

Mr. DIRKSEN and Mr. DUNN asked and were given permission to extend their own remarks in the RECORD.

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I made on February 12.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

SUITS ON CERTAIN CONTRACTS OF INSURANCE

Mr. GRISWOLD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2383) to amend the act authorizing the Attorney General to compromise suits on certain contracts of insurance.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the effect of this bill?

Mr. GRISWOLD. Prior to the enactment of the Economy Act veterans were permitted to file suits and these suits could

be compromised. The Economy Act provided that all suits were to be settled by the Administrator of Veterans' Affairs and deprived the veterans of the right to file suit. Thereafter the Supreme Court held unconstitutional that part of the act which delegated to the Administrator of Veterans' Affairs power to settle and compromise these claims and barred the right to sue on the part of the veteran. Therefore, after the enactment of the Economy Act we were placed in the position of forcing every veteran who had a case to enter suit before he could receive any benefits at all from his war-risk insurance.

Mr. MARTIN of Massachusetts. This bill just restores a right he previously had?

Mr. GRISWOLD. This bill just restores a right he previously had, allowing the Department of Justice to compromise these claims instead of forcing the veteran into court when he has a just and reasonable claim.

Mrs. ROGERS of Massachusetts. This bill was reported by the unanimous vote of the committee.

Mr. GRISWOLD. Yes, it was reported by the unanimous vote of the Committee on World War Veterans' Legislation.

Mr. MARTIN of Massachusetts. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the sixth paragraph following the subtitle "Veterans' Administration" in the Independent Offices Appropriation Act, 1934, approved June 16, 1933 (48 Stat. 283, ch. 101), be, and the same is hereby, amended to read as follows:

"That the Attorney General of the United States is hereby authorized to agree to a judgment to be rendered by the presiding judge of the United States court having jurisdiction of the case, pursuant to compromise approved by the Attorney General upon the recommendation of the United States attorney charged with the defense, upon such terms and for such sums within the amount claimed to be payable, in any suit brought under the provisions of the World War Veterans' Act, 1924, as amended, on a contract of yearly, renewable term insurance which may be now pending or hereafter may be filed, and the Administrator of Veterans' Affairs is hereby authorized and directed to make payments in accordance with any such judgment: *Provided*, That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Veterans' Administration for all payments of insurance made in accordance with any such judgment: *Provided further*, That all such judgments shall constitute final settlement of the claim and no appeal therefrom shall be authorized."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on the bill with reference to the Commodity Credit Corporation, which has just been passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TEIGAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a Lincoln Day address delivered by the Governor of Minnesota last Saturday.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Under the previous order of the House, the gentlewoman from Indiana [Mrs. JENCKES] is recognized for 15 minutes.

Mrs. JENCKES of Indiana. Mr. Speaker, today American woman are paying tribute to the memory of Susan B. Anthony, the woman who changed the mind of a great nation.

On February 15, 1820, in the city of Adams, Mass., Susan B. Anthony was born. Susan B. Anthony seemed to be destined to devote her life to efforts which would better the status of women in these United States. It will be interesting to this House of Representatives and to our American citizenship to know that less than 70 years ago no married woman had a legal right to any money she earned. No married woman could collect damages to her person or reputation. No woman, unaccompanied by a man, was admitted to a restaurant or a hotel. No married woman could own anything, and 70 years ago only one obscure college admitted women. No woman could vote or hold public office. That was the status of the womanhood of America 70 years ago.

And then divine providence sent Susan B. Anthony to the American people to right this grievous wrong which was perpetrated against American womanhood.

Women, since the early days of civilization, have always been the protectors of the home and fireside. Women have always protected the spiritual side of humanity. Women have fought to preserve religious and the finer cultural things of life. Nevertheless, 70 years ago women had no voice in government outside of the government of their own homes, and in those days they had very little to do directly with the management of their own homes.

But Susan B. Anthony devoted her life in the crusade of equal rights for women. Susan B. Anthony believed that American men and American women should have equal rights throughout the United States and every place subject to its jurisdiction. Susan B. Anthony devoted 50 years of her life to efforts to bring this great truth to the American people, and when on March 14, 1906, Susan B. Anthony died at Rochester, N. Y., millions of American women took up the torch which provided constructive enlightenment to the American people. Today I am happy to advise this House of Representatives that our American women are carrying on in a most glorious manner as a genuine tribute to the ideals and great services which Susan B. Anthony rendered.

Now, let us ask ourselves why women should be given equal rights with men. Do not women bear an equal part of the burden placed on us by our modern civilization. Yes, indeed; women have always since creation day borne their burdens without complaint and with a loyalty which has meant much to the development of civilization.

And we American women shall always carry in our hearts and in our ideals the things which Susan B. Anthony held up to the American people for 50 years. Susan B. Anthony was inspired by lofty spiritual ideas and was possessed with an intelligent and clear understanding of the doctrine of "equal rights for women." And today on the anniversary of her birth, I appeal to women all over America to carry on these same ideals which Susan B. Anthony carried on unflinchingly, without thought of personal reward, in order that her fellow women might be uplifted throughout America and the world.

Susan B. Anthony had a clear understanding of politics. The word politics has been maligned and associated by unthinking persons with dishonest public service.

If we will look in our dictionaries we will find the word "politics" defined as "the science of civil government." Seventy years ago the science of civil government was one-sided. Seventy years ago the science of civil government was a masculine science.

"The science of civil government" did not have the advantage of the gentleness of feminine understanding. But Susan B. Anthony brought a true understanding of politics or "the science of civil government" to the American people.

We all know that the initial unit of government is the home. We all know that, if throughout the United States we have prosperous homes, if we have happy homes, and if we have patriotic homes, we will have a prosperous, happy, and patriotic Nation. But when the initial unit of civil government, which is the home, is broken down, then our Nation faces grievous consequences. So, it is reasonable and proper that, inasmuch as women's main interest is in the home, they could also enlarge that interest to take in a constructive interest in civil government or in public service.

American science and American invention has, during the past 70 years, emancipated women from much of the drudgery incidental to the maintenance of the home. While Susan B. Anthony provided the ideals and led the crusade for equal rights for women, it was Thomas Edison who harnessed the electrical equipment to provide labor and time-saving devices for women in our American homes, and thus our American women had additional time to devote to additional constructive efforts in behalf of the "science of civil government." And our American women have made glorious use of this additional time with which science and invention has provided her.

Now, let us ask ourselves as women, whether our American women have kept faith with the ideals of Susan B. Anthony. I remember in my home town of Terre Haute, Ind., those who were opposed to equal rights to women that women would not exercise the right to vote if it were given them. It was said that the approach to the ballot box was unfit for women. But let us see what our American women have actually accomplished in the carrying out of the ideals of Susan B. Anthony.

Today our American women are casting 50 percent of the total votes in every municipal election, 50 percent of the total votes in every State election, and 50 percent of the total votes in every national election; and it has only been a few years ago, in 1920, that the passage of the woman's suffrage amendment was made possible, and it was declared law August 26, 1930. And now we find women arising to their opportunity to better "the science of civil government" by casting 50 percent of the votes, and that percentage is on the increase.

Women are natural shoppers. Women have an inborn instinct to judge values. This was necessary through the ages in order to secure the best for the children and the home. And today women are displaying that same instinct in judging values of public service. Women are not as partisan as men are when questions come before them involving the protection and the development of the American home, and this is as it should be. Women are keeping faith with Susan B. Anthony. Women have stopped wishing for better homes, for better cities, for a better State, and a better Nation. Women are voting to secure these necessary civic requirements. And women are standing shoulder to shoulder with their men in the attainment of these high ideals. This prophesies a great development for America. As long as our American women exercise their full right to vote, America will be slow to engage in war. But American women will demand that their homes and their firesides, their cities, their State, and their Nation must be protected by the best Army, the best Navy, the best Marine Corps, and the best aviation forces that the resources of our Nation can provide.

Women in other nations are not as fortunate as our American women. They are not given the right to vote. They are not given the right to sit in the high councils of government. In many foreign governments women are only considered a means to provide cannon fodder to bolster the undemocratic efforts of dictators.

But the vote of the American women will protect America against any foreign doctrine which might break down our democracy as practiced in these United States. The vote of the people must be supreme and as women, through their gentle leadership, have always proved to be a good influence for humanity, we Americans can safely trust the vote of our American women for the betterment of our Nation and the maintenance of our American ideals.

But I sound a note of warning, and I know that if Susan B. Anthony were alive today she would sound this same warning to our American women. Do not be deceived and do not be misled by the emotional, dramatic, and untruthful appeal or approaches which propagandists are making at the present time to lead our American women and their vote away from the support of our democratic form of American government and our American democratic ideals. Here again American women—it matters not what their political affiliations may be—must exercise their abilities to judge values. When we hear over the radio, or when we read in newspapers or magazines direct or indirect subtle or insidious attacks against the Congress, against the State legislatures, or against the elected or appointed public servants of the people, do not be convinced until you know the truth, and then the truth will permit you to cast your vote accordingly.

I am sure that if Susan B. Anthony were alive today, and her spirit certainly is alive, she would tell the American women to "shop carefully for genuine values in public service." Investigate and make inquiry when you hear insidious propaganda coming to you in your home over your radio. Make searching inquiry when you read in your newspaper or magazine charges against those who are elected or appointed to render public service.

I say to our American women, know the truth, and the truth in your possession will enable you, through your ballot to maintain the high ideals which the founders of our Republic gave us and which our great leaders, such as our beloved Susan B. Anthony, had in mind, while they devoted the best part of their lives for the betterment of our cause.

And so today throughout our great Nation, men, women, and children are paying tribute to Susan B. Anthony. Let us firmly resolve to carry on and keep alive the ideals to which she devoted her life. As a tribute to the memory of Susan B. Anthony every woman should resolve to take part in the development of a true science of civil government or politics by casting her vote in every municipal, in every State, and in every Federal election.

If the women of America will cast their votes at each and every opportunity they will be keeping faith with Susan B. Anthony.

I thank you. [Applause.]

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, after consulting with the gentleman from New York [Mr. TABER] and the gentleman from Colorado [Mr. TAYLOR], chairman of the Committee on Appropriations, I ask unanimous consent that on the so-called relief bill tomorrow general debate be limited to 4 hours, one-half of the time to be controlled by the gentleman from Colorado and one-half by the gentleman from New York, and that the debate be confined to the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Under the previous order of the House, the gentleman from Pennsylvania [Mr. EBERHARTER] is recognized for 10 minutes.

Mr. EBERHARTER. Mr. Speaker, in view of the lateness of the hour, I do not wish to avail myself of the privilege of addressing the House at this time.

The SPEAKER. Under the previous order of the House, the gentleman from Missouri [Mr. ANDERSON] is recognized for 10 minutes.

OUR NATIONAL DEFENSE

Mr. ANDERSON of Missouri. Mr. Speaker, I am particularly grateful for the opportunity to address you briefly upon the subject of national defense. This is a subject of the utmost importance to every man, woman, and child in this Nation—and I add the words "woman and child" with design, for events of late clearly demonstrate that modern war has little regard for women and children. They have no greater degree of respect than the actual combatants.

Just as this question is one of such vital importance, it is one most frequently misunderstood. That misunderstanding can be attributed to a number of factors.

In the first place, there are those who sincerely believe that our present defenses are entirely adequate or might even be reduced. While this may be a sincere belief, I am convinced that those who hold it are few, and for them I pray they will soon be enlightened.

Secondly, we have those among us who believe that we might well have more adequate defenses, but look upon the cost as prohibitive. This, too, is a sincere belief, but, sincere

though it may be, it indicates a very meager knowledge of world events and of what should be done to insure national security and peace. To the people who hold such beliefs I urge and exhort them to devote just a little time and study lest their misunderstanding of this great problem contribute to our Nation's downfall. I urge them also to visualize the plight of nations inherently powerful but totally unprepared to protect themselves against a well-equipped aggressor. Let them take stock of our own defenses.

Thirdly, there is a group—and a very active one, sorry to say—that would not lift a finger in defense of this Nation under any condition. No provocation could cause them to fight; they are cowards of the first rank. Yet they seize upon the opportunity of recent public discussions to flood the offices of Congressmen and the pages of newspapers with false propaganda tending to create the impression that our Government is actually planning to wage an aggressive war. Testimony of expert witnesses before congressional committees has been misquoted, perverted, and distorted until its meaning is completely reversed and its significance entirely lost. This latter class of people are the real enemies of our country. They are just as dangerous and just as deadly as any enemy that we might have to face in the trenches, but their method of attack is couched in the false cloak of a pseudo patriotism. It behooves all Americans to be on the lookout for this type of enemy.

Finally, there is perhaps a small group that would like to see this Nation go to war for the sole purpose of having the opportunity to reap a fortune in blood money.

It is my firm conviction, however, that the combined total of all these classes I have just mentioned is but a small minority. But it behooves all of us who are interested in national security and peace to see that this minority does not increase its ranks.

It is my firm belief and intention to strive with every power at my command for lasting peace. I have worked ceaselessly since coming to Congress for those ideals and principles which I believed were best calculated to promote peace for our Nation. At various times I have made known my ideas of how we might reach our goal. But I am convinced that we cannot and will not have peace unless we have an adequate national defense.

Perhaps it seems paradoxical to say that we need increased armaments and at the same time say that we want peace, but the contrary is true. In order to have peace, two things are necessary. First, we must have a desire for peace, and that we have this is not open to dispute. Second, we must be prepared to defend ourselves successfully against all enemies if attacked. Unless both conditions exist at one and the same time, we are not likely to remain at peace very long.

Lest I be misunderstood, let me pause here to remind you that I am not advocating the precipitance of this Nation into a wholesale arms race with the rest of the world. I will not support any such program in Congress. I will combat any such measure with every ounce of my energy.

This whole matter revolves around the meaning of two very potent and significant words—"adequate" and "defense." It is my honest conviction that we can erect a national defense for our Nation without joining any arms race or entering into any foreign alliances.

Time does not permit me to go as fully into this problem as would be desirable. However, I shall endeavor to give a general outline of what I believe should be the underlying thought and principle in mapping a defense program. Let us deal with facts rather than theory. First, we have the God-given benefit of peaceful and friendly neighbors and a geographic advantage that many nations do not possess. We are separated from our potential enemies to the east and to the west by thousands of miles of water. It is a well-known and indisputable fact that this is a great natural advantage. Any nation in Europe or Asia that would attack us must conduct operations thousands of miles from home, and it is an incontestable military fact that the farther from home bases armed forces are required to operate the greater difficulty is faced in bringing the conflict to a successful culmination. In other words, as the distance is increased, the effectiveness of armed forces are decreased. This is especially true when that all-important distance is over water rather than land.

Secondly, I have previously gone on record as advocating the withdrawal of American ships and troops from foreign war zones as soon after the evacuation of our nationals as possible. Further than that I have advocated a strict neutrality in all foreign disputes, not only a neutrality with respect to overt acts but also a neutrality in the public utterances of Government officials. To put it bluntly, I am in favor of a policy of "minding our own business."

With these elementary concepts of peace in mind, I think the term "defense" should mean for us a defense of our own shores and possessions, and nothing more. Our defenses should be constructed in such a way as to insure the maximum of defensive power. This can best be done by equipping the Army and Navy for defensive operations rather than long-range operations in anticipation of policing the world. It is a simple fact that our money will go farther in erecting our defense if we build without the idea of playing policeman for other nations. There is no doubt in my mind that our Nation can be made practically impregnable without joining in any arms race, without seeking foreign alliances, and without building an Army and Navy to carry on operations throughout the world. I believe the American people are willing to sacrifice their all in defense of their land, if need be, but they refuse to spend a single dollar to fight other people's wars. We did that once, and if there are any among you who would forget, I invite you to read some of the letters I receive from World War veterans—or, better still, spend a few minutes in any veterans' hospital. If you will do this, you will soon forget the foreign idea that there is glory in war.

In conclusion I say again that the American people should take stock of their national defense during this National Defense Week. They should reach a definite conclusion on the meaning of defense and insist that their Government adopt for its ideals those recently laid down for the Navy by Admiral William D. Leahy, Chief of Naval Operations: "We have no thought of giving assistance in the solution of the problems of any other nation." "We have no thought of obtaining assistance from any other nation." "We have no foreign commitments." "There are no understandings regarding assistance to be given or received."

" 'We'—the Navy—expect to solve the defense problems that may confront United States in 'our'—the Navy's—traditional way, without alliances." " 'We'—the Navy—expect to stand on our—its—own feet in providing protection to the United States, and we—it—expect to succeed." [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a list of the witnesses who will appear before the Committee on the Judiciary tomorrow on the House joint resolution for the control of cancer, introduced by myself.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The list referred to is as follows:

Dr. C. C. Little, managing director, American Society for the Control of Cancer.

Mrs. Marjorie B. Illig, national commander, Women's Field Army, and chairman of public health, General Federation of Women's Clubs.

Dr. Frank E. Adair, Memorial Hospital, New York City, chairman of malignancy committee of American College of Surgeons.

Mrs. Gustave Ketterer, State commander, Pennsylvania.

Mrs. John Paul Troy, State commander, Maryland.

Mrs. Roberta Campbell Lawson, president, General Federation of Women's Clubs.

Dr. Valerie Parker, honorary president, National Council of Women.

Dr. John W. Cox, southern field representative, American Society for the Control of Cancer.

The SPEAKER. Under the previous order of the House, the gentleman from Texas [Mr. DIES] is recognized for 10 minutes.

Mr. RAYBURN. Mr. Speaker, the gentleman from Texas [Mr. DIES] does not desire to use the time now.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. BOYKIN (at the request of Mr. HOBBS), on account of important official business in his district.

To Mr. HULL (at the request of Mr. BOILEAU), for today, on account of illness.

To Mr. GREEN (at the request of Mr. PETERSON of Florida), for 1 week, on account of the serious illness of his mother.

EXTENSION OF REMARKS

Mr. CANNON of Wisconsin. Mr. Speaker, I ask unanimous consent to insert in the RECORD a speech I made over the National Broadcasting System this afternoon, February 15.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 8505. An act to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 8505. An act to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until tomorrow, Wednesday, February 16, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, February 16, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Wednesday, February 16, 1938, at 10 a. m., for the consideration of a building program for the Navy. Very important.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, February 16, 1938. Business to be considered: Continuation of hearings on S. 69—train length. Chambers of commerce will be heard in opposition.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. 3 of the Committee on the Judiciary at 10:30 a. m., Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill (H. R. 8339) providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m. on Tuesday, March 1, 1938, on the bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee on fiscal affairs of the House Committee on the District of Columbia will meet Wednesday morning, February 16, 1938, at 10 a. m., in the caucus room, House Office Building, on proposed taxation legislation. On Thursday and Friday, February 17 and 18, 1938, the meetings will be held in the District of Columbia hearing rooms at 10 a. m.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearings in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 a. m., on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 9, 1938, at 10 a. m., on the following bills: H. R. 9225, authorizing the appointment of 30 principal traveling inspectors by the Secretary of Commerce; H. R. 9368, authorizing the issuance of certain seamen's certificates by inspectors of hulls and boilers.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 16, 1938, at 10 a. m., on H. R. 8251, relative to radio operators on cargo vessels.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1085. A letter from the secretary, Interstate Commerce Commission, transmitting a copy of the decision by Division 3, dated January 21, 1938, in Air Mail Docket No. 37, Delta Air Corporation Rate Review, 1937; to the Committee on the Post Office and Post Roads.

1086. A letter from the secretary, Interstate Commerce Commission, transmitting a copy of the decision by Division 3, dated January 22, 1938, in Air Mail Docket No. 31, Western Express Corporation Rate Review, 1935–36; to the Committee on the Post Office and Post Roads.

1087. A letter from the chairman of the Joint Committee on Hawaii, submitting pursuant to Senate Concurrent Resolution 18, Seventy-fifth Congress, the report of the joint committee on its investigation and study of the matter of proposed statehood and other subjects relating to the welfare of the Territory of Hawaii; to the Committee on the Territories.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CANNON of Missouri: Committee on Appropriations. House Joint Resolution 591. Joint resolution making appropriations for the control of outbreaks of insect pests; without amendment (Rept. No. 1804). Referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado: Committee on Appropriations. House Joint Resolution 596. Joint resolution making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938; without amendment (Rept. No. 1805). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCLELLAN: Committee on Flood Control. H. R. 8043. A bill authorizing and consenting to an interstate compact between the States of Minnesota, South Dakota, and North Dakota relating to the utilization of, the control of the floods of, and the prevention of the pollution of the waters of the Red River of the North and streams tributary thereto; with amendment (Rept. No. 1807). Referred to the Committee of the Whole House on the state of the Union.

Mr. FERGUSON: Committee on Irrigation and Reclamation. H. R. 8817. A bill to amend an act entitled "An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley Conservancy District in New Mexico", approved August 2, 1937 (Public, No. 241); without amendment (Rept. No. 1808). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. House Joint Resolution 573. Joint resolution to amend the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair 1939"; without amendment (Rept. No. 1810). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ROBINSON of Utah: Committee on the Public Lands. H. R. 9349. A bill for the relief of the Nicolson Seed Farms, a Utah corporation; without amendment (Rept. No. 1806). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. McREYNOLDS: Committee on Foreign Affairs. House Resolution 417. Resolution requesting the President of the United States to furnish to the House of Representatives certain data with reference to neutrality (Rept. No. 1809). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS: A bill (H. R. 9499) to cancel the indebtedness and liens, chattel mortgages, and other encumbrances securing the indebtedness on certain oat forage crop loans; to the Committee on Agriculture.

By Mr. DIMOND: A bill (H. R. 9500) to increase the pay of certain post-office employees in the Territory of Alaska; to the Committee on the Post Office and Post Roads.

By Mr. GASQUE: A bill (H. R. 9501) granting pensions and increases of pensions to needy war veterans; to the Committee on Pensions.

By Mr. LUTHER A. JOHNSON: A bill (H. R. 9502) to amend section 1 of the act approved August 16, 1937 (Public Law No. 304, 75th Cong., 1st sess.); to the Committee on World War Veterans' Legislation.

By Mr. HARTER: A bill (H. R. 9503) to amend the National Defense Act of June 30, 1916, as amended, with respect to the pay and allowances of certain Reserve officers; to the Committee on Military Affairs.

By Mr. CASE of South Dakota: A bill (H. R. 9504) to provide an opportunity for voting to veterans in Government hospitals; to the Committee on World War Veterans' Legislation.

By Mr. RANDOLPH: A bill (H. R. 9505) to provide for financing certain self-liquidating public works, to provide additional facilities for the national defense, to aid in the relief of unemployment, to stimulate business recovery, to promote the public safety, and for other purposes; to the Committee on Banking and Currency.

By Mr. FLANNERY: A bill (H. R. 9506) to create a United States Civil Service Board of Appeals; to the Committee on the Civil Service.

By Mr. MANSFIELD: Resolution (H. Res. 419) providing for the employment of a special employee of the House of Representatives; to the Committee on Accounts.

By Mrs. ROGERS of Massachusetts: Resolution (H. Res. 420) requesting the Secretary of State to furnish certain information pertaining to reciprocal-trade agreements; to the Committee on Ways and Means.

By Mr. FISH: Concurrent resolution (H. Con. Res. 33) condemning the use of barbaric and inhuman methods of warfare; to the Committee on Foreign Affairs.

By Mr. CASE of South Dakota: Concurrent resolution (H. Con. Res. 34) to encourage the development of domestic manganese in the interest of national welfare and national defense; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALESHIRE: A bill (H. R. 9507) for the relief of William H. Dugdale and wife; to the Committee on Claims.

By Mr. CASE of South Dakota: A bill (H. R. 9508) for the relief of Lester R. Taylor; to the Committee on Claims.

By Mr. CASEY of Massachusetts: A bill (H. R. 9509) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of M. Grace Murphy, administratrix of the estate of John H. Murphy, deceased, against the United States; to the Committee on Claims.

Also, a bill (H. R. 9510) granting a pension to Katherine R. Salmon; to the Committee on Pensions.

By Mr. COLLINS: A bill (H. R. 9511) for the relief of the estate of Lamar Smith; to the Committee on Claims.

Also, a bill (H. R. 9512) granting an annuity to Emma L. Godey; to the Committee on Claims.

By Mr. CULKIN: A bill (H. R. 9513) granting an increase of pension to Madie C. Gilbert; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Maryland: A bill (H. R. 9514) for the relief of Katie Goldberg and Jesse Fine, trustees under the last will and testament of Morris Goldberg, deceased; to the Committee on Claims.

By Mr. KENNEDY of New York: A bill (H. R. 9515) for the relief of Grunwald & Tudor and E. Deffebach, principals, and Louis H. Pink, superintendent of insurance in New York, as liquidator of New York Indemnity Co., insolvent, surety, upon contract with Interior Department dated May

12, 1928, and identified by symbols I-1p-129; to the Committee on Claims.

By Mr. McGEHEE: A bill (H. R. 9516) for the relief of J. T. Herren; to the Committee on Claims.

By Mr. O'BRIEN of Illinois: A bill (H. R. 9517) for the relief of Calogero Sgaraglino; to the Committee on Immigration and Naturalization.

By Mr. ROMJUE: A bill (H. R. 9518) granting an increase of pension to Annie A. Alexander; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 9519) granting a pension to Sallie Dempsey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1, of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4105. By Mr. BATES: Petition of John W. Hargreaves and more than 50 other registered voters of North Andover, Mass., seeking to abolish the privately owned Federal Reserve System and to restore to Congress its constitutional right to coin and issue money and regulate the value thereof; to the Committee on Banking and Currency.

4106. Also, petition of John J. Callahan and approximately 450 other registered voters of North Andover, Mass., and vicinity, seeking to abolish the privately owned Federal Reserve System and to restore to Congress its constitutional right to coin and issue money and regulate the value thereof; to the Committee on Banking and Currency.

4107. By Mr. COFFEE of Washington: Resolution of the Board of King County Commissioners, Louis Nash, chairman, pointing out the growth of unemployment, demonstrating the injustice and impracticability of the Woodrum amendment as not according to Works Progress Administration officials a chance to adjust the unemployment problem properly, urging the prompt passage of the so-called Schwellenbach-Allen resolution, and favoring the immediate expansion of Works Progress Administration to 3,000,000 jobs; to the Committee on Appropriations.

4108. Also, resolution of the executive board of the Washington State Federation of Scandinavian-American Democratic Clubs, pointing out that Hon. Fred H. Marvin, of Tacoma, Wash., is a man of high qualifications in maritime affairs and intimate acquaintance with their problems, and therefore urging his appointment as a member of the Federal Maritime Commission; to the Committee on Merchant Marine and Fisheries.

4109. Also, resolution of the legislative committee of the Washington State Federation of Scandinavian-American Democratic Clubs, urging Congress to forthwith enact into law the Ramspeck civi-service bill for postmasters (H. R. 1531), as in the interest of greatest efficiency and competency in the Federal service; to the Committee on the Civil Service.

4110. Also, resolution of the Committee for Industrial Organization of the State of Washington, Richard Francis, regional director, urging the Department of State to act favorably and speedily upon the application of Harold Pritchett, international president of the International Woodworkers of America, for a visa for himself and family for entrance and permanent residence in the United States with the view of becoming American citizens; to the Committee on Labor.

4111. Also, resolution of the Committee for Industrial Organization of the State of Washington, Richard Francis, regional director, opposing the Hill-Sheppard bill, demanding the repeal of the Woodrum amendment with respect to the Works Progress Administration favoring the early passage of a strong wage and hour bill, and favoring the expansion of the Works Progress Administration in this emergency, pointing out further that the so-called Sheppard-Hill bill, while an ostensible effort to prevent war profiteering, actually gives the President full power to control labor organizations and wipe out the benefits of collective bargaining agreements; to the Committee on Military Affairs.

4112. By Mr. CONNERY: Resolution of the Overseers' Association and Second Hands' Association, Arlington Mills, Lawrence, Mass., protesting against any contemplated action by the Tariff Commission that would allow increased foreign woolen and worsted textile importations; to the Committee on Foreign Affairs.

4113. Also, resolution of the Italian Junior League of Lawrence, Mass., in opposition to the proposed reciprocal-trade agreement between the United States and Great Britain; to the Committee on Foreign Affairs.

4114. Also, resolution of the Lawrence Harugari Association, Lawrence, Mass., protesting against the inclusion of all kinds of woolen cloth in their raw and manufactured state in the proposed trade treaty agreement between the United States and Great Britain; to the Committee on Foreign Affairs.

4115. By Mr. CURLEY: Petition of the Government workers at the Army base, Brooklyn, endorsing the Federal Workweek Act and the Federal Workers Appeal Act; to the Committee on the Civil Service.

4116. By Mr. JACOBSEN: Resolution of the City Council of the city of Des Moines, Iowa, approving the action of mayors and representatives of the various cities represented at the Chicago conference; that we ask the Governor of our State, and our United States Senators, and Members of Congress from the State of Iowa, to lend their influence and support to legislation to provide ample additional funds for continuing all men now on W. P. A., and such additional appropriations as will be necessary to take care of the increasing number of unemployed; to the Committee on Appropriations.

4117. By Mr. MERRITT: Resolution of the American League for Peace and Democracy, that the Manhattan division of this organization unalterably opposes the Hill bill; to the Committee on Military Affairs.

4118. Also, resolution of the legislative committee of the Dutchess County Peace Council, New York, reaffirming certain portions of their planks regarding restriction of military and naval policy and favoring reduction of our armaments; to the Committee on Military Affairs.

4119. By Mr. PFEIFER: Petition of the American League for Peace and Democracy, New York City division, concerning the Hill bill (H. R. 6704); to the Committee on Military Affairs.

4120. Also, petition of the Transport Workers Union of America, New York City, concerning the Hill-Sheppard bill (H. R. 6704); to the Committee on Military Affairs.

4121. Also, petition of the Transport Workers Union of Greater New York, concerning the Hill-Sheppard bill (H. R. 6704); to the Committee on Military Affairs.

4122. By Mr. ROMJUE: Petition of the Goad-Ballinger Post, No. 69, American Legion, Springfield, Mo., favoring the bill now before Congress providing for a pension of $30 per month for the widows of veterans of the World War, and $5 per month for each child of such veteran, and urging the membership of the National House and Senate to support the enactment of this measure into the laws of the Nation; to the Committee on Pensions.

4123. By Mr. SANDERS: Petition of citizens of Tyler, Tex., Smith County, protesting against the entry of the United States into any foreign war; to the Committee on Foreign Affairs.

4124. By the SPEAKER: Petition of the Regular Veterans' Association, Washington, D. C., petitioning consideration of the resolution passed by the Banks of the Wabash Post, No. 166, Terre Haute, Ind., with reference to House bills 8782 and 2948, concerning national defense; to the Committee on Military Affairs.

4125. Also, petition of the Melvani-Petraccaro World War Veterans' Association of Morris County, Inc., Morristown, N. J., petitioning consideration of their resolution dated February 9, 1938, with reference to having one of the new battleships named after this State; to the Committee on Naval Affairs.

SENATE

WEDNESDAY, FEBRUARY 16, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, February 15, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 628. An act to provide for the construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah; and

S. 2383. An act to amend the act authorizing the Attorney General to compromise suits on certain contracts of insurance.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9361. An act to maintain unimpaired the capital of the Commodity Credit Corporation at $100,000,000, and for other purposes; and

H. R. 9379. An act to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Calif.	Pepper
Andrews	Davis	Johnson, Colo.	Pope
Ashurst	Dieterich	King	Radcliffe
Austin	Donahey	La Follette	Reynolds
Bailey	Duffy	Lee	Russell
Bankhead	Ellender	Lewis	Schwartz
Barkley	Frazier	Lodge	Schwellenbach
Berry	George	Logan	Sheppard
Bilbo	Gerry	Lonergan	Shipstead
Bone	Gibson	McAdoo	Smith
Borah	Gillette	McGill	Thomas, Okla.
Bridges	Glass	McKellar	Thomas, Utah
Brown, Mich.	Green	McNary	Townsend
Bulkley	Guffey	Maloney	Truman
Bulow	Hale	Miller	Tydings
Burke	Harrison	Milton	Vandenberg
Byrd	Hatch	Minton	Van Nuys
Byrnes	Hayden	Murray	Wagner
Capper	Herring	Neely	Walsh
Caraway	Hill	Norris	Wheeler
Chavez	Hitchcock	Nye	
Clark	Holt	O'Mahoney	
Connally	Hughes	Overton	

Mr. LEWIS. I announce that the Senator from Oregon [Mr. REAMES] is detained from the Senate because of illness.

The Senator from New Hampshire [Mr. BROWN] is absent on important public business.

The junior Senator from Nevada [Mr. MCCARRAN] and the senior Senator from Nevada [Mr. PITTMAN] are detained on official business in their State.

The Senator from New Jersey [Mr. SMATHERS] is necessarily detained.

The Senator from Minnesota [Mr. LUNDEEN] is detained on business pertaining to his State in one of the Government departments.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

The VICE PRESIDENT. A cloture motion on the pending bill having been filed, which motion is to be voted on, under the rule, at 1 o'clock today, by virtue of an order of the Senate agreed to yesterday, the time from now until 1 o'clock will be controlled one-half by the Senator from New York [Mr. WAGNER] and one-half by the Senator from Texas [Mr. CONNALLY].

Mr. WAGNER. Mr. President, I propose, in opening, to make a very brief statement and then to yield the remainder of the time allotted to the proponents of the pending bill to the senior Senator from Kentucky [Mr. BARKLEY] to conclude the debate.

I need hardly remind the Senate that we are still in the legislative day of January 5, 1938. For almost the entire period of the present session, covering about 6 calendar weeks, the antilynching bill has been the unfinished business of the Senate. Almost 3 weeks ago, a motion to limit debate failed of approval. Today, after 3 more weeks of discussion, we are far from a vote on the bill or on any amendment thereto. Yet, not by the farthest stretch of the imagination can it be said that this measure has not been exhaustively discussed from every conceivable standpoint.

The situation before the Senate is very plain. We are in the midst of an acknowledged filibuster. When, as here, a comparatively small group of Senators are determined that a question shall not be brought to a vote and are willing to exercise all their rights under the Senate's rules, as they have been doing in this instance, it is very difficult to obtain a vote within the Senate rules short of invoking cloture. That was apparent 3 weeks ago; today, any shadow of doubt on that score has been removed.

Mr. President, this bill is here by unanimous consent, given toward the close of the last session. All during these weeks of filibustering, the proponents of the measure have been willing at any time to submit any question to a vote, whether upon an amendment or upon final passage of the bill. That vote we are entitled to have and, Mr. President, we are determined to secure it.

It is a curious argument indeed that this filibuster is justified on the ground that unlimited debate is essential to democracy. If the demonstration of unlimited debate which we have experienced here is any illustration, then democracy is indeed imperiled. The cause of democracy is subverted, not advanced, by this demonstration of its utter inability to function.

The Constitution of the United States is the supreme law of the land. It was adopted, among other reasons, in order to establish justice, promote the general welfare, and secure the blessings of liberty for our people. The free and appropriate enjoyment of the various fundamental civil rights embodied in the amendments to the Constitution are the very basis of any democratic form of government, local or otherwise. Foremost among these fundamental guaranties is that all persons be accorded the equal protection of the laws and due process of law. It is the high purpose of this bill to make a reality of these fundamental guaranties in a situation where notoriously they have been naught but shameful mockeries. We seek to insure that every man, however humble and whatever his race or creed, shall be given a fair trial by his peers when accused of crime.

As I have repeatedly said, this bill need never be invoked if the States do their duty under the Federal Constitution. It applies only where the officers or subdivisions of the States have failed in that duty.

Every Senator has expressed his horror of lynching. The overwhelming majority of Senators favor this legislation. I plead with each and every one of them to vote for cloture, so that the debate may be brought to a prompt conclusion. In the present circumstances, a vote against cloture is bound to be regarded as a vote against the bill, whatever the reservations or protestations of Senators may be.

I plead also with those who are opposed to the measure not to let their opposition take the form of frustrating the people's constitutional right to declare their will on this important public question through their elected representatives.

There can be no question that the fullest possible consideration has been given to this bill. I plead with all Senators: Whatever your views on the merits of the bill may be, let us have an opportunity to vote. Only in that way will we vindicate the essential principle of representative government.

The VICE PRESIDENT. The Chair understands the Senator from New York to yield the balance of his time to the Senator from Kentucky [Mr. BARKLEY].

Mr. WAGNER. I do.

Mr. CONNALLY. Mr. President——

The VICE PRESIDENT. The Senator from Texas.

Mr. CONNALLY. How much time have I available?

The VICE PRESIDENT. The Senator from Texas has 26 minutes.

Mr. CONNALLY. I thank the Chair.

Mr. President, the question upon which the Senate is to vote today is not the passage of the bill as such, but is the motion for cloture. I want Senators thoroughly to understand that question. The Senator from New York [Mr. WAGNER] again makes a speech in behalf of the bill and seeks to intimidate Senators by saying that a vote against cloture will be regarded as a vote against the bill. If any Senator is frightened or intimidated by language of that kind from the Senator from New York, he has not the moral fortitude which the Senator from Texas thinks all Senators in this Chamber possess.

Mr. President, the Senator from New York talks about a filibuster. He may term this debate a filibuster if he desires. Other Senators have spoken of the debate on the bill as being a futile debate. I submit to Senators and to the country that the debate on this measure has not been a futile debate.

When the debate began, about a month ago, the country generally was unaware of what the bill proposed. Cloaked as it was by the pretense of being against lynching, many citizens who, like those of us who are opposing the bill, are against lynching, supposed that probably they were for the bill; but the debate has enlightened the people of the United States. I tell Senators now, do not deceive yourselves. The enlightened, thinking public opinion of America is not for this bill, and the reason why the public opinion of America is not for this bill is because of the debate on the measure which has been carried in the press.

The Senator from New York [Mr. WAGNER] assumes to speak for New York. As against the Senator from New York, I desire to quote that outstanding publicist and editorial writer and newspaperman, Mr. Arthur Krock, of the New York Times, with regard to the so-called filibuster. In a notable article, published in the New York Times on the 28th day of January, Mr. Krock discusses this bill and the debate on it. His conclusion is that the country does not want the bill, that the Senate does not want the bill, and that this so-called filibuster is entirely justified from the public viewpoint of the freedom of discussion here and the undesirability of the majority, swept on by passion and prejudice, cramming down the throats of a large section of America a bill which is not only distasteful to them but is unconstitutional.

That is Mr. Krock's position. He is of the opinion that the bill is neither desirable nor constitutional.

I have not time to read the entire article, but it is available for Senators. Let me quote a few words from it.

> Among those pledged to vote for it, if it ever is put on passage, are many who thoroughly agree with Senator BORAH'S constitutional exceptions.

Omitting some of the article, because it is too long to read in full, Mr. Krock says:

> In such circumstances a filibuster takes on respectability and popularity.

That is what Mr. Krock says. He is not a southerner. He is not a partisan. He is not standing here representing the forces of darkness and of sectionalism. That is Mr. Krock's reply. A constituent of the Senator from New York makes reply to his Senator here on the floor.

Mr. President, I quote from another great publicist and columnist, Mr. Walter Lippmann, of New York. What does he say about the bill? I hold in my hand an article by Mr. Lippmann, published on February 1. What does Mr. Lippmann say in the article? He says that this so-called filibuster is not only a popular filibuster throughout the country, but that it is a justified filibuster. Is Mr. Lippmann a narrow southerner? Is he actuated by prejudice and animosity?

Mr. President, these articles show that the debate on this bill has not been futile, but has resulted in arousing the people of America to a consciousness that this bill is a mere piece of hypocrisy, and is a mere snare set to catch the unsuspecting colored votes, at the expense of oppressing the States and ousting their jurisdiction in a field which under the Constitution has been theirs, and theirs alone, since the Constitution itself was adopted, and since the fourteenth amendment was adopted.

Mr. President, what does the rest of the press of the country say? I am not quoting southern newspapers. Here in your own city, what is the editorial opinion of the local newspapers? The Washington Post has had several editorials against this bill, and in vindication and justification of its debate, the so-called filibuster. I have some of those editorials here. Can the Washington Post be considered a narrow, partisan, southern journal?

I hold in my hand an editorial from the Washington Times, another newspaper published in the city of Washington. I cannot read it all. In part, it says:

> Senator BORAH, of Idaho, the Senate's expert on the Constitution, feels that the bill is unconstitutional, and if enacted cannot get by the Supreme Court.

The Washington Times says:

> We believe that Senator BORAH is right in this estimate.

Senators need not stick their heads in the sand and imagine they are ostriches. The people of the country do not want this bill. The people of the country are in favor of having this bill debated and discussed upon this floor in order that they may know its implications, and that they may understand what is back of it. They want the mask torn off. They want this hooded bill, with its mask and its gown, to be exposed to the public view. That is what we have been doing. That is the Senate's function—to hammer out here on the anvils of public discussion, these great constitutional issues and great constitutional questions, and who is there here to say that this matter is not an important constitutional issue?

If under the cloak of the fourteenth amendment the Federal Government can go into a State and say, "We will regulate your courts as to murder cases," why may it not go into the States and regulate the theft cases, and the burglary cases, and the civil courts themselves, under the pretext that someone has been denied the equal protection of the laws? If one's house is burglarized and his neighbor's house is not burglarized, why cannot these gentlemen with equal effect come to the next Congress and say, "The State of Alabama, or the State of New York, denied equal protection of the laws to one of its citizens because it allowed his house to be burglarized when his neighbor's house was not burglarized, and therefore we will pass a Federal law regulating burglary, and providing how a State shall prosecute and handle burglary cases"?

The proponents of the bill call the debate futile. Senators know it has not been futile. Though many Senators have not been present on the floor during a portion of the time while the bill has been under consideration, they know it has been an enlightening and an able discussion of the fundamental questions involved.

It is said debate is taking up a lot of time. I ask the Senator from Kansas, how long did the consideration of the

farm bill take in the extraordinary session? It was discussed over a month, or about a month, was it not? The Senator from Kansas nods his head indicating assent. I ask the Senator from Alabama whether that is not correct.

Mr. BANKHEAD. That is correct.

Mr. CONNALLY. The farm bill was debated here for over a month, but no one raised the cry of filibuster. They were discussing the provisions of that measure, and before us is a measure which is vastly more fundamental, a measure which is beyond question of wider constitutional implication, a measure which strikes at the very foundation of constitutional government, a measure which strikes at the dual system upon which this Government is founded. Yet, because Senators dare to stand upon this floor and expose its stark, and bony, and skinny framework, we are denounced as carrying on a filibuster.

Mr. President, there is talk about letting the Senate transact business. The Senate can transact business whenever it gets ready to transact business. The Senate may lay aside the pending bill and take up other measures whenever it desires to do so. But it was never intended that legislation should be rammed through the Senate without public discussion and without public debate.

What is the Senate for? Is the Senate a mere registration office? Is the United States Senate a mere recorder's office for recording on the statute books the decrees and the mandates of the Senator from New York and others, or is the Senate a public forum, a forum in which the representatives of the States and of the people are to be assembled, not merely to put their imprint of approval on measures, but to debate them where the country can hear them, and where we can hear them, and where public opinion may be formed?

Mr. BANKHEAD. Mr. President, will the Senator yield for a question?

Mr. CONNALLY. I yield.

Mr. BANKHEAD. How long was the League of Nations under consideration by the Senate?

Mr. CONNALLY. I thank the Senator for that interrogation. I was not in the Senate at the time. The Senator from Massachusetts [Mr. WALSH], who was in the Senate at that time, advises me that the League of Nations was discussed before the Senate for 6 months.

Mr. President, the Senate was then discussing a mere alliance with another set of nations, which we could terminate whenever we desired, a mere matter of a treaty, and the discussion lasted 6 months, but when we are discussing, not a League of Nations, but the existence of this Nation, if we discuss it 30 days, off and on, giving way to Senators when they desire to transact other business, if we discuss it 30 days in order to save the life of this Nation, we are filibustering. Call it what you may, there are those here who propose that this measure, before it comes to a vote, shall be laid before the people of the United States in order that they may know what is behind it and what is in it.

This is no caucus over on the East Side of New York where we have to follow the dictates of the "boss." This is no ward meeting, where we have to follow the dictates of the master who sits over in his headquarters in New York. This is the Senate of the United States, and when the time comes for the historian to write about what happened in the Senate, let it not be said that the Senate of the United States, by reason of the undermining of our fundamental principles and institutions, abdicated its great prerogative of free debate and public discussion, thereby accelerating those forces which would destroy constitutional government in the United States.

O Mr. President, the Senator from New York says he is standing behind the Constitution of the United States. Yes, he is undertaking to make it appear that he is standing behind the Constitution of the United States, using it as a cloak, using it as a barricade—it is not truly a barricade, of course, in this instance—but using it as a cloak to mask his own little, petty political motives.

Mr. President, we are going to discuss the bill and expose all of its stark and amazing and shocking lineaments before the people of the United States.

What do we find about the public opinion of America? I challenge Senators to take a canvass of the press of America. I say to Senators who have been busy with other matters, do not delude yourselves, do not deceive yourselves; the press of America is against this bill, and the press of America is not impatient; it is not critical of the debate which has been proceeding here, but the press of America has applauded this debate, and when that is said it might just as well be said that the public opinion of America is against the bill.

In the course of my mail since this matter was taken up I have received literally hundreds of letters, not from the South, although, of course, I receive letters from the South, but from the North. I have received letters from Connecticut, from Maine, from Massachusetts, and some from New York and some from Pennsylvania, from Illinois, and from other Northern States. Many of them read this way:

"I am a northern man, born and raised in the North, but I do not sympathize with the effort of a few Senators to cram down the hearts of the southern people this insulting and this outrageous piece of legislation on the pretext that they are going to stop lynching."

I have received literally hundreds of letters of that kind. I would not undertake to embarrass Senators by putting those letters in the RECORD. I am not trying to build any fire under anyone, but I warn Senators now that if they are acting upon the assumption that the people of America are anxious to have this bill enacted, they might as well undeceive themselves, because the people are not for the bill.

Mr. President, who is there who ought to be afraid of free discussion, open debate? It is said we have wasted some time. I challenge that statement. We have not wasted any time. Whenever those who direct the affairs of the Senate desire, they can proceed to the consideration of any other legislation. That has been the situation for 2 or 3 weeks. The truth of the matter is, they have not had any measures before the Senate which they really wanted to consider. I hope that time has now arrived and that the leaders will take up legislation in which the country is interested and in which we are interested.

Mr. President, I stand for the freedom of debate on this floor. I challenge any Senator here to point out when in the history of the Senate any really good bill, of far-reaching importance, has ever been defeated by full and free discussion. It may fail for a time; but if it is a bill behind which the public opinion of the United States is arrayed, ultimately it will be passed. I challenge anyone to point out one which has failed.

Who should be afraid of discussion? No one except one who does not want these matters exposed to public scrutiny and public attention and public discussion.

Mr. President, how much time have I remaining?

The VICE PRESIDENT. The Senator has 4 minutes left.

Mr. CONNALLY. Mr. President, I hope Senators will not be cudgeled, will not be browbeaten, will not be threatened, will not be intimidated, by the words of the Senator from New York that a vote for full and free discussion on the Senate floor will be construed by his little group as a vote against the bill.

Let me ask Senators, Do they want to vote in favor of a little group? Does the Senate want to be dominated by a little group, or would the Senate rather vote in accordance with the intelligent, informed public opinion of all the people of America? If Senators will go to the Library of Congress and read the outstanding editorial comments of the newspapers of America they will find that those newspapers are with us in this fight. For instance, I recall the Boston Herald among the newspapers which are standing with us in this fight. Also the San Francisco Chronicle. Neither of those two newspapers is a southern paper. I think they are really Republican newspapers. However, they say that this debate is justified; that it is popular; and that the measure now before the Senate ought not to pass. The Chicago Tribune,

which is not a southern newspaper, is against the bill. The Senator from Georgia [Mr. RUSSELL] has already collected a great array of newspaper opinion and editorials from all over the country. I yield to him to say whether or not I am stating the facts.

Mr. RUSSELL. Mr. President, I should like to ask the Senator from Texas if he does not know that perhaps 60 or 75 great daily newspapers scattered throughout the entire United States, without regard to party affiliation, have condemned this bill and said that the debate on the bill has rendered a distinct service to the people of the country in enabling them to know what the measure really contained? At the proper time I intend to offer all these editorials to be printed in the RECORD.

Mr. CONNALLY. The editorials referred to are not from southern newspapers only?

Mr. RUSSELL. No; they are editorials taken from newspapers of the West, the North, the East, and the South. They are taken from newspapers in every section of the country.

Mr. CONNALLY. They are editorials which appeared in newspapers in the East and the West, the North and the South. The great outstanding newspapers of America approve the discussion of this bill. They say the bill ought to be discussed and condemn the provisions of the bill.

Mr. President, one more statement and then I shall conclude. I wish to recall to Senators that wise, far-reaching statement by Voltaire. I quote from the book Voltaire in His Letters, by S. G. Tallentyre, one of his friends, who wrote:

> When, in 1759, On the Mind was burnt by the public hangman in company with Voltaire's poem On Natural Law, though he had soundly hated (and roundly abused) Helvetius' masterpiece, he fought for its right to live, tooth and nail, up hill and down dale, on the essentially Voltairean principle: "I wholly disapprove of what you say—and will defend to the death your right to say it."

Mr. President, if there is any place on earth where the truth ought not to be suppressed, if there is any place on earth where there ought to be public, free debate, it is in the Senate of the United States. Today when in other parts of the world constitutional institutions are being overthrown, when constitutional processes are being defied, when democracy is being destroyed all over this revolving globe of ours, shall we here on the floor of the United States Senate revert 150 years to the days of the Georges and to the days of British dominion over America, shall we go back to the star chamber, shall we go back to the time when government was settled in private behind closed doors, or shall we cling tenaciously, yea, cling at the peril of our own safety and our own lives, to the proposition that we here in the Senate shall have public debate and free discussion of these matters which affect the very foundations of our Republic?

The VICE PRESIDENT. The Senator's time has expired. The Senator from Kentucky [Mr. BARKLEY] is recognized for the remainder of the time allotted to the Senator from New York [Mr. WAGNER].

Mr. BARKLEY. Mr. President, I have no intention to discuss the merits or the demerits of the antilynching bill. Neither do I expect that anything I may say will influence any vote on the motion that is now pending, or on the bill itself, if and when it comes to a vote. But, Mr. President, I am interested in the question of senatorial procedure, and the vote that I shall cast and the position which I take on this motion is the same as it would be on any other bill which had been brought here by an important committee under the same circumstances surrounding the advent of this measure into the Senate of the United States.

This bill was passed through the House of Representatives by approximately two to one last April. It immediately came over to the Senate, and was referred to the Committee on the Judiciary. The Judiciary Committee is not an unimportant committee of the Senate. It is made up of able legislators, men of wide and long experience, constitutional lawyers, and lawyers who do not necessarily claim to be constitutional lawyers, but may be, regardless of the absence of the claim. Without a minority report this bill was reported by the Judiciary Committee in June to the Senate of the United States and placed on the calendar.

I have heretofore taken the position, and I now take the position, that any measure of importance passed by the other body by such a vote, promptly reported to the Senate by an outstanding committee of the Senate—not, I assume, by a unanimous vote in the committee, but certainly no minority report was made on it by any member of the committee—is such a measure as is entitled to the consideration of the Senate.

No one would deny any Senator the opportunity to speak at any reasonable length upon the measure which has been the pending business of the Senate now for 6 weeks, starting its uneven career through the Senate back in the summer of last year.

It may or may not be unfortunate that this happens to be an antilynching bill, which arouses antagonisms and prejudices. It may or may not be true that any other bill of equal importance would receive a larger vote on a motion to close debate than will be received by the motion now pending, and which will be voted on within a very few moments. But my belief is that the motion which has been made to close debate upon this bill is not an unreasonable motion; it is not one that ought to be voted upon according to prejudice or preconceived ideas as to the merits of the bill itself. Any Senator who is opposed to this measure, no matter how violently, can justify a vote to bring this measure to a vote at a reasonable time. Whether the bill passes or does not pass does not at the present moment concern me, for that has nothing to do with the motion now under consideration.

As I said the other day, even if this motion should prevail, under the rule every Senator in the United States Senate could speak for 1 hour upon the bill, and if every Senator desired to speak for 1 hour, either in opposition or in support of the bill, that would mean that 96 hours of debate would yet remain to the Senate. How many votes such a debate would change or influence I am unable to say. How many votes the speeches that have already been made have influenced or will influence I am unable to say. I doubt very seriously whether a single speech made on either side has influenced any Senator's vote. I think nearly every Senator, if not every Senator, knew from the beginning how he intended to vote on the measure, no matter what was said or how long it took to say it. While the debate has been enlightening, while the debate for the most part has been in good faith, we all know that it has not been well attended by the Members of the Senate. The Senate has not been electrified, though well-nigh electrocuted, by the longevity of the debate which has proceeded up to now.

When, now and then, in a lucid moment we have laid it aside to transact other business, and the Senate was well attended by the Members, as soon as the antilynching bill has been taken up again every door has swung wide open, because Senators were making an exodus as if a wild beast had been turned loose on the floor of the Senate. And the very desks themselves would have left had they not been screwed to the floor and found it impossible to move. [Laughter.]

So I do not think that there is anything unreasonable in the request that this debate be brought to a conclusion.

I want the RECORD to show something with reference to the efforts of the United States Senate and of the American people to bring about the adoption of rules here which would enable the Senate to transact business. One of the reasons why the distinguished Senator from Nebraska [Mr. NORRIS] introduced and urged and secured the adoption of the amendment abolishing the "lame duck" session of Congress was the power of a small group of Members of this body to kill legislation at the end of every short session by occupying the floor until Congress was compelled to adjourn on the 4th of March, whether it had concluded its business or not.

The rules of the Senate permitting unlimited debate were so violated and abused over a long period of years that the

American people finally demanded that the Senate adopt rules which would enable it to transact the business of the people.

This is a filibuster and has been a filibuster. There is no use in our haggling over words. It has been admitted to be a filibuster. But if one desires to use a word which is more sonorous or euphonious or a word which does not jar the tender membranes of the ear, he may use any term he desires. But every Senator understands what a filibuster is and understands the history of filibusters in the United States Senate.

A filibuster is an admission in advance that upon a vote, where Senators might record their opinions, the measure under consideration would receive a majority and would be adopted. No one has ever heard of a filibuster being conducted by those in favor of a bill. It is usually conducted by those who oppose measures. I do not criticize them for resorting to that method. I am not criticizing any Senator for exercising any right he may have under the rules; but there is no use in our denying the fact that when the rules are resorted to for the purpose of unreasonable or prolonged delay, such action constitutes a filibuster, whatever else it may be called. It presupposes inability to defeat the measure by a vote of the Senate. Whatever may be said with respect to the merits of any measure, I have always believed in the doctrine that the American people have a right to have their will registered by their representatives.

Our democracy is not a pure democracy. It has never been a pure democracy, and could never be a pure democracy because it is impossible for all the American people to gather at any one place at any time and express their will. Our forefathers in their wisdom made of this a representative Republic, where the people send their representatives to both Houses of Congress, with the idea and the supposition that they will, insofar as they can, try to represent the will of the people who send them here if the representatives know what that will is. Therefore I have always taken the position, and I now take the position, that the American people have the right to have their representatives express their will in legislative bodies on any question, regardless of its nature.

The abuse of the rules of the Senate became so notorious that in 1916 the Democratic platform, upon which Woodrow Wilson was reelected President of the United States, contained this plank:

> We favor such alteration of the rules of procedure of the Senate of the United States as will permit the prompt transaction of the Nation's legislative business.

As a result of the platform adopted by the Democratic Party in 1916, rule XXII was incorporated in the rules of the Senate. We are now proceeding under rule XXII on the motion to close debate. Whether or not it has any influence upon any Member of the Senate on this side, the declaration of policy of the Democratic Party more than 20 years ago is responsible for the fact that we now have the rule under which we are seeking to bring this debate within a reasonable limitation.

The Senator from Oregon [Mr. MCNARY], in his brief discussion of the cloture motion which was voted on 3 weeks ago, took the position that he would not vote for cloture. He stated that he did not believe in cloture because it might embarrass or handicap the minority, and that the majority, which happens to be overwhelming—speaking from a political standpoint—might take advantage of his position or other positions in order to cram down the throats of the minority or to impose upon them a limitation of debate that might be embarrassing to the minority.

In order that the record may be clear, I wish to read from the platform of the Republican Party in 1924:

> We urge the Congress to enact at the earliest possible date a Federal antilynching law, so that the full influence of the Federal Government may be wielded to exterminate this hideous crime.

Mr. MCNARY. Mr. President, will the Senator yield?

Mr. BARKLEY. Not just yet.

In 1928 the Republican Party said:

> We renew our recommendation that the Congress enact, at the earliest possible date, a Federal antilynching law so that the full influence of the Federal Government may be wielded to exterminate this hideous crime.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I have only 5 minutes remaining.

Mr. CONNALLY. Is there anything in either platform that demands cutting off debate and not discussing any measure?

Mr. BARKLEY. The Democratic platform declared in favor of it, and as a result we adopted a rule to cut off debate, not unreasonably but reasonably, and are now undertaking to carry out that rule.

The Senator from Oregon in his speech the other day announced that he was against the limitation of debate because it might handicap the minority. I will say to my friend from Oregon that for the past 5 years he has not had enough Members on his side of the Chamber to act as pallbearers at their own funeral. [Laughter.] And yet during the past 5 years the Democratic majority has not sought to embarrass the Senator or his minority in any respect. We have had to put many Democrats over on the Senator's side of the Chamber in order to make it look respectable. In spite of the fact that out of 96 Members only about 17 Republicans—the Senator from Oregon suggests the number is now 15—remain here as a relic of the Republican Party, we have not sought to embarrass or handicap the minority in debate on any measure before the Senate.

But the Senator from Oregon, our genial, able, courteous, and cooperative minority leader—and I wish to thank him for all his efforts at cooperation—has not always felt the same way about cloture rules. Eight times heretofore he has voted for cloture and one time he was paired in favor of cloture. Six times he signed petitions for cloture.

The Senator from Maine [Mr. HALE]—which State I presume is still in the Union, as the Senator still occupies a seat here [laughter]—on eight occasions voted for cloture, and on one occasion was paired in favor of cloture. On one occasion he signed a petition for cloture.

It is of no avail for the political party which has twice declared in favor of antilynching legislation to say that it favors antilynching legislation when it is unwilling to vote that that legislation shall ever come to a vote in the Senate of the United States. There has not even been an opportunity to vote on an amendment to this bill. There has not been an opportunity to vote on a substitute for this bill. If it may be said by any Member of this body that he does not like the bill as it stands, then certainly an opportunity ought to be given to vote for amendments or substitutes. That opportunity has not been given, and will not be given unless there is a limitation of debate.

Mr. MCNARY. Mr. President, will the Senator yield?

Mr. BARKLEY. I have only 2 minutes remaining, but I will yield for a brief question.

Mr. MCNARY. I was just going to suggest that the Senator is game enough to blame the failure to pass his bill on the 15 Republicans when he has 80 Democrats——

Mr. BARKLEY. I am not blaming the Republicans for the failure to pass this bill.

Mr. MCNARY. Or to provide for cloture.

Mr. BARKLEY. I am not blaming the Republicans for the failure to provide cloture, but I remind the Senator that on the last vote more than a majority of the Democrats voted to close debate, while only one Republican voted to close debate and bring the bill to a vote.

Mr. MCNARY. Does not the able Senator——

Mr. BARKLEY. It is of no avail, in order to express the views of the minority upon the subject, to proclaim love for this proposed legislation, but to be unwilling that it be brought to a vote, so that Senators may vote for or against it.

Mr. MCNARY. Does not the Senator believe that if he had a little assistance from the White House the bill could be passed easily?

Mr. BARKLEY. The Senator from Oregon is trying to play a little cheap politics by pretending that the White House could control this proposition; and yet, if the White House attempted to do so, the Senator from Oregon would be the first Member of the Senate to denounce White House dictation in behalf of a measure that is not a partisan measure.

Mr. McNARY. If the occupant of the White House evidenced that courage, I might follow.

Mr. BARKLEY. The Senator, of course, is noted for his courage. I am surprised that he has to wait until somebody exhibits a little courage on a matter of this sort before he is willing to follow.

Mr. President, it is politically immaterial to me, so far as I am personally concerned, whether this bill passes or not. I have no political interest in the outcome of this matter, but when we vote in a few moments on this motion for cloture we might as well understand that unless cloture is adopted there will be no vote upon the pending measure, because the only way to bring it to a vote in this body under the circumstances is through the limitation of debate. If the motion to limit debate shall be defeated, it will be tantamount to the defeat of this measure; and every Senator who votes upon it might as well understand that that is what it amounts to, because, as I said the other day, unless we can have a limitation of debate we cannot bring this matter to a conclusion, and it is impossible to expect that the Senate will spend the rest of this session in a futile effort to bring about a vote on a measure when the Members of the Senate are unwilling to vote that debate be limited.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the time for debate has expired. The Chair lays before the Senate the motion for cloture, which will be read.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

ROBERT F. WAGNER.
FREDERICK VAN NUYS.
ROBERT J. BULKLEY.
WILLIAM H. DIETERICH.
ROYAL S. COPELAND.
SHERMAN MINTON.
BENNETT C. CLARK.
ELBERT D. THOMAS.
GEO. McGILL.
FRED H. BROWN.
HOMER BONE.
M. M. NEELY.
HERBERT E. HITCHCOCK.
L. B. SCHWELLENBACH.
JOSEPH F. GUFFEY.
ROBERT M. LA FOLLETTE, JR.
HARRY S. TRUMAN.
JAMES H. HUGHES.

The VICE PRESIDENT. Under the rule, the clerk will call the roll so as to assure the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Calif.	Pepper
Andrews	Davis	Johnson, Colo.	Pope
Ashurst	Dieterich	King	Radcliffe
Austin	Donahey	La Follette	Reynolds
Bailey	Duffy	Lee	Russell
Bankhead	Ellender	Lewis	Schwartz
Barkley	Frazier	Lodge	Schwellenbach
Berry	George	Logan	Sheppard
Bilbo	Gerry	Lonergan	Shipstead
Bone	Gibson	McAdoo	Smith
Borah	Gillette	McGill	Thomas, Okla.
Bridges	Glass	McKellar	Thomas, Utah
Brown, Mich.	Green	McNary	Townsend
Bulkley	Guffey	Maloney	Truman
Bulow	Hale	Miller	Tydings
Burke	Harrison	Milton	Vandenberg
Byrd	Hatch	Minton	Van Nuys
Byrnes	Hayden	Murray	Wagner
Capper	Herring	Neely	Walsh
Caraway	Hill	Norris	Wheeler
Chavez	Hitchcock	Nye	
Clark	Holt	O'Mahoney	
Connally	Hughes	Overton	

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

Is it the sense of the Senate that debate shall be brought to a close? Those in favor will answer "yea," and those opposed will answer "nay." The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. NYE (when his name was called). Upon this question I have a pair with the Senator from New Jersey [Mr. SMATHERS] and the Senator from New Hampshire [Mr. BROWN]. I understand an announcement will be made that were they present they would vote "yea." Were I permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from New Hampshire [Mr. BROWN] is absent on important public business, and the Senator from New Jersey [Mr. SMATHERS] is necessarily detained. I am advised that if present the Senators referred to would vote "yea" on this question.

I announce further that the Senators from Nevada [Mr. PITTMAN and Mr. McCARRAN] are detained on official business in the State of Nevada; that the Senator from Minnesota [Mr. LUNDEEN] is detained in one of the departments in connection with business pertaining to his State; and that the Senator from Oregon [Mr. REAMES] is absent because of illness.

The roll call resulted—yeas 42, nays 46, as follows:

YEAS—42

Adams	Dieterich	Lee	Schwartz
Ashurst	Donahey	Lewis	Schwellenbach
Barkley	Duffy	Logan	Thomas, Okla.
Bone	Gillette	Lonergan	Thomas, Utah
Brown, Mich.	Green	McAdoo	Townsend
Bulkley	Guffey	McGill	Truman
Capper	Hatch	Maloney	Van Nuys
Chavez	Hitchcock	Minton	Wagner
Clark	Hughes	Murray	Walsh
Copeland	Johnson, Colo.	Neely	
Davis	La Follette	Pope	

NAYS—46

Andrews	Caraway	Hill	Pepper
Austin	Connally	Holt	Radcliffe
Bailey	Ellender	Johnson, Calif.	Reynolds
Bankhead	Frazier	King	Russell
Berry	George	Lodge	Sheppard
Bilbo	Gerry	McKellar	Shipstead
Borah	Gibson	McNary	Smith
Bridges	Glass	Miller	Tydings
Bulow	Hale	Milton	Vandenberg
Burke	Harrison	Norris	Wheeler
Byrd	Hayden	O'Mahoney	
Byrnes	Herring	Overton	

NOT VOTING—8

Brown, N. H.	McCarran	Pittman	Smathers
Lundeen	Nye	Reames	White

The VICE PRESIDENT. On this motion the yeas are 42, the nays 46. Two-thirds not having voted in the affirmative, the motion is not agreed to.

ORDER OF BUSINESS

Mr. DUFFY and Mr. ELLENDER addressed the Chair.

The VICE PRESIDENT. The Senator from Wisconsin is recognized. Does he yield to the Senator from Louisiana?

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ELLENDER. Have I the floor?

The VICE PRESIDENT. The Senator from Louisiana has not the floor.

Mr. ELLENDER. I obtained it by unanimous consent, and the RECORD so shows.

The VICE PRESIDENT. The Chair has not any record of that fact.

Mr. BARKLEY. Mr. President, I think that is true. I made the request.

The VICE PRESIDENT. The Chair begs the pardon of the Senator from Louisiana. Under ordinary parliamentary rules, the Senator would not retain the floor after the vote which has just been taken; but the Chair did not know of the agreement referred to by the Senator from Kentucky. The Chair recognizes the Senator from Louisiana.

Mr. DUFFY. Mr. President, will the Senator yield to me?

Mr. ELLENDER. I ask unanimous consent that I may be permitted to yield to Senators to transact routine business, and make such motions as they desire to make, without losing my right to the floor.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GLASS and Mr. DUFFY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Louisiana yield; and if so, to whom? The Senator from Virginia [Mr. GLASS] is on his feet. Does he wish to object to the request of the Senator from Louisiana?

Mr. GLASS. No; I wish to prefer a unanimous-consent request.

The VICE PRESIDENT. To whom does the Senator from Louisiana desire to yield?

Mr. ELLENDER. I yield to the Senator from Virginia under that unanimous-consent agreement, Mr. President.

RECONSTRUCTION FINANCE CORPORATION

Mr. GLASS. I ask unanimous consent for the present consideration of House bill 9379.

The VICE PRESIDENT laid before the Senate the bill (H. R. 9379) to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes, which was read twice by its title.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia?

Mr. WAGNER. Mr. President, reserving the right to object, I inquire whether I am correct in understanding that granting unanimous consent would have no effect upon the pending bill?

The VICE PRESIDENT. It would not have any effect upon it. It would not even take the Senator from Louisiana [Mr. ELLENDER] off the floor when the matter should have been disposed of.

Mr. WAGNER. Very well.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia for the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which is as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to cancel notes of the Reconstruction Finance Corporation (which notes are hereby made available to the Secretary of the Treasury for the purposes of this section) and all sums due and unpaid upon or in connection with such notes at the time of such cancelation and discharge in a principal amount equal to the outstanding funds of the Reconstruction Finance Corporation heretofore or hereafter disbursed under or by reason of the provisions set forth in—

(a) Section 2 of Reconstruction Finance Corporation Act, approved January 22, 1932 (47 Stat. 5), as amended; act approved February 4, 1933 (47 Stat. 795); section 1 (a) to (d) and last sentence of section 201 (e) of Emergency Relief and Construction Act of 1932, approved July 21, 1932 (47 Stat. 709); section 1 (e) of Emergency Relief and Construction Act of 1932, approved July 21, 1932 (47 Stat. 711), and any amendatory or supplementary legislation; section 5 of Farm Credit Act of 1933, approved June 16, 1933 (48 Stat. 258), as amended; section 5 of Agricultural Adjustment Act, approved May 12, 1933 (48 Stat. 33), as amended; sections 30 (a), 32, and 37 of Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (48 Stat. 46, 48, and 50), as amended; section 4 of Home Owners' Loan Act of 1933, approved June 13, 1933 (48 Stat. 129); Federal Emergency Relief Act of 1933, approved May 12, 1933 (48 Stat. 55); first paragraph of title II of Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934 (48 Stat. 1055); section 4 of National Housing Act, approved June 27, 1934 (48 Stat. 1247); Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); section 3 of Federal Farm Mortgage Corporation Act, approved January 31, 1934 (48 Stat. 345); section 33 of Farm Credit Act of 1937, approved August 19, 1937 (50 Stat. 717); and

(b) First sentence of section 201 (e) of Emergency Relief and Construction Act of 1932, approved July 21, 1932 (47 Stat. 713); section 84 of Farm Credit Act of 1933, approved June 16, 1933 (48 Stat. 273), as amended; act approved April 10, 1936 (49 Stat. 1191); act approved February 11, 1937 (50 Stat. 19);

together with expenses incurred by Reconstruction Finance Corporation in connection with section 1 of the Emergency Relief and Construction Act of 1932, as amended; and together with the interest paid to the Treasury thereon in the amount of $33,177,491.82: *Provided*, That any evidence of indebtedness with respect to funds disbursed by Reconstruction Finance Corporation under or by reason of the provisions of law referred to in subsection (a) hereof be transferred to the Secretary of the Treasury: *Provided further*, That with respect to funds heretofore or hereafter disbursed by Reconstruction Finance Corporation under or by reason of the provisions of law referred to in subsection (b) hereof, notes shall be canceled by the Secretary of the Treasury only upon the transfer and delivery by the Reconstruction Finance Corporation to the Secretary of the Treasury or to such officer, officers, agency, or agencies as the President shall designate, of all such capital stock as the Reconstruction Finance Corporation may hold pursuant to any provision of law referred to in said subsection (b): *Provided further*, That the Secretary of the Treasury and the Reconstruction Finance Corporation are authorized and directed to make adjustments on their books and records as may be necessary to carry out the purposes of this act.

SEC. 2. The amount of notes, debentures, bonds, or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time under the provisions of law referred to in subsections (a) and (b) of section 1 of this act is correspondingly reduced by the amount of the notes authorized to be canceled by the Secretary of the Treasury pursuant to section 1 of this act.

SEC. 3. Any sums at any time received by any agency of the United States, including the Reconstruction Finance Corporation, representing repayments or recoveries of funds disbursed out of amounts allocated or made available pursuant to any of the provisions of law referred to in section 1 hereof, shall forthwith be covered into the general fund of the Treasury, except that whenever, under applicable provisions of law or otherwise, such funds represent amounts which continue to be available or required to be expended for the purposes for which originally allocated or made available, such funds shall not be covered into the general fund of the Treasury until the expiration of the period during which they are so available or required to be expended.

SEC. 4. Section 3 of the Reconstruction Finance Corporation Act, approved January 22, 1932, as amended (U. S. C., 1934 edition, title 15, sec. 601, and the following), is further amended by striking out the first two sentences of such section and inserting in lieu thereof the following: "The management of the Corporation shall be vested in a board of directors consisting of five persons appointed by the President of the United States, by and with the advice and consent of the Senate. Of the five members of the board, not more than three shall be members of any one political party and not more than one shall be appointed from any one Federal Reserve district."

The VICE PRESIDENT. Without objection, the bill will be read a third time and passed, and, without objection, the bill S. 3395, of similar purport, will be indefinitely postponed.

Mr. VANDENBERG subsequently said: Mr. President, will the Senator from Louisiana yield to me to present some material for the RECORD and make a brief statement, if we may have unanimous consent that if the Senator so yields it will not prejudice his holding the floor?

Mr. ELLENDER. I ask unanimous consent that I may yield without losing the floor.

The PRESIDING OFFICER (Mr. HERRING in the chair). Is there objection? The Chair hears none.

Mr. VANDENBERG. In about 3 seconds this afternoon under pressure of the Vice President's gavel, we passed House bill 9379, and I confess that few of us understood what had happened until about a half hour afterward. H. R. 9379 happens to be a bill which cancels $2,700,000,000 of interdepartment indebtedness between the Reconstruction Finance Corporation and the Treasury of the United States. All these items represent sums that were supplied by the Reconstruction Finance Corporation under mandatory order from the Congress, and without the exercise of any discretion on the part of the officials of the Reconstruction Finance Corporation.

I fully understand that it was just a so-called bookkeeping transaction, which was validated by this $2,700,000,000 bill that was passed in 3 seconds, but the fact remains that the bill represents a dramatic summary that demonstrates the extent to which Congress has used the resources of the R. F. C. to finance relief and subsidy and benefits, and frequently in situations when it did not care to confess that it was making a direct draft upon the resources of the taxpayers.

This system, which we finally washed up in 3 seconds this afternoon, has resulted in throwing the Treasury books out of realistic balance for several years. It has also made quite impossible a realistic understanding of the Federal expenditures for relief and subsidy and benefit payments.

The Reconstruction Finance Corporation on its own responsibility has a superb record. It was created for the purpose of proceeding on a basis under which it should liquidate itself, and if it had been left alone, of course, it would have liquidated itself. It has been ably managed, and its own internal function has been superbly handled.

It is no fault of the R. F. C. that $2,700,000,000 had to be washed up in this 3-second laundry that the Senate ran this afternoon. All that I am undertaking to do in this connection, Mr. President, is to emphasize the fact that we did run a $2,700,000,000 laundry in 3 seconds, and to express the hope that in the future when Congress wants to make grants or subsidies or loans, or to capitalize external corporations to go into business, or to invade any of the many fantastic fields in which we now reluctantly find ourselves,

Congress will be frank enough directly to appropriate the funds and not saddle the R. F. C. with the burden.

I am further interrupting the Senator from Louisiana for the purpose of requesting that a list of the items which were included in the $2,700,000,000 3-minute whitewash this afternoon may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The items covered in this bill, exclusive of $1,800,000,000 that represents funds expended for relief and for relief purposes only, are as follows:

$124,741,000 represents the capital stock of the home-loan banks;

$200,000,000 the capital stock of the Home Owners' Loan Corporation;

$2,600,000 is loans made by the Land Bank Commissioner to joint-stock land banks;

$200,000,000 the capital stock of the Federal Farm Mortgage Corporation;

$40,500,000 represents money advanced to the Farm Credit Administration to create a revolving fund used in part to establish the Production Credit Corporations;

$115,000,000 for crop loans by the Secretary of Agriculture;

$97,000,000 for capital stock of Commodity Credit Corporation;

$10,000,000 for capital stock of Disaster Loan Corporation;

$7,500,000 for stock of regional agricultural credit corporations;

$10,000,000 was advanced to the Federal Housing Administration to create a mutual mortgage-insurance fund; $15,000,000 for renovation and modernization loans and insurance by F. H. A.; and $32,600,000 for the expense of establishing and operating the Federal Housing Administration; and

$16,000,000 for expenses of operating regional agricultural credit corporations.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from Local Union No. 46, Department of Public Assistance, State, County, and Municipal Workers of America, of Philadelphia, Pa., praying for the enactment of the joint resolution (S. J. Res. 127) memorializing the Honorable Frank F. Merriam, Governor of the State of California, to grant to Thomas J. Mooney a full and complete pardon, which was referred to the Committee on the Judiciary.

He also laid before the Senate petitions of sundry citizens of Milwaukee, Wis., praying for the enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, which were ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted and to restore the congressional function of coining and issuing money and regulating the value thereof, which were referred to the Committee on Banking and Currency.

Mr. GILLETTE presented a resolution adopted by the Council of the City of Des Moines, Iowa, favoring the making of additional appropriations for the relief of the unemployed, particularly for the W. P. A., which was ordered to lie on the table.

He also presented a petition of sundry citizens of Sioux City and vicinity, Iowa, praying for the enactment of the joint resolution (S. J. Res. 176) favoring employment by the Works Progress Administration of persons unable to find employment in private industry, which was ordered to lie on the table.

Mr. COPELAND presented petitions of sundry citizens of the State of New York, endorsing the 23-point program proposed by the conference of small businesses meeting in Washington on the 4th instant, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Livingston County (N. Y.) Petroleum Industries Commission, favoring the repeal of Federal taxes on gasoline and lubricating oils, which was referred to the Committee on Finance.

He also presented a resolution adopted by Glen Ridge Post, No. 34, Catholic War Veterans, of Ridgewood, N. Y., protesting against the recent sending of greetings by certain Members of the Congress to members of the Loyalist Government of Spain, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the grand jury of the December 1937 term of the Supreme Court of Orange County, N. Y., favoring the enactment of legislation requiring all aliens to declare their intention of becoming citizens within 1 year after entry into the United States and to complete their citizenship within the time prescribed by law under penalty of deportation, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the grand jury of the December 1937 term of the Supreme Court of Orange County, N. Y., favoring the enactment of legislation requiring that all vehicles manufactured or operated in the United States after 1940 be so constructed as not to exceed a speed of over 60 miles per hour, which was referred to the Committee on Manufactures.

He also presented a resolution adopted by Local Industrial Union, No. 415 (C. I. O.), United Photographic Employees, of New York City, N. Y., protesting against the enactment of House bill 6704, known as the Hill-Sheppard bill, providing, among other matters, the regulation of labor in the event of war, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Clinton, N. Y., remonstrating against the enactment of agricultural relief legislation containing compulsory clauses, penalties, and fines, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Buffalo, N. Y., praying for the adoption of the so-called Mead amendment to the Post Office Department appropriation bill, making an increased appropriation for auxiliary mail-delivery routes established in various cities, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the enactment of legislation requiring additional regular appointments in the Postal Service, which were ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. NEELY, from the Committee on Interstate Commerce, to which was referred the bill (S. 153) to prohibit and to prevent the trade practices known as "compulsory block-booking" and "blind selling" in the leasing of motion-picture films in interstate and foreign commerce, reported it without amendment and submitted a report (No. 1377) thereon.

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9100) limiting the duties of the Chief Clerk and Chief Inspector of the Health Department of the District of Columbia, reported it without amendment.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on February 14, 1938, that committee presented to the President of the United States the following enrolled bills:

S. 558. An act amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes; and

S. 2194. An act to provide for the annual inspection of all motor vehicles in the District of Columbia.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MILLER:

A bill (S. 3460) to provide for the common defense by acquiring domestically mined manganese ores and concentrates essential to the manufacture of supplies for the armed forces in time of an emergency, and for other purposes; to the Committee on Military Affairs.

By Mr. BULOW:

A bill (S. 3461) granting a pension to James E. Rush; to the Committee on Pensions.

By Mr. McGILL:

A bill (S. 3462) granting a pension to Canzada Minton; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 3463) to authorize the construction of a bulkhead along the waterfront of the town of Nome, Alaska; to the Committee on Territories and Insular Affairs.

A bill (S. 3464) to extend the Metlakahtla Indians' Citizenship Act; and

A bill (S. 3465) to authorize the withdrawal and reservation of small tracts of the public domain in Alaska for schools, hospitals, and other purposes; to the Committee on Indian Affairs.

By Mr. COPELAND (by request):

A bill (S. 3466) to amend the Merchant Marine Act, 1936, to allow certain Filipino seamen to serve on American vessels; to the Committee on Commerce.

By Mr. BERRY:

A bill (S. 3467) granting a pension to Jim Davis; and

A bill (S. 3468) granting a pension to Elmer J. Rush; to the Committee on Pensions.

By Mr. BURKE:

A bill (S. 3469) to amend section 128 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. BULKLEY:

A bill (S. 3470) for the relief of Louis M. Foster; and

A bill (S. 3471) for the relief of the General Fireproofing Co.; to the Committee on Claims.

By Mr. NORRIS:

A bill (S. 3472) to amend section 9 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. DAVIS:

A bill (S. 3473) granting a pension to Blanche Bassett; to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 3474) for the relief of George Preston Thomas; to the Committee on Naval Affairs.

A bill (S. 3475) to amend the Social Security Act by increasing certain Federal contributions, and for other purposes; to the Committee on Finance.

By Mr. THOMAS of Oklahoma:

A bill (S. 3476) for the relief of Mary E. Cummings (with an accompanying paper);

A bill (S. 3477) for the relief of Etta Lukens (with an accompanying paper);

A bill (S. 3478) for the relief of Sarah L. Renfro (with accompanying papers);

A bill (S. 3479) for the relief of Ethel Wiley (with an accompanying paper);

A bill (S. 3480) for the relief of G. W. Peveto (with an accompanying paper);

A bill (S. 3481) for the relief of G. W. Slover (with an accompanying paper);

A bill (S. 3482) for the relief of R. S. Caviness (with accompanying papers); and

A bill (S. 3483) for the relief of Eugene T. White (with an accompanying paper); to the Committee on Claims.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION

Mr. BARKLEY. Mr. President, I request consent to introduce a joint resolution filling a vacancy on the Board of Regents of the Smithsonian Institution, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the joint resolution of the Senator from Kentucky will be received and read.

The joint resolution (S. J. Res. 264) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the death of Robert W. Bingham, be filled by the appointment of Harvey N. Davis, a citizen of New Jersey, for the statutory term of 6 years.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL PLACED ON THE CALENDAR

The bill (H. R. 9361) to maintain unimpaired the capital of the Commodity Credit Corporation at $100,000,000, and for other purposes, was read twice by its title and ordered to be placed on the calendar.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL

Mr. NORRIS submitted an amendment providing that the appropriation of $24,000 made in the Interior Department Appropriation Act, 1938, for the Homestead National Monument of America, Nebraska, be made available for the same purposes until expended, intended to be proposed by him to House bill 9306, the first deficiency appropriation bill, 1938, which was ordered to lie on the table and to be printed.

COMMITTEE SERVICE

Mr. McNARY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield under the same conditions under which I have heretofore yielded.

Mr. McNARY. I desire the adoption of an order relative to committee service.

On motion of Mr. McNARY, and by unanimous consent, it was

Ordered, That the Senator from Massachusetts [Mr. LODGE] be assigned to service on the Committee on Appropriations and that the Senator from Oregon [Mr. McNARY] be assigned to service on the Committee on the Judiciary.

Mr. McNARY. Mr. President, my former colleague Senator Steiwer was on the Committee on Indian Affairs and the Committee on Public Lands and Surveys, among others. Arrangements have been made so that my present colleague [Mr. REAMES] may serve on those committees, but that order will be requested by my friend the Senator from Kentucky [Mr. BARKLEY].

On motion of Mr. BARKLEY, and by unanimous consent, it was

Ordered, That the Senator from Oregon [Mr. REAMES] be assigned to service on the following committees: Indian Affairs, Mines and Mining, Post Offices and Post Roads, Public Lands and Surveys, and Rules.

ELECTRICITY: THE PEOPLE'S BUSINESS—ADDRESS BY DAVID E. LILIENTHAL

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an address delivered by Hon. David E. Lilienthal, Director, Tennessee Valley Authority, before the Woman's Court and Civic Conference, at Milwaukee, Wis., on February 16, the subject of the address being "Electricity: The People's Business," which appears in the Appendix.]

TRIAL OF ANTITRUST CASES

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD a memorandum of the Department of Justice relating to the trial of antitrust cases, which appears in the Appendix.]

LINCOLN DAY ADDRESS BY GOVERNOR AIKEN, OF VERMONT

[Mr. GIBSON asked and obtained leave to have printed in the RECORD the Lincoln Day address delivered by Hon. George D. Aiken, Governor of Vermont, before the National Republican Club at the Waldorf Astoria, New York City, on February 12, 1938, which appears in the Appendix.]

EDITORIAL COMMENT ON GOVERNOR AIKEN'S LINCOLN DAY ADDRESS

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an editorial from the Christian Science Monitor of February 15, 1938, commenting on the Lincoln Day address of Governor Aiken, of Vermont, which appears in the Appendix.]

THE AGRICULTURAL PROBLEM—LETTER FROM WILLIAM HIRTH

[Mr. CLARK asked and obtained leave to have printed in the RECORD a letter with regard to the farm problem written

by Mr. William Hirth, president of the Missouri Farmers' Association, which appears in the Appendix.]

NATIONAL DEFENSE AND THE WORLD SITUATION—ADDRESS BY DR. THOMAS H. HEALY

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD an address on national defense and the world situation delivered by Dr. Thomas H. Healy, dean of the Foreign Service School, Georgetown University, at the annual banquet of the National Rifle Association at Washington, D. C., on the 4th instant.]

MUNICIPAL POWER PLANT, CULPEPER, VA.

[Mr. BONE asked and obtained leave to have printed in the RECORD an article published in the Washington Evening Star of today relative to the municipal power plant at Culpeper, Va., which appears in the Appendix.]

AMERICAN PRODUCTION OF CHEESE

Mr. DUFFY and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Louisiana yield; and if so, to whom?

Mr. ELLENDER. I yield to the Senator from Wisconsin [Mr. DUFFY], under the same conditions.

Mr. DUFFY. Mr. President, for many years past the great State of Wisconsin has been serenely proud of her status as the leading dairy State of the Union. From time to time we have modestly invited the attention of the country to the fact that we have produced more cheese than all the other 47 States put together. I shared in this serenity. From time to time I have invited the attention of the Members of this body to the proud place that Wisconsin holds in the dairy industry.

Late yesterday afternoon I had served on me a document which has considerably disturbed that serenity. The document which I hold in my hand is entitled on the outside:

Wednesday's dessert.
Camembert, Brie, and cream cheese produced in the State of New York.
Presented to the Members of the Senate by—
ROYAL S. COPELAND.
ROBERT F. WAGNER.

On the inside this appears:

Gentlemen of the Senate, while the State of New York is the acknowledged leader of the country in many fields—manufacturing, shipping, textiles, styling, and the arts—it is not generally known that our State also leads the Nation in the production of three fine cheeses.

The State of New York produces more Camembert than all other States combined; we are alone in the making of Brie cheese in America; and we lead our nearest competitor in the manufacture of cream cheese by a good margin.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. DUFFY. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. I inquire of the Senator from Wisconsin if he would feel aggrieved if any of us who now wish to do so should go down to the lunchroom and accept this invitation from the Senators from New York, while he is arguing the question as to which State produces the most cheese.

Mr. DUFFY. I will say to the Senator that if he will wait for a couple of minutes, he will receive another invitation which might be withdrawn in case he were not personally present; so I suggest that he remain. In fact, the Senator from Washington is one of the four Senators who called me up this morning wanting to know if on various occasions I had deceived the Senate in modestly claiming that Wisconsin was the State which led the Nation in the production of cheese, and intimating that perhaps the invitation of the Senators from New York was couched in such language that our colleagues might be under a misapprehension. So, while I desire to compliment the two Senators from New York, and admit encouragingly and unreservedly that New York is also a good dairy State, and I do not want to take anything away from any of their claims, yet I do desire to call the attention of this body briefly to just two or three facts.

Last year there were produced in this Nation 642,551,000 pounds of all kinds of cheese. The State of Wisconsin produced 56 percent of that total, more than New York and the other 46 States put together. The most largely produced kind of cheese is the American type, of which last year the Nation produced 487,576,000 pounds. My State produced 55.4 percent of the Nation's total. We produced 92 percent of the total production of the Nation in brick cheese. We produced 69.8 percent of the Swiss cheese produced in this country; 52 percent of the Italian type of cheese, 97½ percent of the total production of Munster cheese; and I invite attention to the fact that we produced 73.4 percent of the total amount of Limburger cheese which was produced in this country.

Mr. MINTON. Mr. President, will the Senator yield to me?

Mr. DUFFY. Provided this is not a heckle, I shall be glad to yield to the Senator from Indiana.

Mr. MINTON. Not at all. I do not want to get into this debate as to which is the "big cheese." I merely wish to ask the Senator from Wisconsin when we may expect samples from Wisconsin? New York has already provided her samples.

Mr. DUFFY. If the Senator will bear with me for 2 minutes more, he is going to hear me extend an invitation to those present which might not apply to any who may have left the Chamber.

Mr. VANDENBERG. Mr. President, will the Senator yield in order that I may ask him a question?

Mr. DUFFY. I yield to the Senator from Michigan.

Mr. VANDENBERG. Does the Senator know that the bill which the Vice President put through in 3 seconds a moment ago cancels about two and a half billion dollars of R. F. C. loans? I will ask him if that does not make the R. F. C. the "biggest cheese" of all. [Laughter.]

Mr. DUFFY. Mr. President, I wanted to conduct this discussion on a high plane and not descend to any sordid political considerations. Therefore I refuse to answer that question.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. DUFFY. I yield to the Senator from Indiana.

Mr. MINTON. Permit me to enter the Republican Party as the "biggest cheese" of all. [Laughter.]

Mr. DUFFY. Mr. President, seriously, for just a few moments——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. DUFFY. I do.

Mr. BORAH. We on this side are unable to hear what is being said. We understand that something in the nature of an invitation is being extended, and we should like to know what it is.

Mr. DUFFY. Mr. President, I wish to say that 2 weeks from today, in the Senate restaurant, there will be a very fine assortment of American-type cheese, brick cheese, domestic Swiss cheese, and even including Limburger cheese, which will be served to the Members of the Senate, all of this cheese being produced in that State of the Union which is, New York's claim to the contrary notwithstanding, the leading dairy and the leading cheese-producing State in the Union.

Mr. BARKLEY. Mr. President, does the Senator include Limburger cheese?

Mr. DUFFY. We shall have some Limburger cheese.

Mr. BARKLEY. Does not the Senator know that without the consent of the other House the Senate cannot adjourn for more than 3 days at a time? [Laughter.]

Mr. DUFFY. I will say to my friend from Kentucky that this cheese is going to be served in the room where our Republican friends gather. [Laughter.]

I take this occasion to explain the facts to my colleagues of the Senate, so that New York may not get any undue credit. I suppose the Senator from New York—and I see him ready to bound to his feet—will claim that these types,

of which there is a small production, are of very fine quality; but I desire to point out that the American, brick, and Swiss types are the cheeses on which those engaged in the dairy industry in my section of the country largely rely to make their living. We in Wisconsin are very happy that our proud place as the leading dairy State still continues in spite of the aspirations and some small progress that has been made by New York and other States.

Mr. COPELAND and Mr. McADOO addressed the Chair.

The VICE PRESIDENT. Does the Senator from Louisiana yield; and if so, to whom?

Mr. ELLENDER. Mr. President, I have already yielded, by unanimous consent, to Senators who desire to transact routine business, and so forth, without losing the floor, as the RECORD will show.

The VICE PRESIDENT. The Senator from New York is recognized.

Mr. COPELAND. Mr. President, New York has never claimed that it leads the Nation in the quantity of cheese produced. It does claim, in all modesty, that the quality of the cheese produced in New York is superior to that produced in any other State in the Union.

Mr. President, this need not be an academic question. New York cheeses, these high quality Brie and Camembert, and cream cheeses, are now being served in the Senate dining room without cost. "The proof of the pudding is in the eating." I suggest that this debate be closed until Senators shall have repaired to the dining room and tested the superior quality of the New York cheeses.

Mr. DUFFY subsequently said: Mr. President, will the Senator from Louisiana yield to me for a brief statement, provided unanimous consent may be obtained so he will not lose his right to the floor?

Mr. ELLENDER. I yield upon that condition.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. DUFFY. Mr. President, earlier in the afternoon there was a rather interesting and somewhat humorous exchange between the Senator from New York [Mr. COPELAND] and myself with reference to cheese. I have sampled some of the New York cheese in the Senate restaurant and it is delicious. However, the last thing the Senator from New York said was that in his State they specialized on merely quality cheese. I would not want the implication to go out in any way that the production of cheese in large quantities, such as in the case in my State, in any way jeopardizes the high quality of the cheese. I merely wish to trespass upon the time of the Senate for 2 or 3 minutes briefly to explain the history of what has enabled Wisconsin to take its high rank among the States producing cheese.

Dairy farming calls for the highest type of skill and a thorough knowledge of animal husbandry. Not only must the dairy farmer be well acquainted with agriculture in general, but he must be thoroughly versed in the care and maintenance of cattle, he must know about breeding, the diseases of cattle, and particularly farm sanitation. He must also know about the care of the soil. He has been engaged in soil-conserving practices for many years. Dairy farming is a technical branch of agriculture, and its knowledge is acquired by years of experience, and by a well-rounded agricultural education for which the University of Wisconsin is famous. Many of Wisconsin's successful dairy farmers have attended agricultural courses given at the State university.

Dairying in Wisconsin is as old as the State itself. A happy combination of circumstances contributed to its success. Wisconsin farmers largely came from the northern European countries, principally from Germany, the Scandinavian countries, Switzerland, Holland, Belgium, Finland, and the British Isles. Dairying and animal husbandry were well known in those countries. In Wisconsin we have certain localities which were settled by particular national elements. For example, in Green County there is a heavy Swiss population, and here lies the most important center of the Swiss cheese industry in this country. North and west of Sheboygan are important settlements of Belgians. Near Stevens Point, and in other places in Wisconsin, there are many Polish dairy farmers. Through the State one can note the preponderance of Germanic and Scandinavian elements. Their names on their large dairy barns proudly display their family origin. All of them brought with them a knowledge of their craft and the ability to excel in making a particular type of cheese; so that in Wisconsin will be found most of the types of Old World cheeses faithfully reproduced. In a small town near my home city is a cheese factory which is widely known for a particular brand of Italian cheese.

Wisconsin's dairy products command a high place in the Nation's markets, both because of quality and purity. The quality is due to generations of farmers who have carried out a family and a national tradition. Many Wisconsin dairy farms have been handed down from father to son. The purity of Wisconsin cheese and other dairy products is guaranteed by rigid inspection. Our State has been interested in maintaining a standard of quality and purity by State inspection of farms and dairy herds for more than 50 years. The office of the State veterinarian in Wisconsin was created in 1885, and all creameries, cheese factories, condenseries, and receiving stations are licensed annually, and undergo periodic inspection, as do cheese makers and butter makers. The Wisconsin type of inspection guarantees a quality and purity that cannot be excelled, and prevents adulteration and contamination.

It was Professor Babcock, of the University of Wisconsin, who invented the device which measures the butterfat content of milk. This is the most helpful thing that has happened to the dairy industry of the country. This device has been very helpful in standardizing the quality of milk and butter.

Ever since 1911 my State has had a bovine tuberculosis eradication law on the statute books. When I advocated on this floor the adoption of the original dairy amendment, I was actuated partly by the thought that it was unfair for the Government to pay farmers for taking their lands out of production, and then go into competition with our established dairy farmers, but also because I knew, if extensive dairying was started in various parts of the country where there were not strict laws as to inspection and sanitation, that the public in general would suffer.

Mr. President, I do not want anything I have said to be construed as a reflection upon the State of New York. The case for that State was made by the able Senator from New York. But I still maintain that Wisconsin leads the world in the production of quality cheeses.

DISASTER LOAN CORPORATION

Mr. McADOO. Mr. President, I ask unanimous consent for the consideration of a bill which was reported yesterday from the Committee on Banking and Currency and is now on the calendar. I refer to Senate bill 3452, which proposes to amend the Disaster Corporation Authority Act so as to extend the life of that Corporation for the year 1938. Under the law as it was enacted the Reconstruction Finance Corporation was authorized to grant funds for 2 years to the Disaster Loan Corporation, to be used in catastrophes which arose in the country in the years 1936 and 1937. The authority expired on the 31st of December 1937. Since that time some very disastrous floods have occurred in northern California, causing great loss of life, washing away the levees of the rivers, and flooding numerous farms. I therefore ask unanimous consent for the immediate consideration of the bill to which I have referred. It merely extends to the end of the year 1938 the period in which the Disaster Loan Corporation can operate. It involves no new appropriation and no additional funds, because the Corporation already has sufficient funds for the purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California?

There being no objection, the bill (S. 3452) to extend the lending authority of the Disaster Loan Corporation to apply to disasters in the year 1938 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of February 11, 1937, creating the Disaster Loan Corporation (50 Stat. 19), as amended, is hereby further amended as follows:

By striking out of the second paragraph thereof "years 1936 or 1937" and inserting in lieu thereof "years 1936, 1937, or 1938."

COMMODITY CREDIT CORPORATION

The PRESIDING OFFICER laid before the Senate the bill (H. R. 9361) to maintain unimpaired the capital of the Commodity Credit Corporation at $100,000,000, and for other purposes, which was read the first time by title and the second time at length, as follows:

Be it enacted, etc., That as of the 31st of March in each year and as soon as possible thereafter, beginning with March 31, 1938, an appraisal of all the assets and liabilities of the Commodity Credit Corporation for the purpose of determining the net worth of the Commodity Credit Corporation shall be made by the Secretary of the Treasury. The value of assets shall, insofar as possible, be determined on the basis of market prices at the time of appraisal and a report of any such appraisal shall be submitted to the President as soon as possible after it has been made. In the event that any such appraisal shall establish that the net worth of the Commodity Credit Corporation is less than $100,000,000, the Secretary of the Treasury, on behalf of the United States, shall restore the amount of such capital impairment by a contribution to the Commodity Credit Corporation in the amount of such impairment. To enable the Secretary of the Treasury to make such payment to the Commodity Credit Corporation, there is hereby authorized to be appropriated annually, commencing with the fiscal year 1938, out of any money in the Treasury not otherwise appropriated, an amount equal to any capital impairment found to exist by virtue of any appraisal as provided herein.

SEC. 2. In the event that any appraisal pursuant to section 1 of this Act shall establish that the net worth of the Commodity Credit Corporation is in excess of $100,000,000, such excess shall, as soon as practicable after such appraisal, be deposited in the Treasury by the Commodity Credit Corporation and shall be credited to miscellaneous receipts. The Secretary of the Treasury is directed, as soon as practicable, to use any amounts so deposited to retire an equivalent amount of the public debt, which amount shall be in addition to any other amount required to be used for such purpose.

SEC. 3. The Secretary of Agriculture, the Governor of the Farm Credit Administration, and the Reconstruction Finance Corporation are hereby authorized and directed to transfer to the United States all right, title, and interest in and to the capital stock of the Commodity Credit Corporation which each of them now holds. All rights of the United States arising out of the ownership of such capital stock shall be exercised by the President, or by such officer, officers, agency, or agencies as he shall designate, and in such manner as he shall prescribe.

SEC. 4. With the approval of the Secretary of the Treasury, the Commodity Credit Corporation is authorized to issue and have outstanding at any one time bonds, notes, debentures, and other similar obligations in an aggregate amount not exceeding $500,000,000. Such obligations shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices as may be prescribed by the Commodity Credit Corporation, with the approval of the Secretary of the Treasury. Such obligations shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such obligations shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Commodity Credit Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such obligations, the Secretary of the Treasury shall pay to the holder the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such obligations. The Secretary of the Treasury, in his discretion, is authorized to purchase any obligations of the Commodity Credit Corporation issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such act, as amended, are extended to include any purchases of the Commodity Credit Corporation's obligations hereunder. The Secretary of the Treasury may at any time sell any of the obligations of the Commodity Credit Corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the Commodity Credit Corporation shall be treated as public-debt transactions of the United States. No such obligations shall be issued in excess of the assets of the Commodity Credit Corporation, including the assets to be obtained from the proceeds of such obligations, but a failure to comply with this provision shall not invalidate the obligations or the guaranty of the same. The Commodity Credit Corporation shall have power to purchase such obligations in the open market at any time and at any price.

SEC. 5. Bonds, notes, debentures, and other similar obligations issued by the Commodity Credit Corporation under the provisions of this act shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation (except surtaxes, estate, inheritance, and gift taxes). The Commodity Credit Corporation, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the Commodity Credit Corporation shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

Mr. WAGNER. Mr. President, a bill identical with House bill 9361 has been reported favorably by the Senate Committee on Banking and Currency. It merely authorizes the Commodity Credit Corporation to have its credit brought up to $100,000,000. Its credit was impaired somewhat because of the purchase of cotton and some other commodities.

Mr. MCNARY rose.

Mr. WAGNER. The bill was introduced at the request of the Reconstruction Finance Corporation. I have not heard of any opposition to it anywhere. I think the Senator from Delaware knows about it.

Mr. MCNARY. Mr. President, I am not yielding to the opinion of anyone at this time. Has this bill been referred to the appropriate committee?

The PRESIDING OFFICER. The Chair is informed that a bill identical with House bill 9361 has been reported by the Committee on Banking and Currency and is now on the Senate Calendar.

Mr. WAGNER. I so stated a moment ago. This is a sort of a companion bill to the bill which was passed a few moments ago at the request of the Senator from Virginia [Mr. GLASS].

Mr. MCNARY. Mr. President, I recall that a few days ago, when I expressed my opposition to the farm bill, I referred to a provision written into the bill by the conferees whereby vast sums of mony were to be taken out of the Treasury of the United States and given as a subsidy to those producing cotton in 1937, on the most unbusinesslike plan that was ever devised, carrying it over for a period of 5 years. As I recall, the agency which was to supply the money was the Commodity Credit Corporation. Is this money to be used for that purpose—to take care of the cotton crop of 1937?

Mr. WAGNER. We wanted to have——

Mr. MCNARY. I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is heard, and the bill will go to the calendar.

Mr. MCNARY. I will look into it.

Mr. O'MAHONEY. Mr. President, I wish to say just a word while the question of the Commodity Credit Corporation is before the Senate.

Mr. WAGNER. Mr. President, I have no objection to the Senator saying anything, but the bill has gone to the calendar.

Mr. O'MAHONEY. I should like to have the attention of the Senator from New York. I have just a few words to say.

It is my understanding that the measure which has just come from the House is identical with the bill which the Senator from New York reported from the Committee on Banking and Currency.

Mr. WAGNER. It is exactly the same.

Mr. O'MAHONEY. The Senate has not acted upon the bill reported from the Committee on Banking and Currency?

Mr. WAGNER. The Senate itself has not; no.

Mr. O'MAHONEY. I wish to express the reason why I would have made objection to the consideration of the bill if the Senator from Oregon had not done so.

Many of us representing States interested in the growing of wool and the feeding of lambs have been making an attempt to have some consideration given to the wool industry similar to that which is given to the cotton industry, and I feel that before this bill is enacted very careful consideration should be given to that subject matter. For one,

I should like to know whether or not we may be able to obtain from the Commodity Credit Corporation consideration similar to that which is given to other industries.

Mr. WAGNER. Mr. President, I shall not press the measure, of course, in view of the objection. I had assumed that there was perfect unanimity so far as the proposed legislation was concerned.

Mr. McNARY. What right had the Senator to assume that?

Mr. WAGNER. I suppose I had no right to.

Mr. McNARY. Certainly not.

Mr. WAGNER. Under the circumstances, of course, I would not want to press a measure to which there was objection. So far as the inquiry by the Senator from Wyoming is concerned, my offhand impression is, without looking at the bill again, that there is nothing in it which would prevent such consideration as he desires. Of course, the question of administration is one entirely in the hands of the Reconstruction Finance Corporation. But the bill will come up for discussion later on.

Mr. O'MAHONEY. I wanted to be sure of that.

Mr. WAGNER. Certainly.

The PRESIDING OFFICER. The bill will be placed on the calendar.

THE NAVAL EXTENSION PROGRAM—STATEMENTS BY SENATOR WALSH

Mr. WALSH. Mr. President, recently two requests were made of me, I assume because of my position as chairman of the Committee on Naval Affairs of the Senate, for statements in reference to two aspects of the naval extension program. The first request was from the press of my own State, and was with relation to the claim being made that the naval program represented an aggressive rather than a defensive naval policy.

The second statement was requested by certain newspapers of Japan, with respect to my views upon the position Japan has taken in opposition to the provision in the treaties of disarmament, now expired, relating to the so-called 5–5–3 ratio.

For the information of the Senate, I ask for the publication in the CONGRESSIONAL RECORD of the two statements I made in response to these requests.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

Press statement of the Honorable DAVID I. WALSH, Democrat, of Massachusetts, chairman of the Senate Committee on Naval Affairs, issued upon the request of the Boston Traveler and published in its issue of Monday, February 14, which statement presents his views with respect to the propaganda that the proposed naval expansion plan is an aggressive rather than a defense program

Developments of the past week have tended to clarify somewhat the situation in the Congress with respect to the naval expansion program. Sentiment that was rapidly spreading throughout the country to the effect that our Government had entered into an agreement with one or more of the larger powers for naval defense purposes has been halted. Secretary of State Hull's letter to the chairman of the Senate Committee on Foreign Relations, in response to a resolution introduced by Senator JOHNSON of California, has definitely removed that factor which was rapidly creating an opposition to the naval expansion program from sources heretofore assumed to be friendly with the program.

There is still propaganda abroad to the effect that our Government is embarking on an aggressive militaristic program. This is due to several events that in some quarters have given credence to this viewpoint. One of the contributing reasons was the fact that the administration's program was not confined to naval expansion but included an expansion of Army defenses. The country was prepared for a recommendation for naval expansion but did not anticipate the inclusion of an Army expansion program.

As the discussion has gone on, it seems to me it is becoming more and more apparent that our naval expansion program is based solely upon what is believed to be our present and future national defense needs. I do not know of anything more obvious at the present time than the fact that the American people are against its Government assuming a forceful attitude toward the solution of world problems.

Our people desire peace. In my opinion, they were never more peace-minded than today. They will not support any policy or program that smacks of aggression. They are willing and ready to appropriate funds for actual naval and military needs but they insist and must be assured that expenditures are for defense in the event of aggression by any outside nation. This money must be spent for our insurance and we must make it clear to the world that it is not a provocative act nor indicative of a challenging attitude.

I believe our people are beginning to understand now that our national defense needs is the sole and only motive actuating us at this time. Once the atmosphere is cleared and the American people become fully conscious that this is our definite and unmistakable attitude, we can then proceed to what seems to me is the only question involved here, namely, the extent and scope of the expansion program. However, we must also keep in mind that we must impress the nations of the world, as well as our own people, with our spirit of neutrality and our nonaggressiveness.

To what extent should we expand our Navy? This is largely a question to be answered by our naval experts. However, a casual observer of our naval problem must realize that for the first time we are confronted with the problem of defending, in the event of war, two shores—the Atlantic and Pacific. Heretofore we have thought only of the possible invasion or attack along the Atlantic seaboard. Now we realize that we should think in terms of naval defense for the Pacific coast as well as the Atlantic. Not that there is any immediate threat of war, but conditions the world over give no assurance of long-continued peace for any nations.

It seems to me, therefore, that in view of the fact that we have heretofore had what might be called a "one ocean" navy, the time has come to recognize, in view of the geographical position of our country, that we must at least provide for reasonable naval defenses to protect us, both on the Atlantic and Pacific coasts.

Another feature of the present situation that many Americans fail to realize is that the naval program which we have had up to December 31, 1936, has ended. Agreements we had with other powers, with reference to sizes of navies, have all expired. Our program heretofore has been limited and restricted because of promises of other nations to restrict and limit their naval forces. These nations, now free from naval limitation agreements, are rapidly expanding their naval armaments. We cannot be blind to these realities, neither can we close our eyes to the political unrest and warlike spirit that has of late permeated nations in many parts of the world.

What I am trying to say is that in addition to providing naval protection on the Atlantic and Pacific coasts we must determine upon a naval program of our own design and planning, in view of the militaristic activities of other nations which, until December 31, 1936, were bound by the same limitation agreements.

There is no provision in the pending legislation for the immediate building of all these new battleships, cruisers, submarines, and airplanes. There is a recommendation for the immediate construction of two new battleships and two additional cruisers. But in general the number of vessels to be constructed and the money to be spent is left to the discretion of the President, subject to appropriations made by the Congress upon his recommendation. It may be years before the entire program is consummated, and on the other hand it may not be necessary to every carry out the program to its limit. The very possibility of our building a navy of the proportions contemplated may have a deterrent effect upon other nations who have been planning naval-expansion programs, and lead to some limitation agreement.

In a word, the difficulties which for a time threatened delay and might have prevented favorable action on the administration's naval expansion program are receding. In my opinion, if we stand squarely and unmistakably for a defense program of reasonable proportions, the American people will provide this new and additional assurance that appears to be more necessary today than heretofore.

Press statement of Hon. DAVID I. WALSH, chairman of the Senate Committee on Naval Affairs, issued in response to a request from several leading Japanese newspapers for a statement of his views on Japan's position on the 5–5–3 ratio

The American people sincerely desire peace with all nations. I believe the American people regret exceedingly the propaganda in various parts of the world, and which has been found to exist in some parts of the United States and in Japan itself, intending to create an attitude of suspicion and distrust between the peoples of these nations. The very existence of this attitude, in my opinion, has prompted the American people to be more concerned than ever for the promotion of peace and for the cultivation of mutual good will between the Japanese and American people.

The American naval expansion program now being considered by the Congress of the United States of America has no relationship whatever to any contemplated plans of aggression between the United States and any other country in the world. The American people would not permit the expenditure of one dollar at this time for any plan for enlarging our Navy with the view of waging an aggressive war, or with the view of entering into any international police force alliance.

The expiration of the treaties for the limitation of armaments on December 31, 1936, placed upon the American Government the obligation of establishing a new naval policy. Prior to that date its naval policy was that defined in the various naval armament limitation agreements that had been in existence for 14 years. Since December 31, 1936, naval and other officials of our Government have been considering, as was their bounded duty, a new naval policy in view of the absence of that measure of safety and protection that we had a right to assume under these armament treaties. That a new naval program necessarily of an increased nature was essential in view of the termination of these treaties, was obvious to all Americans who were familiar with world conditions, and particularly with the rapid expansion of armaments throughout the world together with the unrest and disturbed con-

ditions and the new political philosophies that were springing up and rapidly changing existing forms of government.

What are the needs of our Navy and what should be the strength of our Navy in view of the necessity of a new program? Briefly stated, our Navy's needs are such that in the event of war our Navy would have at least an equal chance for success with that of any other Navy. This, all must concede to be the very minimum, assuming that you accept a conviction that it is a governmental obligation to maintain a reasonable national defense. The other alternative, of course, is complete disarmament.

The claim is made abroad that the 5–5–3 ratio in ships with Japan is unfair to Japan. As I understand the position of those entrusted with the obligation of an adequate national defense, it is that the 5–5–3 ratio with Japan gives to the United States merely an equal chance in case of war, because of the well-known reduction in naval strength that is automatically imposed by operations conducted at a great distance from the home country.

In the event of war the American Government must be able on the high seas to protect the shipping of strategic war materials, including rubber, tin, magnesium, etc., which are found chiefly in the Far East. This trade route must be kept open if we are to maintain our present industrial civilization. If Japan had equality with the United States, she could maintain her trade route to this section of the world and cut off the American trade route. In efforts to keep this trade route open any naval battle would necessarily take place in the Far East to the disadvantage of America, as she could not concentrate all her fleet in this area, for a large part of the American naval fleet would be required to guard the service of supplies and communications to the American ports upon the Atlantic and Pacific coasts.

As I understand it, it is the opinion of our national defense experts that the only way the American Navy would have a parity with Japan would be through maintaining a 5–5–3 ratio in ships and this principle was also recognized and accepted by the Japanese delegation to the Washington Conference of 1921–22. Indeed, it is generally believed that the authorized balances established by the treaty that set up the 5–5–3 ratio, if lived up to, would be the chief means of preserving peace among the great powers signing it, for it gave to each in the event of war an equal chance and not a superior advantage.

ADMIRAL CARY T. GRAYSON

Mr. McADOO. Mr. President, on Monday night last a great figure in our history answered the last roll call when Admiral Cary T. Grayson died at his residence on Wisconsin Avenue in this city. I should like to have the Senate pause for a moment in the consideration of business so that I may say a word about this very remarkable and unusual man.

I knew Admiral Grayson for more than a quarter of a century, and my friendship with him was of the most intimate character. He possessed extraordinary qualities. Among them was an indefinable quality of serenity and composure, which was very grateful to those who found themselves in the toils of our intensive political life.

He was the physician to three Presidents of the United States—Theodore Roosevelt, William H. Taft, and Woodrow Wilson. President Wilson held him in the highest esteem and gave him unwavering trust and confidence. He was a man of outstanding character and ability. He was universally popular and esteemed. He was one of the most unselfish and patriotic men with whom I have ever come in contact.

When he retired from the Navy at an early age, that retirement being superinduced in large measure by the physical condition which ultimately resulted in his untimely death, he was appointed president of the Red Cross of the United States. His humanitarian instincts and sympathies were deeply involved in this great work—a work which he performed with extraordinary ability and success.

It is a great pity that men of the type of Admiral Grayson must be taken from us, but we cannot escape the inevitable hour which awaits all alike. We must yield to the decrees of the Almighty with grace and humility.

I wanted to say these few words about my very dear friend and this very distinguished man. He was modest and unassuming to a degree. I have never been thrown in the company of any man who possessed such an engaging personality and such social graces. He combined all the qualities of the gallant gentleman and patriotic citizen.

Mr. BARKLEY. Mr. President, I wish to add only a word to what has been said so beautifully by the Senator from California with regard to Admiral Grayson.

I, too, have known Admiral Grayson practically ever since I have been a Member of Congress. No man in my acquaintance, during my lifetime, had greater charm, possessed greater sincerity, or exhibited a truer devotion to public welfare than did Admiral Grayson. While holding no political office, being a man devoted to the Navy, in which he served with distinction, and occupying a confidential relationship with the man whom I regard as one of the great Presidents of the United States, Admiral Grayson would not be supposed to have had any part to play in the legislative or political history of his country, but in his association with men of responsibility in political life, in his capacity as a friend and adviser, as one who was acquainted with all sections of this country and whose heart was always in unison with the finest traditions and the aspirations of the people, and in his close relationship to men who did play a large part in political and economic matters, Admiral Grayson has done more than history will ever give him credit for doing in solving some of the great problems that have beset this great Nation.

I especially wish to call attention to the great obligation which the people in the entire Ohio Valley and other flooded areas of the United States owed to Admiral Grayson during the most disastrous flood that ever befell the people of any section of the United States. During that catastrophe, day and night, without sleep, without food, without rest, as the head of the American Red Cross, Admiral Grayson devoted himself without reservation and without stint to the service of the people. No man ever more completely endeared himself to all who knew him in public and in private life than did Admiral Grayson.

I mourn his loss as a friend, as a neighbor, as a public character, as a citizen of the United States. I am glad to join with the Senator from California in paying this brief tribute to the memory of this really great man.

PRICE LEVEL IN THE UNITED STATES

Mr. THOMAS of Oklahoma. Mr. President, will the Senator from Louisiana yield, if by doing so he does not lose the floor?

Mr. ELLENDER. Yes; I yield.

Mr. THOMAS of Oklahoma. Mr. President, on January 7 I introduced Senate Resolution 216, proposing to express the sense of the Senate that the price level should be raised to approximately the 1926 level. This resolution was referred to the Committee on Agriculture and Forestry. The resolution was given consideration by that committee, and on February 9 the committee authorized a favorable report on the resolution. The resolution was reported to the Senate with the recommendation that it should be passed.

The public press of today, so far as I have seen it, carries on the first page of the several newspapers headlines as follows:

From the Washington Post:

United States price level must be lifted, Roosevelt says.

In one Philadelphia newspaper the headline is as follows:

Higher price level sought by Roosevelt.

From a financial newspaper, the Journal of Wall Street, I read the following headline:

Roosevelt considering steps to raise commodity prices; Treasury makes policy study.

From the Journal of Commerce, published in New York City, a financial publication, I read the following headline:

Roosevelt calls prices too low; orders survey to decide proper level.

Another New York publication, the New York Herald Tribune, carries the following headlines:

Fall in prices seen forcing Roosevelt to try reflation. Prices must rise, President asserts.

In addition to headlines with regard to price levels, of course, we have the news stories for which I shall not ask the consideration of the Senate, neither shall I ask that they be placed in the RECORD, because they cover considerable space.

The Baltimore Sun of this date carries the headline as follows:

Rise in prices now is sought by President.

Mr. President, because of the importance of this subject matter, as evidenced by the administration's action during the last 2 or 3 days, and because of the pendency before the Senate of the resolution referred to, I ask unanimous consent that the committee report explaining the resolution and supporting it may be printed as a part of my remarks at this time.

The PRESIDING OFFICER. Without objection, the report will be printed in the RECORD.

The report referred to is as follows:

Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry, submitted the following report:

The Committee on Agriculture and Forestry, to whom was referred the resolution (S. Res. 216) as follows:

"Whereas an unprecedented drop in basic commodity prices from March to December 1937 preceded the collapse of other values and has resulted in industrial paralysis, unemployment, and increased burdens for taxpayers and the Treasury; and

"Whereas it has been the repeatedly announced objective of the President to restore a price level equitable to creditors and debtors, and thereafter to maintain economic stability: Therefore be it

"*Resolved*, That it is the sense of the Senate that the Federal Reserve Board, the Treasury, and the executive agencies of the Government should proceed forthwith to adjust the purchasing power of the dollar by the necessary monetary policies and measures to attain within the next 12 months the 1926 price level of wholesale commodities, including farm products."

having considered same, report thereon favorably with a recommendation that the resolution, as amended, do pass.

We recommend that in line 6, on page 1, after the word "months" and before the word "the", the word "approximately" be inserted.

Simplified, the proposal may be stated as follows:

"*Resolved*, That it is the sense of the Senate that the price level should be raised to approximately the 1926 level."

The said resolution was considered with respect to farm prices, prices in general, farm income, national income, unemployment, balancing public and private budgets, reversing present deflationary policies and processes, restoring confidence, and suggesting a program to assist in working out of the present recession and depression.

In considering the resolution, the following questions arise:

First. Is it desirable to have the price level raised?

Second. Is it possible to raise the price level?

Third. If desirable and possible, how may the price level be raised?

These three questions will be answered in order.

SHOULD THE PRICE LEVEL BE RAISED?

First. What is the price level?

The Bureau of Labor Statistics of the United States Department of Labor collects prices of important commodities at wholesale. An index number is compiled from 784 of the individual-price series to show the trend of wholesale commodity prices. Each item is weighed according to its relative importance in the country's markets and the average for the year 1926 is used as the base in calculating this index.

In 1926 the price level was found to be at 100; hence the price level of that year is taken as the standard. Each week the price of each of the 784 commodities is ascertained. Such prices are added and the average is taken. If the average price of the 784 commodities thus ascertained is up, then the price level has risen, and if the average is down, then the price level has fallen.

It is by this price level, thus ascertained, that we officially measure the value or purchasing power of our dollar.

The value of the dollar controls prices, and prices control income and prosperity. The graph hereunder shows the fluctuation of the value of the dollar since 1800. When the dollar goes up in value, prices fall, and when the dollar falls, prices rise. It must be admitted that the dollar may become too cheap and prices too high, as in 1919–20, and also that the dollar may become too high and prices too low as in 1931–32.

There must be a point of dollar value between that of 1920 and 1932 which will serve the best interests of our people. Such value should be determined, then the dollar should be adjusted or regulated to that point, and then such dollar should be stabilized. This task can be accomplished.

The following illustrations may give a clearer picture of just what is meant by price level:

In 1920 the price level was 154, or 54 points above the 100 standard; hence prices were high.

In 1926, the year taken as the standard, the price level was 100 and prices were at a fair level.

In 1929, the year when the great depression came, the price level was 95 and prices of all commodities, save "managed" and "rigged" common stocks, were falling until October and then the whole economic structure became disarranged.

In 1932 the price level was 65, or 35 points below the standard, and prices were the lowest in recent history.

In March 1937 the price level had risen to 88, or still some 12 points below the 1926 standard. While at that time prices were higher than in 1932, yet they were not as high as when the depression came in October 1929, and were much lower than in 1926, the year now referred to as the 100-percent price-level standard.

From March of 1937 to February 5, 1938, the price level fell from 88 to some 80, or 8 points, and as the price level fell the dollar value increased.

The price level may be expressed by the index numbers of wholesale prices—percentages—or by the purchasing power of the dollar as expressed in wholesale prices by percentages or cents.

DOLLAR VALUE AS EXPRESSED IN WHOLESALE PRICES

According to this formula and as indicated by the graph, in 1920, when the price level was 154, the dollar value was 65 cents; and in 1932, when the price level was 65, the dollar value was 154 cents.

Thus it seen that in 12 years—from 1920 to 1932—the purchasing power or value of the dollar as expressed in terms of wholesale prices, including farm commodities, fluctuated from 65 cents in 1920 to 167 cents in February 1933. It was this fluctuation of 102 cents in the value of the dollar which caused the high prices in 1919–20 and the low prices in 1932–33.

It must be obvious that all persons, save the sure-thing gamblers in money, exchange, commodities, and securities, are interested in and demanding a properly valued dollar and thereafter that such dollar be stabilized.

When the dollar is properly valued and then stabilized, such policy will regulate and adjust the price level and at the same time stabilize such price level.

We next call attention to the different price levels as same are reflected in specific prices:

In 1920, with the price level at 154, we saw wheat sell for $3 per bushel, corn sold for $1.90 per bushel, and cotton sold for 44 cents per pound.

In February 1933, with the price level at 59, we saw wheat sell for 25 cents per bushel, corn sold for 15 cents per bushel, and cotton sold for 5 cents per pound.

In March 1937, with the price level at 88, wheat sold for $1.43 per bushel, corn sold for $1.35 per bushel, and cotton sold for 14½ cents per pound.

Since March 1937 the price level has fallen, and as the price level came down farm commodity and security prices tumbled into almost a collapse.

EFFECT OF PRICE LEVEL AND DOLLAR VALUE UPON PROPERTY VALUES, FARM PRICES, NATIONAL INCOME, TAXES, INTEREST, DEBTS, EMPLOYMENT, BUDGET BALANCING, CONFIDENCE, AND PROSPERITY

The committee reports that a rising price level raises prices and property values generally, that a falling price level causes prices of all kinds of property to fall, and that a stationary or stabilized price level tends to stabilize prices and the value of property.

Property values: By some statisticians, the total value of all property, of every kind and character, in the United States and our possessions, has been estimated at $400,000,000,000.

For an illustration we will take this figure to represent 100 percent. Then 1 percent would be $4,000,000,000. Any change in the price level would be reflected immediately in the value of the property of the United States.

Should the price level fall, the total value of all property would fall correspondingly; and should the price level rise, the value of all property would rise accordingly.

In 1920, with low-valued dollars and a high price level, we had high-priced commodities and high-valued property. While in 1932, with a high-valued dollar and a low price level, we had low prices and low-valued property.

Taxes: The price level and the value of the dollar have the same identical effect upon taxes as upon property values.

A change in the price level and dollar value does not automatically change the amount of taxes as expressed in dollars, but does change the value of taxes as expressed in commodities and property.

For example, in 1932 a farmer owing $100 in taxes had to produce and sell 4 bales of cotton, at 5 cents per pound, or 400 bushels of wheat, at 25 cents per bushel, to secure such $100, while in March 1937 the same $100 in taxes could have been paid with less than 1½ bales of cotton or with less than 75 bushels of wheat; hence, it is obvious that to raise the price level lowers taxes in terms of property, because property values rise while taxes in terms of dollars are not thus affected.

Interest and debts: The argument applicable to taxes is applicable to interest and debts.

A rising price level lowers taxes, interest, and debts in terms of property, while a falling price level increases taxes, interest, and debts in terms of the things that people have to produce and sell in order to secure dollars.

Employment, income, and prosperity: History shows that a rising price level stimulates employment, increases income, and promotes prosperity, while a falling price level brings about unemployment, decreases income, and brings on panic, depression, and recession.

A rising price level increases purchasing power, while a falling price level causes a loss of such purchasing power and such loss causes a slump in business, first at the store, then at the wholesale house, then at the factory, and thereafter all up and down and all over the country.

As hereinbefore reported, the price level on March 1, 1937, was 88, and such price level at the present time is 80; hence such price level has fallen 8 points during the past 11 months.

The committee reports that the fall in the price level, which means a fall in prices generally, has had a very marked effect upon our domestic economy.

The following specific instances may be cited:

Illustration No. 1: Numerous authorities have, as stated, valued all property in the United States and our possessions during nor-

mal times at some $400,000,000,000. If we take this sum as a basis, then we might say that $400,000,000,000 will be 100 percent. One percent would be $4,000,000,000. If the fall in the price level reduces property values at the rate suggested, then the fall of 8 points would mean a depreciation of our total property values in the sum of $32,000,000,000.

Illustration No. 2: Numerous statistical authorities have estimated our total massed debts to be some $250,000,000,000. Taking this sum as a basis and assuming that such sum equals 100 percent, then 1 percent would equal $2,500,000,000. The fall in the price level, causing a fall in prices and values of property, when reflected in the massed debts, would mean that it would take more property to liquidate one dollar of indebtedness under the present price level than under the price level of March 1, 1937.

Applying the same formula as applied to the fall in the value of all property, we find that while the massed debts may not have increased in terms of dollars, yet if we should proceed to liquidate such indebtedness it would require more property at the lower prices; hence, if 1 percent in the fall of the price level equals $2,500,000,000, then 8 percent would equal seven times $2,500,000,000, or a total of $20,000,000,000. This means that although the massed debts have not necessarily increased in terms of dollars, such debts have increased in terms of property, so that now it would take the sum of approximately $20,000,000,000 more in value to liquidate such massed debts than it would have required on March 1, 1937.

Illustration No. 3, national debt: The national debt is now approximately $37,000,000,000. Assuming that such $37,000,000,000 equals 100 percent, then 1 percent would equal $370,000,000. Applying the same formula to No. 3 as was applied to Nos. 1 and 2, we find that while the national debt may not have increased in dollars during the past 10 months, yet to liquidate the national debt it would now require more property to liquidate such indebtedness. If 1 percent equals $370,000,000, then the 8 percent which represents the fall in the price level would mean that the national debt has increased in value eight times $370,000,000, or a total of $2,960,000,000.

Illustration No. 4, States, counties, cities: If all debts have increased in terms of property, as illustrated in Nos. 2 and 3 above, then the State, county, city, and local debts have likewise increased, not in terms of dollars but in terms of property values necessary to liquidate such indebtedness.

Illustration No. 5, total tax burden: It is estimated that it is now costing all units of Government—National, State, county, city, and district—some $17,000,000,000 per annum to meet governmental and public expenses. Assuming that this $17,000,000,000 will be 100 percent, then 1 percent would equal $170,000,000.

Applying the same formula as applied above to our total tax bill, we find that while such bill may not have increased in numbers of dollars, yet in the amount of property required to secure the dollars with which to pay such taxes, we find that such total tax bill has increased 8 times $170,000,000, or a total of $1,360,000,000.

Illustration No. 6, interest: If the estimate of $250,000,000,000 of total massed indebtedness is a fairly correct one, then it would be safe to assume that the interest charges on the total massed indebtedness would be at least $10,000,000,000 per annum. If we should apply the same formula as used above to the interest item, we would find the following $10,000,000,000 equals 100 percent. One percent would equal $100,000,000. The eight-point fall in the price level would equal in property values eight times $100,000,000, or a total of $800,000,000.

This means that while the interest item may not necessarily have been increased, yet to liquidate such interest item it would take approximately $800,000,000 more of property to secure the dollars necessary to meet such total interest bill.

From the foregoing illustrations it is obvious that by lowering the price level we increase the value of taxes, debts, and interest, and that by raising the price level we decrease the value of taxes, debts, and interest.

The effect of raising or lowering the price level may be explained in another way. When we increase the price level we increase the value of property and make it easier for producers and property owners to secure dollars with which to meet their fixed charges, and by lowering the price level we thereby decrease the value of products and property and make it more difficult for taxpayers to secure dollars with which to meet such overhead and fixed charges.

Summarizing, we report that to lower the price level means increasing the cost of government, while the raising of the price level decreases the cost of government, not in dollars in either instance but in the value of property necessary to be exchanged for dollars to meet such taxes, debts, interest, and governmental expenses.

DOLLAR VALUE CONTROLS PRICES, INCOME, AND PROSPERITY

The record of farm and national income shows conclusively that the value of the dollar controls both.

From 1910 to 1915, inclusive, the dollar value, although very high, was stable, ranging between 145 and 150, and during said years farm income fluctuated very little and as follows:

Farm income

1910	$6,600,000,000
1911	6,400,000,000
1912	6,800,000,000
1913	7,000,000,000
1914	7,000,000,000
1915	7,400,000,000

During the same years, with a stable-valued dollar, which means a stable price level, although very low—at 70—we had national incomes as follows:

National income

1910	$28,000,000,000
1911	28,300,000,000
1912	30,300,000,000
1913	31,900,000,000
1914	31,600,000,000
1915	33,000,000,000

In 1915 the Federal Reserve System began to function. Currency in circulation was increased and credit was expanded and the result was a drastic cheapening of the dollar and a comparable increase in the price level.

From the first of 1915 to the end of 1916 the dollar value fell from 150 to 100 and the price level rose from 70 to 100. With a cheapened dollar and an increased price level, farm income increased from $7,400,000,000 in 1915 to $9,000,000,000 in 1916.

At the same time the national income increased from $33,000,000,000 in 1915 to $39,000,000,000 in 1916.

From 1916 to 1920 the dollar value fell from 100 to 64, which meant that at the same time the price level rose from 100 to 154.

With this rise of the price level farm income increased from $9,000,000,000 in 1916 to $17,000,000,000 in 1919, and while farm income was thus increased, the national income increased from $38,000,000,000 in 1916 to $65,000,000,000 in 1920.

Thus it is obvious that a low price level produces a low farm and national income and that a high price level produces a high farm and national income.

To reinforce this point, the committee calls attention to the following records:

Low price level produces low income

1914 WITH LOW PRICE LEVEL AT 70

Farm income	$7,000,000,000
National income	33,000,000,000
Value, farm property	39,000,000,000
Value, exports	1,800,000,000
Amount Treasury income	700,000,000

1920 HIGH PRICE LEVEL AT 154

Farm income	$13,000,000,000
National income	69,000,000,000
Value, farm property	66,000,000,000
Value, exports	8,200,000,000
Amount Treasury income	6,000,000,000

1932 WITH LOW PRICE LEVEL AT 64

Farm income	$5,000,000,000
National income	48,000,000,000
Value, farm property	36,000,000,000
Value, exports	1,600,000,000
Amount Treasury income	2,100,000,000

The committee gives another illustration of the influence of the value of the dollar on prices.

In 1920 we had a high price level—at 154. On June 20 of that year we had the following prices:

Wheat	per bushel	$2.50
Cotton	per pound	.42
Corn	per bushel	1.90
Oats	do	1.04

In 1933 we had a low price level—at 64—with prices as follows:

Wheat	per bushel	$0.30
Cotton	per pound	.05
Corn	per bushel	.15
Oats	do	.10

The resolution under consideration proposes to express the sense of the Senate that the 1926 price level should be reinstated.

The 1926 price level was at 100. With such price level we had the following prices:

Wheat	per bushel	$1.67
Cotton	per pound	.20
Corn	per bushel	.90
Oats	do	.50

In 1926, with the price level at 100 producing fair prices, we had the following:

Farm income	$11,500,000,000
National income	78,000,000,000
Value, farm property	49,000,000,000
Value, exports	4,800,000,000
Amount, Treasury income	4,000,000,000

From 1926 to 1938—12 years—we have an increased population, vastly expanded facilities for production, doubled taxes—National, State, county, and city—and with doubled debts, our farm income for 1937 was $1,000,000,000 less than in 1926. Our national income last year was some $10,000,000,000 less than that of 12 years ago and likewise the value of farm property, and the value of exports were vastly less than the values of the same items in 1926.

These figures are convincing that if taxes, debts, and interest increase, the price level must likewise be increased to afford an increased farm and national income, as well as an increased income to the Federal Treasury.

BALANCING THE BUDGET

All agree that our Budget should be balanced, and the question constantly arises as to how this can be accomplished.

It must be conceded that the Budget cannot be balanced on a falling wage and falling price level. Likewise, the Budget cannot be balanced on the present price level.

We report that there is only one possible way to balance the Budget and that is by raising prices so that there may be profit in the transaction of business.

It has been said that one-third of our people are ill-housed, ill-clad, and ill-fed, so that among this one-third—some 40,000,000 people—there can be little business and little if any profit.

The record shows that many of our industries are already in the hands of receivers; hence, there can be little if any profit from such institutions.

The record shows that some 7 out of every 10 of our farmers are either sharecroppers or tenants, and that those who still own their land or retain some equity in their land are fearful that they will soon lose their homes. All farmers agree that their trouble is "low-farm prices."

The President, in his January 3, 1938, message to the Congress, said:

"To raise the purchasing power of the farmer is, however, not enough. It will not stay raised if we do not also raise the purchasing power of that third of the Nation which receives its income from industrial employment. Millions of industrial workers receive pay so low that they have little buying power. Aside from the undoubted fact that they thereby suffer great human hardship, they are unable to buy adequate food and shelter, to maintain health or to buy their share of manufactured goods."

Again he said:

"* * * if the purchasing power of the Nation as a whole—in other words, the total of the Nation's income—can be still further increased—other happy results will flow from such increase.

"We have raised the Nation's income from $38,000,000,000 in the year 1932 to about $68,000,000,000 in the year 1937. Our goal, our objective, is to raise it to ninety or one hundred billion dollars"—

but it is obvious that we can never raise the farmer's income or secure such a national income on either a falling price level or on the present price level, or on any price level lower than that of 1926.

The committee reports that it is not only desirable that the price level be raised, but that in order to secure the income desired, to balance the Budget, and to restore national prosperity, it is absolutely necessary that such level be raised approximately to that of 1926.

The second question is as follows:

IS IT POSSIBLE TO RAISE THE PRICE LEVEL?

The answer is, "Yes." The price level may be raised or lowered at the will of the money managers. The money managers are those persons, bureaus, and departments having control over the discount rate, reserves, credit, open-market operations, circulation, and the gold content of the dollar.

HOW MAY THE PRICE LEVEL BE RAISED?

The price level may be raised by either of the following acts:

(a) Lowering of discount rate.
(b) Lowering of reserve.
(c) Liberalizing credits.
(d) Open-market operations.
(e) Increase currency circulation.
(f) Reduce gold content of the dollar.

Conversely, the price level may be lowered by reverse action on either of said mentioned acts or policies.

In addition to answering the question, "Is it desirable to have the price level raised?" in the affirmative, the committee calls attention to the following specific instances wherein such price level has been raised and also lowered.

PRICE LEVEL WAS LOWERED IN 1920

The year 1920 was a national-campaign year. The Democratic Party was in power and the minority, or Republican Party, held its national convention in Chicago on June 8 to 12.

In its platform declaration the minority party condemned the majority party and charged the majority party with being responsible for the high cost of living.

In the minority party's platform declaration we find the following language:

"THE HIGH COST OF LIVING

"The prime cause of the high cost of living has been, first and foremost, a 50-percent depreciation in the purchasing power of the dollar, due to a gross expansion of our currency and credit."

In addition to condemning the majority party for having been responsible for the high prices, the minority party outlined its program and pledged its leaders that they would faithfully carry into effect such program.

In the same platform we find the following pledge:

"We pledge ourselves to earnest and consistent attack upon the high cost of living by rigorous avoidance of further inflation in our Government borrowing, by courageous and intelligent deflation of overexpanded credit and currency * * *."

In the election of November 1920 the minority party became the majority party and on March 4, 1921, the Republican Party took over the management of the Government.

Prior to the change of administration, the Federal Reserve System, acting through its Governor, members, and advisors, suggested, secured, and promulgated the following actions and policies:

On May 15, 1920, Senator McCormick, of Illinois, introduced Senate Resolution 363, directing the Federal Reserve Board "* * * to advise the Senate what steps it purposes to take or to recommend to the member banks of the Federal Reserve System to meet the existing inflation of currency and credit and consequently high prices * * *."

The resolution was passed by the Senate on May 17, and on May 25 the Federal Reserve Board, acting through its Governor, W. P. G. Harding, reported to the Senate that the Board was suggesting and recommending the following policies:

1. Discount rates should be raised.
2. Member banks should call loans on agricultural products, thus forcing the sale of such products.
3. Member-bank credits should be restricted.
4. Existing loans should be liquidated.
5. Expansion of loans should be checked.
6. That member banks should use their power to limit the volume and character of loans.
7. The Federal Reserve banks should establish normal discount or credit lines for each member bank and should impose graduated discount rates on loans in excess of the normal line.
8. Served notice that the Federal Reserve banks have power to refuse to discount any form or class of paper.
9. Suggested notice to the public that the Federal Reserve banks have the power to control and regulate credit.
10. Served notice to the public that they must economize, must limit demands for banking credit, and must begin to pay existing debts.
11. Suggested that the member banks educate and impress the public with notice of the Federal Reserve's announced policy.

The new administration came completely into power on March 4, 1921. On March 1, 1921, we had money in circulation in the sum of $6,207,000,000. Eighteen months later, or on September 1, 1922, we had only $4,393,000,000 in circulation; hence, it is seen that in 18 months we lost the sum of over $1,800,000,000, or $100,000,000 per month in currency in circulation.

The new program promised "courageous and intelligent deflation of overexpanded credit and currency," and through the orders of the Federal Reserve Board, credit was deflated and likewise through the policies promulgated the actual currency in circulation was deflated to the extent of almost $2,000,000,000, or some 30 percent of the money in circulation when the new administration took over the reins of Government.

The effect of this deflationary policy was a general and severe fall in prices as hereinbefore indicated and history records the era as the "panic of 1921."

In 1921 Benjamin Strong was Governor of the Federal Reserve Bank in New York City. Governor Strong was an able and powerful financial executive. Because of less ability elsewhere, Governor Strong was able to and did dictate and control the policies not only of the New York Federal Reserve Bank, but of the other Federal Reserve banks and even the policies of the Federal Reserve Board and the Treasury Department at Washington.

Governor Strong so managed the Government's financial policies as to bring about the 100 price level. Such price level was first attained in 1923. From 1923 to 1928, the date of the death of Governor Strong, the price level was maintained as follows:

1923	100
1924	98
1925	103
1926	100
1927	95
1928	96

During the years above mentioned, Calvin Coolidge was President, and the comparatively stable price level was equaled by a comparatively stable dollar value.

Your committee reports that such price level was brought about and maintained through the management and control of the value of the dollar.

The Bureau of Labor Statistics shows that during said years the value of the dollar was as follows:

1923	.994
1924	1.019
1925	.966
1926	1.00
1927	1.048
1928	1.034

The record shows that at the death of Governor Strong in 1928 the value of the dollar began to increase and the price level began to fall.

The following tables show just what has happened with respect to the dollar value and price level since 1928:

	Dollar value	Price level
1928	$1.034	96.7
1929	1.049	95.3
1930	1.157	86.4
1931	1.370	73.0
1932	1.543	64.8
1933:		
February	1.672	59.8
For year	1.517	65.9
1934	1.340	74.9
1935	1.253	80.0
1936	1.263	80.8
1937:		
March	1.12	88.0
June	1.147	86.5
December	1.235	81.0

PRICE LEVEL WAS RAISED IN 1933

In February 1933 the price level was so low that business of every kind throughout the entire country was at a standstill. It

was the low price level which destroyed practically all values, and the banks were forced to close.

As a relief measure the new administration decided to raise the price level. Direct action was taken. Congress conferred power on the President to do the following things:

1. To increase the circulation of currency through an expansion of Federal Reserve notes and Treasury notes.
2. To devalue the gold dollar by reducing the gold content of the basic monetary unit.
3. To expand the currency through a wider use of silver.

Power No. 2 has been used.

The weight of the gold dollar was reduced from 25.8 grains of gold, nine-tenths fine, to 15 5/21 grains, nine-tenths fine. By reducing the size and weight of the gold nugget called a dollar, the new gold dollar is not so large, hence not so valuable and, therefore, will not purchase as much in the way of commodities. The devaluation of the gold content of the dollar automatically and instantly raised prices.

Power No. 3 likewise has been used.

The present administration, operating under the silver program, has purchased more than one and one-half billion ounces of silver and has issued currency to the value of such silver; and such currency is now in circulation. Through this policy almost $1,000,000,000 of new and additional silver certificates have been placed in circulation.

As the result of the financial policy adopted, the price level was raised gradually from the low point in February 1933 to 88 in March of 1937. During the 4 years of 1933, 1934, 1935, and 1936, the price level was raised gradually, which meant that prices were likewise gradually raised until March of 1937.

Because of the increase of the price level, unemployment had decreased, tax collections had improved, business conditions were approaching normal, and everything appeared hopeful for reaching the end of the 1929 depression.

PRICE-LEVEL RISE CHECKED IN MARCH 1937 AND LOWERED EIGHT POINTS TO DATE

The record shows that officials of the Federal Reserve System recommended and took steps early in the year 1937 to check the rising price level; consequently the rising prices.

To check rising prices, the Federal Reserve System recommended the following specific things:

1. Raising discount rates.
2. Increasing bank reserves.
3. Sterilizing gold.
4. Issuing releases calling attention to rising prices and prophesying inflation if such trend should continue.

The result of the monetary policies just mentioned was a check to the rising price level. Not only was the price-level rise stopped, but immediately it began to fall, and with the fall of the price level, commodity prices went down, resulting in a slowing up of business, the closing of factories, increased unemployment, and the initiation of the present recession.

As set forth in this report, the present recession has cost the people of the United States some $50,000,000,000. This total is made up from the items heretofore mentioned, and as follows:

1. Loss in property value	$32,000,000,000
2. Loss caused by increased value of debts	20,000,000,000
3. Loss caused by increased value of taxes	1,360,000,000
4. Loss caused by increased value of interest	800,000,000
5. Loss caused by increased national debt is $2,960,000,000, but such amount is included in No. 2.	
6. Loss caused by increased State, county, city, and district debts is comparably increased and amount is likewise shown in No. 2.	
7. The economic loss caused by the slowing up of business, loss of employment, and other direct losses could only be estimated, but the sum would be very large	(?)
Total cost of recession to date	54,160,000,000

WHAT WILL HAPPEN IF PRICE LEVEL IS NOT RAISED?

Judging the future by the past, we will have a continuation of immediate present and recent past economic conditions. This will mean that one-third of our population will remain ill-housed, ill-clad, and ill-fed; that farmers will continue to lose their homes; that because of lack of buying power in the hands of farmers and wage earners, industry generally will languish, and because of lack of business, profits will be scant, national income low, and the budgets of the Nation, States, counties, and cities will remain unbalanced.

A continuation of such conditions will make necessary continued expenditures for relief, which in turn will make necessary continued borrowing, and the consequent continued issuance of bonds; hence, still further increasing public and private debts.

What will such a policy lead to eventually?

The inevitable end is almost in sight. The credit of the several units of Government is not unlimited. Already many cities and towns are going into voluntary bankruptcy.

Should the present trend continue, it will be only a question of time until the banks will be forced to convert some of their bonds into cash. Should a wave of selling set in, the only purchaser would be the Government. If the selling should persist, the Government would be forced to resort to payment or redemption of bonds in currency.

Should another major depression come, the banks will prepare for the worst and will convert some, if not all, their bonds into currency. Such a policy would force the very kind of inflation that all are opposing; hence, your committee is of the opinion that the Government should take steps now to prevent the disaster toward which the present policy is surely leading.

The committee is of the opinion that it is not alone a question of the desirability of having the price level raised, but is an absolute necessity for the very obvious reason that our heavy tax, debt, and interest structure make such price rise inevitable.

The question now resolves itself into whether the price rise shall be gradual, orderly, and at all times under control, or whether the money managers will persist in a deflationary policy, thereby forcing bond liquidation and the accompany unregulated and perhaps uncontrolled inflation.

WHO PROFIT BY DEFLATION?

Some, who do not stop to think or do not take the time to think the matter through, may believe that all are against panics, depressions, and recessions, but unfortunately such is not the truth.

While all know that industry, manufacturing, transportation, owners of property—save money and fixed investments—producers and debtors, have lost heavily in past panics, depressions, and recessions, yet but few know that the holders of fixed investments have profited immeasurably because of the same economic conditions which have so nearly bankrupted the entire country.

To summarize the arguments herein set forth we assert that the same economic law which governs the value of commodities likewise governs the value of money.

When commodities, such as wheat, corn, cotton, or any other article, are scarce their value is high and when they are plentiful their value is low. This same economic law governs the value of money. When dollars are scarce their value is high and when dollars are plentiful their value is low.

In 1919–20 dollars were plentiful, hence, cheaper, and commodity and property values were the highest in decades.

In 1932–33 dollars were scarce, hence, high, and commodity and property values were the lowest in generations.

Fixed investments, bonds, mortgages, and notes are of the equivalent of dollars, and the value of such investments, measured in commodities and property, rises and falls with the rise and fall of the dollar value; therefore, when dollars were scarce as in 1932–33, values were low; hence, in such years dollars in bonds, mortgages, and notes were highly valued when measured in commodities and property.

In 1919–20, with dollars plentiful and cheap, a $100 bond or note could be paid with 40 bushels of wheat, while in 1932–33, with dollars scarce and high, it took over 400 bushels of wheat to liquidate a $100 debt.

In other words, in 1932–33, with scarce money, the holder of a $100 bond was worth 400 bushels of wheat, while in 1919–20, with money plentiful, the holder of a $100 bond was worth only 40 bushels of wheat.

It does not require a financier or much thinking to realize that it is to the interest of the bondholders to have scarce money; hence, dear money, and the consequent low prices and low-valued property.

As an estimate, we report that the holder of a million dollars in bonds, mortgages, or notes, is at least $80,000 richer in property today than on March 1, 1937. As measured in wheat, such bondholder is some $300,000 richer than 11 months ago, and as measured in corn, he is over $500,000 richer than on March 1, 1937.

It is to the interest of the holder of bonds to have dollars scarce and highly valued; hence, the program of deflation inaugurated in March 1937 has brought about the following specific results:

1. Has destroyed billions of dollars of money—over $1,000,000,000 in bank deposits in New York City alone.
2. Has caused a total loss to all our people of over $50,000,000,000.
3. Has caused increased unemployment.
4. Has increased debts, taxes, and interest and widespread suffering and distress.
5. Has increased the wealth of the bondholder and investor class approximately $20,000,000,000.

While panics, depressions, and recessions bring bankruptcy, suffering, and distress to tens of millions of our people, yet such man-made economic conditions bring opportunities, advantages, and wealth to the fortunate few bondholders of the country.

WHO IS RESPONSIBLE FOR PANICS, DEPRESSIONS, AND RECESSIONS?

The Constitution confers upon the Congress the power to coin money and to regulate the value thereof.

The Congress has vitalized the power to coin money but has failed to vitalize the power to regulate the value of the dollar.

Because of such failure the value of the dollar has never been regulated other than as to the weight and fineness of the various metallic coins called dollars.

Because the Congress has failed to regulate the value of the dollar, such dollar has fluctuated violently, causing the booms and depressions as recorded in the economic history of our country.

Without regard to the person or persons charged with being responsible for the panics, depressions, and recessions of the past and present, the fact is that the Congress was and is wholly responsible for such panics, depressions, and recessions because of its failure to carry out the clear contitutional mandate to regulate the value of the dollar.

CONFIDENCE AND STABILITY

Public confidence is based upon stability.

The Committee on Agriculture and Forestry developed and announced its policy in the Agricultural Adjustment Act of 1933. Such policy was stated on page 7 of such committee report in the following language:

* * * "that the purchasing power of the dollar should be fixed and established at that point to serve the best interests of the people, trade, commerce, and industry, and that when such value is once fixed it should be stabilized at such value.

"We report further that no just, substantial, reliable, or permanent relief can be provided agriculture or any other industry until the money question is considered and adjusted."

All must admit that to date the dollar value has not been satisfactorily adjusted. The line marked "Dollar value" on the graph in this report shows that the value of such dollar has bounced up and down for 137 years, and that as such dollar value changes the price level likewise changes.

With such a system, only the managers of this bouncing dollar know which way it is to bounce, and the few managers, at all times with perfect inside information, know just which way the dollar value is to rebound and what the effect will be upon values and prices. It is possible that this most valuable information in the hands of the few may account for the concentration of the vast resources and wealth in the hands of a very few of our people.

For 100 years our financial system has been not wholly unlike a shell game, with a manager, or a few managers, operating the shells and likewise, to the public, the invisible pellet.

The Committee on Agriculture and Forestry is still pressing for action. The President has most clearly and definitely stated the objective.

ROOSEVELT PROGRAM

On May 6, 1933, over a Nation-wide radio hook-up, President Roosevelt said:

"The administration has the definite objective of raising commodity prices to such an extent that those who have borrowed money will, on the average, be able to repay that money in the same kind of dollar which they borrowed."

Again, on July 3, 1933, in a message to the London Economic Conference, the President said:

"Let me be frank in saying that the United States seeks the kind of dollar which a generation hence will have the same purchasing and debt-paying power as the dollar value we hope to attain in the near future."

And on July 5, 1933, in a second message to the World Economic Conference in London, he said:

"The revaluation of the dollar in terms of American commodities is an end from which the Government and the people of the United States cannot be diverted. We wish to make this perfectly clear: We are interested in American commodity prices."

On October 22, 1933, in a Nation-wide radio address, the President said:

"It is the Government's policy to restore the price level first."

Also, in this address, he said:

"When we have restored the price level, we shall seek to establish and maintain a dollar which will not change its purchasing and debt-paying power during the succeeding generation. I said that in my message to the American delegation in London last July, and I say it now once more."

In 1933 your committee proposed and recommended legislation to raise prices. Such recommendations were accepted and the price-raising program was initiated.

Now, as a second step, we propose and recommend that prices be raised to approximately the 1926 level.

As herein stated and illustrated, the price level, as measured in dollars, may be raised to any desired point.

The executive branches of the Government, having power and control over the coinage and circulation of money, and the control and issuance of credit, have all necessary power to raise the price level to any given point and such agencies have full knowledge of how to use such power to bring about the end suggested and recommended.

To recapitulate, we suggest the use of any or all of the following existing powers:

1. Desterilize our surplus gold.
2. Force into circulation available silver certificates.
3. Lower discount rates.
4. Lower reserve requirements.
5. Open-market operations.
6. Further devalue the gold dollar.
7. Issuance and use of additional Federal Reserve notes and Treasury notes as authorized by existing law.

With prices and the price level restored, as recommended herein, the committee, at a subsequent date, reserves the right to recommend the third step, and such third step shall be as set out in our committee report of 1933 and as definitely defined by the President in his October 22, 1933, radio address.

The third step will be to determine the proper price level and then to stabilize such level.

The committee recommends that the Senate approve Senate Resolution 216 and that the several departments of the Government be requested to cooperate in carrying out the policy therein stated.

Mr. THOMAS of Oklahoma. Mr. President, the Wall Street Journal of this date comments in its editorial columns upon this subject matter in an article under the heading A Modified Gold Policy. This editorial states in effect that an issue has been pending before those who have been studying the money question for some time. We have one group of economists in America who contend that bank credit or deposit money has the same influence upon prices as does real money, and by real money I mean coin or paper which one carries to pay his current bills among strangers. With respect to the issuance or increase of bank credit or deposit money by banks making loans, it is contended in some quarters that an increase in bank credit or deposit money has the same identical effect upon prices as would the placing in circulation of real money of the kinds just named.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. McNARY. I do not want to disturb the Senator or divert him from the thought he is discussing, but I recall when the farm bill was reported to the Senate by the Senate Committee on Agriculture and Forestry it contained an amendment offered by the Senator from Oklahoma. Does the matter the Senator is referring to relate to that amendment, or does that amendment embody the subject matter to which he now refers?

Mr. THOMAS of Oklahoma. Does the Senator refer to the amendment carried in the 1933 agricultural bill?

Mr. McNARY. No. The bill as reported to the Senate this year contained such an amendment.

Mr. THOMAS of Oklahoma. The Senator is in error, because the bill did not carry such an amendment. The committee considered the advisability of attaching such an amendment to the bill.

Mr. McNARY. I think I am in error; but the report of the committee discussed the amendment rather favorably.

Mr. THOMAS of Oklahoma. That is correct. We decided not to encumber, so to speak, the agricultural bill with a money amendment. It was decided to place in the report a statement of the influence upon prices of monetary management; and the committee report contained an explanation, covering several pages, of how prices could be affected by monetary management and monetary control. It was that committee report which led to the submission of the resolution which I subsequently presented in this body.

In order that the important editorial appearing in today's Wall Street Journal may be known by those present, and likewise may appear in the RECORD, I ask unanimous consent that it be read at the desk. It seems to me it settles an issue, at least for those who follow the policies of the Wall Street Journal, and in this particular I concur in the conclusions reached 100 percent. It represents my viewpoint on the money question. I ask permission to have the editorial read at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

A MODIFIED GOLD POLICY

It would be unfair to characterize the Treasury's action in desterilizing future gold imports as an empty gesture. For one thing, at least, it partially removes the contingency of further Federal borrowing for the purpose of locking up gold as it may come to this country from abroad or from our own mines, and that is all to the good. But as a stimulant to industrial and business recovery, it is manifestly of little importance; anyhow it can do no harm.

The operation may serve, however, to illustrate the fact that our present difficulty is not the result of purely monetary causes. The acute depression in industry in the past few months has occurred in the face of fantastically abundant bank credit and equally fantastically low interest rates. It is the first depression in living memory with which supplies of money and credit have had nothing whatever to do. Business activity a year ago did not advance interest rates appreciably. Neither did the increase in legal reserve ratios. At all times the banking system has possessed a huge potential of credit expansion. The effect of the new Treasury order is to increase—slightly—that potential. If abundance of credit did not suffice to prevent the recent depression it is not reasonable to expect an increase in that abundance to have much immediate effect in removing it.

It is important always to distinguish sharply between money (in the constitutional sense of coinage and issue) and bank credit. The dominant function of money is that of price measuring; its function of making exchanges of goods and services is quite sec-

ondary. The sole function of bank credit is the making of exchanges. Large additions of money to the circulation tend to act directly upon prices; changes in the volume of potential bank credit do not act upon prices at all, and changes in the volume of active bank credit follow price changes rather than cause them. Bank credit is in essence merely bookkeeping tempered by an automatic limitation furnished by compulsory minima of money reserves.

Failure to observe this fundamental distinction is the main cause of the present confusion of thinking and talking on the whole subject of "money." Much of today's comment on the Treasury order exemplifies that confusion. It is absolutely essential that it be always kept in mind.

Mr. THOMAS of Oklahoma. Mr. President, in brief, the editorial states the fact that an increase of bank deposits or bank credit does not of itself dilute the money supply to such an extent and in such a manner as to make dollars cheaper and prices thereby higher. On the other hand, the editorial states that by the addition of real money to the circulation—and by real money is meant gold, silver, or currency—the money supply is diluted. Dollars become weaker and cheaper, and to the extent that is done prices are increased.

In this connection, in further support of the resolution, I ask unanimous consent to have printed in the RECORD short extracts from numerous letters from organized groups endorsing the resolution.

The PRESIDING OFFICER (Mr. HERRING in the chair). Without objection, it is so ordered.

The extracts are as follows:

MILWAUKEE CO-OPERATIVE MILK PRODUCERS,
Milwaukee, Wis., January 22, 1938.

Senator ELMER THOMAS,
United States Senate, Washington, D. C.

DEAR SENATOR THOMAS: I wish to express my approval of your resolution (S. Res. 216) because I believe that it will be very helpful to the dairy interests of the country.

Thanking you, I am,

Yours very truly,

MILWAUKEE CO-OPERATIVE MILK PRODUCERS,
CHARLES DINEEN, *Secretary.*

CO-OPERATIVE WOOL GROWERS OF SOUTH DAKOTA,
Brookings, S. Dak., January 27, 1938.

Hon. ELMER THOMAS,
United States Senate, Washington, D. C.

DEAR SENATOR THOMAS: We wish to express our appreciation for the resolution you made on January 5 under Senate Resolution 216. This is very much in line with our viewpoints, because it is the only hope that agriculture has for a recovery out of the present unsatisfactory markets.

Very truly yours,

CO-OPERATIVE WOOL GROWERS OF SOUTH DAKOTA,
CARL NADASDY, *Manager.*

CALIFORNIA FRUIT EXCHANGE,
Sacramento, Calif., January 24, 1938.

Hon. ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR SIR: The California Fruit Exchange, a nonprofit cooperative marketing organization handling deciduous tree fruits and grapes in California, representing 7,000 growers and shipping in interstate commerce 11,000 cars of fruit annually, very heartily endorses the resolution recently introduced in the Senate by you, Senate Resolution 216, and we hope that every effort will be made to secure its passage.

Respectfully yours,

JAS. J. BURMAN, *President.*

PURE MILK PRODUCERS' ASSOCIATION OF
GREATER KANSAS CITY,
Kansas City, Mo., January 26, 1938.

Hon. Senator ELMER THOMAS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR THOMAS: This is to inform you that our organization heartily supports Senate Resolution 216 and trust that you will be successful in having it passed in the Senate.

Yours very truly,

E. P. MULLIGAN, *President.*

INTER-STATE MILK PRODUCERS' COOPERATIVE,
Philadelphia, January 27, 1938.

Hon. ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR SENATOR: Our attention has been called to Senate Resolution 216, which we understand was referred to the Committee on Agriculture and Forestry. We want you to know that we are heartily in favor of the contents of this resolution and hope that the executive agencies of the Government can be made to see the necessity of making necessary monetary policies and thereby adjust purchasing power of wholesale commodities, including farm products.

Very truly yours,

INTER-STATE MILK PRODUCERS' COOPERATIVE,
A. H. LAUTERBACH, *General Manager.*

WASHINGTON CO-OPERATIVE EGG & POULTRY ASSOCIATION,
Seattle, Wash., January 26, 1938.

Senator ELMER THOMAS,
United States Senate, Washington, D. C.

DEAR MR. THOMAS: On behalf of the 24,000 farm families of this State who are directly interested in the production of eggs for marketing, I wish to heartily commend your action in the introduction of Senate Resolution No. 216, which has for its purpose the adjustment of the purchasing power of the dollar, to the end that the 1926 price level of wholesale commodities, including farm products, may be restored.

I hope you will work diligently toward the enactment of this resolution.

Very truly yours,

WASHINGTON CO-OPERATIVE EGG & POULTRY ASSOCIATION,
By G. H. ANDERSON, *Director of Public Relations.*

NEW ENGLAND CRANBERRY SALES CO.,
Middleboro, Mass., January 28, 1938.

Hon. ELMER THOMAS,
United States Senate, Washington, D. C.

DEAR SIR: The resolution offered by you in the Senate of the United States under date of January 5, 1938, has come to our attention.

We want to record ourselves as approving of the sentiment of this resolution and trust that it may be pushed to enactment.

Very truly yours,

NEW ENGLAND CRANBERRY SALES CO.,
A. D. BENSON, *Manager.*

SOUTH TEXAS PRODUCERS' ASSOCIATION, INC.,
Houston, Tex., January 27, 1938.

Senator ELMER THOMAS,
United States Senate, Washington, D. C.

DEAR SIR: We are greatly interested in your resolution, Senate Resolution 216, and hope you will be successful in putting it through the Senate. We are for you 100 percent on this.

Yours truly,

SOUTH TEXAS PRODUCERS ASSOCIATION,
B. E. STALLONES, *Manager.*

CALIFORNIA WALNUT GROWERS ASSOCIATION,
Los Angeles, Calif., February 1, 1938.

Senator ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR SENATOR THOMAS: It has come to our attention that you have introduced Senate Resolution 216 which calls for the financial agencies of the Government to so adjust the purchasing power of the dollar as to shortly attain the 1926 price level of basic commodities, including farm products.

It is our firm and studied conviction that action of this type is absolutely essential before this country can emerge from the present depression. (We have now passed beyond the stage of recession.)

Full labor employment cannot be obtained unless and until industry and agriculture are placed on a profitable basis. The Government cannot collect sufficient taxes and other revenue to offset its expenses until national income is very substantially increased. Continuous deficit borrowing will eventually ruin us all.

The solution largely rests in the vigorous adoption of a financial policy along the lines of your resolution.

We just want you to know that we are behind you 100 percent in your efforts which we believe will eventually prevail.

Sincerely,

C. THORPE, *General Manager.*

DAYTONA BEACH, FLA., *January 29, 1938.*

Hon. ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR SENATOR THOMAS: Thank you for your letter of the 24th instant which was forwarded to me here from our Washington office.

Have read your tentative draft of proposed committee report and have no suggestions to offer, believing it to be in excellent form, and hope the committee have or will adopt it without material changes.

With all best wishes,

Very truly yours,

J. D. MILLER,
President, National Co-Operative Council.

NEW ENGLAND MILK PRODUCERS' ASSOCIATION,
Charlestown, Mass., February 11, 1938.

Hon. ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR SENATOR THOMAS: We note with much interest the resolution S. 216 which you introduced in the Senate requesting the fiscal authorities of the United States to adjust the purchasing power of the dollar to bring about the 1926 price level of wholesale commodities. We approve this resolution and believe nothing better could be done to bring us out of our present difficult business situation than the adjustment of the price level to the 1926 base.

The most important factor in our opinion which has brought about the present business recession, has been the sharp decline of commodity prices. Advancing commodity prices will bring us out of this depression quicker than any other move which could be made.

Yours very truly,

NEW ENGLAND MILK PRODUCERS' ASSOCIATION,
W. P. DAVIS, *General Manager.*

INTERSTATE ASSOCIATED CREAMERIES,
Portland, Oreg., January 25, 1938.

Senator ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR SENATOR THOMAS: I recenty received a copy of Senate Resolution 216 introduced by you early in January of this year.

I have been interested in the commodity dollar plan being advocated by the committee for the Nation for the past several years and believe that it would go much further toward relieving our conditions in this country than practically all the other remedies being attempted. As I see it, this Senate resolution is definitely in the right direction.

Wishing you success in this program and with best wishes, I am,

Yours very truly,

G. A. BROWN,
Manager, Interstate Associated Creameries,
Member, Oregon State Board of Agriculture.

DAIRYMEN'S LEAGUE COOPERATIVE ASSOCIATION, INC.,
New York, January 14, 1938.

Senator ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR SENATOR THOMAS: I studied your Senate resolution with a great deal of interest. It very clearly outlines a monetary objective that must be reached if our country is to have permanent prosperity, continuous business activity and employment, and a constantly improving standard of living.

When this resolution is passed, the Senate will have enunciated a policy of monetary management for the country in accordance with the terms of the Constitution. This has not heretofore been done.

Because there are so many disagreements as to how money and currency should be managed, a sound declaration of policy to the effect that its management should be toward a definite end and that all the powers of management should be concentrated in one body is a long step in the right direction.

The failure to control our monetary system in such a way as to prevent great inequalities between economic groups is one of the greatest crimes which has been perpetrated upon the Nation. Your resolution would definitely place the Senate upon record as being opposed to a continuation of these inequalities and put them on record as favoring a program that more quickly than any other would create relative equality among these economic groups. Upon that equality depends our Nation's future economic prosperity and political freedom.

Very sincerely yours,

FRED H. SEXAUER, *President.*

MID-SOUTH COTTON GROWERS' ASSOCIATION,
Memphis, Tenn., January 22, 1938.

Hon. ELMER THOMAS,
United States Senator, Washington, D. C.

DEAR SENATOR: About 10 days ago, while in Washington at a meeting of the directors of the National Cooperative Council, your resolution relative to the monetary situation was discussed.

You have the full support of our group in this matter, and we compliment you for keeping it before Congress all the time, and know that in time you will succeed.

With best regards, I am,

Yours very truly,

C. G. HENEY, *General Manager.*

COOPERATIVE G. L. F. EXCHANGE, INC.,
Ithaca, N. Y., January 20, 1938.

Hon. ELMER THOMAS,
The United States Senate, Washington, D. C.

DEAR SENATOR THOMAS: While I would have liked your resolution (S. Res. 216) better had you thought it wise to mention varying the price of gold as the really effective method of adjusting the purchasing power of the dollar, I am also thoroughly in accord with your resolution as you introduced it. Up here in the Northeast, there are thousands of farmers who know from experience that the only way the prosperity of agriculture can be standardized is through a managed currency.

I hope that you will keep up your demand for such a currency. You may count on a maximum of support for your efforts in this direction from farmers in the northeastern part of the country.

Yours sincerely,

H. E. BABCOCK.

GEORGIA COTTON PRODUCERS ASSOCIATION,
Atlanta, Ga., January 24, 1938.

Hon. ELMER THOMAS,
United States Senator, Washington, D. C.

DEAR SENATOR THOMAS: This association has read with a great deal of interest your resolution (S. Res. 216).

We feel that some adjustment should be made in the purchasing power of the dollar, in order to raise the price of farm products, and it is our belief that your resolution is very timely.

It is certainly hoped that you will be successful in the adoption of the resolution by the Senate.

Very truly yours,

D. W. BROOKS, *General Manager.*

NORTHWESTERN TURKEY GROWERS ASSOCIATION,
Salt Lake City, Utah, January 20, 1938.

Senator ELMER THOMAS,
Senate Office Building, Washington, D. C.

DEAR MR. THOMAS: We would like to express our approval to your Senate Resolution No. 216, which proposes to adjust the purchasing power of the dollar to the 1926 level of wholesale commodities, including farm products.

Wishing you success with this resolution, we are

Very truly yours,

NORTHWESTERN TURKEY GROWERS' ASSOCIATION,
HERBERT BEYERS, *General Manager.*

NORTH CAROLINA COTTON GROWERS
COOPERATIVE ASSOCIATION,
Raleigh, N. C., January 25, 1938.

Senator ELMER THOMAS,
United States Senate, Washington, D. C.

MY DEAR SENATOR THOMAS: I had the pleasure this morning of reading copy of your Senate Resolution 216, and I am writing to tell you that I think it is one of the very finest steps that has yet been taken toward permanent recovery and the building of a sound foundation under our economic life.

I sincerely hope that you will be successful in securing passage of this resolution and, in the meantime, if our organization can be of any help to you in bringing it to the attention of our own Senators I will be glad to have you call on me.

With kind regards.

Very truly yours,

M. G. MANN, *General Manager.*

ACME VENEER & LUMBER CO.,
Cincinnati, Ohio, January 19, 1938.

Senator ELMER THOMAS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR THOMAS: I read with great interest your resolution introduced in the Senate January 7 regarding stabilization of money.

I am very much interested in this resolution and I believe the principle is right. I hope you will use every effort to secure the passage by the Senate of this resolution.

If I can be of any help in arousing interest in this area I will be happy to do so.

I remain,

Yours very truly,

HARRY HARTKE.

PRODUCERS CO-OPERATIVE COMMISSION ASSOCIATION,
Columbus, Ohio, January 21, 1938.

Senator ELMER THOMAS,
United States Senate, Washington, D. C.

DEAR SENATOR THOMAS: I write to express to you in behalf of the 50,000 farmer-stockmen members of this association their appreciation of your thought in the preparation and introduction of your resolution S. 216. This is of basic importance to the livestock and farming industry as well as other industries and proper economic recovery.

We shall at the proper time cooperate with you in exerting the influence of this association in behalf of the passage of the legislation.

Very sincerely,

F. G. KETNER, *Secretary-Manager.*

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. ELLENDER. Mr. President, when the Senate recessed yesterday I was discussing race riots which had taken place in various parts of the country since 1906. I produced a number of letters, or extracts therefrom, received by me from people all over the country expressing their views on the pending bill, both for and against.

During the entire debate I personally have considered the bill as involving a social problem. I contend that it goes beyond the mere attempt of preventing lynching—such legislation involves the all-important question of social equality between the whites and the colored. It is my conviction that the South has adequately taken care of our Negro problem, and is well able to go on with it, without interference from the Federal Government.

I propose now to present to the Senate another phase of this question. I propose to demonstrate to the Senate that the South has done all it possibly could, considering its economic situation, to take care of the colored people. It is our contention that the majority of the colored people have been and are wards of the South. Most of the Negroes, from our early history, have inhabited the South. They have lived in the South. They became part of the South, and before and ever since the Civil War we have taken care of them, educationally and otherwise, to the best of our ability.

Listen to these figures on population, beginning with the year 1870. They show that the South has had in its midst most of the colored people. When I say the South, I mean the 13 Southern States, Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

In 1870, of the entire colored population, 15 percent was in the Northern, Eastern, and Western States, and 85 percent in the 13 Southern States.

In 1880 the proportion was 14 percent in the Northern, Eastern, and Western States, and 86 percent in the Southern States.

In 1890 the same ratio existed as in 1880.

In 1900, 15 percent of the Negro population was in the 35 Eastern, Northern, and Western States, and 85 percent in the 13 Southern States.

In 1910 the ratio was the same as in 1900.

In 1920, 19 percent of the colored population was in the 35 Northern, Eastern, and Western States, and 81 percent in the 13 Southern States.

According to the latest available census figures, for 1930, 26 percent of the colored people was in 35 Northern, Eastern, and Western States, as against 74 percent in the 13 Southern States.

It was shown some time ago that an increase in the Negro population in the North occurred soon after the World War. The colored people of the South were lured to the northern industrial centers by the prospect of obtaining more wages. That is why today there is in the North a much larger number of colored people than was true in 1900 and previous years.

I cite those figures simply to show that most of the colored people were in our midst, and, notwithstanding the fact that the South was poor economically, I think I can demonstrate to the Senate that the South has done a noble job under existing circumstances to care for their welfare.

Before I conclude I propose to show to the Senate that after the Civil War there were more illiterates in the South among the Negroes than among the whites, of course, but that greater progress has been made in stamping out illiteracy among the colored people than among the white people in the years from 1870 to 1930.

I have figures to substantiate that statement. Of course, I grant that we do not have the facilities in every southern State to make doctors, lawyers, professors, and this and that out of the Negroes; but I propose to demonstrate that the South, considering its economic situation, has done all that it possibly could do toward eliminating illiteracy among the colored people and to improve their economic condition. I propose to cite facts and figures furnished to me from every southern State; I am going to present them to the Senate in the same manner as they were transmitted to me by the various superintendents of public schools of the respective Southern States.

In this connection I propose to produce facts and figures to show that the Negroes have been taken care of by the Southern States almost to the same extent, and in some instances a greater extent, as have the white people with reference to various and sundry eleemosynary institutions, such as hospitals, asylums for the deaf and dumb, insane, and so forth. To my mind, the figures I have gathered demonstrate that the South is trying, as best it can, to better the condition of the colored people in their midst.

I am not trying to contend for a moment that the Southern States have done as much for the colored people as they have done for the whites; but the point I desire to make and stress is that there has been a gradual decrease in illiteracy over the years; that the South has been spending many more thousands of dollars each year toward eradicating illiteracy among the colored people and to alleviate their economic condition. As I have pointed out, my own State spent almost as much money for the education of colored people last year as it spent in 1908 for the education of both whites and colored. I can show similar progress in many of the other Southern States.

It is only in recent years that the Southern States have, in a measure come into their own economically. As Members of the Senate know, economic conditions in the South have improved considerably. For instance, in the State of North Carolina many mills have been erected and are now operating. The South has improved industrially, more capital has been invested there, more of our natural resources have been explored and are being utilized; more money has become available, and, with all that we have been able, in recent years, to improve the conditions of the colored people. It is our purpose and our sincere desire to keep up that good work and to help them further. I am going to mark these statements referring to the comparative population of Negroes and whites as between the 13 Southern States and the 35 remaining States, as exhibits 1, 2, and 3, and at the close of my remarks I propose to ask that they be incorporated in the RECORD.

Mr. President, let me quote certain facts and figures which demonstrate the correctness of the statement I made with reference to the economic condition of the South in comparison to that of the Northern, Eastern, and Western States. A study of the table from which I am going to read will show that the 13 Southern States are at the foot of the list when it comes to per capita income and the per capita value of property, in comparison with the other 35 States of the Union. The figures demonstrate, I am confident, that the South has not been economically equal to the other States of the Union, but in spite of all that the South has progressed and given to the colored people all that it possibly could give them in the form of education and aid through various and sundry eleemosynary institutions, such as hospitals for the tubercular, and so forth.

Now listen to the figures. I have here a table taken from the hearings before the Senate Committee on Education and Labor under dates of February 9, 10, 11, and 15, 1937, with respect to Senate bill 419. On page 22 of that report appears a table, the first column of which gives the name of each State; the second column is headed "Wealth per pupil enrolled in public elementary and secondary schools"; the third column is headed "Income per pupil enrolled in public elementary and secondary schools."

Last on the list in the second column, which is the column headed "Wealth per pupil enrolled in public elementary and secondary schools," is the State of Mississippi. In that State the wealth per pupil was $2,818.57 and the income per pupil was $495.11, the lowest of all the States of the Union. The next lowest was Alabama, with wealth per pupil of $3,620.06, and income per pupil of only $773.12. Next in line is South Carolina, with $3,897.15 wealth per pupil enrolled in public elementary and secondary schools, and income of $752.54 per pupil in the schools.

Mr. President, this table gives the wealth per pupil in each State; it gives the income per pupil for each State, and it shows, as I said a moment ago, that the 13 Southern States are at the bottom of the list. Think of the difference in economic position of some of the other States.

Let me give the figures for the State of Nevada. In that State the wealth per pupil is $21,582.08 and the income per pupil is $2,331.87. Compare those figures with the figures for poor Mississippi, poor Alabama, poor Louisiana, and the other Southern States. The fact is clearly demonstrated that the Northern States are much wealthier than are the Southern States, and yet the Southern States, in spite of being poor, I say have done a good job in their attempt to educate and help the colored people.

Now, I respectfully refer the Senate to another table appearing on page 23 of the hearings. The table is entitled

"Economic Ability of the States to Pay Taxes, and Educational Opportunity Offered." In that table column 1 names all the States; column 2 indicates the tax-paying ability per capita of the various States; column 3 shows the current expenditures for public schools per pupil enrolled; column 4 indicates the rank on tax-paying ability of each State; and column 5 indicates the rank on opportunity as shown in column 3.

In that table, Mr. President, the same thing prevails as in the table from which I have just read. I will say to the Senator from North Carolina [Mr. REYNOLDS] that the 13 Southern States are at the bottom of the list; and notwithstanding that fact, I repeat, the South has been able to help the colored people, as I propose to demonstrate in a few minutes by actual figures.

I shall quote figures from the table to which I have just referred.

Mississippi again is at the bottom of the list. The tax-paying ability of Mississippi per capita is $18.39. The current expenditures for public schools per pupil enrolled are $28.18. The average for the entire country is $74.22.

Take the case of California, one of the wealthy States. The current expenditures for public schools per pupil enrolled are $119.98, compared to the figure of $28.18, which I have just given, for Mississippi.

Take the case of the great State of New York. The tax-paying ability per capita is $64.92, as compared to $18.39 in the case of Mississippi. The current expenditures for public schools per pupil enrolled are $133.60, as compared to $28.18 in Mississippi. Just stop and think of the difference.

Now take in order the next of the Southern States. I cite the figures for Alabama. The taxpaying ability per capita in Alabama is $19.81. The current expenditures for public schools per pupil enrolled are only $27.37. Compare that to the richer States of the North and tell me how it was possible for these Southern States, with such a small amount of money, to do better than what they have done for Negro education. It is simply beyond me; yet we have struggled, we have done all we could do, and we propose to continue doing that if only we are let alone.

Mr. President, I mark these two tables "Exhibit 4" and "Exhibit 5," and at the proper time I shall ask to have them printed with my remarks.

Mr. President, there is another difficulty which it is very hard for the South to overcome. Notwithstanding the fact that the South is poor and cannot adequately take care of the education of either the colored people or the white people, it is a fact that in what are known as the Southern States, 13 in number, there are more children per thousand of persons above 21 and below 65 years of age than in any of the Northern, Eastern, or Western States. In other words, I will say to the Senator from Arizona [Mr. ASHURST] the South not only had less money to provide educational facilities for its children, but it had more children to educate. The North had more money and fewer children to educate than did the South. That was another obstruction in the way of the South; and yet with all of that we went forward. I feel we did a splendid job of it, considering the hardships we had to face.

I have here a table which appears on page 27 of the hearings, showing the number of persons 5 to 20 years of age per thousand persons in each State from 21 to 65 years of age. I have marked this table "Exhibit 6" and in due time I shall ask that it be printed along with the other tables I have mentioned.

Now let me read to the Senate a statement appearing at page 28 of this report, illustrating the point I have just made. The statement is headed "Population Data Reflecting the Need for Federal Aid to Education."

As I said a few minutes ago, the book from which I am quoting contains the hearings held in February 1937 before the Senate Committee on Education and Labor on Senate bill 419. That bill is known as the Harrison-Black-Fletcher educational bill. The bill is now on the calendar of the Senate; and, as I stated last week, at the proper time it is my purpose to move to substitute the Harrison-Black-Fletcher educational bill for the pending bill. It is my contention that what the South needs today is just a little more money to better educate the colored people and the white people of the South; and I do not know anything the Federal Government could do which would more quickly eliminate the crime of lynching than to provide us with such means for this purpose. That is why I proposed to the Senate last week that the Harrison-Black-Fletcher educational bill be substituted for the pending antilynching bill.

I now read from page 28 of the hearings. Listen to this:

> The States differ not only in the financial resources with which to support education but also in the number of children each adult or family has to rear and educate. Almost invariably the smaller the per capita tax-paying ability in a State the larger is the number of children in ratio to the number of adults.

The very point I have just made.

> For example, South Carolina, a poor State, has 928 persons 5 to 20 years old to each 1,000 persons 21 to 65 years old, the productive ages, while the ratio in California is only 399 to 1,000.

Just stop and analyze those figures for a minute. Here is the great State of California, which is very rich in comparison with any of the Southern States. In South Carolina, for every 1,000 persons from 21 years up to 65, there are 928 persons from 5 to 20 years of age. In the rich State of California, just the reverse is the case. For every 1,000 persons from 21 to 65 years of age there are only 399 persons from 5 to 20 years of age, just as I have demonstrated. Not only are there more children in the Southern States, but the Southern States are poorer than the States where there are fewer children. Those are the conditions, Senators, which the South has faced and is now facing, comparatively speaking. Things are improving; we are becoming more industralized, and we propose to keep on our good work of advancing education if only given the chance.

Listen to this:

> For the 12 richest States the ratio is only 473 to 1,000, while for the 12 poorest States the ratio is 740 to 1,000.

More children and less money.

> Thus, the educational burden of the 12 poorer States is nearly 60 percent greater than the burden in the 12 richer States, while the per capita taxpaying ability in the poorer States is only about half that of the richer States.
>
> Population experts have shown that it is from these poorer agricultural States that the richer industrial States whose birth rates are not sufficient to replace their population receive a large part of their immigrations necessary to maintain a stable population and to staff their offices and industrial plants.
>
> It is well known that those sections of the Nation least able to support public schools are those largely devoted to agriculture. Yet these sections are producing practically all of the Nation's future increase in population and a considerable percentage of the future population of our cities. These conditions occur because of the differences in birth rate in rural and urban areas. In seven larger cities, the population of which consists chiefly of American stock, the birth rate—

Listen to this—

> is 40 percent short of the rate required to maintain a stable population.

Facts and figures were produced before this committee to show that in this country there is only one city of 100,000 population whose birth rate is sufficient to maintain a stable population, and my recollection is that that city is Salt Lake City. All other cities of over 100,000 population, if conditions continue as at present, will not have a sufficient increase to maintain a stable population. Just think of that for a moment. To make up the deficiency in the large cities population flows from the rural sections, principally from the Southern States. In other words, the Southern States produce today the manpower for the northern cities; they have produced more children than the North and there is a continuous flow of people from the South to the North in order to replenish the shortcomings of the northern people in bearing children. Those are facts. I read further:

> In all cities having over 1,000 in population the deficiency in birth rate averages over 20 percent; and in the smaller cities the deficiency is about 8 percent. On the other hand, farm families are producing about 50 percent more children than required to

replace the farm population, and the rural nonfarm families rear children at the rate of 30 percent greater than the number required to replace themselves.

When we couple these facts with the fact that taxable wealth and income are largely concentrated in the cities and industrial areas of the Nation and with the fact that much of our social income can be reached and distributed only by the Federal Government, it becomes apparent that the Federal Government cannot in fairness leave the whole cost of education to rural communities and the farmers in the predominantly rural States.

It has been reliably estimated that during the decade 1920–30, the contribution of rural to urban areas resulting from the migration of persons over 15 years old to industrial cities was about $35,000,000,000, or about 3½ billion dollars annually, which was about one-third of the average annual gross income of all farmers during the decade. Another third of the gross income was paid as wages, as taxes (excluding school taxes), and for various items principally for fertilizer, machinery, lumber, and other materials purchased from industry.

A comparison of the proportionate number of children in the total population with the expenditures per pupil for education shows clearly that as a Nation we are bestowing educational opportunities upon sections that have the fewest children and upon children who in turn will produce the fewest children. Although this policy may not be intentional it is a very successful method of committing cultural and economic suicide.

(At this point Mr. ELLENDER yielded for action on House bill 9024, which appears elsewhere in the RECORD.)

Mr. ELLENDER. Mr. President, I read further from page 29 of the hearings to which I have been referring:

Differences in ability to support education and the differences in the relative number of children to be educated are sharply reflected in corresponding differences in educational opportunity found among the States. Without exception, States that rank relatively low in financial ability and relatively high in the proportionate number of children, rank correspondingly low in the character of educational opportunity offered. A study of some of the statistical tables attached hereto will readily reveal that condition to be true.

The statistical tables referred to are those from which I quoted a few moments ago, and which I propose to place in the RECORD at the close of my remarks.

If one will pause long enough to reflect upon the meaning of the simple statistical measures of the differences in educational opportunity, the full meaning of some of them may become apparent. Contrast, if you will, the kind of schools that can be bought for $133.60 per pupil annually with the schools that can be bought for only $24 annually. It surely cannot be believed that schools bought for such differences in price can be of anything like the same quality. Yet these amounts are actually those spent in the highest and lowest States when ranked according to public-school expenditures.

What differences should we expect between the training and experience of teachers who are paid $593 per year? Unless the teachers who receive this lowest amount are imbued with the spirit of missionaries, it is not to be expected that they will have training and experience comparable with those teachers who receive four times as much per year. Yet those salaries are actually the averages in the highest and lowest States respectively. Taking the Nation as a whole, rural teachers receive an average of about $800, as compared to $1,500 for city teachers.

In this connection I propose to advance to Senators as a further reason the fact that in the South the major portion of the population is rural, whereas in the northern, eastern, and western sections it is urban. That being true, it seems that the children can be educated more cheaply, they can be brought to the educational centers, given better schools and better teachers, and every other advantage, than can be given to the children who live in communities where they have to be transported, at great cost, and where some of them have to walk for miles to get to school. These conditions have existed in the South for many, many years. I can remember in my own case, that back in the period from 1904 to 1907 I used to have to walk between 4 and 5 miles every day to get to school. The expenditure for the pupil at that time was almost nil, compared with what is now being expended in my own State. I cite that as just another example of how we have progressed in the South.

The difference in the quality, construction, and beauty of a school building which costs $438 per pupil as compared with one that costs only $74 must be very great indeed. Yet the difference between these amounts is the actual difference between the investment in school property in the richest State as compared with the poorest.

If we assume that children throughout the Nation should be equally well trained, then we evidently assume that the children in one State are able to learn in 6½ months what children in another State are able to learn in 9½ months. These are the school terms, respectively, in one of our richest and one of our poorest States. In fact, in eight States the average number of days attended by each pupil in rural schools each year is less than 6½ months. There are now probably more than 1,000,000 children enrolled each year in schools that are in session less than 6 months per year.

In the year 1934 there were more than 600,000 children in the United States that were attending schools that were in session less than 6 months. There were more than 100,000 in schools that were open 3 months or less; 148,000 in schools that were open between 3 and 4½ months; nearly 488,000 in schools that were open from 5½ to 6½ months; and nearly 705,000 in schools that were open from 6½ to 7½ months. Thus, nearly 1,350,000 children were in schools open less than a minimum standard term of 8 months. Almost without exception these children were in rural schools.

(At this point, by unanimous consent, Mr. NORRIS introduced a bill, and offered an amendment to House bill 9306, being the first deficiency appropriation bill, which was ordered to be printed and to lie on the table.)

Mr. ELLENDER. Mr. President, what I have just read demonstrates the two points I raised when I opened my argument a little while ago, and those are two of the major reasons why the South has not been able to do more toward educating not only its colored people but its white people.

I shall now take a few minutes of the time of the Senate to further demonstrate the taxpaying ability of the Southern States compared to Northern States in educating the many children who live in those States. On page 122 of the committee hearings appears a table entitled, "Percentage of total State and local tax revenues required to support education at a cost per unit of educational need equal to that for the country as a whole, 1922 to 1932." Listen to these figures. In the State of Mississippi the people today are being almost taxed to the utmost in order to provide reasonable educational facilities for its children—whites and Negroes. Every form of taxation imaginable is placed upon the real estate of that State, upon intangible property, on gasoline, and corporation franchises. It has sales taxes, and every other imaginable tax. According to this table, if every child in Mississippi were to be given the education which the average child of the Nation is getting it would require 99.13 percent of the entire amount of taxes collected in the State of Mississippi.

Mr. President, it will be noted from studying this table that the 13 Southern States are again at the bottom of the list, with the exception of 2 which come in between, being New Mexico and Utah. If it were not for those States, the 13 Southern States would be at the bottom of the list. Listen to this, Senators: In Mississippi, as I said, it would require 99.13 percent of all the money that is being collected in order to give to every child in Mississippi adequate educational facilities; in Alabama, 78.05 percent; South Carolina, 76.84 percent; in Arkansas, 70.30 percent; in Georgia, 70.30 percent; North Carolina, 68.84 percent; Kentucky, 60.44 percent; Tennessee, 55.38 percent; Oklahoma, 59.36 percent; Louisiana, 48.59 percent; Texas, 56 percent; Virginia, 45.68 percent; Florida, 39.49 percent.

Again this demonstrates that the South is at the bottom of the list in the matter of ability to pay for an adequate education for its children.

I have marked this table "Exhibit 6a," and later on will ask that it be printed in connection with my remarks.

Mr. President, I am not going to read any further, though there is quite a good deal of very valuable material in this volume which brings out the points I have been urging to the Senate, showing that the South was economically unable and is economically unable at this time adequately to educate its children; but, notwithstanding the fact that we have more children than any other section of the Nation, I say that still we are doing the best we can in order adequately to educate all the children of the Southland.

Let me give the Senate some figures as to the distribution of the rural and urban populations of the South compared to the rural and urban populations of the North. I want to show that in the South more people live in the country than in the cities. The percentage of rural population is much greater. The reverse is true in the North. As I pointed out a while ago, the cost of educating children who

are scattered all over the county or parish is much greater than when they are closely congregated. The advantages are bound to be less in the case of children living in the country than those living in the cities. Whether the city is a large one or not makes no difference. Property which can be taxed in order to provide adequate school facilities, school buildings, and so forth is more apt to be found in industrial centers where the population is greater than in a scattered community. The city's ability to raise taxes is much better than that of the rural community. The South has been handicapped from that standpoint also in its battle to educate both the white and the colored children of the States.

Listen to this. Twenty-four percent of the Negro children in Alabama, or 84,164, live in cities.

Seventy-six percent, or 272,884, live scattered about the State.

In Arkansas only 15 percent consist of urban population, as against 85 percent scattered over the State. In Florida 44 percent is urban as against 56 percent rural. In Georgia 24 percent are urban as against 76 percent rural. In Kentucky 44 percent is urban as against 56 percent rural. In Louisiana 28 percent is urban and 72 percent rural. In Mississippi only 10 percent is urban and 90 percent rural. Just stop and think of the battle that the State of Mississippi is now waging, and has waged in the past, to educate colored children, when only 10 percent of them live in cities and 90 percent of them are scattered throughout the length and breadth of the State of Mississippi.

In North Carolina 21 percent is urban and 79 percent rural. In Oklahoma 32 percent is urban and 68 percent rural. In South Carolina 14 percent is urban and 86 percent rural. In Tennessee 42 percent is urban and 58 percent rural. In Texas 31 percent is urban and 69 percent rural. In Virginia 27 percent is urban and 73 percent rural.

For the 13 Southern States as a whole the urban population among the Negroes was only 24 percent, as compared to 76 percent rural population. Just imagine the additional cost involved in educating children when 76 percent of them are scattered over the whole State, as compared to the situation in other States, where they are centered in the cities. I repeat that it is more advantageous to educate them in the cities. There are better facilities and better schools in the cities than in the rural sections. It is less difficult to raise the money. Yet notwithstanding this further difficulty, I repeat, I believe we in the South have done a very good job.

I have given the figures for the 13 Southern States. The urban percentage was 24 and the rural percentage 76.

Listen to the figures for the colored people in the 35 remaining States and the District of Columbia. Seventy-nine percent of the Negro children in the 35 remaining States live in cities, as compared to only 21 percent scattered throughout the Nation. Just stop and consider that. In the 13 Southern States 24 percent of the Negro population is in cities, as compared to 79 percent in the States of the North. Seventy-six percent of the Negro population in the South is scattered all over the States in strictly rural sections, whereas in the North, for the 35 States, only 21 percent live in the country. This fact illustrates again the disadvantage of the South in its battle to educate not only the white people but the colored people.

I shall mark the table to which I have just been referring, "Exhibit 7," and at the proper time I shall ask that it be incorporated with my remarks.

The same condition prevails in the Southern States with respect to white children from 5 to 20 years of age. I shall not give at this time the figures for each State. The table showing these figures will be put in the RECORD. However, I shall give the totals. For the 13 Southern States, 29 percent of the white children from 5 to 20 years of age live in cities, as against 71 percent living in the country. For the remaining 35 States, 61 percent of such children live in the cities, as compared to 39 percent scattered over the country. Again I say that the South has been put to a greater expense to educate its children than the North.

I have marked this table "Exhibit 8," and at the proper time I shall ask that it be incorporated with my remarks.

Let us see what the South has done for its children, both white and colored. I propose to show, by actual figures taken from reports of the Bureau of the Census of the United States Department of Commerce, the conditions which existed in the South with reference to illiteracy among the whites 10 years of age and over, as compared to illiteracy among the colored people of the same age. The figures before me cover the period from 1870 to 1930. There are no figures available for the years from 1930 to date. I propose to show by the tables before me that since 1870 there was greater progress in stamping out illiteracy in the South among the colored people than among the whites. Listen to the figures.

In 1870, soon after the War between the States, 23.4 percent of the white population 10 years of age and over in Virginia was illiterate. In 1880 the figure was reduced to 18.2 percent, and so on down to 1930, when illiteracy in Virginia was reduced to 4.9 percent, or a difference of 18.5 percent from 1870 to 1930.

Let us see what happened insofar as the colored people of the State of Virginia are concerned. In that State in the year 1870 the percentage of illiteracy among the Negro population 10 years of age and over was 88.9 percent. Let us see what happened from 1870 to 1930. In 1880 the figure was reduced from 88.9 percent to 73.7 percent; in 1890 it was reduced to 57.2; and in 1930 illiteracy among the Negro population 10 years of age and over in Virginia was reduced to 19.2 percent, or a reduction from 1870 to 1930 of 69.7 percent. That is what the State of Virginia has done since 1870 toward stamping out illiteracy among its colored people. In other words, the State of Virginia between the years 1870 and 1930 reduced illiteracy among its white population from 23.4 percent to 4.9 percent, or a total reduction of 18.5 percent; and in this same period it reduced illiteracy among its Negro population from 88.9 percent to 19.2 percent, or a total reduction of 69.7 percent.

Considering the various hurdles, as it were, which the State of Virginia had to jump over in order to educate its white children and its Negro children and in the face of all the difficulties which I have mentioned, I think Virginia did a remarkable job.

Let us take the State of North Carolina. In North Carolina in 1870 the percentage of illiteracy among the white population 10 years of age and over was 33.5. In 1880 it was 31.5, and in 1930 it had decreased to 5.6 percent, or a difference of 27.9 percent.

Let us see what happened to the Negro population in North Carolina. The illiteracy among the colored population 10 years of age and over was 84.9 percent in 1870. In 1880 it was 77.4 percent. In 1930 it was reduced to 20.6 percent, or a total difference of 64.3 percent. Compare that showing to the figures for the whites. It can be seen that illiteracy among the whites was reduced 27.9 percent, as against 64.3 percent for the colored.

The figures I have cited show the percentages of illiteracy up to 1930. I have used the only figures available, and I venture the assertion that the figures I have mentioned for 1930 have been considerably reduced since that time. I am in hopes that the census of 1940 will show a reduction of 50 percent or more over 1930.

As I have said, the States of the South are attaining an improved financial position, and there is no doubt in my mind that they will continue to advance in the matter of educational facilities for the white people and for the colored people.

Let us take the State of South Carolina, one of the "poor" States. Illiteracy among the whites in 1870 was 25.8 percent. Illiteracy among the colored population in that year was 81.1 percent.

By 1930 illiteracy among the whites was lowered to 5.1 percent, and illiteracy among the colored population to 26.9 percent, a reduction among the whites of 20.7 percent as against 54.2 percent for the colored.

Take the State of Georgia. Illiteracy among the whites in 1870 was 27 percent. By 1930 it was reduced to 3.3 percent. Among the colored there was 92.1 percent illiteracy in 1870,

and in 1930 illiteracy had been reduced to 19.9 percent. The reduction in Georgia in the case of the whites was 23.7 percent, and in the case of the colored people 72.2 percent.

Take Florida. In 1870 illiteracy among the whites was 27.6 percent; among the colored 84.3 percent. By 1930 Florida had reduced illiteracy among the whites to 2.1 percent and among the colored to 18.8 percent. So there was a reduction in illiteracy among the whites from 1870 to 1930 of 25.5 percent, and among the colored of 65.5 percent.

Take Kentucky. Illiteracy among the whites in Kentucky in 1870 was 26 percent. By 1930 it had been reduced to 5.7 percent. In the case of the colored people illiteracy was 83.8 percent in 1870, and by 1930 it had been reduced to 15.4 percent. The reduction in illiteracy between 1870 and 1930 in the case of the whites was 20.3 percent, in the case of the colored 68.4 percent. Mr. President, I say that is a remarkable showing.

In Tennessee in 1870 illiteracy among the white people was 26.9 percent; among the colored people it was 82.5 percent. Remember, the figures from which I am quoting refer to a period soon after the Civil War—1870. Most of the colored people at that time, except the very small children, had been slaves; they had no educational facilities except those their masters gave them. Notwithstanding that fact, the South went ahead, educating its Negroes as best it could, and I say that it made a remarkable showing in the face of all the conditions against which it had to battle.

To recur to Tennessee, in 1870 the percentage of illiteracy among the whites was 26.9 percent and among the colored it was 82.5 percent. By 1930 illiteracy was reduced among the whites to 5.4 percent, or a decrease of 21.5 percent, while among the colored people it was reduced to 14.9 percent, or a decrease of 67.6 percent.

Take Alabama. In Alabama in 1870 illiteracy among the white population was 24.4 percent; among the colored it was 88.5 percent. By 1930 illiteracy among the whites had been reduced to 4.9 percent and among the colored to 26.2 percent. The decrease in the case of the white was 19.5 percent and in the case of the colored 62.3 percent.

Take the State of Mississippi, the poorest on the list, and the State with the greatest proportion of colored population. Let us see what Mississippi has done, notwithstanding her handicap. In Mississippi the percentage of illiteracy among the whites in 1870 was 17.4 and among the colored it was 87. By 1930 Mississippi had reduced illiteracy among the whites to 2.8 percent, or a total reduction of 14.6 percent, while among the colored people illiteracy was reduced to 23.2 percent, or a total reduction of 63.8 percent between 1870 and 1930.

Take the State of Arkansas. In 1870 among the whites illiteracy was 25 percent. By 1930 it was reduced to 3.5 percent, or a total reduction of 21.5 percent. Among the colored it was 81.4 percent in 1870, and it had been reduced in 1930 to 16.1 percent, or a total reduction of 65.3 percent, as against a reduction in illiteracy among the whites as just stated of 21.5 percent.

Take Louisiana, my native State. Illiteracy among the whites was 19.2 percent in 1870. That was reduced to 7.7 percent in 1930, or a reduction of 11.5 percent in the years from 1870 to 1930. Among the colored people illiteracy was 85.9 percent in 1870, but in 1930 it had been reduced to 23.3 percent, or a total reduction of 62.6 percent. I have an article from which I propose to quote after a while to show that in Louisiana illiteracy has been cut almost to nothing among both the whites and the colored since 1930. The reduction in illiteracy in Louisiana between the years 1870 and 1930 among the Negroes was 62.6 percent, as compared to 11.5 percent among the whites.

Take the State of Oklahoma. That State being a comparatively new one, the only available figures are those from 1890.

In 1890 the percentage of illiteracy among the whites was 3.5 and among the colored 39. By 1930 among the whites it was reduced to 1.8 percent, or a total reduction of 1.7 percent, whereas among the colored people it was reduced from 39 percent to 9.3 percent, or a total reduction of 29.7 percent.

Take the State of Texas. In Texas the percentage of illiteracy among the whites was 17.7 percent in 1870. In 1930 it had been reduced to 1.6 percent, or a total reduction of 16.1 percent among the whites. Let us see what happened in the case of the colored population. In 1870, 88.8 percent of the Negroes were illiterate. By 1930 that percentage had been reduced to 13.4, or a total reduction of 75.4 percent in the State of Texas. Senators, I say that that shows a remarkable improvement. In view of the fact that the South has the major portion of the Negro population, that we are poorer, that we have more colored children as well as white children to educate than has the North, and that the school population in the South is scattered all over the States rather than centered in large cities, as is the case in most of the Northern States, I say again that the South has made a remarkable improvement, and I feel that if let alone, we will continue to improve the condition of the colored people from year to year.

I have marked these two tables "Exhibits 9–a and 9–b," and at the proper time I shall ask that they be incorporated in the RECORD in connection with my remarks.

Mr. President, I have here a table which gives the total number of children in the various Southern States, and the total number of illiterates. It may require too much time to go over all these figures. Those which I am going to mark, and which I shall simply ask to have incorporated in the RECORD later, were taken from the records of the Bureau of the Census, and were used in estimating the percentages I have just given. In other words, I desire to show both by percentage and by number the proportion of illiterate colored people and of illiterate white people in the various years from 1870 to 1930 throughout the 13 Southern States. I have marked this table "Exhibit 10," and in due time I shall ask that it be incorporated in the RECORD with my remarks.

I have here some more very interesting and illuminating figures. I think it is all-important that this matter be laid before the Senate, so that Senators may at least take notice of conditions in the South, and what we southern people had to contend with in dealing with the colored problem. It has been a mighty huge struggle. It required a great deal of energy, patience, and many other things to accomplish what the South has done for its wards.

I want to say that the good southern white people have nothing but kindness in their hearts for the colored people down there. They sympathize with them, and I shall show after a while the many things my native State has done for its Negro population. I shall show that more colored than white people are taken care of in the hospitals of our State, notwithstanding the fact that only 37 percent of the entire population of Louisiana is colored. I have records to show that; and I shall further show that practically every home owner in Louisiana of the colored race does not have to pay a single, solitary cent in the form of State or parish taxes, because he is exempted from property taxation to the same extent as are the white inhabitants of Louisiana. We were able to do that by reason of shifting the burden of taxation from those who could not pay to those who could pay, and we are giving the benefit of all this not only to the white people but to the colored people as well. We are doing our utmost and our best to educate the colored people and to take care of them in every respect.

Mr. President, I now propose to cite other figures to show what the South has done for the colored people in comparison to what it has done for the white people during the same period of time—that is, from 1870 to 1930. The States are the same. The figures were taken by me from the reports of the Bureau of Census, United States Department of Commerce, and they are very interesting. In fact, these figures are as illuminating as the ones I have just read showing how illiteracy was stamped out to a greater degree among the colored people than among the whites in the same period of time.

I now propose to cite figures showing the percentage of white persons from 5 to 20 years old attending school in 13 Southern States and the percentage of Negro persons from 5 to 20 years old attending school in 13 Southern States in the period from 1870 to 1930 and show again that the

progress among the colored people has been as great as, if not greater than, among the whites.

In 1870, in the State of Virginia, the percentage of Negro persons from 5 to 20 years old attending school was only 5.8 percent. By 1880 the percentage had increased to 27.9 percent. By 1930 it had increased to 58.9 percent, or a total increase of 53.1 percent among the Negro population. Soon after the Civil War, in 1870, in the State of Virginia only 23.4 percent of the white people of ages 5 to 20 were attending school. By the year 1930, 64.1 percent were attending school in Virginia, or an increase of 40.7 percent. That was the difference between the Negroes and the whites in Virginia. The increase in school attendance among the whites was 40.7 percent and among the Negroes 53.1 percent.

Now let me give the figures along the same lines for other States.

In North Carolina in 1870 the percentage of whites between the ages of 5 and 20 attending school was 21.2. By 1930 it had increased to 66.3, or a total increase of 45.1 percent. Among the colored people there was 7.4 percent of the children of ages 5 to 20 at school, while by 1930 there was 60.5 percent in attendance at school, or an increase of 53.1 percent.

The State of South Carolina, in 1870, had 23 percent of white children in attendance. By 1930 the percentage had increased to 65.5 percent, or a total increase of 42.5 percent. In the case of the colored persons the percentage in 1870 was only 10.8 percent, which had increased by 1930 to 54.6 percent, or a total increase of 43.8 percent.

Take the case of the State of Georgia: In 1870 Georgia had 27.1 percent of the white children from 5 to 20 in school, and only 4.9 percent of the Negro population. Among the whites the percentage increased by 1930 to 65 percent, a total increase of 37.9 percent, whereas for the colored people the percentage had increased to 53.3 percent, or a total increase of 48.4 percent.

In Florida, in 1870, there were only 22.1 percent of the whites in school. That percentage had increased in 1930 to 70.7 percent, or a total increase of 48.6 percent. Of the colored children, only 12.9 percent were in school in 1870, while by 1930 the percentage was 55.8 percent, or a total gain of 42.9 percent—not quite as much gain among the colored people as among the whites in the same period. I may say that I believe the State of Florida is about the only one that did not show a greater increase of school attendance among the colored population than among the whites.

Take the case of the State of Kentucky: In 1870, 41.1 percent of the whites of the ages I have just given were at school. That percentage increased to 64.4 percent, in 1930, or a total increase of 23.3 percent. The colored population in 1870 had only 8.7 percent of the children in school, and by 1930 that had increased to 63.1 percent, or a total increase of 54.4 percent.

In Tennessee, among the whites the percentage of children in school in 1870 was 30.7 percent. In 1930 that percentage had increased to 65.3 percent, or a total increase of 34.6 percent. Among the colored people only 8.3 percent were at school in 1870. By 1930 60.1 percent were at school, or a total increase of 51.8 percent in that period of time.

Let us take now the State of Alabama. In that State 29.6 percent of the white population were at school in 1870. By 1930 it had increased to 66.1 or a total increase of 36.5. Of the colored people, only 8.8 were attending school in 1870. That increased by 1930 to 54.9 percent, or a total increase of 46.1 percent.

In Mississippi 22.7 percent of the whites, of the ages given, were at school in 1870. By 1930, 75.1 percent were at school, or a total increase of 52.4 percent. Among the colored only 3.4 percent were at school in 1870. By 1930 it had increased to 62.8 percent, or a total increase of 59.4 percent.

In Arkansas 39.7 percent of the white children were at school in 1870. In 1930, 67.7 percent were at school, or a total increase of 28 percent, whereas among the Negroes only 12.9 percent were at school in 1870, and by 1930 that had increased to 62.3 percent, or a total increase of 49.4 percent.

In Louisiana 30.2 percent of the white children were in school in 1870. By 1930 that had increased to 66.9 percent, or a total increase of 36.7 percent, whereas among the colored people only 9.1 percent were at school in 1870, and by 1930, 57.2 percent were at school, or a total increase of 48.1 percent.

In Oklahoma the only available figures are from 1890. In 1890, 34.9 percent of the white children were in school. That increased by 1930 to 70.5 percent, or a total increase of 35.6 percent. Among the colored people 26.2 percent were in school in 1890, and by 1930, 68.3 percent were in school, or a total increase of 42.1 percent.

In the great State of Texas in 1870, 27.7 percent of the white children were in school. The junior Senator from Texas [Mr. CONNALLY], who is now doing me the honor of listening to my remarks, was just a little urchin then, I suppose. [Laughter.]

Mr. CONNALLY. I had not arrived. [Laughter.]

Mr. ELLENDER. I did not intend to expose the Senator's age. At that time 27.7 percent of the white children were in school, and by 1930, 66.4 percent were in school, or a total increase of 38.7 percent among the white population.

At the date I have already given, 1870, only 4.3 percent of the colored children in the Senator's State were in school, and by 1930 that had been increased to 59.8 percent, or a total increase of 55.5 percent. Among the whites there had been an increase of only 38.7 percent, but among the colored 55.5 percent.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. CONNALLY. Has not the Senator in his industrious examination of these questions found that my State has been generous with the colored people in undertaking to liberally provide for their education and other needs?

Mr. ELLENDER. Not only the Senator's State.

Mr. CONNALLY. The entire South has been.

Mr. ELLENDER. Every State in the South.

Mr. CONNALLY. I thank the Senator.

Mr. ELLENDER. As I pointed out a while ago, all of this was done notwithstanding the fact that over 70 percent of the school children were scattered all over the Senator's State, as compared to only 30 percent of them in the cities. In the North just the reverse is true. It costs a greater amount and there must be more facilities to educate a scattered school population than where the children are in cities. Regardless of all that, we have made wonderful progress.

I have marked these two tables "Exhibit 11" and "Exhibit 12," and at the proper time I shall ask that they be incorporated with my remarks.

Mr. President, I have before me two more tables. I shall not burden the Senate with reading from them; I shall simply mark them "Exhibit 13" and "Exhibit 14," and at the proper time I shall ask that they be incorporated in my remarks.

These tables show the total number of white and Negro persons from 5 to 20 years of age attending school. They are the tables from which have been figured the percentages I have been reading. They give the school populations of the various States and show how the children were sent to school in larger numbers from year to year, as I have just indicated to the Senate.

Mr. President, I believe that the figures I have shown demonstrate that the South has done its share—its "bit," as it were—toward helping the colored people. I have attempted to show the many difficulties which confronted us in comparison with our northern neighbors. In the South the Negro population is 27 percent of the entire population, as compared with only 3 percent in the North. Yet our northern brethren in this Chamber are attempting to teach us how to handle our Negro problem. I say that they are not qualified to tell us a thing. The Negroes have been with us for many years. We know them. We sympathize with them, as I have said many times, and we propose to deal fairly with them as in the past.

I am sure that the census figures of 1940 will show a much greater improvement than do the figures up to 1930, because

in the past 10 years the economic ability of the South has vastly increased, and with that increase in money we have also increased the facilities in various States, as I shall now show.

The point I desire to make and to emphasize is that, although the South has not been able, because of the barriers which I mentioned with respect to educational and other facilities, to do more for its Negroes, there has been a gradual increase of money expended each year, more teachers appointed, more schools built, more eleemosynary institutions erected for the benefit and advantage of the colored people.

About 2 or 3 weeks ago I wrote and wired to the superintendents of public education and the Governors of many States asking that I be furnished with certain data with reference to school facilities and hospitalization given to colored people in the various States. At the time I submitted my request I wanted the information within a few days, and of course the information supplied was hurriedly assembled, but all those to whom I appealed have responded and have furnished me with quite a lot of very interesting information, some of which I think is deserving of being placed in the RECORD—not all of it, because I would not want to impose upon Senators the reading through all this voluminous information. It is my sincere desire merely to show that in the past 30 years, up to the present time, there has been a decided improvement in the various States and a decided effort among the people of the Southern States to help the colored race.

A great deal of this information, as I said, is not as complete as I should like to see it, but it brings out the fact that an effort is being made progressively to help the situation.

Take the State of Kentucky. In that State the total white population is 91.3 percent as against the Negro population of 8.6 percent. The number of white children from 5 to 20 years of age who live in the cities is 191,585, or 23 percent; 640,754, or 77 percent, live in rural districts.

Among the Negroes, 29,746, or 44 percent, live in the cities and 37,204, or 56 percent, live in the country. Of the total population of colored and whites, 221,331, or 25 percent, live in the cities and 677,958, or 75 percent, in the country.

I mention those figures again to show the difficulties under which the State of Kentucky is placed in educating its children, when the greater number of them are located in the country as compared to the city. Notwithstanding this fact, this great State has done all in its power, I believe, to help the colored, along with its white population. In other words, it did all that it could with the money it had, and I think I can state the same procedure has been followed by every other Southern State. Regardless of the fact that the Southern States were poor, that they had comparatively more children than any of the Northern States—Senators know the South produces a great number of children, poor children, whose demands are many—notwithstanding this fact, we have been able to furnish them educational advantages of a very fair degree.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. DUFFY. When the Senator stated that they produced poor children down there, I assume he meant poor financially and not in any other way.

Mr. ELLENDER. Of course, that is what I meant. I referred only to monetary deficiencies. The children are otherwise grade A, they drink a lot of milk down there, and they eat a great deal of cheese from the Senator's State, and grow fat on it. [Laughter.]

(At this point, by unanimous consent, without losing his right to the floor, Mr. ELLENDER yielded to Mr. VANDENBERG, who made a statement with regard to the Reconstruction Finance Corporation, which appears elsewhere in today's RECORD.)

(Also, by unanimous consent, without losing his right to the floor, Mr. ELLENDER yielded to Mr. DUFFY, who made a statement with respect to Wisconsin production of cheese, which appears elsewhere in today's RECORD.)

Mr. ELLENDER. Mr. President, I should like to read from a telegram which I received from Gov. Albert B. Chandler, of Kentucky, as follows:

> We have made greatest appropriation to institutions taking care of colored people in the history of the Commonwealth. We are giving to the Negroes in this State immediately a class A college. There is no agitation amongst the colored people of Kentucky for the antilynching bill.

The superintendent of public education of the State of Kentucky sent to me a pamphlet entitled "Educational Bulletin." I shall presently read a few short paragraphs from this pamphlet.

A while ago I made the point that the various Southern States were helping the Negroes not only educationally but in other ways. During the course of my remarks I propose to show from information which has been furnished to me not only the educational advantages but the other advantages which are being given to the white and colored people by the governments of the various Southern States.

I read from page 31 of the pamphlet entitled "Commonwealth of Kentucky, Educational Bulletin":

> Educational services for the blind.
>
> The Kentucky School for the Blind, Louisville, Ky., provides for the physically handicapped children of the State, full educational opportunities from kindergarten through an accredited high school. Instruction also is given in music, commercial work, home economics, and other vocational occupations. Opportunity is provided for those qualified to pursue higher education.
>
> Eligible for admission are boys and girls, residents of Kentucky, who are blind or whose sight is so defective that they cannot obtain education in public schools. It is further required that they be of good health, sound mind, and between the ages of 6 and 18 years. Upon admission to this school, each pupil is given a complete physical examination. Recommendations are carefully carried out and progress noted on a health card provided for each pupil. To safeguard partial vision and to prevent blindness, each child from the time of admission is under the care of an eminent eye specialist.
>
> There are special schools for white and colored children some distance apart, each with its own staff of teachers. There are approximately 190 pupils enrolled in this school.
>
> Tuition, books, board, laundry, and medical attention are furnished without cost to the pupils. The State has endeavored to make these schools everything they should be for the education, health, and comfort of the blind children of Kentucky.

There is a table appearing on page 19 of the bulletin, which I have marked "Exhibit 15", and I shall ask at the proper time to have it incorporated with my remarks. The table lists the number of schools for the whites and the number of schools for the colored, and shows a gradual increase in the number of these schools from year to year insofar as the colored people are concerned. At the bottom of the table appears the following statement:

> The two tables above show that Kentucky has many high schools and that most of them are small. Kentucky has large areas in which road conditions have made transportation unavailable. Naturally, county school authorities in developing their high school programs in the past thought almost entirely in terms of making high-school advantages available to their boys and girls. Now, however, since roads are improving and school busses are becoming more numerous, they are not only thinking in terms of the availability of high-school opportunities, but they are also thinking in terms of making these opportunities comparable with those found in large centers of population. Gradually, but slowly, county school authorities and patrons of the small high schools are beginning to realize that improved means of transportation as well as the demands for more extensive curricula to meet the needs of those who will never go to college, require larger high schools with more extended and enriched curricula offerings.
>
> Economy of high-school operation also makes a similar demand. Hence, we note that county boards of education are more and more combining their small high schools at logical school centers and furnishing transportation. This is proving to be less expensive than the maintenance of many small high schools and is at the same time providing the pupils with a broader and richer program of work. With the further improvement of roads and increased transportation, the high-school centers finally determined upon will greatly increase in enrollment and offer not only the traditional college entrance subjects but also such practical and enriching courses as commercial work, vocational agriculture, home economics, music, and art. Such courses are designed to prepare one to enter directly into life activities as well as to enter college.

On page 42 of the bulletin there appears the following:

> HIGHER EDUCATION FOR NEGROES
>
> Kentucky State Industrial College: According to information submitted by President R. B. Atwood, the student enrollment in

this institution has increased so rapidly that the funds appropriated by the State are inadequate to provide facilities for housing, boarding, class instruction, and recreation. This college must secure additional income in order to provide for the ever-increasing educational demands made of it.

In spite of the limited budget, however, the present administration has been able to effect a number of improvements. The training of the faculty is considerably higher, the quality of the student is better, and the morale of the entire school personnel is one that is conducive to good work. Placing of the college under control of the State board of education has served to bring the work of the college into a closer and desirable contact with the department of education and to remove from the college those outside influences which served to retard its development in previous years. The reading capacity of the library has been enlarged, the number of volumes increased, and the science laboratories improved. In addition, the numerous small repairs have been made which were designed to reduce the expense of operation.

On page 43 there is another explanation in connection with a school of higher education for the colored. I have marked this article "Exhibit 16," and I shall ask at the proper time that the matter referred to be inserted in the RECORD in connection with my remarks, to show what the State of Kentucky is doing and has done for its colored people.

Now, Mr. President, I propose to give a few facts and figures with reference to the State of Tennessee and show what that State has done toward the education of the Negroes.

In the State of Tennessee 81.7 percent of the population are white and 18.3 percent are colored. Twenty-nine percent of the children of school age in Tennessee live in cities, as against 71 percent who live in rural areas. Again we find a State that is handicapped by having a greater portion of its population spread throughout the State instead of being centered, as in some more fortunate States, in urban districts. Of course, that in itself has a tendency to increase the cost of education.

I have a table before me which shows how the State of Tennessee has increased its expenditures, how the enrollment of the colored children has increased from year to year, and how the number of teachers for colored pupils as well as white pupils has increased.

I repeat what I said a few moments ago, that I am not trying to argue that the colored children of Tennessee have been as well provided for as have the white children of that State, but I do contend that there has been a gradual increase from year to year, especially in recent years, in school facilities, including bus transportation, books, and other things which are furnished to the colored children.

In 1869 the number of elementary schools in the State of Tennessee for colored children was 498, as compared to 3,405 for white children. Remember, the population was 81.7 white and 18.3 percent colored. Let us see how the number of schools has increased as the years have gone by. From 1869 to 1888 the number of schools for colored children increased from 498 to 1,424; in 1889, to 1,636. In 1902 the number was 1,539; but there had been some consolidations.

I may state in passing that the State of Tennessee, and quite a number of the border States, that is, the States nearer the Northern States—have shown a decrease in colored population, as I have already indicated, and that may account for the fact that fewer schools were necessary in some of those States. As to whether or not that suggestion applies specifically to Tennessee, I have not the figures available to verify my statement, but my impression is that the figures I gave some time ago would show a slight decrease in the number of colored people in Tennessee from year to year, beginning soon after the Civil War until this date.

All the States have in recent years consolidated many of their schools, and, of course, by that process the number of schools has decreased. The reason for such consolidation is that good roads have been built; it is, therefore, easy to transport the children and concentrate them in the larger schools, and thus provide them with better teachers and better facilities than if small schools were scattered all over the State.

The enrollment and daily attendance of colored pupils in Tennessee from 1869 to 1936 have gradually increased, except in the year 1936, as this table shows, and that I attribute to the fact that there has been a decrease in the colored population in the State of Tennessee, probably due to migration.

The same table shows the number of teachers employed in Tennessee from 1869 to 1936. In 1869 there were 328 colored teachers, and by 1936 the number had increased to 2,451.

I am going to mark this table "Exhibit 17," and, in the course of time, I shall ask that it be incorporated in the RECORD as a part of my remarks.

I have here a telegram from Mr. W. C. Williams, commissioner of public health of Tennessee, dated January 28, and reading as follows:

NASHVILLE, TENN., *January 28, 1938.*

Senator ALLEN J. ELLENDER,
Senate Office Building:

Complying your request, Governor's office, regarding activities for betterment Negro welfare, following are incorporated as part general, local, and/or State public-health programs: Negroes receive same services as whites in all public-health activities, which include prenatal, postnatal, infant, preschool, school, communicable disease, tuberculosis, syphilis control, etc., nursing services. Negro public-health nurses have been trained for general and special work, Negro population. Negroes admitted tuberculosis hospitals operated by local governments. No State tuberculosis hospital for white or colored. Members this department and field facilities used for teaching purposes, Meharry Medical College—Negro institution. Children's Bureau and United States Public Health Service have detailed information regarding nursing services mentioned above, which also include public-health medical service.

W. C. WILLIAMS,
Tennessee Commissioner of Public Health.

I shall now refer to the State of Oklahoma, the Negro population of which is only 7.2 percent of the total, the white population being 88.6 percent; Indians, I presume, constituting the remainder. Again, in the case of Oklahoma the urban population of children of school age was only 29 percent compared to 71 percent rural. Oklahoma is another State in which the children of educable age are scattered all over the State, and therefore, of course, greater facilities and more money are required to educate them. Oklahoma, as in the case of the State of Tennessee and the State of Kentucky, is progressing greatly in the education of its children because of the fact that better roads, better facilities, and more money are available for that purpose.

I have a table from the State of Oklahoma which shows that the cost of maintaining Negro schools in 1919 was $720,972; that in 1921 it had increased to $1,064,205; and by 1936 it had increased to $2,113,689.

This table shows the cost of maintaining the white schools as compared to the cost of maintaining the colored schools, and the per capita cost based on enrollment of whites and Negroes.

I again admit that the figures show that the cost is considerably less in the case of the colored children than in the case of the white children, but, of course, as I said a while ago, I am not trying to make any effort to show that as much was done for the colored people in the early days—that is, years ago—as was done for the whites. However, the facts and figures do show that in recent years, when conditions have improved, more money is being spent and more money is going to be spent toward helping both races.

The table to which I have just referred has one appended to it showing the general-fund expenditures, enumeration, enrollment, average daily attendance, and the cost per pupil enumerated, enrolled, and in average daily attendance for the several types of districts during the year 1935–36. A study of that table by comparison will show that the State of Oklahoma is gradually improving the educational facilities for the colored people. I shall mark those two tables exhibit 18 and exhibit 19, and in due time I shall ask that they be incorporated in the RECORD at the end of my remarks.

Mr. President, I have further information with reference to what the State of Oklahoma has done for the colored people, but I think it is unnecessary to put it all in the RECORD. I think I have submitted a sufficient amount of statistics to show that there has been a gradual increase, as I said a few minutes ago, in the educational facilities among the Negroes and the whites. From page 106 of the Sixteenth Biennial Report of the Superintendent of Public Instruction, July 1, 1934, to June 30, 1936, I read just a short paragraph to show the conditions prevailing in Oklahoma:

The school laws of Oklahoma provide for the organization and maintenance of the public schools upon a complete plan of separation between the white and colored races. The separate school in each district is "declared to be that school in said school district of the race having the fewest number of children in said school district." Pupils of the race having the greater number of children in the district attend the district school which is maintained by a tax levy of not to exceed 15 mills on the taxable property in the district. Pupils of the race having the "fewest" number of children in the district attend the separate school, which is maintained by a tax levy of not to exceed 2 mills on all taxable property in the county. State funds are apportioned to the district school and to the separate school on the same basis; that is, pupils enumerated share in the funds distributed on a per capita basis in like amounts, regardless of race, also the district school and the separate school employing teachers having equal qualifications are apportioned equal amounts from the primary aid fund.

In other words, the fact I have produced, and which is shown by this report, is that no distinction is made in distributing the funds per capita among the whites and the colored population of that State. Of course, I am sure many Senators will appreciate our endeavor in the South to maintain the white and the colored races separately has cost us quite a good deal of money, but I know that the investment has been worth while.

I now read a telegram signed by Reginald S. Williams, assistant secretary to the Governor, dated Oklahoma City, January 28, 1938, and addressed to me:

OKLAHOMA CITY, OKLA., *January 28, 1938.*

Hon. ALLEN J. ELLENDER,
United States Senator:

Information you requested was compiled in this office from records of State planning and resources board. These records show that prior to 1933 Negro insane were cared for in separate wards at white hospitals for insane. Oklahoma's newest and most modern hospital for insane established exclusively for Negroes in 1933 and had average daily population through 1936 of 506 including mental defectives and epileptics at average annual cost of $420,068 while white hospitals with average daily population same period had average annual cost of $1,345,906. Separate institution for white mental defectives and epileptics had average daily population same period of 808 at average annual cost of $126,845. From 1925 to 1935, inclusive, average population for white orphanages was 513 with average annual cost of $188,997; average population Negro orphanages maintained by State, including deaf, blind, and delinquent, was 336 with average annual cost of $102,965. Oklahoma has no separate hospital for treatment of crippled Negro children but 32-bed ward is reserved in State-maintained university hospital for Negro adults and children while 4 private, exclusively Negro, hospitals with total capacity 289 beds are operated in Oklahoma to which indigent Negroes may be committed at public expense. Approximately 5,000 beds are available in private hospitals of State for general hospitalization and many such hospitals maintain separate wards for Negroes to which indigents may be committed at public expense. State maintains 3 tuberculosis sanitariums with combined average daily population of 600. Forty-bed ward maintained exclusively for Negroes at one of these. Our State welfare board which distributes State and local funds for general relief to indigents and unemployables makes no distinction between whites and Negroes. Extent of county participation in this and other programs impossible to determine without considerable research. Source of above information is Oklahoma State Planning and Resources Board and is a matter of public record.

REGINALD S. WILLIAMS,
Assistant Secretary to Governor.

So much for the State of Oklahoma. I have here a little data with reference to the State of Texas.

The Negro population in Texas, according to the 1930 census, is 14.7 percent, and the white population is 73.5 percent. Again I point out to the Senate that the urban population of children from 5 to 20 years in Texas, which as Senators know is the largest State in the Union, is 35 percent, and the rural population 65 percent, showing the handicap under which Texas labors in giving educational facilities to its children.

I have here, Mr. President, a table showing that the enrollment of Negroes in Texas in 1900 was 136,565, as compared to 224,427 in 1936, or almost twice as many in the period from 1900 to 1936.

Here is something to be noted: In 1900, 86 percent of all the Negro educables in Texas were enrolled in schools, while, in 1936, 91 percent of the Negro educables were enrolled in the Texas schools. In 1900, only $714,081 was spent on salaries for Negro schools, while in 1936 that amount had increased to $3,602,412. In other words, from 1909 to 1936 the amount spent for salaries of teachers had increased five times. That again demonstrates to the Senate that the Southern States have gradually and consistently increased the facilities of education for the colored people.

I have read from this table, which I shall mark "Exhibit 20," and in due time I shall ask that it be incorporated in the RECORD with my remarks.

I have before me another exhibit which is very interesting, and which shows what the State of Texas has done toward the hospitalization of its colored population. In the Austin State Hospital, which is a hospital where whites and Negroes are taken care of, the total number of patients, as of September 1, 1937, was 2,357, of whom 794 were colored.

In the Rusk State Hospital the total number of patients, colored and white, was 2,082, of whom 1,053 were colored.

In the Terrell State Hospital, with a total number of inmates of 2,521, there were 319 colored.

In those three hospitals, which were established for both the colored and the whites, of the total number of patients, 11,921, there were 2,166 colored people taken care of at the same time the whites were being taken care of.

When this table was made, it showed a total of so many whites and so many colored, and the totals I have given represent the number of whites and colored in those hospitals at the time the table was made, to wit, September 1, 1937.

In 1930 there was established a colored orphans' home, wherein 57 colored patients were taken care of. There is an institution for deaf, dumb, and blind colored youths which was established in 1887, and in that institution 298 colored people are now being taken care of.

In 1889 there was established the juvenile training school for both colored and white. The total number of inmates was 828, of which 317 were colored.

Then there is the Kerrville State Sanitarium for Negroes, established in 1937, with a total of 99 colored patients.

As I stated a while ago, the colored population of Texas was only 14.7 of the total as compared with 73.5 for the whites, yet in all of the hospitals, and other eleemosynary institutions, there was a total of 18,739 cared for, 3,039 of whom were colored, or 16 percent of the total. In other words, in the hospitals there was a greater percentage of colored people in proportion to population than of whites, all being taken care of at State expense.

I shall now read a letter from the State board of control, signed by J. D. Hall, chief of the division of estimates and appropriations. He has this to say:

STATE BOARD OF CONTROL,
AUSTIN, *January 22, 1938.*

Senator ALLEN J. ELLENDER,
Senate Chamber, Washington, D. C.

DEAR SIR: Your telegram of January 22 addressed to Gov. James V. Allred requesting certain data concerning institutional care of Negroes by the State of Texas has been referred to the Texas State Board of Control. Our board is the managing board for all eleemosynary and correctional institutions except the State hospital for crippled and deformed children, at Galveston, which is operated in conjunction with the University of Texas medical college and is under management of the university regents. This data does not cover the State prison system.

In order that the data might be placed in your hands immediately, we have made notations on a regular office form report enclosed herewith. There are, as is shown, five State eleemosynary institutions which care for both Negroes and whites, and three other institutions which care for Negroes exclusively, making a total of eight State hospitals or eleemosynary institutions now caring for or hospitalizing Negro patients or inmates. The enclosed statement further shows that there are now 2,937 Negroes in these State eleemosynary institutions and that within several weeks a new building at the Kerrville (Negro) Tuberculosis Hospital will be opened, and 102 additional Negroes accepted and hospitalized there.

An additional building has been completed at the State hospital for crippled and deformed children, Galveston, Tex., but as stated above, we do not manage this hospital and have no accurate data on the number of Negroes and whites being hospitalized there. Before the building was completed it was our understanding the total capacity was 35 to 40, with 10 to 15 Negroes, and the new building will bring total capacity to 75 or 80 and Negro capacity to 30 to 35.

Maintenance costs and plant costs cannot be given as to Negroes and whites in the State institutions. We have enclosed printed pages taken from our eighth biennial report showing appropriations and expenditures for each of the State eleemosynary institutions for each of the last 2 fiscal years; also inventory valuations of all the institutions. About the only method of arriving at approximate costs for each class would be to figure on percentage

basis as to Negro and white inmates and as to total maintenance expenditures and as to total inventory valuations.

The complete eighth biennial (printed) report of this board showing numerous statistical data is being mailed you under separate cover (not by air mail).

Respectfully yours,

STATE BOARD OF CONTROL OF TEXAS,
By J. D. HALL,
Chief, Division of Estimates and Appropriations.

Mr. President, during the course of my remarks, I have quoted from a number of tables, and I now ask that there be printed the tables which I have indicated I would include in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

Statement showing white and Negro population in the 13 Southern States[1] from 1870 to 1930

Year	White	Negro	Total
1870	[2] 6,643,180	[3] 4,161,242	10,804,422
1880	[4] 9,000,031	[5] 5,632,306	14,632,337
1890	[6] 11,342,122	[7] 6,408,272	17,750,394
1900	[8] 14,308,804	[9] 7,527,007	21,835,811
1910	[10] 17,689,602	[11] 8,327,350	26,016,952
1920	[12] 20,630,619	[13] 8,441,106	29,071,725
1930	[14] 24,146,167	[15] 8,805,635	32,951,802

[1] Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia.

[2] 61 percent.
[3] 39 percent.
[4] 62 percent.
[5] 38 percent.
[6] 64 percent.
[7] 36 percent.
[8] 66 percent.
[9] 34 percent.
[10] 68 percent.
[11] 32 percent.
[12] 71 percent.
[13] 29 percent.
[14] 73 percent.
[15] 27 percent.

EXHIBIT 2

Statement showing white and Negro population in the 35 Northern, Eastern, and Western States (including the District of Columbia) from 1870 to 1930

Year	White	Negro	Total
1870	[1] 26,945,197	[2] 718,767	27,663,964
1880	[3] 34,402,939	[4] 948,487	35,351,426
1890	[5] 43,759,136	[6] 1,080,404	44,839,540
1900	[5] 52,500,392	[6] 1,306,987	53,807,379
1910	[5] 63,674,845	[6] 1,500,413	65,175,258
1920	[7] 73,489,755	[3] 2,022,025	75,511,780
1930	[8] 84,718,040	[7] 3,085,508	87,803,548

[1] 97 percent.
[2] 3 percent.
[3] 98 percent.
[4] 2 percent.
[5] 98 percent.
[6] 96.5 percent.
[7] 3.5 percent.

EXHIBIT 3

Comparative statement showing percentage of Negro population in the 35 Northern, Eastern, and Western States (including the District of Columbia), and the 13 Southern States

Year	35 Northern, Eastern, and Western States	13 Southern States
	Percent	*Percent*
1870	15	85
1880	14	86
1890	14	86
1900	15	85
1910	15	85
1920	19	81
1930	26	74

EXHIBIT 4

TABLE III.—*Comparison of wealth, income, and school expenditures per pupil enrolled in public elementary and secondary schools, by States, 1933–34*

State	Wealth per pupil enrolled in public elementary and secondary schools	Income per pupil enrolled in public elementary and secondary schools	Expenditures for public elementary and secondary schools[1] per pupil enrolled	Value of public elementary and secondary school property per pupil enrolled	Rank in column 2	Rank in column 3	Rank in column 4	Rank in column 5
1	2	3	4	5	6	7	8	9
Continental United States	$9,355.31	$1,898.07	$64.76	$250				
Alabama	3,620.06	773.12	26.49	83	48	46	44	45.5
Arizona	11,274.71	2,054.96	71.80	203	19	15	17	30
Arkansas	4,456.69	736.11	19.86	84	44	48	48	44
California	10,596.12	3,088.51	111.13	393	27	4	3	5
Colorado	10,542.00	1,659.80	71.15	288	28	24	18	13.5
Connecticut	12,794.83	2,897.97	78.20	345	11	7	10	8
Delaware	10,764.34	3,275.92	95.12	370	24	3	6	6
District of Columbia	14,084.58	5,224.68	96.45	408	5	1	5	3
Florida	5,075.17	1,285.47	38.35	187	41	33	39	34
Georgia	4,012.46	865.90	25.18	73	46	44	46	48
Idaho	10,322.80	1,229.48	57.08	195	29	34	31	32
Illinois	12,537.79	2,601.73	76.67	347	13	9	11	7
Indiana	9,952.17	1,555.98	61.83	254	31	28	26	18.5
Iowa	14,953.42	1,337.79	61.99	222	2	32	25	27.5
Kansas	11,575.59	1,368.89	64.69	262	18	31	23	20
Kentucky	4,603.79	987.54	27.94	102	43	41	43	42
Louisiana	5,818.11	1,173.90	34.34	121	39	36	41	39
Maine	9,506.58	2,076.20	52.86	198	32	14	35	31
Maryland	10,694.40	2,699.38	72.76	237	25	8	15	24.5
Massachusetts	12,925.01	3,014.81	91.13	502	10	5	7	1
Michigan	9,247.57	1,886.49	70.03	343	33	21	21	9
Minnesota	11,964.80	1,621.92	70.17	271	15	25	20	16
Mississippi	2,818.57	495.11	18.93	45	49	49	49	49
Missouri	10,908.05	1,924.44	56.83	211	23	19	32	29
Montana	14,934.85	1,621.74	75.04	249	3	26	14	22
Nebraska	13,108.41	1,409.76	54.18	192	9	30	34	33
Nevada	21,582.08	2,331.87	112.16	308	1	12	2	11
New Hampshire	13,962.77	2,581.20	75.21	256	6	10	13	17
New Jersey	11,249.67	2,564.99	100.58	394	20	11	4	4
New Mexico	7,249.22	1,573.89	61.09	101	36	27	27	43
New York	12,599.35	3,766.00	124.32	427	12	2	1	2
North Carolina	4,037.33	857.22	25.19	130	45	45	45	40
North Dakota	11,880.32	1,061.56	59.13	230	16	39	29	26
Ohio	11,238.51	2,010.76	76.35	291	21	16	12	12
Oklahoma	4,973.79	1,013.95	40.32	156	42	40	38	37
Oregon	13,324.72	1,792.32	64.74	254	8	23	22	18.5
Pennsylvania	11,169.61	2,079.46	72.19	288	22	13	16	13.5
Rhode Island	12,198.71	2,942.54	86.30	340	14	6	8	10
South Carolina	3,897.15	752.54	24.04	83	47	47	47	45.5
South Dakota	14,486.49	972.39	59.58	222	4	42	28	27.5
Tennessee	5,113.50	926.44	28.80	79	40	43	42	47
Texas	5,880.54	1,430.63	43.84	170	38	29	37	35
Utah	8,485.96	1,159.51	57.36	237	35	37	30	24.5
Vermont	9,977.80	1,971.29	54.23	157	30	18	33	36
Virginia	6,604.16	1,207.97	34.59	114	37	35	40	41
Washington	11,786.49	1,973.14	64.67	242	17	17	24	23
West Virginia	8,490.45	1,142.25	45.44	155	34	38	36	38
Wisconsin	10,623.42	1,858.51	70.46	286	26	22	19	15
Wyoming	13,905.95	1,886.88	78.57	251	7	20	9	21

[1] Day schools only. Does not include night, summer, and part-time and continuation schools.

Sources: Data derived from table 28, Research Bulletin of the National Education Association, vol. XV, No. 1, January 1937.

EXHIBIT 5

TABLE IV.—*Economic ability of the States to pay taxes, and educational opportunity offered*

States	Taxpaying ability per capita	Current expenditures for public schools per pupil enrolled	Rank on taxpaying ability	Rank on opportunity as shown in column 3
1	2	3	4	5
Continental United States	$50.80	$74.22		
Alabama	19.81	27.37	47	45
Arizona	52.79	91.29	26	12
Arkansas	23.88	24.08	45	48
California	56.09	119.98	22	2
Colorado	55.82	92.84	23	10
Connecticut	71.15	96.82	5	7
Delaware	57.41	89.91	19	13
Florida	35.61	44.78	36	37
Georgia	24.80	25.27	44	47
Idaho	53.94	69.90	24	29
Illinois	59.01	89.85	17	14
Indiana	53.09	78.78	25	20
Iowa	77.24	78.39	2	22
Kansas	62.62	73.79	14	27
Kentucky	24.83	32.64	43	42
Louisiana	28.62	40.88	41	39
Maine	51.01	62.54	31	32
Maryland	49.96	74.52	32	26
Massachusetts	66.45	97.25	7	6
Michigan	48.35	93.95	33	9
Minnesota	62.73	83.60	11.5	17
Mississippi	18.39	28.18	48	44
Missouri	52.68	65.09	27	31
Montana	67.87	92.79	6	11
Nebraska	71.66	72.37	4	28
Nevada	109.33	116.54	1	4
New Hampshire	58.62	87.98	18	15
New Jersey	62.73	118.92	11.5	3
New Mexico	35.10	58.03	37	34
New York	64.92	133.60	10	1
North Carolina	25.75	33.17	42	41
North Dakota	62.65	78.29	13	23
Ohio	57.16	85.54	20	16
Oklahoma	31.90	41.56	39	38
Oregon	65.49	78.03	8	24
Pennsylvania	59.91	78.76	15	21
Rhode Island	59.52	94.00	16	8
South Carolina	23.60	25.59	46	40
South Dakota	73.65	81.26	3	19
Tennessee	29.89	31.69	40	43
Texas	34.39	51.44	38	36
Utah	51.11	62.20	29	33
Vermont	43.90	69.18	34	30
Virginia	38.27	35.38	35	40
Washington	65.26	81.79	9	18
West Virginia	52.59	57.03	28	35
Wisconsin	51.10	77.57	30	25
Wyoming	56.17	97.46	21	5

NOTE.—Data derived from Chism, Leslie L., The Economic Ability of the States to Finance Public Schools. Contributions to Education, No. 669, New York; Teachers College, Columbia University, 1936, p. 124, table 27, column 2; and population estimates of the Bureau of the Census. Taxpaying ability is based on the application to each State of the second model tax plan of the National Tax Association as shown in Second Report on a Plan of a Model System of State and Local Taxation, 1933. Statistics of State School Systems, bulletin, 1933, No. 2, Washington, D. C.: Office of Education, Department of the Interior, p. 91, table 28, column 3. Data include interest but not capital outlay.

EXHIBIT 6

TABLE IX.—*The equalizing effect of the Harrison-Fletcher bill as reflected by percent of increase in public-school funds and by the ratio of children to adults*

	Percent proposed allotment from Harrison-Fletcher bill is of present revenue receipts for schools	Number of persons 5 to 20 years old per 1,000 persons 21 to 65 years old	Index of column 2	Index of column 3
Total 48 States	16.5	574	2.14	1.44
Mississippi	62.1	771	8.06	1.93
Georgia	54.2	782	7.04	1.96
Alabama	52.3	781	6.79	1.96
Arkansas	50.4	753	6.55	1.89
South Carolina	47.9	928	6.22	2.33
Kentucky	40.8	695	5.30	1.74
North Carolina	38.0	861	4.94	2.16
Virginia	33.9	722	4.40	1.81
Tennessee	29.5	700	3.83	1.75
Texas	29.3	662	3.81	1.66
Louisiana	28.9	689	3.75	1.73
Oklahoma	23.9	704	3.10	1.76
Total, first 12 States	36.7	740	4.77	1.85
West Virginia	23.7	744	3.08	1.86
Vermont	23.2	552	3.01	1.38
Maine	21.7	555	2.82	1.39
Florida	20.3	573	2.64	1.44
New Mexico	20.2	755	2.62	1.89
North Dakota	20.0	747	2.60	1.87
Kansas	18.5	573	2.40	1.44
Nebraska	17.9	593	2.32	1.49
Maryland	17.7	537	2.30	1.35
Wisconsin	17.2	564	2.23	1.41
South Dakota	16.0	670	2.08	1.68
New Hampshire	15.8	515	2.05	1.29
Total, second 12 States	18.9	601	2.45	1.51
Pennsylvania	15.8	592	2.05	1.48
Utah	15.6	754	2.03	1.89
Minnesota	15.2	572	1.97	1.43
Connecticut	15.1	541	1.96	1.36
Michigan	15.1	532	1.96	1.33
Arizona	14.9	615	1.94	1.54
Illinois	14.8	487	1.92	1.22
Indiana	14.6	531	1.90	1.33
Ohio	14.3	517	1.86	1.30
Missouri	14.3	515	1.86	1.29
Idaho	13.8	673	1.79	1.69
Washington	13.6	478	1.77	1.20
Total, third 12 States	14.9	538	1.94	1.35
Iowa	13.2	557	1.71	1.40
Massachusetts	13.2	497	1.71	1.25
Wyoming	12.9	561	1.68	1.41
Rhode Island	12.9	535	1.68	1.34
Colorado	12.7	558	1.65	1.40
Montana	12.4	576	1.61	1.44
Delaware	12.3	525	1.60	1.32
Oregon	12.2	470	1.58	1.18
New Jersey	10.7	514	1.39	1.29
New York	9.4	458	1.22	1.15
Nevada	8.0	409	1.04	1.03
California	7.7	399	1.00	1.00
Total, fourth 12 States	10.1	473	1.31	1.19

EXHIBIT 6-A

Percentage of total State and local tax revenue required to support education at a cost per unit of educational need equal to that for the country as a whole, 1922–32

State	Percentage of tax revenue required according to various measures of educational need		
	Average daily attendance	Population aged 5 to 17	Units of need
Mississippi	105.38	104.75	99.13
Alabama	82.97	99.77	78.05
South Carolina	82.33	95.23	76.84
Arkansas	74.21	83.14	70.30
Georgia	73.69	87.30	70.30
North Carolina	73.69	74.83	68.84
Kentucky	63.87	73.26	60.44
Tennessee	58.54	61.62	55.38
Oklahoma	56.96	58.20	59.36
Louisiana	51.91	63.11	48.59
Texas	49.71	50.61	56.00
Virginia	47.68	52.64	45.68
New Mexico	45.82	53.72	53.01
Utah	44.28	38.37	46.54
Florida	42.84	38.80	39.49
Idaho	41.00	39.23	45.68
West Virginia	35.48	35.75	32.82
Vermont	35.36	35.75	35.31
North Dakota	35.13	34.23	42.91
Indiana	33.45	28.86	33.72
Maine	32.83	30.81	32.18
Wyoming	31.93	28.62	37.69
Colorado	31.36	29.34	36.44
Wisconsin	30.99	31.55	32.08
Kansas	30.72	26.86	36.58
Missouri	30.72	29.93	32.18
Michigan	29.77	28.54	28.98
Minnesota	28.41	27.28	30.13
Arizona	27.88	31.55	31.87
Ohio	27.37	25.49	26.86
Montana	27.23	28.54	31.57
Nebraska	27.16	24.14	32.71
Maryland	26.95	31.18	26.02
Pennsylvania	26.68	27.93	24.42
South Dakota	26.28	24.53	32.08
Oregon	25.52	21.51	30.13
Washington	25.52	22.38	27.61
Delaware	25.03	27.00	24.30
Illinois	24.28	24.14	24.12
Iowa	24.12	21.47	26.50
California	23.90	18.38	25.75

Percentage of total State and local tax revenue required to support education at a cost per unit of educational need equal to that for the country as a whole, 1922–32—Continued

State	Percentage of tax revenue required according to various measures of educational need		
	Average daily attendance	Population aged 5 to 17	Units of need
New Jersey	23.73	23.54	21.18
New Hampshire	23.52	25.87	22.28
Rhode Island	23.06	25.55	21.00
Connecticut	22.61	22.01	21.32
Massachusetts	22.47	22.38	21.27
New York	18.88	19.61	18.53
Nevada	13.76	11.49	16.14
United States	31.27	31.27	31.27

Source: School and Society, vol. 42, p. 752.

EXHIBIT 7

Total number Negro children, 5 to 20 years (1930 census)

	Urban		Rural		Total
	Number	Percent	Number	Percent	
Alabama	84,164	24	272,884	76	357,048
Arkansas	25,466	15	145,910	85	171,376
Florida	61,961	44	78,401	56	140,362
Georgia	104,004	24	323,018	76	427,022
Kentucky	29,746	44	37,204	56	66,950
Louisiana	76,102	28	200,191	72	276,293
Mississippi	39,654	10	343,001	90	382,655
North Carolina	84,517	21	300,460	79	384,977
Oklahoma	19,220	32	41,479	68	60,699
South Carolina	50,111	14	303,482	86	353,593
Tennessee	67,127	42	94,241	58	161,368
Texas	93,245	31	205,962	69	299,207
Virginia	66,289	27	183,994	73	250,283
Total for 13 Southern States	801,606	24	2,530,227	76	3,331,833
Remaining 35 States and District of Columbia	629,640	79	167,525	21	797,165
Total, United States	1,431,246	35	2,697,752	65	4,128,998

EXHIBIT 8

Total number of white children, 5 to 20 years (1930 census)

	Urban		Rural		Total
	Number	Percent	Number	Percent	
Alabama	146,199	23	480,718	77	626,917
Arkansas	88,127	17	418,089	83	506,116
Florida	150,340	47	169,479	53	319,819
Georgia	177,760	27	488,753	73	666,513
Kentucky	191,585	23	640,754	77	832,339

Total number of white children, 5 to 20 years (1930 census)—Con.

	Urban		Rural		Total
	Number	Percent	Number	Percent	
Louisiana	169,504	37	290,406	63	459,910
Mississippi	60,196	17	301,128	83	361,324
North Carolina	183,496	22	668,528	78	852,024
Oklahoma	222,690	28	560,983	72	783,673
South Carolina	75,592	21	285,115	79	360,707
Tennessee	194,994	26	560,232	74	755,226
Texas	612,816	36	1,080,644	64	1,693,460
Virginia	170,404	28	443,133	72	613,537
Total for 13 Southern States	2,443,703	29	6,387,912	71	8,831,615
Remaining 35 States and District of Columbia	15,556,800	61	9,869,619	39	25,426,419
Total, United States	18,000,503	53	16,257,531	47	34,258,034

EXHIBIT 9–A

Percent illiterate in white population 10 years old and over in 13 Southern States, 1870 to 1930

State	1930	1920	1910	1900	1890	1880	1870
Virginia (18.5)	4.9	5.9	8.1	11.1	13.9	18.2	23.4
North Carolina (27.9)	5.6	8.2	12.3	19.4	23.0	31.5	33.5
South Carolina (20.7)	5.1	6.5	10.3	13.5	17.9	21.9	25.8
Georgia (23.7)	3.3	5.4	7.8	11.9	16.4	22.9	27.0
Florida (25.5)	2.1	3.2	5.5	8.9	11.3	19.9	27.6
Kentucky (20.3)	5.7	7.0	9.9	12.8	15.8	22.0	26.0
Tennessee (21.5)	5.4	7.3	9.7	14.1	17.8	27.3	26.9
Alabama (19.5)	4.9	6.4	9.9	14.7	18.2	24.7	24.4
Mississippi (14.6)	2.8	3.7	5.3	8.0	11.9	16.3	17.4
Arkansas (21.5)	3.5	4.5	7.0	11.5	16.3	25.0	25.0
Louisiana (11.5)	7.7	11.1	14.2	18.4	20.1	18.4	19.2
Oklahoma (1.7)	1.8	2.6	3.6	7.9	3.5	.....	.....
Texas (16.1)	1.6	6.5	6.7	8.5	10.8	15.3	17.7

Figures furnished by Bureau of the Census, U. S. Department of Commerce.

EXHIBIT 9–B

Percent illiterate in Negro population 10 years old and over in 13 Southern States, 1870 to 1930

State	1930	1920	1910	1900	1890	1880	1870
Virginia (69.7)	19.2	23.5	30.0	44.6	57.2	73.7	88.9
North Carolina (64.3)	20.6	24.5	31.9	47.6	60.1	77.4	84.9
South Carolina (54.2)	26.9	29.3	38.7	52.8	64.1	78.5	81.1
Georgia (72.2)	19.9	29.1	36.5	52.4	67.3	81.6	92.1
Florida (65.5)	18.8	21.5	25.5	38.4	50.5	70.7	84.3
Kentucky (68.4)	15.4	21.0	27.6	40.1	55.9	70.4	83.8
Tennessee (67.6)	14.9	22.4	27.3	41.6	54.2	71.7	82.5
Alabama (62.3)	20.2	31.3	40.1	57.4	69.1	80.6	88.5
Mississippi (63.8)	23.2	29.3	35.6	49.1	60.8	75.2	87.0
Arkansas (65.3)	16.1	21.8	26.4	43.0	53.6	75.0	81.4
Louisiana (62.6)	23.3	38.5	48.4	61.1	72.1	79.1	85.9
Oklahoma (29.7)	9.3	12.4	17.7	37.0	39.0	.....	.....
Texas (75.4)	13.4	17.8	24.6	38.2	52.5	75.4	88.8

Figures furnished by Bureau of the Census, U. S. Department of Commerce.

EXHIBIT 10

Number of Negro persons 10 years old and over in 13 Southern States and the number illiterate, 1870–1930

State	1930		1920		1910		1900		1890		1880		1870	
	Total number	Number illiterate	Total number	Number illiterate	Total number	Number illiterate	Total number	Number illiterate	Total number	Number illiterate	Total number	Number illiterate	Total number	Number illiterate
Virginia	494,429	95,148	520,657	122,322	496,418	148,950	478,921	213,836	455,682	260,678	428,450	315,660	362,450	322,236
North Carolina	673,809	139,105	545,542	133,674	490,395	156,303	437,691	208,132	392,589	235,981	351,145	271,943	271,557	230,606
South Carolina	581,085	156,065	618,928	181,422	584,064	226,242	537,398	283,883	470,232	301,262	394,750	310,071	289,873	235,164
Georgia	821,083	163,237	896,127	261,115	846,195	308,639	724,096	379,067	600,623	404,015	479,863	391,482	373,176	343,637
Florida	345,937	65,167	258,449	55,639	233,744	59,503	168,586	64,816	119,034	60,204	85,513	60,420	62,746	52,894
Kentucky	185,629	28,553	192,657	40,548	210,028	57,900	219,720	88,137	197,689	110,530	190,223	133,898	156,411	131,050
Tennessee	382,974	57,251	354,436	79,532	360,663	98,541	354,833	147,784	309,800	167,971	271,386	194,495	225,424	185,952
Alabama	719,290	188,673	674,004	210,690	662,356	265,628	589,629	338,605	479,430	331,200	399,058	321,680	328,762	290,898
Mississippi	765,058	177,605	703,627	205,813	727,851	259,438	638,646	313,312	516,929	314,858	425,397	319,753	304,414	264,902
Arkansas	373,273	60,102	363,403	79,245	327,009	86,398	263,808	113,453	217,454	116,655	137,971	103,473	85,083	69,222
Louisiana	598,258	139,393	536,362	206,730	525,450	254,148	404,598	284,028	392,642	283,245	328,153	259,429	261,849	224,993
Oklahoma	135,069	12,560	114,536	14,205	101,157	17,858	40,198	14,870	2,290	897	.....	.....	.....	.....
Texas	671,335	90,225	572,719	102,053	507,089	124,618	437,710	167,138	336,154	176,484	255,205	192,320	169,642	150,517

Figures furnished by Bureau of the Census, U. S. Department of Commerce.

EXHIBIT 11

Percentage of white persons 5 to 20 years old attending school in 13 Southern States, 1870 to 1930

State	1930	1920	1910	1900	1890	1880	1870
Virginia (40.7)	64.1	61.7	57.2	48.1	51.7	49.5	23.4
North Carolina (45.1)	66.3	64.7	60.7	45.3	45.3	53.0	21.2
South Carolina (42.5)	65.5	67.2	56.3	40.5	43.1	45.3	23.0
Georgia (37.9)	65.0	62.2	57.0	43.8	45.8	51.5	27.1
Florida (48.6)	70.7	64.7	55.4	49.8	55.7	54.4	22.1
Kentucky (23.3)	64.4	62.4	58.1	49.1	53.4	50.9	41.1
Tennessee (34.6)	65.3	65.1	58.9	46.4	52.4	54.1	30.7
Alabama (36.5)	66.1	63.4	55.7	40.5	42.8	46.5	29.6
Mississippi (52.4)	75.1	72.3	68.8	51.8	57.5	65.8	22.7
Arkansas (28.0)	67.7	65.0	58.7	46.6	50.4	37.0	39.7
Louisiana (36.7)	66.9	60.3	51.3	37.6	37.5	28.6	30.2
Oklahoma (35.6)	70.5	64.4	64.0	43.0	34.9	.....	.....
Texas (38.7)	66.4	57.7	55.5	43.9	47.9	39.8	27.7

Percentage figures furnished by Bureau of the Census, U. S. Department of Commerce.

EXHIBIT 12

Percentage of Negro persons 5 to 20 years old attending school in 13 Southern States, 1870 to 1930

State	1930	1920	1910	1900	1890[1]	1880[2]	1870[2]
Virginia (53.1)	58.9	54.0	44.3	32.6	35.2	27.9	5.8
North Carolina (53.1)	60.5	58.7	50.8	34.6	29.9	45.5	7.4
South Carolina (43.8)	54.6	59.1	43.1	25.2	27.5	31.2	10.8
Georgia (48.4)	53.3	47.4	39.7	25.6	26.0	30.4	4.9
Florida (42.9)	55.8	50.5	41.8	35.5	42.3	32.1	12.9
Kentucky (54.4)	63.1	59.1	51.1	39.4	36.4	28.2	8.7
Tennessee (51.8)	60.1	50.0	44.6	32.6	35.9	38.8	8.3
Alabama (46.1)	54.9	49.0	38.2	22.8	25.5	32.2	8.8
Mississippi (59.4)	62.8	53.1	49.5	32.8	39.0	47.3	3.4
Arkansas (49.4)	62.3	51.1	45.9	33.5	36.7	33.7	12.9
Louisiana (48.1)	57.2	42.0	27.2	18.5	19.3	19.9	9.1
Oklahoma (42.1)	68.3	57.7	60.4	30.2	28.2	.....	.....
Texas (55.5)	59.8	57.8	48.5	35.0	38.3	28.2	4.3

[1] Figures for 1890 are for all nonwhite classes, 5 to 19 years old.
[2] Figures for 1880 and 1870 represent the proportion the nonwhite classes attending school were of the population 5 to 19 years old, as attendance was not available by age.

Figures furnished by Bureau of the Census, U. S. Department of Commerce.

EXHIBIT 13

Negro persons 5 to 20 years old and number attending school, for 13 Southern States, 1870–1930

State	1930		1920		1910		1900		1890[1]		1880[2]		1870[2]	
	Total number	Number attending school	Total number	Number attending school	Total number	Number attending school	Total number	Number attending school	Total number	Number attending school	Nonwhite persons 5–19 years old	All nonwhite persons attending school	Negro persons 5–19 years old	All Negro persons attending school
Virginia	250,283	147,324	257,523	139,092	260,104	115,244	268,962	87,729	264,269	92,974	244,368	68,278	191,882	11,048
North Carolina	384,977	232,782	314,191	184,274	284,558	144,544	260,755	90,201	240,591	71,950	209,225	95,160	153,532	11,419
South Carolina	353,593	193,008	370,263	218,858	356,712	153,838	342,401	86,323	297,464	81,803	233,929	73,010	156,943	16,873
Georgia	427,022	227,552	485,703	230,122	472,738	187,757	427,741	109,615	354,447	92,105	284,782	86,623	211,846	10,351
Florida	140,362	78,382	115,215	58,160	108,898	45,519	86,908	30,873	65,954	27,919	48,655	15,632	34,935	4,524
Kentucky	66,950	42,241	71,589	42,274	87,008	44,463	104,512	41,161	101,065	36,819	102,587	28,920	88,458	7,702
Tennessee	161,368	96,940	160,710	80,356	174,659	77,935	190,925	62,319	173,338	62,315	158,149	61,370	125,543	10,391
Alabama	357,048	196,194	355,367	174,278	352,692	134,706	338,980	77,407	280,899	71,633	235,315	75,661	180,646	15,815
Mississippi	382,655	240,255	374,127	198,523	402,194	199,095	378,923	124,107	315,364	123,034	257,274	121,602	167,762	5,738
Arkansas	171,376	106,716	178,712	91,334	171,279	78,537	148,534	49,827	126,918	46,565	79,697	26,873	44,805	5,784
Louisiana	276,293	158,074	263,710	110,780	274,513	74,656	261,453	48,251	220,690	42,576	174,201	34,642	121,467	11,076
Oklahoma	60,699	41,464	56,863	32,782	52,377	31,660	21,988	6,631	998	261	.....	.....	.....	.....
Texas	299,207	178,968	279,468	161,452	271,635	131,763	259,491	90,757	205,730	78,855	158,030	44,629	98,468	4,189

[1] Figures relate to all nonwhite persons 5 to 19, the number of Negroes 5 to 20 and the number attending school not being available.
[2] School attendance not tabulated by age in 1880 and 1870 so the figures for school attendance cover all ages.

NOTE.—Figures furnished by Bureau of the Census, U. S. Department of Commerce.

EXHIBIT 14

White persons 5 to 20 years old and number attending school, for 13 Southern States, 1870–1930

State	1930		1920		1910		1900		1890		1880		1870	
	Total number	Number attending school	Total number	Number attending school	Total number	Number attending school	Total number	Number attending school	Total number	Number attending school	White persons 5–19 years old	All white persons attending school[1]	White persons 5–19 years old	All white persons attending school[1]
Virginia	613,112	393,163	567,021	350,095	490,453	280,681	435,612	209,441	374,840	193,655	307,943	152,455	255,854	59,792
North Carolina	844,642	559,606	670,430	433,596	560,229	340,323	490,782	222,241	401,717	182,125	304,414	161,262	254,321	53,868
South Carolina	360,281	235,952	304,750	204,844	251,082	141,382	218,323	88,344	178,919	77,169	136,425	61,832	107,411	24,692
Georgia	666,403	433,340	625,222	388,889	525,929	299,635	457,958	200,595	377,529	172,863	292,334	150,501	248,159	67,142
Florida	319,452	225,918	211,127	136,636	153,840	85,200	110,537	55,034	81,726	45,504	50,893	27,672	37,307	8,254
Kentucky	832,297	536,003	763,892	476,807	725,073	421,220	693,455	340,249	589,268	314,719	517,731	263,507	422,164	173,503
Tennessee	755,149	493,302	681,470	443,333	620,377	365,441	589,451	273,745	511,766	268,104	425,175	230,130	358,933	110,314
Alabama	626,652	414,226	549,711	348,439	458,242	255,147	394,152	159,515	326,735	139,999	240,797	111,889	206,936	61,324
Mississippi	360,165	270,542	323,614	233,994	294,839	202,720	253,153	131,091	216,401	124,389	175,348	115,463	147,360	33,403
Arkansas	505,783	342,214	485,334	315,362	424,463	249,266	380,815	177,533	327,021	164,846	219,652	81,363	143,128	56,788
Louisiana	457,263	305,741	400,849	241,758	347,121	178,029	276,563	103,914	209,544	78,514	161,955	46,370	133,221	40,183
Oklahoma	741,928	523,173	672,543	432,883	528,265	337,887	257,380	110,759	19,689	6,873	.....	.....	.....	.....
Texas	1,427,457	948,402	1,418,180	818,660	1,198,012	664,499	955,906	419,643	673,627	322,787	427,117	131,616	220,641	61,010

[1] School attendance not shown by age in 1880 and 1870.

NOTE.—Figures furnished by Bureau of the Census, U. S. Department of Commerce.

EXHIBIT 15

TABLE I.—*Enrollment of pupils in Kentucky high schools, 1935–37*

Type of school	1935-36		1936-37	
	Number of high schools	Enrollment	Number of high schools	Enrollment
Public:				
White	675	101,017	663	106,799
Colored	75	6,546	78	8,711
Private	83	8,173	77	8,994
Total	833	115,736	818	124,504

TABLE II.—*Size and number of high schools, 1936–37*

Size based on enrollment	County districts		Independent districts		Private secondary		State and municipal [1]		Total
	White	Colored	White	Colored	White	Colored	White	Colored	
Below 50	108	16	2	18	17	0	1	0	162
50–99	180	6	30	14	31	1	0	0	262
100–199	148	1	55	16	18	0	5	0	243
200–499	49	0	56	4	8	0	1	0	118
500 and above	1	0	27	3	2	0	0	0	33
Total	486	23	170	55	76	1	7	0	818

[1] High schools operated in connection with the State University, State teachers' colleges, School for the Blind, Louisville, and the Jefferson County Children's Home, Louisville.

EXHIBIT 16

WEST KENTUCKY INDUSTRIAL COLLEGE

This school is of the junior college organization and is gradually moving to the field of specialization in vocational training. This appears to be a movement in the right direction for this particular school.

The present enrollment of 152 is considered satisfactory. The enrollment for the second semester last year was in round numbers 100. Of the present enrollment of 152, over 100 are students who are new to the institution. This increase, together with the fact that so many of the present students are new, indicates that the institution is developing a program that has student drawing power.

After H. C. Russell took over the duties of the presidency, certain new policies and improvements have been inaugurated; new courses in carpentry have been put in for the men, and courses in sewing and home making have been installed for the women. Considerable improvement has been made in the physical plan. The boys' dormitory has been repaired and repainted inside, and an apartment has been made in this dormitory to house the dean of men and his wife. This plan eliminates many problems of discipline. Considerable work has been done on the girls' dormitory, particularly on the first floor, to make the kitchens and dining rooms more inviting and sanitary.

The plan for the promotion of health and taking care of the medical needs of the students has been changed. The college now employs a doctor to make examination of all students entering the institution and to plan the general program of health.

With the installation of a new plan of business operation, the financial affairs of the institution are much improved. This new plan was inaugurated at the beginning of the second semester 1936–37.

Altogether, this college has made considerable progress in all its departments and continued improvement is expected.

AID UNDER THE ANDERSON-MAYER BILL

At the 1936 regular session of the General Assembly of Kentucky, a bill was passed known as the Anderson-Mayer bill. This bill appropriated $5,000 for each of the fiscal years ending June 30, 1936, and June 30, 1937. The aid is for persons who have been bona fide residents of the State for a period of 5 years and who, because of section 187 of the constitution of Kentucky, cannot pursue courses at the University of Kentucky or other institutions at which courses are offered.

This bill provides that not more than $175 shall be allowed to each person during any one school year of 9 months. The State board of education shall prescribe rules and regulations governing the granting of State aid under this act. It gives the State board of education authority to prorate this sum, provided it is not sufficient to pay all legal applicants.

EXHIBIT 17

Tennessee

	White	Negro	Total
Total population	2,138,619	477,646	2,616,556
Percent	81.7	18.3	
Children (5 to 20 years):			
Urban	[1] 194,904	[3] 67,127	[5] 262,121
Rural	[4] 560,232	[6] 94,241	[6] 654,473
Total	755,226	161,363	916,594

[1] 26 percent. [2] 29 percent. [3] 58 percent.
[4] 42 percent. [5] 74 percent. [6] 71 percent.

Facts regarding public education in Tennessee

Year	Enrollment			Average daily attendance			Number of elementary schools		
	White	Colored	Total	White	Colored	Total	White	Colored	Total
1869	160,749	25,728	186,477	(1)	(1)	(1)	3,405	498	3,903
1888	326,168	85,433	411,601	220,538	58,338	278,876	5,427	1,424	6,851
1899	397,914	101,931	499,845	283,594	69,140	352,734	6,249	1,636	7,885
1902	385,524	99,139	484,663	274,380	67,157	341,537	5,219	1,539	6,758
1906	406,453	101,863	508,316	278,851	72,791	351,642	(1)	(1)	(1)
1910	423,947	97,806	521,753	293,487	70,466	363,953	5,893	1,423	7,316
1912	438,602	101,309	539,911	299,595	69,293	368,888	5,603	1,205	6,811
1916	485,238	112,396	597,634	342,508	77,673	420,281	5,624	556	6,180
1920	404,016	73,396	477,412	480,910	104,912	585,822	5,494	1,344	6,838
1924	495,223	115,369	610,592	331,440	80,501	411,941	5,484	1,208	6,692
1928	495,105	115,839	610,944	339,015	83,707	422,722	5,163	1,196	6,359
1932	457,030	105,357	562,387	352,839	82,839	435,678	4,990	1,160	6,150
1936	445,839	99,761	545,600	343,877	78,505	422,382	4,882	1,125	6,007

Year	Number of high schools			Number teachers employed			Total current expenditures for elementary schools
	White	Colored	Total	White	Colored	Total	
1869	0	0	0	3,286	328	3,614	$573,795.74
1888	0	0	0	5,875	1,564	7,439	1,157,930.12
1899	0	0	0	7,347	1,867	9,372	(2)
1902	1,014	55	1,069	7,771	1,918	9,689	1,854,394.72
1906	(1)	(1)	(1)	7,938	1,900	9,838	4,214,669.67
1910	(1)	(1)	(1)	8,466	1,820	10,286	4,402,574.40
1912			111	9,148	1,938	11,086	5,218,852.30
1916	77	49	126	10,341	1,956	12,297	4,535,400.71
1920	552	22	574	9,679	1,983	11,662	5,061,933.92
1924	531	15	546	11,624	2,249	13,873	11,657,793.16
1928	634	54	688	12,511	2,557	15,068	15,553,746.63
1932	595	69	664	13,339	2,545	15,884	13,940,929.74
1936	540	82	622	13,148	2,451	15,599	13,294,537.13

[1] Information not available.
[2] Not available.

EXHIBIT 18

Oklahoma

	White	Negro	Total
Total population	2,123,424	172,198	2,396,040
Percent	88.6	7.2	
Children (5 to 20 years):			
Urban	[1] 222,690	[3] 19,220	[5] 341,910
Rural	[4] 560,983	[6] 41,479	[6] 602,462
Total	783,673	60,699	844,372

[1] 28 percent. [2] 29 percent. [3] 68 percent.
[4] 32 percent. [5] 72 percent. [6] 71 percent.

TABLE 27.—*State of Oklahoma, showing the cost of maintaining the schools in all types of districts for both races and the annual per capita cost, 1921*

[Ninth Biennial Report, 1922]

Classes of districts	Cost of maintaining schools for—		Per capita cost based on enrollment of—	
	Whites	Negroes	Whites	Negroes
Independent	$11,385,842.78	$582,710.40	$48.57	$31.40
Village	1,583,752.86	75,273.28	32.31	19.44
Consolidated	1,326,817.04	29,601.66	42.78	19.55
Union graded	330,281.73	3,235.17	32.70	11.00
Ungraded rural	6,779,380.97	373,384.71	28.16	17.54
Total	21,406,075.38	1,064,205.23	37.87	24.10

Cost of maintaining the schools in Oklahoma during the year closing June 30, 1919

	Schools for whites	Schools for Negroes	Total expended	Per capita cost based on enrollment	
				Whites	Negroes
Total (1919)	$15,176,845.75	$720,972.49	$15,897,818.24	$29.20	$17.08

EXHIBIT 19

State of Oklahoma—General fund expenditures, enumeration, enrollment, average daily attendance, and the cost per pupil enumerated, enrolled, and in average daily attendance for the several types of districts during the year 1935–36

Type of district	General fund expenditures	January 1936 enumeration	Enrollment	Average daily attendance	Per capita cost based on—		
					Enumeration	Enrollment	Average daily attendance
White:							
Independent	$16,472,190.10	364,084	352,441	281,067	$45.24	$46.74	$58.61
Dependent	9,478,674.83	330,346	256,600	180,473	28.69	36.94	52.52
Dependent (sep.)	12,744.54	691	[1] 407	[1] 243	18.44	31.31	52.45
Total	25,963,609.47	695,120	609,448	461,780	37.35	42.60	56.23
Negro:							
Independent	15,386.38	373	[2] 834	[2] 662	41.25	18.45	23.24
Dependent	102,198.04	4,384	3,553	2,754	23.31	28.76	37.11
Independent (sep.)	1,397,631.41	31,596	28,504	21,401	44.23	49.03	65.31
Dependent (sep.)	598,473.28	19,569	16,630	11,377	30.58	35.99	52.60
Total Negro	2,113,689.11	55,922	49,521	36,194	37.80	42.68	58.40
Aggregate	28,077,298.58	751,042	658,969	497,974	37.38	42.61	56.38

[1] Many enumerated pupils transferred to other districts.
[2] Many pupils transferred to this district from other districts.

NOTE.—This table is to be used in the Seventeenth Biennial Report of the State Superintendent of Public Instruction to be issued Dec. 1, 1938.

EXHIBIT 20

Texas

	1883–84		1889–90		1900–1901		1910–11		1920–21		1930–31		1935–36	
	White	Colored	White	Colored	White	Colored	White	Colored	White	Colored	White	Colored	White	Colored
Scholastic population	203,176	71,474	379,879	108,763	547,479	159,067	756,770	192,236	1,054,550	243,441	1,314,442	254,537	1,313,694	245,161
Number enrolled	179,002	54,719	261,381	93,054	518,202	136,565	726,246	163,115	957,146	202,773	1,095,350	214,396	1,140,200	224,427
Number of schools	5,457	1,774	6,823	2,242	8,505	2,604	9,382	2,286	9,089	2,310	9,985	2,350	5,929	1,598
Number of colleges	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]
Number of teachers	5,858	1,729	7,623	2,260	12,247	3,127	18,062	3,215	23,713	3,719	40,182	5,429	4,159	5,967
Salaries paid	[2]	[2]	$1,519,980	$395,104	$3,439,189	$714,081	$6,979,602	$517,650	$26,547,820	$2,675,840	$45,700,497	$3,703,120	$42,867,840	$3,602,412

[1] Do not have the information, but they are increasing and are improving (consolidating gradually).
[2] Not available.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a joint resolution (H. J. Res. 591) making appropriations for the control of outbreaks of insect pests, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 591) making appropriations for the control of outbreaks of insect pests was read twice by its title and referred to the Committee on Appropriations.

EXEMPTION OF PROPERTY BELONGING TO THE SOCIETY OF THE CINCINNATI

Mr. OVERTON. Mr. President, will my colleague yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. OVERTON. In view of the fact that there is on the calendar a bill, order of business No. 1426, being House bill 9024, to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia, which was passed by the House of Representatives without opposition; a similar bill, introduced in the Senate by the junior Senator from Rhode Island [Mr. GREEN], having been unanimously reported through me by the Senate Committee on the District of Columbia, will not the Senator ask unanimous consent that he may yield, without prejudice to his rights, so that the Senate may proceed to the consideration of this bill on the calendar?

Mr. ELLENDER. I ask unanimous consent that I may yield, without losing my right to the floor, so that the Senate may take action on the bill referred to.

Mr. MINTON. Mr. President, what is the bill?

Mr. OVERTON. It is a bill to exempt from taxation certain property of the Society of the Cincinnati, property located in the city of Washington. It is property which is to be transferred to the Society of the Cincinnati to be used as a national museum, in which are to be placed historic records and relics, especially relating to the Revolutionary War. It is to be presented to the society by Mrs. Larz Anderson, widow of Larz Anderson, who was Ambassador to Japan and Ambassador to Belgium. It is a magnificent home, splendidly suited to the purpose, and it is to serve as a national shrine, open to the public, and to be used to preserve valuable historic records.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana for the present consideration of the bill?

There being no objection, the bill (H. R. 9024) to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2615, of similar title and import, is indefinitely postponed.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, will the Senator from Louisiana yield in order that we may suspend hostilities at this time, hold a short executive session, and then take a recess until tomorrow, under the same conditions which have heretofore prevailed?

Mr. ELLENDER. I yield with the understanding that I shall not lose my right to the floor, and that I may resume the floor tomorrow. Under those conditions, I yield.

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. HERRING in the chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the nominations on the calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until tomorrow, Thursday, February 17, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16 (legislative day of January 5), 1938

POSTMASTERS

GEORGIA

Dan L. Gibson, Albany.
John Orville Goodson, Chickamauga.
Oliver F. Deen, Douglas.
George W. Cornwell, Monticello.
Dewey G. Burnette, Rockmart.
Roy D. Smith, Tennille.
Jeremiah J. Walker, Jr., West Point.

IDAHO

Fay W. Sheesley, Hansen.

INDIANA

Edward A. Hemphill, Cannelton.

IOWA

Grover Hamilton, Leon.
Logan B. Urice, Vinton.

OHIO

Harry D. Arnold, Leetonia.
Marjorie Marie Harrison, Malta.
Harry E. Miller, New Concord.
Anna Mary Tesi, Yorkville.

TENNESSEE

Hollis M. Caldwell, Lookout Mountain.
Ethel H. Stanfield, Signal Mountain.
Phil W. Campbell, Tiptonville.

TEXAS

James Thomas Coleman, Livingston.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 16, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Guide us, O God of our salvation, for the glory of Thy name's sake. "The Lord is my shepherd, I shall not want." We thank Thee, our Heavenly Father, that Thou art our shepherd God. Our souls are made strong by simple trust in Thy everlasting goodness. All power, all tenderness are interwoven in the blessed assurance which Thou dost impart. Be with us; Thine arm make bare; Thy righteous will be done. We pray that we may be helped by the inflows of fresh, new strength. Let Thy spirit burn deep and clean in all hearts. By giving Thee, O Christ, Thy rightful place in our thought and purpose, our examples shall be an inspiration and our leadership wise. We praise Thee that this world is our Father's house. Do Thou bid all anxious fears and cares subside and be Thou our strength and shield. In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 32. Concurrent resolution authorizing the Committee on Ways and Means of the House of Representatives to have printed for its use additional copies of the hearings on the bill for the "Revision of the Revenue Laws, 1938."

EXTENSION OF REMARKS

Mr. McGRATH. Mr. Speaker, I ask unanimous consent to insert in the RECORD the debate between the Honorable ED. V. IZAC, of California, and the Honorable MAURY MAVERICK, of Texas, over the National Broadcasting System from the Town Hall, New York, on the evening of February 10, 1938, with introduction by the moderator, Mr. George V. Denny, Jr.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address which I delivered at Knoxville, Tenn., on Saturday last, on the occasion of the Lincoln Day dinner.

The SPEAKER. Is there objection?

There was no objection.

GREAT LAKES WATER LEVELS

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANDREWS. Mr. Speaker, recently, partially because of a proposed additional water diversion at Chicago and a suggestion made by the Prime Minister of Ontario, considerable attention has been directed to the question of Great Lakes water levels. At Niagara Falls, as a result of fall-ins in the American and Canadian crests during the last 2 or 3 years, and because of an immense ice jam this winter which resulted in a catastrophe, more attention has been focused on proposed remedial works for the preservation of these waterfalls and the effect on the flow in the Niagara River of the general Great Lakes water levels. In this connection I am in receipt this morning of an interesting statement from Prime Minister Hepburn, of Ontario, and I ask unanimous consent that it may be inserted in the RECORD at this point.

The SPEAKER. Is there objection?

There was no objection.

The matter referred to is as follows:

ONTARIO,
THE PRIME MINISTER AND PRESIDENT OF THE COUNCIL,
Toronto, February 12, 1938.

Mr. W. G. ANDREWS,
Member of the Congress of the United States,
House of Representatives, Washington, D. C.

DEAR MR. ANDREWS: Upon receipt of your letter of January 14 I conferred with the Honorable T. B. McQuesten, minister of highways, and chairman of the Niagara Park Commission, who is most anxious that you should attend a meeting of the commission some time in the future, at Niagara Falls, in order that a further discussion on the proposed Niagara works can take place.

I have followed with great interest the debate now being carried on with respect to the Chicago Drainage Canal. I was particularly impressed with the statement of Governor Lehman, of New York, in which he said, "The present diversion is causing millions of dollars of damage to the commerce and industries of New York State." This brings to my mind the discussion we had with regard to Ontario's proposal to divert certain waters into the Great Lakes system. In order to refresh your mind may I briefly outline our

proposals. The first mentioned involves the diversion of what is known as Long Lac into Lake Superior, with the hope that an additional 1,200 cubic feet per second can be added to the Great Lakes system.

The Ogoki River diversion is a somewhat larger project. This river is one of the two principal tributaries to the Albany. By constructing certain dams our engineers advise that we can raise the water some 35 feet, which would divert the entire flow southward through Lake Nipigon and into Lake Superior. Approximately 4,000 cubic feet per second would thus be added to the Great Lakes system, which undoubtedly would be of substantial benefit to navigation. While I do not wish to be drawn into the controversy regarding the Chicago Drainage Canal, I am satisfied that the proposal to divert the waters will not result in the waters having to find their way into Lake Michigan and pouring down the Chicago Drainage Canal. The latter channel is situated on Lake Michigan and the flow of water is not from the Great Lakes system into Lake Michigan, but from Lake Michigan into the Great Lakes. There are no outlets from Lake Michigan except the Strait of Mackinac and through it into Lake Huron, except for the Chicago Drainage Canal's withdrawal, which at present amounts to 5,000 cubic feet per second. Lake Michigan adds to the general system the entire capacity of its drainage area.

The immediate advantage to Ontario would be to open up the great timber areas now inaccessible and to provide water power at points where the increasing demand is putting us in a position where we will not be able to supply the natural needs by it is estimated 1940. The main obstacle at the moment appears to be that we cannot separate the problem of diverting Ontario's waters into the Great Lakes system from the general scheme known as the St. Lawrence waterways.

In view of the tremendous economic advantage the Province would receive, for the reasons referred to, the Government is willing to forego any discussion regarding further diversion at Niagara, or the St. Lawrence scheme, should some exchange of notes between Washington and Ottawa permit Ontario to carry out the schemes referred to. The cost of the Long Lac diversion is estimated at $1,340,000, and the preliminary estimates for the Ogoki indicate the cost will be in the neighborhood of $3,250,000. At the present time work is already under way with respect to the Long Lac diversion, but due to international complications it is not our intention to have a continuous flow of water, only diverting sufficient to transport pulpwood for the open-season months, during which time river operations are carried on. During the remainder of the year no water will be carried through the canal.

In view of your tremendous interest in the Great Lakes problems, as indicated by the conversation we had some while ago, I am sure you will render any support possible in order to bring about a settlement of this complicated problem. I have had further reports from our departments of game and fisheries and health, and it appears that if we can increase the flow of water through the Detroit and Niagara Rivers to the extent of 5,200 cubic feet per second, it will assist materially the problem of river pollution. Another added advantage would be to increase the flow over the falls at Niagara, which, in the opinion of some engineers, would prevent a repetition of the terrible disaster which occurred there a few weeks ago, resulting in the loss of the International Bridge and damages to our Ontario power plant, the extent of which cannot be estimated at the present time. It is quite obvious that by diverting so much water above the Falls we are not leaving sufficient flow to take care of certain ice conditions. I wish, however, to reaffirm our position regarding the ultimate effect of the waters proposed to be diverted under the schemes referred to. At the present time, having settled with the Quebec power companies, we have now available sufficient power reserves to take care of our ordinary requirements for another 10 years, and there is little or no likelihood that the question of further diversion at Niagara will be considered. However, on checking the files in our departments, I find that the St. Lawrence Deep Waterway Treaty signed at Washington on July 18, 1932, but not ratified, contained a provision for the retention for the benefit of Canada of any water diverted into the Great Lakes system, for I quote paragraph (d) of article VIII in the treaty, which reads as follows:

"The high contracting parties, recognizing their common interest in the preservation of the levels of the Great Lakes system, agree that, in the event of diversions being made into the Great Lakes system from watershed lying wholly within the borders of either country, the exclusive rights to the use of waters equivalent in quantity to any waters so diverted shall, notwithstanding the provisions of article IV (a), be vested in the country diverting such waters, and the quantity of water so diverted shall be at all times available to that country for use for power below the point of diversion, so long as it constitutes a part of boundary waters."

I am pleased to note by your letter that the President was sufficiently interested to discuss the Niagara problem with you personally. In our country we have untold millions invested in our railway systems which today are operating at a loss of approximately $1,000,000 per week. Being thus involved, it does not seem economically sound to create another avenue of transportation when we are losing in the manner referred to, nor is there any need for further power development, inasmuch as we have a tremendous surplus and are seeking at this moment the right to export to the United States. I do hope, however, that the President can see his way clear to separate the proposed St. Lawrence waterways scheme from other problems which have to do wholly with the waters above Niagara.

Our legislature meets on the 23d of this month, after which time Mr. McQuesten will be pretty well tied up in Toronto. Please let me know if you intend to be at your home sometime in the near future. I shall then arrange for you to see Mr. McQuesten, and, if possible, I will sit in at the conference myself.

With kindest regards, I am,

Yours sincerely,

M. F. HEPBURN.

Mr. ANDREWS. Mr. Speaker, I am of the opinion that Premier Hepburn's thoughts and suggestions commend themselves to the serious consideration of Members of Congress, who are concerned, together with the Secretary of State, Mr. Hull, and the President. May I say further that following a conversation with the President within the past month, he indicated that he would investigate the possibility of remedial works being undertaken at Niagara under a working agreement with the Canadian Government, his suggestion being that negotiation of a treaty would not be necessary for this purpose and that no legislation by the Congress would be required. The letter from Prime Minister Hepburn on this important question is being brought to the attention of the President today, and I, like many thousands of citizens in the Niagara area on both sides, am hopeful that the President will soon announce the necessary negotiations.

CONTROL OF OUTBREAKS OF INSECT PESTS

Mr. CANNON of Missouri. Mr. Speaker, by direction of the Committee on Appropriations, I ask unanimous consent for the present consideration of House Joint Resolution 591, making appropriations for the control of outbreaks of insect pests, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That for carrying out the purposes of and for expenditures authorized under the public resolution entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs," approved April 6, 1937 (50 Stat. 57), there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000,000, to be immediately available and to remain available until June 30, 1939: *Provided*, That, in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for control of grasshoppers, Mormon crickets, or chinch bugs in any State until such State has provided the organization or materials and supplies necessary for cooperation: *Provided further*, That this appropriation shall be expended under the personal supervision and direction of the Secretary of Agriculture, who shall make a detailed report to the Secretary of the Senate and the Clerk of the House of Representatives of the several items of expenditure made hereunder: *Provided further*, That transportation of control materials purchased under this appropriation shall be under conditions and means determined by the Secretary of Agriculture as most advantageous to the Federal Government: *Provided further*, That procurements under this appropriation may be made by open-market purchases notwithstanding the provisions of section 3709 of the Revised Statutes of the United States (41 U. S. C. 5).

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. TABER. Mr. Speaker, I think the gentleman ought to explain the resolution a little bit.

Mr. CANNON of Missouri. Mr. Speaker, this is the routine bill which has been offered from year to year, and differs in no respect from the usual legislation of this character except in amount. It is presented at this time because operations under the resolution must begin within the next few weeks in order to be effective.

If we wait to present it as a part of the regular agricultural appropriation bill, it would not be available until too late in the spring to be of much use. The testimony before our committee in support of the Budget estimate was that this money should be available not later than the 1st of March, and for that reason we have asked for special consideration at this time.

This joint resolution appropriates $2,000,000, which with the $650,000 remaining in the unexpended balance from last year will provide a total of $2,650,000, a larger amount than has ever been appropriated for the purpose in any previous year.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the minority leader.

Mr. SNELL. What has been the experience with respect to these other appropriations of a similar nature which we have made for this purpose?

Mr. CANNON of Missouri. They have been very successful. The testimony before our committee was that the expenditure last year of $1,350,000 probably saved $100,000,000 worth of farm crops at a time and in a locality where they are desperately needed.

Mr. SNELL. And the gentleman thinks this will be in time so that it will be effective?

Mr. CANNON of Missouri. The season in the southern areas affected opens the latter part of next month, and if we can make funds available in order to permit purchase and transportation of material to distributing centers by the first of the month, there should be ample time to do everything that can be done to make the campaign effective.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New York.

Mr. TABER. There is a Budget estimate for this, is there not?

Mr. CANNON of Missouri. The Budget estimate is for the amount of the bill. It accompanies the other estimates for the agricultural appropriation bill, but after holding hearings on the item the subcommittee on the agricultural bill found it would be necessary to make the money asked by the Budget available at once, and asked the subcommittee on deficiencies to expedite it.

Mr. TABER. And while it has been considered by the regular subcommittee on the agricultural appropriations, this item will not appear in the regular agricultural bill?

Mr. CANNON of Missouri. Oh, no. If this resolution is enacted no appropriation for the purpose will be carried in the regular agricultural bill.

Mr. TABER. Because if they are going to use it at all they have to use it right away rather than after the first of July.

Mr. CANNON of Missouri. Unless it is available by the 1st of March in order to anticipate the hatching season in the Southern States it will not be of much use.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

LEAVE OF ABSENCE

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SCOTT. Mr. Speaker, I wish to announce the illness of my colleague from California, Mr. COLDEN, and to ask permission that he may have leave of absence for a week to undergo a general physical check-up and recuperation. At the same time I wish to announce that this is the first time since the gentleman from California [Mr. COLDEN] has been a Member of Congress that he has missed a session of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SUPPLEMENTAL RELIEF APPROPRIATION

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 596, making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H. J. Res. 596) making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938, with Mr. WALTER in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Chairman, the title of this resolution might very well be changed to read "For the relief of the worthiest class of wage earners in America." The need for the additional relief provided in this resolution is the direct and immediate result of the discharge of workmen in the industrial centers of the Nation and the additional funds are principally for the reemployment of men who through their industry and frugality and their determination to be self-supporting have refused relief while millions of their neighbors have been carried on relief rolls. If any class in the country today is entitled to consideration and an opportunity for reemployment, it is these workers who have made every effort to maintain themselves and who have been unexpectedly thrown out of employment through no fault of their own. There is an old proverb to the effect that the Lord helps those who help themselves. Certainly the Government should give especial attention to those who have helped themselves up to this time and will continue to help themselves as soon as production is resumed and private industry again affords opportunity for employment.

Mr. Chairman, as unfortunate and unforeseen as is the closing down of key industries, which has brought about the necessity for this resolution, there is, nevertheless, occasion for encouragement in the relief situation as a whole. In the first place, the efficiency with which the work has been administered and these funds expended is a matter of gratification to every American citizen. In the disbursement of billions of dollars and the employment of millions of people almost overnight in every corner of the Nation there has been no instance of misappropriation or culpable mismanagement on the part of any office of the Administration. Both the letter and the spirit of the law have been complied with in every respect.

In the second place, even with the additional quarter of a million dollars provided by this resolution the amount expended for relief during the current year is far below that of the preceding year. Last year total expenditures for relief were approximately two and a quarter billion dollars. This year, including the pending appropriation, total expenditures will aggregate only one and three-quarter billion dollars, a drop in the relief load of something like half a billion dollars. So, notwithstanding this unexpected need for additional money, the situation is progressively better.

As a matter of fact, up to the first of this month there was every reason to believe that the appropriation of one and a half billion dollars would be ample to take care of all needs, and only the sudden reduction in employment, principally in the large industrial centers, within the last few weeks renders it necessary to supplement the original appropriation.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Mississippi.

Mr. COLMER. Will the gentleman tell us whether there is anything to the newspaper reports that this additional money is necessary because of the unemployment in the automobile centers especially; in other words, will this money be expended over the country as a whole upon the basis of need, or will it be confined to one particular section, as is indicated by the press?

Mr. CANNON of Missouri. The evidence before our committee was that, while the need is most acute in the great manufacturing centers, and especially in the automobile industry, the need of employment generally is Nation-wide.

Mr. COLMER. Will it be so expended?

Mr. CANNON of Missouri. The pending resolution makes no change in the program. It merely increases the money available, and relief, as heretofore, will be provided wherever needed.

However, it is interesting to note that in these great industrial centers to which the gentleman refers the apostles of the so-called doctrine of plenty were most voluble in their

criticism of what they termed "the doctrine of scarcity" when the farmers of the Nation practiced the same production control they are practicing today.

They were severest in their criticism of farmers who refused to produce hogs and cotton at a loss when, as they said, there were families ill-fed and ill-clad in sight of their plants. And yet they are themselves today plowing under every third automobile and controlling and reducing the production of trucks and tractors when there is hardly a farm family in the land which is not ill-automobiled and ill-tractored.

Now, we have no objection to their controlling production and discontinuing the manufacture of their products if they think their interest demands it. They are entirely within their rights. But let them take the beam out of their own eye before they propose to take the mote out of the farmer's eye. And let them consider that while the farmer, in refusing to produce at less than cost, is affecting only his own labor, they in curtailing production are dismissing thousands of deserving wage earners and bringing about a national crisis requiring just such emergency action as we have under consideration here today.

Mr. Chairman, there is universal agreement as to the necessity for this increased appropriation. Apparently there is little difference of opinion as to the need for relief and the purpose to continue this great humanitarian program. The only issue that might be raised, Mr. Chairman, is the question of the size of the appropriation. There has been some suggestion that the amount ought to be increased, but our committee went into this matter rather exhaustively. We were told by the representatives of the Relief Administration that the amount here provided—$250,000,000—will be ample to take care of all needs and provide employment in both the industrial and the agricultural sections from now until the end of the fiscal year.

To provide less would be to fail in our duty; to provide more would be to permit waste at a time when we should practice strictest national economy. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I hope my few remarks this afternoon will be received pleasantly. As a text I will hold this picture up to the view of the Members of the House. The creator, Mr. Berryman, often presents cartoons that speak louder than words.

This is the Depression Beach. Many of you may have seen it. Mr. Roosevelt has landed on Depression Beach beside Mr. Hoover. Mr. Hoover looks with amusement at him and says, "Well, see who's here." I think the two might then have carried on a conversation something like this, if I be allowed to imagine what probably would be in their respective minds.

"Mr. HOOVER. Well, Mr. Roosevelt, how did you happen to get here?

"Mr. ROOSEVELT. I planned it that way.

"Mr. HOOVER. What did you say about me in that Sioux City speech in 1932?

"Mr. ROOSEVELT. I practically said you were putting the country into bankruptcy, that you had a tremendous deficit of about $3,000,000,000.

"Mr. HOOVER. Yes; but did I not have $2,000,000,000 of recoverable? Have you not recovered it and spent it?

"Mr. ROOSEVELT. Yes; I suppose I'll have to admit that.

"Mr. HOOVER. How much deficit have you now?

"Mr. ROOSEVELT. I have a deficit of about $15,000,000,000 and a contingent debt of perhaps $6,000,000,000.

"Mr. HOOVER. How about the rape of the gold, by which you made a tremendous profit?

"Mr. ROOSEVELT. We did indeed make a handsome profit.

"Mr. HOOVER. You have to account for that, also?

"Mr. ROOSEVELT. Oh, yes.

"Mr. HOOVER. Now, after having spent $15,000,000,000 and having a contingent debt of $6,000,000,000, how much in recoverables have you now?

"Mr. ROOSEVELT. Well, I thought we had $6,000,000,000. That is what I told the country. But I find now we have only about two and one-half billion dollars.

"Mr. HOOVER. I believe I was once called as efficient a President as the country ever had. I think if I could have had that $15,000,000,000, and if I could have thrown the Government completely behind so many activities by guaranteeing all losses of those many corporations you set up, I hardly think I should be found on Depression Beach today.

"Mr. ROOSEVELT. But, Mr. Hoover, you must consider these expenditures were made by me for the more abundant life.

"Mr. HOOVER. Yes; but have they got it?

"Mr. ROOSEVELT. We have helped a lot of people, and we have whetted the appetites of a lot more.

"Mr. HOOVER. Is that the more abundant life?

"Mr. ROOSEVELT. Yes.

"Mr. HOOVER. What are your plans, Mr. Roosevelt, for the future?

"Mr. ROOSEVELT. Well, we have not any plans just at present. We are not yet calling out the firemen. We are merely calling another conference. We are working on a 24-hour day plan now. We do not know just where we are going. My present Cabinet members are really of little help to me, and I am still largely surrounded by the same theorists whose crazy ideas landed me here."

The smile on Mr. Hoover's face would indicate that perhaps after all there is a little self-satisfaction in part compensating for the abuse which has been heaped upon him.

Mr. Chairman, we have a bill here calling for an appropriation of $250,000,000 to be spent in exactly the same way that was outlined in the bill passed last year. This provides for more W. P. A. made work.

Mr. Hopkins himself has told you that only about 69 cents out of the dollar reaches the hands of the reliefer. I have heretofore stated that other experts estimate that only 61 cents out of the dollar reaches the hands of the reliefer.

I shall vote for this relief measure, as I have voted for them all despite the waste and extravagance of this, the only President I have. If he cannot spend it wisely, what can I do about it? I know that relief is essential. It is useless to comment further at the moment as to why relief is necessary; yet I want to picture to you a stone wall being built from city to city, miles of it, with several hundred people in the snow and in the cold, wearing overcoats, working in the mud, numbering among them many white-collar men who are totally unfit to be there at all but who cannot get W. P. A. money unless they put in their 3 days a week on this particular job, given them, we are told, to "save their self-respect." This sort of thing is what you call W. P. A. relief, work relief. Building stone walls on land that may not be worth a dollar an acre.

Then, read this propaganda document entitled "Report of the progress of the works program." I have not the time to quote from it. If you will study it, you will have a real headache before you are through. Read the rosy propaganda statements in the first part of it, and then try to ferret out the allocations that were made and the specific projects, so many of them having no value of a permanent nature, although, of course, much of the funds was allocated for worth-while things, such as schoolhouses, waterworks, and the like. However, when you build school houses and water plants not 25 percent of that money gets into the so-called reliefer's pocket. It is part of the "recovery act." Many of the municipalities which could issue bonds without difficulty, such as bonds that the Reconstruction Finance Corporation could have immediately marketed, even at a profit, were the ones largely benefited. I greatly desire that this $250,000,000 get directly into the pockets of the needy.

The President has made the challenge that no legislator would dare suggest direct relief, and stated that relief should be only made-work relief. Although I did not have time to read it, I presented on the floor of the House a large majority vote of the selectmen in the State of Massachusetts, by which they condemned W. P. A. in the strongest terms. These are the men who handle W. P. A. relief. They

know much more about it than we do. I want to read to you a portion of the argument which was said to be the most persuasive made before that body on that day:

When in 1933 the Federal Government put itself in the welfare and relief business by instituting its C. W. A. program, experienced selectmen all over Massachusetts looked with apprehension on this "noble experiment." Our worst fears have been justified. W. P. A., gentlemen, is a sugar-coated, candy-covered poison. It looks good. The first taste is good. But the result is disastrous. No such painful paradox as W. P. A. and its kindred was ever foisted on the American people. Under the guise of work relief, apparently in itself a worthy program, either intentionally or unintentionally, a tremendous political machine has been built up, countless executives at high salaries have been hired, while the man for whom the program was primarily designed has worked at far less than subsistence wages; countless workmen have been hopelessly spoiled by the inefficiency of this type of work; millions of people, previously self-respecting and honest, have been taught to seek relief and live improvidently during periods of employment; millions have been led to depend upon the supposedly inexhaustible resources of Government to care for them through any and all emergencies; and in 4 years through this and similar programs our national debt has mounted to the point of approximately $300 for every man, woman, and child in our country.

We all well know that as soon as we oppose the W. P. A. openly we are going to be accused of biting the hand that feeds us, of saying one thing and doing another. But no matter how heartily we may disapprove of W. P. A. and its methods, we must in justice to the taxpayers of our towns fight for our share of the money spent. If our Congress and President see fit to throw the taxpayers' money into the street, we must scramble for it with the crowd and salvage what we can. It will be pointed out that countless people have been benefited and saved from complete discouragement by the W. P. A., but you and I know only too well that for every person so saved there have been a half-dozen completely ruined and demoralized. It is going to be many years before the influence of W. P. A. can be removed from the minds of our welfare people and the resulting tax burden removed from the shoulders of the taxpayer.

I may say that the entire address appears in the CONGRESSIONAL RECORD of January 24. I commend it to you for your serious consideration.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. STARNES].

Mr. STARNES. Mr. Chairman, this bill carries an appropriation of $250,000,000 for the relief of suffering in this country and for the purpose of giving work to the unemployed. Two equations are involved, the human equation, or the care and preservation of human life and human welfare, and the equation of finance, with the budgetary problems involved.

This Government of ours for the past 5 years, rightly or wrongly, has embarked upon a course of expending money for relief and for the benefit of the unemployed. Under this program, unquestionably, we have been able to bring about a measurable degree of recovery in this country. We have carried on for a period of years a program of public works unexcelled anywhere in the world. Most of this money has been well and wisely spent. Under this program we have provided for the C. C. C., with its work of conservation of natural resources and human resources. We have made possible the training and education of hundreds of thousands of worthy and deserving young men and women in this country. Under the same program, we have improved sanitary conditions by the construction of water works systems and sewer systems. We have provided for a system of farm-to-market roads, and other worthwhile projects.

On the other hand, we have failed, in my humble judgment, to reach the root of the problem, the solution of unemployment in this country. It must be borne in mind that while we have prevented men, women, and children from starving, and while we have given employment to the unemployed, at the same time we have done it at the expense of the credit of our Government. More than $16,000,000,000 has been expended during the past 5 years in this program, and practically every dollar of this expenditure has been borrowed money. Yet we still have the problem of unemployment and relief. The appropriation of huge sums of Federal funds is not a solution. It merely alleviates an acute economic ill temporarily.

The time must come when we must determine what our policy or what our philosophy is going to be as a Government with reference to relief and unemployment. I for one am not ready to subscribe to the doctrine that it is the function of the Federal Government to provide permanent employment for the unemployed of this country. I believe this is the function of private industry, private initiative, and private capital. I do say it is the duty of this Government to see that its citizens do not starve and to provide them an opportunity to work. I am opposed to the philosophy expressed in some quarters that this Government should expend from $2,000,000,000 to $5,000,000,000 annually on a public-works program to provide employment. I believe this is impossible of attainment without the destruction of the faith and the credit of this Nation. It is impossible to finance such a program unless we are willing to embark upon a program of taxation unparalleled and undreamed of. It will be necessary not only to raise existing taxes but to find additional sources of taxation. We would even have to resort to a Federal sales tax to carry on such a public-works program permanently.

Therefore I think the time has come when we must offer some suggestion looking to a permanent solution of this vexing problem of relief and unemployment. We are called upon to appropriate this money without knowing how many are actually unemployed; whether or not the people who are in need of relief are employable or the cause of the unemployment.

These are problems we have not delved into sufficiently, and I reiterate that I believe it is necessary for the Congress itself to initiate a genuine census of the unemployed in this country before we embark upon a program of spending additional billions of dollars. I believe this census of the unemployed should be accurate and should be done under the auspices of the Bureau of the Census and not under the Works Progress Administration which is interested in perpetuating the problem rather than in its solution. The census of the unemployed which we had the past year was a mere case of shadow boxing. It did not reveal all the facts relating to unemployment; and when the number was shown to be less than the Works Progress Administration thought it should be, there was criticism and explanation.

What the Congress and the country is entitled to is accurate information as to how many are unemployed, whether or not those who are on relief are employable, whether they are beyond 65 years of age, and whether or not they come within the purview of the Social Security Act, and also, what are the causes of their unemployment.

There is another point this census should ascertain and that is the question of how many who are on the relief rolls at the expense of the American taxpayer are people of foreign birth. Unquestionably there are hundreds of thousands of unfortunate aliens in this country who have been on the relief rolls for a period of 5 years or more. After an alien has been on the relief rolls for at least 6 months or 12 months, I think the American taxing public has discharged its role of good neighbor, and if they are to remain permanently on the relief rolls as public charges I believe they should be sent back to their own countries and let their own countries contribute to the solution of the problem of unemployment so far as they are concerned. In other words, if the Federal Government is to play the role of Santa Claus, let us play that role to our own citizens.

In my humble judgment, we have spent from $1,000,000,000 to a billion and a half dollars giving relief or employment to foreign-born people in this country who have refused to assume any obligations to this Nation of ours. This condition should end.

Now, as to the type of employment for which these funds should be used in the future—and I now refer to funds to be appropriated for 1939—I suggest this money should be spent on projects which have a lasting social and economic value.

I would place first upon this list the construction of roads, Federal highway systems, State highway systems, and farm-to-market roads to facilitate social intercourse and trade among our own people.

We should spend additional money for flood control in order to relieve flood conditions throughout this country and

to provide a degree of safety to the people and their property who live in the river valleys throughout this broad land of ours. More than one billion and a half dollars of property was lost by reason of floods alone in 1937. We have a plan drafted by the Army engineers and authorized by the Congress which will bring a measurable degree of flood control in this country if we will provide the money, and we can spend this money and utilize the people on relief rolls to carry out the program.

I think we should set aside relief funds for the Civilian Conservation Corps. When we vote additional funds later in the year for 1939 a considerable amount of the funds should be earmarked to provide training for the young manhood of America in Civilian Conservation camps. In these camps we teach the youth of the country the value of conserving our forests and our soil. We give them instruction in vocational training and citizenship. We teach them to become self-sustaining units in society.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. STARNES. Mr. Chairman, I suggested a moment ago the necessity of taking care of the youth of this country. That can be done by providing money to worthy young men and women under the National Youth Administration in order to complete their educational training in the high schools and colleges. The farmers of this country are entitled to the benefits of rural electrification, socially and economically, and the funds in the future to be expended under this program should provide an amount for the construction of rural electrification lines to carry this commodity to the farmers of America. Finally, a sound public works program, involving the construction of sanitary systems, waterworks, public buildings, and recreational facilities, should be carried on.

As to how this problem shall be dealt with administratively and financially until we can get these people off the Federal pay rolls and back into the arms of State and local communities, I suggest the Federal Government should make grants in aid to the States and require the States to match dollar for dollar every penny spent on the work relief program in this country hereafter. [Applause.] I think there should be State administration of this program under Federal supervision. I say this because of the fact that there is no uniform system of dealing with this problem throughout the country. The greatest demands we have for relief in the United States come from those sections of the country where the greatest wealth lies, or at least where the greatest wealth is accumulated. The demand comes from the so-called high-income areas in this country, and those same areas contribute less as sponsors of a project for the carrying on of this program than you will find the national average to be.

I think it is highly unfair that one sponsor should be required to put up 20 or 25 or 40 percent of a project, and another sponsor put up five-tenths of 1 percent of the project. Some States require to put up only 7.2 percent as the sponsor of a project and another State may be required to put up 25 percent. I have a sneaking suspicion, because the Federal Government carries the greater share of the load financially, there has been a concerted effort by local and State officials to place more men and women on the relief rolls in order to obtain additional projects within a congressional district or within the confines of a State. The reason I favor the grant-in-aid to States and a requirement of matching the Federal funds by the States equally is that if the taxpayers of a State must pay the taxes, and the State authorities must ask the citizens of a State to vote increased taxes, there will be no encouragement on the part of mayors and Governors to place additional men and women on relief rolls. Under our dual system of government, I think the States and the local communities should share more equitably in this program.

I have voted for every dollar which has been appropriated for relief since I have become a Member of this body, and I intend to vote for this resolution. I think sufficient showing has been made to warrant us in voting this amount, but I think it is ample. The President of the United States says that it is ample and the Works Progress Administration says that it is ample. I plead with Members who are motivated by free spending and humanitarian ideas not to attempt to override the recommendations of the President and the Works Progress Administration. While providing ample funds for relief of the distressed and unemployed, we must at the same time exercise due regard to the public credit. A destruction of the public credit will bring about untold suffering upon the whole country. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. WIGGLESWORTH. Mr. Chairman, I yield myself 10 minutes, and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WIGGLESWORTH. Mr. Chairman, on Saturday, just after the subcommittee in charge of this resolution concluded its work, a statement was released to the press from the committee indicating that the vote on the resolution in the committee had been on a strictly partisan basis, giving also the individual names of the members of the committee and the vote which each was supposed to have cast.

I did not suppose that any statement would be released, as I had understood the committee meeting was executive in character. I did assume, however, that if any statement was released the facts included in that statement would be accurate. In view of the statement that was released, I want the RECORD to show that as a matter of fact the vote was not cast on partisan lines and that, as far as I am personally concerned, the statement that I voted in opposition to the resolution in committee is without foundation. I did not oppose the resolution in committee and I am not opposing it on the floor here today.

The testimony indicates that fully 3,000,000 individuals have lost their jobs during the last 3 months, that the number of those on the direct relief rolls of the country has increased from 1,300,000 to about 1,800,000. We are confronted by a condition; and lamentable as that condition is, unnecessary as that condition may be, it is there and it must be met. In the light of testimony before the committee, in the light of testimony from other sources, I intend to support this resolution as reported to the House.

That statement does not mean that I am in favor of the method of administering relief under present conditions. I have always opposed that method. I believe that if we are ever going to get relief work on an efficient and economical basis we have got to change the present system. We have got to get back to a system of administration with proper local responsibility.

I agree in large measure with the observations of the gentleman from Alabama [Mr. STARNES] in this connection. I hold in my hand a resolution recently adopted by the Massachusetts Selectmen's Association also endorsing in large measure that same position. I realize that there is little or no opportunity in connection with this resolution, which applies only to the balance of the present fiscal year, to make any headway in this direction. I hope, however, that in connection with the appropriation for the fiscal year 1939 progress, and real progress, in this direction may be made to the end that money raised for relief purposes may be spent to the fullest possible extent for relief and not for other purposes.

Mr. Chairman, the outstanding impression in my mind as a result of the hearings before your subcommittee is the picture of conditions in the country at this time painted by responsible officials of this administration. I want to quote a few of the statements embodied in those hearings.

Here are a few quotations from the testimony of Mr. Aubrey Williams, acting in the absence of Mr. Hopkins as Administrator of the Works Progress Administration:

> Local governments are being pressed to provide funds for the present relief crisis. Local contributions have increased from $409,000,000 in 1933 to $1,013,000,000 in 1937.

Detroit's relief appropriation for the fiscal year ending June 30 already is exhausted. The city is now borrowing for relief purposes in anticipation of next year's revenues.

Philadelphia, which operated at a deficit during recent years, borrowed against this year's revenues to meet some of last year's expenditures. So far the search for additional revenues has been unsuccessful. The city is operating without a current budget.

Buffalo has borrowed to meet relief cost during every recent year. With the sale of additional bonds last month the city very nearly exhausted its bonding leeway.

Available relief funds in Minneapolis are about exhausted and the city, which has borrowed for relief purposes frequently during recent years, already is planning another large bond issue.

Cleveland, because of unexpected heavy relief costs, closed last year with an operating deficit and now is cramped for revenues. Under the tax limitation in Ohio the city's tax rate cannot be increased without the approval of the local electorate.

Seattle, which has accumulated an operating deficit well in excess of its current tax levy, now is unable to cash its general-fund warrants with local banks.

This financial situation makes subetantial increase in local funds out of the question.

There is no part of the country that is not affected in some real degree.

The point has been reached where business cannot meet this situation—only the Federal Government is in a position to do it.

Here are a few quotations from the testimony of the Secretary of the Treasury, Mr. Morgenthau.

He characterizes the present situation as—

one of the most rapid declines in business that has ever been experienced in the history of this country.

I do not mind saying—

He says—

that the situation is most acute.

I consider it a very serious emergency—for the unemployed it could not be worse.

Whether we have reached the bottom of this downturn or not, I do not know, and I do not think anybody else knows.

I do not believe that anybody can come up here and tell you that this condition will become better within the next 6 months or that it will not.

This, Mr. Chairman, is the situation today painted by responsible officials of this administration after 5 years of planning under the New Deal. This is the situation after the expenditure of some $40,000,000,000 by the New Deal in the space of 5 years, an expenditure unparalleled in the history of the Nation. Eleven million Americans are walking the streets today without employment. Five million more are on a part-time basis. Four million families are on the relief rolls of the Nation. America today stands number 13 on the list of the nations of the world in terms of reemployment.

How much further evidence is necessary to demonstrate the impracticability and dangers inherent in policies of the present administration? How much further must we go before we realize that it is impossible to provide jobs except through a revival of legitimate enterprise throughout the Nation? How much longer must we wait before we appreciate that that revival is impossible in the face of Government competition, regimentation, unfair taxation, and a fiscal policy which may well prove to be suicidal?

What America needs, Mr. Chairman, is permanent jobs and not permanent relief. [Applause.]

Mr. SNELL. Mr. Chairman, will the gentleman yield for one question?

Mr. WIGGLESWORTH. I yield.

Mr. SNELL. Did these representatives of the administration give the gentleman any information to lead him to believe that at any time in the near future there would be a reduction of the relief rolls?

Mr. WIGGLESWORTH. They said it was perfectly impossible to predict what was going to happen; that in their judgment no one could say that the situation would be any better before the end of the fiscal year, 4 months hence; and that they would have to cross the bridge thereafter when they got to it.

Mr. SNELL. I am very much more disturbed about what is coming to us in the future than I am about this immediate appropriation of $250,000,000 that we are considering today.

Mr. WIGGLESWORTH. I agree with the gentleman entirely. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield to the gentleman from Texas [Mr. LANHAM] 10 minutes.

Mr. LANHAM. Mr. Chairman, I have requested this time in order to call attention to an amendment which I propose to offer to the pending measure and one which in my judgment should by all means be adopted. I offered a somewhat similar amendment to the last relief bill which came before us.

Mr. Chairman, I know of no country in Europe which extends its bounty to needy Americans. It is very difficult indeed for an American to get private employment in any European country, and I do not see that there is any obligation upon us to continue taxing the American people for the relief of those who are not proper objects of our bounty. [Applause.]

I shall read to you the amendment which I shall offer, and discuss it briefly:

Provided, however, That no part of this appropriation shall be paid to any alien unless such alien has heretofore in good faith declared in the manner prescribed by law an intention to become a citizen or unless such alien has resided continuously and lived honorably in the United States since January 1, 1928, and is ineligible under the laws of the United States to become a citizen.

Mr. Chairman, the aliens who have come into this country in recent years have had to give satisfactory assurances that they would not become public charges; consequently, there is no reason why we should tax American taxpayers to take care of them. Those who have been here and who have declared in good faith and in the manner prescribed by law an intention to become citizens of the United States are likely proper objects of our bounty for relief, so they are excluded from the operation of this amendment and would be permitted to receive relief.

The next provision is that this limitation upon the appropriation shall not apply to aliens who have resided continuously and who have lived honorably in the United States since the first of January, 1928, 10 years ago, and who are ineligible under our laws to become citizens. I have in mind the case of a man who lives in my own State, though not in the district I represent. He has not been and will not be an applicant for relief, but he typifies a class relatively small in number that may be. This man had 11 sons who wore our uniform in the World War. Many of these sons did not come back. This man himself is ineligible to become a citizen because he cannot read and write, yet he has the respect and the esteem of all the people in that section of the country where he has lived for many, many years and reared a family of American citizens.

The amendment simply provides that we shall not tax Americans to pay foreigners who either have not declared an intention in good faith to become citizens of this country or who have not lived here honorably for a period of 10 years if ineligible to become citizens.

Mr. SNELL. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from New York.

Mr. SNELL. I thought the gentleman's amendment was adopted the last time we passed this appropriation bill?

Mr. LANHAM. It was defeated on a teller vote by four votes. The vote in the committee, as I recall, was 116 to 112. However, that amendment did not have this second feature which exempts those who have lived here honorably for many years and who are ineligible to become citizens.

Mr. SNELL. If it had been adopted before, it would not be necessary to adopt it again because this is an extension of the other program.

Mr. LANHAM. That is true.

Mr. SNELL. I thought it was adopted.

Mr. LANHAM. It was not adopted before.

Mr. FISH. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from New York.

Mr. FISH. Is the amendment I proposed, which gave preference to American citizens and to veterans, which amendment was adopted, still in effect?

Mr. LANHAM. I so understand.

Mr. FISH. I am not opposing the gentleman's amendment. I want to know the facts.

Mr. LANHAM. I understand that a great deal of relief money is still being paid to aliens. I understand that at one time there were more than 1,000,000 of them on the rolls. Last year when we had this matter up for consideration there were over a half million on the rolls. If the committee can give any information as to how many now receive the bounty of the Government I think it would be most interesting and helpful.

Mr. GIFFORD. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. I would like to make the observation that the aliens in my district are unable to get on the W. P. A. Was that not put in the law we passed last year? An alien is absolutely refused work on the W. P. A.

Mr. LANHAM. There was no provision to insure that in the law last year. The amendment which I offered was defeated.

Mr. STARNES. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Alabama.

Mr. STARNES. An amendment was placed in the act giving preferred employment to American citizens and next to aliens who had declared their intention to become citizens. The amendment forbade any aid to an alien who was illegally in this country. I do not think American taxpayers should continue to be taxed to take care of aliens from foreign shores, many of whom are spreading their spurious propaganda in this country. Not a single one of those foreign countries extends such relief to Americans and many will not even allow them private employment.

Mr. CANNON of Missouri. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Missouri.

Mr. CANNON of Missouri. In what respect does the gentleman's amendment propose to modify the law which is in force at this time? Apparently section 3 of the existing law covers the proposal carried in the gentleman's amendment. It is part of the law and, of course, the pending resolution merely extends all of the provisions of the current law.

Mr. LANHAM. Will the gentleman kindly read the present provision of the law?

Mr. CANNON of Missouri. It provides they—

Shall not knowingly employ on such projects aliens illegally within the limits of the United States or aliens who have not filed declaration of intention to become citizens, and they shall make every reasonable effort consistent with prompt employment of the destitute unemployed to see that such aliens are not employed, and if employed and their status as such alien is disclosed they shall thereupon be discharged.

Mr. LANHAM. May I ask the gentleman this question: If an alien is here legally and has lived here for 25 years in the United States and has not had sufficient interest in our ideals and institutions to become a citizen, why should we tax American citizens for his benefit?

Mr. CANNON of Missouri. That is exactly what I am asking the gentleman. His amendment seems to authorize relief for a class of aliens excluded by the law now on the statute books. As I understood the amendment it admits aliens living in the United States since 1928. The law now in effect excludes such aliens and in addition provides:

Provided, That preference shall be given to American citizens who are in need of relief in employment by the Works Progress Administration and next those aliens who are in need of relief and who have declared their intention to become citizens prior to the enactment of this joint resolution.

Mr. LANHAM. I may say I believe there is a great deal of difference between a provision giving preference to American citizens and a provision which states that no part of the money shall be paid to aliens unless they come within the two classes enumerated.

Mr. NICHOLS. If the gentleman will yield, the word that spoils the present law is the word "knowingly." It states, "They shall not knowingly."

[Here the gavel fell.]

Mr. PACON. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, I shall vote for the $250,000,000 relief measure now before the House because I am thoroughly satisfied in my mind that the additional grant is sorely needed if we are to prevent many from going hungry. Hunger is not a debatable subject.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Briefly.

Mr. SHORT. How much of this money will go to the people who actually need it instead of to the white-collared politicians?

Mr. KNUTSON. That will be on the conscience of those who administer it.

Mr. SHORT. Does the gentleman believe in furnishing your enemy with ammunition to destroy you?

Mr. KNUTSON. If it is necessary to vote two dollars in order to get one into actual relief, I shall do so rather than have anyone go hungry. The President must assume full responsibility for its spending, honestly, fairly, and impartially.

It is estimated that there are 14,000,000 idle men and women in the country who would be glad to work if jobs were to be had.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. Whose fault is it that a great many of those people do not have jobs at the present time?

Mr. KNUTSON. I shall come to that a little later, I will say to the gentleman.

We know that the staggering number of unemployed is daily being increased in all parts of the country because of industry being compelled to curtail production and in many instances to cease operations altogether, due to decreased demand for their products.

Much of this unemployment may be charged to the fact that we have entered into trade agreements with foreign countries that have taken the American market from our farmers and workers and given to foreigners.

It cannot be denied that each time we negotiate a new trade agreement we take bread out of the mouths of thousands of Americans and lower the price of the products of our farms. This lamentable situation will become more and more aggravated with the passing of time, which in turn will necessitate ever-increasing relief appropriations until such a time as the administration comes to the realization that the only way whereby we can restore employment and prosperity is to give to our people the American market which is the best and only cash market in the world.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Michigan.

Mr. WOLCOTT. What would the gentleman say of a situation where it was shown, as the statistical reports of the United States Government show, that 93 percent of the goods produced in the United States are consumed by the American people and that we export not to exceed 7 percent of our production? Does not the gentleman believe we should give a little more thought to the protection of the home market than to the expansion of our foreign markets to the possible prejudice of the home market?

Mr. KNUTSON. If I may use a colloquialism, let me say the whole thing is cockeyed.

I cannot see how any Member of this body can justify a vote against this measure, more especially if he is going to vote for the $800,000,000 extraordinary appropriation for armaments, which the President recommended in a message to this body 2 weeks ago.

I cannot see how any Member of this body can vote against the pending measure if he is going to vote for the $8,000,000,000 transcontinental highway project, which I understand the President has approved, in the face of the crying need for improved farm-to-market roads everywhere in the land. Let us first improve these arteries and wherever possible employ farmers who owe for feed and seed loans, thereby enabling them to liquidate their obligations to the Government. It will be recalled that I advocated this being done more than 3 years ago.

Certainly it is more necessary to our national socurity that the American people be provided with the necessities of life than are additional battleships and more automobile roads.

Mr. Chairman, at this point I desire to call attention to wage inequalities that exist in different relief areas. In some of the larger centers the pay scale is greater than in others. We have a number of such discriminations in Minnesota, altogether due to regulations laid down in Washington. I care not whether the population run into the tens or hundreds of thousands, the cost of living is about the same in each case, therefore the wage scale should be the same. Again, I call this situation to the attention of the Administrator of W. P. A. In simple justice this discrimination should be eliminated.

In the final analysis, the whole proposition is relative and we must place the needs of our people first.

Let me take this opportunity to suggest a program that will end this new depression and put a large majority of our people back to work within 60 days at profitable wages.

The American people do not want charity—they want work.

My program for ending the depression is as follows:

First. Let the President give proper and positive assurance to the country that it is the purpose of the Government to perpetuate our traditional system of private enterprise.

Second. Give the American farmer and laboring man the American market to the extent that he is able to supply it, and take proper steps to give him his fair share of the national income.

Third. Stop all gouging and monopolistic practices where they exist.

Fourth. Cultivate a more free and helpful relationship between capital and labor, with a recognition on the part of both that the public has rights that are paramount and that must be respected.

Fifth. Balance the Budget—national, State, and local—through the practice of thrift and economy and the elimination of needless spending.

Sixth. Restore constitutional government to the American people. This probably should have been placed first.

My friends, I will stake what little I have that if this program were adopted by the Roosevelt administration it would result in putting at least seven and one-half million people back to work within a few months.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Massachusetts.

Mr. TREADWAY. May I ask if the gentleman has not omitted one very important feature, namely, the necessity of restoring the confidence of the people rather than leaving them with a feeling of uncertainty in regard to the tax laws and other important factors.

Mr. KNUTSON. We must not ask too much at one time.

Mr. TREADWAY. Is not this very important?

Mr. KNUTSON. Oh, it is very important; yes.

It is incumbent upon the President and Congress to adopt a policy that will restore confidence and prosperity, thereby obviating the necessity for the future spending of enormous sums for relief. The American people are not beggars and loafers. They want to eat their bread in the sweat of their brow and all they ask is an honest opportunity to do so.

After 5 years of costly experimentation we are now worse off than when we started because our national debt has been increased to a point where it threatens our national security. Our salvation lies in greater production and consumption of American products.

The policy of making W. P. A. bigger and bigger, and business smaller and smaller, can only end in national bankruptcy when all will go hungry. [Applause.]

Let us set the gear in high. The country is rarin' to go. Let's go. [Applause.]

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from New York.

Mr. FISH. I take this opportunity to applaud the humanitarian ideals of the gentleman from Minnesota.

Mr. KNUTSON. I thank the gentleman. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. RABAUT].

Mr. RABAUT. Mr. Chairman, the country is rarin' to go. Let us analyze the sentence.

Last fall at the beginning of the new automotive season we had an example of publicity differing from anything ever before placed in the daily press. We had a picture of the president of General Motors assembled with the representatives of the press, accompanied by photographers with flash lights, to print and broadcast for the first time the misery-creating and fear-inspiring condition caused by the adoption of a 3-day week by the first industry of this Nation. The last speaker tells us "the country is rarin' to go." There have been let-downs in the automotive industry in other years, but always the press was informed and advised to avoid publicity of any character that would work hardship or damage to business or industry. This year for the first time the policy is reversed, their decision is publicized; their action declares to the rest of the Nation, "Behold what the first industry of this land does; take heed, you of smaller rank; go and do likewise." Yet the last speaker said, "The country is rarin' to go."

From certain persons in this country, and some are in the industrial regions, a determined attitude of antagonism to the administration has found comfort in the plan: "Let us continue to find fault; let us foster and champion the critics staff." It has been said, and rightly so, that he who criticizes and makes that his life mission has indeed a miserable existence.

While I criticize this action on the part of America's first industry, usually, as my colleagues know, I am here to praise it; nevertheless, I may say to you that at times the industry has not been properly treated by the Members of this House coming from the rural sections of the Nation. The automotive industry, manufacturing in excess of 4,000,000 cars in 1936, is the largest industrial user of agricultural products. For example, the following agricultural products were used in producing 1,000,000 Ford cars: Cotton, 69,000,000 pounds—the yield of 431,250 acres. Wool, 3,200,000 pounds—the product of 800,000 sheep. Lumber, 112,000 feet—the product of 20,500 acres. Cattle, leather from 30,000 head. Soybeans, 1,800,000 pounds—the yield of 30,000 acres. Flax, 2,400,000 pounds, the equivalent to 118,000 bushels—the product of 17,500 acres. Tung oil, 728,000 gallons—the product of 16,000 acres. Corn, 500,000 bushels—the yield of 12,500 acres. Goats' hair, 350,000 pounds—the product of 87,500 goats. Turpentine, 2,000,000 gallons—manufactured from pine pitch. Sugarcane, 2,300,000 gallons of molasses—produced from 12,500 acres of sugarcane. It is a humming industry, friends, and even the honey bee serves us to the number of 93,000,000 to supply 6,000 pounds of beeswax. And finally, last but necessary, castor oil—341,000 pounds used for lacquers and artificial leather for rumble seats.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. RABAUT. Now, when we talk about relief, one would imagine, from the tone of debate, the groups to be assisted are most unworthy. My colleagues, we are extending the Nation's hand of gratitude in a dark hour of need to the men, fathers of families, who are the backbone and the sinew of the business we have been talking about, the auto-

motive business that pays annually a tax to this Government of $1,500,000,000, a business whose product is a vehicle of transportation, nevertheless an industry from whom the railroads receive, in 1936, over $450,000,000.

Confronted now with this relief bill, I am very happy to see some willing to go along without debate for a reduction as was our experience with the last relief measure.

It is true we are going through a tremendous change. It is true we have a problem at our door, but let me tell you that all the fault that may be found with it is not to be heaped upon the Government or the present administration. I wish to antagonize no one, but there is a reason, and today I predict you will witness an almost unanimous activity in support of this legislation.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield.

Mr. KNUTSON. The reason a number have changed their position on this measure is because we realize there is greater need for relief now than perhaps at any time since 1933 or 1934.

Mr. RABAUT. Well, a variety of opinion makes a horse race.

Mr. KNUTSON. Of course; but I do not believe the gentleman can successfully deny that statement.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. Yes; I will be pleased to yield.

Mr. DITTER. Did the gentleman mean to infer earlier in his address that the press of the country was in a conspiracy with other forces to try to bring about this depression?

Mr. RABAUT. Oh, I think the press of the country is in the same position as almost any other industry. They pay a great deal of attention to those who pay attention to them.

Mr. DITTER. What would the press of the country have to gain? This was a question addressed to the President sometime ago and he said he did not know, and I wondered whether or not the gentleman could suggest an answer that the President might adopt as his own.

Mr. RABAUT. You ask what has the press of the country to gain?

Mr. DITTER. By developing this theory of a depression, or magnifying it, in other words.

Mr. RABAUT. I did not say they developed the theory, but when the industry wished to announce it there was no one else to announce it to except the press. It was news; good or bad, it was news. Joy to none, disturbance to many.

Mr. DITTER. The same degree of announcement was given the former depression.

Mr. RABAUT. Oh, no; the automotive industry has never called in the press for a similar purpose as any correspondent will inform you. I take the position that the size of an industry carries with it corresponding responsibility, and the greater the industry the more exacting the responsibility. Sometimes the power of that responsibility is tremendous, and "power to its last particle is duty." [Applause.]

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, ladies, and gentlemen, in June 1933 the President urged Congress to give him $3,300,000,000 to put the 10,000,000 unemployed workers back to work and restore prosperity. They promised to put at least 6,000,000 to work before Labor Day, September 1933. Other large sums were voted from time to time. In January 1935 the President asked and was given by Congress $4,880,000,000, and this sum was to cut out unemployment and restore prosperity. Other sums were voted from time to time and in 1937 the President asked and Congress gave him another $1,500,000,000, together with $225,000,000 more, and this sum was to carry the relief load until June 1938. We were told that the country had recovered, and we were back to normal.

On February 10, 1938, we received a special message from the President telling us that 3,000,000 workers had lost their jobs in the last 3 months and that he must have an additional $250,000,000 to carry the relief load until June 30, 1938. The President admits 3,000,000 workers lost their jobs in the last 3 months, but many others lost their jobs beginning July 1937, so it can be reasonably stated that 5,000,000 workers have lost their jobs since July 1937, and it is now generally agreed that there are between 12,000,000 and 15,000,000 people unemployed.

Mr. KNUTSON. And will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. KNUTSON. That is an all-time high of unemployed, is it not?

Mr. ROBSION of Kentucky. Yes. More unemployed, more needy people than any period of our history.

President Roosevelt in 1932 complained about the heavy taxes under the Hoover administration. The Government collected in 1932 approximately $1,800,000,000. In 1937 this administration collected nearly $5,800,000,000—an increase of 200 percent annually. There has been turned over to the President and his agencies, bureaus, and commissions in less than 5 years, of taxes, borrowed money on Government bonds and the proceeds of other bonds issued by Federal agencies, the principal and interest of which has been guaranteed by the Government, over $45,000,000,000, and the President asked and received from a subservient Congress dictatorial powers, and yet in the end what a doleful picture confronts us.

THE ROOSEVELT DEPRESSION

Twelve million to fifteen million workers out of work; the automobile industry off 50 percent; steel industry only 30 percent of normal; farm prices have dropped within a year from 35 percent to 50 percent; freight loadings have fallen off tremendously; thousands of industries have closed down, and tens of thousands of others are working only part time, and millions of workers have only part-time work. There has been a shrinkage in the value of stocks and bonds of over $30,000,000,000 in the last year, and a shrinkage of over $7,000,000,000 in the surplus funds of business concerns of the Nation since March 1933. The national debt has been increased to nearly $38,000,000,000, and, as pointed out by some Democratic Senators, the obligations of this Government now reach the stupendous sum of $45,000,000,000. Everything is going down except taxes, deficits, debts, and the cost of living. This administration has had the money and the power, yet it winds up after 5 years in dismal failure and with a major depression.

Is it not high time that Congress, the administration, and the American people examine the policies that have brought about these results? Must we not realize that we cannot tax and squander ourselves into prosperity; that we cannot bring about good times by destroying our crops; neither can we recover by regimenting agriculture, labor, and industry, and place the activities and enterprises of 130,000,000 Americans into the hands of a few bureaucrats here in Washington?

Yes; I am going to vote for the $250,000,000 for additional relief, although I am not unmindful of the sordid picture that the administration of relief presents of favoritism, graft, fraud, partiality, and politics, and although it is clear that only about $150,000,000 of this sum will go for the relief of the needy. The other $100,000,000 will go for overhead to take care of an army of officeholders and promote the political fortunes of New Dealers.

This additional relief is made necessary because of the administration's unwise policies. It has taken away the jobs of the American people, and it is up to the Government to provide more jobs and protect the needy from hunger and cold. The needy must be cared for. They are not to blame.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Just a moment, because I have something else to say. You New Dealers talked about the Hoover panic of 1933. After you have increased taxes, increased the national debt, and have been given extraordinary powers, we have a worse panic in America today than we had under Mr. Hoover. We must bear in mind, however, that Mr. Hoover inherited a world-wide depression that all

now agree was brought on by the backwash of the World War. That was the only depression that a Republican administration has ever had. On the other hand, in every Democratic administration from 1837–1937 there has been a panic. Read the story of the administration of Martin Van Buren from 1837–41, when there was a panic so severe that many States repudiated their debts. Read the story of the panic of the James Buchanan administration from 1857–61; and some of us know personally and others have read of the great panic in the Grover Cleveland administration, 1893–97. The railroad tracks were full of empty cars everywhere over this country in 1914 under President Wilson until the World War came along, and then that administration fished prosperity out of the tears and blood of the World War. In 1920 we had another depression when farm prices were down.

Let me say to you Republicans that you need not be ashamed of the Republican Party and its record of service to this country. Abraham Lincoln came in 1861 and saved the country. William McKinley in 1897 brought a great era of prosperity. The administrations of Harding and Coolidge in 1921–28 blessed the country with an era of peace, progress, and prosperity. [Applause.]

Mr. WHITE of Idaho. And what did Hoover do?

Mr. ROBSION of Kentucky. Yes; and what did Hoover do? He had a world-wide depression to meet. He had an unfriendly Congress of Democrats and others all the time obstructing and fighting everything he undertook to do to help the people of this country. We were coming out of the depression in 1932, and but for the election of Roosevelt and his New Deal policies we would have been out long ago. [Applause.]

Mr. KITCHENS. I wonder if the gentleman favors changing the name of the party?

Mr. ROBSION of Kentucky. I cannot enter into a discussion of that matter at this time. I have something to say pertinent and relevant to the measure before the House.

NEW DEAL POLICIES RESPONSIBLE

The President and his spokesmen, in an effort to find an alibi for the failure of the policies of this administration, attempted to fix the blame on a list of 60 families made 12 or 15 years ago, many of whom have long since died and others have lost their fortunes. Another spokesman for the administration blamed this Roosevelt panic on the soldiers' bonus, but 68 percent of the people, according to a Nation-wide poll, put the blame squarely where it really belongs—on Mr. Roosevelt and his administration. [Applause.]

No ruler in the 50 centuries of the world's history has ever had so much money at his disposal. The pump has been primed with billions and billions of dollars, yet we are in the grip of this great depression.

What brought about the stoppage of industry, the millions of unemployed workers, and the decline in farm prices? For nearly 5 years now little business, as well as big business, has been harassed and bowed down with oppressive taxes, Government competition, and regulations.

Secretary Wallace, in his report filed November 1, 1937, in burning words shows the folly of the cut-out scarcity program and reciprocal-trade agreements of the New Deal. Ours is the greatest agricultural and industrial country of the world. The report of Mr. Wallace shows, however, that we exported in the fiscal year of 1937 only $732,839,000 worth of farm products. This was 8 percent less than in 1936 and the least exports in 60 years. On the other hand, we imported $1,538,324,000, or 35 percent more than in the fiscal year 1936—more than two for one. We took 40,000,000 acres of productive land out of production; we regimented agriculture. It would have required millions of farmers and their families to cultivate these 40,000,000 acres and produce this $1,538,324,000 worth of farm products that were brought into this country, which had been produced by the peon laborers of the West Indies, South America, India, China, Japan, and other countries. It would have required every acre of these 40,000,000 to produce these foreign farm products. This policy put our own people out of work and on relief and gave the jobs to the foreigners and the poorly paid workers of all parts of the world.

This administration is negotiating reciprocal-trade agreements with Great Britain and other countries. This will cut out or lower the tariff and admit the coal and other industrial products from Great Britain and these other countries. Our relief rolls and unemployed workers' rolls will grow, but it will provide employment for foreign capital and give the jobs to foreign workers instead of American workers. [Applause.]

BIG LANDOWNERS GET THE FARM RELIEF MONEY

There has been taken from the American people approximately $2,000,000,000 in processing taxes and other taxes for the alleged purpose of aiding the farmers. The Secretary of Agriculture refused to disclose the names of the persons and corporations to whom he paid the money, and the amounts. Congress finally compelled him to submit the names of those who had received benefits of $10,000 or more, and what a shameful abuse of power, waste of the taxpayers' money, and discrimination against the small farmer these reports disclosed!

We find there were 21 big rice growers in Louisiana, Arkansas, Texas, and California who received over $800,000 of these farm benefits. Seventy-four corporations and other concerns in Louisiana received an average of $50,000 each not to produce sugar. These amounts ranged from $10,000 to $256,010.56. In the island of Puerto Rico one big concern received nearly $1,000,000, and 28 other big concerns received on an average over $33,000 each not to produce sugar. Three big cotton concerns in Arkansas and two in Mississippi received nearly $500,000 not to produce cotton. The State penitentiary of Mississippi was paid $43,200 of these farm benefits. One corporation in California was paid $157,020 and another corporation in New Jersey was paid over $45,000 not to raise hogs. Twenty-seven beet-sugar producers in California and Colorado were paid approximately $540,000 not to produce sugar beets. The Delta Pine & Land Co. was paid $60,388.06 and the Arizona Citrus Land Co. received $47,682.47 under the Soil Conservation Act. The Equitable Life Assurance Co. was paid $53,976 and the United States Sugar Corporation of Florida was paid $80,821.92 of these farm benefits.

If these farm benefits had been divided up among the farmers of the Nation, each one would have received about $66, but these big boys who got the money made it impossible to pay millions of little farmers anything. This is additional evidence of the partiality, favoritism, and politics of this New Deal administration.

REPUBLICANS REDUCED TAXES, NATIONAL DEBT, AND BROUGHT PROSPERITY

Let us turn back the pages of history just a little. The Republicans came into power on March 4, 1921. All of the high and burdensome World War taxes were still in force. Millions were out of work. Agriculture, industry, and commerce were paralyzed. During the 10 years following, the Republican administrations passed five great tax-reduction bills and during those 10 years reduced the Wilson administration debt of nearly $26,000,000,000 to $16,000,000,000.

You New Deal Democrats and many of the farmers have great desire to get back to the farm income and price levels of 1926. Why do you and the farmers themselves want to get back to the 1926 level? Who was in power? The Republican Party was in power. [Applause.]

Not only that, but in 1926 there were no cut-outs; there were no doles; no relief; there were no reciprocal-trade agreements, we were operating under Republican protective tariff, and the farmers' income for that year and for the period of 1921–28 averaged around $12,000,000,000 annually, and everyone of those dollars were worth 100 cents.

You new dealers in 1937 were boasting about the farm income that year. That is the best year you have had yet, and it is generally agreed that the farm income of 1938 will show a great decrease. The farm income for 1937 was $8,500,000,000, and those dollars were worth 59.6 cents. Measured in the good old American dollars of 1921–29, the farmers' in-

come was at least 2 to 1 then to what it was in 1937 or any other period under the Roosevelt administration. Of couse, the farmers' income under Roosevelt would have been much less had not we put on processing taxes and borrowed money and paid it to the farmers. It is little wonder that you and the farmers want to get back to the farm income and price level of 1926. [Applause.]

In 1937, under reciprocal-trade agreements, we imported 16,555,218 pounds of whole or live hogs and exported only 234; we imported 74,830,480 pounds of pork and pork products and 88,087,133 pounds of canned meat. We imported 494,945 head of live cattle and exported only 4,132 head. We imported 86,337,248 bushels of corn and exported only 5,886,000 bushels. We imported 60,650,000 pounds of cheese and exported 1,155,664 pounds. We imported 11,110,762 pounds of butter, 181,000,000 pounds of wool, 201,000,000 pounds of cottonseed oil used as substitute for butter and lard, 319,000,000 pounds of coconut oil used for butter substitute, 360,000,000 pounds of palm oil used in the manufacture of soap instead of the fats of cattle, sheep, and hogs of this country, 119,000,000 pounds of soybeans and soybean oil, as well as other farm products, and these products from foreign farms continue to roll in.

On the other hand, in 1921–28, under Republican administration, without the farm cut-outs and without reciprocal-trade agreements, this country exported annually an average of over 80,000 live hogs, 640,000,000, pounds of bacon, sides, hams, and shoulders, and 860,000,000 pounds of lard. Under the cut-out and reciprocal-trade agreement policies in 1937 only 234 live hogs were exported, 56,135,390 pounds of pork products, and 136,150,207 pounds of lard. During that period we exported annually an average of 28,527 bushels of barley, tens of millions of bushels of wheat, rye, and oats. In 1937 we imported 371,243,456 pounds of barley malt. We brought in over 260,000,000 gallons of blackstrap molasses with which to make liquor.

When will this administration quit these policies that have proved so disastrous to agriculture, labor, and industry in this country? My prediction is that it will continue these policies, and mark my words, this administration will never reduce taxes, it will never balance the Budget, it will never cut out deficits, never stop the increase of the national debt, never provide employment, or bring back prosperity. The Republican Party is the only political organization in this country that can be depended upon to restore peace and prosperity and protect the liberties and freedom of the American people. [Applause.]

ENCOURAGE AGRICULTURE, INDUSTRY, AND COMMERCE

The New Deal policies have taken away the rich American market and given it to the foreign farmers and their workers, foreign industries, and their workers. From one-fourth to one-third of the average income of the American people goes for taxes. The burden has become so great that people instead of investing their money in productive enterprises and giving employment to workers have invested their money in tax-exempt bonds and securities or have made no investments at all.

There should be some real cut-outs. We should cut out these reciprocal trade agreements; cut out the regimentation of agriculture, industry, and commerce; cut out the burdensome taxes; cut out deficits and debts; cut out waste and extravagance; cut out the products of foreign farms and foreign industries, and give this American market to American capital and American workers; cut out preaching of class hatred, and develop a spirit of cooperation on the part of the Government with agriculture, labor, industry, and commerce.

Let us cease to look upon industry, economy, and thrift as a badge of dishonor. Let us encourage and reward honest effort. Let us take the people off the dole and provide them honest-to-God work with good American wages and stir again in the breasts of these unfortunate citizens the assurance that this is still the land of opportunity and that honesty, thrift, and industry will again receive just recognition. These are substantial, sane, patriotic, Republican policies. This party has served this country nobly and splendidly since the dark days of 1861 and it can and will restore peace and prosperity. Yes, the Republican Party, with good jobs instead of doles and relief, with no reciprocal-trade agreements, with protection for the farmers, labor, and industry, with lower taxes and the national debt reduced and the credit of our country restored, is the hope of this Nation. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. CREAL].

Mr. CREAL. Mr. Chairman, I did not ask for time to answer my distinguished colleague from Kentucky; neither did I know that he was going to speak when I asked for some time at the early part of the allotment.

The gentleman from Massachusetts [Mr. GIFFORD], as you know, an able historian—and he poses as a prophet—has also demonstrated to you today that he is a spiritualist. [Laughter.] Did you not hear him call up Herbert Hoover and have a conversation with him? I do not know whether Herbert had the conversation which he reported, or whether it was born of the gentleman's imaginative mind; nevertheless, the conversation was most interesting, whether true or not.

It takes a long time to digest, or to assimilate, or to recuperate from the heritage of the Hoover administration. The best doctor in the world cannot take a typhoid patient and shoot a shot in his arm and expect him to become flush in the cheek, jump up and crack his heels together in 30 minutes. The Japanese bombing planes have destroyed more in a few weeks than the people will be able to rebuild for years. The 4 short years of the Civil War, not only through war debts and pensions but through soil erosion and neglect, cost more than 10 times the dollars which you see in Government figures. The devastation of the Hoover panic in which millionaires became paupers and have been on that parity from that time to this cannot be recuperated back to normal by Dr. Roosevelt even though he make temporary recoveries.

The only sympathy I have with the Hoover administration is that he did not produce it all, he inherited a part of it as Grover Cleveland did when he stepped in the second time. It was the same Grover Cleveland we had the first time in which all went well, but he stepped into a heritage which was not of his own making, just as the clouds began to gather and as it began to rain.

I heard a most interesting discussion here of the automobile industry.

While the gentleman was discussing that, I thought of the automobile branch factories in Germany, England, and France. There is where you took our business by old time-worn protective tariff to protect the American worker. By the tariff you absolutely destroyed the jobs of these automobile workers who are working on a 50-percent basis. By the tariff you ran them out of the country.

The aluminum people also went over into Canada on account of the good old Republican tariff that was supposed to protect the American worker, but actually took his job away from him and will leave him out of a job for the rest of his life.

At one time we made all the automobiles that went to Europe. These were made by American labor. Now these American automobiles are being built over there by branches that were established to dodge that tariff wall, the spite fence that was built up. Those jobs are gone forever.

Mr. Chairman, I appreciate the fact that both the gentleman from Massachusetts and the gentleman from Kentucky say they are going to vote for this relief measure.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. CREAL. That will condone for part of the sins of the Herbert Hoover administration. A further crime was committed, however, by trying to perpetuate him in office after having him demonstrate his wares. They will help some by voting for this.

I know what the effect of the Roosevelt administration was when it first came into power. We have done a great service in rebuilding the ruins of the Hoover administration. Do you think in view of all the devastation that was wrought in that 5-year period, if you are going to the figures of banks or any one industry, that one man could restore that situation not only to normalcy but extend it in a short time?

My friend from Kentucky spoke of the good old days of Harding who came to the rescue to save the country. Yes; he saved it. He saved everything except the Teapot Dome boys from the penitentiary. He could not do that. They saved even the veterans' beds in hospitals and sold them second-hand. They saved practically everything else that was to be saved—for themselves.

I do not want any more of a Harding administration. I do not believe if our spiritualist friend could call Warren G. Harding back that he could be reelected.

According to the newspapers I notice that the Republican Party has called a committee of experts to form a sort of court of inquiry to see what it is, if anything, they stand for at present.

I notice that the Governor of Vermont says you have too many fossils in the party. I also notice that John Hamilton, your chairman, stated that you will never restore confidence until you make the American people believe the Republican Party is willing to legislate for all of the people.

I think they should take the advice of the Governor of Vermont. I think they should take John Hamilton's advice. I do not think we should go back to either Herbert Hoover or Warren G. Harding, because the country does not want any more of that kind of administration. Our present condition is due in great measure to administrations of that character. [Applause.]

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I propose to vote for this bill. Those who came before our subcommittee painted a very gloomy picture of the desperate situation that prevails in this country today, and they demonstrated without any question that there are a great many people who are desperately in need of food, clothing, and relief.

We tried to press those who came before us as to just how they arrived at the figure of $250,000,000, but it was very difficult to get a specific answer to our questions; however, they did point out that those on local relief had increased from the 1st of November by 500,000. On the 1st of November those on local relief were 1,300,000 and on the 1st of February those on local relief were 1,800,000.

It has been pretty well demonstrated that the local communities for this particular period at least cannot take care of this additional burden of 500,000 that has been placed on them, and therefore additional Federal relief is necessary. Even though our subcommittee was not informed fully as to how the figure of $250,000,000 was arrived at, it must be obvious to everybody that the administration should know the situation better than any individual Member of Congress can possibly know it. If the President, his Secretary of the Treasury, and his Director of the Budget agree on $250,000,000 to take care of this desperate situation, it seems to me that the Congress must of necessity abide by that decision.

Mr. Chairman, what particularly concerns me and what concerned me during the hearings, was the inference continuously given that we are setting up a permanent relief of $2,000,000,000 a year. The $250,000,000 that we appropriate today will make the relief load on the taxpayers for the year 1937–38 a total of $2,000,000,000. When Mr. Morgenthau and Mr. Williams were pressed as to what the future held out, the inference was plain that in the next fiscal year we would probably have to have an additional $2,000,000,000. Mr. Williams, in answer to a direct question, said:

> We would attempt to meet next year's situation on a billion-dollar appropriation, provided we could have an understanding that we would be free, without having any strings tied to it, as to the time it would cover.

That suggestion unfolds the darkness of the picture. There is nothing in sight to indicate that this so-called recession has the temporary quality the word connotes, so far as its use by the President is concerned. And the Federal relief plans of this administration, as I gathered from the hearings, are not simply ones to take care of an acute but temporary relief need. Mr. Williams' suggestion is of little comfort. Simply translated, it simply means that the President will start out by asking for relief next year the sum of $1,000,000,000. To some minds that would indicate a 50-percent cut in our relief expenditures and in the relief needs. But this amount would not be spread over the fiscal year, and, necessarily, there could be no plan for its expenditure. It could be used all in one quarter or in the half year, directly on the instructions of the President, and with Congress being entirely in the dark as to its expenditure. Mr. Williams further suggests that Congress will be in session next January and will be able to supplement this amount to be asked for, for next year. In other words, the proposition is simply this, from the viewpoint of the administration: "Give us $1,000,000,000 on the 1st of July next and do not tie us down as to its expenditure and we will do the best we can. And if we haven't any money left by the 1st of January we will come to you for another $1,000,000,000 for the first 6 months of 1939." And where are we left? In the same hole that has been dug for us before. We give the President $1,000,000,000 on July 1 to use as he will with the promise to give him another $1,000,000,000 on the 1st of January. And we are asked to consent to this proposition simply because Mr. Williams does not seem to know where he is going or what he will need. The 1934 and 1936 elections are not so far in dark history that I do not recollect, and the people do not recollect, the political slush fund that this business of giving blank checks resulted in. The New Deal will have the congressional elections on its hands in November of this year and I am going to be stubbornly unwilling to give it any chance to divert a single dollar for the needy to its own political needs. Mr. Williams will have adequate time to plan the relief needs for the 1939 fiscal year but instead of setting no limitations whatever on his expenditures we ought to set up just as many as may be necessary to see that the money will go where it ought to go.

All this, of course, presupposes there will be no recovery. And on this point I asked Mr. Morgenthau this question:

> Of course, this figure presupposes that the depression will continue, if it will not get worse.

Mr. Morgenthau replied:

> I would again say that, with the information he has on hand, I think he is making as intelligent a distribution as anybody could make.

I do not consider that a responsive answer to my question. At another time the following occurred:

> Mr. BACON. In other words, we are spending money on the theory that conditions will not get better.
> Secretary MORGENTHAU. Or will not get any worse.

It is testified that we have had the largest and most sudden drop in employment in the history of our country. It is admitted that since the 1st of November over 3,000,000 men have lost their jobs. This in itself proves the necessity for the Congress to do something to take care of the needy. It is obvious that we are in a major depression and that the New Deal Roosevelt administration sees little hope for recovery in the near future.

I personally believe this Roosevelt recession, if he pleases to call it that, is due in large part to some of the policies and laws passed by the New Deal. The responsibility is Mr. Roosevelt's. That he should feel the responsibility comes from a reminder of his own statement: "We planned it that way, and don't let anybody tell you to the contrary." I have particularly in mind Government competition with business. I have particularly in mind the tax on undistributed corporation surpluses, which, to my mind, has had a great deal to do with preventing people from getting employment and in making people lose their jobs. This $250,000,000 we are

here appropriating for the needs of 4 months will provide work relief for 700,000 people; or, if you put it another way, 700,000 people will be taken care of at a cost by the year of $750,000,000. The total estimated return, both direct and indirect, from the undistributed corporation surplus tax was $375,000,000. I believe if we had foregone that increase in our revenues we would have put to work and kept there many more than 700,000 persons. Which is better, a loss of revenue of $375,000,000 or a direct appropriation of $750,000,000? I believe this tax alone is largely responsible for the loss of new employment of at least half the 3,000,000 men who have lost their jobs since November 1.

The results of this tax have been cumulative. I know of one little concern in Pennsylvania which wanted to put up an additional unit at a cost of $2,000,000. They were a small concern and could not sell stock. They had to borrow money from the bank. The bank would lend them money. They had no difficulty in getting money; but, if they borrowed from the bank, they had to create a surplus in order to pay off the bank loan. They got their auditors in and discovered that in creating a surplus to pay off the $2,000,000 which would have built an additional unit of their plant, due to this tax of which I am speaking, the borrowed money would have cost them 28 percent. They could not afford to borrow from the bank because they could not afford to pay the tax on the surplus to pay off the bank. The result was that over 1,000 men were not put to work in building that unit and over 700 men were deprived of a permanent livelihood because it would have taken 700 men to operate that plant. Multiply these figures by a thousand, and there are many more cases than that, and you will see how many persons were deprived of employment because of that uneconomic, punitive tax.

When the Committee on Ways and Means brings in its tax bill, if it ever does, I believe this Congress should give grave consideration to the complete repeal of the tax on undistributed corporation surpluses.

Mr. BURDICK. Mr. Chairman, will the gentleman yield for a question?

Mr. BACON. I yield to the gentleman from North Dakota.

Mr. BUDRICK. Does the gentleman believe if the Government of the United States would not interfere with business but would let business operate the same as it used to, business could possibly employ the 12,000,000 people who are out of a job?

Mr. BACON. I believe it could employ all those able and willing to work.

Mr. MASON. It could employ the employables.

Mr. BACON. The employables; yes.

Mr. BURDICK. My question refers to the 12,000,000 people who are out of a job now and want to work. Could private business absorb them?

Mr. BACON. I believe private business can absorb those who are employable, who can work.

We face a very gloomy picture in the relief situation today, with 1,800,000 persons on general relief as of January 1, and 1,950,000 on W. P. A., which will be increased by 700,000 when this bill passes. There are 100,000 people in other Federal agencies on direct relief work and 233,000 in the C. C. C. camps; 1,650,000 receive old-age assistance. I am not considering that relief, but these people are receiving a benefit. Two hundred and twenty-five thousand dependent children receive aid. Again, this is not exactly a relief proposition, but these children are receiving benefits.

Forty-seven thousand are receiving aid to the blind; 100,000 people are employed by the Resettlement organization; 1,200,000 have made application and are receiving or are about to receive unemployment insurance. Again, I do not consider unemployment insurance as relief, but these people are receiving benefits.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 4 additional minutes to the gentleman from New York.

Mr. BACON. The total of those who are either receiving relief or benefits today is over 7,305,000. The administration admits that a minimum of 11,000,000 are unemployed. In 1933, 15,000,000 were unemployed, and those receiving relief at that time were 5,000,000. If you add the pension rolls, the retirement funds, the railroad retirement funds, and the pay of all Government employees, including the Army, the Navy, and other agencies of the Government, you will find that a very large proportion of our people are receiving some kind of benefits, either in salary or relief or benefits, from the Federal Government.

This brings me to my final point, a discussion of the national income. This year our national income is estimated at $63,000,000,000. It may be less next year, due to this depression. The total tax bill for the Nation, including the State, county, town, and Federal taxes, is today running over $17,000,000,000 a year. In other words, 28 percent of our national income goes to some form of taxation. The experts used to say that 20 percent of our national income going to taxation was the danger point, and that if 20 percent of our national income went to taxation over a period of 5 years, either debt repudiation or inflation would be inevitable; yet today we are spending in total taxation in this country 28 percent of the present national income.

We are 8 percent over what the experts used to call the danger point. How long can this go on? Of course, the President in his message said he hoped to increase the national income to $100,000,000,000 a year in order to sustain a Federal Budget of $7,000,000,000 a year, which would mean an increase in Federal taxation of approximately $2,000,000,000, and thus our total taxes would be $20,000,000,000 a year which would be 20 percent of a total national income of $100,000,000,000; but how can we possibly increase our national income without some stimulation of private industry? How can we stimulate private industry to put these people back to work if Mr. Ickes and Mr. Jackson are going to sing their monthly hymns of hate, urged and abetted by the President of the United States? How can we possibly stimulate private business if we are going to tax on a punitive basis of hate rather than merely to get revenue? [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS. Mr. Chairman, I think one of the best things about debates on so-called relief bills is that a great many Members begin to attempt at least to get down to fundamentals and talk about why it is that we have to approach this problem in this way.

I may say in the first place that I believe we must be through regarding this situation as an emergency, that we have got to recognize the fact that we are in a stage of industrial development where, with the growth of technological improvement, we will find it necessary to adjust the consuming power of the people of the Nation to the power of industry to produce. I believe we have got to learn to do this by using the sovereign right of this Government to establish a scientific method of making our supply of the means of payment correspond to the expansion of our industrial system.

Last year in the course of the debate on the relief bill I made this remark:

> I predict that if this Congress appropriates less than $2,200,000,000 for this purpose we will be laying the ground work for the next depression.

This is what has happened.

In the hearings I find this very profound statement by Mr. CANNON of Missouri, a member of the committee:

> Mr. CANNON. As a matter of fact, Mr. Williams, the whole difficulty comes about through lack of buying power?
>
> Mr. WILLIAMS. Undoubtedly.
>
> Mr. CANNON. The consumers of this country, both of foods and manufactured products, are in the market. They need practically everything that is produced and if they had sufficient buying power, they would more than absorb all the production of these industries which have been compelled to discharge labor. The whole thing goes back, then, to a lack of buying power, principally in the prices of agricultural products and in the wage scales.

There you have the fundamental thing; and the reason we are called upon today to make this appropriation is because Congress last year lost its nerve and failed to keep up its program of employing the unemployed until we had really achieved recovery. We failed, I say, to see that this consuming power of disemployed people is, after all, the key to the recovery of business, and that the reason we need to employ these folks who otherwise have no means of living is not merely for their own sake, not merely for the sake of decency, but is because it is the one thing we can do quickly and speedily to increase production and break the back of the depression. It is the one particular thing we can do that will bring back prosperity and will put people back into industry. This is the key to the thing.

I am not saying, and certainly would not say, it is the fundamental answer to the problem, but I hope it is an answer based upon the fundamental principle of democracy that every man shall have a right to a job, which will in the course of time compel us to see the importance of passing such legislation as I have already referred to in the matter of the monetary question, and such other legislation as the New Deal has been responsible for, protecting the right of collective bargaining of labor, attempting to raise the proportionate income of farmers in the Nation, and other legislation to bring about a better distribution of such buying power as we have; and I hope likewise that it will lead to our passing such legislation as will restore real confidence to this Nation by enabling industry in a coordinated fashion to expand its production together instead of having every businessman worried for fear if he expands production others will not do so.

I want to say a word now about work relief. I agree, as it happens, with a great many of the things that were said by the gentleman from Alabama [Mr. STARNES], particularly when he talked about the kind of work that we should have. I do not believe the Government should run a works program where the jobs are not essential jobs, but I think we have a whole host of very essential jobs to be performed in this Nation. The only thing important for us to remember is that to do these essential jobs—flood control, rural electrification, slum clearance, conservation of soils, and all those things—is a more expensive proposition than it is to do the jobs where less material is required. For my part I stand ready to see to it that there is enough money available so these more worth-while things can be done. I also believe we could develop a great number of self-liquidating projects if we tried.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. VOORHIS. Projects of this kind will, as a matter of fact, yield back in new wealth to this Nation a return on the money expended.

We all know, do we not, that the way every private corporation keeps its books is to have two sets of accounts, one set where it keeps track of current income and expenditures, and another set of capital accounts, where it keeps track of capital outlay and capital assets. Our Government Budget, however, has no indication of the increase of capital assets in this Nation, and we lump together expenditures for capital outlay with current expenditures. As a matter of fact, through the carrying on of projects of the character referred to here today, we are not going to bankrupt the country. Furthermore, if we are judicious about the matter, we will insist that, before next year's appropriation comes up, we pass a piece of legislation to outline a sound program, and to determine on what basis money for the works program shall be spent. We find it is important in connection with all legislation of this character to dig behind the scenes, and I have dug behind the scenes and I find that 12,000,000 people are out of work, but I find that half of those people have never in the course of all of this depression asked for help, they have never asked for anything in the way of Government relief or anything else. How they have gotten by, I do not know, but they have somehow. So that we are concerned, primarily, with 6,000,000 people whose savings are depleted, who do not know what they are going to do unless we put them to work at useful and necessary employment. What kind of people are these? I refer you to page 30 in the hearings. Read what Colonel Harrington says about people on W. P. A. Read where he says that they are as willing to work as any group anywhere in the Nation.

Last fall, when I was at home, I had office hours every morning, and I had a stream of people coming in there, people who were on direct relief in California, saying to me, "For goodness sake, cannot we get on the W. P. A.? We want any kind of a job, but not direct relief." I tell you the spirit of the American people is admirable, and I believe that we can say this with both pride and a sense of shame at our own inaction. If you take a horse and you want to be kind to a horse, you put him out to pasture, and he will be satisfied. That is what direct relief means to man. That is what the dole means. It means you take an American citizen, and you say to him, "You ought to be very thankful if we give you pasture." That, however, is not true justice. What we have to do is to give people the same chance that America has proudly given her citizens in the past, a chance for self-expression, a chance to feel that they are doing a creative job. I would like to see every young man in this country have a chance to spend 1 year at work at the conservation of natural resources where he would have an opportunity to learn something from practical experience, as well as for other definite training and education, and we have enough unemployed teachers to do that. I believe that would be one of the most constructive things that we could do. Later on I shall offer an amendment to this bill to increase the amount. I shall explain my reasons, and I hope that the House will support it.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Chairman, I appreciate the opportunity to speak on this very important appropriation measure today. I appear before you with the gravest doubt in my mind that we are going to spend ourselves out of these depressions and yet I say to the Members of this House that I am going to vote for this additional relief appropriation because I know from personal knowledge that the depression still exists in my district of Nebraska and that there is still need for Federal assistance.

What I have to say in the few moments alloted me will be from the standpoint of a Member who represents a farming district—a district where the people are the backbone of America; people who for many decades have been in the business of raising the food you eat. In my district we have the most fertile soil in the world. In fact, some parts of my district were once known as the "richest 100 miles square in the world, agriculturally speaking." Yet today I appear before you in a plea that when you vote additional taxpayers' money for relief purposes that you do not forget that my great farming district is suffering from the ravages of four droughts. Some parts of the district are experiencing the aftermath of their first complete crop failure.

We are told here that it cost us over $65,000,000 for administrative expenses for relief last year. We are told that up to this time we have spent over thirteen and a half billion dollars for relief. We are told here that with all of the spending we have done we have more people unemployed than we had when we first started to spend ourselves out of the depression.

We are told that there has been waste in some of the relief expenditures. We are told that something is fundamentally wrong with our system of administering relief. We are told that people are beginning to believe that the Government is in the relief business permanently. All of these arguments have their merits, but they do not solve the problem. We have turned these funds over to our Executive for administration. We must secure our facts and information from that branch of our Government. They tell us here that there are

no more relief funds. They tell us that the emergency is here; that this additional amount of money is needed now. We must take their word for it. We must face the issue and supply the funds with the hope that the needy people who are demanding assistance in the hour of their need shall be taken care of.

But I plead with you as a Member from a purely farming district which is suffering terribly from the drought that all of this money be not used up in the big city districts. You will agree with me, I am sure, that most of this money will go to the most populous centers of our country. Please do not forget my drought-stricken district, where the F. S. A. and the W. P. A. authorities tell me they have reached the end of their rope and can no longer help the new clients who are being forced on relief by the hundreds. There are 3,000 people in my State who today cannot be taken care of by the W. P. A. because it has no more money. There are hundreds of farmers who cannot be cared for by the F. S. A. because that administration has no funds. Because this is a real emergency in my district I plead with you to earmark this fund so that rural rehabilitation can be safeguarded and the people who have raised the food you eat can be given the assistance they need now to overcome the ravages of a subzero winter.

I have listened to every word of debate on all of these appropriation bills. I have listened and read and reread the reports and hearings on these relief appropriations. I realize what the committee is up against. I have been asked what can be done to eventually take the Government out of the relief business. I feel that in emergencies such as exist in my district today the Federal Government must step in and help. I admit that States and local communities have a responsibility in helping to eliminate unemployment and to give relief. But notwithstanding what is said about my State, we have many counties which are financially unable to do anything. In fact, many of my counties are broke.

There will come a time as time elapses when we can make some fundamental changes in the relief administration. Perhaps the time will come when the Government can step out of the relief picture and leave that responsibility in the hands of the States, local communities, and private or charity organizations. That time is not here now. I admit that if there is any racket in this relief business, whether it is a political racket, or any other kind of a racket, it must be eliminated. Waste, inefficiency, and graft in relief is unpatriotic and must be wiped out.

I say, however, that when people are hungry they must be fed. And in these times of emergency we cannot turn a deaf ear to the call of hungry and needy people.

Mr. Chairman, I say these things with full knowledge that our credit structure is crumbling. Men who say they are monetary experts tell us that our credit limit will be reached when our national debt is around $60,000,000,000. Today we find our debt close to $40,000,000,000. We find by the Treasury statement that we continue spending many more dollars than we take in. We find here that up to today we have spent $13,388,000,000 for relief and that the relief question is far from being solved. We admit that the experiment has not turned out the way we hoped it would turn out. We find the list of Government employees growing by leaps and bounds. Daily we are asked, "What is going to be the answer?"

I say, Mr. Chairman, that the answer is in the people themselves. We can assist temporarily in appropriating the people's money for relief. But it will be temporary relief, and the demands for appropriations will continue growing. In emergencies the Federal Government has a duty to perform in the general welfare of its people, but the Government has an added duty in the education of the people that the Government will not remain in the relief business as a permanent institution and that the entire question will be solved when the people again find themselves and shoulder their own responsibilities as American citizens. We know that we all cannot get a job from Uncle Sam and that Uncle Sam cannot take care of all of us all of the time.

These facts we are pretty much agreed upon. I agree with Mr. WOODRUM, that fine Democrat from Virginia, who continually warns us that economy and efficiency is needed to safeguard our Treasury. I agree with him that the appropriation committees who vote out these big appropriation bills should be provided with disinterested experts who can advise the Members on facts through which they can eliminate any waste or where money can be saved. As it is today these committees come before us and admit that they vote out many of these bills as a result of a good guess. I demand that if there is any waste it be eliminated, and when we today vote out these millions for relief that every dollar goes to where it is intended—actual relief. I want as much of the relief dollar to go to the reliefer as is possible. The administrative costs must be cut down. Favoritism, graft, rackets in relief, or any other alleged thing which would divert the relief money from where it actually belongs must be stamped out.

Mr. Chairman, the people in the Third District of Nebraska are not beggars. If the Almighty will give us another crop or two, you will not hear me so much on this floor talking about relief. The people out there today are not worried about raising too much food. They are praying to the Almighty to bless them with bounteous crops. They want to raise a lot of corn, a lot of hogs, and a lot of beef. Their granaries and corn cribs are empty today. Their cellars are empty. They have nothing in the smokehouses.

They have nothing to sell. Business houses are closed because of this fact. Railroads and trucks are hauling less. So that when the farming business comes to a standstill all other business comes to a standstill. Let me tell you, Mr. Chairman, what the farmers in my district want, along with this little temporary relief we are going to give them. You can do nothing about assuring us a crop. We are asking the Almighty for that. When we do get it, Mr. Chairman, we ask that you preserve the American market for that crop. Do not give it away to foreigners. Do not put my farmers into competition with the cheap farm commodities of foreigners. My farmers who are debt burdened want lower rates of interest so that they some day may own the farm land which they love. My farmers want the same refinancing at low rates of interest that is afforded to other business and industry. My farmers want a cost of production for their commodities the same as other industry. There are hundreds of farmers, Mr. Chairman, in my district who have borrowed feed and seed money which they can never pay. We are forgiving other debts. I would ask your support of the bills introduced to cancel these feed and seed loans or let my farmers work out these feed and seed loans. Give them a chance to recover. Do not stop at just a temporary "shot in the arm" with relief grant. That is not enough. When the farmers in my district get a crop and have something to sell and you provide them with these relief measures I suggest, you will not find me here worrying you daily for help. If you do this, you will find plenty of business in your big cities. Members from automobile sections are here today telling of unemployment in their industries because people are not buying cars. Others tell us that it is figured that this same industry plans a future of 1,000,000 new cars annually. You can reach this goal, maybe—if the farmers in my district raise big crops and have something to sell at cost prices and if you refinance their business as you have refinanced other industry. And, in the long run, Mr. Chairman, you will get back every penny you have expended on agriculture. You will get it in food, in money, and you will get it in labor.

Now, I shall talk briefly of what is troubling me so much. That is the plight of the farmers in my drought-stricken counties. I am told here that most of this $250,000,000 additional relief will go to the big cities like New York, Chicago, and others. Mr. Chairman, the F. S. A. and the W. P. A. tell me that they are out of funds.

Time and again on the floor of this House we hear easterners state the farmer is better off today than ever before and I want again to tell these gentlemen this is not true so

far as my district is concerned. The farmers there are not better off, in fact I feel they are worse off since the depression began.

We are asked to vote here for $250,000,000 for relief because of the unemployment situation. I have been under the impression that there was some money left in the 1938 relief funds from which we could draw to relieve this relief problem, but I am informed there is no money left in that fund and additional funds must be voted in order to take care of the unemployed people over the winter months.

For many weeks now I have made strenuous appeals here in Washington for additional allocation of funds for the Farm Security Administration, which informs me that it can no longer take on new clients and can make no new grants, because it is out of money. Therefore, it is imperative that some of this money we are voting here today be allocated to the Farm Security Administration to keep farmers on the farm who otherwise will be forced to go into towns and cities, and go on relief. I feel it will be more economical in the long run to keep these farmers on the farm.

It has been stated that 71 counties out of Nebraska's total of 93 are debt bond free. From sources of authority in my State, information would lead me to believe that this statement may sound good on paper, but analysis of facts discloses that in the first place, Nebraska has never been bond-minded. Very few counties ever voted bonds for anything but court houses. These various statements regarding my State would indicate that most of the counties in my State are debt free and the answer to that is an emphatic "no."

Records in the county treasurer's offices from certified reports as of January 1, 1938, show that a great many of the counties in Nebraska are issuing warrants up to 85 percent of the tax levy. Some of these counties are practically without funds to carry them through the year due to the payment of past due claims, and it is the opinion of relief authorities in my State that a great many counties will not collect to exceed 55 percent of the 1937 taxes during 1938.

Another statement which has come to some Members here regarding Nebraska is that 81 of the State's 529 municipalities were free from debt, both in local government and in their school districts, but a check by relief authorities in my State discloses the total population of these 81 cities is 25,882. In other words, while they constitute 15 percent of the incorporated cities in the State, they comprise only 3.4 percent of the city population. Three are in excess of 1,000 population, 11 are more than 500, and the balance below 500.

In order to give you a true picture of the outstanding and unpaid warrants of counties in my State and which was furnished to me by relief agencies there, I give you the following information:

Antelope, $5,517.35; Boone, $26,278.05; Burt, $1,900; Cedar, $5,472.22; Dakota, $93,977.38; Dodge, $821.80; Knox, $85,923.63; Madison, $23,371.10; Merrick, $1,859.39; Nance, $4,586.81; Pierce, $11,894.92; Platte, $4,604.61; Stanton, $215,280.

Shortly after the Ohio River floods, and when we voted additional relief money to help the sufferers of that great catastrophe, I took the floor to call attention of this House to the fact that the drought in my district represented just as serious a catastrophe as that suffered in Ohio following the water damage and at that time I made it plain that should we from the drought district come here for the same kind of assistance that was given the Ohio River sufferers, we would be given a hearing. Since that time we have had a depression in the industrial cities and I have had the feeling that the farming section of Nebraska was being forgotten.

Hundreds of letters have been sent to me by farmers who feel that unless they secure some aid they would not only lose their farms, but would be forced on relief in towns and cities. They have no money, feed, or seed. They need another crop and some help until that crop is harvested. These matters have been taken up with the W. P. A. organization and the F. S. A., both Administrations having assured me that everything has been done up to their limitations to alleviate the suffering which now continues to grow. These agencies say they have no more money.

So in voting out this relief appropriation bill I strenuously urge that a sufficient amount of this money be earmarked for farm rehabilitation to be administered through the Farm Security Administration immediately. I feel that when we do get a crop in the drought district of Nebraska, which I hope we will get this year, conditions will be somewhat alleviated. But until that time arrives, the call for assistance on the part of these needy farmers must be replied to and the answer must come immediately due to the fact that the planting season is upon us.

Can the chairman of the committee tell us whether anything has been done or will be done in the way of earmarking this additional $250,000,000 relief money in order that the Farm Security Administration can rehabilitate these farmers in Nebraska and other drought districts?

Mr. TAYLOR of Colorado. We simply add $250,000,000 to relief funds provided under present law. There is no change in the law.

Mr. STEFAN. Is there any truth to the report that but 5 percent of this can or will go to rural districts? We are so close to planting time that we have got to have this assistance now. It may be too late a month from now.

Mr. TAYLOR of Colorado. There will be a reallocation under existing funds which will give $30,000,000 more for that purpose. We cannot earmark this appropriation and there is no need to do it.

Mr. STEFAN. But is there a reallocation of $30,000,000 available to the Farm Security Administration in order to rehabilitate these farmers?

Mr. TAYLOR of Colorado. Yes. There will be $30,000,000 more allotted soon for that.

Mr. STEFAN. And are we assured an additional sum out of this $250,000,000, or is that $30,000,000 included in this?

Mr. TAYLOR of Colorado. The $30,000,000 is now appropriated and ready for allocation.

Mr. STEFAN. This may not be sufficient. I would like to call to the attention of those who will have the power of administering this that if they do not get this additional Farm Security Administration money out to the farmer within the next week or so it will be too late, because we are planting now.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Chairman, I have before made the statement that when efficiency is put above humanity, and profits are put above justice, action must be taken by the Government that should represent the people. I was very much interested in the statement of the gentleman from Kentucky, and I agree with him, that under Harding there was no relief, under Harding there were no reciprocal-trade agreements; there was no Government works program; but there is one thing he failed to tell us about, and that is that under Harding there also were no oil reserves. The Teapot Dome saw to that.

We have during the last 5 years come a long way, and if we have done nothing else, we have at least had courage enough to go to this country and find out how many unemployed there actually are in this Nation. It is the first time in history that we have found out how many are unemployed and how many are in need of relief. I say without fear of contradiction that there was not a Republican administration that dared go out and obtain those figures for us. We have the figures now, and when we confront you with those figures you now come in and say that we now see the reason why relief should be given.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I am sorry, I cannot.

Mr. Chairman, the reason conservative Republicans did not take care of them was because of the fact that your

leaders would not consent to get the figures as to how many unemployed there were in this Nation.

We have made steady progress during the last 5 years even though we have not been able to cure all the country's ills; and that steady progress has not been halted. It may have been checked temporarily, there may have been pauses; but our steady progress has not been accompanied by soup lines, it has not been accompanied by hunger strikes, or barter clubs that go along with depressions. Thank God! We as a Democratic organization have had nerve enough to go out and say to the people who are starving and in need of work, "we are not going to see you starve," "we will take care of them to the best of our ability."

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield.

Mr. KELLER. Is it not a fact that during the Harding administration 5,000,000 men were out of employment in the United States, as shown by the report of Mr. Hoover, who was then Secretary of Commerce.

Mr. HOOK. That was only a rough guess.

Mr. KELLER. But it was his report.

Mr. HOOK. It was the same kind of report the Republicans always made along those lines—a polished guess, not the real facts.

The people of this country in increasing numbers are benefited as they turn to take part in the Roosevelt program. Occasional leaders may be led astray or bought off by powerful and inimical interests, well-meaning leaders may become impatient, but all whose leadership depends upon the voice of the people can, without placing their ear to the ground, hear the rising acclaim of increasing numbers who are convinced that the Roosevelt promises have been kept; and the advancement of bureaucracy in Government, business, agriculture, and in the pursuit of liberty and human happiness cannot be halted.

We are on our way and we are going to keep going. I can give you several reasons for some of the unemployment in my district. One is because the monopolistic Big Three in the copper industry, Kennecott Copper, Phelps-Dodge, and Anaconda, will not produce the copper that is in their mines. The copper mines in my district in Houghton County are forced to lay idle because of this monopoly. These mines lie idle while these companies have formed a monopoly and controlled the fabricators. They bring in the cheap ore from foreign countries because of the spread between the raw material and the fabricated article and the high tariff on the fabricated article. They do not produce, and their mines lie idle. I say that it is a monopoly that should be called to the attention of that trust buster, General Jackson. I will call it to the attention of Attorney General Cummings and produce proof that such a monopoly exists in violation of the antitrust laws. Let us have parity for copper and we will employ all those now on relief in my district. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 8 minutes to the gentleman from Kansas [Mr. CARLSON.]

Mr. CARLSON. Mr. Chairman, today we are confronted with the emergency-relief appropriations and, I ask, are we as Members of the House of Representatives assuming our full responsibility to our needy citizens and our Nation generally by merely voting the additional $250,000,000 authorized in this bill? Personally I do not think so, and I make that statement as one who has consistently voted for relief appropriations because I believe it is the duty of the Federal Government to assist local communities with their relief problems when these communities are unable to meet them.

During the preceding 5 years ending June 30, 1938, we have spent for the Works Progress Administration, cash relief, the Civilian Conservation Corps and the old Civil Works Administration the enormous sum of $11,391,400,000. If the expenditure of this money would have solved one of our serious economic problems, that of unemployment, or if it would have reduced our problem, then I would say we should not hesitate to vote the requested amount, or several times that amount. But what is the truth in regard to our relief and unemployment situation? It seems to be this. The need for unemployment relief is almost, if not quite as great, as it was some 2 years ago when Federal relief agencies were employing more than three and a quarter million people. The President, in his letter to Speaker BANKHEAD, said:

> According to the best estimate available at this time it appears that, during the past 3 months, approximately 3,000,000 persons have lost their jobs with private employers. This increase in unemployment could not, of course, have been foreseen at the time the last relief appropriation was under consideration. Hundreds of thousands of needy unemployed persons have recently applied for relief work which could not be provided for them with the funds on hand.

This is a serious situation, and I believe it requires serious consideration from this body. We have not fulfilled our duty by merely voting this relief appropriation.

Mr. Chairman, I believe a committee should be selected from this body to begin at once a thorough study of our relief and unemployment problem. This committee should forget partisan politics and have in mind only the future welfare of our Nation. As a member of the minority I would gladly introduce such a resolution, but understand such resolutions are already pending in committee, and I sincerely urge immediate consideration of the same. This committee should be able to give Congress a report on the relief needs and unemployment situation, as well as suggest changes in existing legislation, if necessary, before we are requested to vote upon the Federal relief appropriation for 1939. We need this information. The country needs this information. There must be some reason for this recession or depression, and surely there must also be a remedy. We cannot escape the fact that this rapid decline during the past 5 months has not been a general falling off of industrial production except in the United States. Unfortunately, this appears to be somewhat of a domestic problem.

Using the index number of 100 based upon the average production for 1929, we find that while the industrial production was falling off in the United States from 98.3 in August of this year to 75.6 in November, it was, according to an industrial survey, rising in Canada from 99.8 to 104.8. The United Kingdom ended the year on about the same level with which the year began, or an index number of 122. France held her own position, and Germany rose from 119 to 124 between August and October, and Italy rose from 93 to 107. Sweden's index number advanced between the months of August to November from 151 to 154 and Norway rose from 132 to 142.

One other question that this Congress should consider, and one which does not meet a very popular accord, is "Should the relief and unemployment problem continue at present levels or increase, where are we going to get the money?" To answer this question it is easy to say "We will borrow it."

During the past 5 years we have increased our national debt from $20,000,000,000 in 1932 to $38,000,000,000 in 1937. This enormous pump-priming experiment seems to have failed. The statements that we cannot borrow ourselves into prosperity and that we should not spend that which we do not have, seem to be staring us in the face again. I contend, this Congress does not meet its obligation unless we face this situation honestly and fearlessly. This is a further reason why a committee composed of Members of this House should be appointed by the Speaker at once for a study of these problems, and report at the earliest opportunity. It is not pleasant to talk about deficits, but Treasury officials estimate that with the additional $250,000,000 called for in this bill, that on June 30, 1938, the end of the fiscal year 1937–38, the deficit for the year will be approximately $1,544,000,000. In the previous year we closed with a deficit of $2,707,347,110. Everyone realizes we cannot balance the Budget immediately, because tax revenues, pay rolls, and business volume have been greatly impaired during the last few months, but this does not mean we should throw up our hands in despair.

Sometimes I think we are too close to things to thoroughly appraise them. I have recently read an article written by an Englishman and printed in the London Sphere, a London

publication. This article is so interesting that I am passing it on to you:

The United States contains 6 percent of the world's area. It has 7 percent of the world's population. It consumes 48 percent of the world's coffee. It uses 53 percent of the world's tin. It takes 56 percent of the world's rubber. It consumes 21 percent of the world's sugar. It wears or otherwise uses 72 percent of the world's silk. It utilizes 42 percent of the world's pig iron. It takes 47 percent of the world's copper. It uses 69 percent of the world's crude petroleum. It operates 60 percent of the world's telephone and telegraph facilities. It owns 80 percent of the motor cars in use. It operates 33 percent of the world's railroads. It produces 70 percent of the world's oil. It produces 60 percent of the world's wheat and cotton. It produces 50 percent of the world's pig iron. It produces 40 percent of the world's lead and coal. It possesses more than half of the world's monetary metal—in the neighborhood of $11,000,000,000 in gold, to say nothing of silver. It has two-thirds of the world's banking resources.

Its people has a purchasing power greater than the purchasing power of 500,000,000 Europeans, and far greater than the purchasing power of all Asiatics.

Responsible leadership which cannot translate such bulging economy into assured prosperity is destitute of capacity. But pompous statesmen, looking over the estate, solemnly declare that the methods by which it was created are all wrong, ought to be abandoned, must be discarded, that the time has come to substitute political management for individual initiative and supervision.

This is a severe indictment of the leadership in this country and as a Member of this House, I believe we have failed in assuming our responsibility unless we are willing to accept this challenge and meet the problem facing us. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. HOUSTON].

Mr. HOUSTON. Mr. Chairman, I agree to a certain extent with what my distinguished colleague from Kansas has just stated. I am satisfied with one thing, and that is, we need this deficiency appropriation for relief at the present time. I have talked to the district administrator of the W. P. A. in the gentleman's district, also the district administrator in my own district, and both of those gentlemen tells me they have about as many people off of relief who would like to get on, or who are out of employment, as they have on relief. I am satisfied that is a correct statement.

It has been estimated that of all the people unemployed in the United States approximately 30 percent apply for work under the W. P. A. If we take that figure and say that we have 3,000,000 recently unemployed, then it would necessarily follow that probably 900,000 would make application for employment under the W. P. A. I am willing to vote for anything, after this debate is concluded, that I determine may be necessary to correct the situation.

The committee brings in a bill that requests an appropriation of $250,000,000. If we figure 900,000 men are unemployed, or 30 percent of 3,000,000 who will be taken care of by W. P. A., and if we figure further $65 a month as the average cost of putting a man through, which includes overhead, material, and labor, then we could take 1,000,000 at $65 a month and to run them 4 months would require $260,000,000. If it can be shown that more money is necessary, I am willing to vote for that, because I believe we ought to put everybody to work who wants to work until private industry can employ the men themselves.

I want to say a word about the policy of the W. P. A., which is one thing I am not satisfied with at all. The regional director comes down from Chicago to my State and everything is centralized in Topeka. There is Wichita, a city twice the size of Topeka; Salina, in Mr. CARLSON's district; and other districts. Those district offices are now set up as little skeletons, but in the name of economy everything is centralized in Topeka. Let us assume this situation in Wichita. We are going to build a big municipal bathing pool there. They wanted a "green light" so they could get started right away. But, wait a minute, we cannot put these people to work because we have to wait until a list of names is sent from Topeka, the central office, before they can go to work. I was out in Wichita 3 weeks ago and we had 7 days of very nice weather. The men could have gone to work, but they could not do a thing until the order was received from Topeka.

Sometime ago Mr. Hopkins issued an order that anyone who was on relief and working on the W. P. A., if he quit a temporary job anywhere in the United States, could come back and go to work on the W. P. A. If that had not been so, there would be no incentive for a man to leave the W. P. A. Now, we have gotten right back to the point at the present time where a man who has been on relief and who takes a temporary job for a few weeks has to go down into the basement of the courthouse, dig out the poor commissioner, get down on his knees, and plead and beg for some cabbage. He has to be a pauper. When he gets his cabbage and takes it home and eats it, then he has to come back and have some rouge-cheeked, lip-sticked case worker who does not know anything about relief investigate the case.

She goes out to this man's house and if he has anything more than the old familiar, proverbial receptacle or a window to throw it out of, he does not get a thing. He is recertified if he is absolutely a pauper. That recertification is taken to the district office. Now, they could put him to work tomorrow, but no, they cannot even mail that certification back to the central office, because they have two girls going around who collect these things and take them to Topeka. However, in the meantime this poor fellow is still hungry and will remain so until Topeka sends down a list of names to put to work. This sometimes takes weeks.

That is the system in effect today and I think it ought to be corrected. I am willing to introduce a bill to correct the situation, or if it can be done by administrative order, well and good.

Mr. RANDOLPH. Will the gentleman yield?

Mr. HOUSTON. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. Will the gentleman comment on the figures given by his distinguished colleague from Kansas relating to decreased employment in the United States and the increase in the other countries of the world? Is it not a fact that the increase is accounted for in the other nations largely by government employment and not private industrial increases?

Mr. HOUSTON. I think that is absolutely true.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 8 minutes to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Chairman, when we vote on this relief bill this afternoon I wish that every Member of the House would vote his actual convictions on relief. We are about to give this country another shot of dope—a $250,000,000 shot in the arm. This appropriation will have the same effect on the country as dope. It will leave the country weaker, with its nerves shattered, after it has been absorbed.

Congress last year appropriated what we thought to be sufficient money to run the W. P. A. until July 1, but the country began to have some new sharp pains, so we have before us a $250,000,000 relief bill.

Last year, when this House voted the relief money, we made a real attempt to earmark the funds for certain purposes; hoping by earmarking the fund we could see the construction of worth-while projects that would add to the national resources of this country. But after the bill passed the Congress we found the regulations enforced by the W. P. A. made the situation such that no worth-while projects could be constructed, for the W. P. A. regulations for the last year have cut W. P. A. participation to supplying the common labor required on a project. This has raised the sponsor's contribution to 75 or 80 percent of the total cost. Result: No worth-while projects.

I am not one of those who oppose this appropriation on the ground that it will increase the public debt. I am opposed to this appropriation because 95 percent of it will be spent on made work that will make no permanent contribution to our national wealth. When this money is spent we will have the same problem facing us that is before us today.

The problem of what to do with the unemployed has faced this Democratic Congress since 1932. Let us face the issue

squarely today. Are we going to take the easy way and give the country another shot of dope, refuse to face the facts, and talk about the distress of the people this money will help? Or are we going to solve the problem by constructive legislation?

This Nation is faced with a permanent problem of what to do with the permanently unemployed. Is the answer to feed them, feed them with this $250,000,000, feed them as we have for the past 5 years, realizing that this does not solve the problem? We all realize we are in a squirrel cage on the relief problem, keeping people in Detroit, Pittsburgh, and New York who will never again be absorbed by private industry. After the money of the past appropriations was exhausted, the man on W. P. A. was still on the W. P. A. After the money we are providing today is spent, and when we are asked for new appropriations, he will still be on W. P. A. This Congress in 2 months will make another appropriation and when that is exhausted he will still be on W. P. A. Relief work has become a career. It is high time that Congress accept the responsibility of meeting this crisis.

Are we mentally dead? I realize the easy way is to vote this appropriation. Congress can then at some future time face the problem. But the House should vote this bill down today and face the future now.

There are duly constituted committees in the House that can meet the situation. To name a few: The Committee on Banking and Currency could authorize loans to business; the Committee on Flood Control could authorize a vast national flood-control program, and, after the money was spent, the Nation would have value received and an asset to offset the increase in the national debt; the Committee on Irrigation and Reclamation could authorize new and valuable reclamation projects; the Committee on Public Buildings and Grounds could function as they should and authorize public buildings; the Committee on Merchant Marine and Fisheries could develop industries affected by their committee; the Committee on Rivers and Harbors could develop our water transportation. And let me pause here to say that the Committee on Appropriations, the committee that brought this bill before the House, can make appropriations to carry out projects that have already been authorized by many of these committees.

But when we examine the Budget we find that the estimate sent to the Committee on Appropriations to carry out the authorizations are pitifully small; and if you as a Member have been interested in any particular project, you know how hard it is to get the Budget to consider funds for projects authorized by Congress—yet with 2 days' hearings the Committee on Appropriations brings in this huge relief bill. And when the money is spent, the man who worked on these "made work" projects has been fed and could feed his family, still has no place in the productive industries of this country. While money spent for public improvements, conservation of the national resources, and development of the Nation, after they are completed, make places for the very men that have helped construct them.

I would vote for a bill 10 times the size of this one if it would create national wealth, as some of the projects undertaken by the Federal Works Progress Administration have done—for example, flood-control projects, building projects, road building, conservation projects—all over the Nation. However, we cannot solve this problem by voting a disguised dole, bill after bill, increasing the public debt and putting nothing on the credit side.

If we have to have direct relief for physically unemployable persons, this could be done at a fraction of the present cost by aiding municipalities and States and allowing local people to administer this form of relief.

I am in favor of a national works program, but this program must be sound. It must be based upon actual findings of the various permanent Government departments. It must have the approval of the committees in both the House and Senate. It must have the approval of the Congress. When we get such a program we will have work for the unemployed—and a better-balanced national ledger. When the money is gone we will have increased the national wealth by an amount comparable to the money spent. Best of all, we can build projects that will make a permanent place for the W. P. A. worker after the construction work is completed.

Mr. KELLER. How would the gentleman solve the problem?

Mr. FERGUSON. I am endeavoring to answer that question. I would solve it by building public works. We have the Committee on Roads, which can authorize the construction of roads. We have the Committee on Flood Control, which can authorize flood-control projects. When you keep the water off the land and prevent floods you increase the national wealth, you put a man in a position to make his own living, and you do not make him a permanent member of the W. P. A., with that as his career.

Mr. KELLER. Does the gentleman know to what extent that has already been done and is being done?

Mr. FERGUSON. Certainly I know; and this is just the reason I am taking the floor. The regular appropriations are pinched down within the Budget, but the relief appropriations are unlimited. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Chairman, I presume most Members of the House will vote for this deficiency appropriation bill today. I wish the appropriation were a billion dollars instead of $250,000,000. I hope we will be successful in amending the bill by substituting "$1,000,000,000" for the "$250,000,000." I maintain a billion dollars would not be one cent too much to ask from the Federal Government to take care of the 10,000,000 people who are out of employment.

Mr. Chairman, we are not doing justice to our fellowmen by appropriating a small sum of money which does not adequately provide for them. Undoubtedly, every Congressman is receiving letters from the people in their district telling them of the hardships they are compelled to endure because they cannot obtain employment.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield briefly?

Mr. DUNN. I am pleased to yield to my good friend, the gentleman from Minnesota.

Mr. KNUTSON. To what extent does unemployment prevail in the gentleman's district, which is largely an industrial section?

Mr. DUNN. I should say, out of a population of 301,000 in my district, at least 20,000 people are unemployed. Does this answer satisfy the gentleman?

Mr. KNUTSON. Yes. I was asking for information.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield?

Mr. DUNN. I yield to the gentleman from Oklahoma.

Mr. FERGUSON. How long have they been out of work?

Mr. DUNN. Many of them have been out of work for a long time, but within the past few months several thousand additional persons have become unemployed.

Mr. FERGUSON. There have been 20,000 out of work all the time during this administration?

Mr. DUNN. No. I did not make that statement. The gentleman from Minnesota asked me how many people are now out of work in my district.

Mr. KNUTSON. That is right.

Mr. DUNN. Under the Roosevelt administration many constructive, progressive, and humanitarian measures which greatly benefited the people of our country were enacted into law.

Mr. FERGUSON. Would the gentleman favor doing something to give them permanent jobs, or does the gentleman believe it is a fine thing just to feed them and maintain the status quo?

Mr. DUNN. I may say to the gentleman that I listened to his constructive address and I believe, as he does, that the people should be given permanent employment. I know this

can be done. We Members of Congress can solve any economical problem if we would be actuated by humanitarian motives. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Chairman, regrettable and disappointing it is that the Congress is again called on to consider an appropriation for relief purposes. I remember last year when we had up the relief bill my colleague and friend the gentleman from Virginia [Mr. WOODRUM] sponsored an amendment to reduce the appropriation to $1,000,000,000. I was inclined to vote for it because I realized the importance and necessity, some day, of stopping spending. I finally went along with the committee and voted for $1,500,000,000, the amount the President and committee recommended. I am going along with the committee again and shall vote for this appropriation. There is no other course for us to take. It is the human thing to do and is the only thing we can do under the circumstances and in view of the conditions that now prevail.

I have been making some investigation in my own State to determine whether there is a real need for this extra money. I find in the last few months the situation has steadily grown worse. Many of the major industries, and particularly among the larger manufacturing plants, are now on a 3-day workweek schedule. So thousands now employed are only working about half time. I find 27,700 people on relief jobs and an equal number awaiting assignment who are in dire distress. The State W. P. A. director advises another 14,000 to 15,000 must be immediately employed if dire need is to be relieved. I assume these conditions obtain in many other States or sections of the country. Under such conditions there is no other alternative. We must vote this extra money.

If it would solve the problem, I would like to join with some of my Democratic friends in denouncing the Republicans and the failures of the Hoover administration, but this will not solve the problem. If the condemnation that the Republicans heap upon the Democrats carried with it anything constructive that would afford permanent relief, I would be glad to accept it. It does not, and we are spending our time here, a great deal of it, with the Democrats blaming the Republicans and the Republicans in turn blaming the Democrats, while millions of our able-bodied citizens remain unemployed and hungry, and a "recession" rapidly grows into proportions of a major depression. Now, the truth about it is the American people and we, as Members of Congress, and the President have a real job on our hands. Our responsibilities are getting heavier. We need to forget about partisan politics and try to relieve the great distress that exists throughout the land. I do not believe we are going to find the way out by making mere appropriations of this character. They serve to give temporary relief only. I know there is a crying need for balancing the National Budget, and the further out of balance it goes the nearer we approach national disaster. We must take this into account. Its consequences are far-reaching, and we are going to feel the effects of this heavy national debt more and more as time goes on. We are not going to bring recovery by making these small appropriations just to relieve temporary distress. It is necessary to do it. It alleviates the pain, but it does not cure. When it has been expended, the disease is still present, and the aches and pains return.

This is truly a relief appropriation. It is not a recovery expenditure. It is not going to bring recovery. In all probability in another 4 or 6 months we will be in equally as bad a condition as we are in now.

Last year I introduced and secured the passage of a bill calling for a national plan with reference to flood control. This bill was passed, and the President saw fit to veto it. In his veto message he promised to submit to the Congress this January a national flood-control plan, but up to now it has not been submitted. In my opinion our trouble is due to the fact we are not looking ahead by formulating long-range programs. We repeatedly make these temporary and emergency appropriations, to be spent without adequate planning. Appropriating for immediate needs or for immediate relief to be spent on temporary jobs is not the solution, although we are compelled to do it when we find our situation as it is today. Today we are here in this crisis and in this condition without a real plan for national and internal improvements. Nor do we have a definite program. This is our mistake, and it is one we should acknowledge and promptly correct.

This Nation ought to settle down, and the responsibility is with Congress, as well as with the President, to formulate plans of work, plans of internal improvements in this Nation in the building of flood-control projects, soil conservation, forestry preservation, rural electrification, and the construction of highways, and I regret the President of the United States has taken the position that he does not want money spent for highways but wants to curtail such expenditures. I do not agree with him. He is wrong in that respect, and I hope he changes his attitude before this session adjourns. I think we ought to have a road program and that this relief money, or as much of it as possible, should be diverted into channels of construction so that when it has been expended it will leave us something of value and something that adds to the national wealth and something that is of benefit to the people as a whole. And I believe, Mr Chairman, that rather than continue this piece-meal system we have gotten into with respect to relief, we should devise a 5- or 10-year construction program on projects that would develop and conserve our national resources and thus give us more for the money we are spending. [Applause.]

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman and Members of the Committee, I am quite certain that no Member of this House has more consistently or more eagerly supported relief measures than I have. About the first important bill I voted for after becoming a Member of this House was a bill which carried an appropriation of $4,880,000,000. Perhaps only few Members of this House have more consistently or more willingly supported the program of the present administration. Notwithstanding this consistent support, I was dumfounded and amazed when I was advised by the chairman who is in charge of this bill that he would not grant me any time in which to discuss the measure unless I desired to speak in favor of its adoption. Can you imagine a worse "gag" rule than that which will not permit a Democrat to lift his voice in opposition to a measure of this importance? I did not desire and I do not desire to preach but rather to protest. I was, therefore, placed in the position of having to ask the ranking minority member of the committee to grant me a few minutes in which to express my views with reference to this subject.

When the last relief bill was brought before this Congress, in June 1937, a bill that authorized an appropriation of $1,500,000,000, many Members of this House and many of my colleagues in my own delegation voted to reduce that appropriation to $1,000,000,000. I was one of those who voted for the billion and a half. I did that, however, after a lengthy discussion with the Administrator of the Works Progress Administration, Mr. Harry Hopkins, and after I had been given the assurance from his own lips that if the billion and a half were granted the amount would be in all respects adequate and sufficient to meet the needs. Mr. Hopkins stated to me and to others present that the reason the administration had been forced to ask for additional amounts on former occasions was due to the fact that the original appropriation was inadequate. He stated that if we would vote for and support the appropriation of a billion and a half dollars that we need not have any fear that we would be asked for additional funds.

Only a few short months have passed since we were given that assurance, and now I find that after voting for a billion and a half dollars I am asked and perhaps expected to vote

for this bill appropriating an additional $250,000,000. At the time I voted for the last work relief bill I was also given the further assurance of the leadership that worthy building projects would be completed and that hazardous school buildings would be given preference. At that time an effort was being made to earmark a large portion of the funds then being appropriated for the Public Works Administration. Being satisfied by the assurance given to us at that time, I voted against the earmarking of the funds. No doubt you will recall that our majority leader, during the course of the debate upon that measure, visited the White House, and upon his return reported to the House the result of his conversation with the President. At that time our majority leader stated:

> The first matter discussed was the so-called Beiter amendment. I had said to the gentleman from New York and some of those who stood with him that I thought that if we could get a reasonable understanding about some matters which the Members of the House from practically every district in the country felt that the Government was morally obligated to undertake that we would be getting somewhere; that while the amendment of the gentleman from New York, if adopted, would earmark $300,000,000 and would keep it from being spent for anything except the purposes named in his amendment, it would not insure that the money would be spent. The President readily agreed, and I am authorized to say that he thought where communities had voted bond issues, many of them had sold the bonds and the money was lying idle and the community was paying interest on it; that he thought each and every one of those projects that were sound and in proper form ought to be taken care of, and that he would do that.
>
> The next matter discussed was schoolhouses. This is a matter that is very near to the hearts of a great many Members. He said that where it was proven that a schoolhouse was a fire hazard and that the community was not financially able to carry on that he would see that the schoolhouses were built.

Upon this assurance and in good faith believing that hazardous school projects would be provided for and worthwhile projects approved and undertaken I voted for the bill. Thereafter an application for a hazardous school project from one of the poorest counties in my district was filed with the P. W. A. The school buildings which the project contemplated replacing had been condemned by two grand juries. They had likewise been condemned by the proper officials of the P. W. A. who carefully examined them and made their report to that effect. The application was in all respects in proper form. The Finance Division reported that the project could not be approved because they had found that the county in which the schools were to be erected was able to finance its own building program. I visited the Finance Division and discussed the situation with the chief of the Division and others connected with his office. They admitted that they had made the investigation under great pressure for time and although they were willing to admit they had perhaps made an erroneous finding, they indicated no willingness to correct the error or to revise their report. The fact is that the county was not able to finance the building of the schoolhouses and today the lives of the school children of the county are being jeopardized and continually subjected to the great hazards which are now present.

After discussing the matter with officials of the Finance Division I called upon the Secretary of the Interior, accompanied by a representative of the county who had been sent here for the purpose of discussing the application, but received no encouragement at the hands of the Secretary. I then visited the White House and again presented the matter without receiving encouragement, the net result of it all being the lives of the children are still in jeopardy in a county which in every respect complied with all of the requirements, raised its part of the funds but was not able to finance the entire cost of building the schoolhouses and hundreds of children are today in danger. The P. W. A. admitted that it was a worthy project and fell within one of the preferred classes but turned it down on a superficial investigation as to the financial status of the county.

We are told that Federal aid for road building is to be curtailed in an effort to balance the Federal Budget. My State of North Carolina, in good faith believing that Federal aid would be granted, arranged its road-building program and appropriated its part of the money to meet, dollar for dollar, the Federal aid it expected to receive. If Federal aid is to be withdrawn we will find ourselves with our hands tied because our appropriation was made conditioned upon its being matched with Federal funds. Our highways will suffer for we will not be able to spend our own money to protect our own road system.

In the face of the situations I have just mentioned we are asked by this bill to take out of the Federal Treasury the sum of $250,000,000 in addition to the billion and a half already granted, most of which will be spent in metropolitan areas in the centers of wealth of this Nation in communities such as Detroit, and Flint, Mich., where automobile manufacturers and like industries are controlling production of the things they produce. These "apostles of plenty" who criticize the farm programs as programs of scarcity are actually controlling production and are "plowing under", shall we say, every third automobile, and turning thousands upon thousands of workers out of their jobs expecting the Federal Government to feed and to clothe them through the rest of the winter. If they believe in a program of plenty why do not they produce automobiles in abundance and let the prices down so that the farmers and other people of the Nation can buy automobiles at a price in keeping with the prices they are offered for the products they produce? When the farmers seek to control their business the "apostles of plenty" cry out their opposition. The "apostles of plenty" in this House ask us to balance the Federal Budget, yet they will vote for this bill because they know the money is to be spent in feeding the idle workers while those they represent practice their philosophy of scarcity. "Balance the Budget, yet give us billions for relief"—this is their cry of inconsistency.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I decline to yield at this time. We hear this cry of inconsistency coming from those who represent the city districts. I believe in relief and in work relief. I believe in relieving human suffering and distress. I am for balancing the Budget and I am more interested in balancing the economic budget of the Nation than I am in balancing the Treasury Budget but I shall vote against this measure as a protest against the manner in which relief funds and work relief has been administered. I know that this bill will soon become law. I know that in lifting my voice against further extravagant expenditures is like a child crying out in the wilderness.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. COOLEY. Will the gentleman from Colorado give me additional time?

Mr. TAYLOR of Colorado. How much time does the gentleman want?

Mr. COOLEY. I would like to have 5 minutes additional, but if I cannot have that, I would like to have any that the gentleman can give me.

Mr. TAYLOR of Colorado. I yield the gentleman 5 minutes, and I may say to the gentleman that I had promised all of the time practically that we had on this side of the House and had turned away several gentlemen, and when he told me that he was going to speak against the resolution I thought the gentleman ought to go to the gentleman from New York [Mr. TABER] and get his time. I do not want to be discourteous, but I did not want to turn down any more people than I had to.

Mr. COOLEY. Then give a Democrat who is against the bill a little time.

Mr. TAYLOR of Colorado. Why, I am giving the gentleman 5 minutes now.

Mr. COOLEY. I thank the gentleman.

Mr. Chairman, when the relief bill was here I voted for it. Likewise I voted for the amendment offered by the distinguished gentleman from Texas [Mr. LANHAM] and also for the amendment offered by the gentleman from New York [Mr. FISH], and I voted for those amendments because I believed that this American Government owes its first duty

to American citizens, and I do not believe that the American Government should be called upon or expected to support a certain class of people in this Nation who do not believe in our institutions, who would be willing to tear down the Stars and Stripes, the flag of our fathers, and lift up the red flag of Russia. I do not believe we owe them any moral obligation to support them on the relief rolls of the Nation while they are spreading their poisonous propaganda against the institutions that we love. Likewise, I voted for the amendment which requires the relief administrator to give preference to veterans, who do not lift the red flag of Russia, but who carried the Stars and Stripes on the battlefields of France. Yet we find opposition from the committee to these amendments, amendments which should be written into the law. These aliens who have no love for our flag should be taken off the relief rolls and sent back to the countries from which they came. [Applause.]

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. SNELL. I am entirely in sympathy with what the gentleman states in regard to aliens, but I am somewhat surprised by several statements made here for the reason that letters come to me from aliens saying they could not get on the relief rolls because they were aliens. I am wondering what the general situation is throughout the country.

Mr. COOLEY. Being from North Carolina, the one State that has fewer aliens and foreigners than any other State in the Union, I am frank to say to the gentleman that my statement about aliens being on relief is not based upon actual knowledge, but rather is based upon information that has come to me from other sections of the country.

Mr. SNELL. It has been my experience that it was against the law as it stands at the present time to take care of aliens.

Mr. COOLEY. I am frank to state to the gentleman that I, too, was under the impression that the Lanham amendment was written into the law. I was very much surprised to find that it was not.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. DIES. The Lanham amendment was not written into the law, but the Fish amendment was substituted.

Mr. COOLEY. Which provided that preference should be given to American citizens and to veterans.

Mr. DIES. And to veterans; but in actual operation it has not materially changed the alien situation.

Mr. COOLEY. We were forced to accept the Fish amendment because the Lanham amendment was defeated.

Mr. CASE of South Dakota. If the gentleman will permit, I have that section of the act here if the gentleman would like it.

Mr. COOLEY. I doubt if I have time to read it now.

Mr. Chairman, I am not actuated by any selfish motive in voting against this appropriation. I want it clearly understood as I stated a moment ago, that I feel it is more important to balance the economic budget than it is the Treasury Budget. I do feel, however, that I am justified in filing this protest because of the assurance which had been given. I cannot account for the failure of the Government to recognize the P. W. A. projects when the Congress of the United States said that the Administrator should give preference to school-building projects. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, I am sorry that I could not agree this afternoon with my friend from Oklahoma or with my friend from North Carolina, both of whom are against this work-relief measure. I am very certain that in the State of West Virginia the work-relief money which will be administered through this bill will go for worth-while work-relief projects.

I am also of the opinion, even though we think that the P. W. A. program should not have been stopped or that the proposed program of the future for road improvement should be curtailed, that those charged with the administration of this money will see that worth-while programs are carried out. We cannot escape our responsibility to give aid to those in need.

WEST VIRGINIA BENEFITED

Under the Works Progress Administration there have been millions of dollars expended on projects which have not only given men and women needed employment but which will be of lasting benefit to our future. Schools are being erected; streets are being laid; bridges are being built; abandoned coal mines are being sealed; historic and scenic markers are being set; health clinics are operating; poor children are being fed; recreation centers are provided; crippled children are benefited—in truth and in fact, the State and Nation have been given worth-while projects through work-relief programs.

I simply want to say that there is on the shoulders of private industry in this country certain obligations. I believe the only ultimately satisfactory solution for our unemployment problem is the reemployment of workers in private industry.

When industry fails to provide sufficient employment, it means that the unemployment problem devolves upon the Government itself. As the gentleman from Kansas [Mr. CARLSON] admits, the increase of employment in other nations, to which he pointed, was in large measure dependent on the fact that these men and women were employed upon Government projects.

Other nations have used government-sponsored public-works projects, and especially have some of them used huge armament programs as a means to stimulate employment.

The United States is today on the verge of entering a huge armament program. Of course it will provide employment for a while, until arms and armaments finally clash. After the ensuing destruction of life and property is over, then comes the inevitable economic collapse.

We are face to face with this problem today. Here is what the celebrated economist, John T. Flynn, has pointed out time and again:

> It is as clear as daylight that, to bring about any sort of recovery, somebody must start some new sort of business or some new extension of old business.

NOT FINAL ANSWER

Are public-works programs and armament programs the only way the Government can help business discharge its social obligation of providing needed employment? These are not final solutions to the problem, after all. In our haste to meet emergency conditions we have overlooked the greatest opportunity of all to achieve a more permanent solution.

There devolves upon science and private industry, with the cooperation of the Federal Government, the duty of working out a program to create labor-producing industries in this country.

Science and engineering are making rapid and continuous strides in providing us with new labor-saving devices and methods. Millions of dollars are spent annually in such research.

MUST CREATE NEW INDUSTRIES

But if we spent a larger portion of the total sum devoted to research in this country, or even set aside as much as 1 percent of the total relief appropriations to aid that type of fundamental scientific research likely to produce new labor-creating industries, we would be laying the foundation for a more permanent solution of our unemployment problem and the investment opportunities industry must have before it can discharge its obligation to society in providing adequate employment.

As I pointed out in my address before the American Engineering Council, which met in Washington January 14, 1938, if only 200 engineers in this country were each able to produce new industrial developments, each development to employ 5,000 men and provide investment opportunities

for $40,000,000, these 200 men could provide the basis for the direct employment of 1,000,000 men in new industries and from 2,000,000 to 3,000,000 more men in contributing industries.

GOVERNMENT MUST AID

But these scientists and engineers need help and encouragement to perform this difficult task. We must realize that there must be the impetus of Government working together with industry on one hand and with science and engineering on the other, to attempt to create labor-producing industries in the United States of America. [Applause.]

Mr. TABER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SEGER].

Mr. SEGER. Mr. Chairman, reference was made by the gentleman from North Carolina to veterans; and the gentleman from West Virginia referred to the necessity of private employers creating more employment. For my part, I have supported every appropriation for relief voted by this House.

The President now tells us 3,000,000 have been added to the ranks of the American jobless in the last 3 months, and he stresses the need of an additional appropriation at this time of $250,000,000. If private industry cannot employ these people means must be found to provide for them shelter, clothing, foodstuffs, and medicines.

My point in arising at this time is to ask if the committee has considered any means of preventing these many millions of dollars from being administered on a partisan basis. I have received many complaints, and I know others have, from unemployed textile workers, from unemployed veterans, and others, who allege they are unable to obtain W. P. A. employment because they have been unable to get the proper "political clearance papers," and I have recently noted in the press stories to the effect W. P. A. employment in many communities is classified under administration party patronage. Such action violates the pledge of the President of the United States and every American rule of fair play and the committee should know of some way to penalize it out of existence. Let us take care of our unfortunate people because they are Americans, not because they are associated with any political faith. [Applause.]

Mr. TABER. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, considerable of the discussion this afternoon has run to the question: What would we do in place of relief? Several Members have pointed out that it was the responsibility of this House to provide some constructive work.

DEVELOP DOMESTIC MANGANESE

Yesterday afternoon I introduced a concurrent resolution, which has gone to the Committee on Ways and Means, stating that it is the sense of this Congress that the Secretary of State should refrain from including manganese in proposed trade agreements with the United Kingdom, and also requesting him to serve notice on countries with which such agreements have been concluded that they should be terminated in respect of this commodity. The purpose is to restore the duties on manganese as provided in the Tariff Act of 1930, and thereby encourage the development of domestic production in manganese.

The facts are that today the War Department has recommended the purchase of a million tons of manganese as a matter of national defense. Practically none is produced at home today. There are 20 States which have extensive deposits of manganese. If the tariff was restored to the duty provided in the act of 1930 men would go to work in practically 20 States producing manganese today. The 1,000,000 tons of ore which the United States needs for a stock pile as a matter of national defense would provide 68,000,000 man-hours of labor; and not only that, but it would mean a steady domestic industry to provide the manganese needed in this country—about 800,000 tons every year.

Mr. SIROVICH. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from New York.

Mr. SIROVICH. Is there any difference between the manganese we have in our country and the manganese found in Europe? In other words, is it contaminated or is it pure?

Mr. CASE of South Dakota. Manganese is manganese, just as gold is gold. I hope at an early date to bring to the attention of the House the results that are being obtained by use of electrolytic processes and other new methods in the treatment of our domestic ores. I earnestly commend this matter to your attention because these jobs in a new manganese industry can be provided without cost to the Treasury and to the immense benefit of the country as a whole.

Mr. STEFAN. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Nebraska.

Mr. STEFAN. Will the gentleman in his extension of remarks name the States in which manganese is found?

Mr. CASE of South Dakota. I will be glad to do that in the more extended remarks I hope shortly to make on the subject and will include some interesting figures on the extent of our domestic ores.

Mr. ANDRESEN of Minnesota. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. What the gentleman said about manganese with reference to reciprocal-trade agreements applies with equal force to all other commodities which are produced in foreign countries and shipped over here?

Mr. CASE of South Dakota. Yes; when they displace American workmen, destroy their purchasing power, and throw them on relief. But the argument applies with special force to manganese which we must have. It seems to me it would be much more sensible to permit American industries to develop and provide regular jobs for these people than to continue this constant drain on the Treasury in the way of relief for people who would be given good, fair-paying jobs if American industries were properly encouraged. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 3 minutes to the gentlewoman from Indiana [Mrs. JENCKES].

Mrs. JENCKES of Indiana. Mr. Chairman, I am supporting the pending bill partly because in my own home community we are in a desperate situation. Last Thursday 245 families were forced to go on relief that had never known what it was in other years to take advantage of relief and receive help in this way. I am doing it because my own home community needs it, and I think if we need it in Terre Haute your various communities need it.

Mr. Chairman, I am going to offer an amendment at the end of the bill as follows:

Provided, however, That whenever any part of the funds herein appropriated are allocated and expended on building or construction projects, such funds shall be transferred to P. W. A. and expended under existing P. W. A. regulations.

In my district a high school was built out in the country. It was built once and torn down. It was constructed a second time and torn down under W. P. A. The third time when they got it up to the roof, it was found the corners were 20 inches off. I feel that in the interest of the taxpayers, this is a very good provision and I hope it will receive your support.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all Members who have spoken on this bill or who may speak on it may have permission to revise and extend their own remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. WOODRUM. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. TRANSUE].

Mr. TRANSUE. Mr. Chairman, we are about to make another appropriation for W. P. A. Last year when we appropriated $1,500,000,000, we thought that would be sufficient. We have found, however, it is not enough.

In one section of my district there is one out of three families ready to go on W. P. A. In Flint, a city of 165,000, there are 7,500 families on relief. Many of these people are denied W. P. A. work because the relief appropriations are insufficient.

I remember in 1932 and 1933 when the ability to relieve human suffering of the county, city, and State governments had broken down, it was found necessary to look to the credit of the United States to take care of human needs. The cities and local communities cannot take care of the situation. The credit of the United States is what these men and women of the United States who cannot find jobs in private industry are depending upon.

It seems to me if $250,000,000 is the amount needed, that is the amount we will have to give. If $500,000,000 is the amount needed, we will have to vote for that amount, because to me it is self-evident if a man cannot get a job in private industry then the Government will have to take care of him.

Recession and depression mean the same thing to the unemployed. Every person in the United States, who is willing to work, is entitled to a job in private industry, or one provided by his Government. Private employment is again on the decline. Government must give employment to those in necessitous conditions, who were thrown out of employment through no fault of their own.

It is said that we cannot afford to spend public money for this employment. I say we cannot afford not to spend it.

Thousands of persons will be dependent upon this appropriation to avert starvation. In district No. 3 of the W. P. A. in Michigan, which includes Flint and Lansing, a quota of 14,000 has been allotted and at the present time assignments have been made to take up the entire quota. W. P. A. officials conservatively predict that this 14,000 would be more than doubled if there were enough money to make a reality the promise of "work for willing hands." Actually by the end of this month of February there will be 18,000 in addition to the 14,000 assigned, on the certified list waiting assignment in district No. 3.

In an emergency or crisis where human beings are at stake and where little children and women and men may have to go hungry unless their Government provides for them, for my part I cannot compromise or temporize with trumped-up pleas for economy. In caring for the people of our country we are conserving our greatest asset.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, there have been several sour notes sounded here this afternoon that have stirred up a little acid in my own thoughts. If I could make but one contribution to the political education of the American people it would be to rid their minds of the delusion that they are running the Government and the Government is running the country. That, in my opinion, would be the beginning of knowledge.

I have been watching this thing every day for about 50 years and, in my opinion, no other people in the history of the world have lost so much ground in so many ways in the same space of time. The trouble with us is that this is "Der Tag," as they would say in Germany. This is pay day.

During that 50 years nearly one-half of the farmers in the United States have become tenants, and the percentage is constantly increasing.

We have ten or twelve million workers unemployed, and, in my opinion, millions of them are permanently unemployed. The machine has dispensed with them. I doubt if there are more unemployed people in Russia or any other country on the face of the earth than we have in this country, which boasts it is the smartest, the richest, and the greatest country on the face of the earth.

We have 36,000 families in this country who enjoy an income equal to that of 11,500,000 other families, and these are the figures of a distinguished Republican leader uttered on the floor of the other body.

We have about 200 corporations in this country which own or control practically all the wealth of the country, while independent businessmen are being swept into the discard by the tens of thousands.

We have everything the gentleman from Kansas a while ago said we have, and yet, in spite of all that, the country is mortgaged for every dollar it would bring under the hammer, and the major industry in the United States today is public charity. The burden of carrying the mounting millions of victims of the system, which does not support them, has become so great that it is a growing issue whether the Government, now under a staggering burden of debt, can bear it much longer.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I am sorry, I do not have time. I do not blink at this picture or seek to gloss it over. I do not shrink from its possible political consequences, either personally or for my party. I admit it in all its somberness. And no amount of partisan flag waving and political mud slinging on the floor of the House or off the floor will wash out one dark line of it. There the account stands as made up year by year since the Civil War, throughout all which period Government in the United States has been a partnership between wealth and politics to plunder the people.

I commend this account to Wall Street and its chambers of commerce, its Liberty League lawyers, and its kept press, for an answer. We know the answer will not be the New Deal. They have labored in unison to destroy it. I commend it to their political representatives here in Washington for an answer. Not in a single speech in 5 years have they suggested any way out. On Lincoln's Birthday they put over a national air barrage against the administration and all its works, in which for the first time they placed Jefferson, the "Jacobin," on the pedestal alongside of Lincoln, wrapping themselves in the livery of heaven to serve the devil in, but not one ray of light did they shed on the dark pathway now being trodden by this country.

But we have their answer. It is not necessary to go back to the lives and deeds of the great leaders of the past who fought and overthrew the privileged abuses of their time, or even to the last election, for the answer of the Republican Party to fully as great an issue confronting the people of this country today. Its representatives in Congress very recently have given all the answer the country needs. A few weeks ago they met in caucus and voted almost unanimously to repeal the undistributed-profits and capital-gains taxes on the corporate wealth of the country. And since then, on the floor of the House, they voted almost unanimously against a wage-hour bill to insure, not a fair wage but a wage that would keep millions of workers off relief. And as David Lawrence, who cannot be accused of any leanings toward the New Deal, has just critically pointed out in his daily column, not one Republican leader in the United States has made a speech in favor of the Wagner Labor Relations Act, but hundreds of them have denounced it and demanded its repeal or emasculation. Their answer is the day when Washington will again become what it has always been under Republican rule—a Wall Street red-light district.

The Republican Party is always on the end of the wire to the voice of private interests. If it is not always corrupt, it is like the dog on his tail before the phonograph, it knows its master's voice. He has only to whistle. It makes little difference in final results whether the country is sold, as under some Republican administrations, or given away, as under others.

Throughout this long period every leader of the people has been denounced in a thousand ways as the enemy of those he sought to help. Since the Civil War we have had as President three leaders—Theodore Roosevelt, Woodrow Wilson, and the present incumbent of the White House—who strove to change the course of the stream of our national life and direct its channel to a higher plane. Any temporary change in the course of the stream was where these men labored, but when they step out of office the stream straightens out into its old course and their works are obliterated.

The people have no voice. The newspapers are bribed by advertising, the lawyers are bribed by fees, and education and religion are chloroformed by the patronage and endowments of wealth. The great newspapers and magazines are, with few exceptions, merely loudspeakers on the cash registers of big business. Not one of them could exist if it were not for the support of private interests which are not interested in new deals, square deals, or honest government. Even the corruption of education, as shown by investigations of the Federal Trade Commission, has been among the means employed by the system to entrench itself in popular favor and insure its perpetuity.

Now, there is no moral difference between these forms of bribery and the taking of money by a public official. Under a double standard of morals we require only public officials to be honest. All others are free to take money to thwart honest government and mislead the people to their own undoing. It is lawful for a lawyer or a publisher or a teacher or a preacher to sell his political influence for money and put it in the contract, but a public official forfeits his office and his liberty. A public official cannot sell himself, but he can give himself away to influences that are bought and paid for. It is here that the double standard of morals breaks down.

One of Lincoln's famous political sayings was: "You can fool some of the people all the time, and all the people some of the time, but you can't fool all the people all the time." But the record of events since Lincoln's time shows that you can fool most of the people most of the time.

Throughout this long period not a law which has been put on the statute books of the United States to curb monopolies, to curb the rule of corporate wealth over the country, has been worth the paper it was written on. One could not discern in 1929 that a reform law had been placed on the statute books since the adoption of the Constitution. Every effort of Government to control the great monopolistic aggregations of wealth which have dominated the country, beginning with the Sherman antitrust law, has been frustrated, has proved futile. When the Sherman antitrust law was passed, monopoly was only an infant in its swaddling clothes, "now he doth bestride the narrow world like a Colossus." At that time the hundred million dollar corporation, measured against its background, was a sky-scraper; now we have the $5,000,000,000 corporation.

Chiefly instrumental in the failure of political efforts to lessen corporate domination over the economic life of the people has been the Federal judiciary, although in their more limited spheres the State courts have contributed their mite. Science and invention, commerce and industry, the economic structure of the country, and the development of its processes always face the future, moving rapidly, while the courts always face the past, standing still until forced into action. When new problems, arising from the fermentation and pressure of the vast economic forces which have come wholly into being in this country since the Civil War, are presented to the court, it digs into old books to see what dead judges said about obsolete things. It would be like the automobile industry going into Henry Ford's museum for a 1938 model.

I question whether the founding fathers ever contemplated that the Supreme Court would eventually occupy the commanding place it now occupies in the Federal scheme of things; that the time would come when this tribunal, composed of nine men, lawyers, mostly corporation lawyers, of which calling the founding fathers had never heard, and made irresponsible by life tenure, would play the commanding role in the Government of the Nation which the Supreme Court has been playing in an increasing degree for the past 60 years.

All the founding fathers knew of courts was the English judicial tyranny which drove them into the Revolution. In the Federal scheme of things the founding fathers gave first place to the only institution of political liberty of which they had any knowledge, the legislative branch. Congress was thought by the Constitution makers to be the bulwark of liberty, not the courts or the Executive. They even feared the President and fixed it so that Congress could remove the President as well as the judges, but only the people could remove Congress. How have the mighty fallen! Times change, and we change with them. The first has become last, and the last first. The stone which was so nearly rejected by the builders has become the head of the corner.

But the responsibility for the present crisis rests not upon the personnel of one branch of government nor of all branches. Now and then a thought comes vagrantly into the mind and takes up a permanent abode. Such a thought came to me some years ago. I attach value to it because it came at a time when I had no thought of ever again sitting in Congress or attempting to sit in it, and it was, therefore, free from any personal motivation. It was the thought that our governmental processes were outmoded and overloaded. If they were outmoded and overloaded then, what are they now?

And since returning to Congress another vagrant thought has come unbidden and remained in the same way. It came as a question. The question is, If our governmental processes are broken down, are we capable of the present discernment of the fact? Might they not be broken down and we not yet be aware of it? People living in the midst of great transitory events are not able to perceive and evaluate these phenomena. Even the leading actors in them may not be able to do so. Like Columbus, they may live and die not knowing that they had discovered a new world. It remains to the historian. And may not the historian one day point back and say that at this time, naming the period, the processes of our Government had broken down and were no longer able to function under the vast and complex burden imposed upon them? Thomas A. Edison some years ago expressed apprehension that the processes of our civilization were becoming so vast, so heavy, and so complex, that he questioned whether the human mind was capable of sustaining the weight.

The danger to government is enhanced by the fact, and it is a fact, that in addition to the scope and complexity of the vast problems impinging upon it it is not coordinated and it does not cooperate. Interminable delay, confusion, and conflict are inherent in its processes. Instead of being coordinative and cooperative, branches of government become antagonistic; but even if they undertook in good faith to cooperate, the problem in its major aspects would remain. Perhaps no man can answer it. Perhaps it may have to be worked out by the forces of society moving blindly. There is one thing certain, the answer must be found. And to a new ability to function effectively must be added economic justice.

In spite of the dark picture I have drawn I am not without faith. Indeed, I have abiding faith that eventually, by whatever means necessary, the rule of wealth in this country will be ended; and that is the issue. It will be ended and the wealth of the country subjected to the use and benefit of all the people. It has been well said that political liberty cannot exist without economic liberty. But that is what this country has been trying to make exist for two generations. Now, as I said in the beginning, it is pay day.

Mr. DITTER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. BATES].

Mr. BATES. Mr. Chairman, together with other Members of this body, I am deeply concerned about the unemployment problem, particularly as it affects the State I represent here. According to the last census, over 300,000 people are unemployed in Massachusetts, these figures being recently issued from the office of Mr. Biggers. At the same time, may I call your attention to the fact that our three major industries are woolens, cottons, and shoes. In the case of woolens and worsted material, we in Massachusetts manufacture 30 percent of the entire production of the United States. In the case of shoes, 25 percent of all the women's shoes in the country, twice as many as in any other State in the Union, are made in Massachusetts. In

the case of cotton goods, over 11 percent of the entire production in the Nation comes from Massachusetts. In these three industries are employed one-third of all the industrial workers of the Commonwealth of Massachusetts.

What we are concerned about is the present state of mind of the manufacturers in Massachusetts, due to the uncertainty, the lack of confidence, and the fear enveloping the industrial leaders which will not permit them to do business.

In recent days you have seen in the papers where the question of a trade agreement has been under discussion with Czechoslovakia, and this affects one of our major industries, shoes. Now also consideration is a trade agreement with the United Kingdom, which is affecting our other major industry; namely, that of woolen and worsted material. You have noticed that cotton goods and wool felt hat bodies are coming into this country in great volume from Japan, and these same kinds of products in some of our communities constitute the major source for employment. As a result of all this, we in the State of Massachusetts are very bewildered, which is in large measure, according to the industrial leaders of our State, responsible for the present acute condition existing there.

Mr. HEALEY. Mr. Chairman, will the gentleman yield for an observation?

Mr. BATES. I yield to the gentleman from Massachusetts.

Mr. HEALEY. The gentleman also knows that during the past 10 years a large part of that industry in Massachusetts has migrated to States where lower wage levels and less stringent labor laws prevail.

Mr. BATES. The gentleman is correct.

May I call the attention of the Members of this body to statements which have been made in recent days to the effect that two-thirds of all the importations into this country, based on value, are duty-free. The intention under these reciprocal-trade agreements is to chisel at the other third and bring down the tariff barrier, thus further harassing the industries on which we in our State are dependent in such a large degree.

Only last Monday night I addressed an audience in the great city of Lawrence, Mass. A year ago there were over 28,000 people engaged in the industries of that city, and today only 18,000 remain. In other words, there has been a drop in employment of over 10,000 people in the industries of that one Massachusetts city during this short period of time, and this is especially striking when you consider that 65 percent of all the workers in that city are engaged in the woolen industry.

In the city of Haverhill, in my district, 75 percent of all the industrial workers are engaged in the shoe industry, which is being very much affected by shoes from Czechoslovakia. In another town, Amesbury, that is being greatly endangered by the imports of hats from Japan, 65 percent of the industrial workers are engaged in the hat industry. When we examine the imports of recent years, we find that for a long time Japan did not enter into the exportation of hats at all, and in 1934 Japan shipped into this country only 13,000 hats. According to reports recently issued by the Tariff Commission, however, in 1937 over 8,200,000 hats were imported from Japan.

Now, look at the imports of textiles. In 1932 less than a million yards of cotton cloth came into this country from Japan, but last year over 100,000,000 yards of cotton cloth were imported. We further find, according to latest reports from the Tariff Commission, that woolen goods and worsted material have been imported from the United Kingdom in such large volumes under the present tariff schedules that considerable lack of confidence has arisen among the domestic manufacturers and wholesalers in the woolen and worsted markets, and as long as the proposed agreement with the United Kingdom is under consideration this uneasiness will continue.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield to the gentleman from New York.

Mr. SIROVICH. Does the Czechoslovakian manufacture of shoes affect the gentleman's State?

Mr. BATES. In the case of Czechoslovakia, if any concession by way of tariff reduction is made, the agreement under consideration at the present time will permit the importation of shoes from that country to the United States to such an extent as to ruin the shoe industry of my district. The Bata Shoe Co. of Czechoslovakia is the largest shoe-manufacturing organization in the world. It has factories in 10 other countries, employs over 40,000 people, has 3,000 stores in the different countries of the world, and can manufacture in one day from 250,000 to 300,000 pairs of shoes. These shoes can be manufactured in Czechoslovakia for 79 cents a pair, and similar shoes in the United States, including no profit, no overhead, and no taxes, cost $1.35 a pair to manufacture.

In the city of Haverhill, which I mentioned a moment ago, there is concentrated the manufacture of the particular type of shoe that comes from Czechoslovakia. Seventy-five percent of all the industrial workers in that community are employed in the shoe industry. Recently, out of 27 factories making this particular grade of shoe that is coming in from Czechoslovakia, 17 have closed their doors and the other 10 have been operating only on part time.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield.

Mrs. ROGERS of Massachusetts. Leather manufacturing is an important industry in my district also, and employs many thousands. But the industry is vitally affected because these shoes from Czechoslovakia are made of a type of leather which is made in Lowell, Woburn, and Winchester—all cities in my own district—and it is also made in other sections of this country, while Czechoslovakia protects her leather industry against our exports. She does not buy leather of us to make shoes, but expects us to buy the finished shoe made out of foreign-made leather.

Mr. BATES. There is no doubt about that. Leather is another one of our major industries.

The tariff rates are predicated on the cost of production in 1930, but when we examine the fact, we find how wages have increased in the United States since 1930 and how the hours of labor have decreased. When we examine conditions in Great Britain, Czechoslovakia, and Japan in view of the way wages have gone down in those countries, we realize what a great disadvantage the industrial workers of this country are up against when attempts are made to lower the protecting tariff and permit a flood of foreign-made, cheap-labor goods through the medium of trade agreements.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield.

Mr. HOOK. Why is it there has been an increase in the profits of the corporations of this Nation and a decrease in employment? Probably if they were given a little competition they would employ someone.

Mr. BATES. The only answer I can give to that, Mr. Chairman, is that in the case of the shoe industry there are over 900 plants in this country making shoes, and there are over 700 mills making woolen and worsted goods, and we have plenty of competition within our own country. Not only that, as the gentleman from Massachusetts [Mr. HEALEY] only recently called to your attention, the competition within the United States is breaking down the industrial life of our part of the country. We have plenty of competition from within, without getting more from without.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. BATES. I yield.

Mr. HEALEY. As a matter of fact does not the gentleman attribute the plight of industry in New England today more to the existence of low-wage areas in other parts of the country than to the reciprocal-trade agreements?

Mr. BATES. I will say that our history, of course, is one of 15 or 20 years insofar as our industrial decline is concerned, and many factories have gone to other parts of the country; but, as I said before, the present situation is being aggravated by the influx of foreign-made goods which can be delivered in our market much cheaper than they can be made here.

We have immigration laws restricting the immigrants from coming to this country because of the competition they will be to the American workman. It is much more important that the products of this foreign labor be restricted from entering the country than the laborers themselves.

Break down the tariff which is protecting the industries of this country and it takes no stretch of the imagination to see what will become of the factories and mills whose products are bargained off by reciprocal-trade agreements.

Our job is to preserve the American system of government. That cannot be done if we do not maintain peace among the people of this country. Peace can only be maintained when people are happy and contented. They cannot be happy and contented when they are unemployed, when work that should be given to them is given to the workers of foreign lands.

The rates in the present tariff schedule are already too low, resulting in excessive imports coming into this country, but if the rates are lowered further under any reciprocal-trade agreement, we may well expect a deluge of foreign products to come into our markets and ruin many of our American industries.

The present depressed condition of the industries of the country requires those in authority to go slow before they enter into any such agreement, which will place in jeopardy those industries which are the backbone of the industrial life of many of the communities of this Nation.

Any further action on these agreements should be suspended until we have recovered from this still far-reaching depression and until we have found employment for the millions of men and women who are now searching and praying for real jobs. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise to ask a question of the chairman of this committee.

I do not know definitely whether or not the other Members have found the same condition in their districts that I have in my own, and in Massachusetts in general, regarding the relief given to the women; but I feel that the women have not been given their fair proportion of relief under the relief funds. Is there any plan for giving the women more money in the way of relief work and relief?

Mr. TAYLOR of Colorado. So far as this resolution is concerned, it does not change the present law a particle. This simply supplements the appropriation which we found was not sufficient, and I may say that I have not heard of any complaints about the women being discriminated against in my State.

Mrs. ROGERS of Massachusetts. The gentleman makes a statement about his own district, while I wanted to bring out the fact that the women in general have not had their share. For instance, in my own district and in my own city of Lowell, they have only one-third as much work as they had a year ago, with the need very much greater.

I wish the Members would join me in trying to secure more pay for the women in the industrial areas, or wherever it is needed. Many of the women are the bread-earners for the family, and if we would all put our shoulders to the wheel I am sure we could get more for the women.

It is appalling that the relief is needed at this time when business conditions are so bad, but because of the unemployment we cannot let them starve. I hope that the administration will change its plans and help to bring about more employment, because the people prefer to be employed in business at higher wages than in relief projects where the lower wages prevail. The situation is a terribly serious one for everyone. The people of the country are badly frightened, and only when business improves will people regain confidence.

Mr. TABER. Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Chairman, every effort has been made by the administration to minimize the extent of the present depression. It is a very distasteful topic. In the hope of lessening the sting, administration spokesmen refer to it as a recession rather than calling it by its right name—a depression. But whether they call it a recession or give it the uglier title, the fact remains that the bottom has dropped out of business and unemployment figures are mounting day by day. And, what is more to the point and more distasteful to the administration than anything else is the fact that it can blame no one for it but itself, that the New Dealers can find no economic royalist or priest of plunder or Lord Macaulay to hold up to scorn and ridicule as the cause of their own manifold mistakes and that the present industrial tailspin is a Roosevelt depression, for "we planned it that way."

The avoidance by administration adherents of this painfull subject is quite natural. After their loud paeans of praise sung on every occasion in laudation of the New Deal and its progenitor, it becomes most difficult to change both the words and the music to fit the pathetic conditions today. They want to soft-pedal the whole performance. The acknowledgement of the existence of the depression is a confession of failure and while in the early stages of the New Deal fiasco, promises were made that mistakes would be acknowledged and rectified, we have not seen thus far any better performance of this promise than we have of the multitude of other promises made by the administration. According to the New Deal standard their record is letter perfect and their one endeavor now is to find some excuse for the business collapse.

But these disciplined disciples face a difficult task. They are trying to find a needle in a haystack. The present depression is their baby, and try as they will they cannot get it away from their own doorstep. Evasion and distorted press releases and wise-cracking press conferences will not remove the odium. It belongs to them, for "we planned it that way," are the boastful words of the President which come back to haunt and taunt them in their present discomfiture. Every sensible citizen who retains any self-respect and who is free enough to think for himself realizes both the magnitude of the depression we now find ourselves in, and that it is the direct result of the hodge-podge, hit-or-miss program of uncertainty, extravagance, and experimentation indulged in by the New Deal for the last 5 years. All of us remember how profusely they promised and how painstakingly they planned according to their assurance to the American people. All of us remember the Utopia they painted. All of us remember the completeness of the more abundant life they pictured. Small wonder that they now hide their blushes behind any excuse that may cover their embarrassment. Small wonder that the wind has been taken out of the sails of most of the braying ballyhoo artists who for 5 long years have abused the credulity of the American people with professions of perfection and assurances of security. Small wonder that the administration has assumed the attitude of "the less said the better," as its defense position.

I assume, Mr. Chairman, that the cry will be raised by one of the administration spokesmen that I am making a political issue out of a relief measure. Such a move is to be expected. It is the only reply that can be made to the observations which I have made. It hardly behooves any administration spokesman to raise the question of politics in connection with this or any other measure, for it is a notorious fact that politics, political favoritism, and political advantage have so honeycombed the administration of public relief that it is looked upon as a disgrace approaching a national scandal. If this were not the case, why has every effort been made by administration adherents to suppress, curtail, and prevent a free and unrestricted inquiry and investigation into the whole subject of public relief? I submit, Mr. Chairman, that the relief administration, like Caesar's wife, should be above suspicion. So that it ill becomes any administration defender to divert attention by raising the cry of politics when the mistakes and the failures of the New Deal are pointed out.

It must be borne in mind, Mr. Chairman, that this relief measure is related directly to the depression which grips the country at this time. Unemployment has increased to the greatest extent in industrial centers. It therefore follows that unemployment is due largely to factors which have disturbed industrial activity. What are these factors? I submit, Mr. Chairman, that the President has done nothing to correct the disturbing factors which have caused the industrial let-down, resulting, as he himself said, in 3,000,000 additional unemployed since the 1st of last September. Can it be that the President has been unaware of the serious aspects of this depression? Has he purposely avoided making any suggestion for the removal of the barriers which block normal private industrial activity? Does he feel no duty whatever to accelerate the wheels of industry so that jobs and wages can be available?

I submit, Mr. Chairman, that certain definite steps can be taken which will bring about a speedy restoration of business life throughout the country. I submit, Mr. Chairman, these steps can and should be taken at once, and if they were taken the request for additional relief funds would not be made. There would be no need for them.

I submit, Mr. Chairman, the steps I suggest are definite. Let the administration purge the relief rolls of political parasites and remove the excess load of over-paid administrative officials enjoying political sinecures. Let the administration repeal the obnoxious and destructive capital-gains tax and the equally deadly undistributed-profits tax so that private industry may have some hope of profitable and safe operations. Let the administration discontinue its persistent threat of Government competition with private industry and thus afford to private investors the encouragement, so sadly lacking today, to launch into larger avenues of expanding commercial operations. Let the administration cease its fancy phrase making and with forthrightness and candor tell the businessmen, big and little, of the country that the period of inquisition and persecution is at an end and that punitive and penalizing measures will be discontinued.

Let the administration assure the country that a sound fiscal policy and a sensible monetary program will be adopted and that future commitments by businessmen may be made with a reasonable degree of assurance that a rubber dollar will not prove to be a resilient measure of value. In a word, let the administration takes its heel off the neck of business and loosen its strangle hold on private enterprise and a very substantial part of our relief problem will be solved by the creation of work and wages.

The unfortunate thing that we face today is that the burden of the maladministration of relief and the deadening effects of the administration's attitude toward private enterprise does not fall on the shoulders of the poltical powers which are responsible for them. The unemployed pay the toll. We are faced with serious conditions for which those in distress cannot be held accountable. From present indications and in view of the administration's failure to indicate any desire or make any move which will encourage private industry to get even a glimpse of confidence for the future, the demands for relief may grow even greater. With this sad and lamentable prospect before us and in spite of the failure of the administration to give a justifiable accounting of its relief stewardship, many of us will support the present measure as a means of avoiding an even greater catastrophe.

Mr. TABER. Mr. Chairman, I yield myself the remainder of my time.

Mr. HOFFMAN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty Members present, a quorum. The gentleman from New York is recognized for 15 minutes.

Mr. TABER. Mr. Chairman, we are presented with this resolution to add $250,000,000 to the rolls of the W. P. A. It appears that at the present time the W. P. A. has on its rolls 2,000,000 people. Without a dollar being appropriated, it can carry 1,800,000 in March, 1,600,000 in April, 1,530,000 in May, and 1,500,000 in June. This resolution is designed to step those figures up an average of about 725,000 per month. What is the situation in this country? What is the situation that the Government has been providing for the State governments, the local governments, and the Federal Government with reference to relief and with reference to benefits out of the Treasury? Frankly the committee was not accurately informed with reference to several of these matters. The committee, as the House is, as the President is today, and, as I understand it, as the body at the other end of the Capitol is, is in a panic, run off its feet, and on the run, helter-skelter; the committee has advised us to appropriate this money without fair and adequate consideration. One outfit that presented to us last Saturday afternoon a story of 100,000 relief employment tells me this afternoon that they have 400,000 on the rolls for direct relief, and that they expect to add with the funds they have on hand 175,000 a month. That is the Farm Security outfit. The peak of all rolls of all descriptions and at a time when we were told that the peak of unemployment in America was 15,000,000, back in 1933, receiving benefits of all descriptions, was 5,000,000. On these figures that I have right here—I have the details from each department—and I shall put the number from each source receiving benefits in the RECORD. The total is 7,234,000.

Case load

Works Progress Administration	2,000,000
Civilian Conservation Corps	284,000
Work projects	130,000
National Youth Administration	298,000
Direct relief	1,800,000
Old-age relief	1,650,000
Dependent children	225,000
Aid blind	47,000
Farm relief direct	400,000
Unemployment insurance	400,000
Total	7,234,000

Mr. SIROVICH. Now?

Mr. TABER. Now, right now—2,234,000 more than we were told was the all-time peak in 1933; and I have those figures as close as I could get them right up to this minute, and the last one from the last outfit came within 10 minutes. I shall put the details of them in the RECORD. Conditions in America are bad, and they are bad because of the unsound things that have been done, of the unsound bills that have been passed by this House, the unsound tax bill, the unsound labor bill, the unsound provisions for demoralizing the American people by this W. P. A. performance, and the complete demoralization of the shoe and textile industries by the reciprocal tariff act. And you all know and I know that in your territory and in my territory nothing that you have seen in your lifetime has been more demoralizing to the American worker than that operation.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. TABER. I cannot yield; I have not the time. We have here a responsibility. The Members of the House of Representatives are the trustees of the Nation's funds. It is their duty to make appropriations that are needed for the welfare of America, and not to continue to permit the waste of the people's money. That is my plea to the Congress of the United States, to meet its responsibility. We were told that 3,000,000 had become unemployed in 3 months, but what has happened with reference to relief in those 3 months? Four hundred thousand have been added to the W. P. A., 550,000 have been added to the general relief cases throughout the country, 400,000 have been placed upon the unemployment-insurance rolls, and there are from 100,000 to 200,000 cases being added to the unemployment-insurance rolls every week, with the prospect that that ratio will continue down to the 1st of May, and perhaps longer. What else have we? The Farm Security Administration has placed 150,000 a month on for 2 months—300,000 more—300,000, 400,000, 400,000, 550,000—what does it make? If my figures are correct, something like 1,700,000 that have been placed on one roll or another where they would receive

benefits within the last 3 months, at a time when it is alleged 3,000,000 have become unemployed. If we do not increase our unemployment, we are bound almost to have as many on one roll as another, of one branch of the Government or another, as unemployment is increased. That is the tendency.

You think I am playing politics on this. I wonder if you will when I tell you that in my home county factory employment increased on Monday by 5 percent, and in a nearby city 25 miles away factory employment increased 5 percent. What do you think about it? Freight-car loadings have increased period by period ever since November, week by week; they are increasing now.

Is it not about time to get over this panic and do business on a businesslike basis, meet our responsibilities instead of running away from them? I know what I am talking about. The price index on food products has dropped from 90 to 70; so a dollar goes much further than it did before.

The trouble with this relief business is that we have administered it from Washington not as a business proposition but in charge of professional reliefers whose idea is to build up a big job for themselves.

The gentleman from Alabama [Mr. STARNES] made a statement here this afternoon, a statement that the Members of the House could very well study, could very well think about; and if they would think about it with the idea of meeting their responsibilities there would be no question in the wide world but what we could, by turning relief, whatever there was of it, back to the States to administer and let them call in the best they have instead of the worst they have administer it on much less money, we could do it much better and take care of the needy cases without wasting money.

I hope the Members of the House will come to some realizing sense of their responsibility when they come to vote these moneys. Let them realize what is going on. Let us not do it in a panic. I am satisfied that never before have we had such a proposition put up to us at a time when we were right at the spring season, when we face a normal and natural tremendous increase in private employment in the building trades in connection with rehabilitation of all kinds of property. Such things always take care of a great deal of the slack which goes on to the relief rolls in the wintertime. Were this the fall of the year I would feel differently; but you know that in your district as I know in my district exactly what is going to be done. We can each put our fingers in our own territory upon hundreds of men who are going to be placed at work in the next 2 or 3 months. We know, all of us, that this idea of holding the number of W. P. A. employees at 2,250,000 for June and May and April, whatever it is, is perfectly ridiculous.

There is no common sense in passing this bill, because already they have funds which will permit them adequately to take care of the need of the people, as I have pointed out to you instances—and I am sure that in your own minds you can call up instances—of cases where employment is increasing instead of reducing. Study the tables and the charts presented to you and you will realize in your own minds that we ought not to pass this bill. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the balance of the time on this side to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, I am going to vote for this bill, but I wish to say that there are many things about the relief situation, the way in which it is being handled, that I do not approve. I do not like them any better now than I did a year ago; and I think now as I did a year ago that a billion dollars for real relief, for real work to the people who need the money, would have gone further than the billion and a half we appropriated. So I am not dipping my colors any when I vote for this bill today.

There is one thing, however, about which there can be no difference of opinion, and that is that there is an urgent present need for additional funds for work relief. If they are not provided there is going to be real suffering in this country.

I think it is unfortunate that so much partisan politics have been injected into this matter today. My good friend from Pennsylvania [Mr. DITTER]—I do not see him here—I admire him very much because of his fine pungent way of speaking. He hits hard, always straight from the shoulder, always thinking of some political advantage he may reap out of any situation that presents itself. I am getting uneasy about our good friend, however, for he is displaying some rather significant and characteristic symptoms: rasping voice, jerky nerves, barking here and barking there, and writhing somewhat. I think I have diagnosed his case; it is a disease that about this season of election years begins to get prevalent on perhaps both sides of the aisle, but usually on the minority side. My good friend has got what some of the rest of you boys have—a good old-fashioned case of chronic Republican bellyache. I say that not in any offensive manner; I say it meaning that you are ready to find fault with what is being done.

There is unemployment today, of course. There are many people out of employment, of course. The difference in the situation now, however, and the situation which existed in 1933 is that the present administration is willing to recognize it and is willing to come to Congress and to the country and say: "Yes; there is widespread unemployment, not because of anything this administration has done but in spite of what it has tried to do. There is need to help the people and therefore we ask the Congress to help the people rather than to stand by and preach the doctrine there is no such condition and that prosperity awaits us just around the corner."

The committee has brought you this bill calling for $250,000,000 to supplement the $1,691,000,000 which was made available for work relief for the present fiscal year. If passed as brought to you by the committee, it will give the amount of money that the Executive and the Works Progress Administration say is necessary and sufficient to carry the program through to the end of the present fiscal year. It will enable the W. P. A. to put 2,500,000 people on the W. P. A. rolls as of March 1, as against 1,800,000 that they would be permitted to place on the rolls if there is no supplemental appropriation. It will permit them to put on 2,400,000 as of April 1, 2,300,000 as of May 1, and 2,200,000 as of June 1, hoping all the time, of course, that the recession or whatever you may choose to call it, or condition, will to some extent have passed and it will be possible to reduce the work relief rolls by that time.

Mr. Chairman, this is an emergency. The need for the additional funds arises from an emergency. May I remind you of the fact that when we passed the bill a year ago we wrote into it a provision requiring that this program be set up on a 12-month basis and upon that theory the program was set up on a 12-month basis. At the direction of the Director of the Budget, in conference with W. P. A. officials, the program was allocated on a quarterly basis. It was testified before our committee that it had worked out splendidly and there was no difficulty about it. There would have been no difficulty had it not been for this unexpected and unprecedented quick drop in employment or, rather, the laying off of people who had positions.

This fund supplements the amount of money available for the remainder of this fiscal year. The antideficiency provision will in no way operate against it; but I may say if there still be any of us left who are interested in the financial condition of the country, in my judgment Congress should require the relief administration to set up a program on a 12-month basis, which has saved us perhaps a half billion dollars, because this deficiency instead of being $250,000,000 would have been $750,000,000.

Mr. Chairman, I do not make that statement as an indictment of the intentions or purposes of the relief administration but I say that because the Congress gave them there a bulwark and protection against which they might stand when high-pressure groups bore down upon them to increase certain allotments. The major part of this $250,000,000 will go to the populous centers of the country. We

are told this condition exists to the greatest extent in cities like New York, Chicago, Philadelphia, and the automotive section of the country. May I say the committee hopes that, inasmuch as this is an emergency and that this money ought to be administered by the relief administration on the same basis and on the same terms as the money originally appropriated, the House will permit the bill to pass without amendment.

I want to amplify that statement, not that the committee delegates to itself all wisdom in the matter, but may I say, if we really mean to afford emergency and quick relief to these people, it is no time now to change the manner and method of administering it. If it is going to be made possible to put these 2,500,000 people on the W. P. A. rolls on March 1, then it would be idle for us to throw impediments and obstacles in the way of the administration of this fund because any substantial or fundamental change in the manner in which these funds are handled or administered will be just that much more administrative expense and that much more red tape to wade through before the real people who are to get the relief will receive it.

Mr. MASON. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. MASON. The gentleman has been very frank in admitting that according to his opinion $1,000,000,000 properly used would have gone as far or farther than the one and a half billion dollars which was appropriated. I agree with that statement. Is the gentleman willing to be frank enough and admit that those responsible for administering this billion and a half belong to the party in power and the administration?

Mr. WOODRUM. Oh, I think a great many of them do and a great many belong to the gentleman's party. There are some of the great States in which members of the gentleman's party have a large part in the administration of these funds. I know in my own territory members of the gentleman's party have had a large part to do with it. I am not laying an indictment against the members who administer it. I am objecting to the system.

Mr. MASON. I object, too.

Mr. WOODRUM. I want to see a large share of local responsibility, both of supervision and financial support, put on the communities.

Mr. MASON. Will the gentleman yield?

Mr. WOODRUM. In just a moment. May I say if there is a need to go forward with Federal relief, I want to see the States and the communities that can afford to do it finance this thing as far as they can from their own treasuries and out of their own pockets without sending the money to Washington and having it supervised from here. I yield to the gentleman from Illinois.

Mr. MASON. I want to make this statement: I agree with the gentleman 1,000 percent that it is the system that is wrong and not the ones who are administering it. I also agree that we cannot change the system in this emergency bill; but we should change the system when we come to make another appropriation for the next year.

Mr. HEALEY. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Massachusetts.

Mr. HEALEY. I have been listening to the gentleman's very able address, but I have failed to hear the gentleman state any instances or make any allegations that there has been a wasteful expenditure of this fund by the W. P. A. authorities.

Mr. WOODRUM. I think a great many projects might be questioned. I think there has been a lot of money paid out on high-powered projects, more than mere security of wages, and my friend knows that is true.

The gentleman knows that is true. In many of the metropolitan centers, the gentleman recalls, there were opera companies and orchestras, and high-powered wages were paid. I need not detail all of that, because it is a familiar story to all of us. However, this is something we cannot reach in this resolution today because the house is on fire and we want to put it out if we can.

Mr. HEALEY. Does not the gentleman agree the people who were employed on such projects had to have some opportunity to work to keep them from starving and to support their families, and that some projects ought to be undertaken for their benefit?

Mr. WOODRUM. I do; but not at the salaries that were paid some of them and not at the fancy prices that were paid some of them, which were entirely out of keeping with the fact that these people were dependent on the generosity of a great government rather than getting some high, fancy wage.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Oklahoma.

Mr. FERGUSON. The gentleman has stated this is an emergency appropriation, intended to put 2,500,000 people on the rolls by March 1. Can the gentleman take a little time to tell us what kind of work will be furnished them on these emergency projects?

Mr. WOODRUM. It will be the same type of projects and under the same classification as carried in the original act, with which, I am sure, the gentleman is familiar; that is, roads, sidewalks, sewers, highways, and the other types of projects that are classified in the original act.

Mr. FERGUSON. The gentleman realizes that under the act the contribution by W. P. A. is practically limited to labor, which makes projects hard to find. Did the representatives of W. P. A. give any assurance that worth-while projects could be developed?

Mr. WOODRUM. They gave us that assurance; yes.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Nebraska.

Mr. STEFAN. Did the gentleman say what percentage of this $250,000,000 was going to be used in the populous parts of the country? Did he say a large percentage?

Mr. WOODRUM. I said we were given to understand a very large percentage of it would be so used, because there is where the real emergency exists.

Mr. STEFAN. May I say the real emergency has existed for 4 years in the drought-stricken sections of the farming country, and we need considerable attention there.

Mr. WOODRUM. We understand that $30,000,000 more of existing funds will be used for that type of rural relief. Already $77,500,000 has been allocated for that purpose.

Mr. STEFAN. Will that be the limit?

Mr. WOODRUM. I do not know whether it will be the limit, but we were given the assurance that at least that much would go there.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Massachusetts.

Mr. BATES. What is the gentleman's view with respect to the distribution of this relief money where it is claimed there is no depression, not even a recession? In recent days I clipped an editorial from the front page of a certain paper, and I shall not name the State. This editorial reads to the effect that this State is the only State in the Union which has no depression, the only State untouched by the recession which has thrown panic-stricken millions out of work; yet this very State received $24,000,000, or 94 percent of the cost of relief last year.

Mr. WOODRUM. I am not familiar with the figures the gentleman recites.

Mr. BATES. Not only that, but there are four other States which have received, respectively, 95 percent, 99 percent, 98 percent, and 94 percent of the cost of relief. Does the gentleman believe in this sort of thing?

Mr. WOODRUM. I am not familiar with the figures the gentleman states, and I do not want to get into that kind of discussion.

Mr. MASON. That is the fault of the system.

Mr. KELLER. I understood the gentleman to insinuate, at least, that one-third of the $1,500,000,000 we appropriated last year has been wasted, in effect.

Mr. WOODRUM. No; I do not believe I said any such thing.

Mr. KELLER. In other words, did not the gentleman say that $1,000,000,000 would have done the work?

Mr. WOODRUM. I said that $1,000,000,000 spent in aiding people who really needed the funds would have probably given more relief where the relief was really needed.

Mr. KELLER. That indicates a waste of half a million dollars.

Mr. WOODRUM. It does not mean it is wasted.

Mr. KELLER. What would the gentleman call it?

Mr. WOODRUM. It means the money would have stretched further.

Mr. KELLER. Then it is a waste.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Just briefly.

Mr. COOLEY. What were the wages paid to the musicians on some of the projects to which the gentleman referred a moment ago?

Mr. WOODRUM. The gentleman will no doubt recall that in the beginning of the program there were some so-called white-collar projects or professional projects organized in some of the metropolitan cities, in which rather staggering salaries were paid.

Mr. HEALEY. About $85 or $90.

Mr. WOODRUM. It was widely stated in the papers that $300 or $400 a week was paid some of the singers in these opera companies.

Mr. HEALEY. About $85 or $90 a month was all it was.

Mr. WOODRUM. I do not know whether it was or not, and I do not want to get into a discussion of that question.

May I say I would like to proceed without interruption for a moment, because there are two or three matters I must mention here.

One amendment which will be offered to this resolution is as follows:

Provided, That whenever any part of the funds herein appropriated are allocated and expended on building or construction projects, such funds shall be transferred to the Public Works Administration, and expended under existing Public Works Administration regulations.

We have just passed a housing bill to aid the building industry, or the skilled trades. To undertake to write into this bill a provision that money for building projects under W. P. A. has to be transferred to the P. W. A. and go through all the routine and red tape necessary to get new contracts started there, when P. W. A. is in a state of liquidation, its forces having to a large extent been disbanded since it has reduced its personnel, would mean an attempt to breath new life into that organization and would absolutely defeat the purpose of this resolution.

If such a thing is to be done, then the time to do it is when we come to write the relief appropriation for next year, when we can consider it deliberately and carefully. This is an emergency matter and it is hoped to get these people who have been suddenly thrown out of employment back to work quickly, and the only way this can be done quickly is through the existing agency which is already set up and ready to go with projects whenever they are given a green light by the necessary money.

Another amendment which my distinguished and beloved colleague from Texas [Mr. LANHAM] is interested in is the so-called "alien" amendment.

I am 100 percent in sympathy with the objectives of that amendment, but I call your attention to the fact that we have in the existing law which will apply to this appropriation a workable, sensible alien provision which says that the relief administration shall not knowingly employ aliens on work and that it shall give preference to American citizens and to veterans.

Under the operation of this language and because of this provision there have been stricken off of the W. P. A. rolls since the law was passed last year 72,000 aliens.

We are told by Works Progress Administration that there are very few aliens who have not filed their intention to become citizens of this country getting direct relief in competition with American citizens. However, if you write a mandatory provision in here imposing the duty upon Works Progress Administration to determine the question in advance in each instance, let us see just what you would have from an administrative standpoint. In populous centers where large elements of the population are foreign born, the Works Progress Administration must stop in each case and institute an inquiry, requiring evidence to be presented and act at their own risk. They would have to consult the General Accounting Office before they could pay checks to these people, to see what proof would be required as to a man's citizenship before he could be paid.

I hope that amendments of the two types which I have suggested, irrespective of their inherent merit, if they have merit, will not be adopted. I hope we may postpone the consideration of such matters until we come to you in a month or two with an appropriation for relief for 1939, when we can take the necessary time to consider these questions. If I have anything to do with it we will take the time and I shall be pleased to have you come to the committee and present these matters.

Neither one of the amendments I have referred to here was presented to the committee. The first amendment was read to us on the telephone when the full committee was in session considering the bill. It has not had the careful consideration of the committee.

We hope today you will permit this bill to pass without amendment in order that this emergency may be met, with the hope that when we come to prepare our final appropriation for relief for 1939, we may be able to work out these controversial matters. [Applause.]

The CHAIRMAN. The Clerk will read the joint resolution for amendment.

The Clerk read as follows:

Resolved, etc., That to continue to provide relief, and work relief on useful public projects, as authorized in the Emergency Relief Appropriation Act of 1937, and subject to all the provisions thereof, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000,000, which amount shall be added to, and proportionately increase the specified amounts of the limitations prescribed under, the appropriation made in such act.

Mr. LANHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Line 10, page 1, after the word "Act", strike out the period, insert a colon, and add the following: "*Provided, however*, That no part of this appropriation shall be paid to any alien unless such alien has heretofore in good faith declared in the manner prescribed by law an intention to become a citizen or unless such alien has resided continuously and lived honorably in the United States since January 1, 1928, and is ineligible under the laws of the United States to become a citizen."

Mr. LANHAM. Mr. Chairman, I discussed this amendment during general debate, and I wish now to recite the differences between the provisions of this amendment and the provisions of existing law.

Substantially this amendment is in existing law, but it needs the clarification of the amendment I have offered.

In section 3 of the relief act of last year there is this statement:

The departments, agencies, or establishments having supervision of projects for which funds from the foregoing appropriation are made available shall not knowingly employ on such projects aliens illegally within the limits of the United States.

And so forth. In other words, they may employ many aliens without knowing that they are aliens and illegally within the borders of the United States.

And the law does not stipulate that they shall make any investigation to determine whether such aliens are illegally within the United States. If they do not know it, they are absolved. The provision of this amendment is that no part of the appropriation shall be paid to any alien unless he comes within these two classes which are excepted. In other words, the burden of proof is shifted to the alien himself to show that he comes within these classes which would entitle him to consideration for relief. The further provision here in the law is:

Provided further, That veterans of the World War and Spanish War who are in need of relief shall be given preference for employment by the Works Progress Administration.

Of course, I am strongly in favor of giving them preference and giving preference to all American citizens, but the provision of this amendment goes further and says that in addition to the preference which shall be shown them, no part of the appropriation shall be paid to aliens except as they come within these two classes, and those two classes are the only ones which embrace proper objects of our bounty for which we should place a burden upon the taxpayers of America. So I think this amendment of mine clarifies the provisions of the present law by placing the burden of proof upon the alien to show that he is a proper object of our bounty; and, in addition to giving preference to American citizens and our war veterans, to stipulate that they and they only, except those aliens that come within this amendment, shall receive relief.

Mr. SEGER. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. SEGER. I know of nobody in the House who is less partisan than the gentleman from Texas.

Mr. LANHAM. I thank the gentleman.

Mr. SEGER. Would it not be well to add when we talk of American citizens, that they are American citizens of any political faith, because the gentleman knows as I do that the minority side does not get much of a look-in when it comes to W. P. A. labor.

Mr. LANHAM. I think as a matter of fact in this time of stress that we must all be Americans first and partisans afterward. This amendment offered by me certainly has within my contemplation full, fair, and proper consideration for all American citizens who are in a situation that causes them to deserve this bounty.

Mr. SEGER. I believe the gentleman sincerely feels that way.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate upon this amendment close in 5 minutes. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Chairman, I am in entire accord with my distinguished friend from Texas [Mr. LANHAM] on the objectives which prompt the introduction of this amendment. It was to accomplish this general purpose that the Congress wrote into the Emergency Relief Appropriation Act of 1937 last year the alien amendment which I think is as strong as it is administratively possible to make it. Let me read to you section 3 of that act, which will apply also to the appropriation now under consideration:

SEC. 3. The departments, agencies, or establishments having supervision of projects for which funds from the foregoing appropriation are made available shall not knowingly employ on such projects aliens illegally within the limits of the United States or aliens who have not filed declaration of intention to become citizens, and they shall make every reasonable effort consistent with prompt employment of the destitute unemployed to see that such aliens are not employed, and if employed and their status as such alien is disclosed they shall thereupon be discharged: *Provided*, That preference shall be given to American citizens who are in need of relief in employment by the Works Progress Administration and next those aliens who are in need of relief and who have declared their intention to become citizens prior to the enactment of this joint resolution: *Provided further*, That veterans of the World War and Spanish War who are in need of relief shall be given preference for employment by the Works Progress Administration. (Sec. 3, title I, Public Resolution 47, 75th Cong.)

Under that language 72,000 aliens have been taken off the W. P. A. rolls. If there are American citizens in the community asking for relief, and some man is given a job, and his neighbors know that he is not an American citizen, that he has not taken any steps to become one, you can bet your bottom dollar that they will let the relief administrator know it, and off the rolls he goes. The thing polices itself.

Mr. LANHAM. Why should not that burden be placed upon the alien himself, who is seeking money put into the Treasury by the American taxpayers?

Mr. WOODRUM. I think that is a fair question. Here is what my friend from Texas wants to put in:

Provided, That no part of this appropriation shall be paid to any alien unless such alien has heretofore in good faith declared in the manner provided by law his intention to become a citizen, or unless such alien has resided for 10 years—

And so forth. He thereby runs in a class of aliens who cannot get relief under the present act. I do not know whether my friend realizes that.

Mr. LANHAM. If the gentleman heard my remarks in the general debate he would know that that is simply to take care of those aliens who are ineligible for citizenship by reason of the fact that they cannot read or write, the sons of many of whom wore our uniform in the World War and sacrificed their lives and blood for this country. There are very few in that class.

Mr. WOODRUM. I am sympathetic with the gentleman; but think of the burden his amendment would impose upon relief administrators and accounting officers, especially in metropolitan centers where every time the administrator puts a man to work or a disbursing officer signs a relief check he would have to be responsible for knowing whether that man was an American citizen. They would have to go back to old records—if they could find them. Perhaps the recipients of relief have moved. There would be a great deal of administrative and accounting and auditing difficulty in connection with it.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. GIFFORD. I wish it could appear in cold type in the RECORD just what will happen to that class which must have relief. I have many in my district. What shall I tell them?

Mr. WOODRUM. I do not know what the gentleman will tell them. The gentleman always has a good excuse to offer.

Mr. GIFFORD. Let there appear in cold type what they must be told.

Mr. WOODRUM. The gentleman, I expect, has the answer.

Mr. GIFFORD. Let us have it, be perfectly frank; let there appear in cold type what will happen to them.

Mr. WOODRUM. Mr. Chairman, I hope very much that if there is to be any change in the section that we may have time to consider it before the committee and put it in the relief appropriation bill for the next fiscal year. It would be disastrous to undertake to administer the appropriation in this bill with such a provision. Let us not put an administrative stumbling block in the path of this urgent matter. I hope very much the amendment will be defeated.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. LANHAM and Mr. CRAWFORD) there were—ayes 79, noes 87.

Mr. LANHAM. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. WOODRUM and Mr. LANHAM.

The Committee again divided; and the tellers reported that there were—ayes 87, noes 84.

So the amendment was agreed to.

Mr. BACON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACON: Page 1, line 10, insert the following proviso: "*Provided, however*, That it shall be unlawful to use Federal relief money, funds, or offices for political purposes; for anyone to solicit or receive contributions for political purposes from anyone receiving remuneration or other assistance out of Federal relief funds; for anyone to solicit votes or funds from employees receiving such funds on the ground of benefits received or benefits in prospect. Whoever shall violate this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than $500 or imprisoned in a Federal prison not more than 1 year, or both, as the court shall determine."

Mr. RAYBURN. Mr. Chairman, I reserve a point of order against the amendment.

Mr. BACON. Mr. Chairman, I do not believe there is a single man in this House who does not agree that politics

should play no part in relief to needy Americans at this or any other time. We have all seen charges made in the public press that relief funds have been used and put into certain States and districts prior to elections and primaries for the obvious purpose of influencing those elections in the primaries or in the general election.

The amendment that I have offered was drawn by a distinguished Democratic United States Senator and is part of a bill that he introduced in the United States Senate. I mention this fact to show that there is really no partisan purpose on my part in offering this amendment, which only applies until the 1st of July, during which period most elections will be in Democratic primaries.

I believe that the American people would have more confidence in the relief administration if they could be convinced in their souls and hearts that no part of the money was to be used for political purposes, that every dollar would go to the man in need of relief.

I have mentioned the bill that was introduced in the Senate on this subject by a distinguished Democratic Senator. He states in the preamble the following:

Whereas many complaints have been made alleging that Federal relief activities have been influenced by and used for partisan political purposes, and it is recognized that there is grave danger that relief funds may be so used; and

Whereas it is imperative that the administration of relief activities be removed from the field of partisan politics, and every safeguard ought to be invoked to this end—

And so forth. Only last Sunday I read an article by Arthur Krock in the Democratic New York Times. Mr. Krock was discussing the forthcoming primary in Kentucky between Senator BARKLEY and Governor Chandler; and he makes this statement in his article:

Behind Mr. BARKLEY will be the President and the Federal machine with vast W. P. A. allocations.

This is a definite statement by a responsible member of the press and head of the Times Washington bureau. He is well informed and knows what he is talking about.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. BACON. I cannot yield; I have but 5 minutes.

It seems to me this Congress could very well put its stamp of disapproval on the use of Federal money for political purposes. By doing so more of the Federal relief dollar would go to those who are in need, those who are on the relief rolls.

I have stated that I intend to vote for this deficiency appropriation bill, and I can only hope that this huge fund will be honestly spent solely for relief of the needy and will not be spent in part as a political slush fund, as has been the case in the past. We all know that the talk of political use of relief money by the administration for political purposes is founded on fact. We all know of specific instances. Nothing can be lower than playing politics with human misery. We can stop this by adopting my amendment.

I sincerely hope that the gentleman from Texas, the Democratic leader, who reserved a point of order, will withdraw the point of order in the interest of orderly, decent relief, so that we may stop and prevent political relief. I plead with him to do so. Let the gentleman from Texas, who officially speaks for the New Deal, help to stop the use of relief funds for political purposes in influencing primary and regular elections. Let the committee vote on this proposition on its merit. I think there is nothing more un-American than to have these accusations going around in the press and elsewhere to the effect the Federal relief dollar is being used, directly or indirectly, to buy votes, and being used as a political slush fund. It is completely un-American, and I hope the gentleman from Texas, the authorized New Deal spokesman, will withdraw his point of order and will permit a vote on the merits of my amendment.

[Here the gavel fell.]

Mr. RAYBURN. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from New York [Mr. BACON] is not in order and I quote section 6 of the law now in effect as follows:

SEC. 6. No part of the foregoing appropriation shall be used to pay the salary or expenses of any person who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general, or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.

I make the point of order that this political amendment which the gentleman from New York has presented is too broad to be applied to the measure now under consideration. It would go back to the $3,800,000,000, if any of that were left, or to any other amounts that were appropriated for farm relief or for any other purpose. The amendment is so broad that it is not germane to the question under consideration this afternoon.

The CHAIRMAN. Does the gentleman from New York [Mr. BACON] care to be heard?

Mr. BACON. Mr. Chairman, I submit the amendment comes within the Holman rule, in that it restricts the use of the money we are appropriating today; furthermore, it is germane to the very section that the gentleman from Texas has read of the original bill. It simply makes that section more specific and more precise. It is germane to the original bill and is germane to the resolution now under consideration, which simply amends the original bill. Certainly, if the section read by the Democratic majority leader is germane to the original bill, an amendment germane to that section, must, in all common sense, be germane to a resolution amending the original bill.

The CHAIRMAN. The Chair is ready to rule.

The amendment offered by the gentleman from New York [Mr. BACON] unquestionably would apply to all relief funds heretofore appropriated. For this reason the amendment is broader than the scope of the joint resolution now under consideration and is therefore not germane.

The Chair sustains the point of order made by the gentleman from Texas [Mr. RAYBURN].

Mr. DIES. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DIES: Page 1, line 10, after the word "act", insert the following: "*Provided, however,* That whenever any part of the funds herein appropriated is allocated and expended on building-construction projects, such funds shall be transferred to P. W. A. and expended under existing P. W. A. regulations."

Mr. DIES. Mr. Chairman, the purpose of my amendment is to send to the conference a provision that will compel consideration of a class of laboring people who have almost become the forgotten people in our W. P. A. program. I refer to the thousands of laboring people who are engaged in the building-construction trades, who find themselves unable to obtain employment in the W. P. A., not because they do not need the employment, but because, in spite of privation, want, and sacrifice, they have refused to go on the relief rolls, and not being on the relief rolls they are not eligible to work on W. P. A. projects. In spite of the fact that they have exhausted their efforts and means to avoid the necessity of going on the relief rolls, they find their Government acting in a dual capacity. On the one hand our Government tells business and industry it is their duty to pay high wages in order to maintain the standard of American living that has been slowly built up by the voluntary efforts of trade-unionists of America. On the other hand they find thousands of public buildings being constructed in the name of relief, on which the wage scale is pitifully low. They therefore demand, and have a right to demand, what the policy of this Government is going to be. Is it going to be to maintain the standard of living? Are we going to say to business and industry on the one hand, "You must maintain the wage standard and the American standard of living"? Then, when the Government goes into a community in competition with others who are constructing, it pays a

lower wage rate until that rate in the South reaches a pitifully low level. It seems to me there is an inconsistency.

I have before me a statement that shows that in 1935 Mr. Harry Hopkins met in conference with a number of representatives of the building-trades unions and agreed in that conference that these public buildings would not be constructed by the W. P. A., but that funds for this purpose would be transferred to the P. W. A., where those engaged in building-construction work would have an opportunity to participate and enjoy the benefits of the program. At the present time the mayor of New York is asking for $180,000,000 for the purpose of constructing school buildings in New York. That work will not be done by the thousands of mechanics who need the work, and who refuse to go on relief, but will be done by another class of labor, who will work part of the time for private industry and part of the time for the W. P. A.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. DIES. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Do I understand the purpose of the gentleman's amendment is to protect the wage scale of the American worker?

Mr. DIES. That is the purpose of the amendment. The Government should do what it demands of industry.

There just occurred in the city of St. Louis a very serious riot, which grew out of work being conducted by the W. P. A. The Army engineers, according to the telegram that I have just received, were used for the purpose of bringing in strike-breakers to deny to the unionists of that community an opportunity to work on a project.

So the issue is simple. The P. W. A. has approved many projects. These projects are ready to go. There are literally thousands of mechanics, painters, carpenters, and others, who need the work. The question is, Shall this bill go to conference without any provision in it to require the conferees to consider the plight of these American citizens? Shall we penalize those who through pride have refused to go on relief, who have incurred sacrifices, hardships, and privations, and are holding their heads up because they do not want to go on relief? Shall we penalize them? [Applause.] We might as well be frank about that.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DIES. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. May I ask the gentleman if it was ever the intention of the W. P. A. to go into building-construction projects?

Mr. DIES. Not at all. In answer to the gentleman's question, I will read this statement from the building-trades department of the A. F. of L., which was submitted to me:

> In the early part of 1935 a committee representing the building-trades department called upon Mr. Harry L. Hopkins, Administrator of W. P. A., to discuss this relief and the way it was to be administered with respect to building buildings and other construction and we were advised by him that W. P. A. did not intend to construct buildings, but that the funds for this would be allocated to P. W. A. and would be constructed under P. W. A. regulations instead of W. P. A. regulations. From the report of W. P. A. this understanding has not been carried out. This report for 1938 states W. P. A. has completed 10,000 useful projects.

Mr. FORD of California. Mr. Chairman, will the gentleman yield?

Mr. DIES. I yield to the gentleman from California.

Mr. FORD of California. Is not the gentleman's proposition predicated on the same basis as his attempt the last time we considered an appropriation for W. P. A., an effort to divert that fund to some other fund? Does not the gentleman want to divert W. P. A. funds?

Mr. DIES. No; I want to provide for recognition of the class of citizens in the gentleman's district who have kept off the relief rolls.

Mr. FORD of California. Do not worry about my district.

Mr. DIES. This is also true in other districts.

Mr. FORD of California. We want the W. P. A. money left alone.

Mr. DIES. We want some recognition of that class of American citizens who are entitled to share in this program. In order to get such recognition we want a provision in the bill so that the conference committee can work the matter out on an equitable basis and take care of the thousands of good citizens who are asking this consideration at the present time.

Mr. FORD of California. Will the gentleman then agree to increase this appropriation so such diversion will not impair the present appropriation?

Mr. DIES. I may say to the gentleman my experience has been that when a bill goes to conference the conferees usually write a new bill. When a bill goes to conference the conferees will have an opportunity to work out adequate provisions to take care of the class of people to which I am now referring.

Mr. FORD of California. Will the gentleman agree to an increase of this appropriation to take care of the diversion he wants to make?

Mr. DIES. The gentleman implies my agreement is essential to the approval of it, and I appreciate the compliment.

Mr. FORD of California. Yes; but will the gentleman agree or will he not; yes or no?

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. DIES. I yield to the gentleman from New York.

Mr. CURLEY. The gentleman mentioned New York, and this prompted my asking him to yield.

As a matter of fact, whether this resolution is passed or not, insofar as the workmen in the building trades in New York are concerned, the prevailing rates will have to be paid whether it is under the W. P. A. or the P. W. A.

Mr. DIES. Here is a statement from the gentleman's own city, signed by a trade union, protesting against the request of the mayor of the gentleman's city for $180,000,000 to construct under W. P. A. a number of school buildings:

> The situation as we see it has many angles, inasmuch as the W. P. A. worker, after completing his shift on the W. P. A., has the right to enter private employment, and invariably does so, returning to the W. P. A. when his shift starts again, and by so doing deprives the man not on the W. P. A. of the opportunity to work. This fact cannot be disputed.

This amendment is endorsed and requested by the American Federation of Labor.

[Here the gavel fell.]

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 24 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Chairman, it seems to me a peculiar situation when we have the gentleman from Texas [Mr. DIES], with his labor record, especially on the wage and hour bill, leading a fight for organized labor. [Applause.] This is a relief bill. This appropriation is to take care of the members of organized labor who are on relief doing laboring work, and there are hundreds of them in my own city of St. Louis. They are trying to get a few dollars to take care of their wives and families. It is to take care of every class of our citizens in need. A desperate situation exists in the large cities, and our people need help now. This money is for that purpose. Not to make them wait for months before getting work.

Mr. Chairman, I am a friend of organized labor and have always been a friend of organized labor, but I repeat, this is a relief bill. This is not a bill for the relief of organized labor or unorganized labor, but for the benefit of those who cannot secure employment, and if we are going to take this money and require payment of the prevailing scale of wages in the large centers, how many people are we going to be

able to take care of under the relief program? This is not the time to advance such a question. That can come at a later date.

Mr. Chairman, the claim is made that we have not done anything for the skilled mechanic during the depression. What about the hundreds of million dollars if not billions that went into public buildings and public works handled through the Public Works Administration and the Procurement Division? Hundreds of new post offices and Federal buildings constructed with 100 percent Government money by skilled mechanics, members of organized labor. There is an $8,000,000 post office project going on in my own city at the present time and every man employed on that building is a member of organized labor and receiving the prevailing scale of wages. I was responsible for the legislation that brought about the construction of that building and I know what I am talking about.

At Jefferson City, Mo., they are constructing a new penitentiary, every man working on the job a member of organized labor and about 65 percent of the money is Government money. At Kansas City, Mo., a new Federal building is being erected, all Government money, running into the millions. It has just been started and organized labor will do the job. Numerous post offices throughout the State are under contract, and the same situation exists; and remember that is all Government money. How happy I would be if every skilled mechanic in the country was working at his trade. The depression would soon be over if such a condition existed. We passed the housing bill a few days ago, and when we did, I thought just as much of the skilled mechanic getting work as I did of the home owner when I voted for it. I knew it would give them work. The same situation that exists in my State exists in every other State, New York more so than the others. Naturally with its tremendous population New York City received more than any other city and properly so. But, Mr. Chairman, this, as I said before, is a relief bill. To allocate money through the Public Works Administration would mean that it never could be spent for those in need between now and June 30. What we want to do now is to take care immediately of those citizens who are in need, organized labor as well as clerks, former owners of retail establishments, men and women who worked in factories now shut down, retired people who lost their money in the stock-market crash, and so forth. No one maintains the wage is sufficient to provide for a decent living. It is more an existing wage, but let us now try to help the unfortunate people to some extent. Help as many as we can a little, and they will be thankful.

Our Republican friends have organized a committee on embarrassment. Support any amendment that is offered that will embarrass the administration is their motto.

I have received appeals from many labor organizations in St. Louis urging me to vote for liberal appropriations for the W. P. A., and not one in months advocating an appropriation for the Public Works Administration.

As one who has proved by his voice and vote he is friendly to organized labor I feel I have more right to speak for that class of our citizens than a man who week in and week out fought our efforts to enact a wage and hour bill. The gentleman from Texas [Mr. DIES] would not even vote to let us consider the bill, and it was necessary to bring it to the floor through the discharge rule. Where was his name found on the motion to recommit? Look at the roll call and you will find him voting against the measure that the administration said would be helpful toward recovery.

Why play politics at the expense of the unfortunate citizen who must appeal for any kind of a job, in order to buy the bare necessities of life for his wife and children. I say Mr. Chairman, this amendment should be voted down. [Applause.]

Mr. FORD of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in following the argument just presented by my distinguished friend from Missouri, answering the plea of our distinguished, eloquent, and brilliant friend from Texas who comes before us today as an advocate of organized labor, I want to make this statement. Last year we had a W. P. A. program up and an attempt was made to divert the money to P. W. A. If it is thought necessary to vote more money for P. W. A., I am very glad indeed to support such a measure, but I do not want P. W. A. coming in here, under the guise of organized labor or anything else, and laying violent hands on W. P. A. money.

I have always gone along with the labor boys and I expect to continue to go along with them when they are right, but when they come in here and try to lay violent hands on W. P. A. funds, I am opposed to it and I shall fight it right straight down the line.

If you want P. W. A. money, bring in a bill and I shall support it, but the W. P. A. fund is about $250,000,000 short now. I would support an amendment to bring it up to $500,000,000, and I may say to those who come in here and want money diverted in this way, if they want to add to the amount so as to provide money for such a diversion that is one thing, but right now we want more money for W. P. A. in order to give the unemployed men in the United States a chance to earn a living for their families. [Applause.]

[Here the gavel fell.]

Mr. WOOD. Mr. Chairman, this amendment is not for the purpose of diverting W. P. A. money. The term "building construction" is generally used to mean the construction of buildings. This does not mean, in the vernacular of the building industry, the construction of highways, sewers, bridges, or other projects; in the early days of W. P. A., I am informed, Mr. Hopkins agreed with the building-trades department of the American Federation of Labor that he would not construct a building of more than $25,000 by W. P. A. labor. If the structure was more than $25,000 he was to turn that over to P. W. A. Since that time they have been building school buildings, fire department buildings, and jails, and other structures, and, as my friend, the gentleman from Texas, has just mentioned, in New York City they now have in contemplation the construction of $180,000,000 worth of school buildings to be done by W. P. A.

We have near St. Louis the Alton-St. Charles project, which was a P. W. A. project. The War Department submitted bids for that construction work three times, and three times the low bids were rejected. So the War Department decided to do the work by W. P. A. I am informed it is a several million dollar project, and on day before yesterday trouble started by virtue of the fact the War Department had established a minimum rate—44 cents an hour wage on that project after the Labor Department had established a minimum of 50 cents an hour wage. The prevailing wage in St. Louis and vicinity, which includes St. Charles, is 76 cents an hour, and they agreed to do the work for 67 cents an hour, and then when the War Department decided to do the work under W. P. A. at a 44 cents an hour rate, a strike resulted, a man was killed day before yesterday, and the War Department today, I am informed, is housing these strikebreakers in the boats upon the river that were originally intended to house officers, supervisors, and so forth.

This is what the building trades of this Nation are complaining about. They do not want to have to go on relief in order to get employment. They have stayed off of relief, and they want enough of this building construction to remain under P. W. A. so they will not have to go on relief in order to continue to be employed.

I think the amendment should pass, Mr. Chairman. [Applause.]

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Chairman, I am heartily in favor of this amendment offered by the gentleman from Texas [Mr. DIES]. It should have been offered on each relief bill.

The great fallacy of all these relief measures has been the requirement that anybody obtaining work under W. P. A. should first take an oath of charity, should first place himself on the public relief rolls. That has deterred the decent skilled workingmen of America from getting jobs.

Take the mechanics and skilled craftsmen, carpenters, plumbers, steamfitters, and so forth. The building-trades

mechanics in my city or your city or throughout this country have been out of work for long periods during the 8 or 9 years of this depression, just because there was little building except Government projects, and because they were too proud to take the oath of poverty in order to get on the Government work. They have seen great public buildings, schools, and other public edifices constructed by common, unskilled labor. They could not qualify for relief if they had any life insurance or a son or daughter was making $12 a week. When we first went into this depression the only person thought of was the man with the pick and shovel. It took some of us years to get recognition for the skilled trades and the white-collar class. It was a long time before there was an admission that these classes were entitled to consideration. To date, however, we have never been able to impress upon the administration of W. P. A. or upon the Committee on Appropriations or even this Congress, with due respect, the fact that the mechanics of America—the bricklayers, the carpenters, the plumbers, the steamfitters, and so forth—have never had a fair chance to get any work under this program. So it was with the C. C. C. The boy's family had to be on relief. Some of us fought against that for a long time to no avail.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. SIROVICH. We have thousands of men in New York City who have been self-supporting and self-respecting who have not been employed for over a year and are not under relief. Would this amendment be instrumental in helping these people secure work?

Mr. O'CONNOR of New York. It would. There are thousands of such skilled mechanics in my district. Some of them have not had any job for 8 years. They are too proud to go on relief. They want to continue at their trades. Why not give them a fair chance?

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. WOODRUM. The gentleman made the statement that he had never been able to impress the Committee on Appropriations. Certainly the gentleman himself has never sought to impress the Committee on Appropriations, nor has anyone else.

Mr. O'CONNOR of New York. This matter has been discussed here for many years.

Mr. WOODRUM. I have heard the gentleman make eloquent pleas here about coming to his committee before we assailed him on the floor. I hand that back to the gentleman.

Mr. O'CONNOR of New York. And I take it back. The gentleman and I have no secrets between us, but in the third row in the second seat from the Speaker's lobby I asked the gentleman the other day if he was going to have hearings on this matter, but, of course, the committee listened solely to the W. P. A. administration officials. If I had known there were going to be hearings, and I could have had an opportunity to be heard on this matter, which I discussed thoroughly with the gentleman, I would have been there. We have done very little to date for the skilled mechanics of America. Principally we have taken care of the man with the pick and shovel, and, of course, he should be taken care of. This amendment is an advance toward taking care of, to some extent, our skilled mechanics, who have devoted their lives to building America. Why do you not give them a chance by adopting this amendment offered by the gentleman from Texas?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOOK. Mr. Chairman, I beg to differ with my good friend from New York [Mr. O'CONNOR], and if he will go into the situation he will find that under the P. W. A. regulations they must go to the emergency relief or the certifying agencies first, to obtain their men, and after they have exhausted the relief rolls, after the certifying agency says, "We have no more men on relief," then, of course, they can go out to that part of the people who are not on relief; but in most of the districts there are enough skilled mechanics on relief to take care of this situation and they do not have to go out into the field of the skilled mechanics who are not on relief. I agree with the gentleman who preceded me, who spoke about the gentleman from Texas [Mr. DIES]. When they want organized labor represented, let men who are in sympathy with the administration come in here and defend organized labor, and not men who have tried to break down the Roosevelt program through subterfuge, who have tried to break down the union program through subterfuge. Let them come with clean hands if they are going to represent organized labor to us.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MARTIN of Colorado rose.

Mr. CANNON of Missouri. Mr. Chairman, all time has expired, but I should be very glad to yield a half minute of my time to the gentleman from Colorado.

Mr. MARTIN of Colorado. Mr. Chairman, I rose to ask how sponsors can qualify to use this money under P. W. A. Even before P. W. A. went out of business last summer, the 45-percent grant was abolished, and a new grant formula was substituted by Executive order which this legislation does not propose to change and cannot change. It amounts to less than 15 percent of the cost, so the sponsors would have to put up about 85 percent. We have hundreds, perhaps thousands, of projects all through this country, small W. P. A. projects, if you please—I have them in my home city, all over my district—where the sponsors cannot put up even 20 percent of the cost; so I want to know how you are going to meet the contribution requirements of P. W. A. even if this amendment is adopted. I do not see how you can do it, and I would wager that if this amendment is adopted, not a single P. W. A. project will be built under it.

Even if P. W. A. was a going instead of a liquidating concern, and sponsors could meet its demands, it would take the remainder of this fiscal year to get a building program going, and this appropriation is to feed hungry people right now. The President should get his signature on this bill by Saturday night, and W. P. A., being assured of its passage, should have the new employment quotas for every dollar of it ready to shoot to the country even before it is signed. Let us vote this impossible proposition down.

Mr. CANNON of Missouri. Mr. Chairman, the Committee on Appropriations is in fullest sympathy with the objectives of the pending amendment.

The attitude of the committee in that respect is conclusively indicated by the provision which they reported in the last relief bill, and which the House adopted and the Senate approved, and which is now in the law.

Let me read that provision for the benefit of some who may have overlooked or forgotten it. Here it is—an express mandate which must be observed in the expenditure of all money disbursed under the Emergency Relief Act, and therefore applying automatically to every dollar appropriated in the pending resolution. I read from the Emergency Relief Act:

> The rates of pay for persons engaged upon projects under the foregoing appropriation shall be not less than the prevailing rate of pay.

There you have explicit and mandatory provision for the prevailing wage scale. So the rate of pay—the wage scale—is not an issue in the consideration of this amendment.

What, then, is the issue presented by this amendment? The real issue in this amendment is whether we shall provide relief for these workers immediately—now, when they need it most—or whether we shall wait until next June or July or August before we make it available. P. W. A. necessarily moves slowly. There is a world of minutiae, a vast amount of detail, which must unavoidably be disposed of before construction starts. Extended financial and legal examination of each project, the preparation and execution of legal contracts with sponsors, the time consumed in advertising for bids and in award and final approval are endless

and will carry any project well into the summer, even when handled with the utmost expedition.

And even then it is dependent on finding sponsors who are willing and financially able to pay for their part of the work. If we must resort exclusively to the P. W. A.—and we are judging it only by the experience of the past, with which every Member here is familiar—it would take months before much of the program could become operative if this amendment should be adopted.

But this is an emergency. Thousands of workers, the heads of families, have unexpectedly been thrown out of employment. They cannot wait—their families cannot wait the unraveling of red tape. These men have been discharged in the last 2 or 3 weeks.

We want to put them back to work within the next 2 or 3 weeks. It is winter. The emergency is acute. If we are going to do anything for them let us do it now. "He gives twice who gives quickly." [Applause.] Furthermore, Mr. Chairman—and this is one of the important considerations—we not only want to be able to start quickly but we want to be in a position to stop quickly if the condition of the country improves to a point where relief is no longer required. Under the resolution as reported, work begins this month.

The Works Progress Administration is the only existing Federal agency which can provide a half million jobs within a month, and the Works Progress Administration can discontinue the work when it becomes unnecessary. If we adopt this amendment, if we transfer these funds to be expended under P. W. A. regulations, contracts will be entered which must be completed, regardless of the time and money required. If the country recovers, as we have every reason to believe it will; if private industry takes over the load, as it inevitably must, and the demand for labor makes further relief unnecessary, these contracts would make it necessary for us to continue the employment of labor in competition with industry and involve the unnecessary expenditure of vast sums of money which should be returned to the Federal Treasury. When that time comes, as come it must, we should be in position to discontinue relief, and it cannot be done if this amendment is adopted. While we provide for present distress, let us at the same time prepare for coming prosperity.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. RAYBURN] for 2 minutes.

Mr. RAYBURN. Mr. Chairman, I deeply regret the passage of the amendment offered by my colleague from Texas [Mr. LANHAM]; and when I disagree with him on any matter I feel as though I should reexamine my position. But I fear that on the floor of the House this afternoon an amendment that he offered was adopted that may force every citizen in the United States applying for relief to prove that he is an American citizen before he can have relief.

We are now faced with another amendment offered from the floor. Why do we have this bill before us today? It is before us because this money is needed by the Works Progress Administration, and was desperately needed on yesterday.

Why the hurry about this? It is because the money for the years 1937 and 1938 up until the 30th of June has been allotted.

The months of February, March, and April are the most serious and the most important months in the year so far as unemployment is concerned. Every city in the United States today which has automobile factories or automobile accessories factories finds that the number of people out of employment has grown so rapidly that they fear the conditions they may have to meet, especially in Detroit, Cleveland, Toledo, South Bend, and certain other cities. This money is needed now—not to be tied up for 30, 60, or 90 days until plans can be drawn. The question before us today, Mr. Chairman, is not who is the best friend of organized labor or of unorganized labor. I take it that every man on the floor of this House is a friend of all labor, because I trust we are laboring men. I do fear, however, that the adoption of this amendment today will defeat the very purpose for which the $250,000,000 is asked.

We are advised—the committee has been advised; others of us have been advised—that untold suffering and untold want will come to many sections of this country immediately unless this money is made available within the next few days. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DIES].

The question was taken; and on a division (demanded by Mr. DIES) there were—ayes 96, noes 129.

Mr. DIES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. CANNON of Missouri and Mr. DIES to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 110, noes 126.

So the amendment was rejected.

Mr. VOORHIS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS: Page 1, line 8, strike out "$250,000,000" and insert "$400,000,000."

Mr. VOORHIS. Mr. Chairman, ever since I was able to get hold of the hearings on this measure I have been studying those hearings and going to the people I could reach who were closest in touch with this problem here in Washington. To that task I brought a certain experience of my own. The interest of my own State is a Nation-wide interest. For people too hard pressed elsewhere have been moving to California in large numbers all through the depression. We want to see people in other States put to work by W. P. A. in their own States for this reason. For we have a very big problem of our own.

As I said earlier this afternoon, last fall during the recess of Congress when I was at home and before the increase in unemployment commenced, it was borne in upon me day after day by the calls of sometimes 20, sometimes 50 or more people, that there were a great number of people then who were able and eager to work on W. P. A. but could not get that employment. As a matter of general policy, I should like to see the W. P. A. program made one of jobs and not one of relief.

Beginning with last November we have seen an increase in unemployment of 3,000,000. I want to compliment the committee on the earnest consideration and the sympathetic way in which it has handled this thing. I want to vote with the committee. I do not enjoy getting up here and offering an amendment, but I feel compelled to do so, for the following reasons:

I find at present the W. P. A. has employed 1,954,000 people. I find that on the 1st of January there were 1,288,000 people in this country who were certified ready to be put to work on W. P. A. at once, but for whom there was not money enough to put them to work. This number has unquestionably increased since January 1. In Pennsylvania, for example, the number has gone up from 140,000 to 214,000 during that month. The figures for the 1st of February are not yet available, but taking the undoubtedly lower January figure and subtracting the 200,000 who have recently been added to the rolls, there are 1,080,000 people at present who are not employed but certified ready to go to work if there were money to hire them.

Mr. Chairman, my amendment will make it possible, instead of increasing only 500,000, as was discussed, to take this million people and put them to work and to keep at work the 200,000 the W. P. A. has recently put on. My amendment is based on the expectation of a reasonable decrease of spring reemployment, but, nevertheless, leaves room to really meet the situation.

I do not see how we can discriminate between one 500,000 people and another 500,000 people, and I do not think we ought to. Furthermore, it is my earnest conviction that if we do the right thing under the circumstances, we will

in the end be money ahead. The Budget of America will be in better shape if we do the right thing. If we put these people to work who are ready to go to work, if we solve in a measure the problem of consumer buying, we will be doing a better job than just going half way. [Applause.]

It is to be remembered that if that many people are put to work, there are many communities, particularly in certain sections of the Nation, which will have great difficulty in putting up a large sponsor's contribution. It will be more difficult to put these people quickly, as they should be put, to work. Therefore it is important that sufficient money be appropriated in order to enable us also to meet this contingency.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. BOILEAU] for 2 minutes.

Mr. BOILEAU. Mr. Chairman, I had originally intended to offer an amendment increasing the amount to $600,000,000. I was convinced that there was a need for jobs for three and a half million people at this time. I am convinced, however, it is impossible to get the House to approve an amendment in that amount. It seems to me the amendment offered by the gentleman from California is a reasonable compromise on this issue.

I hope the Members of the House will recognize the fact that so far as the million people the gentleman refers to are concerned, there is no rhyme or reason to say to half of them they may have relief and to the other half, "You cannot have relief." I do not believe it is fair and just to discriminate against those people and so long as it is an undisputed fact there is this large number of people in need of jobs, we should appropriate a sufficient amount of money to make jobs available to them. Certainly, the small amount being paid to W. P. A. workers cannot be considered as being bountiful or anything unreasonable. This is the mere minimum on which we should require American citizens to subsist. I hope the Members of the House will accept the amendment offered by the gentleman from California as being the minimum amount of money that should be spent for the relief of these poor people who are in need of our assistance and will have no other means of keeping body and soul together if we do not agree to this amendment.

Mr. KELLER. Mr. Chairman, may I call the attention of the Members to the fact that $400,000,000 is the amount asked by the mayors of the great cities in the conference held here recently. Above all others they are the men who ought to know the requirements of those great centers. We should weigh that fact in considering this amendment. I do not understand that was taken into consideration by the committee.

May I say also, Mr. Chairman, that just in proportion as we have spent money we have come out of the depression. The extent to which this is true seems hardly to have been considered by the Members of this House or by the economists and writers of this country. No one has noted that as soon as we cut expenditures last summer, as we should not have done, we started back into this recession. I emphasize that our mistake is that we have been all the time considering this condition as temporary, the treatment as emergency treatment. It is not a temporary but a permanent condition. And until we see and understand this fact we are not going to solve the problem. Every time we penny-pinch on one of these appropriations we make a mistake, and we ought to see that by this time. We cannot pinch and scrimp ourselves out of this depression. There is one thing we must do, and that is increase the national income to the point where we can balance the Budget. We can only do that by enabling people to purchase the things they want. You cannot balance the Budget when the national income is only $60,000,000,000, but you can do it when we reach a national income of $100,000,000,000, and not before.

Of all those who have spoken here against this bill for $250,000,000 not one has told us how to get out of the depression. Not a single one has been able to suggest any other method than the one we are using all too sparingly at the present time. And no one can do it because it is the only way we have of getting out. If we continue our expenditures and increase them to meet the conditions on a permanent basis we can get out of the depression. We are not going to get out of it until we do follow that course.

May I reiterate what was said very well awhile ago, that every man who needs this relief has a right to it, not just a few men but every one? Whether he lives in Maine or California, in South Carolina, or Minnesota, makes not a single bit of difference. If he requires this relief, it is the duty of this Government to see that he has it. If you vote against this amendment you will be voting against the interests of 500,000 men who ought to have the same right as all the rest provided for in this bill.

In January 1930 I delivered an address at Marion, Ill., in which I advocated a job for every man and woman who wants to work, as his or her right. I pointed out that we had reached the end of the first era of our Government because we had exhausted the free public land. Prior to that time when a man lost a job he "went West," took up free land, built a home, schools, churches, cities, and railroads. That was the means which enabled us to pass over former panics and depressions. By this means a billion four hundred million acres of land were taken up between 1865 and 1925. Out of this 12 States were carved. During that period our population increased 400 percent. But free land was exhausted and from that time on when a man lost a job he was out with no place to go. Power-driven machinery had increased the per capita production of wealth more than 300 percent. Our fall down came when we failed to enable men to purchase the things they would willingly have worked for. The most expensive thing in the world is idleness. The cheapest thing is well-paid labor. Many nations like our own have declared their purpose to prevent starvation. Not one, not even our own, has seen the necessity of enabling men to turn this tremendous idleness into the creation of wealth by providing universal employment. We must awaken to this vital necessity. We can, if we will, put every idle man in America to creating wealth by putting them to work. Surely the work waiting to be done, useful work, much of it of permanent value, is crying to us endless in extent and variety. There is no limit to the things that ought to be done, that will be done, when we open our eyes to the fact that we can do them.

We are told that there are 10,000,000 men and women unwillingly idle at the present time in the United States. What is the loss of the labor costing us? Let us see: The average wage in America is $4 per day. Our loss is therefore $40,000,000 a day. In a year of 250 days the cost of our idleness is $10,000,000,000—$10,000,000,000 lost through unwilling idleness alone. It is a challenge to every Member of this body, to every thinker in America, to discover and announce the methods of saving these billions in money value and the much more valuable thing of preventing the waste of the lives of the men and women of this country. To criticize the efforts we are putting forth here without pointing out a better way is a pitiful admission of mental sterility.

Mr. MASSINGALE. Mr. Chairman, I want to support this amendment, and I am going to give you a few statistics about my State. It is a very serious matter that is before the Congress today. We cannot afford to neglect our opportunity here to extend relief to people who have grown used to going without assistance. Let me call your attention to this statement, and although I am not a prophet, I repeat it, that the trouble with Congress, I believe, more than any other one thing is that we do not know the country in which we live. We do not know the conditions that exist outside of our respective congressional districts. I want the $250,000,000 that is recommended by the committee to be spent among the

industrial workers where there is distress, but let me give you these statistics, and I believe you will probably find about the same conditions existing in your own districts.

Oklahoma has a population of 2,528,000. The possible working population of Oklahoma is 874,000, or 34.6 percent of the entire population of the State. These 874,000 have to support all the 2,528,000. The national average is 39.9 percent throughout the Nation, so you can see the burden on the people of Oklahoma who are eligible to work.

There are 149,000 people unemployed in Oklahoma; 73,620 persons are employed under the W. P. A. and the other Government relief agencies. This means a total unemployment of 222,000 in Oklahoma. I am free to tell you the worse kind of distress has prevailed in that Commonwealth for the last 90 days. The people are inured to it. They have had crop failures and dust storms down there, and have put up with them. They have gone without sufficient quantities of bread and meat to get by on.

They have drawn the lowest wage scale that has been in operation in America, and they have not complained much. They get $23.10 a month for W. P. A. work. A man cannot live on this, but they are glad of the opportunity to get this much. There are now more than 25,000 men that have been certified as eligible to receive this paltry sum who cannot be put to work because the money is not available to pay them. Many thousands more are clamoring to be certified as eligible so they may get money enough to buy food. For them it is W. P. A. work or nothing, for there are no industries there. There is not enough money left of the regular appropriation to make it possible for them to be helped. The additional $150,000,000 increase proposed in this amendment would not in my judgment, take care of their most urgent needs of fuel, clothing, and food. It is nobler and finer to steer this country on a merciful road than try to make of it a mercenary nation. If it prove a financial mistake to make an effort to get food to the hungry, the Government will be richer for having lost a little money endeavoring to feed them.

You cannot laugh this condition off, and you cannot try to minimize it. The stark fact is a larger percent of America is hungry than our pride will admit. I believe the amendment should be adopted.

In conclusion, Mr. Chairman, may I say we simply must recognize the fact that people are in distress throughout this country, and there is not enough left of the appropriation to take care of the rural distress, let alone the distress in the cities. [Applause.]

[Here the gavel fell.]

Mr. FLEGER. Mr. Chairman, when the relief appropriation bill was submitted to this House last year, the committee submitted an appropriation bill calling for an expenditure of one and one-half billions of dollars for the current year. At that time, the mayors of this country and labor organizations informed the Congress that such an amount would not take care of the unemployed of this country. All amendments attempting to increase the appropriations were defeated and while attempts were made to decrease the amount to $1,000,000,000, the bill in its final stages was passed with an appropriation of one and one-half billions of dollars. We are today called upon to meet a situation which had not been contemplated at the time when the original appropriation was made. The amount requested by the administration is two hundred and fifty millions of dollars to meet what is considered the present needs to carry through the program for the balance of the year. Again the mayors of this Nation, together with the labor organizations of the country, have requested an appropriation from four hundred millions of dollars to six hundred millions of dollars to provide work through June of this year.

While in its inception, all relief appropriations were considered as emergency measures, it has now become an agreed fact that the Congress must pass legislation which will place work relief on a permanent program. It is my opinion that it is the duty of the Government to provide employment for the people of the Nation when industry fails to absorb the unemployed. Nevertheless, a careful study of the situation has convinced many of our civic-minded citizens in the country that constructive legislation can and should be adopted which will eliminate future expenditures for relief and provide employment for those now idle.

Early in the first session of the Seventy-fifth Congress, a bill was introduced which thousands of our citizens are confident would, if enacted into law, end all depressions.

This bill is H. R. 4199, popularly known as the General Welfare Act of 1937.

It was prepared and presented to meet the demand of groups of serious and thoughtful people in every State in the Union who wished to help those persons who suffer most in every depression, the aged and the infirm, for whom industry has no place in these modern times.

At the present time, extensive hearings are being conducted in the Senate for the purpose of determining the cause of our current recession in business. Much controversial testimony has been given. But to date, no solution has been offered for future depressions that offers the security provided by the General Welfare Act.

I am taking the liberty of addressing these remarks particularly to the distinguished members of the Ways and Means Committee, with the hope that they will hold hearings on H. R. 4199, so that those who have prepared and studied it, will be given the opportunity of presenting their studies to the committee.

Without having carefully studied this bill, no one is in a position to pass upon its merits. It is with this thought in mind that I make these few observations, which I trust will be of some benefit to the members of the committee.

We are all grateful to the Democratic Party for having been the first political party to sponsor nationald old-age pension legislation in the form of the Social Security Act. However, after months of practical experience, we find that there is much room for improvement. Experience and careful study have taught us that it is possible to enact legislation which will stimulate production to the extent of eliminating mass unemployment and at the same time provide adequate pensions for our aged.

The Social Security Act, as enacted, requires a contribution on the part of the employer and employee. That part of the payment which is made by the employer is, in most cases, handed down to the consumer to pay through an increase in the cost of the commodity manufactured. The act is expensive to administer, requires much bookkeeping, and is also an added expense to the employer. It is not only technical to administer, but discriminatory as well, in that it does not go far enough, excluding many of those who need it most.

The General Welfare Act as now written provides a 2 percent transaction tax. The proceeds of the tax are distributed equally among all American citizens 60 years of age and over, without exception. Because of the compulsory spending feature, the beneficiary is required to spend the money within 30 days thereafter. This method guarantees a revolving fund which creates additional purchasing power and thereby causes money to remain in circulation longer than under present conditions.

A comparison between the Social Security Act and the proposed General Welfare Act will show the following:

First. The Social Security Act is expensive to administer because of its highly technical nature which requires many records. The General Welfare Act requires only such records as are needed to establish proof of citizenship and age.

Second. The Social Security Act requires a contribution on the part of the employee and the employer, whereas the General Welfare Act provides for a 2 percent transaction tax which will in most instances be absorbed by the seller.

Third. The Social Security Act provides benefits to a preferred class only, whereas the General Welfare Act does not discriminate and provides equal payments to all citizens.

Fourth. The Social Security Act provides for payments to those persons being 65 years of age or over, whereas the General Welfare Act provides for payments to be made to all American citizens 60 years of age or over.

Fifth. The Social Security Act does not pay to the beneficiary the full amount but is prorated on the basis of the length of time the beneficiary has paid into the fund, whereas the General Welfare Act provides for full payment immediately after the proceeds of the tax are available.

Sixth. The Social Security Act sets a maximum that can be paid, amounting to $85 per month; whereas the General Welfare Act places a maximum of $200 per month with no limitation based on the amount of money which had previously been earned by the beneficiary.

The passage of H. R. 4199 will bring about the solution to our economic problems because through its provisions, there is provided a revolving fund which, under the law, must be spent within 30 days after it has been collected, thereby, providing additional purchasing power, increased production, and more employment.

We were all a little surprised, I believe, at the staggering total of the unemployed and partially employed, as revealed in our national census of the unemployed.

Employment experts tell us that we must make plans to carry a burden of unemployment at all times; that we cannot expect a time to come when private industry will give employment to every able man and woman who may need work and be willing to work.

With our highly modernized methods of manufacturing and producing, even a period of great prosperity would find many thousands who would have no place in the industrial scheme.

Obviously, these thousands must be provided for. If possible, we must make provisions for them, so that they will not be a drag upon national prosperity. We must make provision for them, if possible, so that they will be a definite aid to prosperity.

This, I believe, the General Welfare Act will do.

First of all, it removes from gainful employment all those over the age of 60 years, thereby making room for at least some of those able-bodied younger persons who are now supported by charity or by created work under W. P. A. If it were nothing more than a method of selecting those to whom Federal aid would be given, this would be worth while.

The young man who wants to work should have the opportunity to work. The man of 60, if he is an average man, has worked many years and has earned the right to a certain amount of ease for his few remaining years. It is not his fault that our warped industrial system has not permitted him to lay aside enough upon which to retire. He has been fortunate, indeed, frugal, and industrious if he has been able to provide the daily food and lodging for himself and his family.

If our present industrial system decrees that a certain percentage of our people shall be supported by governmental aid, then what is more just and fair than that support should be given to those past 60 years of age.

But the General Welfare Act goes far beyond this.

Those under 60 years of age will find a benefit equal to their welfare. It will make it possible for them to work, a right that is now denied many thousands, as you know from our unemployment census.

How would this be accomplished?

You have only to refer again to the periods immediately following the payment of the soldiers' bonus, the start of the C. W. A., the W. P. A., and the other efforts of the Government to prime the business pump.

Those efforts were not entirely successful because their benefits were temporary; the effect soon wore off. And they were too expensive to continue on a basis that would bring national prosperity.

Under the provisions of the General Welfare Act, with the recipient of every annuity pledged and required to return every dollar paid to him to circulation within 30 days by purchasing needed commodities and even luxuries, business and industry will find a necessary stimulus that will not be temporary.

It is the belief of thousands who have studied this problem that this stimulus will be sufficient to make it possible for industry and business to absorb the thousands of unemployed in the age group that wants and needs employment.

It is also the belief of these thousands who have studied the problem that this renewed business activity will be of such benefit to every man, woman, and child that the 2-percent transaction tax which supports it will be of minor consideration.

The workingman who is employed steadily and at good wages will not begrudge the slight tax that makes his employment possible. He will be far better off, financially, than he is at present. He will know that his future is safe, and because no group or faction, no combination of circumstances can freeze the money that is being put into circulation every month under the provisions of this plan, no fear of future recessions or depressions need worry him. He will know that when he reaches the age of 60 he can retire to make room for a younger man at his bench or machine and that he can do so with dignity, without asking charity, and with the knowledge that he continues to be an important factor in the Nation's prosperity.

As I have stated, many thousands of American citizens who have given considerable thought to our problems believe the General Welfare Act of 1937 would produce these results.

The Senate committee has heard many suggestions on how to end the recession and guard against future recessions. All that is asked of this plan is that it be given a fair and open hearing and that Members of Congress be given the opportunity to vote upon it.

Mr. WOODRUM. Mr. Chairman, I think whatever may be stated by critics of the Works Progress Administration, no one has ever yet accused them of being too modest in their requests. They have said that $250,000,000 will carry this emergency for them until the House considers their regular relief appropriation bill for 1939 and the committee has granted what the President has asked and what they said would be needed.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. KELLER. How many did they say would be put on the pay roll?

Mr. WOODRUM. About 500,000 or 600,000.

Mr. KELLER. They did not state that would meet the condition, however?

Mr. WOODRUM. They did not state they would put everybody in the United States to work. Congress has never started on any such program as that, and I hope we never will.

Mr. KELLER. I hope we do not have to.

Mr. WOODRUM. They do say this amount of money will relieve the emergency and enable them to carry the same proportionate load of the employable unemployed that they have in the past. I for one believe they know more about this emergency than I do or my distinguished friend does, with all the respect I have for his knowledge on such subjects.

Mr. KELLER. I thank the gentleman, but I doubt it. [Laughter.]

Mr. WOODRUM. Mr. Chairman, if this amount of money is made available and it does not meet the emergency we will have plenty of opportunity to meet the situation. There is no desire on the part of anyone to cause any suffering in this country.

I hope very much the committee will allow the amount to stand as reported in the bill and I therefore ask that the amendment be voted down.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. VOORHIS].

The question was taken; and on a division (demanded by Mr. VOORHIS and Mr. O'CONNELL of Montana) there were—ayes 71, noes 189.

Mr. MASSINGALE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. VOORHIS and Mr. WOODRUM.

The Committee again divided; and the tellers reported that there were—ayes 63, noes 157.

So the amendment was rejected.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 1, line 10, after the word "act", insert "*Provided, however,* That no part of the sum herein appropriated shall be allocated or obligated for building construction projects of over $25,000 for each such project."

Mr. WOOD. Mr. Chairman, in the early part of W. P. A., as I have stated, Administrator Hopkins agreed with representatives of the building trades of the country that any project for the construction of a building that exceeded $25,000 would not be done under W. P. A. This agreement was carried out for a time, but for the past year and a half the W. P. A. has taken on larger projects. They have completed projects costing many thousands of dollars, and some projects are now running into the millions and are being done by W. P. A. labor.

I do not believe there is any desire on the part of anyone to scuttle the W. P. A. appropriations, but I think, as many others do and as Administrator Hopkins did at that time, there are ample projects in every municipality in the United States that would cost less than $25,000 that could very well take care of all the available unemployed that may go on relief, and this is all the amendment provides.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LUTHER A. JOHNSON. Does the gentleman's amendment limit to $25,000 building projects only?

Mr. WOOD. Yes; and does not include highways or connecting roads or sewer projects or street projects.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. PHILLIPS. The amendment then would prevent a municipality, for example, from building such a simple thing as a stadium out of cut stone, would it not?

Mr. WOOD. If it did not exceed $25,000 they could build it with W. P. A. labor, but if the building exceeded in cost $25,000, then they would have to use W. P. A. labor.

Mr. PETTENGILL. What would be the effect of the gentleman's amendment on projects now in process of construction that will cost more than $25,000?

Mr. WOOD. Of course, if we should adopt the amendment it would not be a final culmination of the matter, and the Senate and House in conference would work out a proper provision. There is no attempt here to stop any project now in operation.

Mr. McCORMACK. If the gentleman will permit, in answer to the gentleman's question, this would apply only to the particular amount provided here.

Mr. PETTENGILL. It all comes out of the same till.

Mr. McCORMACK. I understand that, but it would apply only to the amount included in the bill. The gentleman has made a very constructive suggestion and one that could be easily taken care of so far as projects in the future are concerned.

Mr. WOOD. I think that would be agreeable to the building-trades mechanics of the country.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. COCHRAN. If the gentleman's amendment is adopted they would not be permitted to construct with this money any buildings costing more than $25,000, as I understand it?

Mr. WOOD. In the future; yes.

Mr. COCHRAN. It is my understanding they will not construct any, because they could not construct any such buildings between now and June 30, and this money is to be spent within that time. Therefore, I am going to vote for the amendment.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. McCORMACK. Mr. Chairman, the amendment of the gentleman from Missouri [Mr. WOOD] appeals to me as a solution of the problem that confronts us today. I recognize that the amendment of the gentleman from Texas [Mr. DIES] might indirectly be construed as taking money away from the $250,000,000 appropriated today, although I voted for it because of the principle involved which I consider right. The amendment of the gentleman from Missouri in no way affects the appropriation of $250,000,000. It is simply a limitation upon its use, so far as building construction is concerned, and in turn it exempts building construction up to $25,000. This does not affect repairs or road construction. It is confined only to "building construction," not "building or construction," but actual building construction. It is an amendment that ought to be adopted. It seems to me that as one who has voted for all relief appropriations, and who is voting for the bill today, that this is a proper limitation to make upon the use of this money. We not only have the duty and obligation of taking care of unfortunate victims of the depression, but we also have the duty and obligation of considering the proper field of private business, of that fine group of mechanics and helpers who would be employed by contractors in the field where the construction would be as it should be. It was never intended that relief appropriations should be spent on building construction, particularly over $25,000. Such use competes with citizens who are unable to get W. P. A. assignments. As one who is a friend of relief appropriations, such use should be discontinued in the future.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PHILLIPS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PHILLIPS. Mr. Chairman, I rise in opposition to the amendment. Speaking as one who has had a number of years' experience as the chief executive of a city of some size, I think the W. P. A. proposition as it now exists without this amendment is more or less self-limiting anyway. If this amendment should be adopted, then you unnecessarily limit those proposals which can be accomplished with W. P. A. and matched funds with efficiency and dispatch. I can think, for example, of a stadium in our own community, in Connecticut, that was built over a period of years; made of cut stone, ground fill with W. P. A. labor, a worthwhile proposition in every sense of the word, all of which could not have been done over a sustained period of time had this amendment or one similar to it then been in effect. I feel this amendment is not necessary, that the bill imposes sufficient and justifiable restrictions without it, and that municipalities will be hampered unfairly if the amendment be adopted.

As one who subscribes to the theory of needed work relief in propriety for the greatest number, I urge the defeat of this amendment.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to modify my amendment by inserting the word "future" before the word "building."

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. Without objection, the Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment offered by Mr. WOOD: Page 1, line 10, after the word "act", insert: "*Provided, however,* That no part of the sum herein appropriated shall be allocated or obligated for future building-construction projects of over $25,000 for each such project."

Mr. WOODRUM. Mr. Chairman, the necessity to amend the amendment, at least after one of the very many defects has been called to my friend's attention, shows how dangerous it would be in a piece of legislation like this to undertake

to write promiscuous amendments from the floor of the House. The amendment the gentleman offers would be an obstacle in the way of this program. Just as the gentleman from Connecticut [Mr. PHILLIPS] has pointed out, many of the most worth-while projects might be interfered with. Bear in mind that the community, the sponsor of the project, determines the character of the project. Perhaps you have a building-construction project in your community. Somebody might inquire as to what constitutes a building-construction project. Immediately you open up a field of speculation. You might have a project a part of which is a building, part of which is grading, and a part of which requires utilities, such as water mains, and so forth. Perhaps such a project might be a stadium or some similar proposition. Undertake to limit this, and the whole effect of it will be to deny relief to the very people we are legislating today to help. You put obstacles and impediments in the way of speedy relief administration. It would be administratively impossible. It is exactly the same proposition the committee passed on a few moments ago, and I hope the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was rejected.

Mr. BEITER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BEITER: Page 1, line 10, after the period, insert a colon and the following: *"Provided*, That no funds herein appropriated shall be expended to purchase heavy construction equipment."

Mr. BEITER. Mr. Chairman, the amendment I am proposing to prohibit the use of funds appropriated by this act to purchase heavy construction equipment may save the taxpayers of this country millions of dollars; at least it cannot cost them anything. In the past the Works Progress Administration has made large investments in heavy construction equipment, such as trenching machines, concrete-mixing and placing machinery, road-building machinery, draglines, power shovels, tractors, and so forth. If W. P. A. were a permanent organization that would be engaged in heavy construction for years to come, it might be good economy to purchase such equipment, but since it is an emergency organization, such investments cannot be justified. W. P. A. is intended to be a relief and work-relief organization, and the types of projects it is expected to undertake should be confined to work that is predominately and normally hand labor—something that will require little or no investment on the part of the Federal Government other than for small tools and relief labor.

Few Federal agencies have use for heavy construction equipment of the type W. P. A. is buying; therefore, there is little possibility of transferring such equipment to other Government agencies after it is no longer needed by W. P. A. If such equipment has to be sold to competitive bidders or at public auction, only a small part of the Government's investment will be recovered. Its purchase should not be permitted in the first instance.

I am advised that over $100,000,000 has already been invested in this type of machinery. This money could well have been used for the relief of the unemployed in this country.

I trust that the amendment will be agreed to.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Chairman, the adoption of this amendment would prevent, for instance, the purchase of a steam shovel to undertake a road project even though the steam shovel were needed. W. P. A. has all the heavy machinery it needs unless it be for some particular project, not machinery to displace men, but machinery to help put men to work. There is no fear that the money is going to be expended for heavy machinery—if I know what is meant by the term "heavy machinery." There is no use in placing such an impediment in the administration of the bill.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the amendment be agreed to and that the bill as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration House Joint Resolution 596, making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938, had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended, do pass.

Mr. WOODRUM. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 1, line 10, after the word "act", strike out the period, insert a colon and add the following: *"Provided, however*, That no part of this appropriation shall be paid to any alien unless such alien has heretofore in good faith declared in the manner prescribed by law an intention to become a citizen, or unless such alien has resided continuously and lived honorably in the United States since January 1, 1928, and is ineligible under the laws of the United States to become a citizen."

The SPEAKER. The question is on the amendment.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 137, noes 92.

So the amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. TABER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TABER. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TABER moves to recommit the bill to the Committee on Appropriations.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. WOODRUM. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 354, nays 23, not voting 52, as follows:

[Roll No. 25]

YEAS—354

Aleshire	Beiter	Brooks	Celler
Allen, Del.	Bell	Brown	Champion
Allen, Ill.	Bernard	Buckler, Minn.	Chandler
Allen, Pa.	Biermann	Buckley, N. Y.	Chapman
Anderson, Mo.	Bigelow	Bulwinkle	Church
Andresen, Minn.	Binderup	Burdick	Citron
Arends	Bloom	Byrne	Clark, N. C.
Arnold	Boehne	Caldwell	Clason
Ashbrook	Boileau	Cannon, Mo.	Claypool
Atkinson	Boland, Pa.	Cannon, Wis.	Cochran
Bacon	Boren	Carlson	Coffee, Nebr.
Barry	Boyer	Carter	Coffee, Wash.
Barton	Boylan, N. Y.	Cartwright	Collins
Bates	Bradley	Case, S. Dak.	Colmer
Beam	Brewster	Casey, Mass.	Connery

Cooper	Haines	McKeough	Sacks
Costello	Halleck	McMillan	Sadowski
Cox	Hamilton	McReynolds	Sanders
Cravens	Hancock, N. Y.	McSweeney	Satterfield
Crosby	Harlan	Maas	Sauthoff
Crosser	Hart	Magnuson	Schaefer, Ill.
Crowther	Harter	Mahon, S. C.	Schneider, Wis.
Culkin	Hartley	Mahon, Tex.	Schuetz
Cullen	Havenner	Maloney	Schulte
Curley	Healey	Mansfield	Scott
Delaney	Hennings	Mapes	Secrest
Dempsey	Hildebrandt	Martin, Colo.	Seger
DeMuth	Hill	Martin, Mass.	Shafer, Mich.
DeRouen	Hobbs	Massingale	Shanley
Dickstein	Holmes	Maverick	Sheppard
Dies	Honeyman	Meeks	Simpson
Dingell	Hook	Merritt	Sirovich
Dirksen	Hope	Michener	Smith, Conn.
Disney	Houston	Mitchell, Ill.	Smith, Maine
Ditter	Hunter	Mitchell, Tenn.	Smith, Wash.
Dixon	Imhoff	Moser, Pa.	Smith, W. Va.
Dockweiler	Izac	Mott	Snyder, Pa.
Dondero	Jacobsen	Murdock, Ariz.	Somers, N. Y.
Dorsey	Jarman	Murdock, Utah	South
Doughton	Jarrett	Nelson	Sparkman
Dowell	Jenckes, Ind.	Norton	Spence
Drew, Pa.	Jenks, N. H.	O'Brien, Ill.	Stack
Driver	Johnson, Luther A.	O'Brien, Mich.	Starnes
Duncan	Johnson, Lyndon	O'Connell, Mont.	Steagall
Dunn	Johnson, Minn.	O'Connell, R. I.	Stefan
Eaton	Johnson, Okla.	O'Connor, N. Y.	Sumners, Tex.
Eberharter	Johnson, W. Va.	O'Day	Sutphin
Eckert	Jones	O'Leary	Sweeney
Edmiston	Kee	O'Malley	Swope
Eicher	Keller	O'Neal, Ky.	Tarver
Elliott	Kelly, Ill.	O'Neill, N. J.	Taylor, Colo.
Engel	Kelly, N. Y.	O'Toole	Taylor, Tenn.
Englebright	Kennedy, Md.	Oliver	Teigan
Evans	Kennedy, N. Y.	Pace	Terry
Faddis	Keogh	Palmisano	Thom
Fernandez	Kerr	Parsons	Thomas, Tex.
Fitzgerald	Kinzer	Patman	Thomason, Tex.
Fitzpatrick	Kirwan	Patrick	Thompson, Ill.
Flaherty	Kitchens	Patterson	Tobey
Flannagan	Kniffin	Patton	Tolan
Flannery	Knutson	Pearson	Towey
Fleger	Kocialkowski	Peterson, Fla.	Transue
Fletcher	Kopplemann	Pettengill	Treadway
Forand	Kramer	Pfeifer	Turner
Ford, Calif.	Kvale	Phillips	Umstead
Fries, Ill.	Lambertson	Pierce	Vincent, B. M.
Fuller	Lambeth	Plumley	Vinson, Fred M.
Fulmer	Lamneck	Polk	Vinson, Ga.
Gamble, N. Y.	Lanham	Powers	Voorhis
Gambrill, Md.	Lanzetta	Quinn	Wallgren
Garrett	Larrabee	Rabaut	Walter
Gavagan	Lea	Ramsay	Wearin
Gearhart	Leavy	Ramspeck	Welch
Gehrmann	Lemke	Randolph	Wene
Gifford	Lesinski	Rayburn	White, Idaho
Gilchrist	Lewis, Colo.	Reece, Tenn.	White, Ohio
Gildea	Lewis, Md.	Reed, Ill.	Whittington
Gingery	Lord	Rees, Kans.	Wigglesworth
Goldsborough	Luckey, Nebr.	Reilly	Williams
Gray, Ind.	Ludlow	Richards	Withrow
Gray, Pa.	Luecke, Mich.	Rigney	Wolcott
Green	McAndrews	Robinson, Utah	Wolfenden
Greenwood	McClellan	Robsion, Ky.	Wolverton
Greever	McCormack	Rockefeller	Wood
Gregory	McFarlane	Rogers, Mass.	Woodruff
Griffith	McGehee	Rogers, Okla.	Woodrum
Griswold	McGranery	Romjue	Zimmerman
Guyer	McGrath	Rutherford	
Gwynne	McGroarty	Sabath	

NAYS—23

Andrews	Ferguson	Owen	Snell
Cole, N. Y.	Ford, Miss.	Peterson, Ga.	Taber
Cooley	Hoffman	Reed, N. Y.	Thomas, N. J.
Crawford	Kleberg	Rich	Wadsworth
Douglas	Luce	Short	West
Doxey	McLean	Smith, Va.	

NOT VOTING—52

Allen, La.	Cummings	Long	Robertson
Amlie	Daly	Lucas	Ryan
Barden	Deen	McLaughlin	Scrugham
Bland	Drewry, Va.	Mason	Shannon
Boykin	Farley	May	Smith, Okla.
Buck	Fish	Mead	Sullivan
Burch	Frey, Pa.	Mills	Taylor, S. C.
Clark, Idaho	Gasque	Mosier, Ohio	Thurston
Cluett	Hancock, N. C.	Mouton	Tinkham
Colden	Harrington	Nichols	Warren
Cole, Md.	Hendricks	O'Connor, Mont.	Weaver
Creal	Hull	Poage	Whelchel
Crowe	Jenkins, Ohio	Rankin	Wilcox

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Thurston (for) with Mr. Robertson (against).

Until further notice:

Mr. Rankin with Mr. Fish.
Mr. Sullivan with Mr. Jenkins of Ohio.
Mr. Warren with Mr. Cluett.
Mr. Drewry of Virginia with Mr. Mason.
Mr. Mead with Mr. Tinkham.
Mr. Burch with Mr. Hull.
Mr. Bland with Mr. Amlie.
Mr. Shannon with Mr. Frey.
Mr. Wilcox with Mr. Cole of Maryland.
Mr. Mills with Mr. Weaver.
Mr. Nichols with Mr. Deen.
Mr. Sutphin with Mr. Allen of Louisiana.
Mr. O'Connor of Montana with Mr. Barden.
Mr. Scrugham with Mr. Harrington.
Mr. Taylor of South Carolina with Mr. Whelchel.
Mr. Lucas with Mr. Mouton.
Mr. Cummings with Mr. Boykin.
Mr. Colden with Mr. Creal.
Mr. Smith of Oklahoma with Mr. Mosier of Ohio.
Mr. Gasque with Mr. May.
Mr. Buck with Mr. Crowe.
Mr. McLaughlin with Mr. Long.
Mr. Hancock of North Carolina with Mr. Farley.
Mr. Daly with Mr. Clark of Idaho.
Mr. Poage with Mr. Ryan.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. McSWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McSWEENEY. Mr. Speaker, when the vote was taken for an additional appropriation yesterday I was attending the birthday celebration of Susan B. Anthony, where my distinguished colleague from Ohio, Mr. BIGELOW, was speaking and I did not know about the vote. If I had been here I would have voted "no."

COMMITTEE ON RIVERS AND HARBORS

Mr. BEITER. Mr. Speaker, I ask unanimous consent that the Committee on Rivers and Harbors may be permitted to hold hearings for the remainder of the week during the sessions of the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. O'MALLEY. Mr. Speaker, reserving the right to object, is that so they may consider this water-diversion bill?

Mr. BEITER. The opponents are being heard at the present time, and many witnesses are in town who desire to be heard.

Mr. O'MALLEY. I dislike to object, but there are certain Members of Congress who would like to be present but must also be on the floor because of business. I am compelled therefore to object.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution passed by the Associate General Contractors at their convention.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'NEILL of New Jersey, Mr. KITCHENS, and Mr. CURLEY asked and were given permission to extend their own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Speaker, my colleague the gentleman from Indiana, Mr. CROWE, was necessarily absent when the vote was taken a few minutes ago on the relief bill. If present, he would have voted "yea."

EXTENSION OF REMARKS

Mr. SECREST. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein

an address by my colleague the gentleman from Texas [Mr. SUMNERS] at the forty-first anniversary of the Washington College of Law.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMITTEE ON RIVERS AND HARBORS

Mr. BEITER. Mr. Speaker, I renew my request that the Committee on Rivers and Harbors be permitted to sit tomorrow during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a short article.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WOLVERTON, Mr. MICHENER, and Mr. DEMUTH asked and were given permission to extend their own remarks in the RECORD.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a brief filed for the clothing manufacturers with the committee on reciprocity information.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. Mr. Speaker, the gentleman from California, Mr. COLDEN, whose illness I announced earlier this afternoon, was unable to be present and vote on the relief bill. If present, he would have voted "yea."

The gentleman from California, Mr. BUCK, was unavoidably detained because of official business and would have voted "yea" on the same bill.

EXTENSION OF REMARKS

Mr. DOXEY. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Mississippi [Mr. RANKIN] may be permitted to extend his remarks in the RECORD and include therein an address made by David B. Lilienthal on the subject of electricity.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE NATIONAL YOUTH ADMINISTRATION

Mr. JOHNSON of Oklahoma. Mr. Speaker, in the several hours of discussion we have heard on the floor of the House today for and against the so-called relief bill, no one has mentioned the outstanding work done by the National Youth Administration nor the fact that a part of these funds are allocated for the relief of unemployed youth throughout the Nation. Therefore, for a few minutes I should like to discuss the situation from the standpoint of American youth.

It is unnecessary, I assume, for me to remind Members of this House of the fact that the youth of this country was literally in the slough of despond when President Roosevelt took the oath of office back in 1933. During the long, dark days from 1930 to 1933, that mark the blackest pages in our Nation's history, the American youth was in reality the "forgotten man." Thousands of young men were filling empty box cars and lining the tops of freight trains frantically looking for jobs they could not find. No effort had been made by the previous national administration to assist the young men and women of the land either to secure employment or education in order that they might help themselves become better citizens. Undoubtedly one of the outstanding accomplishments of the New Deal was the inauguration of a program to assist the youth in a practical way.

During the last session of Congress, when this legislation was pending in the House, I spoke at some length with reference to the activities of the National Youth Administration and pointed out that allocations from the so-called relief fund go to the N. Y. A. I am confident that the fact that the N. Y. A. receives its support from this fund was an important factor in the passage of the bill a year ago and that the same factor has drawn much support today, even though the matter has not thus far been discussed on the floor.

Mr. CARTWRIGHT. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to my colleague, the distinguished gentleman from Oklahoma.

Mr. CARTWRIGHT. Let me say to my colleague that he is making a very forceful and interesting statement. Moreover, I fully agree with the gentleman that the N. Y. A. is rendering a splendid service. But is there any item in the relief bill earmarked for the National Youth Administration?

Mr. JOHNSON of Oklahoma. No. There is nothing earmarked in this bill for the N. Y. A., but I am glad to say that I have just had a conference with Hon. Aubrey Williams, Deputy Administrator of the W. P. A. and executive director of the N. Y. A., who authorizes me to say that some of the funds from the appropriation in this legislation will positively be used in connection with the work of the National Youth Administration.

Mr. TABER. Before the committee Mr. Williams said none of this money would be spent for that purpose.

Mr. JOHNSON of Oklahoma. Let me say in reply to the distinguished minority Member that I am surprised at his statement. I do not care to argue with him with reference to the testimony of Mr. Williams at this time, but will say that I have before me the hearings of the Subcommittee on Appropriations containing the testimony of Mr. Williams. I have read the hearings carefully and in no place do I find such a statement. I note that on page 4 of the hearings Mr. Williams states that $24,000,000 would be needed for the remainder of the year for the National Youth Administration. But, on the other hand, he does not say that none of the additional funds that we are appropriating today will be needed. I desire to repeat that Mr. Williams told me only this afternoon that I was authorized to say for him that a portion of this emergency relief fund positively will be used to carry on the work of the National Youth Administration.

COMMENDS N. Y. A. PROGRAM IN OKLAHOMA

When this measure was up for consideration last year I commended on this floor the outstanding work being done by Mr. Houston A. Wright, the brilliant and energetic director of the National Youth Administration in the State of Oklahoma. Let me add in this connection that Mr. Wright has inaugurated and is carrying out a progressive, practical, and comprehensive program in Oklahoma. So far reaching in its scope is the N. Y. A. program in Oklahoma that it has attracted the attention not only of educators throughout the country but of both the President and Mrs. Roosevelt. Both have commended Mr. Wright and his program as being outstanding. No one can measure in dollars what is being done by this great organization in the way of unselfish service to the youth of Oklahoma.

I have been able to gather some facts and statistics on the accomplishments of the National Youth Administration in Oklahoma up until and including January 15, 1938.

During the present fiscal year and up to January 15, the National Youth Administration for Oklahoma has employed and is employing at the present time 19,114 youth and has expended $733,251.98 in its three divisions, namely, aid to

high-school students, aid to college students, and aid to out-of-school youth. There are at the present time 10,614 youth between the ages of 16 and 25 on the high-school-aid program, employed at a maximum of $6 per month; 2,500 youth employed on the college program at an average of $15 per month; and 6,000 on the out-of-school work-project program.

The student-aid division has given thousands of boys and girls, who are financially unable otherwise, the opportunity to attend school. The work of youth employed on the student-aid program is directed by the sponsoring institutions.

The out-of-school program, or work-project program, has employed during the present fiscal year, and is employing at the present time, 6,000 young people between the ages of 18 and 25 years from certified relief families on various types of activities as follows: Major construction, 900; shops, 200; minor construction, 1,736; public service, 750; resident agriculture, 443; agriculture, 395; homemaking, 1,513; recreational leadership, 13; and music, 50.

The average cost per youth on the out-of-school program in the State of Oklahoma is $14.35 per month, including wages, supervision, materials, and equipment. More than $250,000 has been furnished by the sponsoring agencies to assist in the paying for supervision, materials, and equipment necessary for the operation of this program.

The out-of-school program is centered around the five-point training program, namely, health, vocational training, homemaking, leisure-time activities, and citizenship, and may be broken down into the following five divisions: Resident vocational training, construction, industrial vocational training, agriculture, health, and homemaking.

RESIDENT AGRICULTURE

There are at the present time employed on the resident agriculture program 443 youths in 7 projects located throughout the State at Stillwater, Goodwill, Wilburton, Lawton, Langston, Bristow, and Cordell, 5 of which are for both boys and girls operating at various State institutions, and 2 of which are for boys alone operating in conjunction with local municipalities. It is planned within the next 30 days to put in operation three more schools of this type at Shawnee, Sapulpa, and Wetumka, one of which will be for girls and two for boys.

Student workers employed on this resident program are paid $24 per month, which is expended as follows: $15 for cost of subsistence, $1 for health services, and the balance of $8 is turned to the student. Youth on this program work 80 hours per month and spend an additional 80 hours in related training. The courses that are taught in these schools are purely vocational, with the necessary related training. Boys are taught such subjcts as general industrial shops work, vocational agriculture, soil conservation, health, and recreation. The girls receive training in sewing, cooking, canning, child care, home management, health, and recreation.

Thirty-three and one-third percent of the cost of supervision, instruction, materials, and equipment for this program has been borne by sponsoring institutions and municipalities. It has cost the Government, including all supervision, shops' equipment, and instruction less than $35 per month per youth to operate these schools. This figure will necessarily decrease as the equipment necessary for operation pays itself out.

MAJOR CONSTRUCTION

There are employed on major construction projects in the State of Oklahoma 900 youth. There are 40 buildings, either completed or under construction, ranging in cost from $3,000 to $40,000, that have been constructed by the youth workers under the supervision of competent construction superintendents, whose duty it is to instruct and train the youth, as well as to prosecute the work in an efficient manner. In rare instances skilled labor has necessarily been employed in order to train further the youth. However, in the majority of cases all work such as wiring, plumbing, bricklaying, stone masonry, carpentry, concrete finishing, plastering, painting, and other types of skilled work, has been done by the youth themselves.

During the period of this construction and training the youth has the opportunity for training in various fields of construction craftsmanship. As a result of this construction program, buildings have been constructed for the carrying on of training of youth, vocational shops have been set up in the completed buildings, homemaking units for girls, and health and recreational facilities for all have been installed. Libraries have also been provided.

The usual procedure on construction projects of this type where the building is to be used directly for the benefit of the youth is that sponsors furnish 75 percent of the materials and supervision, while the National Youth Administration furnishes 25 percent of the cost of materials, supervision, and does the work with youth employees.

SHOPS

There are in operation in Oklahoma at the present time 17 industrial shops of different types, such as leather work, woodwork, metal work, auto mechanics, farm machinery, and others, in which some 200 boys are employed, in many instances setting up the equipment for the further training work that will be received by the additional youth who will be put into these shops as soon as all equipment is installed. In all instances the shops are adapted to the industrial possibilities of the surrounding territory. In agricultural communities farm shops have been installed. In industrial centers welding, metal work, auto mechanics, and other types have been installed.

All employees on the shops program are under the supervision of competent, trained supervisors who are engaged to train the youth in vocations, by means of which they can make a living. Thousands of pieces of equipment have been made in these shops for use in public schools, and all equipment that is used in the youth centers throughout the State is made in these shops.

MINOR CONSTRUCTION

Under the minor construction program, which employs 1,736 workers, recreational facilities have been provided throughout the State in the way of parks, playgrounds, and other conveniences for public use, which without this program would otherwise not have been available.

In the minor construction program all materials and supervision, other than general administrative, is furnished directly by the sponsors. This program is limited to such types of work as stone masonry, landscaping, construction of recreational facilities, and other types of work which will provide training to the youth in various trades.

HOMEMAKING

There are employed in the State 1,513 girls in 65 homemaking centers. In many cases these homemaking centers are buildings that have been constructed by the National Youth Administration, and in other instances in buildings that are furnished by the sponsor. In these centers girls do such work as canning, sewing, cooking, child care, meal preparation, and the construction of furnishings for the youth centers in the State. An instance of the type of work that is being done is 100,000 quarts of fruits and vegetables that have been canned under this program. Another is the making of 25,000 garments for the State welfare board for distribution to needy children. All materials, equipment, and supplies used in this program are furnished by the sponsors. The supervision is furnished jointly by the National Youth Administration and the sponsors.

AGRICULTURE

The agriculture program in the State provides work for 395 youth. From four to five youth in each county have assisted the county agent in running terrace and contour lines throughout the county and assisted in the laying out of ditch checks and contours for the prevention of soil erosion. Irrigated gardens have been operated and crops raised. At the present time some 75 gardens are being planted in the State in which vegetables will be raised by the boys on this project and canned by the girls under the homemaking projects; then turned over to the State board of

agriculture for distribution to the various agricultural colleges, to be used in cooperative dormitories in further assisting youth to attend school.

All supervision, seed, cans, and transportation on this project are furnished jointly by the State board of agriculture, the participating institutions, and the county farm agent in the various counties.

HEALTH

Through the cooperation of the State health department, the various local doctors and nurses throughout the State, it has been possible for this organization to give thorough physical examinations to some 5,000 youths employed on this program, and with their further cooperation to furnish remedial treatment to these youth that have been found suffering from various ailments.

An example of the enormous proportions into which this problem has developed was brought out last summer on the resident training program at Agricultural and Mechanical College when, upon examination of 400 by the college physician, it was found not one had a perfect set of teeth. Some 1,500 cavities were discovered among this group of youth. Other ailments such as bad tonsils, eyes, ears, appendixes, and others were found to exist in alarmingly large proportions.

At the present time the health department of the National Youth Administration is attempting to coordinate the activities of all agencies to the point that a maximum amount of remedial treatment can be furnished these youths.

In conclusion, let me say that any portion of these funds that go to the National Youth Administration will be dollars well spent. No one in the future will ever have to look back and apologize for supporting and encouraging the work of the National Youth Administration. And yet this program that has had such a marvelous beginning is now only in its infancy. This work, so ably begun, has thus far justified its existence. The great, unselfish, and practical program of the National Youth Administration must not be crippled or abandoned as some few short-sighted Members of this House have advocated. For one, I expect to continue to give my full support to the program of the National Youth Administration and predict that its scope will be broadened and its influence for good continued for many years to come.

EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein an address delivered by our former colleague, now Judge Henry Ellenbogen, of Pittsburgh, Pa.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'BRIEN of Michigan asked and was given permission to extend his own remarks in the RECORD.

Mr. WHITE of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I made at Portland, Maine, on the anniversary of Lincoln's birthday.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a letter written to the Home Owners' Loan Corporation on the subject of group medicine, together with the reply from Chairman Fahey, of the Home Owners' Loan Corporation. This is a subject in which all Members of Congress are tremendously interested.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. CROWE, for 5 days, on account of congressional and other necessary business.

To Mr. COLDEN (at the request of Mr. SCOTT), for this week, on account of illness.

To Mr. DALY, indefinitely, on account of illness.

To Mr. BOYKIN (at the request of Mr. HOBBS), on account of important official business necessitating his presence in his district.

To Mr. ROBERTSON, for today, on account of important official business.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 628. An act to provide for the construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah; and

S. 2383. An act to amend the act authorizing the Attorney General to compromise suits on certain contracts of insurance.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p. m.) the House adjourned until tomorrow, Thursday, February 17, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday, February 17, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes to the Gulf waterway, and for other purposes.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Thursday, February 17, 1938, at 10 a. m., for the consideration of a building program for the Navy. Very important.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, February 17, 1938. Business to be considered: Continuation of hearings on S. 69—train length. Chambers of commerce will be heard in opposition.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m. on Tuesday, March 1, 1938, on the bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee on fiscal affairs of the House Committee on the District of Columbia will meet Wednesday morning, February 16, 1938, at 10 a. m., in the caucus room, House Office Building, on proposed taxation legislation. On Thursday and Friday, February 17 and 18, 1938, the meetings will be held in the District of Columbia hearing rooms at 10 a. m.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 a. m., on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 9, 1938, at 10 a. m., on the following bills: H. R. 9225, authorizing the appointment of 30 principal traveling inspectors by the Secretary of Commerce; H. R. 9368, authorizing the issuance of certain seamen's certificates by inspectors of hulls and boilers.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 16, 1938, at 10 a. m., on H. R. 8251, relative to radio operators on cargo vessels.

EXECUTIVE COMMUNICATIONS, ETC.

1088. Under clause 2 of rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, Government Printing Office, for the fiscal year 1939, in the sum of $92,674.38 (H. Doc. No. 526); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ROMJUE: Committee on the Post Office and Post Roads. H. R. 9309. A bill to adjust the rates of pay for charmen and charwomen in the Post Office Department and in the Postal Service; with amendment (Rept. No. 1803). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUCKLER of Minnesota: Committee on Indian Affairs. House Joint Resolution 438. Joint resolution restoring the right of appeal to the Supreme Court in certain cases involving claims of the Sioux Indians; with amendment (Rept. No. 1826). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'MALLEY: Committee on Indian Affairs. H. R. 8502. A bill to amend the Wisconsin Chippewa Jurisdictional Act of August 30, 1935 (49 Stat. L. 1049); with amendment (Rept. No. 1827). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 9359. A bill to amend the National Defense Act of June 3, 1916, as amended, by reestablishing the Regular Army Reserve, and for other purposes; with amendment (Rept. No. 1828). Referred to the Committee of the Whole House on the state of the Union.

Mr. GEARHART: Committee on the Post Office and Post Roads. H. R. 8115. A bill to amend section 340 of chapter 8 of title 18 of the United States Code of 1934 (48 Stat. 1063), approved June 19, 1934; with amendment (Rept. No. 1829). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 3257. A bill for the relief of Mr. and Mrs. Harold Huddleston, with amendment (Rept. No. 1811). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4564. A bill for the relief of the Floridian Press of Jacksonville, Inc., Jacksonville, Fla.; with amendment (Rept. 1812). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 4668. A bill for the relief of James Shimkunas; with amendment (Rept. No. 1813). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 5166. A bill for the relief of Jesse G. Whitfield and others; with amendment (Rept. No. 1814). Referred to the Committee of the Whole House.

Mr. CASE of South Dakota: Committee on Claims. H. R. 5842. A bill for the relief of John G. Edwards; with amendment (Rept. No. 1815). Referred to the Committee of the Whole House.

Mr. CASE of South Dakota: Committee on Claims. H. R. 5867. A bill for the relief of Peter Wettern; with amendment (Rept. No. 1816). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. H. R. 6364. A bill for the relief of J. F. Eline; with amendment (Rept. 1817). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. H. R. 6885. A bill for the relief of Ephriam J. Hicks; with amendment (Rept. No. 1818). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 7443. A bill for the relief of Wilson H. Parks, Elsa Parks, and Jessie M. Parks; with amendment (Rept. No. 1819). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 7601. A bill for the relief of Eula Scruggs; with amendment (Rept. No. 1820). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 7734. A bill conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claim of A. L. Eldridge; with amendment (Rept. No. 1821). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 7796. A bill for the relief of Frank Scofield, collector of internal revenue, Austin, Tex.; with amendment (Rept. No. 1822). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 523. An act for the relief of Mrs. Guy A. McConoha; with amendment (Rept. No. 1823). Referred to the Committee of the Whole House.

Mr. ROCKEFELLER: Committee on Claims. S. 2504. An act for the relief of James W. Gilson; without amendment (Rept. No. 1824). Referred to the Committee of the Whole House.

Mr. ROCKEFELLER: Committee on Claims. S. 2644. An act for the relief of Sherm Sletholm, Loneata Sletholm, Lulu Yates, Madeline Yates, and the estate of Ella A. Morris; without amendment (Rept. No. 1825). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9334) granting a pension to Stella Viola Ruckel, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMPSON of Illinois: A bill (H. R. 9520) to authorize a preliminary examination and survey of Rock River and the watershed thereof, in the State of Illinois, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. CARTER: A bill (H. R. 9521) to amend section 27 of title III of the Independent Offices Appropriation Act, 1935, to restore certain benefits to certain World War veterans; to the Committee on World War Veterans' Legislation.

By Mr. WALTER: A bill (H. R. 9522) to amend the Federal Reserve Act; to the Committee on Banking and Currency.

By Mr. PIERCE: A bill (H. R. 9523) to add certain lands to the Ochoco National Forest, Oreg.; to the Committee on the Public Lands.

By Mr. DEMPSEY: A bill (H. R. 9524) to authorize an appropriation for repayment to Middle Rio Grande Conservancy District, a subdivision of the State of New Mexico, of the share of the said district's construction and operation and maintenance costs applicable to certain properties owned by the United States, situated in Bernalillo County, N. Mex., within the exterior boundaries of the district; to authorize the Secretary of the Interior to contract with said district for future operation and maintenance charges against said lands; to authorize appropriation for extra construction work performed by said district for the special benefit of certain Pueblo Indian lands and to authorize appropriation for construction expenditures benefiting certain acquired lands of Pueblo Indians of the State of New Mexico; to the Committee on Irrigation and Reclamation.

By Mr. MAVERICK: A bill (H. R. 9525) to take the profit out of war by steeply graduated income and other taxes in order to provide for the national defense, promote peace, and for other purposes; to the Committee on Ways and Means.

By Mr. BLAND: A bill (H. R. 9526) to amend the act of May 27, 1908, authorizing settlement of accounts of deceased officers and enlisted men of the Navy and Marine Corps; to the Committee on Merchant Marine and Fisheries.

By Mr. HOOK: A bill (H. R. 9527) to provide for a basic-data survey of the power development and natural resources of the Upper Peninsula of Michigan; to the Committee on the Public Lands.

By Mr. WEARIN: A bill (H. R. 9528) to provide for the procurement of architectural services for public buildings and memorials by anonymous competition; to the Committee on Public Buildings and Grounds.

By Mr. BARTON: A bill (H. R. 9529) to repeal the Agricultural Adjustment Act of 1938; to the Committee on Agriculture.

By Mr. STACK: A bill (H. R. 9530) to provide funds for the employment of citizens of the United States and those who have declared their intentions of becoming citizens of the United States of America who are engaged or employed as art craftsmen on public buildings, public works, or monumental structures, and for the reduction of unemployment and stimulation of business activity; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9531) granting an increase of pension to Adella L. Welch; to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 9532) for the relief of Franklin Lopez, administrator of the goods, chattels, and credits which were of Alice C. Lopez, deceased; to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 9533) for the relief of John J. Reiber, Ada Bell Reiber, his wife, and Arthur Joseph Reiber, their minor son; to the Committee on Claims.

By Mr. CREAL: A bill (H. R. 9534) granting a pension to Annie Peterson; to the Committee on Invalid Pensions.

By Mr. FORD of California: A bill (H. R. 9535) for the relief of Amy M. Ghent; to the Committee on Claims.

By Mr. LAMNECK: A bill (H. R. 9536) granting a pension to Mary S. Dibble; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 9537) to restore Charles N. Liqued to the retired list of the Navy as a lieutenant, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 9538) to restore Joseph Theodore Kingsley to the emergency officers' retirement list; to the Committee on Military Affairs.

By Mr. REECE of Tennessee: A bill (H. R. 9539) for the relief of Dr. R. N. Harwood; to the Committee on Claims.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 9540) granting an increase of pension to Mame D. Reed; to the Committee on Invalid Pensions.

By Mr. STEFAN: A bill (H. R. 9541) granting an increase of pension to Margaret Haney; to the Committee on Invalid Pensions.

By Mr. SWEENEY: A bill (H. R. 9542) for the relief of Anastasia Sardyga; to the Committee on Immigration and Naturalization.

By Mr. WHITE of Idaho: A bill (H. R. 9543) for the relief of Mr. and Mrs. Harold E. Theriault; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4126. By Mr. BOYLAN of New York: Resolution adopted by the Retail Tobacco Dealers of America, New York, N. Y., representing several hundred thousands of tobacco retailers in the United States, favoring an amendment to the Tariff Act of 1930, as provided for in House bill 6791; to the Committee on Ways and Means.

4127. Also, resolution unanimously adopted at the national convention of the National Association of Tobacco Distributors, New York, N. Y., pledging their cooperation and support of the Government in the stamping out of unfair trade practices, etc.; to the Committee on Interstate and Foreign Commerce.

4128. By Mr. HOOK: Resolution adopted by the Common Council of the City of Hancock, Houghton County, petitioning the War Department of the United States to build and construct a suitable bridge and of proper size, with sufficient factors of safety, across Portage Lake in Houghton County, Mich., to connect the city of Hancock and the village of Houghton; to the Committee on Rivers and Harbors.

4129. Also, resolution of the Houghton Association of Commerce, of Houghton, Mich., protesting against the passage of the train-limit bill (S. 69); to the Committee on Interstate and Foreign Commerce.

4130. Also, petition of Harold E. Nelson, D. A. Michela, C. B. Tomlinson, J. O. Jensen, and other residents of Iron and Dickinson Counties, protesting against the proposed subsidizing of consumer cooperative retail outfits by the Government of the United States of America; to the Committee on Interstate and Foreign Commerce.

4131. By Mr. KRAMER: Resolution of the Board of Supervisors of the County of Shasta, State of California, relative to the Central Valley project; to the Committee on Irrigation and Reclamation.

4132. Also, resolution of the Southern California Business Men's Association, relative to the tariff on figs and raisins, etc.; to the Committee on Ways and Means.

4133. By Mr. LAMNECK: Petition of Francis J. Dickenherr and 5,500 citizens of Cincinnati, Ohio, urging that the Federal Government reduce its excessive expenditures to a point that permits a balanced Budget; that the tax on undistributed profits be immediately repealed, and that the tax on capital gains be repealed or so amended as to remove existing barriers to investment of private capital in productive enterprise; that the Federal tax structure be revised to include only taxes levied for the purpose of raising revenue; that such taxes be placed on the broadest possible base, and that there be no taxes which discriminate as between communities, lines of industry, or individual business enterprises; that the Government protect the right of the individual worker, etc.; that the Government pass no wage-and-hour bill such as those proposed to date; that the Government refrain from any attempt to correct economic conditions through governmental control of prices; that a farm-control bill be passed only if it be made simple and understandable, and only if it involves an absolute minimum of governmental control; that the Government extend no further its competition with private business, and that where already in business, governmental agencies be required to use methods of accounting which disclose their true costs and which are consistent with accepted business practice; that in relation to all economic matters the Government recognize that its true function is to establish and police a set of rules that will permit individual workers, labor organizations, management, and capital to go to work with reasonable assurance of each receiving fair treatment in the protection of both personal and property rights; that the President and Congress undertake to frame economic legislation only in conformity with the principles outlined in the address of Senator JOSIAH W. BAILEY to the United States Senate on December 20, 1937, as we believe those principles to hold the key to economic improvement; to the Committee on Ways and Means.

4134. By Mr. KVALE: Petition of the Woman's Christian Temperance Union, Clinton, Minn., urging early hearings on motion-picture bills now pending; to the Committee on Interstate and Foreign Commerce.

4135. Also, petition of Pipestone (Minn.) Civic and Commerce Association, disapproving of Senate bill 3022, designed to regulate appointment of postmasters; to the Committee on the Post Office and Post Roads.

4136. By Mr. LAMNECK: Joint Resolution No. 43 of the Ohio Senate, adopted by the American Legion of Ohio at its nineteenth annual convention, held in Columbus, Ohio, urging the naming of one of the new battleships "Ohio"; to the Committee on Naval Affairs.

4137. By Mr. MERRITT: Resolution of the Sullivan County Petroleum Industries Committee of New York, requesting Congress to vote for immediate and permanent elimination of special motorist taxes; to the Committee on Ways and Means.

4138. By Mr. PFEIFER: Petition of the Federal Council of the Churches of Christ in America, New York City, concerning Budget expenditures for the Army and Navy; to the Committee on Appropriations.

4139. Also, petition of the United Federal Workers of America, New York City, concerning the Sheppard-Hill bill (H. R. 6704); to the Committee on Military Affairs.

SENATE

THURSDAY, FEBRUARY 17, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, February 16, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a joint resolution (H. J. Res. 596) making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 628. An act to provide for the construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah; and

S. 2383. An act to amend the act authorizing the Attorney General to compromise suits on certain contracts of insurance.

CALL OF THE ROLL

Mr. LEWIS. As it is apparent there is not a quorum present, I suggest the absence of one, and ask to have the roll called.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Calif.	O'Mahoney
Andrews	Dieterich	Johnson, Colo.	Overton
Ashurst	Donahey	King	Pope
Austin	Duffy	La Follette	Radcliffe
Bailey	Ellender	Lee	Reames
Bankhead	Frazier	Lewis	Reynolds
Barkley	George	Lodge	Russell
Berry	Gerry	Logan	Schwartz
Bilbo	Gibson	Lonergan	Schwellenbach
Bone	Gillette	Lundeen	Sheppard
Borah	Glass	McAdoo	Shipstead
Bridges	Green	McGill	Smith
Bulkley	Guffey	McKellar	Thomas, Utah
Bulow	Hale	McNary	Townsend
Burke	Harrison	Maloney	Truman
Byrd	Hatch	Miller	Tydings
Byrnes	Hayden	Milton	Vandenberg
Capper	Herring	Minton	Van Nuys
Caraway	Hill	Murray	Wagner
Chavez	Hitchcock	Neely	Walsh
Connally	Holt	Norris	Wheeler
Copeland	Hughes	Nye	

Mr. LEWIS. I announce that the Senator from Michigan [Mr. BROWN], the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Florida [Mr. PEPPER], and the Senator from Oklahoma [Mr. THOMAS] are detained on important public business.

The junior Senator from Nevada [Mr. MCCARRAN] and the senior Senator from Nevada [Mr. PITTMAN] are detained in their States on official business.

The Senator from New Jersey [Mr. SMATHERS] is necessarily detained.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. The Senator from Louisiana [Mr. ELLENDER] has the floor.

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may yield to other Senators to transact routine business without losing my right to the floor.

The VICE PRESIDENT. Is there objection? The Chair hears none.

DEVELOPMENT OF TRAMP SHIPPING

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the United States Maritime Commission, transmitting, pursuant to law, a report of the Commission on tramp shipping service and the advisability of American citizens participating in such service with vessels under United States registry, which, with the accompanying report, was referred to the Committee on Commerce.

FEDERAL FUNDS FOR HIGHWAY PURPOSES

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee

on Post Offices and Post Roads a resolution from the Pittsburgh Chapter, Pennsylvania Society of Professional Engineers, asking that no curtailment be made of any Federal funds for highway purposes for the year 1939.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

PENNSYLVANIA SOCIETY OF PROFESSIONAL ENGINEERS,
PITTSBURGH CHAPTER,
Pittsburgh, Pa., February 10, 1938.

At a meeting of the Pittsburgh Chapter, Pennsylvania Society of Professional Engineers, held January 20, 1938, the following resolution was unanimously passed, with instructions to forward it to the Vice President of the United States, the Speaker of the House of Representatives, and to send copies to the national secretary of the National Society of Professional Engineers and Congressmen representing the State of Pennsylvania:

"RESOLUTION

"Whereas certain allotments of funds were authorized to be made to the several States of the United States in accordance with the Hayden-Cartwright Road Act of 1936; and

"Whereas the several States have allocated funds to match this Federal expenditure and have in the past matched this expenditure and have planned for the year 1939 to continue this highway work, and inasmuch as Congress did not take action previous to January 1, 1938, to cancel the 1939 Federal-aid program; and

"Whereas this program called for the expenditure of $195,000,000 of which $121,875,000 was for regular Federal aid, $24,375,000 for secondary or feeder roads, and $48,750,000 for grade-crossing elimination; and

"Whereas this money, as well as the money with which the various States match it, created work on a large scale for engineers and allied employees; and

"Whereas Secretary Wallace, under date of December 31, 1937, addressed letters to the several Governors of the States informing them that he was directed by the President to request the deferring of the submission of projects under the 1939 apportionment until Congress had an opportunity to further review this matter: Therefore be it

"*Resolved*, That the Pittsburgh Chapter, Pennsylvania Society of Professional Engineers, does hereby go on record urging upon Congress that no curtailment be made of any Federal funds for highway purposes for the year 1939."

Very truly,

PITTSBURGH CHAPTER, P. S. P. E.,
BENJAMIN H. AIRES, *Secretary*.

TARIFF ON LACE CURTAIN GOODS—PETITION

Mr. DAVIS. Mr. President, I present a petition signed by 275 citizens and businessmen of Columbia, Pa., and ask that the text thereof be printed in the RECORD and the petition referred to the Committee on Finance.

The petition requests that the Senators from Pennsylvania and the Representative in Congress from that district use their best efforts to prevent a reduction in tariff on lace curtain goods.

Lancaster County, Pa., not only is one of the richest farming communities in all the world, but it is also the domicile of a number of important industries, one of the leading being lace-curtain manufacturing.

For a period of over 6 years I have been earnestly protesting any reduction in tariff on lace and lace products, because it would further enhance the advantages of foreign competitors whose wage scale is decidedly lower than that paid American workmen and which consequently has a depreciating effect on the American standard of living.

There being no objection, the petition was referred to the Committee on Finance and ordered to be printed in the RECORD, without the attached signatures, as follows:

To the Honorable JAMES DAVIS,
Senator from Pennsylvania.
The Honorable JOSEPH GUFFEY,
Senator from Pennsylvania.
The Honorable J. ROLAND KINZER,
Representative in Congress:

We, the undersigned citizens and businessmen of the Borough of Columbia, Lancaster County, Pa., respectfully represent that being a center for the manufacture of domestic lace curtains, the Borough of Columbia is vitally interested in the matter of a reciprocal tariff proposed to be entered into between the United States of America and Great Britain.

We believe that any reduction in the tariff on lace curtain goods would work great harm to the domestic lace curtain trade in the United States and would result in injury and loss to our own local industry, and to our community in general; a reduction in the said tariff would lead to loss of employment and general business in our community and in the country at large.

We would therefore petition that you use your best efforts to prevent any reduction in the present tariff rates on lace-curtain goods.

REPORTS OF THE COMMITTEE ON CLAIMS

Mr. HUGHES, from the Committee on Claims, to which was referred the bill (H. R. 6467) for the relief of the Portland Electric Power Co., reported it without amendment and submitted a report (No. 1378) thereon.

Mr. BAILEY, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 2532. A bill for the relief of Mrs. G. R. Syth (Rept. No. 1379); and

S. 2553. A bill for the relief of E. E. Tillett (Rept. No. 1380).

Mr. BAILEY also, from the Committee on Claims, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 2023. A bill for the relief of Charles A. Rife (Rept. No. 1381); and

S. 3079. A bill for the relief of George W. Breckenridge (Rept. No. 1382).

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (H. R. 6061) for the relief of Mary Dougherty, reported it without amendment and submitted a report (No. 1383) thereon.

He also, from the same committee, to which was referred the bill (S. 2709) for the relief of Mr. and Mrs. Joseph Konderish, reported it with an amendment and submitted a report (No. 1384) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (H. R. 1249) for the relief of L. M. Crawford, reported it without amendment and submitted a report (No. 1385) thereon.

Mr. MILTON, from the Committee on Claims, to which was referred the bill (H. R. 6889) for the relief of Lynn E. Barker, reported it without amendment and submitted a report (No. 1386) thereon.

He also, from the same committee, to which was referred the bill (S. 2770) for the relief of Elizabeth F. Quinn and Sarah Ferguson, reported it with amendments and submitted a report (No. 1387) thereon.

Mr. BURKE, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 3723. A bill for the relief of Milton S. Merrill (Rept. No. 1388);

H. R. 4138. A bill for the relief of George Miller, Jr., a minor (Rept. No. 1389); and

H. R. 4493. A bill for the relief of Charles N. Robinson (Rept. No. 1390).

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (S. 3002) to authorize the Secretary of the Treasury to make settlement with the holders of certain unpaid notes and warrants of the Verde River Irrigation and Power District, reported it with an amendment and submitted a report (No. 1391) thereon.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. SHEPPARD, from the Committee on Military Affairs, reported the nominations of several persons for appointment and sundry officers for appointment, by transfer, in the Regular Army.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TOWNSEND:

A bill (S. 3484) for the relief of Harry K. Snyder; to the Committee on Claims.

By Mr. BONE:

A bill (S. 3485) authorizing the further prosecution in the Court of Claims of the claim of Robert Piper Yantis, filed in such court on December 11, 1893; to the Committee on Indian Affairs.

A bill (S. 3486) to amend the Teachers' Retirement Act of June 15, 1920, and for other purposes; and

A bill (S. 3487) to provide educational employees of the public schools of the District of Columbia with leave of absence, with part pay, for purposes of educational improvement, and for other purposes; to the Committee on the District of Columbia.

By Mr. BULKLEY:

A bill (S. 3488) to authorize the erection of a United States Veterans' Administration hospital in or near the city of Cleveland, Ohio; to the Committee on Finance.

By Mr. REYNOLDS:

A bill (S. 3489) authorizing the appointment of John Sneed Adams as a second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. MINTON:

A bill (S. 3490) for the relief of Benjamin H. Faith; to the Committee on Military Affairs.

By Mr. REYNOLDS:

A joint resolution (S. J. Res. 265) to provide for the carrying into effect of certain recommendations made for promotions in the American Expeditionary Forces; to the Committee on Military Affairs.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 596) making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938, was read twice by its title and referred to the Committee on Appropriations.

ROADS—CHANGE OF REFERENCE

Mr. LEWIS. Mr. President, a few days ago I introduced a Senate bill 3451 having to do with the construction of roads and ways that would handle mails as well as remove congestion between interconnected cities and States. The bill was referred to the Committee on Interstate Commerce. I am informed, however, that that committee is overburdened; and since the bill has to do with post roads as well as with other matters, I request that the Committee on Interstate Commerce be discharged from the further consideration of the bill and that it be referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. Without objection, the Committee on Interstate Commerce will be discharged from the further consideration of the bill, and it will be referred to the Committee on Post Offices and Post Roads.

Mr. McKELLAR. Mr. President, a few days ago the Senator from Ohio [Mr. BULKLEY] also introduced a road bill, which was referred to the Committee on Banking and Currency. As I understand the rules, road bills should be referred to the Committee on Post Offices and Post Roads. While I do not wish to make a motion on the subject during the absence from the Chamber of the Senator from Ohio, I give notice that at a later time I intend either to make a motion or to ask unanimous consent that the bill be referred to the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. The Chair assumes that the Senator from Tennessee understands the custom of the Senate. He has been here quite a while.

Mr. McKELLAR. Yes, Mr. President; I do.

The VICE PRESIDENT. If a Senator submits a resolution or introduces a bill and asks to have it sent to the Judiciary Committee or the Finance Committee, or any other committee, he may have it sent there. If the Senator from Tennessee desires to have a bill transferred from one committee to another, he is privileged to make either a motion to that effect or a request for unanimous consent.

Mr. McKELLAR. I shall make such a motion later.

The VICE PRESIDENT. The usual custom is, however, before making such a request or motion, to consult the Senator who introduced the bill or submitted the resolution.

Mr. McKELLAR. Of course; and if the Senator from Ohio had been present in the Senate Chamber, I would have consulted him before mentioning the matter. I desire to make that statement to the Senate at this time, however, because I think road bills should go to the Committee on Post Offices and Post Roads. Furthermore, I have a bill along the same line to appoint a commission for this very purpose, and it seems to me it would be all wrong to have the bills considered by two separate committees.

Mr. BARKLEY. Mr. President, if the Senator will yield, I desire to state that I have no interest in the bill introduced by the Senator from Ohio, except that it was referred to the Committee on Banking and Currency. I have not even read the bill; but I do not think it ought to be discussed, or any opinion formed about the propriety of the reference of the bill, until the Senator from Ohio can be present and participate in the discussion.

Mr. BULKLEY entered the Chamber.

Mr. McKELLAR. Mr. President, I observe that the Senator from Ohio is now present. I ask him to give me his attention for a moment.

I will say to the Senator from Ohio that I have just called the attention of the Senate to the fact that the Senator from Ohio has introduced a road bill which has been referred to the Committee on Banking and Currency. It is well understood that all road bills come before the Committee on Post Offices and Post Roads. A bill of similar nature was introduced some time before the introduction of the bill of the Senator from Ohio, and is now before the Committee on Post Offices and Post Roads; and I desire to ask unanimous consent that the bill introduced by the Senator from Ohio be referred to the Committee on Post Offices and Post Roads.

Mr. BULKLEY. Mr. President, I should not want at this time to have unanimous consent given for that reference. I feel that the bill was properly referred to the Committee on Banking and Currency. The principal matter involved in the bill is financing a self-liquidating project. It is an industrial and business problem rather than a post-road problem.

If the Senator from Tennessee will defer his request for the present, I shall be glad to discuss the matter with him a little later; but meanwhile I call his attention to the fact that this identical bill, in the same words, was introduced in the House of Representatives, where the decision as to reference to committees is made impartially by the Parliamentarian, and the House bill was referred to the Banking and Currency Committee of the House. Of course, that reference is not controlling here, but I should like to discuss the matter with the Senator from Tennessee. I did not realize that he cared about it.

Mr. McKELLAR. I shall defer the request until I can discuss the matter with the Senator from Ohio.

Mr. HARRISON. Mr. President, I suggest to both Senators that other Senators are interested in the proper reference of a bill of this importance; so, after the Senators have had their private conference, it would be very well if we could then have a public conference on the floor of the Senate.

The VICE PRESIDENT. A bill or resolution cannot be taken from one committee and referred to another except by unanimous consent or by motion.

Mr. McKELLAR. As I understand, the Senator from Ohio objects temporarily, and desires to confer with me about the matter.

The VICE PRESIDENT. The Senator from Ohio has objected.

Mr. McKELLAR. I will make the motion later.

AMENDMENT OF TARIFF ACT OF 1930

Mr. McNARY and Mr. BONE, jointly, submitted an amendment intended to be proposed by them to the bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes, which was referred to the Committee on Finance and ordered to be printed, as follows:

On page 4, line 17, after the word "origin", to strike out the period, substitute a colon, and add the following: "*Provided*, That

this subdivision (J) shall not apply to sawed lumber and timbers, telephone, trolley, electric light, and telegraph poles of wood, and bundles of shingles."

FEDERAL AID FOR HIGHWAY PROJECTS

[Mr. BRIDGES asked and obtained leave to have printed in the RECORD the message transmitted to Congress by the President on November 27, 1937, and also an article from the New York Herald Tribune of February 16, 1938, headed "Roosevelt Sees Profit for United States in Roads Plan," which appear in the Appendix.]

NAVAL EXPANSION

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD an article from the Wheeling (W. Va.) Intelligencer of February 14, 1938, under the heading "Senator HOLT Hits Foreign War Alliance," which appears in the Appendix.]

PROPOSED WESTERN REGIONAL RESEARCH LABORATORY

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD a memorandum relative to a proposed regional research laboratory in the West for the development of industrial uses for agricultural products, which appears in the Appendix.]

BUSINESS CONDITIONS IN VERMONT

[Mr. GIBSON asked and obtained leave to have printed in the RECORD a telegram and letter from C. W. Olney, manager of the Associated Industries of Vermont, relative to the general business situation prevailing in that State, which appear in the Appendix.]

TOMB FOR MAJ. GEN. HENRY KNOX

[Mr. HALE asked and obtained leave to have printed in the RECORD a statement issued by the Maine Society of the Sons of the Revolution furthering a movement to provide a suitable tomb for Maj. Gen. Henry Knox, which appears in the Appendix.]

ARMED THUGS AND LABOR SPIES

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an article from the Labor Advocate, published in Charleston, W. Va., of February 11, 1938, entitled "Armed Thug System Outlawed by New Kentucky Laws"; and an article from the Manchester (England) Guardian Weekly of January 28, 1938, entitled "The Labor Spy," which appear in the Appendix.]

BREEDING WAR—ARTICLE BY RAYMOND CLAPPER

[Mr. NYE asked and obtained leave to have printed in the RECORD an article by Raymond Clapper, entitled "Breeding War," published in the Washington Daily News of Wednesday, February 16, 1938, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Mr. ELLENDER. Mr. President, when the Senate took a recess yesterday I was attempting to show what the various States of the South had done toward educating the colored people living in the South. I discussed the economic difficulties with which the Southern States were faced and argued that, notwithstanding all of those obstacles, the South has made a good job of the matter of advancing education.

I was discussing conditions in Texas; and I presented a table showing that in 1900 and 1901 the State of Texas had spent, to pay for teachers to educate the colored people, $714,081, and that by 1930 that amount had gradually increased to $3,703,120. The amount of money spent in the State of Texas for educating the Negro people in 1930 was more than that great State spent for the education of the white educables in 1900.

That is significant, Senators. It again shows what the Southern States have done and their willingness to cope with the situation when they have the money with which to do it. As I pointed out on yesterday, the financial and economic conditions of the various Southern States are gradually improving, and as they improve we are taking better care of the colored people of the South.

Now, I shall give a few facts with reference to the State of Virginia.

In Virginia 73.1 percent of the entire population are white as against 26.8 percent colored. The children from 5 to 20 years of age are distributed in the State as follows: Twenty-nine percent are urban, living in cities, as against 71 percent scattered throughout the State of Virginia. As I pointed out on yesterday, the cost of the facilities necessary to educate the children of a State is greater when the school population is scattered throughout a large State than it would be in cities.

I have a letter from Mr. C. E. Myers, supervisor of research, Commonwealth of Virginia, from which I shall read a few extracts. He states:

> In 1916, 62 percent of the Negro school population in Virginia were enrolled in school; while in 1936, 74.7 percent were enrolled. In 1916, 81.1 percent of white children were enrolled; and in 1936, 83.6 percent.
>
> While the percentage of white enrollment was increased 3.5 points the percentage of Negro enrollment was increased 12.7 points, or approximately four times as much.
>
> In 1916 there were 15 Negro high schools in Virginia; in 1936 there were 51. The Negro population has changed very little in total numbers from 1916 to 1936.

I have received the following letter from Mr. Arthur W. James, commissioner of public welfare of the Commonwealth of Virginia:

> COMMONWEALTH OF VIRGINIA,
> DEPARTMENT OF PUBLIC WELFARE,
> *Richmond, Va., January 24, 1938.*
>
> Senator ALLEN J. ELLENDER,
> *United States Senate, Washington, D. C.*
>
> MY DEAR SENATOR: Governor Price has referred your telegram of the 21st to this department for reply. In response thereto, I take pleasure in submitting the following:
>
> There has never been, and is not now, any central statistical system for the charitable and eleemosynary institutions and agencies of Virginia, each institution until recent date having operated as an independent unit of government under its own board of directors.
>
> Only in recent years has the State department of public welfare made an effort to secure uniform data in this field of work, and in this effort it has been limited more or less to the voluntary response of the institutions and agencies.
>
> For this reason it would seem impossible, short of a long research job, to do more than furnish you with a general statement regarding the efforts of the State of Virginia in behalf of her Negro population.
>
> From the earliest days of the colony the benefits of outdoor poor relief and almshouses were extended to Negroes, share and share alike. Because their need was greater, they in all probability received benefits in excess of the population ratio.
>
> Although the first hospital for colored mental patients was not established until after the War between the States, the first being the Central State Hospital at Petersburg, Va., some Negro patients were regularly cared for at the Eastern State Hospital, established at Williamsburg, Va., in 1769, being the first State owned and operated hospital of this type in America.
>
> The Central State Hospital at Petersburg, with a population of more than 3,000, is one of the best-known institutions of its kind in America. In this century the State of Virginia has established the following institutions for Negroes: Virginia Manual Labor School for Colored Boys, Hanover, Va., established in 1898 by philanthropic white and colored citizens, and taken over by the State as an industrial school for delinquent colored boys in 1908; the Virginia Industrial School for Colored Girls, at Peakes, Va., established in 1915 by the Federated Colored Women's Clubs of Virginia, the Huntington estate and friends, and subsequently acquired and now operated by the State as a school for delinquent colored girls; the State school for the colored deaf and blind at Newport News, Va., established in 1906; the Piedmont Sanatorium for Colored Tuberculous Patients.
>
> The two industrial schools referred to above are officered entirely by Negro personnel.
>
> Since the organization of the board of charities and corrections in 1908 the State has had a definite, progressive program for the welfare of its colored citizens. The first survey by the board of charities and corrections in 1910 disclosed a large number of Negro children in county almshouses and jails, as well as a large number of dependent and neglected children, without proper care throughout the State. As an approach to this problem the board of charities and corrections, in 1915, through an arrangement with the Negro Organization Society of Virginia and Hampton Institute, employed a Negro worker, Hon. T. C. Walker, of Gloucester County, as director of its welfare program for colored children. Since 1918 the board of charities and corrections, now the department of public welfare, has had colored social workers on its staff. Under this program the department of public welfare

has provided homes and better environment by State support for more than 4,000 Negro children.

In the present State and local public assistance or relief programs no distinction is drawn between the white and colored in providing relief and welfare services.

The first rural public-health nurse in Virginia was a Negro woman, employed in 1913 in the program for aid to colored children in the peninsular counties. The system of supervising colored teachers, now supported by the Jeannes Fund, was begun in Virginia in 1908 by a Virginia woman, Virginia E. Randolph, in Henrico County. There are colored probation officers on the staffs of the juvenile and domestic-relations courts in the larger cities, with separate detention homes for colored children. Private, as well as public agencies, now employ Negro social workers on their staffs.

Paralleling the department of public welfare, other State agencies have worked with colored people, including the department of education, department of health, commission for the blind, etc. In the program of the bureau of industrial rehabilitation of the department of education more than 300 industrially handicapped colored people have been cared for and treated.

As a result of these and other programs measurable improvement already has been effected in the betterment of conditions of the Negro in Virginia. Twenty-five years ago the proportion of Negroes in the prisons of Virginia was approximately 75 percent, although the Negroes constitute only approximately 35 percent of the general population. Today the proportion of Negroes in the prison system is considerably less than 50 percent of the total population. It is likely that up-to-date figures would reveal that the percentage is approximately that of the ratio of white and colored population. In the number of juvenile delinquents the relief load and in other fields of public-welfare effort similar improvement may be shown.

The State of Virginia maintains at the Medical College of Virginia, a State-supported institution, separate hospitals for colored orthopedic cases as well as general hospital cases.

For the biennium ending June 30, 1938, are found, among others, the following items for Negro institutions and agencies in the welfare field:

	1936-37	1937-38
Central State Hospital, Petersburg	$746,220	$537,055
Virginia Industrial School for Colored Girls	33,290	29,540
Virginia Manual Labor School for Colored Boys	81,475	65,750
Negro Organization Society of Virginia (private agency)	1,500	1,500

In the proposed budget for the biennium beginning July 1, 1938, which is now before the general assembly, corresponding items recommended by the Governor are as follows:

	1938-39	1939-40
Central State Hospital, Petersburg	$597,595	$641,500
Virginia Industrial School for Colored Girls	29,470	29,520
Virginia Manual Labor School for Colored Boys	50,570	50,570
Negro Organization Society	2,000	2,000
New Colony or training school for colored feeble-minded delinquents	89,500	73,450
State public assistance fund (for allocation to counties and cities for general relief)	1,000,000	1,000,000

Until 1936 poor relief costs were borne in Virginia entirely by counties and cities and from such records available estimated to have averaged a million dollars a year throughout this century. At present the State is supplementing local costs to the extent of a million dollars a year. The public-assistance program will be greatly increased, of course, with the inauguration of the public-assistance features of the Social Security Act. In this group of expenditures it is safe, of course, to figure on a percentage of the total at least equal to that of the ratio of the Negro population to the whole population. Actually there is no doubt about the percentage being much higher than the population ratio.

I am sorry to say that our report for the biennium ending June 30, 1937, has been delayed. Ordinarily it is issued by the first of the succeeding year, but it is now daily expected.

All of this information has been published and no exception has been taken to the accuracy of the statements.

Trusting that this is in line with information desired, and which Governor Price has directed me to furnish you, I am,

Very sincerely yours,

ARTHUR W. JAMES,
Commissioner of Public Welfare.

This letter shows, in effect, that because of the effort put forth by Virginia the condition of the colored people has improved so much that crime has decreased, and I understand there has not been a lynching in the State of Virginia for the past 10 or 12 years. I repeat what I stated yesterday, that if Senators would only consider this question in its true light, and give to the South sufficient money to enable them to better educate the Negro people, I believe a better record could be established and lynching would be a thing of the past.

Mr. President, I shall now cite a few figures for the State of North Carolina. Of the total school population of that State 70.5 are white as against 29.5 percent colored. In North Carolina the children of school age are widely scattered throughout the State. Seventy-eight percent of the educables in North Carolina live in the country and 22 percent are living in the cities. This State is confronted with the problem of having to educate most of these children, white and black, under this difficult condition. As I have pointed out on several occasions, the cost is a great deal more than if they lived in cities. There is usually more taxable wealth in cities, in a given area, than in the country, and hence better and more adequate facilities can be afforded to the urban school population.

I have but a few figures for North Carolina. The school enrollment of Negroes in North Carolina has increased from 131,005 in 1900 to 276,334 in 1935. Over twice as many Negroes were enrolled in the elementary and high schools of North Carolina in 1935 as in 1900.

In 1900 the State of North Carolina spent a total of $301,498.82 for Negro education. In 1935 the State increased this figure to $3,437,151.15 for this purpose; in other words, 11 times as much.

In 1925, which was before the depression, North Carolina spent approximately $5,000,000 for the education of its Negroes in elementary and high schools, which figure is over 16 times as much as was spent in 1900.

I present a table which demonstrates to the Senate that North Carolina has been spending more money in the past few years for Negro education alone than was spent in 1900 for the education of the whites and the blacks, all of which shows that the Southern States are consistently doing all in their power to help the colored people.

I mark this table "Exhibit 1," and I shall ask at a suitable time that it be incorporated in the RECORD.

Now, Mr. President, let us take the State of South Carolina. As I pointed out yesterday, that State has within its borders at present more colored people than there are in any State in the Union except Mississippi. With such large colored populations in Mississippi and in South Carolina, it does seem to me that those States are now poorer and have been kept so because of the presence and responsibility of so many Negroes within their borders.

It may just be a coincidence, Senators, but wherever a great number of colored people are found in the Southern States, wherever their number is as great as the whites, there seems to be more poverty, not only among the Negroes but among the whites.

The figures I propose to cite with reference to South Carolina show that little has been spent in that State for the education of colored compared with what has been spent for the white education. Notwithstanding that fact, these figures show that in South Carolina, as in other Southern States, there has been gradual progress toward helping Negroes of that State, and I again point out, as demonstrated by the tables which I shall place in the RECORD, that the State of South Carolina has been spending in the last few years more money to educate its colored children than it spent a few years back to educate its white children. There has been constant progress in that State, as well as in other States, along that line.

In South Carolina, as I pointed out, the total white population is 54.3 percent of the whole; colored, 45.6 percent. The two races are almost equally divided. Note again how the children are scattered throughout the State. I shall give the percentage of those living in urban centers and those in rural sections. Of the entire number of children in South Carolina of school age, only 18 percent live in cities, and 82 percent are located in the rural sections.

As I stated yesterday, I am giving these facts just as they were sent to me, whether good, bad, or indifferent. I must admit that apparently not an enviable record was made in the State of South Carolina, but there has been a gradual increase in the educational facilities afforded the colored people from year to year. It was not so great as it might have been under more favorable financial conditions, but I

say that there has been steady progress, and, after all, that is what I am trying to show to the Senate, and this improvement has come about principally and primarily in the past few years.

I have here a telegram from which I shall read. It was sent to me by the State department of education of South Carolina. It states:

Statistics of public schools in South Carolina for Negroes and whites for the following years:

1892:	
Enrollment:	
White	92,430
Negro	113,219
Teachers:	
White	2,611
Negro	1,787
1910:	
Enrollment:	
White	156,051
Negro	184,364
Teachers:	
White	4,352
Negro	2,616

Senators will note the gradual increase in attendance.

1910:	
Length of session (days):	
White	122
Negro	70
Expenditures:	
White	$2,053,600
Negro	$368,802
Salary (average):	
White	$446
Negro	$141
Per capita expenditure:	
White	$10.80
Negro	$2.00
1920:	
Enrollment:	
White	226,065
Negro	251,980
Teachers:	
White	6,399
Negro	3,300
Length of session:	
White	132
Negro	73
Expenditures:	
White	$5,894,917
Negro	$765,482
Salary:	
White	$602
Negro	$196
Per capita expenditure:	
White	$38.40
Negro	$4.30
School property:	
White	$17,491,637
Negro	$1,689,465

Listen to the figures for 1937, which are considerably better than the figures from which I have just been reading.

1937:	
Census of pupils:	
White	344,697
Negro	332,890
Enrollment:	
White	260,216
Negro	218,578
Teachers:	
White	9,095
Negro	5,098
Length of session:	
White	174
Negro	130

In other words, almost double the number that they had back in 1920.

1936:	
Expenditures:	
White	$12,668,605
Negro	$1,833,514
Salary:	
White	$862
Negro	$317
Per capita expenditure:	
White	$47.93
Negro	$11.28
School property:	
White	$39,764,886
Negro	$5,954,947

STATE DEPARTMENT OF EDUCATION,
SOUTH CAROLINA.

As I explained a moment ago, these figures, of course, are comparatively small for the colored population, but in that poor State, as in other States, there has been evidence of marked betterment in the facilities for Negro education.

I have a table here showing expenditures for several State institutions.

State hospital for the insane: Negro patients, men and women, total, 1,927. State Park Sanitarium for Tuberculosis, Negro men and women, 26. Negro boys' industrial school, 210. Allen University, for colored students only, 278 students enrolled. Benedict University, 320 enrollment. All these institutions are maintained by public funds.

I have another table showing the amount of money that was spent by the State for Negro and white boys' industrial schools. In 1927, $29,391 was appropriated for a Negro boys' industrial school as against the appropriation for the white boys' industrial school of $67,442.10. It will be noted that the same ratio I have indicated for 1927 has prevailed for each year as between Negro boys and white boys in these industrial schools. I also have a table showing the population in the State reformatory for Negro boys from 1927 to 1937.

I will mark the last three documents to which I referred "Exhibits 2, 3, and 4."

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. LEWIS. I ask the Senator from Louisiana, Does not the record disclose cooperation between the Federal Government and the States in the matter of contributing to these industrial schools, or to some of these educational institutions which the Senator has so aptly described? Is there nothing to show whether or not the Federal Government also contributed at the same time in cooperation with the States?

Mr. ELLENDER. No; not to these particular schools. There may have been cooperation by the Federal Government with the States with respect to schools where military training was given. There is before the Senate today the Harrison-Fletcher bill, which has as its aim the appropriation of $100,000,000, and an increase each year of $50,000,000 until the sum of $300,000,000 is reached, in order to assist in the maintenance of the schools I am now describing in the various States.

Very little money is spent by the Federal Government toward aiding the public high schools of the various States. There is some money appropriated by the Federal Government under the Smith-Lever Act. I have no data at hand to show exactly what amount is being spent by the Federal Government in South Carolina, but I understand there are a few agricultural schools in the State which are receiving such benefits, but they are very few.

Mr. LEWIS. Is there any record at the Senator's hand showing the amount of contributions by the Federal Government, as well as by the States, for vocational schools in the States to which the Senator referred?

Mr. ELLENDER. No, sir; I do not have that available, but I shall be glad to obtain it.

Mr. LEWIS. No; I was merely anxious to indicate, if I could, that there has been cooperation between the States and the Federal Government.

Mr. ELLENDER. There has been in the past 15 or 20 years. As will be recalled, last year we appropriated something like $20,000,000 in order to have more vocational schools established throughout the country.

Mr. LEWIS. Did not that money also go to the colored schools?

Mr. ELLENDER. Yes, sir; it surely did.

Mr. LEWIS. I thank the Senator. I am anxious to establish that fact.

Mr. ELLENDER. I shall mark the tables from which I have been reading exhibits 2, 3, and 4, and at the close of my remarks I shall ask that they be incorporated as a part of my speech.

I have before me a statement showing the appropriations made by the State of South Carolina for a State college for Negroes only. The college, which was founded in 1910,

started with an appropriation of $24,284.44. This amount gradually increased from year to year, until 1917, when it reached $37,500. In 1918 it was $63,499.77; in 1919 it was $68,209.62; and in 1920 it was $115,880.

The next column shows the appropriations made by the State of South Carolina for a college for the whites, known as Clemson College.

In 1920 the legislature appropriated $115,880 for the Negro college, as compared to $158,070 for Clemson College. In 1921, $63,005.21 was appropriated for the Negro college, as compared to $226,147.15 for Clemson College. In 1923, $98,000 was appropriated for the Negro college, as compared to $90,886.66 for Clemson College. In 1924, $101,150 was appropriated for the colored college, as compared with $91,813.14 for Clemson College; and so on down the line. I believe these figures show that the State of South Carolina is attempting to do all which its finances will permit to help the colored people in its midst. I shall mark the statement to which I have been referring "Exhibit 5," and shall ask, at the proper time, that it be incorporated in my remarks.

I now propose to cite a few figures with reference to the State of Georgia, a State which has a white population of 73.2 percent, as against a colored population of 36.8 percent.

In the State of Georgia, as in other Southern States, the children of school age are scattered. That is true of every other Southern State. At one time Georgia was primarily an agricultural State, and it still is. Seventy-four percent of the children of school age in Georgia live in the country, as against 26 percent residing in the cities. The State of Georgia faces the same difficulties in educating its children which are faced by other Southern States, because of the fact that the children are widely separated by great distances. It is difficult and expensive to establish a little school in one place for a few Negro children, and to establish another school about 40 miles away, giving the children the same advantages as could be given if they lived in thickly populated centers.

It is impossible to give to a child who lives in the country the same educational facilities as are given to those children who live in cities. All of us know that in many Southern States the assessments are low. The ability of country districts to raise money on low assessments is less than that of cities, where there may be large industries or businesses which can be taxed. As I pointed out, all the Southern States have labored and are now laboring under the same difficulties. In my opinion that is the reason why the South has not been able to do full justice to all its children—not only the colored children, but the whites as well.

I read from an outline which has been sent to me, which shows the attempts made by some of the educational associations in Georgia to encourage Negro education:

Because of prevailing conditions, prior to the War between the States, education received little attention in Georgia. As a consequence, one-fifth of the white people in Georgia were illiterate in 1850, and even in 1860, 18 percent of them could not read or write. The percentage of illiterates among the Negroes was nearly 100 percent, by reason of the fact that laws were passed forbidding the teaching of people of color.

That is a known fact.

As I pointed out 2 or 3 days ago, the only education that some of the colored children in the South received prior to the Civil War was that which was afforded to them by their own masters, the plantation owners.

Just picture the difficulties with which the white people were confronted after the colored people were liberated, in attempting to maintain the color line and to keep the Negroes separated from the whites! At that time there were some facilities for the whites. Those facilities were added to as time went on; but in order to take care of the colored people and at the same time to maintain the color line, for which the South has been fighting and will continue to fight, it has been more expensive to support its education program. If we take into consideration that more children are born in the South than in the North, and the fact that the South is poorer than the North, which are difficulties which should not be overlooked in viewing this problem, I am sure that the facts and figures which I cited yesterday, if studied carefully, will lead inevitably to the conclusion that the South is doing and has done all it possibly could do, with the money which was available for Negro education.

I continue to read from the outline referred to:

In 1836, $350,000 was set apart by the legislature for educational purposes. Reports were made to the general assembly, and it was learned that out of 83,000 only 25,000 pupils had been in school attendance. In 1840, by formal action, funds were again set apart for educational training and were specified for the common schools and the academies being more independent, supported as they were by their well-to-do patrons.

In 1869 the Georgia Education Association, as we call it now, held its first meeting. In a few instances before that time small groups of men met together and endeavored to form a State association, but the times were not conducive to its success and the real beginning was made in 1869. At this meeting a committee was appointed to present a report on the school system of the State. The report was adopted and placed before the legislature. In the main its outlines were followed in the laws passed, and Gen. J. R. Lewis was made the first State commissioner in 1870. These were reconstruction times. General Lewis himself belonged to the group so hated by the Southerners. Gustavus J. Orr succeeded him in 1872 and in the public mind was really the head of our early post-bellum education. He served as State superintendent of schools for 15 consecutive years.

Finances were close, as the former superintendent of schools was checked up by the State treasury many thousands of dollars short.

I now wish to read a short statement to show the real progress of Negro education in Georgia:

The curriculum program in Georgia has not been confined to the white teachers and the Negro teachers have been actively cooperating in the program for improvement of instruction. They have had a strong committee at the Atlanta University during the summer of 1937. The results of the committee's work have been made available to the teachers of the State. The committee in 1937 developed a Study Guide and Teaching Materials for Negro Teachers in Small Towns and Rural Areas.

A direct attack was made in 1937 upon the problem of improving life in rural areas through the school. It is assumed as basic in all attempts to improve the school's program that it is the job of the school not only to educate children but to improve community living.

The Negroes of Georgia during 1937 have accepted the challenge to base the curriculum upon the persistent problem of living, and feel that the emphasis shall be placed upon those problems which are at present most critical—health, earning a living, and learning to read and write.

The supervising program has been increased from 35 Jeannes supervisors to 55 in the counties of the State. The supervisors not only deal with practical problems like community organizations, improvement of school buildings, looking after textbooks, dealing with attendance problems, but they have organized the teachers in these counties for improvement of classroom procedure. This program has received the active support of the Georgia Teachers and Education Association, who made possible the publication and distribution of the Teacher's Guide.

Great progress has been made during the past year in vocational education in the high schools of the State. The number of these schools have been raised from 45 to 76 high schools in Georgia. Negro schools where home economics have been taught numbered 33 prior to January 1, 1937; the number increased from 33 to 90 during 1937.

The greatest program in Negro education has been the increased enrollment of the Negro elementary and high schools:

Enrollment for 1936, 198,887.

Enrollment for 1937, 277,971.

The objections that were stressed during 1937 being:

1. That qualified Negro teachers rapidly increased under the 1937 legislative program. For the last 10 years there have been 3,800 Negro teachers with only county license. The effect of the new minimum-term legislation and a salary schedule based upon preparation has discouraged the practice of employing teachers without college work.
2. That the salaries of qualified teachers be raised.
3. That equipment facilities be greatly improved.
4. That school terms have a minimum of 7 months.
5. That State provide more 4-year high schools.
6. That extension agencies should be increased.
7. That adult education should attack illiteracy, increase vocational efficiency and training for citizenship.

The Emergency Education Progress was compiled in the first part of 1937 and found the number of Negroes taught to read and write from 1930 to 1936 were 24,411. This program has done much to create interest in adult education and to stimulate thoughts of better living conditions, and makes strides to instill a deeper sense of social security among the Negroes of this State.

What I have just read again illustrates that there has been great progress made along educational lines in Georgia, and that progress has been particularly marked during the past few years.

Mr. President, I have before me a table which shows the progress better than I could tell it to the Senate. The table

demonstrates that from 1910 to 1936 there has been a gradual increase in school facilities, in the number of teachers, in the amount of money spent, and in the number of schools established by the State for the colored people of Georgia. It will be noted that the only time that there was not a gradual increase was during the depression. The increase started on an incline up to about the time of the depression, and then, during the depression, it declined slightly. But there has been an increase in the last 2 or 3 years. All this proves that Georgia is making, I believe, a sincere attempt to help educate its colored population.

I am going to mark this table "Exhibit 6," and will ask in due time that it be incorporated in the RECORD as part of my remarks.

Mr. President, I am now going to read certain facts and figures relating to the State of Alabama.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. RUSSELL. I should like to ask the Senator if the statistics he has offered for the RECORD include any statements or figures for the year 1937? I ask that question because of the fact that in my State within the past 18 months the legislature has enacted a number of laws reorganizing the educational system of the State and raising revenue for the purpose of supporting and maintaining the schools not only for white children but for colored children, so that all children of the State, wherever they may live, may have better educational facilities.

Mr. ELLENDER. The statement I have before me, I may say to the Senator from Georgia, does not give the figures for 1937, but only up to and including 1936.

Mr. RUSSELL. I make this statement for the benefit of the RECORD.

I should also like to say to the Senator from Louisiana that I am tremendously interested in his discussions. Of course, the Senator from Louisiana realizes that the difficulty which the South has encountered in the matter of education is that education costs money, and the only way the money may be raised is by taxation. In the South it has been necessary for us to tax poverty in order to secure funds with which to conduct our schools, whereas other sections of the country have had sources of wealth from which to derive their taxes.

Furthermore, the South has been compelled not only to educate a larger number of colored children but to educate proportionately a larger number of white children than States in other sections, because of the fact that the birth rate is much higher in the South than it is in other sections of the United States.

I should like to ask the Senator if it is not true that the various forces that are seeking to pass the pending bill are the same forces that have been back of legislation which has placed the South in an economic condition under which their per capita wealth has been so low as to make it almost impossible to raise sufficient funds to provide school facilities for 9 months in the year for children living in agricultural sections scattered over a great area?

Mr. ELLENDER. Mr. President, I may say to the Senator from Georgia that I attempted to bring out that very point yesterday and I intend to discuss it again in more detail when I will deal with conditions in the State of Louisiana. In my State I can point to parishes whose assessments 25 years ago were from $22,000,000 to $26,000,000, whereas today the assessments in those parishes have been cut to less than $3,000,000. That is due to the fact that a few capitalists, generally from the North, came down there and, with small investments of $10,000 to $50,000 in saw mills, bought much of our virgin forests for little or nothing and actually took from the people of our State their birthright in the form of their natural resources. By and with the aid of a few selfish politicians these capitalists made millions and escaped just taxation. Today in many sections of Louisiana the only heritage that is left of this God-given wealth is a vast array of charred stumps scattered throughout the State. It required centuries for Nature to produce those forests, and in less than 30 years these gluttons left nothing but desolation in their wake.

I have seen sawmill towns in many localities from which, after the trees had been cut down, not only the saw mills had been moved away but even the buildings, leaving behind nothing but a barren area. I propose, if I have a chance, to lay before the Senate facts showing how outside corporations came down to Louisiana prior to the advent of Huey Long, and took from our State its resources without giving to the State or parish a red penny in return. Since 1928, however, we have forced those "big boys" to pay their fair portion of taxation, and made them like it [laughter], so that today the children in the State of Louisiana can get the same educational advantages and facilities in parishes where the assessment has been reduced from $24,000,000 to $3,000,000, as those who live in parishes where the assessment is 50 times greater. This is possible now because we have established in our State an equalization fund, which is made up from taxes on natural resources such as oil, salt, sulphur, timber, and so forth, and money from that equalization fund is spread among the various parishes of the State to aid in their heroic battle to educate their children, both white and colored. The government of the State of Louisiana realizes its obligation to its people, and is gradually taking over from the parishes the burden of educating the vast number of children throughout the State. For instance, in 1908 the State government contributed 27.6 percent of the total cost of education within the State, while the local parishes contributed 72.4 percent. In 1925, the State contributed 25.4 percent, and the parishes 74.6 percent. But in 1928, when Huey Long took charge of affairs and kicked the big money interests out of control of our State government, the State's contribution was raised to 32.6 percent, as against 67.4 percent for the parishes. Under Huey's leadership, this contribution by the State government has gradually increased, until in 1934 the State was putting up dollar for dollar with the parishes. This set-up has been continued under the able administration of Huey's successor, Governor Leche. In 1936, the exact figures are: 49.2 percent by the State, and 50.8 percent by the parishes.

That, Mr. President, is how the State of Louisiana has met the problem of education within its own borders. We make the richer parishes help the poorer parishes, because we realize that it is just, and the proper thing to do. It is my contention that the Federal Government should follow the same program as set up in Louisiana by the immortal Huey Long. In other words, the richer States should contribute to the cost of education in the poorer States; we in the South need help if we are to educate our children—whites and blacks—as we should. And, if the rich States of the North, East, and West are sincerely and genuinely interested in stamping out completely the horrible crime of lynching, then I say to the Senate that there is pending before this body now a bill which will accomplish that very purpose, and accomplish it in a sane, constructive manner, without causing friction and ill feeling between the South and the North. I refer, of course, to the Harrison-Black-Fletcher Federal aid for education bill.

Mr. LEWIS. Mr. President——

Mr. ELLENDER. I yield to the Senator from Illinois for a question.

Mr. LEWIS. I am interested in hearing the statements of the able Senator from Louisiana and the Senator from Georgia. I have just heard the Senator from Georgia, who was an eminent Governor of his State, call attention to the contribution by the State of Georgia to education. I had previously asked the Senator from Louisiana to refresh his memory as to the contribution of the Federal Government in matters of education in the various States. I ask the able Senators, both of them, since it is clear that the Federal Government and the State governments have successfully cooperated in the matter of education of the whites and the blacks, would not the Senators say that, therefore, there could be a cooperation between a Federal law looking to the suppression of lynching and the laws of the respective States looking to the same end, and would not such coopera-

tion work the same harmonious relief that cooperation in education has wrought?

Mr. ELLENDER. Of course, we want and need all the financial help we can get from the Government to assist in the education of our children. One of the points that was urged and raised by the Senate Committee on Education and Labor with reference to the Harrison-Fletcher bill was that the States be permitted to continue to handle the funds provided for the education of its children in the same manner as they are now being handled without outside interference. In other words, although money is being spent by the Federal Government today in Louisiana for the purpose of assisting vocational education, still the State maintains the right to manage the funds. We have not surrendered such control to the Federal Government. We are simply called upon to comply with certain standards in return for a certain amount of funds.

Mr. LEWIS. If I may be allowed to interrupt further, I ask what does my able friend the Senator from Georgia [Mr. GEORGE], whose excellent argument on this question attracted the attention of us all, as the junior Senator from Georgia [Mr. RUSSELL], the former eminent Governor of the State, has now taken the chair and, therefore, is removed from the floor for a few moments by his duties as Presiding Officer over the Senate—what, may I ask my friend, is his judgment as to whether or not there could be complete cooperation between the States and the Nation in enforcing, first, by the Nation its law against lynching, and then by the State of Georgia, for instance, of its law against lynching, equally cooperating, as they have cooperated in the matter of education?

Mr. ELLENDER. I ask unanimous consent that the Senator from Georgia be permitted to answer the question propounded to him by the able Senator from Illinois [Mr. LEWIS].

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Without objection, the Senator from Georgia will be permitted to answer the question without impairing the rights of the Senator from Louisiana.

Mr. GEORGE. Mr. President, I do not see any connection between the education of the two races with the Federal Government participating and the Federal Government undertaking to regulate and to punish for crimes and create actions in tort against States in an effort to enforce anti-lynching legislation. There would seem to be no connection.

Mr. LEWIS. As I understand, the Senator from Georgia means that in the one instance of education the Federal Government has a complete province as a mere matter of cooperation with the State in education, but that in the other instance the Federal Government has not the province to enter into the State for that purpose. Is that the position of the Senator?

Mr. GEORGE. That would be my answer—that it has not the province. I think the Federal Government might do this: If it were found desirable, the Federal Government might assist the States in the enforcement of a particular law, or it might assist the States in an effort to educate their people, upon the theory of grants to the States for various purposes, as we have frequently done, and as the Government is now doing under our Social Security Act.

Mr. ELLENDER. And under the present Highway Act, and various measures of that nature.

Mr. GEORGE. And under the Federal Highway Act; yes.

Mr. ELLENDER. But let me say to the Senator from Illinois that in all these instances the States do not lose control of, say, their educational set-up or road-building management, although receiving assistance from the Federal Government. The States simply comply with certain definite standards but maintain absolute control of the administration of such of its departments as may receive assistance.

Mr. GEORGE. If I may make a general observation in the matter of the enforcement of criminal law, wholly aside from this question of lynching, I think it has never worked well with us when the responsibility has been divided. I think the effort to enforce the Volstead Act under the eighteenth amendment by both the State and Federal Governments illustrated very forcefully what I am trying to make clear—that there being divided authority, there simply ceased to be a keen sense of responsibility; and, consequently, there was no real enforcement of prohibition in many States where, prior to the passage and ratification of the eighteenth amendment and the enactment of the Volstead Act, there has been reasonable enforcement. As soon, however, as there were divided authority and responsibility, there was a loss of that keen sense of responsibility upon the part of the State officials; and, the Federal Government itself not being able adequately to enforce the law in many States, there was a general breakdown of the enforcement of prohibition in States where, prior to the enactment of the Federal act which undertook concurrently to put both Governments in the field in the enforcement of the act, there had been reasonable enforcement.

Mr. ELLENDER. Mr. President, I now propose to present to the Senate a few facts with reference to the State of Alabama.

Of the entire population of Alabama, 64.3 percent are white, as against 35.7 percent colored. Again, in that State 23 percent of the children of school age live in cities, as against 77 percent living in the country, in scattered sections.

I read a telegram dated January 28 from the Alabama State Department of Education:

MONTGOMERY, ALA., *January 28, 1938.*

HON. ALLEN J. ELLENDER,
United States Senate:

In Alabama, percent of school census in average daily attendance of 1937 over 1920 is white from 52.5 to 64.6; Negro from 31.5 to 57.1. Length of school term increase for white, increase from 140 days in 1920 to 156 days in 1937; for Negro, from 112 days in 1920 to 139 days in 1937. Percent increase of current expenses of public, elementary, and high schools for 1936 and 1922 is white, 43.5, and Negro, 92.8. Capital outlay investment in higher institutions for whites is $83.68 per student; for Negroes, $192.88 per student. Enrollment in high schools has increased for whites from 77,896 in 1920 to 136,427 in 1937, or 75.1 percent; for Negroes, from 6,303 in 1920 to 28,816 in 1937, or 357.1 percent.

STATE DEPARTMENT OF EDUCATION.

That, again, shows what the State of Alabama has been doing in recent years in order to facilitate the education of the colored people.

I have here a table showing school census and average daily attendance in Alabama in public elementary and high schools from 1920 to 1937, which is very interesting, and which demonstrates the point I have been making to the Senate with reference to the Southern States, that there has been a gradual progress in the education of the colored people. I shall not take your time to read it, but I have marked it "Exhibit 7," and at the close of my remarks I shall ask that it be incorporated in the RECORD. This table consists of two pages.

In 1922 there was spent in Alabama for Negro education $1,050,200. In 1936 this figure had been doubled; that is, it had increased to $2,024,271. The percentage of increase in 1936 over 1922 was, white, 43.5 percent; Negro, 92.8 percent.

I reiterate, all these figures simply go to show that an earnest effort has been made by every Southern State to improve the condition of the colored people.

Now, Mr. President, I shall give a few facts and figures about the State of Arkansas.

Of the population of Arkansas, 74.1 percent is white and 25.8 percent is colored. Again, listen to this with reference to the distribution in Arkansas of the population of school age: The urban population is 17 percent. That is, of the entire school population of the State, 17 percent lives in cities as against 83 percent living in rural regions. So far as the colored people are concerned, only 15 percent of the school population among the Negroes is in cities and 85 percent is in the country. I have previously pointed out the difficulty that confronts a State in educating its children when its population is sparsely settled.

I have here some more figures which are very interesting and which illustrate the point I have been making throughout my discussion. The Negro enrollment in 1900 in the State of Arkansas was 79,561. By 1936 it has increased to 112,032, or an increase of 42 percent. The percentage of the educables enrolled in 1900 was 58 percent. In 1936 it had increased to 68 percent.

As I stated, I have a few tables on this subject, but to put these tables in the RECORD would be, to a large extent, a recapitulation of what I placed in the RECORD yesterday; so I shall not unnecessarily burden the RECORD.

I have here a statement of some of the current expenditures of the State of Arkansas for the education of the Negroes and the whites. It will be noted that in the fiscal year 1927–28 there was spent for the whites $9,493,433 as against $1,199,510 for the colored, and up to the time of the depression—that is, up to 1930—there was a gradual increase of the expenditures for education of both white and colored. Then, after the depression, in the case of both the white and colored, in the same proportion, I should judge from these figures, there was a gradual decrease in the amount of money spent for education, but by 1934 and 1935, when conditions began to improve, there was a gradual increase in the amount of money spent for the education of both races. All of which again illustrates the fact that the State of Arkansas in recent years has been devoting more money to educating its colored people than in the past.

I have marked the table from which I have been reading "Exhibit 8," and in due time I shall ask that it be incorporated in my remarks.

I have a table here for Arkansas showing the number of high schools and elementary schools for the Negroes and the number of high schools and elementary schools for the whites, and the table shows a gradual increase from 1923 to 1935–36 in the number of high schools in the State of Arkansas that were built for the colored people.

In 1924 there were but 6; in 1936 there were 40. The earliest available figures I have for elementary schools are for 1929—there were 1,275 Negro elementary schools in Arkansas in 1929. Today there are 1,293, a slight increase.

I have here a comparative statement showing the value of buildings and the length of the school terms of the colored people over a period from 1882 to the present. This shows a gradual increase, as was shown in other States. For instance, in 1920 the school term was 112 days; in 1936 it was 132 days. The average daily attendance of Negro pupils increased from 40 percent of total school population in 1897–98 to 49 percent in 1927–28 and to 52.7 percent in 1935–36. Of course, in order to provide for the additional number of students it was necessary for that State to spend more money for buildings and other facilities.

I have marked this table "Exhibit 9," and will ask later that it be incorporated in my remarks.

I have here an excerpt from a table which I shall mark "Exhibit 10," showing that in Arkansas effort has been made to relieve the poor colored people insofar as hospitalization is concerned. I shall not go into the details of it. It is a short table, and I shall later ask that it be incorporated with my remarks.

Mr. President, I shall now give some facts and figures with reference to the State of Florida. It will be noted that in Florida there has been a gradual improvement in the condition of the colored people. Although the progress there may not have been as great as in other States, it cannot be denied that the State of Florida has made a gradual improvement in helping to educate the colored population.

According to the last available census figures, of the total population of Florida 70.5 percent are white, as against 29.4 percent colored. The school children among the urban population amount to 46 percent as against 54 percent in the rural sections. It will be noted that the condition in Florida with regard to distribution of the school children is not as bad as in other Southern States. More of the children seem to live in cities than in other portions of the South.

I read from a table which was sent to me by the superintendent of public education of Florida, which gives very illuminating facts, and which again demonstrates that progress has been made in that Southern State. I read:

WHAT FLORIDA HAS DONE FOR PUBLIC SCHOOLS OVER A PERIOD OF MORE THAN 40 YEARS AS SHOWN BY REPORTS OF STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

1. Common schools

Reports prior to 1893 classed all children together, making it difficult to determine what the races received separately, but it is known that during this period, when the whites were overcoming Civil War impoverishment, thousands of dollars were contributed by personal friends of the Negro race, some of whom were native citizens of Florida. Below is given what Negro schools received from public funds during years as stated.

Year	Teachers' salaries	Total expenditures
1892	$81,251.45	(1)
1893	91,600.92	(1)
1894	112,004.82	(1)
1909–10	156,034.44	$245,501.44
1912–13	191,869.37	263,778.26
1915–16	214,291.44	288,375.61
1919–20	348,310.22	662,894.56
1923–24	462,705.11	703,454.93
1926–27	844,992.79	1,030,936.22
1929–30	949,091.75	1,304,334.52
1931–32	1,201,188.02	1,464,736.50

[1] Not given.

In the above none of the expenses of general control, such as cost of administration by board and county superintendent and work of county health nurse are given.

2. Higher education—total appropriation

Years:	
1899–1900	$8,000
1905	1,000
1909	10,000

This was in addition to a much larger appropriation made in 1907 ($577,711.43) of which the college for Negroes was to get a part for building and other purposes.

Years:	
1915–17 (also part of $5,000 (total appropriation) for summer schools)	$25,000
1919–21	39,000
1929–31	311,104.90
1931–33	322,938.00
1935–37	266,680.00
1937–39	217,180.00

I submit four more tables which I shall mark "Exhibits 11, 12, 13, and 14," and at the appropriate time I shall ask to have them incorporated in the RECORD.

As I pointed out a few days ago, some data has been furnished me, showing what the various Southern States have done toward providing hospitalization for the poor and needy. I have here a table showing the operations of the Florida State Hospital. The per capita expenditures for white and colored patients for 10 years are given. In 1928 the average number of patients in the hospital was 1,772 white, colored 1,070. As I pointed out a while ago, the population of Florida is 74 percent white and 25 percent colored. Yet in these hospitals 40 percent of the patients who were sent to them were colored, as against 60 percent white.

I mark the table relating to this "Exhibit 15," and at the appropriate time shall ask that it be incorporated in the RECORD.

The same facilities afforded to whites are afforded the colored people in all of these hospitals. The table shows the amount of money that was spent both for the whites and for the colored for each year from 1928 to 1937, and it will be noted that the number of colored people in the hospitals is just a little under the number of white people, notwithstanding the fact that three-fourths of the population of Florida is white as compared with one-fourth colored.

I now read a letter from the president of the Florida School for the Deaf and Blind, at St. Augustine, Fla. This letter is addressed to the Governor of the State, and it points out certain facts which I should like to give to the Senate:

FLORIDA SCHOOL FOR THE DEAF AND THE BLIND,
St. Augustine, Fla., January 22, 1938.

Hon. FRED P. CONE, *Governor,*
Tallahassee, Fla.

DEAR GOVERNOR CONE: Your telegram of today requesting information regarding the figures as to the relative cost of educating the white deaf and blind and the colored deaf and blind has just been received.

During the past 10 years there have been enrolled in the Florida State School for the Deaf and the Blind 3,575 deaf and blind children, including colored. Of this number, 770 were colored. As far as housing and educational provisions go, there are no differences in that provided for the colored than that for the whites, as all deaf and all blind, because of their special afflictions, must be educated by the same means and same methods.

The school for the colored deaf and blind is built of the same materials as that of the plant for the white children. It is a splendid looking plant, and the buildings are constructed of hollow tile covered with white cement. The dormitory arrangements are practically the same as that for the white children. The food requirements for the colored school and several other dining rooms of the school are issued from a central storeroom, so all receive the same kind and same quality, which is of the highest standard.

The course of study in our colored school is practically the same as that in the department for the white children, and the standards for graduation are about the same. Every year we have a number of graduates from our colored school, the same as we have from our school for the white.

Vocational training is of vital importance in the education of any deaf or blind child. In our department for the colored we provide splendid training in trades which we believe are good and which will prepare them to go out into our own State or elsewhere and earn their livelihood and become self-supporting citizens. One of the best trades we have in our colored school at the present time is that of cleaning and pressing. Three years ago immediately upon graduation, one of our colored deaf boys went to New York and was able to secure a good position in a cleaning and pressing establishment, where he is located at the present time.

Another one of our colored deaf boys who graduated last year is employed at the present time in the dry cleaning establishment of Col. Hobson T. Cone, of St. Augustine. I could mention many others of our graduates and former students who are gainfully employed in different sections of our State.

The cost of educating and preparing our colored children for a useful place in society is the same as that of our white children. Our per capita cost for the last school year was $435 per child. To summarize, I will state that in a school of this kind, where the kind of education must be highly specialized, we try to provide every child with the highly specialized kind of instruction which will prepare him for a place in society. The methods and kind of instruction for the colored cannot be different from that provided for our white children.

There are enrolled in this school today 346 children, of whom 85 are colored.

Very truly yours,

C. J. SETTLES, *President.*

With respect to higher education or industrial schools in the State of Florida, I have here some very important facts, again illustrating what the great State of Florida has done for the colored. I hold in my hand 12 photographs, showing the buildings and grounds of an industrial school for white and Negro boys in Florida. The various buildings and surroundings are very good, and I am sure will compare favorably with any schools in the North or, in fact, any part of the country.

I shall read from a letter addressed to the secretary of the board of commissioners of State institutions, Tallahassee, Fla., by Millard Davidson, superintendent of the Florida Industrial School for Boys, Marianna, Fla., dated January 22, 1938:

During the calendar year 1937 our school had a daily average population of 192 white boys and 256 colored boys. We have not had sufficient time to compute the average population figures for a greater period; however, it may be stated with almost complete accuracy that the averages for 1937 are approximately the same, or only slightly above the figures for the past 8 or 10 years.

Appropriations exclusively for operations of the school have been as follows:

Biennium ending June 30, 1931, $28 per month per boy.
Biennium ending June 30, 1933, $138,000 annually.
Biennium ending June 30, 1935, $120,000 annually.
Biennium ending June 30, 1937, $140,410 annually.
Current biennium beginning July 1, 1937, $150,000 annually.

The above appropriations were for operating expenses exclusively and do not include special appropriations for new buildings and major improvements.

The colored and white departments of the school are operated as separate units but under a single administration, and there is absolutely no distinction made between the two departments where methods and policies are concerned.

There is little or nothing about the school that is suggestive of the ordinary penal or correctional institutions designed for the care of delinquent boys. Harsh measures of discipline and regulations imposing unnatural restraint have been supplanted by individualized methods and a constructive leadership.

The courses offered in our academic department parallel the curriculum of the Florida public schools, and individualized methods of classroom instruction permit each boy to be taught and to progress according to his own mental capacity.

Upon entering the school the boys receive complete physical examinations by our physician and our dentist in addition to achievement and intelligence tests. Complete dental and medical care are provided throughout the boy's term at the school.

The colored boys have spacious and well-equipped playgrounds, athletic fields, and a swimming pool. A skillfully directed program of recreation and physical education with long periods for play scheduled daily insures full participation for all boys. It has long been recognized by those in charge of the school that properly directed play and recreation are unsurpassed as a means of developing proper social concepts among the boys.

Mr. President, again I have demonstrated that the State of Florida has done and is doing all it can toward helping the colored people in its midst.

I shall now cite a few figures with respect to the State of Mississippi. As I pointed out a while ago, the State of South Carolina made an unfavorable showing in its education attainments, due primarily to the fact that in the State of South Carolina the white population is almost the same in number as the colored population. In Mississippi, according to the 1930 census, 49.6 percent were white and 50.2 percent were colored.

With respect to the population of school age in Mississippi, for the whites 17 percent of the school children live in cities, compared with 10 percent of the colored. Taking both white and colored, it is found that only 12 percent lived in cities, compared with 88 percent living in the country.

That great State has likewise been confronted with the problem of having to educate a scattered school population, which is of course, more expensive, and certainly the same facilities that are afforded in the cities cannot possibly be afforded to children who live in the country where tax assessments are so low and where there is hardly any way to raise money.

Mississippi has not fared as well as other States, but I again claim for that State that it has shown progress, and, I believe, it has done all within its power to help its colored children.

I repeat that I do not mean to assert that the State of Mississippi has done as much for its colored as it has done for its white population, but in recent years facilities have been added by that State in order to help its colored population, and I say that the only reason why the State of Mississippi and many other of the Southern States are unable adequately to take care of their children is because they do not have the money with which to do it. It is not because they do not want to do so. They are doing the best they can with the money they have.

I shall now read a few extracts from a letter written by J. S. Vandiver, State superintendent of education of Mississippi, addressed to me, and dated January 24, 1938:

If you will examine our biennial report, I think you will get much of the information desired. In most of our counties the Negroes have a 5-month school term; in some counties they have 6 months. We have 123 separate school districts and most of them run their Negro schools as long as they run their white schools, which is 8 or 9 months.

The white people of Mississippi are becoming more and more interested in our Negro education. We hope that next year we can have 5½- or 6-month school term for all our Negroes in every county. The cooperation of the white people is very fine, indeed, in Mississippi. There is no trouble in our State between the Negroes and the whites. The State board of education is very friendly toward the Negroes and we are expecting to give them more next year, if possible. The Negroes in Mississippi are for the most part very well satisfied and understand how conditions are. They are cooperating in our better-school program for them.

A large number of our Negro teachers are not beyond the fifth or sixth grade. Only a very small percent, possibly 8 or 10 percent, have finished a 4-year college course. While the pay for Negro teachers is very low, you can see this is based on their training and their fitness for teaching.

We are endeavoring at the present time—and have a bill before the legislature—to establish a training school for the Negroes in Mississippi. Our greatest problem is for better-trained teachers.

The best way to solve the antilynching problem is for more education, both for our Negroes and for our whites. We wish the Federal Government could appreciate the fact that Mississippi is making a very great effort in the cause of education. We believe it would be wise for this to be supplemented by the Federal Government.

I have a short table which I shall mark "Exhibit 16." I shall ask, in due time, that it be incorporated in my remarks. The table shows the progress of education in Mississippi, and indicates what has been spent for education among the whites and the colored, in comparison with the figures which I gave a few minutes ago. A decided improvement is shown in the State of Mississippi with respect to the education of

its colored population. It is true, as I said a moment ago, that this State has not been able to record as great advancement as other Southern States, but in my humble opinion that fact is due primarily to the economic conditions and to no other cause.

I now wish to deal with the school situation in the State of Louisiana. In the year 1930 the population in the State of Louisiana was divided as follows: 62.7 percent were white and 36.9 percent Negro. The urban school population of the State was 33 percent; the rural school population 67 percent.

It will be noted that the distribution of the school children, as between urban and rural, is a little more favorable from the standpoint of education than has been shown in other States.

I now propose to show what the State of Louisiana has done for its children, especially since the year 1928, when the late Senator Long became Governor of Louisiana. I may say that prior to this time the parishes of the State of Louisiana paid practically 75 percent of the cost of operating the high schools and elementary schools, as I pointed out a few minutes ago. Many of these sections, which were richly endowed with natural resources, such as virgin cypress and pine forests, sulphur, salt mines, and oil fields, were well able years ago to take care of the school population because of the high assessments resulting from the presence of such natural resources.

Prior to 1928 the government of Louisiana was controlled, in a measure, by corporate interests. The corporate interests did not raise any objection to the people heavily taxing themselves in order to afford education for the masses. The assessments on the natural resources which were being developed by the large corporations were rather low, and the amount of money paid by them for the support of public education amounted to very little.

Before 1921 the payment of severance taxes on natural resources in the State of Louisiana was almost unknown. The constitution of 1921 contained a provision under which the State could collect 3 percent of the value of oil. That scheme of taxation on oil did not bring much money to the State; and in 1928, when Huey Long became Governor of Louisiana, he changed the whole system of taxation. Instead of collecting a tax on oil on a value basis, he collected it on a quantity basis. In other words, no matter at what price the oil was sold in Louisiana—whether it sold for a dollar or a dime a barrel—the oil companies had to pay to the State from 4 to 11 cents per barrel. I was a member of the legislature of Louisiana when the law was enacted, and I say to the Senate that Huey Long had the courage to tackle the problem of making entrenched wealth pay its just tribute for the support of the schools, hospitals, and other public facilities for the benefit of the underprivileged in our State.

It is my conviction that the basis of the impeachment charges lodged against him resulted from his determination to shift the burden of taxation from the shoulders of those who could not pay to those who could pay. That was the substance of the fight we had back in Louisiana.

As a result of the shifting of the burden of taxation we have been able, since 1928, better to care for the children of our State, both colored and white. We placed severance taxes on most of our natural resources, and by making the corporations pay the taxes we got money to improve not only the elementary and high schools of our State but the colleges as well. In those parishes of our State where due to depletion of natural resources the reductions in assessments ran from $4,000,000 to $28,000,000, we established an equalization fund, and that equalization fund was made up of money collected from the large corporations in Louisiana which were dealing in oil, sulphur, lumber, and so forth. The equalization fund was distributed among the parishes so that today, no matter where a school child lives in the State of Louisiana, whether it be in the poorest or the richest parish, he gets the same educational advantages. The same amount of money is spent toward his education as though he lived in a large, wealthy parish.

REPORTS FROM COMMITTEE ON APPROPRIATIONS

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. BARKLEY. I wish to propound a unanimous-consent request without interfering with the Senator.

I have consulted with the minority leader, the Senator from Oregon [Mr. McNARY], and he is agreeable to the request I am about to make. I ask unanimous consent that during the recess of the Senate the Committee on Appropriations shall be permitted to file any report it may have ready between now and the time of reconvening of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BARKLEY. I am ready now to move a recess until Monday, because it is perfectly apparent that the relief bill will not be ready before Monday, and I see no object to be served in continuing the present status of the matter.

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Kentucky for the purpose of moving that the Senate take a recess?

Mr. ELLENDER. I do not desire to further detain the Senate. However, I was about to begin a discussion of the most enlightening portion of my address. It was my purpose to illustrate to the United States Senate and the American people what the immortal Huey Long did for his native State. I will have to be satisfied by asking for a unanimous-consent agreement, which I hope will not be denied me.

Mr. President, I ask unanimous consent that I may be permitted to insert in the RECORD the exhibits to which I have referred during the course of my remarks today and such other statements, tables, and figures with reference to education and hospitalization, and so forth, in Louisiana as may seem pertinent, together with brief comments or explanatory statements which I may desire to add.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. I have here a tabulation showing the distribution of the population of my native State, as between whites and colored, and showing the number of school children, white and colored, living in urban and rural sections:

	White	Negro	Total
Total population	[1] 1,318,160	[2] 776,326	2,101,593
Children (5 to 20 years):			
Urban	[3] 169,504	[4] 76,102	[5] 245,606
Rural	[6] 290,406	[7] 200,191	[8] 490,597
Total	459,910	276,293	736,203

[1] 62.7 percent.
[2] 36.9 percent.
[3] 37 percent.
[4] 28 percent.
[5] 33 percent.
[6] 63 percent.
[7] 72 percent.
[8] 67 percent.
Figures taken from 1930 census.

I have here a letter addressed to me, dated January 24, 1938, signed by T. H. Harris, State superintendent of public education in Louisiana; and three tables, marked I, II, and III:

STATE OF LOUISIANA,
DEPARTMENT OF EDUCATION,
Baton Rouge, January 24, 1938.

Senator ALLEN J. ELLENDER,
United States Senate, Washington, D. C.

DEAR MR. ELLENDER: In response to your telegram of January 21, I have prepared and herewith enclose additional data on education in Louisiana showing particularly the progress that has been made in Negro education and constructive work in public education made by our late Senator Huey P. Long.

Data in the first two tables relate entirely to the common schools of elementary and secondary grades, whereas the third table shows a few significant facts evidencing the growth of education in State-supported higher institutions of learning. These include the State university, which is under the control of the board of supervisors, and all of the higher institutions under the control of the State board of education.

Among the important events in Huey's life wherein he extended very definite aid to public education may be mentioned the following:

1. In 1928 he took the lead in abolishing the tobacco tax, the revenues from which were allocated to the State public-school fund, and had the legislature enact the necessary laws dedicating the State severance tax on natural resources to the schools in lieu of the tobacco tax. At the time, some of our school people ex-

pressed grave doubts as to the wisdom of this action, but Huey assured all of us that the changes he proposed to make in the severance tax and the expected increase in the production of oil and other natural resources would bring to the schools a much larger sum of money than could possibly be expected from a tax on tobacco. Time has proven his prediction to be correct. At his instance the legislature changed the 2-percent ad valorem tax on oil and placed it on a quantity basis, ranging from 4 to 11 cents per barrel, according to grade or quality. In due course the volume of oil produced increased rapidly, with the result that today the severance tax is bringing to the schools four or five million dollars annually instead of approximately $1,000,000 in former years.

2. In 1930 he again took the lead in levying an additional tax of 1 cent per gallon on the retail sale of gasoline and dedicated one-half of the revenue derived therefrom to a State equalization fund for education. From the beginning it has been administered so as to provide special additional aid to the needy parishes. In 1934 the legislature added other sources of revenue for education, part of which were allocated to the State equalization fund. The amount apportioned to the needy parishes today exceeds $2,000,000 annually. Negro schools share in this fund just as well as those operated for the whites. In fact, this particular allotment of State money sets up a minimum offering to both white and Negro schools which must be made by the local parish school systems.

3. As you well know, Huey took a very active interest in the upbuilding and expansion of the Louisiana State University. He provided large sums of money which enabled the institution to make important additions to the physical plant, to greatly increase the attendance of students, and to increase the instructional staff. The university now has an attendance of nearly 8,000 students and ranks high.

4. His contribution to the children of the State through the free-textbook law, in 1928, is one of his outstanding efforts. He provided the money out of the State severance-tax fund, passed the necessary laws, and began the distribution of textbooks to all children in the fall of 1928. The free textbook program has been particularly valuable to children, teachers, parents, and school officials. It now meets with general approval, and no responsible person would think of going back to the old plan of individual purchase by the child or parent.

It is true, however, that the expenditures for Negro education are rapidly increasing. Facilities are expanding; greater numbers of qualified teachers are being employed; school officials are aiding and stimulating the growth of Negro education; the attitude is wholesome and favorable. These statements apply equally to higher education for Negroes. For example, we are extending more and more aid to Southern University, and we have recently established a normal school in Lincoln Parish for the specific purpose of training Negro school teachers.

Trusting that these comments and the enclosed data will serve your purposes, and with good wishes, I am,

Sincerely yours,

T. H. HARRIS,
State Superintendent.

TABLE I.—*Louisiana educational facts*

Item	1920–21		1936–37	
	White	Negro	White	Negro
1	2	3	4	5
1. Educable children	335,854	230,000	382,711	240,000
2. Number schools	2,154	1,263	1,533	1,722
3. Enrollment	211,277	118,000	297,139	188,000
4. Percent of educables enrolled	62.9	51.5	77.6	78
5. Session in days	164	114	176	140
6. Number teachers employed	7,758	1,190	10,107	3,784
7. Teachers having college degrees	930	150	4,419	734
8. Teachers having 2 years' college training	3,306	278	4,596	1,170
9. Percent teachers having college training	54.6	24	89.2	76
10. Number 4-year high schools	300	12	365	111
11. Enrolled in high schools	16,808	3,000	68,635	15,000
12. Expenditures	$10,726,581.32	$750,000	$16,006,553.70	$2,282,000

TABLE II.—*Amount and percent of revenue receipts for the current operating expenses of the public schools from State and parish sources from 1908–9 to 1936–37* [1]*—Louisiana*

Governor	Year	State sources				Parish sources [2]					Total State and parish sources	Percent	
		Public school fund		Other State sources	Total State funds	3-mill parish tax	Special taxes, current operation	Severance tax	Other parish sources	Total parish funds		State	Parish
		A. Basis of educables	B. Basis of equalization										
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Sanders	1908–09	$890,239		$65,293	$955,532	$1,358,663	$463,383		$678,123	$2,500,169	$3,455,701	27.6	72.4
Hall	1912–13	1,001,651		163,385	1,165,036	1,591,070	842,372		305,114	2,738,556	3,903,592	29.8	70.2
Pleasant	1916–17	1,030,719			1,030,719	2,582,245	1,761,579		874,672	5,218,496	6,249,215	16.5	83.5
Parker	1920–21	3,754,845		3,639	3,758,484	3,847,162	3,427,082		863,699	8,137,943	11,896,427	31.6	68.4
Fuqua	1924–25	3,616,065			3,616,065	4,459,074	4,502,659		1,614,771	10,636,504	14,252,569	25.4	74.6
Long	1928–29	5,118,228		260,998	5,379,226	4,841,930	5,288,537		993,955	11,124,422	16,503,648	32.6	67.4
Allen	1932–33	3,979,014	$592,069	196,891	4,767,974	3,556,885	3,985,911	$145,704	546,679	8,235,179	13,003,153	36.7	63.3
Do	1934–35	6,695,798	1,319,360	220,161	8,235,319	3,845,118	3,691,948	244,555	445,217	8,226,838	16,462,157	50.0	50.0
Leche	1936–37	8,837,378	1,791,413	329,858	10,958,649	7,747,627	2,379,995	620,994	569,165	11,317,781	22,276,430	49.2	50.8

[1] The amount paid by the State for the cost of State-owned (free) textbooks is not included.
[2] The amounts received from local districts for capital outlay and debt service are not included.

TABLE III.—*Louisiana State institutions of higher learning*

Item	Louisiana State University		Louisiana State Normal		Louisiana Polytechnic Institute		Southwestern Louisiana Institute	
	1920–21	1936–37	1920–21	1936–37	1920–21	1936–37	1920–21	1936–37
Total expenditures	$376,748	$5,884,300	$156,654	$829,981	$131,492	$704,943	$97,666	$408,153
Total number of teachers employed	79	408	41	97	34	92	29	105
Total registration	1,069	7,591	1,863	1,486	730	1,618	397	1,409
Total graduates	122	1,010	191	264	66	165	106	235
Total value of plant	$1,278,500	$16,605,465	$456,819	$1,537,100	$525,000	[1] $755,097	$400,000	$694,594

Item	Southern University (Negro)		Southeastern Louisiana College [2]		Louisiana Negro Normal [3]	
	1920–21	1936–37	1920–21	1936–37	1920–21	1936–37
Total expenditures	$157,403	$171,638	----------	$62,543	----------	$24,040
Total number of teachers employed	29	40	----------	23	----------	13
Total registration	610	665	----------	427	----------	256
Total graduates	73	101	----------	98	----------	22
Total value of plant	$300,000	[4] $751,809	----------	$366,900	----------	$42,350

[1] Figures for previous year used. [2] Established in 1930. [3] Established in 1934. [4] Over 2½ times as much spent in 1936–37 as in 1920–21.

It will be noted from the table marked "I" that the enrollment for Negroes increased, from 1920 to 1937, 59 percent. It will further be noted that in the year 1920–21, 51 percent of the total Negro educable children were enrolled in school, and in 1936–37 the percentage was 78, or an increase of 27 percent.

The table marked "II" shows the gradual increase of funds from year to year, made available by the State, for operating expenses of the public schools of the State. I respectfully invite attention to the last column of said table, which shows how the State gradually increased its proportion of funds to educate our children. By so doing, the State relieved the burden of our poorer parishes, as I indicated in the course of my remarks a few minutes ago.

Table III shows what the State has done for the higher education of both the whites and the colored. It will be noted that additional facilities have been added for Southern University and the Louisiana Negro Normal College.

I respectfully call attention to the following statement that was prepared by Hon. A. P. Tugwell, together with a tabulation of expenditures in Louisiana for various purposes.

Mr. Tugwell is now State treasurer of Louisiana and is an expert accountant and financier. He has been a "wheel horse" in bringing about the new conditions in Louisiana:

Not only did Huey P. Long launch a road program to "Pull Louisiana out of the mud," but also devoted his energies to the public-school system of the State. The financing of the public-school system was primarily a parish obligation prior to 1928. Through the department of education the public schools were receiving the revenues from a tobacco tax and a portion of the ad valorem levy on property throughout the State. These revenues, in the aggregate, amounted to less than $5,000,000 per year. Under his leadership the tobacco tax was repealed and in lieu thereof a severance tax was levied on the natural resources severed from the soil and waters of the State. The revenue from this source was dedicated to the public schools. The legislation also provided for an equalizing fund, for the benefit of the poorer parishes, to be distributed under the direction of the department of public education of the State. At the same time Huey Long devised legislation to provide free books for the children of the public and parochial schools.

The severance tax was a master stroke on the part of Governor Long. Louisiana is rich in natural resources and the revenue from this source has increased from year to year. In fact, for the year 1937 the severance tax produced $7,158,000. This, together with the revenue dedicated to the public schools from the ad valorem levy, income tax, alcoholic beverages, public utilities, cotton futures, and other miscellaneous revenues account for more than $13,000,000, all of which was dedicated to the cause of public education during the previous year. The schools of the State are being operated on a 9-month basis and the teachers were paid a bonus for the year. The public-school money is distributed on a per educable basis and the colored schools of the State receive their proportionate share.

We have in Louisiana more than 600,000 eligible children, and the State contribution to the public schools for last year amounted to nearly $15 per child. Furthermore, $1,000,000 was used for the purchase of free school books, pencils, paper, and other school supplies.

Not only has the interests of our children been taken into account but the teachers' problems have also been solved to a great extent. A pension and retirement system has been established and life tenure for the teachers has been made a law. It is believed by the officials of our State that it will be possible within the very near future to place all teachers on such a basis as will guarantee to them full 12 months' pay. In the pension and retirement fund created at the request of the Louisiana Teachers Association we now have a balance which is nearing $2,000,000. The fund is invested in Louisiana bonds.

Aside from the revenues dedicated to public schools, Louisiana has been liberal in providing for its university and other educational institutions.

Dedications to the Louisiana State University for the year 1937 from the general fund, excise licenses, corporation franchise, part of the ad valorem taxes, and other miscellaneous sources account for a total contribution of some $3,500,000 to $4,000,000 from the State. This fund was devoted to the maintenance and support of the university, including the northeast center and the medical school in the city of New Orleans. It does not, however, account for the expenditures made at the university on its building program, which has been under way since Huey Long was first made Governor. Since that time, some $7,000,000 to $10,000,000 have been invested in the plant of the university. It might also be said that during this same period the enrollment at the university has increased from 1,500 to 7,500 students. Within the last 90 days the coliseum and agricultural center, which is the largest building of its kind in the South, has been completed at a cost of more than $1,000,000; and the new law-school building, constructed at a cost of more than $1,000,000, has been completed since the first of the year.

The Louisiana State Normal College at Natchitoches also received in 1937 from the general fund of the State for its support and maintenance the sum of $333,000, and in addition thereto was during the past 2 years furnished with funds to construct a new library building at a cost of $203,000, a new power plant at a cost of $400,000, and the Warren Easton Hall at a cost of $73,000, which in the aggregate accounts for more than $600,000.

The Louisiana Polytechnic Institute at Ruston received for 1937 from the general funds of the State an appropriation for its support and maintenance of approximately $300,000, and, in addition thereto, during the last 2 years, for the construction and furnishing of an administration building, the sum of more than $400,000.

The Southwestern Louisiana Industrial Institute at Lafayette received for 1937 an appropriation from the general fund for its support and maintenance of $285,000, and, in addition thereto, funds for a construction program amounting to approximately $100,000.

The Louisiana Southeastern College, at Hammond, received from the general fund of the State for its support and maintenance for 1937 the sum of $65,000, and from the State building fund received the sum of $150,000 for the construction of an administration building, as well as $125,000 for the construction of a concrete stadium.

State schools for the blind and deaf, located at Baton Rouge, received from the general fund for the year 1937 for their support and maintenance the sum of $176,000.

The Southern University for Negroes, located at Scotlandville, received from the general fund of the State for its support and maintenance for 1937 the sum of $187,000.

The Negro Normal and Industrial School, at Ruston, received from the general fund for 1937, for its maintenance and support, the sum of $26,000, and, in addition thereto, was paid from the State building fund for the construction of an infirmary and the improvement of its water system the sum of $13,000.

The School for Blind and Deaf Negroes, also located at Scotlandville, received from the general fund of the State for the year 1937, for its support and maintenance, the sum of $25,000.

The charity hospital in the city of New Orleans received from the general fund of the State for 1937 an appropriation of $1,464,000. Furthermore, the Legislature of Louisiana set aside and dedicated to that institution a portion of the corporation franchise tax, which has been funded into bonds for the construction of a modern hospital plant which, it is estimated, will cost approximately $13,000,000. The project is now under construction and when completed will be one of the finest institutions in the United States.

The Charity Hospital at Shreveport also was given an appropriation from the general fund for 1937 amounting to $350,000. An additional sum of $100,000 was also appropriated from the State building fund for the construction and installation of a new and modern heating plant.

In addition to the institutions already mentioned, the general fund of the State, which derives its revenue from a portion of the ad valorem levy, the occupational licenses on business, licenses on petroleum products, inheritance taxes, leases, and royalties on State lands, electric power, a portion of the corporation franchise tax, beer, tobacco, kerosene, and other miscellaneous sources, also contributed to the following:

Judiciary department	$630,830.01
Adjutant general	91,303.75
Commissioner agriculture and immigration	154,774.54
Livestock sanitary board	35,000.00
Louisiana public service	37,760.00
Commissioner of labor	20,333.30
Registrars of voters	68,347.50
State library	19,326.67
Louisiana State Museum, New Orleans	39,000.00
Memorial Hall, New Orleans	2,200.00
Eye, Ear, Nose, and Throat Hospital, New Orleans	3,700.00
Soldiers' Home, New Orleans	13,723.35
State printing	510,136.40
New Orleans Hospital and Dispensary	15,000.00
State board of health	448,500.00
East Louisiana State Hospital, Jackson	625,000.00
Central Louisiana State Hospital, Pineville	560,000.00
Louisiana Training Institute, Monroe	120,328.95
State board of parole	10,165.65
Board of charities and correction	7,220.00
State Colony and Training School, Pineville	270,000.00
State service commissioner	19,500.00
Tuberculosis commission	85,000.00
Library commission	38,333.30
State board for blind	21,000.00
Department of State police	42,427.50
Milne Home, New Orleans	8,000.00
French Hospital, New Orleans	2,291.63
Commissioner Spanish War Veterans	3,600.00
New Capitol Building—maintenance	178,800.00
Board of commissioners—city park	5,000.00
Parish health units	232,000.00
Sullivan Trades School, Bogalusa	24,748.10
Parish boards of equalization	11,000.00
Louisiana State Penitentiary	76,625.00
State parks commission	36,666.63
State civil service commission	29,650.00
Department of aeronautics	15,000.00

State employment service	$75,000.00
Shreveport Trades School	25,514.08
State planning commission	12,000.00
Isaac Delgado School, New Orleans	25,000.00
State board of education	97,000.00
Industrial School for Girls, Pineville	30,400.00
Advertising State of Louisiana	81,075.64
New courthouse commission	25,000.00
Purchase of park sites	45,000.00
State mineral board	9,900.00
Department of commerce and industry	40,000.00
State hospital board	487,500.00

I now invite attention to a letter addressed to me by Hon. James Monroe Smith, president of Louisiana State University, together with attached memoranda concerning the growth and development of Louisiana State University. I am sure that the facts therein contained will prove very interesting. I also call attention to excerpts from a radio address delivered by President Smith on January 6, 1938, entitled "Progress of the University Since 1930."

LOUISIANA STATE UNIVERSITY,
AGRICULTURAL AND MECHANICAL COLLEGE,
Baton Rouge, January 24, 1938.

Senator ALLEN J. ELLENDER,
Senate Office Building, Washington, D. C.

DEAR SENATOR ELLENDER: In response to your telegram asking for information concerning the growth and development of the university, including financial support, the enlargement of the physical plant and the increase in its maintenance funds during the time of Senator Long's ascendancy in political affairs of the State, I am enclosing herewith a summary which I hope you will find helpful.

I shall mail to you at an early date a copy of a radio address which I delivered on January 6. It may give you some supplementary information, particularly concerning the organization of new schools and colleges during the past 6 or 7 years. If I can be of any further assistance to you I hope you will call upon me.

I may say that I have watched your efforts in the Senate during the past 10 days with much interest and admiration. I want to congratulate you, not only upon the stamina which you have shown in being able to "hold the fort" singlehanded for 5 or 6 days but also upon the determined effort that you and your colleagues are making against the type of legislation typified by the antilynching bill.

Cordially yours,

J. M. SMITH, *President.*

P. S.—I find that the radio address is completed, therefore am enclosing it herewith.

MEMORANDUM TO SENATOR ELLENDER CONCERNING THE GROWTH AND DEVELOPMENT OF THE LOUISIANA STATE UNIVERSITY FROM 1928–29 THROUGH 1937

I. Appropriations for maintenance and support given each year from 1928–29 through 1936–37:

1928–29	$794,731.71
1929–30	865,123.66
1930–31	840,409.90
1931–32	777,145.61
1932–33	1,165,538.80
1933–34	1,290,674.70
1934–35	1,806,988.92
1935–36	2,698,798.57
1936–37	2,824,802.53

The revenues derived from the State for the university came from the following sources:

1. Half-mill property tax which was in effect (and still is) in 1928–29 and was the only source of revenue until July 1, 1932. The average revenue from this source for the 4 years was approximately $800,000 (1928–32).

2. The legislature of 1932 approved a constitutional amendment which was submitted in November 1932 and ratified by the people dedicating to the university the excise license tax on insurance companies up to $1,000,000. The revenue from this source has averaged about $850,000 per annum and at the present time is nearing the $1,000,000 limitation.

It may be noted that the appropriation for the biennium 1932–34 was considerably increased even though the revenues derived from the half-mill property tax were reduced to approximately $550,000 per year for this period. It has subsequently risen to approximately $630,000 per year up to the present time. The constitutional amendment just referred to did not become operative until 1934. Pending the time of its effectiveness, there was made an appropriation for each year of the biennium 1932–34 of $750,000 from the general fund.

3. One-fourth of the gross tax collected from the corporations was dedicated to the university for its maintenance, support, and improvement at an extraordinary session in 1935. Revenue derived from this source amounts to approximately $600,000 annually.

4. Appropriations from the general fund for the past 6 years have amounted to approximately $250,000 per annum.

This gives a total of State support as follows:

From the half-mill property tax	$630,000
Tax on insurance companies	950,000
From corporation franchise tax	600,000
From the general fund	250,000
Total	2,430,000

II. Expansion of the physical plant through the efforts of Senator Long and the impetus resulting from his efforts:

The physical plant at the university has been materially enlarged. The following funds have been received for the expansion program:

1. From the bond issue of 1932	$1,000,000
2. From the sale of university property to the State capitol commission	350,000
3. From the sale of university property to the highway commission	1,800,000
4. An appropriation through the board of liquidation of the State debt	1,000,000
5. Dedicated to buildings from the corporation franchise tax by special session of the legislature in 1935	550,000
6. From the sale of university revenue bonds predicated upon the dedication of certain rentals and fees accruing to the university and authorized by the legislature of 1934, with amendments	3,000,000
7. Allocated by the Governor under satutory authority during 1937	1,400,000

III. Buildings constructed with these funds:

From 1920 to 1927 approximately $5,000,000 had been spent on the erection of buildings on the new site of the university, 3 miles below the city.

The following is a list with approximate cost of buildings and facilities added since 1928:

1929, Dalrymple Memorial Building, for the department of animal industry	$30,000
1931, Medical School Building and Charity Hospital grounds, New Orleans, equipment and furniture	1,400,000
1932:	
Smith Hall, principal women's dormitory	550,000
Music and Dramatic Arts Building	650,000
Huey P. Long Field House and Student Center	450,000
Home Economics Practice Cottage	16,000
First Stadium Dormitory, for men	450,000
	2,116,000
1933, Alumni Hall	96,000
1934:	
Graduate Women's Dormitory	60,000
West addition, Stadium Dormitory, for men	200,000
"G" Building, dormitory for men	50,000
	310,000
1935:	
Highland Hall, dormitory for women	205,000
Allen Hall, large lecture hall for the college of arts and sciences	425,000
	630,000
1936:	
Annie Boyd Hall, dormitory for women	225,000
Animal Industry Building, for the department of animal industry of the college of agriculture	250,000
Agricultural Extension Building, to house the agricultural extension division	300,000
North Stadium Dormitory, for men	800,000
	1,570,000
1937:	
Evangeline Hall, dormitory for women	400,000
Louise Garig Hall, dormitory for women	125,000
Grace King Hall, dormitory for women	125,000
Agricultural center, to house the experiment station and to provide facilities for the college of agriculture and other departments of the university, including an auditorium with a seating capacity of 12,000	900,000
Leche Hall, a law school and graduate school building	800,000
Armory Building, to provide space for the artillery unit of the R. O. T. C.	50,000
Physics and Mathematics Building	300,000
	2,700,000

1935–37, purchase of 2,900 acres of land adjacent to the university	$116,000
1931–37, improvements to the campus, landscaping, drainage, and street and sidewalk construction	250,000

Recapitulation

1929	$30,000
1931	1,400,000
1932	2,116,000
1933	96,000
1934	310,000
1935	630,000
1936	1,570,000
1937	2,700,000
1935–37, land	116,000
1931–37, miscellaneous improvements	250,000
Grand total	9,218,000

IV. Student enrollment for the regular session only:

I give below, for purposes of comparison, enrollment for the 4-year period—session 1924–25 through session 1927–28:

Session 1924–25	1,620
Session 1925–26	1,710
Session 1926–27	1,880
Session 1927–28	1,970

During Senator Long's term of office as Governor, the enrollment was as follows:

Session 1928–29	1,985
Session 1929–30	2,132
Session 1930–31	2,317
Session 1931–32	3,197

During the administration of Governor Allen, and at the time Senator Long was serving as chairman of the finance and building committee of the university, the enrollment was as follows:

Session 1932–33	3,937
Session 1933–34	4,099
Session 1934–35	5,224
Session 1935–36	6,101

For the 2 years of Governor Leche's administration, the enrollment is as follows:

Session 1936–37	7,384
Session 1937–38 (estimated; practically five times as great as in 1924–25)	8,000

In addition to the enrollment of students during the regular session there were 2,962 students during the summer session of 1937; in 1927 there were 1,025.

V. Degrees granted:

The number of degrees granted for any period indicates the effectiveness of the university from the standpoint of completing the job of education of students. The following is the number of degrees granted each year for the period 1924–25 through 1927–28:

	Bachelor	Master	Total
Session:			
1924–25	177	24	201
1925–26	205	25	230
1926–27	223	28	251
1927–28	227	45	272

Degrees granted during the administration of Gov. Huey P. Long

	Bachelor	Master	Total
Session:			
1928–29	206	68	374
1929–30	238	42	280
1930–31	342	64	406
1931–32	393	89	482

Degrees granted during the administration of Gov. O. K. Allen

	Bachelor	Master	Civil engineering	M. D.	Ph. D.	Total
Session:						
1932–33	447	143	2	28		620
1933–34	556	125	1	28		710
1934–35	683	123	1	20	3	829
1935–36	714	173		51	6	944

Degrees granted under the administration of Governor Leche

	Bachelor	Master	M. D.	Ph. D.	Total
Session: 1936–37	761	232	42	15	1,050
Anticipated for the session 1937–38					1,100

It will be noted that there has been a marked increase not only in the number of bachelor's degrees, but that of the master's as well. In addition the degrees of doctor of medicine and doctor of philosophy have been added.

It is interesting to note that the number of degrees awarded in 1937 was approximately equal to the entire enrollment of the university for the regular session of 1921, the enrollment for that session being 1,069.

VI. Schools and departments:

In order to increase the effectiveness of the university, its organization has been expanded by the addition of certain schools and colleges. The name of the school or college and the date of its inclusion in the university are given below:

School of medicine	1931
Graduate school	1931
College of Pure and Applied Science, including the already existing Audubon Sugar School and the new Institute of Industrial Research	1931
School of library science	1931
School of journalism	1931
School of geology	1931
School of music	1931
School of nursing education	1933
Lower division (a junior college division of the university)	1933
Northeast Center (a junior college division of the university located at Monroe)	1934
School of health and physical education	1936
School of vocational education	1936
Graduate school of public welfare administration	1937

I wish to present first something of the reorganization of the university as it was brought about from the years 1930–38. In order to serve better the educational needs of the young men and women who came to its campus to secure an education, there were some several schools and colleges added. I may name them first and then discuss them briefly with you: The college of pure and applied science (the only college created during the period), the school of medicine, school of library science, school of music, school of journalism, and the school of geology. All of these divisions were brought into existence by action of the board of supervisors during the year 1931. Since that time the school of nursing education, the school of health and physical education, the school of public-welfare administration, the school of vocational education, the lower division and the northeast center at Monroe have been brought into existence.

Now, why were these divisions added to the university organization? Why, for instance, was the college of pure and applied science added to the family of colleges at the university? In answer to that question we may say that this is, primarily, an age of science, and it is, therefore, proper that a State university should segregate those departments and subdivisions of the university primarily interested in scientific development into a college. This was done in the organization of the college of pure and applied science in 1931, which was made to include the Audubon Sugar School, an institution of long standing and one that is well recognized throughout the country for its scientific work. The college also includes the new division—the Institute for industrial research—which was designed for the purpose of bringing to business and industry, particularly to industry, a type of service comparable in a way to the services rendered the farming interests through the agricultural experiment station.

The school of library science was also formed in 1931. It was formed for the purpose of meeting the demand, then and still, very urgent, for trained librarians, not only for the secondary schools of the State, but also for the training of librarians for work in our own institution and its several divisions and for other colleges and universities in the adjacent territory. This school was founded by assistance of the general education board, who made a grant of $60,000 available to the university, to be matched by a like amount of money to be put up by the university and to be expended over a period of 5 years. The period of the grant has long since expired, but the school of library science is continuing its large program. It has graduated and turned into the school systems of the State and surrounding States more than 200 young women and a few young men. It is continuing to render a very definite service. For many years the university had offered library science in the summer school, but that was considered inadequate, and the graduate school of library science seemed to be the answer. It was organized and has answered the demand.

The school of medicine was organized on January 3, 1931. It was organized in order that the university might offer the schools and colleges an opportunity to participate in the professional groups, and because there was a dearth of medical facilities in the State. There was one prior to the organization of the university medical school, an excellent one, and there is still an excellent one in the Tulane University Medical School. It has rendered, is rendering, and will continue to render splendid services to the people of this State and the surrounding territory. New Orleans is a great medical center. Charity Hospital affords a great opportunity for medical education, and it is nothing but justice, I think, to the young men and young women of Louisiana for their university to provide for them an opportunity to study medicine under favorable conditions with necessary facilities and opportunities at a cost which would not make it prohibitive to any of those who are so inclined. To students from

Louisiana tuition at the medical center is free; to students from other States the tuition is $300 a year. That does not necessarily mean that medical education is completely free, because fees and living expenses while in school must be paid, and it still costs the young man $100 per year for fees, but that is not $400. Thus the university medical school makes it possible for many a capable young man to prepare himself for service in the field of medicine who could not before have studied medicine. It is not necessary at this time to undertake to justify the organization of the school of medicine. It was approved 15 months after it opened by the American Medical Association. Soon after that time the Association of American Medical Colleges approved it also. It ranks today among the best medical schools in the country. In 1937 there was added the graduate school of medicine, and it is rendering and will continue to render a large service to the medical profession. I am sure it will be appreciated by those who value such training in medicine and particularly by the medical profession itself.

The school of nursing education was organized some time later for the purpose of providing facilities for the advanced training of nurses. The school provides for about three types of training:

(1) Three-year basic training leading to the diploma in nursing;

(2) Five-year basic professional and university training leading to the degree of bachelor of science in nursing; and

(3) Training for graduate nurses leading to the degree of bachelor of science in nursing education.

This school, I think, not only was organized in response to a very definite demand from the profession, but is rendering and will continue to render services which are valuable to the people.

The school of music was organized in 1931. The department of music at the university was organized, I think, perhaps in 1915, and had grown to be an important department prior to 1931. It was accredited by the agency for the accrediting of departments of music—the National Association of Schools of Music. It had a large body of alumni throughout the State who were enthusiastic. With added facilities—a building of music and dramatic arts, which housed it adequately—it deserved to be raised to the rank and status of a school rather than a department. So it was made a school in 1931. If you have been following its educational programs from time to time, if you have been in touch with its student body from time to time, if you have been a student at the university, or if you have been in contact with some of the outstanding members of its faculty or the director from time to time, I do not need to tell you that the school of music of the Louisiana State University is one of the units of which the university is justly proud. It is rendering a cultural, vocational, and professional service. The school of music has produced a number of operas throughout the past few years, and has, I am told, made a splendid showing.

The school of journalism was organized in 1931. It was raised from the rank of department to a school because it, too, had already been approved as a department; because it, too, already had a large number of alumni throughout the State, and it had a faculty that made it next in line to be advanced to the status of school.

The school of geology was organized in 1931. It was a younger department than either of the other two, but it was a vigorous department. It was well manned with a capable staff, and had been doing for the past several years excellent work. I do not wish to indicate its standing, but I am told that it ranks very high. Its course in petroleum engineering is considered one of the best courses in the university. Although it is one of the most difficult courses in the university, it is one of the most popular, because, first, there are good facilities, a splendid curriculum, and an able faculty; and second, men who are graduated from this department or school are in demand for jobs. One man last year, upon completion of his work toward his Ph. D. degree in petroleum engineering, was appointed to a job in a foreign country, with an oil company, at a salary of $10,000 a year. I hope that all you students in the school of music will not attempt to change your course to the school of geology because of that fact. The school of geology is offering splendid courses other than that in petroleum engineering. Louisiana is rich in natural resources, particularly in oil and sulphur. It is, therefore, quite in line with the progress of the State for the university to emphasize the work in geology.

The graduate school was also organized from a department in 1931. The graduate school of the Louisiana State University today, in point of numbers of students enrolled, in the quality of its educational facilities, quality of its administration, and quality of courses offered, I think, can easily be said to be second to none in the South. There are today more than 600 people doing graduate work in that school of the university, including people in the various schools I have just mentioned—the school of music, the school of geology, the school of journalism, the school of public-welfare administration (which I shall mention), the school of library science, the department of history, the department of chemistry, the department of English, the department of romance languages, and many others too numerous to mention. A graduate school is a very important school at any university; in fact, it is the capstone of the university organization. If it were not for the graduate school and the professional schools in an American university, there could be no university. There would simply be an aggregation of undergraduate colleges which might exist as well, if not better, on separate campuses. But the graduate school, together with the professional schools and the undergraduate colleges constitute a university. The threefold functions of research, teaching, and leadership are brought together to make an American university distinctive as such. I am proud of the graduate school of the Louisiana State University.

The next of the schools created was the school of public-welfare administration, which was created in response to the demand of the people of the State for trained welfare workers to work in cooperation with the welfare administration of the State. This school was organized in 1937, on the graduate level, and will be able to place properly trained persons in this field, properly qualified in 1 year, highly qualified in 2 years. So the university has seen fit to provide organization of these units for the purpose of providing the facilities to face what was considered to be the educational needs of the young people of the State.

There are two other divisions of the university to which I must refer—the lower division, sometimes called the junior division of the university, and the Northeast Center at Monroe.

The lower division is organized for the purpose of adjusting incoming students. It provides an organization by which their needs can be adjusted to the changed conditions encountered in leaving high school and entering the university. They are aided in adjusting themselves to their work and to different social conditions, they receive educational guidance, and they lose some of the preconceived ideas they formed with respect to what course they wish to follow. It is a common occurrence for the freshman to come to the university with his mind made up as to what he wishes to be. He has formed his idea, perhaps, because he has a friend who is an engineer, or physician, or teacher, or historian, or musician. He may come with his mind fully made up to study medicine, and upon beginning the premedical course it was found that he had no more aptitude for biology or chemistry than he had for music. It took him a year or two to find that out, and by that time he had lost so much time and there had been so many disappointments that he had become discouraged and dropped out of the university. But when the young man enters the lower division, we try to find out whether or not he is qualified by temperament or inclination to enter those courses. Some students do well in music but by nature and by inclination do very poorly in other subjects, particularly in mathematics. So the lower division has as its job the adjustment of young men and young women to the university—fitting them in, giving them a chance to find themselves. It makes it possible for them to get into those divisions of the university in which they fit best and in which they can do their best work.

The Northeast Center is an attempt to carry the educational facilities of the university to certain areas in the State. It was created from the Ouachita Parish Junior College by agreement and later by act of the legislature. It is serving well the young people of that area. It is serving their educational needs and providing, at the same time, an opportunity for them to remain at home with their parents, if they wish to do so, for a year or two, at a saving of a minimum of $200 per year per student. Going to school away from home costs a great deal more than remaining at home. I think it can be safely said that education may be obtained at the Northeast Center as cheaply as at any other institution in the country.

These are the steps which have been taken by the board of supervisors of the university in order to provide the facilities necessary to meet the educational demands of the people of the State. The response has been rather unusual. I cannot say, and do not wish to say, that all the response in the matter of student enrollment was because of this organization. I am saying that it was due to an awakened demand in the State, and because the university answered the demand and met the needs of the people. I think you will be interested to know that the increase in enrollment for the session 1936–37 was greater than the aggregate enrollment for the first 15 years of the university's existence. I think you will be interested in knowing that the present student body of some 7,600 persons is perhaps greater than the aggregate enrollment from 1910 to 1920. That is, if you take all the students enrolled in the university for the 10-year period 1910 to 1920, add those together, and compare with present enrollment you will find that perhaps there are more people in the university now, being served by the university on its campuses, than there were during those 10 years. This is an indication of the response to the efforts of the university. Again, if you wish to compare further the response, you may think of the Louisiana State University campus and think of the city of Opelousas. You will find practically as many people on the campus as you will find in Opelousas. Again, think of Coushatta, a city in which I have many friends and from which many fine young men and young women have come to the university. There are 1,255 people in that city, and there are five times that many people being served on the campuses of the university. I am making these statements in order that I may give you some idea of the size of the university and the response that has been made to the program it has launched. In 1930–31 there were 2,317 students enrolled at the university; today there are 7,644.

I quote from a telegram addressed to me by Hon. J. Leon Clark, president of the Southeastern Louisiana College, and from a letter addressed to me by Hon. Nicholas Bauer, superintendent of public schools in New Orleans:

HAMMOND, LA., *January 24, 1938.*

Senator ALLEN J. ELLENDER,
Washington, D. C.:

Southeastern Louisiana College property 1928, $15,000; today approximately $400,000; enrollment 928, 95; 1937, 470; graduates,

1928, 14; 1937, 100; faculty, 1928, 7; 1937, 25. In 1927 2-year institution; 1938, 4 years; operation and maintenance, $20,000 in 1928; now, $62,000.

J. LEON CLARK, *President.*

ORLEANS PARISH SCHOOL BOARD,
New Orleans, January 24, 1938.

Senator ALLEN J. ELLENDER,
United States Senator, Washington, D. C.

MY DEAR MR. SENATOR: There are 29 schools devoted to the education of the Negro youth of our schools, with 9 evening schools established for their instruction. There were 29,000 Negro children enrolled last year out of a total enrollment of 88,000.

Respectfully yours,

NICHOLAS BAUER, *Superintendent.*

Having submitted a few facts and figures in regard to the progress of education in Louisiana, I shall now direct attention to a few more advantages afforded by the State to its people. I refer in particular to the hospitalization of the underprivileged in the various hospitals of the State.

The Charity Hospital at New Orleans is over 100 years old. It is a State institution that is entirely maintained from funds of the State treasury. Although the colored population of the State is 37 percent, 43 percent of the funds expended at the Charity Hospital are expended in behalf of the colored people. I will not make a detailed explanation of the tables that I am herewith submitting, but I invite a close study of them, and I am certain that you are bound to conclude that Louisiana is adequately taking care of its Negro population.

STATE OF LOUISIANA CHARITY HOSPITAL,
New Orleans, January 23, 1938.

Hon. ALLEN J. ELLENDER,
Senator from Louisiana, Washington, D. C.

DEAR SIR: The following is a summary of enclosed tabulations, covering a period of twenty and one-half years, beginning January 1, 1917, and closing June 30, 1937.

Charity Hospital of Louisiana at New Orleans

Ward patients:	
Number of whites admitted	409,875
Number of Negroes admitted	309,310
Cost of whites	$9,541,451.75
Cost of Negroes	$7,241,076.50
Out-patient clinics:	
Number of whites admitted	495,672
Number of Negroes admitted	543,969
Cost of whites	$561,698.55
Cost of Negroes	$606,612.67

Dr. George S. Bel, director of the hospital, submits the following:

The Charity Hospital now employs approximately fifty (50) Negro nurses, who are graduates of reputable medical colleges, recognized by the American Medical Association, and offers to them unusual opportunities for instruction and experience in nursing. The Charity Hospital is one of the best general hospitals for the reception and treatment of acute and chronic diseases in the United States. Practically every type of patient enters the institution and the Negro nurses have the same privileges as the white nurses have for study and nursing these patients when she is having her hospital assignments in the medical, surgical, obstetrical, pediatrics, orthopedics, and all other allied branches of nursing and medicine.

The Negro patients in the hospital, who almost equal in number the white patients, receive the same expert, careful, scientific, and efficient medical and surgical services as the white. There is no difference between the treatment, kindness, and attention given either race. Both have the same expert and careful service.

The infectious and contagious departments of the hospital are the finest in any modern institution and as good as anywhere in the United States or elsewhere.

While our tubercular department for the colored people is still inadequate for the number of applicants, today it is far better than it has ever been in the history of Charity Hospital. We have four distinct and separate pavilions for them, with both white and Negro nurses and a staff of specialized doctors to serve them. Their food is the same identical food as the white patients have with reference to vitamins, calories, etc.

There is no discrimination in the type of professional service. No difference in the nursing care. No difference in price, type, or quality of food served, and no discrimination in the best facilities offered.

The Negro obstetrical service is one of the best in the country.

Very truly yours,

FRED W. MATTHEWS,
Secretary-Treasurer.

Out-patient clinic service—Admissions

Year	White	Colored	Total patients	Total cost	Cost per white	Cost per colored
1917	18,158	18,473	36,631	$10,843.76	$5,381.86	$5,461.90
1918	14,652	15,117	29,769	9,919.04	5,037.00	4,882.04
1919	15,194	15,133	30,327	10,534.83	5,301.55	5,233.28
1920	13,408	13,211	26,619	12,835.24	6,465.54	6,369.70
1921	16,431	17,420	33,851	17,837.44	8,658.60	9,178.84
1922	20,093	20,547	40,640	20,097.87	9,930.37	10,167.50
1923	19,238	22,196	41,434	38,706.41	17,775.35	20,931.06
1924	23,457	27,332	50,789	42,966.01	19,845.14	23,120.87
1925	26,704	31,296	58,000	48,735.07	22,438.34	26,296.73
1926	26,166	31,953	58,119	54,738.27	24,646.40	30,091.87
1927	28,878	34,468	63,346	57,342.39	26,137.36	31,205.03
1928	33,854	38,683	72,537	58,096.09	27,099.82	30,996.27
1929	37,811	42,939	80,750	60,028.65	28,132.52	31,896.13
1930	31,961	38,917	70,878	69,806.99	31,480.10	38,326.89
1931	30,545	34,887	65,432	76,638.24	35,758.98	40,879.26
1932	28,750	28,557	57,307	80,766.59	40,519.36	40,247.23
1933	28,114	28,676	56,790	95,121.95	47,090.30	48,431.65
1934	13,042	14,698	27,740	55,352.83	26,022.95	29,329.88
1935	27,680	28,407	56,087	98,151.18	48,439.50	49,711.68
1936	24,116	23,756	47,872	106,587.44	53,693.97	52,893.47
1937	17,420	17,303	34,723	143,204.93	71,843.54	71,361.39
Total	495,672	543,969	1,039,641	1,168,311.22	561,698.55	606,612.67

Ward service—Charity Hospital of Louisiana, at New Orleans

Administration	Year ending Dec. 31—	White					Colored					Total admissions	Operating cost	Net for whites	Net for colored
		Male adults	Boys	Female adults	Girls	Total	Male adults	Boys	Female adults	Girls	Total				
Pleasant	1917	4,967	1,526	3,451	964	10,908	3,678	713	3,743	552	8,686	19,594	$345,543.30	$192,308.04	$153,235.26
Do	1918	5,257	1,576	3,397	1,129	11,359	3,325	716	3,293	528	7,862	19,221	351,028.39	207,389.65	143,638.74
Do	1919	4,539	1,331	3,102	817	9,789	3,154	659	3,140	406	7,359	17,148	394,322.45	225,147.23	169,175.22
Parker	1920	3,853	1,215	3,167	851	9,086	2,700	631	3,062	460	6,913	15,999	455,718.58	258,237.74	197,480.84
Do	1921	4,308	1,301	3,511	890	10,010	2,969	584	3,323	423	7,299	17,309	519,974.76	301,004.36	218,970.50
Do	1922	4,517	897	3,899	597	9,910	3,122	439	3,521	287	7,369	17,279	545,149.36	312,165.28	232,984.08
Do	1923	4,874	1,285	4,201	959	11,319	3,711	766	4,098	671	9,246	20,565	598,487.86	328,251.45	270,236.41
Parker and Fuqua	1924	5,242	1,858	4,676	1,446	13,222	4,115	1,241	4,697	949	11,002	24,224	656,167.48	370,135.24	286,032.24
Fuqua	1925	5,396	1,920	5,224	1,446	13,986	4,376	1,424	5,137	1,030	11,967	25,953	678,781.66	367,639.66	311,142.00
Fuqua and Simpson	1926	5,514	2,072	5,336	1,493	14,415	4,377	1,547	5,816	1,137	12,877	27,292	762,789.86	404,559.91	358,229.95
Simpson and Long	1927	5,885	2,263	5,964	1,676	15,788	4,608	1,593	5,813	1,160	13,174	28,962	821,401.14	447,397.40	374,003.74
H. P. Long	1928	6,438	2,491	6,476	1,824	17,229	4,884	1,818	6,113	1,319	14,134	31,363	868,094.78	476,277.04	391,817.74
Do	1929	6,839	3,045	7,493	2,665	20,042	5,153	1,991	7,218	1,429	15,791	35,833	934,980.00	523,583.00	411,397.00
Do	1930	7,827	4,065	8,965	3,534	24,391	5,905	2,328	8,142	1,870	18,245	42,636	996,559.30	560,111.90	436,447.40
Do	1931	8,710	4,267	9,829	3,847	26,653	5,883	2,485	8,358	2,104	18,830	45,483	1,059,395.30	620,758.70	438,636.60
King and Allen	1932	9,293	4,629	10,955	3,882	28,759	5,981	2,628	8,581	2,128	19,318	48,077	1,045,748.65	625,557.52	420,191.13
Allen	1933	11,094	4,731	12,890	4,032	32,747	6,972	3,048	10,202	2,468	22,690	55,437	1,119,129.91	661,079.15	458,050.76
Do	[1] 1934	5,953	2,374	6,901	2,030	17,258	3,790	1,613	5,950	1,413	12,766	30,024	595,856.96	342,521.93	253,335.03
Do	[2] 1935	13,160	5,977	15,280	5,158	39,575	8,778	3,633	12,975	2,991	28,377	67,952	1,259,892.94	733,763.36	526,129.58
Leche	[2] 1936	15,100	4,538	16,879	3,950	40,467	9,973	3,368	13,939	2,757	30,037	70,504	1,371,795.58	787,368.67	584,426.91
Do	[2] 1937	12,786	3,236	14,204	2,736	32,962	8,204	3,107	11,688	2,369	25,368	58,330	1,401,710.01	796,194.61	605,515.40
		151,552	56,597	155,800	45,926	[3] 409,875	105,718	36,332	138,809	28,451	[4] 309,310	719,185	16,782,528.27	[3] 9,541,451.74	[4] 7,241,476.53

[1] 6 months ending June 30.
[2] Year closing June 30.
[3] 57 percent.
[4] 43 percent.

I call attention to statistics furnished me by Dr. E. L. Sanderson, superintendent of the Shreveport Charity Hospital, Shreveport, La. Dr. Sanderson is a very prominent physician in our State, and has made a remarkable record as head of said hospital. Study the following statistics with reference to the hospital at Shreveport, and it will again be found that the colored are being adequately taken care of, and although the Negro population is only 37 percent of our entire population, almost as many colored people are being taken care of at the Shreveport Charity Hospital as are whites.

SHREVEPORT CHARITY HOSPITAL,
Shreveport, La., January 22, 1938.

Hon. ALLEN J. ELLENDER,
United States Senate, Washington, D. C.

DEAR SENATOR ELLENDER: In 1921, 1,021 Negro male patients were treated in this hospital and 814 Negro female patients; also, 675 white male patients were admitted for treatment and 425 white females. Attached you will find the same data given by years up to the present time as well as the cost per patient per day for these various years. And, you might be interested to figure up how much money Louisiana has spent on these sick colored people, which can be easily done by considering that 12 to 15 days is the average stay per patient; therefore, you would multiply the number of admissions for any one year by about 14 and then multiply this by the cost per patient per day for that particular year and you will see what a stupendous sum we spent on colored people in this institution.

We had one old Negro man that stayed in the Charity Hospital here 14 years. His illness began as a paralysis from his waist down and he stayed here until he died a year or two ago.

The records I am sending you do not take into account the thousands upon thousands who come here and are examined and given medicine and advice. And, as you know, the Negro population in Louisiana practically pays no taxes as compared to the whites.

The State also operates a dental clinic of half a dozen or more dental trailers that are going all over the State and are caring of the teeth of thousands of Negro children and costs the children nothing but is very expensive to the State.

It might also be interesting at this time for you to know the Negroes have exactly the same food, the same doctors, the same nurses, and the same attention in every respect as the white people.

I hope in your discussion, however, that the real truth of how well the Negro is treated in the South will not be brought out completely because I have observed their treatment in northern States and if the facts were too widely publicized I am afraid it would bring more Negroes into the South and I do not think that would be advantageous to the country as a whole, and especially to the Negro population for they should not be crowded into any one locality.

Caddo Parish conducts a tubercular sanitorium known as The Pines here close to Shreveport in which Negro tuberculosis cases are treated free of charge.

It might also be interesting to you, Mr. ELLENDER, to know that this institution employs about 80 Negroes on regular salary in the operating on the Charity Hospital plant. I have had charge of the hospital for 10 years and I can truthfully say that the poor colored population is being cared for better than the poor white people. This is due to the fact that the poor white people have nobody interested in them in their neighborhoods but everyone in Louisiana considers a good Negro a valuable asset to his community and we respect them and realize that they are not as able to care for themselves as we are, and we are solicitous for their safety.

Why don't you invite some of those people who are criticizing the South to come down here and spend awhile in our State, for I have never seen anyone from the North and West who came here and spent a while in Louisiana that did not go away stating that the Negro race was treated better here than they are in the North and West. Of course, we are all opposed to lynching but lynching is practically a thing of the past in our State now.

It would be unwise for Congress to pass a bill at this time that is so apparently sectional in its nature that would have a tendency to open up the old wounds of carpetbag days that have now just about healed; so we are hoping that our friends of the North will feel as kindly toward us as we do toward them.

With best wishes and kindest regards.

Very truly,

E. L. SANDERSON, M. D.,
Superintendent.

This report covers the number of patients admitted to the Shreveport Charity Hospital for treatment during the following years:

1920:	
White males	623
White females	364
Colored males	1,070
Colored females	775
Average cost per patient per day	$1.273
1921:	
White males	675
White females	425
Colored males	1,021
Colored females	814
Average cost per patient per day	$1.566
1922:	
White males	814
White females	591
Colored males	1,240
Colored females	1,136
Average cost per patient per day	$1.85
1923:	
White males	918
White females	804
Colored males	1,217
Colored females	1,198
Average cost per patient per day	$2.12
1924:	
White males	1,158
White females	1,020
Colored males	1,835
Colored females	1,538
Average cost per patient per day	$2.40
1925:	
White males	1,092
White females	949
Colored males	1,680
Colored females	1,485
Average cost per patient per day	$2.46
1926:	
White males	1,110
White females	935
Colored males	1,835
Colored females	1,703
Average cost per patient per day	$2.64
1927:	
White males	1,516
White females	1,501
Colored males	2,256
Colored females	2,194
Average cost per patient per day	$2.11
1928:	
White males	1,693
White females	1,602
Colored males	2,286
Colored females	2,089
Average cost per patient per day	$2.427
1929:	
White males	1,996
White females	1,931
Colored males	2,212
Colored females	2,151
Average cost per patient per day	$2.346
1930:	
White males	2,293
White females	2,233
Colored males	2,194
Colored females	2,389
Average cost per patient per day	$2.101
1931:	
White males	2,451
White females	2,489
Colored males	2,215
Colored females	2,711
Average cost per patient per day	$1.846
1932:	
White males	2,956
White females	3,169
Colored males	2,399
Colored females	3,161
Average cost per patient per day	$1.8125
1933:	
White males	3,539
White females	3,790
Colored males	2,788
Colored females	3,693
Average cost per patient per day	$1.7986
1934:	
White males	3,269
White females	3,683
Colored males	3,071
Colored females	4,084
Average cost per patient per day	$1.7441
1935:	
White males	4,797
White females	5,164
Colored males	3,736
Colored females	4,594
Average cost per patient per day	$1.4277
1936:	
White males	5,866
White females	6,566
Colored males	4,674
Colored females	5,781
Average cost per patient per day	$1.4872

1937 (through October):

White males	5,083
White females	5,588
Colored males	4,208
Colored females	5,215
Average cost per patient per day	$1.4913

I now direct attention to two letters addressed to me, each dated January 23, 1938, one signed by Dr. S. J. Phillips, superintendent of the Central Louisiana State Hospital, Pineville, La., and the other by Dr. J. J. Ayo, superintendent of the East Louisiana State Hospital, Jackson, La. It will be noted that Louisiana is affording much attention to the insane colored of the State.

CENTRAL LOUISIANA STATE HOSPITAL,
Pineville, La., January 23, 1938.

Senator ALLEN ELLENDER,
Washington, D. C.

MY DEAR SENATOR: In reply to your telegram I wish to offer the following information:

In 1928 there were 1,256 patients at this institution, which included 280 colored males and 259 colored females. This represented a little less than 43 percent of our total population. At the present time, 1938, we have about 2,100 patients with slightly less than 43 percent colored. This shows that the percentage is about the same. However, this is governed by the percentage of colored and white population, but it does show that there is no discrimination in color when it comes to care of mental patients in our State. For the past several years we have been admitting patients promptly upon application, and none are left in jail should they become placed there. During the past few years we have improved the physical status of the institution considerably, having built one new dormitory building which houses 300 patients and made numerous other changes of benefit to the patients. There is not a great deal that we can say about this institution with reference to the antilynch bill except that the facts are that Negroes are taken care of adequately at this institution and there is no discrimination over the color question. Perhaps the greatest thing done for the colored in this State is the effect of free schoolbooks, as, no doubt, there were many Negro children who did not go to school because they were unable to buy books. I am sincerely in accord with your opposition to the antilynch bill, and feel sure that you will win out.

If there is anything further that we might do to help, please call on me.

Very truly yours,

S. J. PHILLIPS, M. D.,
Superintendent.

EAST LOUISIANA STATE HOSPITAL,
Jackson, La., January 23, 1938.

Hon. A. J. ELLENDER,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Answering your telegram of January 22, 1938, I have jotted down facts about the East Louisiana State Hospital. I have had very little time to gather these facts, and you might not find them in a very orderly rotation; but, I believe, as a whole, you will find facts worth while.

At the outset I wish to congratulate you on your untiring effort in this fight. Your people are with you in this opposition to the antilynching bill.

At the East Louisiana State Hospital there were, in 1928, 2,400 patients, 800 of these being Negroes. At present we have 3,700 patients, 1,350 of these being Negroes. In 1928 the State appropriated for the institution, in round figures, $500,000. Today, the State appropriates $650,000. As you will see, the Negroes are a little more than one-third of our patients; therefore, one-third of our appropriation is spent for them. They get the same medical attention as the whites, both diagnostically and therapeutically. They get the same diet, same medical and surgical attention that is given to the white patients.

About 40 percent of the colored patients admitted to this hospital are afflicted with syphilis. They are given thorough and complete intravenous medication, to the extent that in the last 5 years we have administered approximately 40,000 intravenous treatments for syphilis. On account of this prevalence of syphilis in the Negroes, they receive a liberal portion of our appropriation.

My dear Senator, I hope these few facts will give you something to talk about the accomplishments of Huey.

With kindest regards, I am,

Yours very sincerely,

Dr. J. J. AYO, *Superintendent.*

I am indebted to various State officials of Louisiana, particularly Hon. A. P. Tugwell, for the following data with reference to social security, homestead exemption, and highways and toll-free bridges in Louisiana. The late Senator Long not only increased the advantages of the boys and girls of his State in the educational field, and alleviated the misery of the underprivileged in providing better hospitalization, but he removed from the shoulders of almost 68 percent of the home owners of Louisiana, the entire burden of parish and State taxes. Just stop and think of it! A man who owns a home in Louisiana, assessed at $1,000 or less, pays no kind of taxes, and yet receives the finest kind of educational facilities for his children, and superb hospitalization. Some day I hope to have the opportunity of telling the American people how our matchless statesman, the late Huey P. Long, accomplished all these wonderful things for the benefit of his people.

Huey Long was a man who had boundless enthusiasm for what he believed to be right. He fought unceasingly on the side of the oppressed, and his accomplishments in Louisiana stand proof of his sincerity.

SOCIAL SECURITY

At the regular session of the legislature of 1936, social security legislation was enacted in compliance with requirements of the Federal Social Security Board and Louisiana has subsequently set up a State-wide relief organization which functions under the direction of a State welfare board appointed by the Governor. The board, in addition to grants from the Federal Government, derives its revenue from a State-wide 1-cent gasoline tax, an annual appropriation of not less than $275,000 from the corporation franchise tax, 62½ percent of the proceeds of the 2 percent luxury tax, and special contributions from parishes of the State. The State's contribution to this board for the year 1937 amounted to $4,990,395.92.

The funds are being used for old-age assistance, aid to dependent children, unemployables, and aid to the needy blind.

For the month of December 1937, the records of the State board show that 24,132 citizens received old-age assistance from this fund. Of this number 13,755 were white citizens and 10,377 were colored. The total amount devoted to this service was $239,508.30, or an average of $9.93 per person.

The records also show that 7,857 families in Louisiana received aid for dependent children, of which 15,478 were white and 7,285 were colored children. The expenditure made for this purpose during the month amounted to $163,777.81, which was an average of $20.84 per family, or $7.19 per child.

The records also show that there were 7,115 unemployables who also received aid from this fund. Of this number 4,198 were white and 2,917 colored. The sum used for this purpose amounted to $98,404.13, or an average of $13.83 per person.

The records also show that there were 545 needy blind who received aid during that month, of which number 233 were white and 312 were colored. The cost to the State was $6,936.07, or an average of $12.73 per person.

For the month of December, there were 54,555 persons who received aid from the fund and of this number 33,664 were white and 20,891 were colored. The total expenditure made for relief for the month amounted to $508,626.31.

To provide for unemployment compensation in keeping with the plan of the Federal Government, Louisiana has also set up an organization known as the Louisiana labor department. The department has been in operation since December 1935, and up to date has opened an account with approximately 6,800 employers and more than 300,000 employees. The taxes collected by that department for the year 1937 amounted to $7,410,379.05, from which fund benefit payments are now being made to employees who are eligible under the act. The commissioner in charge of that department estimates that within the very near future applications for benefit payments will average no less than 10,000 per week. He also estimates that collections from employers and employees will aggregate some $800,000 per month.

Aside from cooperating with the Federal Government in its social-security program, Louisiana has set up a State hospital board which receives its revenue from a portion (12½ percent) of the State luxury tax and the tax on the transportation of natural gas from the gas fields of Louisiana.

During 1937 the board purchased a 46-bed hospital in the city of Lafayette, in the southern part of the State, which is

now being reconditioned and enlarged so as to accommodate 250 patients. The total cost of the institution will be approximately $400,000.

The board has also authorized the construction of a hospital at Alexandria, in the central part of the State. It has been designed to accommodate 250 patients and will cost approximately $500,000.

The board also arranged for charity beds in a number of private institutions throughout the State which are available to those who are registered with the relief department.

The board has also acquired and equipped a number of trucks which are, in effect, portable dental clinics. These trucks are being operated under the direction of competent dentists, who are treating people entitled to relief under the social-security program of our State. The records show that there have been 2,100 cases treated, many of whom were Negroes, within the last 30 days.

HOMESTEAD EXEMPTION

In Louisiana there is a State-wide ad valorem levy of 5¾ mills on the assessed valuation of all property subject to this tax. In the year 1929 the records reveal that the total assessed valuation of property was $1,756,774,578, and with a view of lifting the burden of taxation from the shoulders of the taxpayers to the greatest possible extent, during the depression which ensued, the values were gradually reduced from year to year until 1934, when the total assessment was only $1,348,163,553. In other words, during that period the tax burden was reduced by 23¼ percent. However, we did not feel that this, within itself, afforded sufficient relief for those who were hard-pressed for means with which to pay.

To afford further relief to the taxpayers of our State we enacted legislation granting exemption on homesteads up to $2,000. To provide funds with which to make the exemption possible, the legislature passed an income law, levied a tax on public utilities, cotton futures, and alcoholic beverages, dedicating the proceeds of these taxes to the property tax relief fund.

In 1935, the first year that the law became effective, there were 130,443 applicants who received the benefit of an exemption of $1,000, which was fixed as the amount of the exemption for that year. A fund of $2,733,897.60 was required to pay the exemption granted under this act. The exemption has not yet been increased beyond $1,000, but there has been a material increase in the number of applicants who have enjoyed the benefit of this exemption. In fact, for the year 1936 there were 156,876 applicants who applied for and received the exemption, and the fund required to pay the exemption for that year amounted to $3,246,578.17. For 1937 there was a further increase in the number of applicants, as well as the fund required to pay the exemption. The records show that in 1937 there were 170,472 applicants who were granted the exemption and that the sum of $3,551,691.08 was required to give the benefit.

It will be noted that through the lowering of assessments from 1929 to 1934, the burden of taxation was greatly reduced and since that time, the burden has been further reduced through the Homestead Exemption Act.

To emphasize the total reduction since 1929, I wish to point out the fact that the State-wide ad valorem levy of 5¾ mills on the assessed valuation of property in Louisiana for 1929 produced a total revenue of $10,096,180.98, whereas for the year 1936, the last year for which the records are complete, the State-wide ad valorem tax collections amounted to $7,421,940.42. However, of this amount, the State treasury returned to the local taxing authorities under the Homestead Act, the sum of $3,246,578.17. This left a net balance of only $4,175,362.25 as the amount actually derived from the ad valorem tax levied for State purposes, whereas, the sum of $10,096,180.98 was collected for the same purpose in 1929. Hence, the State of Louisiana received from the State-wide ad valorem tax levied in 1936 only 41.36 percent of the amount collected in 1929, a reduction of 58.64 percent.

Furthermore, the Homestead Act was amended in 1936 so as to provide exemption for many taxpayers who were not previously eligible for the exemption under the act, and in addition thereto, provided exemption on all livestock, poultry, farm implements, and farm improvements so as to further aid the farmers of our State.

The loss of revenue from the sources mentioned has largely been recovered through an income tax, tax on public utilities, cotton futures, and alcoholic beverages. In other words, recovered from those who were able to pay.

While no figures are available as to the number of colored people who get the benefit of the homestead exemption, I am sure it would be safe to assume that the $1,000 exemption eliminates virtually all the Negro property owners in the State.

HIGHWAYS AND TOLL-FREE BRIDGES

Highway construction was recognized as a State obligation in Louisiana in 1911. The board of State engineers, however, performed all road work until after the creation of the Louisiana Highway Commission in 1921. Road building since that time has been under the supervision of that commission. However, little was done toward the establishment of an adequate system of highways until after the advent of Huey P. Long as Governor of Louisiana. Since then, one of the most remarkable feats ever undertaken in the history of Louisiana has virtually been accomplished—an achievement, the importance of which few people fully appreciate or even comprehend—a development which has attracted Nation-wide attention and been the means of bringing thousands of visitors to our State. I refer, of course, to our excellent highway system, conceived in the brilliant mind of the late Senator Huey P. Long shortly before he was elected Governor of Louisiana.

Immediately following his induction into office his road-building plan was molded into a definite program which has provided Louisiana with a modern system of hard-surfaced highways and marvelous toll-free bridges. Our system is equal to the best and second to none in the United States—so rated by the Federal Bureau of Public Roads.

When Huey Long became Governor of Louisiana our highway system embraced approximately 6,000 miles of gravel roads and less than 100 miles of high-type pavement. Before the close of 1929, however, road building had become the major project of our State. In the meantime, with proceeds arising from the sale of bonds authorized for paved highways and toll-free bridges, we have made marvelous progress. In fact, under our program launched by Huey P. Long, we have already constructed:

44 major bridges at a cost of	$24,000,000
6,200 miles of gravel-surfaced roads at a cost of	36,000,000
1,300 miles of asphalt pavement at a cost of	11,000,000
2,250 miles of concrete pavement at a cost of	64,000,000

Which, in the aggregate accounts for an expenditure of $135,000,000.

In fact, we can now boast of a highway system embracing more than 13,000 miles of improved roads, of which 3,550 are either concrete or asphalt pavement. At a rate of 200 miles per day, more than 2 weeks would be required to even get a glimpse at the completed portion of our present system of paved highways. At the same rate of speed, some 6 weeks more would be required to travel over all the gravel and shell-surfaced roads that are now a part of our highway system. There is not a county seat town in Louisiana but what now enjoys the use of one or more hard-surfaced highways. In addition to the paved highways, every parish in the State has had the benefit of a farm-road program.

Under our plan, some 2,000 miles of farm to market roads have been completed at a cost of more than $10,000,000 and we have an additional $3,000,000 authorized for a continuation of the farm-road program.

Overpasses, warning signals, and other safety devices have been erected and placed in operation at many of the more dangerous railroad crossings. This phase of our program was inaugurated, of course, in the interest of public safety and measured in terms of human life, the investment has proven highly satisfactory. Furthermore, toll-free bridges have been constructed at many points throughout the State, among the more important bridges might be mentioned.

Bridges located at Shreveport, Coushatta, Alexandria, and Moncla across Red River; bridge located at Natchitoches across Cane River; bridges at Sterlington, Monroe, and Harrisonburg across the Ouachita River; bridge at Lake Arthur across Mermentau River; bridge at Jonesville across Black River; bridges at Krotz Springs and Morgan City across the Atchafalaya River; Bonnet Carre Bridge across the Bonnet Carre Spillway; and last but not least, the Huey P. Long Bridge across the Mississippi River at New Orleans, completed at a cost of $14,000,000.

The people of New Orleans had hoped for such a project for more than half a century but their dreams were not fulfilled until after Huey P. Long was elected Governor. That marvelous structure rising high above the Mississippi River is now in operation toll-free to the traveling public and stands as a monument to the memory of that marvelous genius, who haled from a hill parish of northern Louisiana to serve as Governor of our State.

The bridges constructed across the rivers of our State brought about the elimination of ferries which had, in most cases, been in operation for more than 100 years. In fact, there remains only one toll ferry of any importance in our State and it will have been eliminated within the next 2 years. I refer to the ferry across the Mississippi River at Baton Rouge where a bridge is now being constructed at a cost of nearly $10,000,000, and when completed, will be placed in operation toll-free to the traveling public.

Our construction program has been financed primarily from the proceeds of bonds issued against a 4-cent gasoline tax, and the revenue from this source is more than ample to service the bonds. It is inconceivable but nevertheless true, that in spite of this tax, we are paying for gasoline in Louisiana about the same price we paid prior to 1928. Hence, in effect, our hard-surfaced highways and toll-free bridges have been constructed without imposing any additional burden on the taxpayers of our State.

Our original bond issue authorized in 1928 provided for the issuance of $30,000,000 of highway bonds, of which amount, however, only $21,900,000 were actually issued. In 1930, a second authorization was ratified by the people of the State providing for an additional $75,000,000 of highway bonds, all of which were issued. In 1936, the people of Louisiana authorized the further issuance of $35,000,000, of which only $17,000,000 have been issued.

Under these authorizations, the State has issued a total of $113,000,000, which, together with revenues from automobile licenses and other miscellaneous sources, accounts for the total expenditure made to date on our road and bridge construction program.

Of the $113,000,000 of highway bonds which have been issued since 1928, we have outstanding as of this date $94,129,000, which means that since our program started, we have already retired more than $18,000,000 of these bonds. The peak requirement on the State treasury for any ensuing year will not exceed $7,500,000, whereas the 4-cent gasoline tax dedicated to the retirement of these bonds amounted to more than $9,000,000 for the year 1937. From the excess revenue derived from this source, our law provides that a sinking fund shall be created in a sum sufficient to meet at least 1 year's maturities, and in that fund there is already a balance of approximately $2,000,000. It is estimated by the officials of our State that the full amount of this sinking fund will have been set aside by or before the close of 1940.

Despite the tremendous sum expended for roads and bridges during the past few years, Louisiana found it possible in 1934 to reduce the licenses imposed upon automobiles in the total sum of $1,000,000, and in addition thereto eliminated the ad valorem tax on such property, which accounted for a further reduction in the taxes previously paid by the people of the State.

Prior to 1934 the revenue accruing to the highway department from licenses imposed on automobiles amounted to about $4,000,000 per year, and for the year 1937 the revenue approached $5,000,000 in spite of the 1934 reduction, which offers ample evidence of the fact that the automobile registration has shown a decided increase since the reduction was made effective. It has also had its effect on the consumption of gasoline.

I intended during the course of this debate to detail the various statutes that were enacted by the Legislature of Louisiana since 1928, in the hope that they might be of help to other States of our Union in aiding the underprivileged. Hon. George Wallace, a very prominent attorney of Louisiana, and who was another workhorse among the public officials of our State since 1928, furnished me with quite a lot of valuable information on the subject. I may state that Mr. Wallace was the chief legal adviser of the late Senator Huey P. Long, and actually drafted the greater number of statutes fostered by the late Senator Long. He is an able constitutional lawyer, and deserves much praise for his accomplishments.

I feel that the accomplishments of Louisiana stand out, and should be an example to other States.

I now invite attention to a letter from the present Governor of Louisiana, Hon. Richard W. Leche, dated January 22, 1938, addressed to me, together with excerpts from a radio address delivered by him last month. Time will not permit me to comment on this data, but I respectfully offer it for consideration.

STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,
Baton Rouge, January 22, 1938.

HON. ALLEN J. ELLENDER,
United States Senator, Washington, D. C.

MY DEAR ALLEN: For your purpose, I think a good point is this: To show that the colored people of our State are well taken care of in all respects, in spite of the fact that they pay very little or no taxes. As you know, most of them are very poor and own no property, and they escape taxation almost 100 percent. To put it another way, the white people of Louisiana carry their own burden and in addition to that carry the Negro population on their backs. You can enlarge on the poverty of the southern Negro.

As an example, the department of education informs me that we have approximately 500,000 children in school in Louisiana; 200,000 of these are Negro children, who receive the same courses and facilities and also receive the same transportation to and from school by bus as the white children.

Under our aid to dependent children, we have 7,771 cases on the rolls. Note that these are cases and not children, because the number of children taken care of will amount to much more but my figures are on a case basis. Of these, 5,517 are white, 2,254 are colored.

Under needy blind we have a total of 516 cases. Two hundred and eighteen are white and 298 colored. You will note under this heading that the colored exceed the white. Under old-age assistance we have 23,840 cases, 13,588 white, 10,252 colored. Under unemployables, that is, people incapacitated from doing any kind of work, we have 7,021 cases, 4,142 white, 2,879 colored. I am making these comparisons so that you can show, and in my estimation, prove conclusively, that Louisiana does her part toward her colored population at practically no cost to them.

Reverting back to the school children, the figures of which I have given above, I forgot to mention all of these children receive not only free schoolbooks, but free pens, paper, pencils, and supplies, and the 200,000 colored children receive this the same as the 300,000 white children.

In addition to all of the above, we have the great Charity Hospital at New Orleans, where approximately 4,000 people per day are treated, and a very large percentage of these are colored. Likewise, as you know, we have the East Louisiana Hospital for the Insane at Jackson, Central Louisiana Hospital for the Insane at Pineville, Shreveport Charity Hospital, Lafayette Charity Hospital, at all of which institutions the colored people are taken care of.

We have Southern University, which is above Baton Rouge, where the colored boys and girls receive higher education. This is exclusively a colored institution and costs the State under the present appropriation bill $120,000 a year. We have the Louisiana Negro Normal and Industrial School, exclusively for colored, the appropriation for which is $20,000 per year. We have the State School for the Blind and Deaf Negro Children, also exclusively for colored, which costs the State $22,000 per year.

Don't forget also that the colored get the use of our highways and free bridges, and in fact participate in nearly everything that the State provides. Also on the lake front improvement at New Orleans we have a colored beach set aside exclusively for the use of the colored population of the city.

Under our State hospital and dental program we have nine automobile trailers fitted out as model dental offices, each trailer in charge of a graduate registered dentist. I think that no other State in the Union provides such service. These trailers go out over the State and do dental work for the poor people, not merely examinations but actual filling, pulling, and treatment of teeth. The colored also get the benefit of this. Under our hospital plan at 12 different points throughout the State, beds have been sub-

sidized in private hospitals to bring free hospitalization closer to the people. At these places beds are also provided for the colored.

Now, much of this would come under the heading of social security. We conceive it to be the duty of the State to take care of those people who are not able to take care of themselves. However, as I stated, Louisiana is one State in the Union where business security and social security go hand in hand. We realize the man with the private pay roll, while providing employment for thousands of people, renders a great service to the State, and increases the purchasing power of the masses by providing jobs. Therefore we believe that the man with the private pay roll should be helped and encouraged and that, in addition to this, new private pay rolls should be established, in order that as much of the burden as possible be taken off the State. Therefore, we instituted our industrial expansion program, guaranteeing a safe haven for new capital and providing a 10-year exemption from all ad valorem taxes to new industry locating in the State and to additions of existing industry.

Under this program 97 contracts have been signed totaling a new investment in Louisiana of over $45,000,000. A number of the plants now under construction are costing over $5,000,000, and these new industries are providing employment during construction for upward of 15,000 people; and when completed, during operation, will provide approximately 18,000 permanent jobs, meaning a weekly pay-roll increase in Louisiana of about $25,000,000.

In addition to all of these things we have our own construction program providing employment for thousands of people and at the same time providing lasting public benefits for the State. Among these are our bridge and highway program, including the big bridge across the Mississippi River at Baton Rouge, now under construction. Eleven new buildings have been erected at Louisiana State University. New buildings have been erected at the Louisiana Polytechnic Institute at Ruston, Southwestern Institute at Lafayette, Northeastern Center of Louisiana State University at Monroe, State Normal School at Natchitoches, Southeastern Louisiana College at Hammond, and a new trade school has been built at Shreveport under our plan for providing a means whereby young men and women can secure training in the trades.

To assist the farmers we have organized a Louisiana Farm Council, which is now in operation. This council is composed of the presidents of every farm organization in the State, including the Louisiana Cattlemen's Association, the American Sugar Cane League, the Rice Growers' Association, the Poultry Association, the Seed Growers' Association, the sheep men, the hog men, and in fact every agricultural association. This council meets regularly and devises ways and means to help the farmers.

We also have the homestead exemption up to $1,000, and as you know, the colored as well as the white get the benefit of this. I doubt if there are as many as 10 Negroes in Louisiana owning places assessed at more than $1,000. Therefore you can easily see that at least 99 percent, or almost every negro home in Louisiana, is tax-free.

As far as small farmers are concerned, both white and colored—and the vast majority of the small farms are assessed at $1,000 or under—the small farmer in Louisiana pays no taxes on his home or farm. He pays no taxes on his cattle, livestock, animals, or poultry. His children receive free schoolbooks, pens, paper, and supplies, as well as transportation to and from school. He pays no dollar in order to vote. And, therefore, I think you can honestly and truthfully say that in Louisiana the small farmer is about as tax-free as it is possible to be, and I doubt if this is the case in any other State in the Union.

With kindest personal regards and best wishes, I am,

Yours sincerely,

RICHARD W. LECHE,
Governor of Louisiana.

In turning our backs on 1937 and facing 1938, it seems fitting that we should pause briefly in order to review what has been done and to give proper consideration to that which we expect to do.

Time was when an individual pursued his occupation with only casual attention to the affairs of government. While it is true that in the past great public questions have arisen, there has never before been a time in our history when government was closer to the lives of the people, closer to their occupations, or closer to their daily routine than it is today. It would serve no useful purpose to enter into a discussion of the things that brought this change about, but for our purpose we need only assume, that which is a fact, that in some manner or fashion every individual is reached by some form of governmental activity during every day of his life. Because of this situation, public officers are faced with greater duties, more numerous problems, and graver responsibilities than ever before, and it is our purpose in a series of State-wide broadcasts, of which this is the first, to bring to you the problems which confront your State government today and inform you of what that government has been able to accomplish in order to bring about a closer cooperation and a mutual understanding of the things which concern all of us.

I would like to state, frankly, that there are many questions of Nation-wide importance, the answers to which we do not profess to know, but with such lights as we have had before us we have endeavored to do all within our power to give you an administration under which you could live as it was intended American citizens should live and under which you would receive those governmental services which the tax bills you pay entitle you to.

Before reciting the material accomplishments of our administration, it might be well to talk briefly about our conception of existing conditions and the general policy which we have sought to pursue.

To follow such an unusual individual as our late Senator Huey P. Long has been a rather difficulty task. His abundance of energy, his foresight, and his industry had set a pace somewhat hard for the average man to keep up with, and while his great constructive principles are ever before us, our methods have been necessarily different.

Knowing the many ramifications of present-day life and the multitude of things which go to make up a great State such as Louisiana, we have endeavored to give some consideration to all phases.

First and foremost have been the great economic considerations which have come into such general importance since the great depression. There are economic forces and factors, although Nation-wide and in some instances world-wide, which nevertheless affect the peace, happiness, and prosperity of those living within our borders.

As we view the situation, and without any claim of economic sagacity, we believe that the general prosperity depends upon the purchasing power of the masses of the people. That was the fundamental idea behind the "share our wealth" program of the late Senator Huey P. Long. That is, likewise, the principal objective of the great program of President Roosevelt. When the masses of our people have money to spend everybody is prosperous and when they do not have money to spend we have depressions and hard times.

The great body of our people represent to business, to industry, and to commerce what his land represents to a farmer. Take as an example, a farmer with 40 acres of land. He has learned by experience that his land will not produce indefinitely without assistance, so he resorts to fertilization, or, as is commonly said, he builds up his land in order to insure production each year. Now, what that farmer does, in effect, is to tax himself to insure production. If he plants a cover crop and plows it under, he taxes himself partly in labor and partly in cash. If he uses a commercial fertilizer, he taxes himself in cash but, in any event, he does these things in order to build up his land and insure to himself a good crop.

Now, government has had to do just what the farmer has done. It has had to build up the human soil to insure production, because every phase of modern business, industry, or commerce goes directly back to the human soil, from which we all harvest our crop. Government has had to do for business what the farmer does for himself.

The free-schoolbook law of Louisiana is such a measure. Under that law purchasing power is released in the hands of the people.

The homestead-exemption law of Louisiana is such a measure, because under that law purchasing power is released in the hands of the people.

Our law removing taxes from cattle, livestock, animals, and poultry is such a measure.

The social-security program of President Roosevelt helps to build up the human soil by placing purchasing power in the hands of the people, as does his unemployment insurance law and other New Deal legislation.

I am leaving aside entirely the humanitarian effect of such measures in trying to illustrate that in addition to the humanitarian angle such social legislation has a sound, economic value and redounds to the interest of business by placing purchasing power in the hands of its customers. We have sought to follow this policy in the State of Louisiana—first, by cooperation with the Federal Government in its great social-security program and second by carrying out and extending the constructive program of our late Senator Long.

The free schoolbook, which was merely a legislative act, subject to modification or repeal by any legislature, was made a part of the constitution of this State where it can never be repealed without the consent of the people. That law provided for free schoolbooks for the children of Louisiana. Pens, paper, pencils, and school supplies were added to the free schoolbooks so that today a school child in Louisiana has nothing whatever to buy.

Senator Long's homestead-exemption law was modified by extending its benefits to the widow and children of the head of the family and it was made to apply whether the property stood either in the name of the husband or the wife. This law was also incorporated in the constitution and since these enlargements were made 40,000 additional exemptions have been applied for and granted in the State.

For many years, the old people in this State were promised pensions. In every political campaign old-age pensions were made an issue but the old folks never received their pensions. This administration removed old-age pensions from the category of a political issue and made them a reality. In order to accomplish this, funds had to be provided. Perhaps the easiest thing to do was to pass an old-age pension law. That entailed no difficulty whatsoever. The real problem was to provide the necessary funds to pay the old-age pensions. These funds were provided by the passage of the luxury tax, which is a 2-percent sales tax incorporating certain exemptions.

As a result of the returns yielded by the luxury tax, the State department of public welfare sends out from Baton Rouge each month checks to 23,840 aged persons in the State of Louisiana. These aged people, unable to secure employment and unable to

work if they could secure it, are now the wards of the State and the Federal Government and know that they need not pass the remainder of their lives in want.

In addition to the aged, there are on the rolls of the department of public welfare 22,512 dependent children, who also receive regular monthly checks. These are poor, underprivileged children who were in need of food, clothing, and in some cases shelter, and these monthly checks provide for them the necessities of life and assure them of many things of which they were formerly deprived.

There are 516 blind persons who also receive monthly checks from the State department of public welfare. These are the needy blind of the State who were formerly without any means whatsoever and unable to make a living for themselves.

That makes a total of 46,868 persons that are being cared for today under our social-security program carried on by our department of public welfare. This assistance is made possible by the returns from the luxury tax and a contribution by the Federal Government under President Roosevelt's social-security program.

In addition to these cases, we also have on the rolls 7,021 unemployables, who are persons, because of physical disability, unable to work and do not fall under any of the other classifications. These 7,021 unemployables are supported entirely by the State, without any contribution whatsoever from the Federal Government, and bring the total up to 53,889 persons being cared for.

This great work involves at the present time an expenditure of $496,095 per month, or $5,953,140 a year. This creates additional fertilizer for the human soil, because in addition to the fact that a great humanitarian work is involved, it means $5,953,140 in cash each year is placed in circulation in the State of Louisiana and these people are enabled to buy the necessities of life and a few of the luxuries. That means that business is helped and that industry is assisted. It means just that much more money in the pockets of the merchants of this State where that money is expended, and there is no question of a doubt of the great economic importance of that.

As I stated before, the chief difficulty lay in raising the necessary funds to support this program. When the luxury tax first went into effect the returns were not sufficient and the department of public welfare had to borrow $400,000 for its first month's operations. We saw at once that if this borrowing continued a staggering debt would be accumulated and the surest way to wreck any program is to involve it in financial difficulties.

The program meant too much to the people of Louisiana to allow it to be destroyed by accumulating such a debt, because public reaction would have been such that the whole program would have been condemned, so we did two things: First of all, we rechecked the entire case load to determine if there were any cases which did not properly belong on the rolls. In every program of this nature there are always some who seek its benefits who do not really need it and by so doing they deprive those who are actually in need. After the recheck was made, it was decided that the department of public welfare would pay out each month only what it received and no more. In other words, our welfare budget is kept balanced from month to month. When the returns from the luxury tax fall off, the amount of each check is reduced proportionately and when the receipts increase during any one month, the amount of each check is increased proportionately, so that the amount which each individual receives is dependent entirely on the monthly returns from the luxury tax.

This, however, is only one phase of the fine work of the department of public welfare. At the last session of the legislature, we created a State hospital board. Hospitalization in Louisiana, with hospitals at only New Orleans and Shreveport, was too concentrated and its benefits were denied to a large number of people in the State. The object of the plan was to bring free hospitalization closer to the people.

In order to avoid a multiplicity of departments and to save an overhead, the hospital board was merged with the department of public welfare and the membership of both boards is identical—the commissioner of public welfare also being the State hospital director.

Now, it was figured that if, in addition to the charity hospitals at New Orleans and Shreveport, three other hospitals could be established—one in southwest Louisiana, one in central Louisiana and one in northeast Louisiana, that, taken in conjunction with good roads and free bridges, free hospitalization would be about as accessible to all the people as it is possible to make it.

Under that program, a State charity hospital has been established at Lafayette in southwest Louisiana, in the heart of a densely populated section of the State. That hospital is now in operation and is rendering signal service to the poor people in the southwestern section of our State. A contract has already been let for the enlargement of this hospital and hundreds of persons have already received expert medical treatment.

Plans have already been prepared for similar hospitals at Alexandria and Monroe and within a short time actual construction will begin on these projects. But that is not all. The State hospital board has gone into private hospitals at different points throughout the State and established charity beds where patients can also receive expert medical attention without cost. Such services have been instituted at Bastrop, Ferriday, Many, Olla, Natchitoches, Ruston, Opelousas, Winnsboro, and Thibodaux and in those communities hundreds of people without means have been treated and cared for, and I think I may state without fear of successful contradiction that there is no State in the Union that affords such a service to its people. I am happy to state that this program has met with the general approval of the medical profession and the wholehearted cooperation from the doctors has gone a long way toward making the program a success. As a matter of fact, our hospital program has relieved the medical and dental professions of a charitable burden which is properly the obligation of the State.

That is not all. One of the facilities which we have been sadly lacking throughout the State and a service which thousands of people are unable to pay for, is dental service. Under our program, the State hospital board has purchased eight dental trailers—one for each congressional district. These trailers are modern dental offices, with the most up-to-date equipment and each trailer is in charge of a graduate registered dentist. This system has received the generous endorsement of the Louisiana State Dental Society, which society has been kind enough to furnish us with the expert dentists necessary for this work, and out on the highways and byways of Louisiana today needy people are receiving expert dental treatment, many of whom never before even heard of a dentist. This work is valuable not only because of the actual treatment which the people receive but because it is making the people dental conscious and stimulating better care of the teeth.

Largely because of the splendid work being done by our department of public welfare, the Federal Surplus Commodities Corporation has purchased in Louisiana some 7,000,000 pounds of rice, as well as other commodities, for distribution to the needy people of this State through the organization of our welfare department.

This work, ladies and gentlemen, has entailed a great deal of labor and much thought and study and I think I can state to you tonight that no other State renders such service to its people as does the State of Louisiana today. It is not only a great humanitarian work but it is based on a sound economic principle and it carries out the representations made to you in our campaign platform.

Now, all of this might give rise to this question: Why does the State have to do these things today? The answer is the State has to do these things because a large number of people are without the necessary means to do these things for themselves. You might also ask, Why are there a large number of people in Louisiana unable to do these things for themselves? The answer to that is that these people, either because of physical disability or old age, are unable to work and if able to work are unable to secure gainful employment.

Our theory is that you cannot share wealth without wealth to share, that you cannot provide good wages and good working conditions without work and that you cannot have work or wealth without the investment of capital. If there should be in the minds of any of my listeners any doubt of this, all that you have to do is to make a list of the businesses and industries in this State, see what their pay rolls are and then you will realize what a large space capital fills in the scheme of things.

Normally all of these people who are taken care of should be employed in private enterprise and should be no concern of the State. They are the concern of the State because they are unable to secure work in private enterprise and it is the duty of the State to take care of them. It is also the duty of the State to take care of the private enterprise that takes care of the thousands and thousands of persons who are not burdens of the State. In other words, the State of Louisiana is taking care of people that business and industry are unable to take care of but there is also a duty imposed on the State to take care of the business and industry which maintain a far larger pay roll than the State could possibly maintain.

The great work of the department of public welfare and the State hospital board comes under the heading of social security, but we are not unmindful that just as important to the welfare of the State is commercial and industrial security. If it were not for the pay rolls of private enterprise, there would be a larger burden imposed on the State than the State could possibly maintain. Therefore, it is to the interest of the State to help and assist those who maintain the private pay rolls. What we have sought to do is to balance the picture. While cheerfully assuming the necessary burden, we took steps at the same time to see not only that the burden was not increased but that, if possible, it could be decreased. Therefore, to balance our social-security program we initiated our business-security program. We needed more wealth to share. We needed more industry to share our burden, and our industrial program was gotten under way.

The State board of industry and commerce was organized, composed of leading businessmen from all over the State. To determine whether or not the board has been successful, we need only to look at the record. Louisiana is perhaps one of the wealthiest States in the Union. It has vast natural resources, principally oil, gas, salt, sulphur, and other minerals. It has excellent transportation facilities, including rail, water, and highways. It has great seaports. It has an ideal geographical location and is situated in the heart of a territory that has an abundance of raw materials. With this stock in trade, we saw no reason why capital should not be attracted, provided proper safeguards for business security were guaranteed.

As a starting point a constitutional amendment was adopted providing an exemption from property taxes for a period of 10 years to all new industries locating in this State. The same exemption was likewise granted to existing industries where their plants were enlarged and their capacities increased. That exemption does not mean that new industries and additions to existing

industries escape all taxation. They have to pay the corporation-franchise tax, they have to pay the income tax, they have to pay the gasoline tax and other similar taxes; so that, in the long run, the State could well afford to give them a property-tax exemption.

Under this program, which was instituted just 1 year ago, 82 tax-exemption contracts have been signed. Now, in these contracts it was necessary for the industry to state the cost of the plant it proposed to erect. Naturally, a figure representing the minimum cost was placed in each contract, because no industry wanted to bite off more than it could chew and on the basis of these minimum costs the new investment in Louisiana in the past year amounts to $37,000,000. It is estimated that 12,000 men have been given jobs in the building trades during construction and that approximately 18,000 permanent jobs have been created during operation. These permanent jobs are estimated to mean a yearly pay roll of $25,000,000. Now, that is new cash in the channels of Louisiana trade. About 90 percent of these new industries are derived from the timber, oil, chemical, power, and sugar resources of the State. Timber brought in $13,561,150 under 13 contracts. Timber is also responsible for the largest contract—the Southern Kraft Corporation Mill, in Webster Parish, to cost between six and twelve million dollars. Oil brought in $12,463,000 under 14 contracts. Power brought in $4,200,000; chemicals $2,422,995; sugar $2,011,500; and 10 new cotton gins have been contracted for. This picture shows very plainly that a number of things conspired to bring this additional wealth into the State of Louisiana. The tax exemption for 10 years, of course, had its attractions. Perhaps the greatest factor was the great natural wealth of the State, and third is the fact that Louisiana is one State where we have both social security and business security.

You have probably been reading in the papers lately about the recession. The press informs us that, through fear, capital is not expanding, but the fact remains that whatever capital may be doing or not doing in other States, whether or not there is fear, justified or unjustified, in other States, no such condition exists in Louisiana where a balanced picture is maintained, where the needy are being cared for, where the masses of the people have full recognition, and where new capital is investing and expanding and spending $37,000,000.

There is no question in my mind but that the South is coming into its own. The reconstruction is not over. It has just begun. The South has had to fight inequitable freight rates and various other discriminations. It has had to fight organized capital concentrated in other sections of the country. The South is organized today better than ever before to combat these things and great progress has been made. I am happy to say that Louisiana has come in not only for its share but I sincerely believe has assumed the leadership and is pointing out the way to its sister States of the South.

Now, ladies and gentlemen, our time is growing short and I would like to take the remaining few minutes to tell you briefly some of the things which have been accomplished under our administration.

As I have tried to make clear to you, we have sought to see all sides of the picture and to overlook nothing calculated to enhance the prosperity of our State.

Much construction work has been done. Among the things which we can point to with justifiable pride is the splendid new charity hospital now under construction in the city of New Orleans. I am told by those who know that this will unquestionably be one of the greatest medical centers in the world. It will not only be a place where thousands and thousands of people will receive the highest type of medical service, but will furnish a laboratory for the students of the Louisiana State University Medical School, the Tulane Medical School, and the Loyola Dental School, so that when those students graduate and go out over the State to practice they will bring with them a theoretical and practical knowledge obtainable in very few places.

The great road and bridge system of Louisiana has been extended. Over 2,000 miles of additional highways have been completed since May 12, 1936, and nearly 500 miles additional are now under construction.

The great Louisiana State University has been developed and expanded and has now the finest university plant in the South. Under this administration there has been constructed the north end of the stadium dormitory, the agricultural-extension building, the physics-mathematics building, the new law school, the new agricultural center, the meats-packing plant, the field artillery building, and four women's dormitories.

This has been the first administration in years to recognize the necessity and importance of the smaller colleges of the State. Many boys and girls cannot afford to come to Baton Rouge and take advantage of the facilities of the State university. As a matter of fact, that university is today overcrowded. So, higher education must be provided closer to home so that higher education will be within the reach of all who want it.

A splendid new administration building has been completed and furnished at the Louisiana Polytechnic Institute at Ruston.

A new library building and a complete new heat and power plant have been provided at the State normal college at Natchitoches.

Two new student dormitories and additional land have been provided at Southwest Institute at Lafayette.

A new stadium, with classroom and dormitory space, has been provided at Southeastern College at Hammond.

A new law was passed ratifying and confirming the contract providing for the Northeast Center at Monroe.

While doing everything within our power to foster all branches of education, this administration has realized the importance of trade schools where boys and girls can receive technical training which will enable them to make a useful living. We, therefore, instituted a program of trade-school development and a splendid trade school was established and is now in operation in Shreveport. Another trade school was established at the Louisiana Training Institute at Monroe and several others are now being considered at various points in the State.

We have also realized that physical plant and facilities alone are not sufficient for the proper training of our youth—that these things, if anything, are necessary to a proper teaching force. We have, therefore, undertaken, wherever possible, to assist the school teachers of this State. A teachers' tenure law was adopted to remove our public-school teachers from political domination and control and a teachers' retirement law was passed providing for retirement pay, so that when a teacher has served in the educational system of this State he or she need not be a charitable burden.

As wholesome food is necessary to develop the body, so wholesome reading is necessary to develop the mind. Free library books have been provided for and the State library system has been extended, making good books available to thousands of our citizens.

A system of State parks has been instituted with the idea of preserving for posterity some of the great natural beauty of the State. Three parks have already been established and others are being considered.

The Louisiana Aeronautics Commission was created to regulate, encourage, and foster air transportation.

A State fire commission was created and is now in active operation. Fire fighters gather from all over the State and are kept abreast of the times by being taught modern fire-fighting methods.

The State department of labor was revamped and re-created along modern lines and a system of unemployment insurance instituted. Incidentally the first payments under this plan are scheduled to be made this month and within a few short months the unemployment-compensation system will mean several million dollars additional money put into circulation in Louisiana.

The Louisiana State police force was created and now ranks among the finest in the Nation. A police school was also established where expert training is given, not only to the members of the State police force but to members of local police forces and deputy sheriffs.

Another one of the major projects of this administration is a bridge across the Mississippi River in the city of Baton Rouge. This bridge is now under construction and will be a fitting mate to the great Huey P. Long Bridge at New Orleans.

A new heating and power plant has been provided for the Shreveport Charity Hospital.

The office of supervisor of public accounts was abolished and the the State revenue department and the supervisor of public funds were created. Today the same department does not collect and audit the funds, but the collections are made by one department while the auditing and supervising is handled by another department.

When this administration came into office billions of dollars of the State's minerals were being wasted and its great oil and gas fields were in grave danger of destruction. I was told by a reliable authority that the amount of natural gas being wasted daily in the Rodessa field in Caddo Parish amounted to half of the total domestic consumption of the whole United States. A modern law was passed and rules and regulations were adopted which saved the situation and prolonged the life of the State's mineral deposits. Our system of regulation has been highly commended and is being copied by other oil-producing States.

As I have stated, we have tried to look at all sides of the picture and in so looking we see as one of the important resources of this State its abundant supply of wildlife. Louisiana is singularly fortunate in this respect and it would be nothing short of a crime to permit our wildlife supply to become depleted. In addition to the recreational side, wildlife has a distinct place in the economic picture and to revive this great resource quail hatcheries have been established in St. Tammany, East Baton Rouge, and Natchitoches Parishes. Others will be established in our State parks and under our game-restoration program Louisiana's world-wide reputation as a fine State for hunting will be maintained.

These are only a few of the things, ladies and gentlemen, which we have done in the past year and a half. There are many others about which I could tell you tonight if the time permitted.

As I stated in the beginning, this is the first of a series of State-wide broadcasts through courtesy of radio station WJBO, of Baton Rouge, and the other stations on this network. During each one of these broadcasts some one of your officials will tell you something about your State.

We are distinctly proud of our accomplishments. We face the future with confidence. There is no such thing in Louisiana today as fear. Our economic structure is sound, and as long as we look at all sides of the picture there is no need for fear. We have built up the human soil, and we will keep it built up because it is from that that we all harvest our crop. We will do our best for the farmer, the merchant, and the businessman. We will take care of the man with the pay roll, because he helps to take care of us. Any business that employs anywhere from one man up is important.

If there is a recession in the United States today, as far as we are concerned, it is as remote as the revolution in Spain. We have accomplished, I am happy to say, much, because every shoulder has been to the wheel. Your elected officials, your legislature, and your congressional delegation at Washington are a team that can play in anybody's "prosperity bowl," and as long as you give us your support as you have given it to us, no games will be lost.

GOVERNOR LECHE'S PLAN—EXECUTIVE ASKS BUSINESSMEN TO PUT THEIR SHOULDERS TO THE WHEEL AND WORK WITH THE GOVERNOR'S COMMITTEE FOR SUSTAINED EMPLOYMENT SO THAT EVERY WORKINGMAN IN LOUISIANA CAN BE SURE OF HIS JOB FOR THE NEXT 6 MONTHS—KEEP PURCHASING POWER RELEASED AND CONSTANTLY FLOWING AND LOUISIANA WILL NEVER FEAR HARD TIMES, SAYS GOVERNOR—LECHE POINTS OUT HOW BUSINESS PROSPERS UNDER THE GOVERNMENTAL BLESSINGS NOW ENJOYED BY THE PEOPLE—STATE IS LEADING WAY OUT OF NATIONAL RECESSION

[Message delivered by Gov. Richard W. Leche over a State-wide radio network of February 10, 1938]

To the people of Louisiana:

It is my purpose in this message to lay before you a program which I believe will be of material benefit to the State at large. I do not know how many of you are aware of it, but I can say to you that, from a business point of view, Louisiana is better off today than any other State in this great Union. I have had occasion to make numbers of trips into other States, and nowhere else have I found the same business confidence or the same cheerful outlook as we find in Louisiana today. In my travels about the State I have taken occasion to visit with businessmen and merchants, and the vast majority of them inform me that business is not only good but, perhaps, somewhat better than they had reason to expect. I believe that this is borne out by the fact that under our unemployment-compensation law a smaller percentage of applications have been made in this State than in any other, showing that a far less serious unemployment situation exists here than does in other States.

I have stated to you repeatedly that the day was past when a State government could sit idly by and wait for things to happen. Our policy has been one of aggression from the start. We have sought to apply to government the modern principles of salesmanship and advertisement which are used by the leading business concerns of the Nation. We are, therefore, not going to rest content with the fact that our State is somewhat better off today than most other States—we are not going to allow a taste of business prosperity to mislead us into believing that conditions will continue to improve without active assistance and necessary promotion.

LET'S CHOOSE THE RIGHT COURSE

Business conditions rarely remain the same—they either get better or get worse. Unemployment, for example, breeds unemployment. If a business concern discharges a number of employees, that not only affects the discharged employees but affects those with whom they do business, resulting in the discharge of other employees, who, in turn, decrease purchasing power and affects others.

We must either build down or build up, and the State of Louisiana is not going to build down. We have been building up for a number of years and we will continue to do so; but in order to do this it is necessary to take into consideration all sides of the picture. Everyone must recognize the problems of everyone else, because all parts make the whole, and the failure of any one part to function affects the whole. I am going to try to illustrate just what I mean.

I stated to you—and I did so advisedly—that, commercially speaking, Louisiana was better off today than most of the other States. I now say to you that in many other ways Louisiana is better off today than most of her sister States. In no other State do the mass of the people receive the benefits at the hands of government that they do here.

In the first place, every school child in Louisiana receives free schoolbooks, free pens, paper, pencils, and supplies, and in the rural sections of the State they are transported to and from school by means of a school-bus system. That is a great service rendered by State government, and upward of a half million school children in this State directly receive those benefits. Not only do the children benefit but the poor parents of the children are able to save a considerable sum of money by reason of this system.

MORE OF HUEY LONG'S WORK

No voter in this State has to pay for the highest privilege accorded an American citizen—the right to cast his ballot. Under the free poll-tax law of Senator Huey P. Long all that is required is a registration certificate and a poll-book receipt, at no cost to the voter.

Under our homestead exemption law every home in Louisiana assessed at $1,000 or under is absolutely free of taxes, and those assessed over a thousand dollars receive an exemption up to that amount.

No farmer in Louisiana today has to pay one cent of taxes on his cattle, livestock, animals, or poultry.

Under our social-security program, thousands of aged persons receive cash benefits from the State, in conjunction with the Federal Government. The same is true of the needy blind, the dependent children, and the unemployables, the last-mentioned group being cared for at the sole expense of the State. Something over 56,000 checks leave Baton Rouge every month for distribution among these people.

I doubt if there is a State or even a nation which, comparatively speaking, renders the hospital service that is available to the people of Louisiana today. With the great charity hospital at New Orleans, the charity hospital at Shreveport, the new charity hospital at Lafayette, and the charity beds throughout the State, thousands upon thousands of those who are unable to pay receive expert medical care and attention.

FREE DENTAL TREATMENT

Our dental service plan is unique. With eight dental trailers operating throughout the State, rendering dental service of the highest order to thousands of needy people each month, we are teaching our people the value of healthy teeth and causing them to become dental conscious.

In addition to these things, we have our magnificent system of highways and bridges, our State park system, our game-restoration program, besides our schools, colleges, insane asylums, and correctional institutions.

Ladies and gentlemen, I have not dwelt at length upon any of these things, because, for the purpose of this discussion, that is unnecessary. I mention these things categorically in order to illustrate the services which the State government is rendering to the people.

The point that I want to bring home to you is this: That aside from the great humanitarian principle involved, aside from the fact that thousands are being taken care of who are unable to care for themselves, aside from all of these considerations, there is a great economic factor involved, so much so that I say to you that this is as much of a business-security program as it is a social-security program. I say this because in all of these things purchasing power is released in the hands of the people. The free schoolbooks release purchasing power; the free pens, pencils, paper, and supplies release purchasing power; the free poll tax releases purchasing power; the homestead exemption and the tax-free cattle also release purchasing power, by permitting the money which would be spent for taxes or the purchase of these things to be used for other purposes, such as the purchase of supplies, clothing, and other necessities of life.

The social-security program places in circulation in this State five to seven million dollars a year, thus releasing that amount in the channels of trade in this State. So, I repeat, that this great program is also a business-security program because you can render no greater service to business than by placing or releasing purchasing power in the hands of its customers. When money circulates business is good and the butcher, the baker, the candlestick maker, the professional man, and everybody else receive their share.

A PROBLEM OF FINANCE

There is another point that I want to call to your attention at this time, and that is this—that in spite of the fact that we use the word "free" quite a bit, there is nothing which is free in the sense that nobody pays for it. I have been Governor of Louisiana about a year and a half and I haven't yet been able to find a way to do anything without money. I suppose it will be my luck to have somebody devise such a system just about the time that I am ready to go out of office, but in the meantime, everything that your administration is able to do for you costs somebody some money. As I have often stated in my office to many visitors, we have no troubles that money can't cure. Now, in truth, many of the things which the State government does are free to the people who cannot afford to pay for them but somebody else foots the bill.

In other words, what has actually happened and, I might add, what has properly happened is that the burden has been largely shifted from the shoulders of those who are unable to pay and placed on the shoulders of those who are more able to pay.

Let us take, as an example, the free schoolbooks and the free pencils and supplies which the school children receive. These things are free to the school children of Louisiana, but they are paid for out of the severance tax on oil. Therefore, if we receive no severance tax from oil there would be no money from which the State could purchase those things and give them to the children.

The homestead exemption is granted because the funds are made up from the income tax, and if there was no income tax paid there would be no funds to permit the granting of the homestead exemption.

Likewise, there is a free poll-tax law in this State because the money that the schools formerly got from the poll-tax payments is made up from other sources.

FINANCE BY LUXURY TAX

Old-age assistance, aid to dependent children, aid to the needy blind, and aid to the unemployables, all of this is possible because we have a luxury tax and the funds from that tax constitute the money that this class of persons receive.

Likewise, we would have no hospital plan and no dental plan and no State park plan and no game restoration program if the funds for these things were not supplied from some source. In other words, money is necessary from some source or other in order that these benefits can be conferred on the people of Louisiana.

We have found that one of the principal sources from which the State receives its revenues is from the commerce, the business, and the industries of the State. So, we decided that, in order to permit the State to continue to grant the benefits which it grants to the

people, the revenue to support these things had to be supplied, and that as business was the largest contributor, business and industry should be encouraged and assisted in order that they might assist us.

We decided that instead of "killing the goose that lays the golden egg" that we would "raise more geese." So, our program for the development of industry was started. I am not going into details about that because for the purpose of this discussion these details are unnecessary. It will suffice to say that under our plan 97 contracts have been signed, representing a total minimum investment of close to $40,000,000—actually representing a new investment closer to $50,000,000. These new plants and expansions of old plants have added thousands to the private pay rolls of this State, further releasing or creating purchasing power on the part of the people. Thousands of additional jobs will be created by this program.

I have before me a report of our State employment service, which I believe is very interesting in this connection. That report shows that from May 1, 1936, through June 30, 1937, the Louisiana State employment service received over the entire State requests for employment totaling 86,246. During that same period that department placed in positions 41,928 persons, which represents about one out of every two applying for aid. That absorption of unemployment alone shows what the recent industrial development has meant to the State of Louisiana. We raised more "geese," and we got more "eggs."

Here's another point which I want to make to you tonight: I stated a few moments ago that our social-security program was also a business security program, because it created or released purchasing power in the hands of the customers of business. I now say to you that our industrial program or our business security program is also a social-security program, because it provides employment for thousands of persons who need employment.

Under the social-security program, let us say a man receives $20 a month. That gives him $20 a month to release in the channels of trade, as well as permits him to purchase the necessities of life. If a man has a job in private business at $20 a month, exactly the same result is accomplished, which simply goes to show that one system is just as important as the other, and that neither can get along without the other. Social security is business security and business security is social security. Both of them mean security for everybody. Therefore, if social security means so much to business and business security means so much to the general welfare, would not a government be one-sided if it devoted all of its attention to social security and ignored business? Is this not particularly true when you consider the fact that without business a social-security program would be impossible?

LET'S ANALYZE BLESSINGS

I said to you that nothing was free, and that is a fact. Let's take up just a few of the governmental benefits which this State renders to the people and see what makes them possible. Take as an example our homestead exemption. That is an exemption from taxes on homes up to a thousand dollars. Thousands and thousands of small homes and farms in this State pay no taxes whatsoever, and thousands of others receive an exemption up to that amount. That great social benefit is possible because the State income tax provides the necessary funds to make it possible. If there was no income there would be no income tax, and if there was no income tax there would be no homestead exemption for the thousands of homes and farms which now receive them. Where does income come from? Income is the money earned from business and employment. Therefore, when this State administration lends assistance to the businessman, invites the investment of capital, and adopts measures to make capital safe, it promotes that which makes the homestead exemption possible. It "feeds the goose that lays the golden egg" that means so much to the small farmer and the small home owner.

Take the free schoolbooks—if it were not for millions of dollars invested by oil companies and individuals in the development and promotion of the mineral resources of this State, there would be no oil produced, consequently there would be no severance tax collected on oil, and there would be no money to provide those free schoolbooks for the children of Louisiana.

There is no getting around the fact that if the great benefits which the people of Louisiana receive today are to continue we must not only preserve the source of the funds which makes those benefits possible but the source should be developed and expanded.

Politically speaking, you will find those who like to talk about the benefits conferred upon the people, but who ignore the fact that funds must be supplied from some source to make those benefits possible. I recall distinctly the legislative session during which Senator Long proposed the homestead exemption. There were certain legislators who voted for the homestead-exemption bill, but when the income-tax bill was proposed which made the homestead exemption possible they voted against the income-tax bill—yet they went home and told their people that they supported the homestead exemption, when, as a matter of fact, they did the very thing which would have killed the homestead-exemption bill had there been enough of them; that is, if the income-tax bill had not passed, the homestead exemption would have been impossible.

We have proposals every day for this, that, and the other thing, without any thought as to where the money would come from to supply them.

OF EQUAL IMPORTANCE

Ladies and gentlemen, there are two things which make this country of ours great—one of them is its form of government, with which we are all familiar, and which we hear about frequently; the other is the economic system under which we operate. I personally believe that one is just as important as the other. I further believe that neither could exist without the other. I believe that if our economic system were given as much attention, thought, and study as our form of government that many of our economic ills could be avoided. I do not pretend to be an economist, but when I refer to our economic system I do so to distinguish it from those systems now prevailing in certain foreign countries and under which nobody owns anything and everybody owns all. I refer to those systems which discourage ambition, energy, and personal achievement. I do not believe that the American people could ever be happy under such a system. In this country a man's home is his kingdom. He may own 40 acres of hill land or he may own a million-dollar mansion; but in either case it belongs to him, and he will defend it with his life. Our system encourages personal ambition, enterprise, and ability; and while it is true that distribution at times may become lopsided, it is also true that this country could never exist happily and cheerfully under any other system.

As I stated before, the tax burden has been shifted from the shoulders of those who are less able to pay and placed upon the shoulders of those who are more able to pay; and if those who are less able to pay are to continue to receive the benefits which they presently receive, then those who are more able to pay must be assisted and encouraged. If you agree with me in this philosophy, then you will readily see that it is just as necessary to preserve our economic system as it is to preserve our form of government. You will further see that if our economic system is shattered, our form of government will fall of its own weight. If you go along with me to that extent, then you will further agree that the best way to preserve our economic system is to lend all the aid and assistance possible to our business and industrial enterprises which supply the capital that makes possible all of the governmental benefits which the people receive. In other words, instead of "killing the goose that lays the golden egg," we must "raise more geese."

I have in my office tonight a list of over 7,000 names. That list contains the names of over 7,000 persons, firms, and corporations who employ people in the State of Louisiana. Those 7,000 persons, firms, and corporations employ nearly 300,000 persons in the State of Louisiana today. Ladies and gentlemen, don't make any mistake about this: that is the real pay roll in the State of Louisiana; that is the pay roll without which the State of Louisiana could not function. That list of names supplies the wherewithall that makes possible free school books, the homestead exemption, old-age pensions, the hospital plan, the dental plan, and all the other benefits which the people of Louisiana receive.

THE LIFEBLOOD OF LOUISIANA

Is it any wonder that your State administration should take a deep and abiding interest in that pay roll? Those businesses and industries are the lifeblood of Louisiana, and it is concerning them that I wish to put before you tonight a plan which I have just conceived.

As I have told you, Louisiana is better off commercially today than any other State in the Union—so much so that Nation-wide attention has been attracted and this has resulted in our great industrial expansion. I not only want Louisiana to maintain the splendid position which it now occupies, but I want it to advance to even a stronger position. That great private pay roll and the spending power created by it has been responsible for our present prosperity, and we want to make sure that there is no decrease in that spending power. I have, therefore, organized the Governor's committee for sustained employment, and I am asking tonight for the cooperation of every employer in the State of Louisiana. There went out in the mails this morning a letter to every employer in this State and in that letter there was enclosed a pledge of cooperation which I have asked every employer to sign. That pledge reads as follows:

"Whereas the State of Louisiana has been singularly fortunate in recent months in maintaining business conditions above the average of her sister States due to industrial expansion, general business confidence, and a higher purchasing power on the part of her people; and

"Whereas such business conditions can be maintained if there is no reduction in the present level of employment;

"Now, therefore, in order to insure a continuance of this prosperity and to join with all the other business organizations of the State in expressing our belief and confidence in the sound policy of cooperation between government, business, and labor, we hereby pledge that there will be no reduction in the number of persons employed by this business for a period of 6 months from this date."

At the foot of this page is a space for the name of the employer and his address, the number of employees, and the nature of the business.

You will see that all in the world we are asking the employers to do is to give a pledge that there will be no reduction in employment for the next 6 months.

Ladies and gentlemen, what does that mean? Suppose we can publicize to the world that for the next 6 months 300,000 persons are secure in their positions in Louisiana, or 200,000 or even 100,000? That will mean at least that business in this State will not slip backward. It will mean that the merchants and the businessmen will have a full 6 months' period in which they can count on sustained purchasing power. It will mean that every

merchant and businessman and employer in this State is willing to cooperate with every other merchant, employer, and businessman. It is a cooperative proposition in which every employer is asked to give a pledge, at no additional cost or expense to himself, for the mutual benefit of all. It means that there is at least one State in the Union that realizes the important place that business fills in the scheme of things and is anxious to assist business.

OF VITAL STATE CONCERN

I tell you, frankly, that business conditions in Louisiana are as much a concern of mine as the affairs of the highway department, the board of health, or the conservation commission. I further state to you that I am interested in the welfare of business because its welfare means the security of the homestead exemption, the free school books, the hospital plan, the dental plan, and the great benefits that the poor people of this State receive.

I took the opportunity of talking to a number of employers of a large number of people in the past several days, and if I had had some blank pledges in my pocket I could have had them signed on the spot. Every businessman realizes how important this is and appreciates the fact that signing the pledge by him means aid and assistance to his fellow businessman and that their signing means the same thing to him. It is a mutual benefit proposition. If John Smith, employing 100 people, signs the pledge it will mean that those 100 people for 6 months will be in a position to patronize John Brown, Bill Greene, and the others. Unemployment breeds unemployment and employment makes possible further employment.

These pledges have already been mailed. In every envelope there is a blank pledge to be signed and filled out and a self-addressed stamped envelope. All that you have to do is to sign your name and address, give the number of employees, the nature of your business, and the date, put the pledge in the self-addressed stamped envelope and drop it in the mail box.

I believe that if business realizes that besides assistance from government and other sources that it can assist itself, greater progress will be made. In analyzing the problem, we must deal not with business individually but with business collectively. Collective and concerted action on the part of business is one way to assist business in general.

CONSIDER LABORING MAN

Let us take the case of the laboring man. I can state to you, in all sincerity, that labor has received a fair deal in Louisiana. We have constantly fought for better working conditions and a higher wage scale and have cooperated to the fullest extent with our labor organizations which have striven so diligently for the improvement of the working man's condition, but you cannot have good wages and good working conditions without work. To strive for those things alone is doing only half the job. Greater service can be rendered by providing work and that can only be done through the stimulation of business and the investment of capital. So, the Governor's committee for sustained employment is as much in the interest of the working man as anybody else. Further than this, when work is provided purchasing power is created in the hands of the working classes. That, in turn, stimulates purchasing and aids business conditions generally.

The same reasoning applies to the farmer. When business conditions are good and purchasing power is sustained, there is a ready market for the farmers' products and better prices are obtained. The price which the farmer receives for his products is largely a result of the law of supply and demand. When the demand exists, the farmer gets a good price for his produce. When demand is lacking, he very often does not make expenses. The Governors' Committee for Sustained Employment is also in the interest of the farmer, because by stabilizing employment, demand is stabilized and farm prices should be stimulated.

Another important factor is the small-business man. There are in this State thousands of small-business men and merchants owning and operating small stores of various kinds. The prosperity of these small merchants depends directly on the purchasing power of the people. The small merchant is the direct beneficiary of our social security system because he receives the bulk of the money which is spent for old-age assistance, aid to the needy blind, the dependent children, and the unemployables. Nearly 100 percent of this class of persons do business entirely with the small merchant. Besides these, the small merchant also finds listed among his customers the employees of the businesses and industries of the State. So, the plan for sustained employment is of vital interest to the small merchant and businessman, because sustained purchasing power of thousands of people means sustained patronage and cash payments to him.

EVERYONE IS AFFECTED

I might go on indefinitely and take up other illustrations but I do not think that is necessary. I believe that everyone realizes that all are affected. The accumulation of these phases; that is, the welfare of the farmer, the laboring man, the small-business man, and others makes the big business of the State and it is a cooperative and mutual-benefit proposition from top to bottom.

So, in asking every employer in the State of Louisiana to sign a pledge that he will not reduce the number of his employees for the next 6 months, we are asking them not only to help others but to help themselves, and it is my sincere belief that every employer in the State of Louisiana realizes this.

We have other plans to stimulate business in this State. The Governor's committee for sustained employment is just the starting point, and if we can show the world that for the next 6 months purchasing power will be sustained in Louisiana by securing their jobs to several hundred thousand employees, business confidence will be strengthened and business conditions will improve.

Later on we will disclose other phases of our business-improvement program. For the time being I am asking the cooperation of the employers and I am making this personal appeal to them in order that all may benefit. Whether or not this plan is thought well of will depend upon the response. If you endorse and approve this program, then I ask that you kindly sign your pledge and mail it to Baton Rouge as quickly as possible. As these pledges come in, it is our purpose to publish them in order that you may know just how many jobs will be secure and in order that the businessman and the merchant can lay his plans for the next 6 months without fear of a falling off or unlooked-for "slump" in business.

If we are successful, I have little doubt that other States will follow our plan; and if they do so, then business conditions in general should improve, and good business outside of the State should reflect itself within the borders of Louisiana. I trust that each and every one of you will make it a point to contact every employer in your neighborhood and assist us in getting the pledges signed up.

Yours sincerely,

RICHARD W. LECHE.

The exhibits and other matters referred to are as follows:

EXHIBIT 1

North Carolina

	White	Negro	Total
Total population	2,234,948	918,647	3,170,276
Percent	70.5	29.0	
Children (5 to 20 years):			
Urban	[1] 183,496	[3] 84,517	[1] 268,013
Rural	[2] 668,528	[4] 300,460	[3] 968,988
Total	852,024	384,977	1,237,001

[1] 22 percent. [2] 21 percent. [3] 78 percent. [4] 79 percent.

North Carolina school facts

Year	Census		Enrollment		Elementary schools		High schools		Teachers elementary and high school		Expenditure for elementary and high-school education [1]		School term, days	
	White	Colored	White	Colored	White	Colored	White	Colored	White	Colored	White	Colored	White	Colored
1870	243,463	141,155	27,942	13,970	1,200	600	----------	----------	1,100	400	$30,000.00	$10,000.00	----------	----------
1880	298,687	203,820	161,262	95,160	4,139	2,097	----------	----------	4,218	2,117	256,782.85	139,254.64	50	49
1890	391,623	235,911	208,844	117,017	4,508	2,327	----------	----------	4,665	2,295	556,250.63	230,894.97	67	65
1900	455,060	[2] 244,936	278,447	[2] 131,005	5,082	2,384	----------	----------	5,753	2,567	790,112.15	[2] 301,498.82	82	77
1905	486,775	249,446	325,290	148,821	5,294	2,284	----------	----------	7,005	2,682	1,594,454.57	361,322.33	94	91
1910	497,077	238,091	360,121	160,283	5,325	2,284	239	----------	8,422	2,794	2,640,754.18	538,196.32	104.6	93.7
1915	540,410	260,987	418,902	187,448	5,640	2,409	285	----------	10,584	3,291	5,267,571.63	864,642.13	125.6	13.5
1920	573,736	267,245	478,189	213,060	5,552	2,442	420	----------	12,970	3,884	10,406,547.82	1,807,710.18	135.9	127.4
1925	643,572	297,911	559,396	250,438	4,655	2,431	650	62	16,986	5,355	28,993,482.01	[3] 4,984,581.99	148.0	136.3
1930	716,754	315,193	607,344	259,595	3,857	2,483	747	119	17,991	5,973	24,455,396.77	4,161,206.67	159.6	141.0
1935	759,308	[3] 340,490	616,314	[3] 276,334	2,215	2,290	725	189	17,038	6,674	15,816,946.91	[3] 3,437,151.15	160.3	159.0

[1] Division as to race estimated.

[2] Figures are for elementary and high schools only. Colleges not included.

EXHIBIT 2

South Carolina

	White	Negro	Total
Total population	[1] 944,040	[2] 793,681	1,738,765
Children (5 to 20 years):			
Urban	[3] 75,592	[4] 50,111	[5] 125,703
Rural	[6] 285,115	[7] 303,482	[8] 588,597
Total	360,707	353,593	714,305

[1] 54.3 percent. [2] 45.6 percent. [3] 21 percent. [4] 14 percent. [5] 18 percent. [6] 79 percent. [7] 86 percent. [8] 82 percent.

1938

State hospital for the insane:	
Negro patients (women)	944
Negro patients (men)	983
Total	1,927
State park sanatorium for tuberculosis:	
Negro patients (women)	13
Negro patients (men)	13
Total	26
Negro boys' industrial school: Total number of Negro boys	210
Allen University (for colored students only), Baptist denomination, Columbia, S. C.: Approximate enrollment	278
Benedict University (for colored students only), Baptist denomination, Columbia, S. C.: Approximate enrollment	320

EXHIBIT 3

Statement of State appropriations

Year	Negro boys industrial school	White boys industrial school
1927	$29,391.50	$67,442.10
1928	29,059.50	63,377.80
1929	66,505.08	24,712.50
1930	29,603.90	66,906.79
1931	27,500.00	60,000.00
1932	25,000.00	55,500.00
1933	24,000.00	57,000.00
1934	19,000.00	49,000.00
1935	21,000.00	65,000.00
1936	24,000.00	77,000.00
1937	27,163.00	72,000.00

EXHIBIT 4

Population of State reformatory for Negro boys, 1927–37

Year:	Daily average
1927	125
1928	127
1929	130
1930	140

Population of State reformatory for Negro boys, 1927–37—Continued

Year—Continued.	Daily average
1931	165
1932	180
1933	183
1934	196
1935	203
1936	207
1937	210

EXHIBIT 5

Statement showing State appropriations

Year	State colored college (Negroes only)	Clemson College, founded 1920 (whites only)
1910	$24,284.44	
1911	19,000.00	
1912	16,500.00	
1913	12,613.00	
1914	15,000.00	
1915	15,000.00	
1916	15,000.00	
1917	37,500.00	
1918	63,499.77	
1919	68,209.62	
1920	115,880.60	$168,070.00
1921	63,095.21	226,147.15
1922	70,456.00	242,862.85
1923	98,000.00	90,886.66
1924	101,150.00	91,813.14
1925	105,625.60	88,250.35
1926	115,625.00	200,093.78
1927	126,025.00	314,593.96
1928	160,439.70	223,234.04
1929	118,320.43	290,151.80
1930	106,558.30	213,371.80
1931	96,000.00	190,000.00
1932	73,000.00	141,000.00
1933	78,009.00	47,000.00
1934	54,250.20	85,000.00
1935	66,000.00	90,000.00
1936	72,000.00	94,500.00
1937	82,500.00	115,000.00

EXHIBIT 6

Georgia

	White	Negro	Total
Total population	[1] 1,836,974	[2] 1,071,125	2,908,506
Children (5 to 20 years):			
Urban	[3] 177,760	[4] 104,004	[5] 281,764
Rural	[6] 488,753	[7] 323,018	[8] 811,771
Total	666,513	427,022	1,093,535

[1] 63.2 percent. [2] 36.8 percent. [3] 27 percent. [4] 24 percent. [5] 26 percent. [6] 73 percent. [7] 76 percent. [8] 74 percent.

Georgia, State department of education, division of Negro education—Topic—Comparative statistics Negro schools

Item	1910	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1924
Census			366,473	366,473	366,473	366,473	369,107	369,107	369,107	369,107	369,107	376,217
Enrollment, total	220,800	230,254	239,783	240,687	254,890	263,531	261,501	261,958	277,023	273,061	275,193	257,674
Elementary (Kg-7)	220,152	228,822	238,182	239,276	253,458	261,848	259,443	259,466	273,717	269,529	272,072	253,494
High school (8–12)	648	1,432	1,601	1,411	1,432	1,683	2,058	2,552	3,306	3,532	3,121	4,180
Average daily attendance	127,703	138,798	144,399	149,450	159,155	163,937	160,916	166,699	185,415	188,979	188,513	186,231
Percent average daily attendance is of enrollment [1]	0.578	0.602	0.602	0.62	0.625	0.615	0.615	0.633	0.669	0.692	0.685	0.722
Percent enrollment is of census [1]			0.6542	0.6567	0.6958	0.7191	0.7084	0.7097	0.7505	0.7397	0.7455	0.6849
Teachers:												
Elementary		4,031	4,148	4,304	4,434	4,426	4,491	4,627	4,782	3,910	4,982	4,235
High schools		49	78	67	78	89	91	131	123	150	173	209
Total [1]	3,911	5,276	4,226	4,367	4,512	4,516	4,582	4,758	4,905	4,060	5,155	4,444
Holding State certificates	49	37	53	55	82	155	96	110	137	246	257	569
Holding county licenses												3,185
Number Negro schools:												
Public	3,085	3,186	3,343	3,378	3,442	3,456	3,456	3,444	3,487	3,506	3,528	2,853
Having high-school grades	49	71	80	92	106	120	124	118	142	136	162	227
Buildings (according to material used):												
Cement and stone		1	3	3	3	4	2	2	2	4	6	
Brick		10	16	17	19	19	36	20	26	30	25	
Frame		2,486	2,677	2,708	2,773	2,842	2,805	2,805	2,781	2,814	2,944	
Log		68	61	62	69	63	62	47	59	38	33	
Constructed each year	39	50	57	45	61	79	69	62	55	44	47	43
Owned by counties and municipalities	831	851	805	714	785	836	847	855	987	1,034	1,125	1,175
All others	(?)	(?)	1,953	2,076	2,079	2,092	2,058	2,103	1,881	1,832	1,883	1,678
Total Negro school buildings	(?)	(?)	2,757	2,790	2,864	2,928	2,905	2,958	2,868	2,866	3,008	2,853
Length of term in days	103	112	111	121	123	123	122	122	130	131	131	135

[Footnotes at end of table]

Georgia, State department of education, division of Negro education—Topic—Comparative statistics Negro schools—Continued

Item	1925	1926	1927	1928	1929-30	1930-31	1931-32	1932-33	1933-34	1934-35	1935-36
Census	376,217	376,217	376,217	[1] 341,963	[1] 341,963	[1] 341,963	[1] 341,963	[1] 333,004	[1] 332,924		
Enrollment, total	241,961	241,093	253,038	246,019	251,184	259,942	267,809	270,366	278,053	270,408	263,338
Elementary (Kg–7)	232,944	233,107	239,736	234,937	236,322	240,403	252,827	253,261	260,743	256,397	247,899
High school (8–12)	5,221	6,895	6,374	6,561	8,719	9,316	10,274	11,589	12,593	14,011	15,439
Evening schools			5,434	4,521	6,143	8,223	4,768	5,516	4,717		
Average daily attendance	164,087	167,497	182,009	177,158	182,072	185,195	199,609	201,521	206,950	207,220	198,887
Percent average daily attendance is of enrollment [2]	0.678	0.697	0.719	0.720	0.728	0.718	0.745	0.7454	0.7407	0.7524	0.7552
Percent enrollment is of census [2]	0.6431	0.6408	0.6726	0.7194	0.7165	0.7367	0.7833	0.8119	0.8352		
Teachers:											
Elementary	4,600	4,576	5,033	4,853	4,970	5,014	5,119	4,910	5,178	5,289	5,394
High schools	291	358	338	290	286	308	356	593	446	465	591
Vocational			56	88	39	64	53	80	74		
Evening school			80	100	164	160	111	166	88		
Total [3]	4,891	4,934	5,552	5,383	5,506	5,606	5,638	5,733	5,833	5,754	5,985
Holding State certificates	1,078	1,158	2,147	2,352	2,451	2,320	2,647	2,823	2,920	2,864	3,092
Holding county licenses	3,409	3,310	3,405	3,031	3,055	3,286	2,991	2,910	2,913	2,884	2,891
Salaries (average annual)	289.24	289.84	294.87	306.76	303.93	316.92	309.73	304.31	278.38		[4]
Teaching load (average number pupils per teacher):											
Elementary grades			47.63	48.41	47.55	47.94	49.39	51.58	50.36	48.48	46.27
High-school grades			19.00	22.62	30.49	25.31	25.18	19.54	28.24	30.13	29.19
Number Negro schools:											
Public	3,339	3,326	3,386	3,379	3,379	3,400	3,434	3,442	3,428		[5] 3,425
Having high-school grades	176	164	210	227	203	252	269	314	321		
Number of 1-teacher schools			2,675	2,654	2,595	2,578	2,568	2,561	2,536	2,456	2,438
Number of 2-teacher schools			474	453	487	535	566	538	560	599	614
No. 3 teacher schools			94	103	102	102	103	117	113	117	144
Buildings (according to material used):											
Cement and stone	6	8		12	8	9	8	9	10		
Brick	45	50		58	71	120	91	84	112		
Frame	2,877	2,878		3,118	3,031	3,009	3,192	3,193	3,150		
Log	46	39		18	16	19	42	17	26		
Total number rooms:											
Class				4,115	3,989	4,193	4,568	4,668	4,991		
Other				520	454	520	634	646	586		
Constructed each year	43	52		43	36	57	45	28	57		
Owned by counties and municipalities	1,216	1,168		1,939	2,127	2,029	2,065	2,181	2,053		
All others	1,735	1,782		1,003	804	913	966	887	1,058		
Total Negro school buildings	2,988	2,967		2,942	2,931	2,942	3,031	3,068	3,111		
Length of term in days	133	134	135	137	136	138	121	118	125		
Transportation of Negro children:											
Number teams and trucks		2	7	8	13	12	13	16	24		
Number pupils transported		86	212	234	361	532	647	1,100	928		
Consolidation:											
Number in designated year			43	7	3		2	14			
Cumulative total			69	30	37	18	19	31			
Current expense per Negro child in average daily attendance	$9.42	$10.08	$8.73	$8.74	$10.26	$10.74	$9.61	$8.75	$8.66		
Current expense per Negro census child	$4.11	$3.48	$4.64	$4.53	$7.80	$5.81	$5.61	$5.29			

[1] Decrease. [2] Increase. [3] Elementary, $246.03; high school, $605.95. [4] Together.

EXHIBIT 7

Alabama

	White	Negro	Total
Total population	[1] 1,700,775	[2] 944,834	2,646,248
Children (5 to 20 years):			
Urban	[3] 146,199	[4] 84,164	[5] 230,363
Rural	[6] 480,718	[7] 272,884	[6] 753,602
Total	626,917	357,048	983,965

[1] 64.3 percent. [2] 23 percent. [3] 23 percent. [4] 76 percent.
[5] 35.7 percent. [6] 24 percent. [7] 77 percent.

School census and average daily attendance in public and elementary and high schools

Year	School census		Average daily attendance		Percent [1] average daily attendance is of census		Length of term in days [2]	
	White	Negro	White	Negro	White	Negro	White	Negro
1920	501,753	330,070	263,239	103,968	52.5	31.5		
1922	521,610	332,037	303,654	130,594	58.2	39.3	140	112
1924	529,265	327,960	290,394	127,797	54.9	39.0	143	112
1926	544,138	327,563	292,790	123,731	53.8	37.8	146	117
1928	557,600	329,146	316,913	148,442	56.8	45.1	158	127
1930	556,387	319,189	327,964	145,589	58.9	45.6	159	130
1932	569,085	328,388	344,608	164,229	60.6	50.0	155	127
1934	570,108	324,880	336,394	171,449	59.0	52.8	159	138
1936	566,855	323,772	357,241	185,774	63.0	57.4	144	127
1937	566,855	323,772	366,336	184,875	64.6	57.1	156	139

[1] Percent of census in average daily attendance increase of 1937 over 1920: White from 52.5 to 64.6—+12.1 percent; Negro 31.5 to 57.1—+25.6 percent.
[2] Increase in length of term in 1937 over 1922: White, 11.4 percent; Negro, 24.1 percent.

Current expense of public elementary and high schools

Year	White	Negro
1922 [1]	$9,280,222	$1,050,200
1924	10,365,300	1,212,594
1926	11,646,745	1,378,892
1928	14,010,540	1,667,700
1930	15,505,971	1,938,703
1932	13,913,067	1,745,039
1934	13,456,131	1,722,086
1936	13,316,207	2,024,271

[1] Figures not separated from white and Negro prior to 1922.
Percent increase in 1936 over 1922: White, 43.5; Negro, 92.8.

State institutions of higher learning

Year	White		Negro	
	Capital outlay	Enrollment	Capital outlay	Enrollment
1928	$465,268	7,670	$19,266	[1] 450
1930	2,319,973	8,786	549,248	463
1932	389,272	9,584	2,319	537
1934	327,846	8,536	3,284	523
1936	387,188	11,903	19,189	1,103
Total	3,889,547	46,479	593,306	3,076

[1] Estimated.
Average cost per student: White $83.68; Negro, $192.88.
NOTE.—High-school enrollment, grades 7 to 12, inclusive, increased from 1920 to 1937 by races as follows: White, 77,896 to 136,427, or 75.1 percent; Negro, 6,303 to 28,816, or 357.1 percent.

EXHIBIT 8

Arkansas

	White	Negro	Total
Total population	1,374,906	478,463	1,854,482
Percent	74.1	25.8	
Children (5 to 20 years):			
Urban	[1] 88,127	[3] 25,466	[1] 113,594
Rural	[2] 418,039	[4] 145,910	[2] 563,949
Total	506,116	171,376	677,542

[1] 17 percent. [2] 15 percent. [3] 83 percent. [4] 85 percent.

Current expenditures for whites and Negroes

	White	Negro
1935–36	$7,769,289	$926,811
1934–35	7,487,477	869,235
1933–34	6,363,743	786,552
1932–33	6,907,014	767,365
1931–32	8,666,326	883,410
1930–31	11,232,956	1,225,144
1929–30	10,326,596	1,185,656
1928–29		
1927–28	9,493,433	1,199,510
1926–27		

EXHIBIT 9

Percent Negro school enrollment was of total Negro school population: *Percent*

1882–83	37
1927–28	71
1935–36	68.4

Value of buildings for Negro schools:

1920–21	$1,595,676
1927–28	$2,996,946
1935–36	$2,635,345

Length of school term in Negro schools: *Days*

1919–20	112
1927–28	132
1935–36	132

Average daily attendance of Negro pupils increased from 40 percent of total school population in 1897–98 to 49 percent in 1927–28 and to 52.7 percent in 1935–36.

Number of classified Negro high schools:

1909–10	None
1935–36	40

EXHIBIT 10

Institution	1937		
	Appropriation	Inmates or attendance	Number of Negroes
School for deaf	$99,210	301	35
School for blind	47,300	115	14
Arkansas tuberculosis	348,360	696	
McRae T. B. (Negro)	19,864		32
Boys' industrial, white	29,900	142	
Boys' industrial, Negro	32,800		137
State hospital (mental)	837,429	4,021	900
Crippled children's division: Public welfare	14,400	[1] 72	
A. & M. N	46,230		350
State penal farm	273,942	[2] 1,976	[2] 1,028

[1] September–December 1937.
[2] 1936.

Source: Arkansas State comptroller office, State department of education, State department of public welfare, and the State hospital for nervous diseases.

EXHIBIT 11

Florida

	White	Negro	Total
Total population	1,035,205	431,828	1,468,211
Percent	70.5	29.4	
Children (5 to 20 years):			
Urban	[1] 150,340	[3] 61,961	[5] 212,301
Rural	[4] 169,479	[6] 78,401	[6] 247,880
Total	319,819	140,362	460,181

[1] 47 percent. [2] 44 percent. [3] 46 percent. [4] 53 percent. [5] 56 percent. [6] 54 percent.

Comparative statistics, Florida—White race

Year	Enrollment			Percent of school population enrolled	Average length of school term in days	Teaching positions filled (supervisors, principals and teachers)	Average salary paid (annual)
	Grades 1–6	Grades 7–12	Total 1–12				
1889–90			55,191			1,849	
1894–95			60,566	76	97	2,024	$191.50
1899–1900			67,077	72	95	2,084	202.18
1904–5			80,073	73	105	2,283	269.62
1909–10			92,834	78	110	3,041	312.11
1914–15	101,414	23,285	124,699	70	138	4,258	394.64
1919–20	125,217	32,449	157,666	84	142	5,218	594.08
1924–25	150,682	55,263	211,945	81	154	6,730	845.44
1929–30	172,582	81,443	254,025		160	8,806	999.86
1935–36	177,071	106,561	283,632		174	9,421	1,039.80

Cost of education (white)

Year:

1889–90 [1]	$439,052
1894–95 [2]	673,348
1899–1900	522,919
1904–05	863,159
1909–10	1,521,778
1914–15	3,612,972
1919–20	6,340,294
1924–25	11,056,540
1929–30	13,512,051
1935–36	15,769,513

[1] Compiled from annual reports of county superintendents.
[2] Both races—not divided in report.

EXHIBIT 12

Comparative statistics, Florida [1]—Negro race

Year	Enrollment			Percent of school population enrolled	Average length of school term in days	Teaching positions filled (supervisors, principals, and teachers)	Average salary paid (annual)
	Grades 1–6	Grades 7–12	Total 1–12				
1889–90			37,281			661	
1894–95			34,353	53	95	645	147.09
1899–1900			[2] 41,797	[3] 61	87	645	156.94
1904–5			47,387	63	91	733	165.00
1909–10			55,255	65	96	974	165.15
1914–15	58,904	1,843	60,857	53	100	1,119	183.95
1919–20	65,179	2,315	67,494	69	111	1,453	242.27
1924–25	71,180	4,257	75,437	58	109	1,612	321.17
1929–30	83,575	8,284	91,859	57	132	2,391	411.00
1935–36	84,090	17,190	[2] 101,280	[3] 53	168	2,884	494.80

[1] Compiled from annual reports of county superintendents.
[2] 2½ time as many enrolled in 1935 as in 1900.
[3] Cannot account for this decrease in percentage of enrollment.

Cost of education (Negro)

(Some of the figures estimated on basis of enrollment)

Year:

1889–90 [1]	$439,052
1894–95 [1]	673,348
1899–1900	[2] 133,885
1904–5	169,272
1909–10	257,369
1914–15	291,700
1919–20	662,895
1924–25	779,452
1929–30	1,391,679
1935–36	[2] 2,132,245

[1] Both races—not divided in report.
[2] Over 16 times as much.

EXHIBIT 13

Information relative to Florida Agricultural and Mechanical College for Negroes,[1] Tallahassee, Fla.

APPROPRIATION MADE BY LEGISLATURE

Biennium:

1927–28 and 1928–29:	
Salaries and operation	$74,923.12
Buildings	128,141.76
	203,064.88

[1] Information secured from business office of A. & M. College.

Information relative to Florida Agricultural and Mechanical College for Negroes, Tallahassee, Fla.—Continued

APPROPRIATION MADE BY LEGISLATURE—continued

Biennium—Continued.	
1929–30 and 1930–31:	
Salaries and operation	$163,528.08
Buildings	19,685.42
Do	11,826.19
	195,039.69
1933–34 and 1934–35:	
Salaries	85,506.43
Equipment and operation	31,091.00
Building	593.55
	117,190.88
1935–36 and 1936–37:	
Salaries	90,698.57
Equipment and operation	31,031.14
Building	968.34
	122,698.05
Enrollment of Florida A. & M. College	775
Enrollment in demonstration school:	
Elementary grades	163
High school	105
Biennium:	
1931–32 and 1932–33:	
Salaries	$85,742.79
Equipment and operation	55,805.90
Building	46,963.08
	188,511.77

EXHIBIT 14

Florida Negro schools

	Year 1919	Year 1935–36
Value of school property:		
Lots	$127,310	$4,538,865.46
Buildings	$571,879	$402,789.67
Average term—days	101	168
Average annual salary	$230.24	$492.75
Percent of enrollment in first grade	47.5	24.4
Percent of enrollment in first 3 grades	76.1	51
Percent of enrollment in junior high school (7, 8, 9 grades)	2.8	12.7
Percent of enrollment in senior high school (10, 11, 12 grades)	.3	4.2
Percent of teachers normal graduates	13.2	38.3
Percent of teachers college graduates	(1)	24.5
Number of accredited colleges	None	3

[1] Not given.

EXHIBIT 15

Per capita expenditures for white and colored patients for 10 years, Florida State Hospital, Chattahoochee, Fla.

Year ending June 30	White			Colored		
	Average number of patients	Total cost	Yearly average cost	Yearly average cost	Total cost	Average number of patients
1928	1,772	611,839.70	345.28	345.28	369,451.74	1,070
1929	1,954	678,835.23	347.41	347.41	410,288.85	1,181
1930	2,076	674,527.69	324.92	324.92	414,594.09	1,276
1931	2,213	647,669.86	292.67	292.67	396,855.10	1,356
1932	2,325	653,004.15	280.86	280.86	391,521.63	1,394
1933	2,392	551,783.93	230.68	230.68	327,102.68	1,418
1934	2,503	555,237.99	221.83	221.83	323,643.51	1,459
1935	2,488	714,026.89	286.99	286.99	416,133.04	1,450
1936	2,506	740,031.82	295.30	295.30	423,170.63	1,433
1937	[1] 2,632	1,138,574.25	432.59	432.59	626,821.46	[2] 1,449

[1] 60 percent of total.
[2] 40 percent of total, yet only 29 percent of total State population, Negro.

For 1937:	
Colored, 40 percent	1,449
White, 60 percent	2,632
Total	4,081

EXHIBIT 16

Mississippi

	White	Negro	Total
Total population	[1] 996,856	[2] 1,009,718	2,009,821
Children (5 to 20 years):			
Urban	[3] 60,196	[4] 39,654	[5] 99,850
Rural	[6] 301,128	[7] 343,001	[8] 644,129
Total	361,324	382,655	743,979

[1] 49.6 percent.
[2] 50.2 percent.
[3] 17 percent.
[4] 10 percent.
[5] 12 percent.
[6] 83 percent.
[7] 90 percent.
[8] 88 percent.

Comparative data for Negro and white schools in Mississippi, 1936–37

	White	Colored
Census	370,839	452,423
School enrollment	[1] 297,085	[2] 289,541
Average daily attendance	[3] 243,205	[4] 217,343
Number of high schools	532	93
Number of elementary schools	1,485	3,737
Number of teachers	10,000	6,000
Expenditures	$10,597,013	$1,211,199
Number of colleges:		
Senior	5	1
Junior	11	None
Number of schools for delinquent boys and girls	1	None

[1] Enrollment, 80 percent.
[2] Enrollment, 64 percent.
[3] Attendance, 66 percent.
[4] Attendance, 48 percent.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 9024. An act to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia; and

H. R. 9379. An act to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes.

RECESS TO MONDAY

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock p. m.) the Senate took a recess until Monday, February 21, 1938, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 17, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the Lord of life, be our teacher, that we may learn more of the abiding realities of this world. Keep us in the realization that the voices that swing starward are the aspirations of things that live. We thank Thee for Thy arms of mercy and for the blessing of whitening grace. We pray Thee to sustain us with that strength that moves the earth and holds the stars in the firmament. Stir our wills to do Thy will, even as it is done in heaven. Heavenly Father, set our hearts more and more on the moral and spiritual aspects of life. We thank Thee for health and strength and the will to work; may we be grateful for our daily providences and never be dismayed at the call of duty. O Divine One, keep alive in our souls those unutterable silences, that we may hear those sweet, heavenly tones wrought into the unjarring harmonies of a better world. Through Christ our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 9024. An act to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia; and

H. R. 9379. An act to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3452. An act to extend the lending authority of the Disaster Loan Corporation to apply to disasters in the year 1938; and

S. J. Res. 264. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

EXTENSION OF REMARKS

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein an article in the current issue of the Texas Weekly by my young friend, Dale Miller, of my home town, a sound and able thinker and a patriotic American and Texan, on the subject of Texas' estate in community property.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FORD of Mississippi. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of farm legislation, and to include therein short excerpts from speeches which I have heretofore made on the subject.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks, and include therein a letter I wrote to President Roosevelt regarding the issuance of a Lincoln stamp.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

THE LINCOLN STAMP

Mrs. ROGERS of Massachusetts. Mr. Speaker, the 12th of February was Lincoln's Birthday. An amazing narrowness and prejudice of the New Deal has been brought to my attention. From 1865 to 1933 there was always an issue of a Lincoln stamp. Since 1933 no such stamp, apparently, has been issued, and you cannot buy a Lincoln stamp at any post office. I earnestly hope, Mr. Speaker, the President will rectify this at once. Many persons are thoroughly indignant over the situation.

It is agreed that President Lincoln was a very great President; and if he had lived, the history of the aftermath of the Civil War would have been quite different.

I hope the Members of the House will join with me in urging that Lincoln's head again appear upon a stamp.

The letter I have referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 15, 1938.

HON. FRANKLIN DELANO ROOSEVELT,
The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I respectfully urge that the Post Office Department use the portrait of Abraham Lincoln in the current issues of our postage stamps.

His portrait was consistently used in stamp designs from 1865 to 1933. It has been brought to my attention that no current issues bear his likeness and that none of the stamps are available at any post office. I believe the people of our country want the stamps reissued and that it should be done.

With my kind regards and all good wishes, I am,

Yours very sincerely,

EDITH NOURSE ROGERS.

[Here the gavel fell.]

THE RELIEF BILL

Mr. HULL. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. HULL. Mr. Speaker, on account of illness I was unable to be present at the vote on the relief bill yesterday. While I felt the amount carried in the bill was not sufficient for the purpose, had I been present I would have voted "aye."

LEAVE OF ABSENCE

Mr. CARTWRIGHT. Mr. Speaker, my office neighbor and friend the gentleman from Pennsylvania, Mr. SNYDER, is unavoidably absent today attending a funeral, and I was asked to announce the reason for his absence today.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL, 1939

Mr. McMILLAN, from the Committee on Appropriations, reported the bill (H. R. 9544), making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1939, and for other purposes (Rept. No. 1830), which was read a first and second time, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BACON reserved all points of order on the bill.

Mr. McMILLAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9544), making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1939, and for other purposes, and, pending that, Mr. Speaker, I desire to ask the gentleman from New York about the time for general debate.

Mr. BACON. Mr. Speaker, it is my suggestion we allow general debate to continue throughout the day and at the close of the day we can, perhaps, come to some agreement about further time.

Mr. McMILLAN. That is agreeable to me.

I ask unanimous consent, Mr. Speaker, that general debate may continue during the day to be equally divided and controlled by the gentleman from New York [Mr. BACON] and myself.

The SPEAKER. The gentleman from South Carolina moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9544; and pending that motion, asks unanimous consent that general debate on the bill may continue throughout the day, one-half of the time to be controlled by himself and one-half by the gentleman from New York. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9544, the Departments of State, Justice, Commerce, and Labor appropriation bill, fiscal year 1939, with Mr. BUCK in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. McMILLAN. Mr. Chairman, I am going to limit my remarks today to a few brief observations on this bill that

I think will be of general interest to the membership of the House.

Your committee has been sitting since the 6th of December in almost constant hearings on the various items in this four-department bill. I do not believe that if I were given the choice of hand picking a committee from the membership of the House that I could select one more diligent, faithful, and cooperative in the arduous task that we have been engaged in. There is absolutely no politics on our subcommittee. We endeavor to view always the various problems of appropriations for the welfare of the country, as a whole, and I hope that our efforts in this direction will have your sympathy, consideration, and support.

Mr. Chairman, at this point I pause to extend my thanks and appreciation to the members of my subcommittee, the gentleman from Georgia [Mr. TARVER], the gentleman from Illinois [Mr. MCANDREWS], the gentleman from Michigan [Mr. RABAUT], the gentleman from Florida [Mr. CALDWELL], and to my Republican colleagues, the gentleman from New York [Mr. BACON], and the gentleman from California [Mr. CARTER]. A number of these gentlemen have been for a number of years members of this subcommittee, and it is through their knowledge and coöperation with me that I am today able to present this bill. But in addition, Mr. Chairman, I think it highly appropriate that I tell the House of the very fine, indefatigable service rendered to this subcommittee by our clerk, Jack K. McFall. Mr. McFall has been engaged for a number of years as a clerk to the Committee on Appropriations. I may say that the full committee is peculiarly fortunate in having, as we do have, such a very fine clerical force but, with all due respect to the other gentlemen serving as clerks of this great committee, I make my bow to our friend and, I may almost say, colleague, Mr. McFall. [Applause.]

Mr. BACON. Mr. Chairman, will the gentleman yield at that point?

Mr. McMILLAN. Certainly.

Mr. BACON. I also express my appreciation, and endorse what the gentleman has said 100 percent.

Mr. McMILLAN. Mr. Chairman, the bill carries appropriations totaling $130,071,105 for the four departments. Comparing this sum with the appropriations for the current fiscal year, it will be noted that there is an increase of about $2,173,000 over the 1938 appropriations. This increase may be primarily explained by calling your attention to one item—that of a contract authorization of $2,000,000 contained in the current year's appropriation for the Bureau of Air Commerce. It, of course, was necessary to provide $2,000,000 in the bill to pay for the contract commitments made under that authority. Therefore, if allowance is made on this account, and we consider the increase of $450,000 made in the appropriation for grants to States for employment services under the Wagner-Peyser Act—and I may say parenthetically here that we have a theoretical but no actual control over the appropriations for these grants—the balance of the sum is approximately $278,000 less than the appropriations for the current year. If the House approves the committee action, you will effect a saving of $1,838,546 in the estimates submitted by the Budget. I am glad to say that the committee was able to show a reduction under the Budget figures in three of the four departments, and I am confident that these decreases, where made, will not impair any of the services.

It is interesting to note that the net cost of operating all four of these departments of the Government with their varied activities is only $95,500,000, as receipts of over $34,000,000 accrue to the Treasury as a result of the services they render.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. TARVER. I think it would be interesting to note in that connection that the cost of maintaining all of these four departments, with their many important activities, is four or five million dollars less than the cost of the construction of one of the proposed new superdreadnaught battleships.

TRAVEL EXPENSE

Mr. McMILLAN. I would like to call the attention of the House to just one evidence of the constant efforts exercised by the committee to effect economies wherever they can be made without impairing efficient operation. Last year, appropriations for travel expense in the Departments of Commerce, Justice, and Labor were consolidated under one traveling-expense appropriation. The idea of segregating specific objects of expenditure in this manner and appropriating for them under one head was not a new one—it had been done for printing and binding appropriations for many years in the appropriation acts affecting all of the different departments. It was the first time, however, that the principle of consolidation was extended to traveling expenses. After 6 months' operation under such a consolidation, it appears that there will be a saving resulting from this move of about $200,000 in the three different departments. In addition to this saving, it is anticipated that further economies will result from a standardization of regulations governing travel in all of the different bureaus under each department. The move was made as an experiment, and the experiment seems to have more than justified its continuance.

DEPARTMENT OF STATE

I will now pass along to the Department of State. We are recommending a total appropriation of $16,608,750.

FOREIGN SERVICE

The principal change effected in the appropriations for our Foreign Service has been to insert about $42,000 over the Budget estimates to provide for the salaries and allowances of 12 additional Foreign Service officers. The current bill makes provision for 713 career officers and the Budget allowance looked to the continuance of the same number during next year. The testimony given us by the State Department officials indicates that there are many foreign posts that are understaffed and some in which only one officer is stationed, with no opportunity afforded for vacation or sick leave. In 1932, funds were provided for 775 Foreign Service officers. The economy era then came along and the staff was drastically reduced. The Department feels that 725 officers is a minimum that they should be allowed to properly protect the interests of our Government in its relation with other countries, and your committee therefore has accepted this evidence at its face value and has provided the funds to provide for that number of officers.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes.

Mrs. ROGERS of Massachusetts. Did the Department ask for larger appropriations than those carried for the Foreign Service officers?

Mr. McMILLAN. The Department thought that 725 Foreign Service officers would be the minimum that they could get along with.

Mrs. ROGERS of Massachusetts. Has the committee ever considered giving a larger amount to the foreign officers, who are stationed in a country where there is war going on or where there are civil disturbances, such as Spain?

Mr. McMILLAN. Yes, the committee has; and I think the committee would like to go a little further than it has, but in view of the budgetary conditions, with which I think the gentlewoman from Massachusetts is familiar, we felt that this is as far as we could go at this time.

Mrs. ROGERS of Massachusetts. I know that the gentleman is sincerely interested in the Service.

Mr. McMILLAN. In connection with the funds supplied the State Department for its operation, I would like to call attention to the fact that all of the work performed in connection with our international relations costs less than $10,500,000 net, if consideration is given to consular and passport fees that offset the appropriations. The reduction of approximately $400,000 made in the State Department appropriation is chargeable to decreases made in the appropriation for construction projects under the Mexican Boundary Commission.

The total appropriations for the Department of State are the smallest of any department of the Government. In passing, I would like to direct the attention of the House to the testimony offered by the Secretary of State with particular reference to the reciprocal trade treaty work. There is a general interest on the part of all of us in this program, and I would like to commend the reading of the Secretary's statement to the membership of the House for a clear picture of the accomplishments to date and anticipated work in the future.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield at this point?

Mr. McMILLAN. Yes.

Mrs. ROGERS of Massachusetts. Has the gentleman ever considered having the clerical and mechanical work of which he speaks done in the Tariff Commission rather than in the Department of State? That would relieve the Department of State of much work, and I think the Tariff Commission has all of the experts and the mechanical equipment for performing that work.

Mr. McMILLAN. Some consideration has been given to that question, but as the gentlewoman from Massachusetts knows, the State Department, under the Constitution, is the one agency of the Government that deals with our relations with foreign countries, and in view of that condition it is the judgment of the committee that the work ought to be continued under the Secretary of State.

Mrs. ROGERS of Massachusetts. I don't mean to take it away from the Secretary of State, but merely to transfer the clerical and mechanical part, the data, to the Tariff Committee.

Mr. McMILLAN. For the reasons as stated, I think the Secretary of State should have jurisdiction of this activity.

As indicated, I am not going to dwell at great length on any of these specific appropriations for the various activities covered by the bill. The report accompanying the bill is complete in its explanation of the action taken on individual items. If any particular question arises, I will refer you to the report, and if then the question is not answered, I will be glad to make whatever explanation I can.

DEPARTMENT OF JUSTICE

The growth in governmental activities throughout all of the Federal agencies is reflected in the work of the Department of Justice. Their work load is primarily contingent upon the growth of the volume of work in other governmental agencies. Scarcely without exception, the various divisions and units of the Department of Justice have reported increases in volume of cases, calls, correspondence, and so forth, for the current year as compared with the past year. The appropriation of $42,229,000, if approved by the House, will give the Department an increase of about $742,000 over the appropriation for the present fiscal year. This additional amount should measurably assist the Department in caring for its increased burdens.

For the first time, the appropriations for the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia were submitted in connection with the estimates for the Department of Justice. Previously, the courts were carried in the District of Columbia Appropriation bill. The Budget proposed to have the appropriations for these courts made in some 10 separate items of appropriation. The committee has taken the position that these courts are Federal courts in every sense of the word, they should be treated in the matter of appropriation in the same way as are all other Federal courts. We have therefore made a number of transfers with a view of consolidating these various sums with other like sums carried for salaries and expenses of all Federal courts.

BUREAU OF INVESTIGATION

The Federal Bureau of Investigation has continued to grow by leaps and bounds. Congress, of course, has been partially responsible for the necessities that arise in this regard, for we continue to add new penal statutes which require enforcement machinery to make them effective. Mr. J. Edgar Hoover made his usual comprehensive statement before the committee, outlining the work of the Bureau, and I commend his statement before the committee to the membership of the House.

The Criminal Fingerprint Identification Unit has been built up to a point where it now contains more than 8,000,000 fingerprint records. A civilian fingerprint file has been established and the number of fingerprint records contained therein is growing at an astonishing rate. Schools and civic organizations are frequently fingerprinted en masse for purposes of individual identification in the event of calamity or amnesia.

The appropriation of $6,043,200 contained in the bill is the sum recommended by the Budget. The increase of $43,000 over the appropriation for this year provides for the employment of additional personnel in the District of Columbia to keep pace with the fingerprint work.

ANTITRUST DIVISION

Up to the last fiscal year, the appropriations of the antitrust activities of the Department were carried in a separate appropriation. Last year the committee separated the sums allowed and placed them under various headings in the bill, to improve administration. Experience seems to indicate, however, that the effort was not entirely successful, so the expenses for all antitrust activities have again been consolidated in one paragraph, and an increase of $132,000 allowed to carry on the work of the Division.

TAXES AND PENALTIES

The name of the Taxes and Penalties Division has been changed to Bond and Spirits Division, and the new language inserted more correctly describes the present nature of the work of that unit. Recoveries to the Treasury have been quite substantial and it is to be hoped that the Treasury will continue to benefit from the activities of this agency. Inasmuch as the work now being performed appears to be permanent, the committee feels that the clerical employees should be governed by the civil-service rules and regulations and has inserted a limitation in the bill requiring this to be done.

ASSISTANT DISTRICT ATTORNEYS

Several complaints have come to the committee about the pay of assistant district attorneys. Considering the nature of the work these men perform, it appears that in many instances they are not on a pay scale in keeping with their responsibilities. In order to permit salary readjustments to be made, the committee has added about $56,000 to the total of the paragraph for pay of district attorneys and their assistants.

PENAL INSTITUTIONS

The committee spent considerable time in considering the problem of our penal institutions. There appears to be a steady increase in the prison population of our various prisons and no immediate indication of any let-up.

The needs of each institution have been considered separately, bearing in mind, of course, the general problem, and certain increases and decreases in population estimates, per capita costs, and personnel have been made.

The Budget estimates carried a recommendation for an appropriation of $1,500,000 to commence the construction of three new Federal jails at sites not yet determined. The total estimated limit of cost for the three jails was $4,500,000.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. JOHNSON of Oklahoma. I am interested in the gentleman's very informative statement, especially the last statement he makes with reference to the proposed additional Federal jails that are to be constructed. If I remember correctly, a year ago the Budget recommended some additional jails, and possibly some other Federal penal institutions. Also, the gentleman will recall that a year ago I asked the distinguished chairman on the floor of the House just what the policy of this committee was and would in the future be with reference to constructing additional Federal jails, when some of the reformatories and penitentiaries that

heretofore had been started have not yet been completed, and at that time the distinguished chairman stated that the policy of the committee would be to finish the present institutions before embarking upon a program of constructing any new institutions. Will the gentleman state if there has been any change in that announced policy of his committee?

I am somewhat at a loss to understand why the committee now proposes to start to construct some entirely new institutions when it has not completed institutions it has already begun.

Mr. McMILLAN. I may say to the gentleman from Oklahoma that I think the committee's view now is, as it has been in the past, somewhat in line with the statement that he has made. As I have just indicated, however, there is an expansion of our prison population, and additional institutions must, of course, be provided.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield further?

Mr. McMILLAN. I yield to the gentleman.

Mr. JOHNSON of Oklahoma. With reference to the Southwestern Reformatory, established only a few years ago at El Reno, Okla., and for which Congress authorized $3,000,000, the chairman remembers that while $3,000,000 was authorized, it has never actually been expended, and, I am sure, will agree that the institution has not yet been completed. I notice that in this bill the provisions for construction items at this particular Federal reformatory to complete the institution are conspicuous by their absence.

Mr. McMILLAN. I may say in reply to the gentleman from Oklahoma that the bill carries certain additional items for his reformatory. There are, however, some features that must be considered by the Bureau of Prisons. One has to do with the water problem at this institution. A negotiation is now pending between the prison authorities and the city of El Reno in that regard. The other question has to do with the size of the reservation around the prison. Conferences will be held between the Bureau of Prisons and the War Department authorities with a view to acquiring additional land to accommodate the prison needs.

The committee has allowed $450,000 to begin construction of one institution—a women's prison—under an estimated total cost of $1,300,000. There are many arguments in favor of a large building program of Federal prisons, but the fact remains that the per capita cost of prisoner maintenance in Federal institutions is considerably higher than the cost of maintaining criminals in State, county, and local institutions under contract. Rather than embark upon an extensive program at this time, the committee has taken the position that it would be better to allow funds for the construction of three additional prison camps, to cost approximately $200,000, and thus effect a savings in capital outlay of over a million dollars in the present bill and some $2,000,000 in future years. These prison camps are not nearly so expensive to maintain, and afford methods of prison management that tend to improve the general morale of the inmates.

PROBATION SERVICE

The probation service continues to grow as additional Federal judges avail of the service. Funds are carried for the appointment of 22 additional officers.

NATIONAL TRAINING SCHOOL FOR BOYS

I do want to mention the consideration given by the committee to certain administrative difficulties encountered at the National Training School for Boys located here in Washington. This institution for young offenders—boys of tender years who have violated Federal criminal statutes—has been in the class of a forgotten stepchild. The officer and staff personnel at this institution was insufficient to give proper and careful instruction to the boys sent there. Long overtime has been performed by the employees in trying to carry on their duties under severe handicaps. We have therefore added about $18,000 to the Budget estimates in order that additional personnel may be employed looking to a sincere effort on the part of the officials of the school to improve these conditions. The school is governed by a board of trustees, the membership of which is composed of public-spirited men of substantial experience and background, who devote their time without pay to the problems of the institution.

DEPARTMENT OF COMMERCE

For the Department of Commerce we are recommending appropriations totaling $46,899,600, a sum in excess of the Budget estimates by $116,940.

BUREAU OF AIR COMMERCE

I think the membership of the House will be interested in the appropriations for the Bureau of Air Commerce. We are providing in the bill a total of $13,665,200 for the Bureau of Air Commerce, of which $4,463,500 will be devoted to the establishment of air-navigation facilities. Of this amount $2,000,000 will be expended in payments under contract entered into during the current year, leaving $2,463,500 to be expended for new installations next year. The reduction of $335,000 under the Budget estimates is recommended with the thought that the Bureau should consider the feasibility of employing the short-wave or high-frequency radio facilities on the range system.

I will not go into the question at length here, as the committee has covered the matter quite completely in its report, but I will say that these new improvements in radio facilities are now in successful use in Australia and New Zealand, and their installation and maintenance costs are considerably less than the cost of installing the present type facilities. The committee will go into the subject at length in the hearings on the bill next year when we question the Bureau officials.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

One of the most important changes in the Budget figures made by the committee was in the appropriation for the Bureau of Foreign and Domestic Commerce. I am not in a position to give an explanation as to the reasons for it, but it is a fact that the appropriations for this Bureau have been reduced by approximately 10 percent. So far as I know, this is the only Bureau in the entire Government that sustained a horizontal reduction in the Budget figures under every single item of its appropriations. The committee was much concerned about the matter and called in several representative businessmen in order to determine what the reaction of business would be to these proposed economies. The answer is clear. It may be construed by business that in a time of business uncertainty, Congress was not willing to lend a helping hand by supplying funds sufficient to at least maintain the same Bureau services that are being rendered during the current year. We have, therefore, restored the amounts carried in the appropriations this year and are hopeful that with these funds a service will be rendered business and industry that will assist them in coping with the present economic conditions.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I congratulate the gentleman and his committee heartily for what they have done in this bill. The administration has been heretofore very unfair to the Department of Commerce, the one department that was supposed to be created to aid business, to make employment. Does the gentleman think the Department of Commerce has the amount of funds it really needs? I know there are certain rules to which the departments are supposed to adhere, a gentleman's agreement not to ask the Budget for more than the President is willing to have appropriated; but is the Department properly taken care of?

Mr. McMILLAN. I may say in reply to the inquiry of the gentlewoman from Massachusetts that the aggregate amount that was restored by the committee is $291,000 for activities of this Bureau, which were eliminated by the Budget.

Mrs. ROGERS of Massachusetts. I thank the very able and distinguished chairman and the committee for what they have done.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I yield myself 20 additional minutes.

BUREAU OF MARINE INSPECTION AND NAVIGATION

In the Bureau of Marine Inspection and Navigation we have added about $90,000 to the Budget estimates, of which $60,000 will be used to make promotions of underpaid clerks, assistant shipping commissioners, and inspectors in the field. Many of these employees have had no salary increases for approximately 10 years. It is therefore felt that some recognition should be accorded this group of employees, particularly in view of the fact that the burden of their work has been appreciably increased as a result of the new safety-at-sea legislation recently passed by Congress. The remaining $30,000 of the increase is to employ a few traveling inspectors. These men will travel on American ships with a view of investigating conditions among the crew and observing any evidence of insubordination. Committees of both the House and Senate are conducting an investigation of the American merchant marine. Some disclosures have been made presenting conditions that should be corrected. Insubordination of members of the ship's crew, once they have signed the shipping articles of agreement, should not be tolerated. These traveling inspectors, of a number sufficient to travel on only a very small proportion of ships under American registry, can none the less be of great value in obtaining evidence when cases of insubordination are found. The mere possibility that they may be on any boat at any time should serve the purpose desired to be attained.

BUREAU OF STANDARDS

A sum of $500,000 is included in the bill to construct and equip a new electrical laboratory for the Bureau of Standards, which will be used to make certain studies in the matter of high-voltage electricity. Therapeutic treatment by high-voltage X-ray has become an interesting subject of medical science during the past few years, and it appears that there is a great possibility of developing many curative processes with its use. Certain facts must be known, however, with respect to the character of high voltages that can be used in order that the operators of the equipment may not subject themselves or their patients to unknown dangers. This work will be of particular value to the National Cancer Institute which was recently established by act of Congress.

BUREAU OF FISHERIES

Last year the committee embarked upon a program of constructing fish hatcheries that were authorized by the Jones-White Act, passed in 1930. Four stations are being constructed this year, and it was indicated in the report of the committee on last year's bill that it was our expectation to continue this program until the remaining eight stations authorized under that act were constructed. The Budget contained no estimate for any new stations. The committee has added, therefore, $155,000, which will be used to construct four additional hatcheries, thus leaving four more yet to be constructed. The value of these hatcheries to the recreational life of the American people is unquestioned, and, in addition to that, it has a definite economic importance in that the output of food fish is increased in direct proportion to the number of these hatcheries. An additional sum of $41,000 has been approved in order to put six new hatcheries acquired from other governmental agencies on a full-year operating basis.

Mr. ROBERTSON. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. ROBERTSON. Is it the purpose of the committee in making this recommendation to indicate to the Budget Bureau that the committee in providing this fund, assuming that the Congress passes it, intends for the fund actually to be made available to the Bureau of Fisheries for the purpose indicated?

Mr. McMILLAN. I may say in reply to the gentleman's inquiry that it is the purpose of the committee very clearly to indicate to the Budget that it is not only the desire of this committee but the will of Congress as expressed by the Congress last year in formulating and providing funds for this program.

PATENT OFFICE

The Patent Office is one of the few self-sustaining agencies of the Government. In the last fiscal year over $4,500,000 was turned in to the Treasury, which amounted to a surplus over all expenditures of about $73,000. In fact, since 1933 the surplus has averaged over $153,000 annually. This contrasts with annual deficits of from $85,000 to $827,000 in each of the 11 years from 1923 to 1933. Patent applications are increasing, and the examining divisions of the Office try to keep abreast of the increasing volume of work. Twenty-five thousand cases in arrears is considered to be the ideal work condition. By the beginning of the next fiscal year, at the present rate of receipt of applications, there will be some 45,000 applications awaiting action. The committee therefore has added $20,000 over the Budget estimates in order that additional technical personnel may be employed to render a service to which the inventor is justly entitled.

At this point I feel I should mention the matter of the printing costs attendant upon the printing of patent specifications and the Official Gazette. Last year the committee directed the Commissioner of Patents to make a study of his printing costs, with a view of having recommendations made for any possible savings that might be effected. That report has been made, and, in brief, it concludes that by the use of certain offset methods of printing, savings upward of $100,000 could be made annually in the printing bill. Under existing law all printing must be done in the Government Printing Office unless directed otherwise by the Joint Committee on Printing. We have accordingly reduced the Budget estimate by $100,000 and have called attention in the report to the economies that can be effected by the use of these modern printing processes. The committee is hopeful that the Joint Committee on Printing will give this matter its immediate consideration in order that we can effect some real economies in the matter of printing costs.

DEPARTMENT OF LABOR

The appropriations for the Labor Department, as recommended in the bill, show an increase over the current year's appropriations of $651,000, but are less than the Budget estimates by $113,000. About $475,000 of the increase over this year's appropriations is accounted for in the matter of grants to States under the Wagner-Peyser Act, the act establishing the employment service on a State cooperative basis, and the Social Security Act, grants to States for child welfare. No appropriating control can be exercised over these grants, as the law authorizes appropriations in specific amounts and the State program is based upon the amount so authorized. A small number of personnel increases has been allowed throughout the various activities of the Department, where the committee felt the need was urgent, based upon testimony of Bureau officials.

DIVISION OF PUBLIC CONTRACTS

The Division of Public Contracts, which administers the Walsh-Healey Act, is completing its organization and has been allowed an appropriation of $300,000.

BUREAU OF LABOR STATISTICS

An increase of $36,000 over the current year's appropriations is provided for the Bureau of Labor Statistics in order that certain statistical services, such as wages and hours, wholesale prices, cost of living, employment and pay roll, and so forth, can be strengthened.

In the Immigration and Naturalization Service the committee has approved an appropriation of $9,715,000. Included in this sum is approximately $56,000 to provide merited salary increases to employees in the field service, to low-paid clerks, custodial employees, and others who have had no increases in many years. The testimony in the Labor Department hearings accompanying the bill is very complete in the matter of justification of the sums requested, and is also informative in the matter of certain immigration and deportation policies.

I do not want to take the time of the House to go into the many questions that were raised by the committee in the course of the hearings, but if any Members have any questions to ask on this subject I shall be pleased to answer them if I am in a position to do so.

CHILDREN'S BUREAU

In order to keep pace with the demands for certain services to be rendered in connection with the social-security program an increase of about $23,000 was allowed the Children's Bureau for additional personnel. The program of maternal and child health, crippled children, and child welfare has developed to a point where nearly all States are participating therein, and it is natural to expect that the administrative costs must keep pace with the general growth of the program.

WOMEN'S BUREAU

A small increase of about $7,000 appears under the Women's Bureau, to be used for additional personnel in connection with the program of advisory services rendered States on the matter of minimum wage scales for women.

UNITED STATES EMPLOYMENT SERVICE

The United States Employment Service continues to develop and is serving as a beneficial instrumentality in coping with the problem of unemployment. In the last 4 years over 7,000,000 placements have been made in private, public, and relief jobs. The Budget estimate of $843,000 for the administrative expenses of the Service has been allowed. This represents an increase of $66,000 over the current year's appropriations. Additional personnel will be employed in the field and in Washington to care for the increased work load attendant upon the participation by all of the States in the Employment Service program.

The hearings with the Employment Service officials have developed that a certain overlapping in function exists in the matter of the implementing of State employment services by certain Social Security funds. The question in a sense is a technical one involving a matter of policy that I do not care to go into at this time. Suffice to say, however, that the report calls attention to the situation, and I would like to emphasize the desirability of the Labor Committee of the House considering necessary changes in legislation if certain unsatisfactory conditions and practices are to be corrected.

I have gone into the subject of the individual appropriation items in the bill in some lesser detail than it has been my custom to do in the past; but it is desired to have the bill passed by the House this week, so I do not desire to unnecessarily detain the House with a recitation of detailed figures when all of them are available in the report accompanying the bill.

I thank you all for your courteous attention.

Mr. BACON. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Chairman, I believe the subcommittee that brings in the present bill deserves the commendation of the House. I should like, therefore, to take this opportunity to congratulate the chairman of the subcommittee and the members of that committee for the very diligent and painstaking way in which they have developed certain facts in connection with the operations of these four departments.

A reading of the hearings on this bill discloses some very interesting facts in connection with the operation of the Department of Justice. May I direct the attention of the Members of the House to what I believe to be an entirely unjustifiable demand for increased appropriations for special assistant attorneys.

On pages 312 to 317, inclusive, of the hearings there are listed the names of the men who have special assignments by the Department of Justice as special assistant attorneys. I find that they enjoy a salary range from $1,000 to $10,000. I find also that they are required to delve into every possible kind of litigation and legal work. I find that they prepare briefs, digest cases, appear as trial lawyers, and argue cases. It seems to me that this special group does all the work of the Justice Department. I am wondering, therefore, whether my distinguished friend, who is the chairman of the subcommittee, and for whom I have the highest regard, can tell me what work is left in the Department of Justice after the arduous labors and after the infinitesimal care of these special assistants have taken care of all of the problems in connection with the administration of justice for the Federal Government? In other words, what is left for the regular assistants to do?

Mr. WALTER. Will the gentleman yield?

Mr. DITTER. I yield to my distinguished colleague from Pennsylvania, who may be able to give us some light on this rather troublesome matter.

Mr. WALTER. Since the gentleman has called the attention of the committee to this subject, I picked up the report and I find in it the names of some men I know are engaged permanently in the Department. Included in the list are the names of two people who are constituents of mine.

Mr. DITTER. I am in favor of them, I may say to the gentleman, if they are constituents of my distinguished colleague. May I then make this suggestion to my distinguished friend: If they are regular appointees, in view of the endorsement of my distinguished friend from Pennsylvania, it seems to me that these men should have a different classification than special assistants. It seems to me that they should have the dignity of being a part of the personnel of the Department with a regular status rather than this indefinite classification they now hold. Again I say I should like to know if these special assistants do all of the work that is listed in this classification on these many pages of the hearings, what is left for the regular assistants to do? The answer of my friend from Pennsylvania in no way clarifies the situation. What is left for the regularly assigned, the privileged, the favored appointees of the Department of Justice; those men, in other words, that my friend places his stamp of approval on for political privilege or political preference?

Mr. WALTER. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Is not the gentleman confusing the special assistant attorneys with the men who are especially employed?

Mr. DITTER. My answer to the gentleman is I can only follow the very clever cross-examination conducted by the chairman of the subcommittee. On page 311 I find this question:

> The next item is salaries and expenses of special assistant attorneys.

The chairman thereafter pursues a further inquiry and makes an observation with reference to the fund for these special assistants. It may be they are especially privileged. It may be they may have some other special qualifications. It may be that they may be looked upon as especially favored; but, at least, the distinguished chairman places them in the category of special assistants. Then we find the startling disclosure that these especially favored are going to be paid $1,076,400, or an increase of $149,000 over last year's special favors. Now, what is it that has brought on this demand for special privilege?

Mr. EBERHARTER. Will the gentleman yield?

Mr. DITTER. In just a moment. Maybe I can make an observation that will be helpful to the gentleman as I pursue this further.

I have read through the hearings page after page, and I confess I can find only one explanation; so I refer my distinguished friends from Pennsylvania to page 209 of the hearings, where I discover a rather interesting colloquy started by my distinguished friend from New York [Mr. BACON] and subsequently pursued there and at another place by my friend the gentleman from Georgia [Mr. TARVER].

It has to do with another appointment and I think this is a special appointment, too. My friend from New York, mindful of the best traditions of the bar and feeling that the name "attorney" had some real significance, inquired as to whether or not it was the practice of the Department

of Justice to appoint those who are not members of the bar, those who had not pursued a law-school course, those who had not been admitted by any court to practice as special attorneys. I find after pursuing the inquiry with some degree of diligence, the gentleman from New York [Mr. BACON] elicited the admission from a certain Mr. Martin, who appeared for the Department of Justice, that there is one special attorney who is not a lawyer. She had not been admitted to any bar, she had apparently no other qualifications than this matter of preferment. She also is known as a special attorney. Mark you, my friends, I want you to notice what her duties are. This may answer the question that I have raised about these special attorneys, and I quote from the record. This is the testimony, not of a Republican cross-examiner, but the testimony of a man from the Department. He stated:

She is engaged in checking over the memoranda which are prepared, mainly by our less well-educated attorneys.

May I interject at this point that I know the phrase "less well-educated attorneys" does not refer to the men whom my distinguished friend, the gentleman from Pennsylvania, suggested a moment ago he had sponsored, and who are constituents of his. I am proud of the splendid records of the bar of Pennsylvania.

Pursuing this matter further, note what she has to do for these "less well-educated attorneys."

She must see—

And I quote—

that words are correctly spelled, that quotations are correct, that dates are correct, that the one who made the original draft had properly capitalized the words; and, in effect, put into shipshape a long memorandum of facts to be submitted to the Assistant Solicitor General.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I must yield to my distinguished friend. May I ask a question before the gentleman asks his? Does the gentleman intend to defend the appointment of this particular special attorney?

Mr. McMILLAN. No. I rise, Mr. Chairman, to ask my delightful friend the gentleman from Pennsylvania if he is not going to support the provision carried in the bill on page 58 of the committee print, which reads as follows:

None of the funds appropriated by this title may be used to pay the compensation of any person as an attorney unless such person shall be duly licensed and authorized to practice as an attorney under the laws of any State, Territory, or the District of Columbia.

Mr. DITTER. The gentleman knows I certainly would not only support but urge the inclusion of the provision to which the gentleman has referred. I counter with this question: If this provision is incorporated in the bill, how is my friend going to take care of Miss Wood, whose duties are to keep these "less well-educated attorneys" in the Department of Justice straight?

Mr. McMILLAN. I am going to leave that question up to the gentleman from Pennsylvania.

Mr. DITTER. Perforce she must qualify by being admitted to the bar or else it seems to me her status with the Department of Justice to help the "less well-educated attorneys" spell correctly, punctuate correctly, and capitalize correctly will have to have a more elegant and literary caption applied to it.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. DITTER. I yield to the gentleman from New York.

Mr. SNELL. Did these "less well-educated attorneys" of whom the gentleman is speaking get their positions in the Department through a civil-service examination?

Mr. DITTER. No. They are that group who, as I stated before, are especially named by political powers and who have a claim to their present status only by reason of the kind fates that presently smile upon them.

Mr. ROBSION of Kentucky and Mr. WALTER rose.

Mr. DITTER. Mr. Chairman, it seems to me I have got into a rather controversial subject. I yield to my distinguished friend the gentleman from Kentucky.

Mr. ROBSION of Kentucky. It seems to me from the statements of the distinguished gentleman from South Caroline and the distinguished gentleman from Pennsylvania who is now speaking that there is a movement on foot to take out of the Department this splendidly equipped young woman. If the gentleman from Pennsylvania and the gentleman from South Carolina succeed in forcing through this provision which forces this young woman out of the service, who then will correct the manuscripts and legal documents and correct the capitalization, the spelling, and the punctuation for the attorneys in the Department of Justice?

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield 5 additional minutes to the gentleman from Pennsylvania.

Mr. DITTER. Of course, when we get into power, instead of having less well-educated assistants and instead of having need for these special assistants we will have men who will be able to prepare their briefs and look after the work assigned to them. There will be no "less well-educated attorneys."

Mr. ROBSION of Kentucky. But during the period they continue in power irreparable injury may come to the country and to the Government from this condition.

Mr. DITTER. Then I can only hope that the Supreme Court will safeguard us against the abuses that otherwise might come about as a result of the activities of these "less well-educated attorneys."

Mr. WALTER, Mr. LUTHER A. JOHNSON, and Mr. TABER rose.

Mr. DITTER. Mr. Chairman, I yield to my friend from Pennsylvania, in the hope that he may offer some elucidation of this rather intricate problem.

Mr. WALTER. I am very fond of the gentleman from Pennsylvania, as he well knows. I sincerely trust he lives long enough to see the time when his party will again be in power, and particularly in charge of the Department of Justice. I am sure the gentleman will be interested in knowing that the vast majority of the employees of the Department of Justice, much to the discomfiture of a great many Democrats, have been in their positions for a great many years, and were placed there principally by former Attorneys General.

Mr. DITTER. Mr. Chairman, I must take exception to the last statement. Of course, I agree with the gentleman that he is looking forward just as fondly as I am to the time when my party will be in power. However, I must take issue with the gentleman when he says that the assistants, especially this horde of special assistants, these "less well-educated attorneys" are remnants of a Republican administration. Not one of the men of this special group, and I certainly say not one of these less well-educated attorneys, is a survival of a Republican administration.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I yield to the gentleman from New York.

Mr. BACON. I feel somewhat concerned over the question of the gentleman from Kentucky regarding who will correct the spelling of these less well-educated attorneys if Miss Wood goes out of the Department. However, to allay the gentleman's fears, I may say the testimony shows three civil-service clerks in a lower-paid category are also engaged in this important work.

Mr. DITTER. Mr. Chairman, I appreciate that observation. It has been the only comforting thing that has come to me this morning as I have raised this question. I am happy to know there is left some semblance of a civil service. It may have been slightly distorted, and once in a while aborted during recent years, under the present regime, but at least there is some semblance of civil service left. We can look forward hopefully, then, knowing the punctuation, the spelling, the capitalization, and all of these other intricate problems having to do with the onerous tasks of the special assistants, will be properly taken care of.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. DITTER. Before I yield, may I ask how much time I have remaining?

The CHAIRMAN. The gentleman from Pennsylvania has 1 minute.

Mr. DITTER. I hardly have time to yield at this point.

I want to close with this one observation. I do hope as you study the record of the status of Miss Wood and these "less well-educated attorneys" that you particularly pay attention to that part of the examination conducted by our distinguished colleague the gentleman from Georgia [Mr. TARVER], starting on page 215, where a rather serious innuendo is made by our distinguished colleague as to the cause of Miss Wood's preferment and her special status as an assistant.

You will find that she was formerly a secretary in the office of a certain Senator who has since become a member of the Supreme Court. From every appearance it seemed necessary to make a berth for the specialist in spelling, punctuation, and classification for these "less well-educated attorneys," and so the doors of the Justice Department were opened to her.

Mr. McMILLAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BUCK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 9544, the Departments of State, Justice, Commerce, and Labor appropriation bill, fiscal year 1939, had come to no resolution thereon.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 9024. An act to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia; and

H. R. 9379. An act to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL, 1939

Mr. McMILLAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9544, the Departments of State, Justice, Commerce, and Labor appropriation bill, fiscal year 1939.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9544, with Mr. BUCK in the chair.

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I have requested this time to call to the attention of the House what I term a most unfortunate incident that recently occurred in southeast Missouri. Undoubtedly you will hear much of this from our Republican friends in the future. Six thousand pounds of Idaho potatoes were sent to Poplar Bluff, Mo., by the Federal Surplus Commodities Corporation for distribution among families who were receiving relief.

A district supervisor employed by the Federal Surplus Commodities Corporation notified the State supervisor they were not fit for consumption, failing to pass inspection, and, I understand, without seeing the potatoes, the State supervisor ordered them thrown into a slough at the rear of the commodity warehouse. When this became known, residents of the vicinity immediately started to drag the slough and the potatoes were recovered. Some of the potatoes, according to the information I have received, were badly frosted but most of them were in excellent condition. It is evident that the inspection was not thorough, but the inspector probably condemned the entire shipment after he found some which he could not pass.

Whoever is responsible for the destruction of the potatoes should be made to answer. His action is inexcusable and only brings discredit upon the administration.

As soon as I learned of the dumping of the potatoes, I addressed a letter to the Federal Surplus Commodities Corporation, and I have received their report, which is as follows:

FEDERAL SURPLUS COMMODITIES CORPORATION,
Washington, February 15, 1938.

Hon. JOHN J. COCHRAN,
House of Representatives.

DEAR MR. COCHRAN: Prior to receiving your communication of February 12, we had investigated the loss of potatoes at Poplar Bluff, Mo.

The total quantity involved was 6,000 pounds. All potatoes were removed from bags before dumping. These potatoes were a portion of a supply transshipped from St. Louis to Poplar Bluff by the commodity division of the Social Security Commission of Missouri. They were declared unfit for consumption on arrival because of an error in judgment on the part of the commodity supervisor at St. Louis in failing to provide adequate protection against freezing while in transit.

In salvaging this shipment, the commodity supervisor at Poplar Bluff did not know that the portion of the shipment only partially frosted could have been delivered to relief families for immediate consumption. The potatoes were dumped in the slough at the rear of the commodity warehouse and were partially recovered by residents of the town and used by them, resulting in the publicity under date of February 8.

We have checked our deliveries of potatoes to Poplar Bluff and find that they have moved in from Idaho points at an orderly rate as follows: Three cars in November, five cars in December, and five cars in January. Total deliveries of potatoes to all Missouri points since November for relief distribution have amounted to 140 cars, or 5,040,000 pounds. Losses from all causes on this quantity amount to less than one-tenth of 1 percent. Total losses on potatoes distributed at Poplar Bluff are less than 1 percent of all supplies received at that point.

Edible food products are not destroyed when purchased by the Federal Surplus Commodities Corporation. In fact, purchases by the Corporation have resulted in the salvaging of products which otherwise would have been wasted.

We appreciate your interest in this matter and are pleased to render our report.

Sincerely yours,

F. R. WILCOX, *Vice President.*

Information comes to me this morning that the Republicans are staging a banquet at which they intend to serve these potatoes.

Since receiving the Department's letter this morning, I have replied and insisted the rules and regulations governing the destruction of food be revised. The inspection of part of a shipment is not in itself sufficient to warrant the destruction of food. We do not desire to pass to unfortunate citizens food that is not fit for consumption. That certainly should be guarded against, but, on the other hand, under no consideration should any food, no matter how small the amount, be destroyed until it is positively determined that it is not fit to eat. [Applause.]

Mr. BACON. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, the general impression prevails erroneously that President Roosevelt has done much for American labor. I know that many businessmen feel that their interests have been sacrificed to this end. I am not surprised at this. There is much evidence from which such an inference could be drawn. The frequent assaults made by the President upon businessmen have been construed by many persons as indicating not only a hostile attitude toward business but a tender solicitude for labor. The close cooperation between President Roosevelt and the C. I. O. has lent color to such a conclusion. I may add, too, that when it became known to the public that the C. I. O. had contributed $500,000 to President Roosevelt's campaign this led many persons to infer that so large a contribution represented payment in advance for favors pledged or favors reasonably to be expected.

I repeat that from these facts the public, and particularly the laboring men themselves, have come to the conclusion that American labor has been greatly favored by the program of this administration.

Contrary, however, to the general belief, the fact is that American labor has been hit hard by the Roosevelt administration. The misdirected expenditure of billions of dollars still finds 10,000,000 working men idle, unable to find employment. The number is increasing with cruel rapidity. In support of the fact that unemployment is increasing, I respectfully invite attention to President Roosevelt's message to Congress as of February 10, 1938, in which he states:

According to the best estimate available at this time, it appears that during the past 3 months approximately 3,000,000 persons have lost their jobs with private employers.

Only yesterday, February 16, 1938, the Committee on Appropriations, in appealing for relief funds to meet this Roosevelt depression, stated in its report:

Commencing in October and the months which have followed, there has been a precipitous decrease in employment in private industry and a correspondingly sharp increase in unemployment. This decrease in employment and decline in private industry has been the sharpest ever recorded in the history of our country, and while at the present time it appears that the situation is static, the committee has received no information that would lead them to believe that there was in prospect in the near future such an upturn in business conditions as would justify the appropriation of a lesser amount than that requested.

The administration has been in full power for 5 years. It has controlled both branches of the national legislative body. The House of Representatives has had and it now has a Democratic majority of three to one. This branch of Congress has been obedient, even servile, to the demands of the Executive. Every measure sent to the Congress by the President with his notation of "must" attached to it, except the Court packing bill, and more recently the wage and hour bill, has been passed with the utmost speed.

Not only has this been done by the Congress, but the billions of dollars demanded by the President to execute his theories and proposals have been appropriated. There is no escape for the administration from full responsibility for the present depression because of lack of cooperation on the part of Congress. This Democratic Congress has cooperated with the Executive almost to the point of the complete abdication of its legislative functions.

The President has demanded from Congress delegations of legislative power far transcending constitutional limitations. With all the powers vested in the Executive, and with all the billions of dollars placed at his disposal, what is the result so far as American labor is concerned?

The numerical result is, if the latest figures of the President are correct, 13,000,000 men unemployed. The mental and physical consequences, however, cannot be measured in terms of money. After the expenditure of billions and billions of dollars, is it not proper to inquire why all this unemployment? Why at the end of 5 years are more and more men losing their jobs? Why is the army of the idle increasing? There must be a reason. Those who suffer would like to know the reason, not administration excuses. Excuses do not provide work.

While the President and his spokesmen are trying by an appeal to class hatred to justify their stupid failures the fact remains that 10,000,000 men are idle and the country is in a depression, a depression that is not world wide, but one confined to the United States. The party in power stands indicted by its own record. The counts in the indictment to which it must plead before the bar of public intelligence are many, but labor is interested in the count that relates to unemployment.

I stated at the outset that this administration had assaulted American labor. I shall now present the evidence to prove the first count in the indictment. The first assault on American labor was made by the administration when it deliberately took steps to circumvent the restricted immigration laws. These laws were placed upon the statute books in the interests of American labor. No person, I am sure, will contend that industry initiated the policy of restricted immigration. This is obvious because a million immigrants entering the United States each year would lower the cost of production by reducing wages. I voted for restricted immigration, and I deplore the fact that the administration is defeating the purpose of the act. Labor saw, and saw clearly, that competition for jobs could mean only a lower wage scale and, therefore, a lower standard of living. To the American workingmen it was self-evident that 1,000,000 immigrants entering this country year after year would therefore be disastrous to them and to their families. The restricted immigration law was passed, but, I repeat, this administration has defeated its purpose.

Without the possible benefit to be derived from 1,000,000 more consumers for our goods, as some compensation for permitting the immigrants to enter, the policy now in operation is far more disastrous to American labor than the former one of unrestricted immigration, yet no person interested in solving the unemployment problem would vote to open the floodgates to immigration.

The immigration law is a dead letter so far as intended benefits to labor are concerned. Even under the present lax policy of administration, it is not the immigrant who now enters the United States and takes the job of the American workingman, but, instead, it is the foreign products, manufactured abroad by cheap labor, which now enter the United States and crowds from the merchants' shelves the products of our wage earners. The home industry cannot afford to make goods it cannot sell, consequently it does not employ men. I maintain that, great as the injury may have been to the American laboring man to meet the competition of 1,000,000 immigrants entering the United States each year, the suffering he now has to endure from the importation of foreign goods is infinitely worse.

If the administration persists in its policy of free trade, then the 10,000,000 men now idle and those working on part time can regain their jobs only by submitting to a wage scale as low as that of their foreign competitors. Bear in mind that this means a standard of living as low as that of Japan, a country that has the same modern machinery of production as that now used in the United States, coupled with the cheapest water transportation in the world with which to place its goods in our market. Their goods are transported to our market in their own ships, manned by Japanese. I do not believe that American labor wishes to support a policy that will force them to live on rice and fish, dispense with the ordinary comforts of life, and even then to be forced to work 12 and 14 hours a day at starvation wages to meet this competition.

While I am on the question of cost of production I want to analyze it further. When goods that could be produced at home are displaced in our market by goods manufactured abroad with cheap labor, which includes child labor, the transaction shifts the pay roll, which would otherwise be spent here, to the countries that manufacture and supply our market with their goods. Every shipload of foreign-made cheap merchandise that comes in competition with the products of our labor represents a transfer of spending power from America to the foreign producing country. It means far more than this. It creates idleness among our workers, not alone in one industry but in many industries. It is an utter impossibility to destroy an American industry with imports without also destroying a series of pay rolls here, and as a logical consequence it follows that a series of pay rolls are created in the foreign country.

The pay rolls of industry and business constitute the spending power of our Nation. It is our pay rolls that support every activity, social and economic, in the United States. The most destructive policy that an administration could devise to weaken our economic structure is to transfer our pay rolls to foreign nations. This is what is being done under the so-called reciprocal-trade agreements.

The administration has not yet learned that the whole world of consumers worships the low-cost producer, and until human nature as it has reacted to prices for 5,000 years is changed the low-cost nation will have the monopoly of the patronage of the purchasing public. This is true in international trade as well as in domestic transactions. It is the height of stupidity for the administration to ignore this

truth, for the home consumer and the international buyer will not. In view of our high production costs, the preservation of domestic markets offers the only permanent hope for economic stability and a maintenance of our standard of living. Yet in the face of this our market is being thrown open to the products of 16 other countries, including such nations as Japan, which get all the benefits under each agreement entered into between the United States and a foreign country. The extent to which this is being done is little realized by those who are now being pauperized by the deliberate surrender of our home market.

The man who operates a retail store or a factory, when he is being undersold by some competitor more favorably situated, realizes at once that he is facing disaster. The United States with its staggering debt, its mounting taxes, its high wage scale, and many other factors that raise the cost of production, has reached the same point as the retailer or the operator of a factory to which I have made reference. The unfortunate fact is that what the local businessman at once perceives, with reference to local competition, is lost sight of by him completely when the country as a whole is involved. The history of civilization reveals the unfortunate fact that in the struggle to meet foreign low-cost production, the approaching disaster is not recognized by the public until too late to prevent it. Now to be more specific as to what extent Japan is capturing the world's markets, I insert a table:

[Index of exports 1929=100]

	1929	1930	1931	1932	1933	1934	1935	1936	First half 1937
United States	100	73	46	30	32	41	44	47	60
Great Britain	100	80	54	50	51	54	57	61	70
Japan	100	63	53	65	87	102	117	125	143

The two countries which are suffering most from the astounding increase in Japanese exports are Great Britain and the United States. Hundreds of thousands of American workmen are idle because of imports, particularly Japanese imports. It is impossible to list the many thousands of articles entering this country in competition with our labor, throwing thousands and thousands out of work and making them objects of charity. A concrete illustration will suffice to tell the story. A short time ago the hooked-rug industry gave employment to hundreds of men and women in this country. These rugs were made here and sold here at wholesale in volume around $1 per square foot. Japan saw an opportunity to take over this rapidly developing American industry. She set her cheap labor to work, including child labor, to reproduce this merchandise and offered it for sale in this country for 30 cents per square foot. This was cheaper than the American manufacturer could buy the raw material from which to make the rugs. Not only were the pay rolls, the jobs, and hence the spending power of our workingmen in this industry transferred to Japan, but thousands of our American workingmen were transferred to the relief rolls because of it.

Graphophones of high-grade make, the cost of which in Tokyo is $23.50, are sold in America at $50, which is far below the cost of production here. Hundreds of men and women are made idle, subject for relief, while the factories of Japan hum with activity. It is apparent that the American workmen, now idle, from the imports of textiles, chemical, electric supplies, and toys, and thousands of other articles, fully realize the cause of their unemployment; for there are Japanese goods being consigned to public bonfires in various sections of the country, as was recently the case in Ohio.

Great Britain, which is a lower cost production nation than the United States, has watched with deep concern the invasion of her market by Japan. To educate the public, the British held a Japanese goods exhibit, which covered a large range of merchandise. This was in 1934. I recall that goods which could have been sold at the time in London for $18.70 would have cost her factories $60 to produce. Japanese-made shirts that retailed at $5.25 a dozen, cost at least $8 to produce in England. Now, then, I could go on listing hundreds of cases of the amazing prices quoted by Japan covering leather goods, rubber goods, brushes, textiles, bicycles, and even heavy machinery.

Great Britain, a much lower cost production country than the United States, admits that she cannot meet this competition without protection. But instead of protecting our workmen from this disastrous invasion of Japanese goods, the administration has extended to Japan all the benefits granted to other nations under trade agreements, so far entered into, and all this without Japan extending to the United States one single trade advantage.

Is it not time for the American workingmen to realize the importance of meeting the issue of foreign competition?

Failure to do so and to do it now can result only in ever-increasing unemployment, a lower standard of living, and the misery and suffering which such conditions must of necessity produce.

I wish that the workingmen of the United States would examine without prejudice present economic conditions and not permit themselves to be blinded and deluded by rabble-rousing political propaganda as to the causes of their unemployment. If labor would face the facts and not be swayed by their emotions, the real issue that so deeply concerns them would become clear. I believe that the retention of jobs now held and the reemployment of the millions of men now idle in the United States are two problems that both groups of labor should strive to solve.

In all candor I ask the laboring men why it is that of all the great industrial nations the United States has made the least recovery in production and employment? There need be no guesswork on this point. Reliable figures are available to answer the question. Let us examine them. Using the figure 100 as of 1929 to represent the average monthly production of all important industrial nations, is it not pertinent to inquire just where the United States stands in comparison? On the basis of the index number referred to for all nations as of 1929, our production in July 1937 stood at 96, while recovery in all the other nations of the world averaged 114. It will be seen, therefore, that the other nations advanced 14 points while the United States dropped 4 points, making a difference of 18 points.

The Roosevelt-Hull reciprocal trade policy is entirely inconsistent with the domestic policy of the New Deal and has probably been one of the measures which has been most harmful to this country. The United States is the only government in the world which is today endeavoring to make reciprocal-trade agreements. Practically all other nations have continued to increase their economic barriers. This has been done through tariffs, quotas, and managed currency. In a world condition such as this it is absurd for any country to, first of all, write reciprocal-trade agreements and then apply the most-favored-nation clause to these agreements.

Under the most-favored-nation clause a nation can raise its trade barriers to any height and still have the advantage of our lowered tariffs as long as they do not discriminate against this country. An excellent example is the Mexican situation. Mexico has raised her tariffs from 50 percent to 300 percent, which is going to have very definite effects on our export trade with Mexico. This has been done because Mexico desires to be more economically self-sufficient and is a very definite attempt at socializing that country. We are even going further by cooperating with her to do so, since we have agreed to buy 36,000,000 ounces of silver at 45 cents an ounce. Through the sale of this silver Mexico will be able to buy machinery to produce goods which were formerly produced in this country by American workers. At the same time, under the most-favored-nation clause, Mexico gets the advantage of any tariff reductions we have made in the past or will make in the future.

There is absolutely no evidence that trade barriers have been reduced through the reciprocal-trade agreements. In fact, the evidence is all to the contrary. We find world production in 1936 above the 1929 level, industrial production

being 111.3 percent, raw materials 105.5 percent, and foodstuffs 100.2 percent of the 1929 level. At the same time the volume of trade in 1936 was but 85.5 percent of 1929. With evidence such as this the present administration continues to write trade agreements, so that one can very definitely say that the purpose of these agreements is not to write trade treaties but to lower the tariffs piecemeal.

Further evidence of this fact is that we now have 16 agreements in effect, all of which are with small countries with the exception of France and Canada. In fact, of the 21 countries which do 80 percent of the world's trade only 7 of these nations have trade agreements with the United States; and in each case as soon as an agreement becomes effective we have given these advantages to the world except Germany; so that we find ourselves today attempting to write an agreement with the United Kingdom, her colonies and possessions—the largest trade area in the world—in a materially weakened bargaining position as we have already lowered a large number of tariffs to which the British Empire has full trade advantage. If the desire for reciprocity had been sincere, an honest endeavor would have been made to make the very first agreement with the United Kingdom and not with such countries as Haiti, Honduras, Guatemala, Nicaragua, Salvador, and Costa Rica.

Furthermore, if this administration had wanted to embrace the doctrine of genuine reciprocity, Mr. Roosevelt would have cooperated with Mr. Hoover in seeing that the necessary preliminary work was done to make the London Economic Conference a success. This conference is the only opportunity this country or the world has had for true reciprocity since the World War, and instead of cooperating and helping, Mr. Roosevelt killed this conference before it got organized and started by refusing to allow monetary policy to be discussed with trade policy. The two are inseparable.

The actions of this administration since—both its monetary and trade policy—have been more harmful than helpful to this country. They have been entirely inconsistent with the domestic policy. The domestic policy of this administration has been to restrict production and to raise prices, which means that we are producing at a higher cost than the rest of the world. At the same time we have been lowering our tariff rates. The best example is cotton. By the debasement of the dollar, which made it possible for foreigners to buy our goods at lower prices in their money, it should then have been possible to sell large quantities of cotton abroad; but the administration loaned 12 cents per pound to American farmers on cotton, which raised the price of cotton above the world price, thus making it impossible to market this most important agricultural export commodity. This policy further encouraged and helped Brazil to expand her cotton-production areas and solve her agricultural problem as cotton can best be grown on exhausted coffee land. Through our policy Brazil has tripled her production of cotton in the last 5 years.

At the same time world consumption of American cotton has decreased, while world consumption of foreign cotton has materially increased until we find that in the crop year 1936–37 the consumption of foreign cotton was approximately 18,000,000 bales and the consumption of American cotton approximately 13,000,000 bales. Prior to the Roosevelt administration, approximately 60 percent of the world's cotton consumption was the American-grown staple. We find today, after 3½ years of this inconsistent policy, that American exports are but 79.5 percent of what they were in 1929, whereas the volume of imports to this country is equal to the volume in 1929. At the same time, the value of American exports is but 63.8 percent of the 1929 value, while the value of imports is 70.1 percent.

We have had in the calendar year 1937 a favorable export balance of $261,000,000. However, if it had not been for the large increase in war materials such as pig iron, steel ingots, other metals and oils and their products, we would have had an unfavorable trade balance. The increase in this group of materials in 1937 over 1936 was 73.5 percent, whereas there had been in 1935 and 1936 but an 8 percent increase over the previous year. If the same type of increase in this group of materials had been made in 1937, we would have had an import balance of approximately $32,000,000.

In the fiscal year 1936–37, for the first time in the history of the United States, we imported 18 percent more competitive agricultural commodities than we exported. By competitive agricultural commodities is meant those commodities which could be raised in this country at a reasonable price to the American consumer. In light of these conditions, it is difficult to understand why the administration wishes to continue to lower the tariffs and create greater unemployment and distress for the American farmer and the industrial worker.

In this connection I may state that the progress made in recovery as shown by industrial production in some of our chief competing countries is of interest and of the utmost importance to American labor. Take England, for example, with a recovery of 126; Germany, 117; Denmark, 134; and Sweden, 143, which compared with 96 for the United States means that while millions of American workingmen are idle, the wage earners of these foreign countries are enjoying great prosperity. These figures, if no other information were available to prove the fact, clearly indicate that our good neighbors are now employed, while in the United States, as President Roosevelt has had to admit, unemployment is rapidly increasing.

Now then, why is this so? Reliable reports show that much of this prosperity comes to the foreign workmen because of the sale of their goods in the American market. If it were not for these foreign goods pouring into the United States in ever-increasing volume, our wage earners would be employed to supply our home market. To be more specific, these foreign workingmen are receiving, spending, and enjoying the pay rolls that formerly were received, spent, and enjoyed by millions of American wage earners, but who are now, because of the surrender of our market, either walking the streets looking for work, or trying to live on a dole.

I do not need to go outside of the district which I have the honor to represent to see the sad effects of the trade-agreement policy. The import of vast quantities of pliers, wrenches, and other tools heretofore purchased by large corporations and the chain stores, has thrown many men out of work in the district which I represent.

It is not alone the machine-tool industries that are adversely affected but textile plants and other concerns. I feel that it is an insult to the intelligence of American labor to be told by the free-trade advocates that it promotes the general welfare of this country to let the goods of foreign labor enter our market and destroy the jobs of our workingmen.

Thus far in my remarks I have referred to the competition from European nations; but let us now turn to a foreign country nearer home. Canada, as we all know, suffered a more severe depression in 1929 than did the United States. Let us see what has happened to the two countries since then. The United States by the expenditure of billions of dollars regained a very small percent of its depression losses, both in production and in employment; but Canada, on the other hand, up to last October 1937, had made a recovery of 110 percent. But what do we find now? It is this: That by reason of the Roosevelt depression the small gains in production and reemployment in this country have been lost.

The facts are plain and no thoughtful person should be deceived as to the cause for the slow recovery here and the rapid recovery in Canada. It is clear, or should be to any person who will examine the facts, that while our market has been surrendered to Canada under a trade agreement, she has by adequate protection enjoyed the benefit of her home market and a large slice of ours as well. Thus, while Canadian workingmen have had the benefit of having two markets in which to sell their products, our wage earners remain idle because they are deprived of their fair share of both markets.

It has required 150 years to erect our marvelous industrial structure. This could not have been done without the protection of the home market to support the structure. There is no market in the world so coveted by foreign nations as our home market. It surpasses in purchasing power all the other markets in the world. Without this market, neither our industrial structure nor our standard of living can survive. If this marvelous cash market were adequately protected from ruinous competition from abroad, where wages are little above a subsistence level, every idle man in the United States could find work. Yet, in the face of these facts, our market is thrown open to goods produced in countries where living standards would be intolerable to our workingmen. The trade-agreement policy now being followed by the administration can lead only to one ultimate and disastrous result, namely, a lower standard of living in the United States. Either American labor will have to submit to a wage level as low as that of competing countries or elect to remain idle and subsist on a dole.

I assert without fear of successful contradiction that whether prices of industrial products are fixed privately or regulated by the Government, as is now proposed, the price cannot be effective unless low enough to meet foreign competition in our unprotected market. No wage scale can be established, either privately or regulated by Government, and be effective unless low enough to meet foreign competition in an unprotected market. These two propositions are self-evident, except to those who are negotiating our trade agreements. I find it difficult even to imagine a more stupid policy to adopt in a time of depression than to open our market to the cheap products of foreign countries.

I regard such a policy indefensible under any conditions. There is no reason why the United States should permit other nations to insist and persist in placing American workmen in a position where they must either remain idle or accept the alternative of a wage scale and a standard of living as low as that of foreign wage earners, including Japan.

Mr. KNUTSON and Mr. FORD of California rose.

Mr. REED of New York. I yield to the gentleman from Minnesota.

Mr. KNUTSON. The effect of the Roosevelt reciprocal-trade policy is to make W. P. A. bigger and bigger and American business smaller and smaller.

Mr. REED of New York. The policy they are following now under the trade agreements, of course, is doing just exactly that thing.

Mr. KNUTSON. It is shrinking American business.

Mr. REED of New York. Absolutely.

Mr. KNUTSON. And it is increasing W. P. A., and this condition will continue as long as we follow the present policy.

Mr. REED of New York. And this has been true throughout the entire history of this Nation.

Mr. KNUTSON. May I ask the gentleman, who has made a study of the matter, if it is not a fact that Great Britain tried free trade for 100 years and was finally forced onto a protective-tariff basis by reason of competition from the Orient?

Mr. REED of New York. There is no question about that.

I know that the textile mills in western New York are hard hit, and this condition prevails in New England and in the South. The wage earners in these plants should not be deceived as to the cause. It must be obvious to these idle textile workers that they cannot produce goods for sale in our market or any other market of the world as cheaply as the Japanese. The hourly rate of pay for Japanese textile workers is only a fraction of that paid in the United States. But Japan is not the only competitor which our textile workers have to face. I shall mention Great Britain, because the Democratic administration is about to enter into a trade agreement with Great Britain to lower our tariff rates on textiles. I want the American textile workers to know that the hourly rate of pay in England is only 19 cents, compared with an average of 49 cents in this country. A trade agreement with Great Britain to lower the United States tariff as is now proposed must of necessity increase unemployment in the United States. The damage to our textile employees does not end here.

Whatever agreement is made between the United States and Great Britain to lower rates on textiles will, under the most-favored-nation clause, automatically lower the tariff to the same extent on textiles entering this country from Japan. Here again the low-tariff policy of the administration will force the American wage earners to either remain idle or submit to the wage scale of foreign textile workers.

Those employed in other than textile industries may say that the closing of our textile mills means nothing to them. This is not true. We have the facts before our eyes to demonstrate that others are equally concerned. Right now, in this Roosevelt depression, we observe that every time the wheels of one industry cease to turn a series of industries are adversely affected. There are some industries which, if they ceased to operate, would each curtail employment in more than 50 other plants. When one pay roll ceases numerous others have to follow suit. We know from observation that whenever a factory ceases to operate, regardless of what causes it to close, other industrial plants are forced to do likewise. No matter which way we turn we see the disastrous effects to labor resulting from the trade agreements. I wonder if the wage earners in our idle glove factories find that it is beneficial to them to have foreign importations of gloves pouring into this country from low-wage nations. I find that during the first 8 months of 1937 there were 1,360,453 pairs of gloves imported from Czechoslovakia, which was double the volume that came in from there during the same period of 1936.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. I do.

Mr. GIFFORD. Because of the gentleman's reference to the textile industry, I want it to appear at this point that the textile industry of New England is living in terror, and I refer now to those who are informed of the danger; but how are we going to get word to those idolistic people who are not informed of this danger?

Mr. REED of New York. I know of no way, because there is the Government propaganda organization, manned by some 500 publicity men on the pay roll, and they are sending out about 8 pounds of mail per capita, New Deal mail, telling the other side of the story. It is only by the local businessmen becoming acquainted with the facts and thoughtful and patriotic people finally letting the others know the cause of their difficulties.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. KNUTSON. Speaking of propaganda, it is estimated that propaganda that would fill a train 12 miles long was sent out by the various Government agencies last year to let the people know the blessings of the New Deal.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield for a question?

Mr. REED of New York. I must proceed, as I have a lot yet to say.

The rise in the importation of shoes from the same source is equally startling. I repeat that the mischief caused by these importations does not end with the glove and the shoe industry. It means that a series of supplying industries and pay rolls are made to suffer by reason of these importations. The tanneries and their pay rolls are injured; the chemical and dye companies and their employees are made to suffer; the leather-goods industries and many others have to reduce employment because of these imports. I repeat, for the sake of emphasis, that as a result of importations our workingmen in the United States are made idle, not in one industry alone but in many, and the consequence is that foreign wage earners receive and spend that which rightfully belongs to American workmen.

But the American workmen made idle by these imports are asked by the administration, "Will not the United States benefit by the purchases which Czechoslovakia may make from us?" I challenge the administration to produce the

figures and show the benefits that will fully compensate our Nation for putting innumerable worthy and honest skilled workmen on the relief rolls. As I have said before, one industry creates a series of industries; one market at home creates a series of home markets; one pay roll at home creates a series of pay rolls at home.

Thousands of industries and millions of employees are facing economic insecurity because of the steady transfer of industry and employment to foreign shores as a result of the trade agreements already entered into and to be entered into by this administration.

There is no lack of evidence of the cruel effects of foreign competition. I know that the watch manufacturers have for years struggled to survive against the competition from Switzerland, but notwithstanding such protection as these industries were able to obtain, many industries failed. A few of the watch manufacturers until recently have been able to operate, but since the trade agreement entered into with Switzerland the home industries are hard pressed and our watchmakers are on a 4-day week. The official figures compiled by the Department of Commerce tell the story. The fact that during a period of 10 months in 1937 almost a million more watches entered the United States from Switzerland than entered during the corresponding period in 1936 gives part of the picture, but not all of it. The important and the tragic part of it is that honest, industrious, and skilled men are compelled to work only 4 days a week because of these imports.

The trade agreements hang over the heads of labor like swords of Damocles. Those who are now employed live in constant fear of losing their jobs. To be thrown out of work is of serious consequence to a man with a family and such a calamity cannot be overestimated in its effect upon his plans and his aspirations for his wife and children. Those men who have been out of work for the past 5 years, a number which at times has been in excess of 10,000,000, are discouraged; and, I fear, in many cases bitter. They cannot help but feel resentment when they see the administration blasting their hopes for employment by surrendering the home market to foreign labor.

When the trade-treaty program was proposed the American people were told that aside from stimulating business it would soften the feelings of the foreign nations and lead to trade cooperation. Except for the sale of war materials to Japan the trade balance running against the United States would surpass that of the worst export year in our history.

Now, after the administration has signed trade agreements with 16 nations to the detriment of American labor, it endeavors to get public support for the program by urging it as a peace measure. I need only ask what is in the mind of every intelligent person, which is this: If it be true that trade agreements make for peace, why is President Roosevelt now launching a military and naval program which will ultimately cost billions of dollars? If trade is the path to peace why all this rattling of sabers and hasty preparation for national defense? Japanese goods, English goods, German goods, and those of many other competing countries can now undersell us in our own market, and they are doing so as our idle factories and idle men bear witness. What more do they want than is now being handed to them by the administration?

To what extent would the administration have the American workingmen sacrifice to preserve peace among rival industrial nations? Must the wage earners of the United States surrender everything to satisfy foreign competitors? If there are persons so silly and so utterly stupid as to believe such a cowardly doctrine, such persons belong in the ranks of those who can embrace and advocate such a fallacy.

It is time for the citizens of this country to return to the sound American doctrine established 150 years ago, under which our great industrial structure was reared, wages raised to a higher level than that of any other nation in the world, and a standard of living established and maintained here which has never been approached elsewhere. No man has stated the American doctrine more clearly than did Abraham Lincoln, when he said, in effect, that if a man buys a suit of clothes abroad he gets the suit, a foreign country gets the money, and a foreign workman gets a job which an American workman ought to have had. On the other hand, if a man buys a suit of clothes in this country he gets a suit, his money is kept in circulation at home, and an American workman is given employment.

Is it not time to give this problem serious thought? Must we run the whole gamut of depression and distress before the common sense of the American workman will assert itself? The workmen of New England are aroused, they are terrified, and this is reflected not by unemployment alone but by the petitions pouring in from men made idle by importations. The time has come for American labor generally to speak on this issue, an economic issue far more important than any other that now engages the attention of labor. [Applause.]

Mr. RABAUT. Mr. Chairman, I now yield to the gentleman from Kansas [Mr. HOUSTON].

Mr. HOUSTON. Mr. Chairman, when I was a boy my father used to give me 5 cents every time I would take a dose of cod-liver oil. When I got the dollar saved up he would take the dollar to buy me another bottle of cod-liver oil. That is the way it is with taxes. They put a tax on us, and before it is really in effect they take it away and give us a worse one. They are now coming in here and asking for a new tax on oil. Oil today has 130 general taxes imposed upon it. They want to place 1 cent a gallon tax on fuel oil. I am unalterably opposed to this measure, and I think it should be defeated.

Mr. Chairman, on March 4, 1937, I made a speech in the House urging the repeal of the present Federal sales tax on gasoline and lubricating oil. I wish to reiterate that these taxes are inequitable, discriminatory, and burdensome.

The petroleum industry has been carrying an unusual tax burden. Both the number and the amount of these taxes have been variously estimated. It seems accepted by the best authorities that there are now over 70 special taxes levied on the oil industry alone and that there are over 130 general taxes which are levied on the industry, many of them falling also upon others.

Since ultimately the consuming public pays these taxes, it might be more accurate to point out that the motoring public is today carrying this tremendous tax burden. From 1919 to 1935, a period of 16 years, motorists have paid over $12,000,000,000 in taxes. It has been estimated by the National Industrial Conference that the 1935 tax bill of the whole country amounted to $9,650,000,000. Over 13 percent of all these taxes were paid by the motorists. Of the State taxes collected in the 48 States 32 percent is from gasoline taxes paid by the motorists.

There is now a bill before the House Ways and Means Committee (H. R. 3134) which would impose a tax of 1 cent per gallon on the sale of fuel oil. In my opinion this would also be an improper and inequitable tax that would create disrespect for law, evasion of law, and corruption; consequently I am unalterably opposed to the enactment of this measure. It is my understanding that proponents of this measure state it would help to forestall exhaustion of America's oil reserves. In that connection I wish to quote an article appearing in the Christian Science Monitor of February 7, 1938:

> For the third time in as many months I have just read a dire foreboding of imminent exhaustion for America's oil reserves. It appears in David Cushman Coyle's prize essay on "The American Way" in Harper's Magazine. The last remark of the same kind came from Stuart Chase; the first from Sir John Cadman, the eminent English engineer. This last-named statement, incidentally, brought me some worried letters from England.
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> Not a word of support can I find among oil experts for the prediction.
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> The forecast seems to come around at regular intervals. There was an alarm sounded in Theodore Roosevelt's administration. T. R. was trying to wake up public support for a conservation policy, and his enthusiastic lieutenants turned into fat boys—trying to make the country's flesh creep—for the purposes of the campaign. Why they did so is a mystery. Conservation is a sound enough creed without trying to bolster it up on fear.
>
> The prediction 30 years ago was put out as an official report. It stated that there were only 8,000,000,000 barrels of oil reserve.

The report coincided with the development of the automobile; in other words, with a vast addition to the demand for oil. Fifteen years ago, after 15 years of exploitation, this reserve should logically have been used up. Yet another official report put the reserves at 9,000,000,000 barrels! By this time consumption was approaching a thousand-million-barrel mark a year. Today, therefore, the reserve as stated 15 years ago should have been used up. Far from this being the case, however, the American Petroleum Institute now reports that known reserves are estimated to exceed 12,000,000,000 barrels! In short, the reserve has been exhausted twice, and yet the amount of reserve is constantly increasing.

Obviously there is something wrong somewhere. In Wonderland you can "run like everything and still remain in the same place," but not in America. The mistake lies in the implication that the known reserves are the only reserves; that technology has given up the task of utilizing oil better; that the oil supplies are limited to the actual liquid wealth. All these factors are vital in discussing the future of oil. One cannot leave the matter by saying as Mr. Coyle does, that "the known reserves are still only about enough to carry our present rate of consumption to 1950."

The fact is that ever since the dark prophecies were first uttered new sources have constantly been tapped. In 1936, 15,000 out of 21,000 wells drilled contained oil; and the oil obtained from these wells alone was sufficient to meet current consumption. Such a ratio of productive wells to new wells tapped is likely to continue. For there is a tremendous area still remaining unexplored—an area about 20 times the size of the United Kingdom. That much of this area would be oil bearing is the verdict of geologists. They describe the area as "of geological formation which may contain oil." Oil men themselves speak about the possibilities without any such qualification.

And their confidence is not based upon hope, either. Modern drilling methods have indicated that great tracts of subterranean America must be swimming in liquid wealth. An example is east Texas. Under the old methods of drilling the sand did not seem very promising. Six years ago, however, a new drill hit the rim of an enormous buried saucer, and a flood of oil gushed forth revealing a mammoth strike. This strike was due to the greater depth achieved by the drilling. Now the drillers go down as far as 2 miles, at which depth the oil men have been able to tap oil wells below oil wells, as in the Sante Fe field.

Better utilization is likewise a new source of oil, even though it does not add physically to the supply. The chemist persists in showing how to "crack" more gasoline from crude oil. Nowadays twice as much "gas" is extracted from crude oil than was extracted 30 years ago. In other words, the chemist is just as great a producer as the engineer.

Even without these aids, a great resource of oil is available in the Nation's inexhaustible coal supplies.

I do not want to give the impression, however, that the United States is such a miraculous pitcher that there is no need for conservation. Waste in any form is reprehensible. It is no worse as a social liability, however, than fear creating statements about the national resources, such as have been made in regard to the depletion of oil.

I have received scores of letters from refining companies and their employees in the midcontinent area who are unanimous in their opposition to this proposal to place a tax of 42 cents per barrel on fuel oil as it is clearly exorbitant and would practically eliminate the use of fuel oil for heating or power. It could not be absorbed by the manufacturer and would have to be passed on to the consumer. The smaller refineries are now operating at a loss and an additional tax on their products would destroy their markets and would mean the closing down of hundreds of plants. Yesterday we passed an appropriation of $250,000,000 for work-relief projects and it was inadequate to take care of existing needs. We cannot go on at that rate forever, and to enact legislation that would only result in throwing thousands of men now employed in the oil industry out of work would be the height of folly.

We need industrial recovery more than we need legislation as additional Federal revenues received because of recovery will more than offset the present Federal taxes on gasoline and lubricating oil, and the suggested tax on fuel oil. The destruction of an industry, and that is what such taxes result in, is neither morally nor economically justifiable. H. R. 3134, providing for 1 cent per gallon tax on fuel oil should be defeated. [Applause.]

Mr. RABAUT. Mr. Chairman, I now yield to the gentleman from North Carolina [Mr. KERR].

PEANUT LEGISLATION

Mr. KERR. Mr. Chairman, I am taking this opportunity, both here and in the country at large, to make a matter of record concerning a great farm commodity which it appears has never yet been able to impress its importance and value upon the economist or the lawmaker. I refer to peanuts, a crop now grown in 15 States of our Republic, and upon every continent in large quantities throughout the world. In the Forty-first Congress, James G. Platt, a Member of Congress from Virginia, offered an amendment to the pending revenue bill to increase the duty on imported peanuts, large quantities of which were being imported from Africa. A large majority of the Members of Congress at that time knew but little about the value and use of this agricultural commodity, and it was evident that the growth of peanuts in the United States had not attained the importance that it had on other continents. A few of the Congressmen who considered this tariff legislation in the Forty-first Congress, had eaten "goobers" doubtless grown in their grandmothers' gardens, but as to the merit of Mr. Platt's bill, they were not informed and this legislation interested them but little. Sixty years ago the culture of peanuts was in its infancy in the United States, and at that time it was not recognized as a valuable article of commerce. Within the last 20 years the value of this crop in the United States has reached tremendous proportions. It is the principal crop of more than 225,000 American farmers, and its value more than $50,000,000, and the demand for this product is steadily growing throughout the world.

I have in mind a dual purpose for making this record—I think it is the first factual statement ever made in Congress in respect to this valuable agricultural commodity. First, there are some Members of Congress who are very much interested in the welfare of the farmers who grow this important crop, and when we advocate legislation in the interest of these farmers we are often embarrassed and handicapped because the large majority of our colleagues know so little about this commodity, and we do not get the sympathetic cooperation accorded us which is magnanimously given to other legislation which has for its purpose the control and stabilization of prices of other crops of much less value and importance. When some of us insisted that peanuts should go into the A. A. A. of 1933, it was evident that some of the agricultural officials as well as the President thought that we were attempting to make a joke of this bill; however, at the next session of Congress the administrative officials had been convinced that this crop was entitled to a basic commodity status, and it was placed in the bill as such, and through the provisions of the A. A. A. of 1933, which were not annulled by the Supreme Court of the United States, the price of this commodity was raised from 1 cent a pound to 3½ cents a pound, and the price and value of the crop increased within the last 4 years from nine to fifty million dollars. It is apparent to those of us who represent the areas in those States where peanuts are grown that if the production of cotton, corn, and rice is to be restricted and controlled by law under the A. A. A. of 1938, then the same legal methods to prevent the overproduction of the basic commodities in the A. A. A. of 1938 should apply to the peanut crop as well, for the reason that peanuts are grown in commercial value in those areas which grow cotton, corn, and rice; and those farmers whose crops are cut in the cotton, corn, and rice areas will at once resort to the cultivation of peanuts on those lands taken out of production under the control act, and they will grow a crop of peanuts which will be so much in excess of the normal demands that the peanut farmers and their industry will be utterly destroyed. I cannot conceive that the lawmaker would intentionally destroy one great agricultural product in the endeavor to help others when it is absolutely unnecessary to do it.

My second reason for making this statement to Congress is that I have introduced, and there is now pending before the Agricultural Committees in both the House and Senate, a bill which would control the production of peanuts by quota allotments in those States which produce this commodity, similar to the tobacco control feature embodied in the A. A. A. of 1938, and I have every reason to believe that if I get the cooperation of those of my colleagues whose constituents grow peanuts, Congress will pass this act, and this commodity will be protected and a fair and profitable price be vouchsafed unto the 250,000 farmers who grow this valuable

crop in the United States. Not to pass this act would be an unjust and unwarranted discrimination against one of the most valuable crops grown in the United States. The peanut farmer would have been ruined but for the authority vested in the Agriculture Department under the A. A. A. of 1933, which enabled the Department to divert a large percent of these recent crops into oil production, which stabilized the prices and promoted orderly marketing; but the peanut grower has never yet been able to get parity price for his commodity, which is more than 6 cents per pound, and it is most evident that these growers must be protected by control and quota allotments as well as those who grow cotton, corn, and rice. In fact it is much easier to regulate the production of the peanut crop than any of our other great crops. Very little of this crop is exported and very little imported; most of it is consumed in the United States and there would be but little hazard involved in producing a crop which will annually meet the demands of the consumers. A surplus crop rarely helps anyone, it destroys the producers' purchasing power, creates an abnormal hazard in the processing and manufacturing business, and reduces the wage earnings of the consumers. It is utterly foolish not to prevent if possible such occurrences in our economic life.

A large majority of the peanut farmers want this legislation, and they are as much entitled to it as the growers of corn, wheat, cotton, tobacco, or any other agricultural commodity, the acreage planted in peanuts in the United States exceeds that planted in tobacco and the value of the peanut crop is more than three times the value of the rice crop. The price of this commodity is much too low now, and to leave it out of our farm legislation or some supplemental act would be unthinkable and ruinous. From 1922 to 1929 the average price for peanuts was 5.7 per pound, and in 1932 the price for farmers stock dropped to about 1 cent per pound, as stated, since 1934 through the cooperation of the growers and the Agriculture Department, under the A. A. A. of 1933, the average price of this commodity has been kept around 3½ cents per pound; there is no reason why this valuable crop should not be raised to a profitable parity price if the proposed legislation is passed; peanuts were a basic commodity under the A. A. A. of 1933, to have left it out of the A. A. A. of 1938 was an unwarranted discrimination and indefensible, and under present conditions when its market value is one-half parity price, and restricted quotas in cotton, rice, and corn can be planted in peanuts, it is more necessary than ever that there should be a quota allotment and control-feature law applicable to this commodity.

ITS GROWTH, IMPORTANCE, AND CULTURE

Peanuts were first grown in large quantities in southeast Virginia and northeast North Carolina. This crop is now grown in 15 States in the United States in commercial quantities amounting to more than one and one-half billion pounds. Forty percent of this poundage is grown in Virginia, North Carolina, and Tennessee; 45 percent thereof grown in Georgia, Alabama, South Carolina, and Florida; and 15 percent in the other 8 producing States. The cultivation of peanuts is now conducted on enormous scales in Africa, Asia, and South America. This commodity is called in foreign countries "ground nuts."

The Spanish and African types yield the largest percentage of oil, and the Virginia and North Carolina types, a larger nut than the Spanish, are used for out-of-hand eating and the manufacture of confections, peanut butters, and many edible products; this American type usually brings a higher market price than other varieties. The peanut is a new-world plant and a native of America. It is one of the five great agricultural plants that the American continent has contributed to the world; namely, cotton, Indian corn, tobacco, peanuts, and potatoes. These crops will always exert a large influence on the industry and commerce of the world. The growth, development, and culture of the peanut has been more conspicuous than any other farm commodity in the United States in the last 50 years. It is said that the soldiers in the Civil War learned of the value of this commodity and extolled the virtue of this nut as a food when they went to their respective homes and even began to plant them in many States. In 1905 there was produced in the United States more than 300,000,000 pounds of commercial peanuts, about two-thirds of this production was grown in Virginia and North Carolina; this crop was valued at $10,000,000. This crop has been so increased that it is now valued at about $50,000,000. We export but a small quantity of our production, and there is imported into the United States a small quantity of peanuts, notwithstanding there is an import duty of 4½ cents per pound on unshelled stock and 7 cents duty on shelled nuts. The crop is of great commercial value now, and compared with other valuable commodities—it is much less expensive to produce. The plant grows best and fruits best in a light loamy calcareous soil, where there is no iron to discolor its pods and with a small application of fertilizer composed of lime, phosphorus and potash. The best type of land is usually planted in peanuts and the best results derived by rotating the cultivation after peas or some soil-improvement crop. The peanut vine when not frost bitten has stock-feed value equal, acre for acre, to the best alfalfa hay, grass, or corn fodder and if the vine or hay is allowed to remain on the land and rot, it has as much fertilizer value as a heavy coating of stable or stockyard compost. Every kind of stock eats peanuts, cows, horses, and sheep eat both the hull and the nuts, and poultry and hogs eat the nuts; and stock will leave any other kind of food to eat these nuts and vines. The high percentage of fat producing elements and vitamins in the peanut makes this crop one of the most valuable that can be grown to feed man and beast. An investigation made by the United States Tariff Commission in 1926, when China began to ship large quantities of peanuts into this country, disclosed that the peanut was the principle food of four or five provinces in China in which there lived several million people.

It is noticeable in the South that the Negro children on plantations growing peanuts at harvesting time cast off their ashy look, fatten up, and their kinky hair becomes soft and oily. When nuts are crushed for oil you get a 16-percent yield of the sweetest and finest edible oil known. The cakes from which the oil is extracted and which is used for stock feed contains 26 percent protein and 38 percent fat-producing value, making a food value higher than any other crop produced over so large an area of the world. Its food value is recognized throughout the world, and many stable articles of commerce are manufactured from this valuable agricultural commodity.

It will interest you to know that the peanut has no insect or other enemy which attacks the plant growth, it does not take a great amount of moisture to grow a good crop, and if the season is favorable you can always count upon a profitable yield. All other great crops have natural insect enemies which appear in some area every year and destroy the crop, and the United States Government spends many million dollars annually in its endeavor to prevent this crop destruction by insects.

The peanut belongs to the natural order of legumes or pod-bearing plants. It is, however, unlike other legumes in that no other grows so recumbent upon the soil and no other produces the seed or fruit under the ground. This plant has several peculiarities which are most interesting to the naturalist. It closes its leaves upon the approach of a storm and at sunset, and the flowering stalk after pollination grows and pushes itself into the soft ground and the nuts or fruit then grows to perfection in the earth. Along the roots of this plant wart nodules grow which gather nitrogen from the air and store it up for plant food.

I hope that I have impressed my colleagues with the importance of this crop and the necessity for the proposed legislation. I believe and state unequivocally that if the peanut industry is to maintain its valuable position to the farmers of this country, and the growth of this crop is to retain its importance in the farm organization of so many

farmers, the present situation should be recognized, in order that some means of acreage control in line with that of other commodities may be speedily provided. [Applause.]

Mr. RABAUT. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. LUTHER A. JOHNSON].

Mr. LUTHER A. JOHNSON. Mr. Chairman, bills making appropriations for the support of the various departments of the Federal Government, dealing as they do mainly with figures, and also because of their regularity and similarity, do not ordinarily arouse the interest of the House as do those formulating and declaring the policy of the Government. But while they are not colorful, they are of vast importance and essential to the maintenance of the Government.

The bill under consideration makes appropriations for the next fiscal year for four of the most important departments of the Government—State, Justice, Commerce, and Labor.

The administration of these four divisions of our Government vitally affects the welfare, the safety, the preservation of the rights and the happiness of our people.

Ordinarily, we would not associate domestic prosperity with the State Department, but its administration, and that of the Commerce Department as well, affect in a large measure our domestic prosperity. While these two Departments are not militaristic agencies, yet their proper administration has a direct relation to the preservation of peace, both at home and abroad. One of the most effective means of preventing war and preserving world peace is the successful carrying on of world commerce. Our foreign policy in dealing with other countries, largely determined by the President and the Secretary of State, affects our foreign trade. No one can deny that the reduction of excessive trade barriers and the elimination of trade discriminations offer a sure foundation, both for world peace and improvement of American foreign trade. The reduction of excessive trade barriers and the elimination of trade discriminations offer the only sure foundation alike for world peace and for the improvement of American foreign trade; and both of these are vital necessities if we are to maintain our domestic prosperity.

Under the able direction of our great Secretary of State, Hon. Cordell Hull, for the past several years trade agreements have been and are now being negotiated between the United States and foreign countries. Thus far trade agreements have been consummated between the United States and the following governments: Cuba, Brazil, Belgium, Haiti, Sweden, Colombia, Canada, Honduras, the Netherlands, Switzerland, Nicaragua, Guatemala, France, Finland, Costa Rica, and El Salvador—16 different countries—and at this time there is being considered a trade agreement between our country and Great Britain.

The importance of a successful termination of an agreement between these two countries can be best realized when we consider that the total trade of the United States and the total trade of the British Commonwealth are responsible for nearly half of the world trade.

High tariff walls erected by various governments can only be removed or lowered by trade agreements. In years past, when the United States was about the only major country which had high tariffs, the reduction of tariffs by our country tended to solve the problem, but other countries of the world, following our example, have practically all erected high tariff walls, and reduction of tariff by our country accomplishes nothing unless the tariff walls of other countries can also be reduced. Hence, trade agreements now constitute the only practical way of eliminating existing trade barriers.

That trade agreements already effected are beginning to bear fruit is disclosed by the increase of our world trade in 1937. United States exports in 1937 exceeded imports by $261,597,000.

Exports, gaining $889,680,000 over 1936, totaled $3,345,658,000. Imports amounted to $3,084,061,000, an increase of $661,469,000.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. SIROVICH. Is that the result of trade agreements?

Mr. LUTHER A. JOHNSON. I was coming to that; yes. The export balance of $261,597,000 was piled up in the last few months of the year and brought the United States back after a lapse of a year to the position of a predominantly export country. In 1936 the export balance was only $33,386,000, the lowest figure in more than 35 years.

Answering the question of my friend from New York, undoubtedly our trade-agreement policy has a dollar-and-cents value to the United States.

I present a table showing the manner in which American exports have developed under the trade-agreement policy since 1935, in percentage increase, to the middle of 1937.

Percentage increase

United States exports to countries with which trade agreements have been signed	57.8
United States exports to the rest of the world	45.6

These figures speak eloquently in defense of Secretary Hull's trade-agreement policy and constitute an answer to those critics of our trade agreements.

DEPARTMENT OF COMMERCE

Time will not permit a discussion of the importance of the Department of Commerce so ably directed by Hon. Daniel C. Roper, the present Secretary of Commerce.

There are several different bureaus within this Department, to wit, Bureau of Air Commerce, Bureau of the Census, Bureau of Foreign and Domestic Commerce, National Bureau of Standards, Bureau of Fisheries, Bureau of Lighthouses, Coast and Geodetic Survey, Bureau of Marine Inspection and Navigation, and Patent Office.

Since there seems to be a lack of knowledge and some misinformation as to the importance of the work and activities of the Bureau of Foreign and Domestic Commerce, I wish to speak briefly concerning it.

While I have always been interested in its work, during a trip which I made to Europe last year, after the adjournment of Congress, I gathered first-hand information as to the fine work that is being done by its representatives in a number of European countries. I visited 12 different countries in Europe, and in most of them contacted the representatives of this Bureau, and was favorably impressed with the type of men representing us abroad, and the intelligent, practical, and alert manner in which they are serving our commercial interests in foreign lands.

This also can be said of the diplomatic representatives of the State Department whom I met in the countries visited.

At my request, Dr. Alexander V. Dye, the able Director of the Bureau of Foreign and Domestic Commerce, has prepared for me a statement concerning its history and various activities. Dr. Dye's statement is clear, logical, and informative, and contains facts which I think should be known, and I accordingly present same herewith and ask unanimous consent that it be incorporated in my remarks.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

(By Alexander V. Dye, Director)

1. HISTORY AND FUNCTIONS

With the establishment of the Department of Commerce and Labor by the act of February 14, 1903, the Bureau of Statistics, of the Treasury Department, and the Bureau of Foreign Commerce, of the State Department, were transferred to the new Department and consolidated into a single organization called the Bureau of Statistics. The same act created the Bureau of Manufactures in the Department of Commerce and Labor. The present Bureau of Foreign and Domestic Commerce was established under the provisions of the act approved August 23, 1912, by a consolidation of the Bureau of Statistics and the Bureau of Manufactures. On January 1, 1923, the Bureau of Customs Statistics, a branch of the Treasury Department located at New York City, was transferred to the Department of Commerce and made a part of the Bureau of Foreign and Domestic Commerce.

Broadly speaking, it is the function of the Bureau of Foreign and Domestic Commerce to supply trade information to American producers and exporters for the purpose of aiding in the development of markets for American goods at home and abroad. Statistics of United States foreign trade compiled by the Bureau from documents supplied by collectors of customs provide the basis for much of the development work of this organization. These statistics likewise are the foundation of much of the work of the State Department in its reciprocal tariff negotiations and of the Tariff Commission. Through its agents in foreign countries, the Bureau provides American business as a whole with complete and intelligently analyzed information concerning the eco-

nomic, financial, and commercial developments of the various countries, and interprets the significance to American trade of the decrees and laws that are promulgated; and aids them in every proper way to extend their markets and increase their sales. On the domestic side, it coordinates information on markets and costs for the use of industry and government in facilitating stabilization of business and progressive adaptation to changing conditions, and aids through these functions the efforts of individual and organized business toward improvement.

2. ORGANIZATION

The foreign service

The basic data concerning markets and trade conditions abroad are collected by the Bureau's foreign-service officers—commercial attachés, and trade commissioners—stationed in the principal foreign countries. The Bureau's foreign service now numbers 96 persons, exclusive of native employees. Supplementing the work of the Bureau's own foreign service officers, the consular officers under the Department of State devote a portion of their time to securing information about foreign-trade conditions, their reports being transmitted to the Bureau by that Department.

The Bureau at Washington—Industrial divisions

For the purpose of giving the greatest practical value to its foreign-trade investigations, the Bureau at Washington is organized on both an industrial and functional or technical basis. Divisions have been established covering the following commodities or industrial groupings: Automotive and aeronautic products; chemicals; electrical equipment; foodstuffs; forest products; industrial machinery and agricultural implements; leather, shoe and rubber; metals and minerals, specialties and motion pictures; textiles, tobacco.

The industrial divisions keep their respective industries in continuous touch with trade conditions in all foreign countries as well as counsel them upon current developments in the domestic field.

Economic divisions

Supplementing and aiding the work of the industrial divisions the Bureau maintains a number of economic divisions. The Division of Regional Information is in intimate contact with the Bureau's foreign-service officers, and is able to keep the industrial divisions, and through them the industries, generally informed about general economic conditions in each foreign industry. The Division of Commercial Laws collects information covering the legislation and regulations of foreign nations affecting American business and industry, including the laws and rules relating to patents and trade-marks, industrial property, taxation, and unfair competition. The Division of Foreign Tariffs is the primary source in this country for information on customs tariffs, trade regulations, and commercial policy of all countries (except the United States), including all official charges and regulations on the movement of goods into and out of foreign countries.

This division collects and disseminates information in this field and announces all changes as they occur, and furnishes information and advice on the specific inquiries of American exporters. The finance division keeps in touch with the financial situation abroad, and is in a position to supply data needed by American banks, businessmen, and economists on such matters as public finance, Government loans, currency, exchange, and foreign-trade finances. The division of economic research collects and analyzes trade and industrial statistics and carries out major research projects in special fields, such as the study of national income. It compiles the Statistical Abstract, which contains practically all essential basic statistics of the United States, and prepares the Survey of Current Business, which brings together all current statistical series readily available in the United States. The domestic section of the annual World Economic Review is also prepared in this division. The division of foreign-trade statistics, in cooperation with custom officers, collects and compiles for publication practically all of the basic statistics of the import and export trade of the United States. The transportation division compiles and furnishes to shippers information on freight rates and services by rail, air, and ocean. It also gathers and distributes data on telephone, telegraph, cable, radio, and postal communication and keeps in touch with all matters tending to protect and increase American facilities for world communications. The commercial intelligence division compiles sales-information reports on foreign buyers and sellers from reports furnished by 200 American consuls on request of American exporters and importers, furnishes lists of prospective agents abroad on special request, and reviews reports on credit situations abroad.

Foreign-trade zones

Receives applications for establishment and operation of foreign-trade zones in ports of entry under provisions of act of June 18, 1934, investigates, holds hearings, and conducts all preliminary detail incident to final issuance of operating permit, makes reports to Congress, and supervises as a public utility all zones which may be established.

Marketing research and service

The thoroughly reorganized marketing research and service division confines itself largely to domestic commerce problems. Its activities are projected along two parallel lines—research investigations and practical presentation of the resulting information for the sales organizations of 165,000 manufacturing establishments, 160,000 wholesale houses, and 1,500,000 retail stores in this country individually and collectively through trade associations. With the great advance in inventions and the improvement in the technique of manufacturing, more and more attention has been given to the problems of distribution. At the present time, moreover, businessmen themselves are alert to the problems of our national economy, with the result that the work of this division is not only of growing interest but involves many of the more fundamental economic problems of our Nation as a whole.

The Marketing Research and Service Division, therefore, is giving special attention to the coordination of valuable information already available, to the collection and dissemination of basic facts of value to distributors of all kinds in checking up on their present and in planning their future operations, and to pointing out cases of unnecessary duplication in our distributive system.

Particular attention is now being given to the wholesale and retail fields, cooperative efforts of distributors, the character and location of domestic markets, monthly changes in the sales volume of retail and wholesale establishments, credit conditions, delineation of trading areas, and further analysis of distribution costs.

Market data previously gathered by the Federal Government and other reliable sources, as well as new facts, are coordinated and distributed by this Division for the immediate use of businessmen through the use of reference files, indexes, bibliographies, press releases, and periodical publications and reports.

District offices

The Bureau of Foreign and Domestic Commerce maintains district offices in the following cities: Atlanta, Birmingham, Boston, Buffalo, Charleston, Chicago, Cleveland, Dallas, Detroit, Houston, Jacksonville, Kansas City, Los Angeles, Louisville, Memphis, Minneapolis, New Orleans, New York, Norfolk, Philadelphia, Pittsburgh, Portland (Oreg.), St. Louis, San Francisco, Seattle.

These offices give aid and advice to business interest in their respective communities in connection with sales, export, and domestic commerce problems—when necessary, of course, referring inquiries to the Bureau at Washington. They also serve as distributing centers for bureau publications, seeking to place trade information directly in the hands of the persons most vitally interested. Through the cooperation of the local chamber of commerce, offices are also maintained, without expense to the Government, in 54 important cities.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 4 additional minutes.

NEW AID TO AGRICULTURE

Mr. LUTHER A. JOHNSON. In the new farm bill recently passed and signed yesterday by the President, there was much criticism and objection to many of its provisions, but it contained two features about which there was no dispute and concerning which there was unanimous approbation. I refer to section 202, with reference to new uses and new markets for farm commodities.

It directs the Secretary of Agriculture to establish, equip, and maintain four regional research laboratories, one in each major farm-producing area, and at such laboratories to conduct researches into and to develop new scientific, chemical, and technical uses, and new and extended markets for farm commodities. Such research and development to be devoted primarily to those farm commodities in which there are regular, or seasonal surpluses. Since we have now, and have had for several years, a large surplus of cotton, and which is abnormally large now, due to the gigantic crop of 1937, cotton is intended to and should be given first consideration, both in the research laboratory feature for new uses, and also in a search for new and extended markets.

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield to my colleague.

Mr. PATMAN. The gentleman speaks of research laboratories. Is it not a fact that the Texas delegation on yesterday appointed a committee of three to look into this for the purpose of trying to obtain one of them for Texas; and is not the gentleman a member of that committee?

Mr. LUTHER A. JOHNSON. I thank the gentleman for the information and the opportunity it gives to advertise the fact that I am on that committee.

Mr. PATMAN. Is his district trying to get one of these places?

Mr. LUTHER A. JOHNSON. Of course I should be more tnan pleased to have such a laboratory located in the district which I represent, but as yet there is no effort being made by any district or any particular place in Texas to secure the location of the laboratory. We must first convince the Secretary of Agriculture that Texas is the proper place for the location of the cotton research laboratory, and

after that is done, then the selection of the place will be in order. All Texas is united in favor of this proposition, and for several years effort has been made by many prominent citizens and organizations in Texas, urging the establishment of a cotton laboratory, and we feel that because of the interest and cooperation which the people of Texas will give to such a proposition, coupled with the fact that our great State produces from one-quarter to one-third of all cotton in the United States, that it should be located within its borders.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. Yes; I gladly yield to the gentleman from South Carolina, chairman of the subcommittee which reported to the House the bill now under consideration.

Mr. McMILLAN. The gentleman is making, in my judgment, a very splendid statement in connection with the activities of the Bureau of Foreign and Domestic Commerce. I take it, as a result of the statement that he has made, that he is entirely in accord with the action of the Committee in restoring the cut of $291,000 recommended to the House by the Budget.

Mr. LUTHER A. JOHNSON. I certainly am, and the gentleman and his committee have shown excellent judgment in restoring this amount, and I congratulate them thereon.

Mr. MAHON of Texas. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. I yield.

Mr. MAHON of Texas. In view of the fact that I represent the congressional district which produced more cotton than any other congressional district in the United States in 1937, does not the gentleman think it might be appropriate to locate this research laboratory in Lubbock, Tex., at Texas Technological College?

Mr. LUTHER A. JOHNSON. Until Texas secures a laboratory, it is premature to consider or discuss its location. We must present a united front in fighting for Texas, and if we win, as we hope to do and feel that we should do, there will undoubtedly be many places given serious consideration before the matter is determined.

In order to make effective that provision of the farm bill relating to new and enlarged markets, Congress, realizing that the Department of Commerce was best equipped for developing larger markets, directed that the Secretary of Commerce should be allocated for each fiscal year $1,000,000 to be expended for the promotion of the sale of farm commodities, in such manner as he should direct, and of this sum $100,000 to be devoted to making a survey and investigation of the cause or causes of the reduction in exports of agricultural commodities from the United States, in order to ascertain methods by which the sales in foreign countries of basic agricultural commodities produced in the United States may be increased. It also directs the Secretary of Commerce to use available funds to stimulate and widen the use of all farm commodities in the United States, and to increase in every practical way the flow of such commodities and the products thereof into the markets of the world.

While the bill does not specifically mention the Bureau of Foreign and Domestic Commerce, yet it was the intention of Congress, and undoubtedly the Secretary of Commerce will delegate to this Bureau the work with reference to enlarged markets for agricultural commodities, both in the United States and in foreign countries.

There is no other agency of the Government so well equipped, both in personnel and machinery of organization, to carry on so effectively this work of seeking enlarged markets for agricultural products.

This feature of the farm bill will mean that hereafter this Bureau will have this added and increased duty and responsibility, and which I think will be of material aid in enlarging the markets and increasing the sale of agricultural commodities, especially in foreign countries.

I congratulate the Committee on Appropriations, and especially the subcommittee handling this bill, of which my friend, the distinguished gentleman from South Carolina [Mr. McMILLAN], is chairman, for including in this bill appropriation for the amount asked for by this Bureau to carry on and maintain its work. The arteries of trade are kept open and stimulated by the fine work that it is doing, both at home and abroad.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. LUTHER A. JOHNSON. Yes; I yield to my Republican friend who used to be my chairman.

Mr. KNUTSON. I thank the gentleman. The gentleman from Texas awhile back in his remarks called attention to the desirability of extending these trade agreements as a pacific measure to reduce the possibility of war. How long have these reciprocal-trade agreements been in effect?

Mr. LUTHER A. JOHNSON. About 3 years. I may say in answer to the gentleman's inquiry that it is interesting to note that of the 16 countries with which we now have trade agreements none are at war. We have no trade agreements with any of the countries that are at war.

Mr. KNUTSON. Does not the gentleman think we had better hurry up and make a trade agreement with Japan and Spain?

Mr. LUTHER A. JOHNSON. I think we ought to make trade agreements with all of them; but when some of these countries get this fighting out of their system may be a better time to make trade agreements with them. [Applause.]

Mr. KNUTSON. Does the gentleman think we ought to give them the American markets?

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, we are considering today the State, Justice, Commerce, and Labor Departments appropriation bill. The report shows that we will appropriate $2,172,799 more this year than was appropriated last year in this same bill. May I call attention to the fact that when this bill left the House last year, considering the present appropriation, the bill will carry $4,294,988 more than when it passed the House last year?

We have already passed several appropriation bills since January 3 for the year 1939. The Treasury and Post Office Departments appropriation bill involved an increase of $15,000,000 this year; the Navy appropriation bill an increase of $40,500,000; other appropriation bills are to follow for consideration. Will they all be increased? Where will you get the money?

Mr. Chairman, I do not know what attention the Members of the House give to these appropriation bills, but I do want to call attention to the receipts and expenditures of the Government as per the statement of February 14. This statement shows that the Government expenditures this year were $196,700,684.70 more than they were at the same time last year.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Is it not a fact that if we could eliminate the service charge on the loans of the Federal Government, interest, amounting to $1,000,000,000 annually, the receipts would balance the expenses of the National Government, and we would have a balanced Budget? The only thing that keeps us from balancing the Budget is the interest that is paid on Government bonds, which totals over a billion dollars a year.

Mr. RICH. No, that is not a fact. Anyone who reads a Government statement and looks at it carefully and then determines that the interest paid on Government bonds is the only thing that is keeping us in the red does not know much about reading the Government statement.

Mr. WHITE of Idaho. Does the gentleman mean to say if the billion dollars we are paying in interest was eliminated the Budget would not be balanced?

Mr. RICH. No. Never. Never in the world, and the gentleman ought to know better than that.

We have been from two to three billion dollars in the red ever since the present administration has been here in Washington, notwithstanding the President has told the

Congress a number of times that we would have a balanced Budget "next year." He has come before the Congress and told us that three times.

Mr. Chairman, the gentleman from Idaho is a nice fellow, but, if he will study these figures, he will find that by the end of the present year, June 30, the Government will be in the red an additional one and a half billion dollars.

Mr. WHITE of Idaho. The gentleman has repeatedly stated that the Government debt is $37,000,000,000. We must pay interest on that debt at the rate of 3 percent per annum.

Mr. RICH. Yes; that is about $1,200,000,000.

Mr. WHITE of Idaho. This takes a billion dollars alone.

Mr. RICH. It takes more than a billion dollars. Read the statements. It takes more than a billion dollars to pay our interest on money borrowed, but, even at that, you are not going to get a balanced Budget. Do you want to start the printing press or do you want sound currency?

Mr. Chairman, the point I am trying to bring to the attention of the Members of the House is that you will have to stop spending. Under present conditions we are not going to get sufficient receipts to balance our expenditures, and when the fact is taken into consideration that we are increasing each succeeding one of our appropriations by large sums of money it is a serious thing. Mr. Chairman, it is your responsibility, it is the responsibility of every Member of the House, and it is my responsibility. If you will not cut down these expenses, then the worst is yet to come. When you analyze the returns from the income-tax statements to be filed on March 15, 1938, and make a comparison with the income-tax returns filed a year ago, you will get your eyes opened. Your receipts will again get a severe set-back. Just watch it.

Mr. SIROVICH. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from New York.

Mr. SIROVICH. I respectfully pay tribute to the gentleman's good intentions, but would he be kind enough to tell us in what departments he would make a cut in order to bring balance out of chaos?

Mr. RICH. Yes. If the Appropriations Committee would listen to me, I will tell you, Doctor, you would have all the appropriations cut down. They would not be increased and they would not go up like they are doing at the present time. I have been fighting for this principle ever since I have been in Congress. I will continue to do so, because I believe it to be the right thing to do. It is the sensible, sane thing to do.

Mr. SIROVICH. Where would the gentleman make the cut?

Mr. RICH. I would cut every department and it can be done. There are men on the pay roll of this Government here in Washington who receive a salary of $3,500 a year for sitting in hotels. There are watchmen sitting in hotels drawing $3,500 a year. Then we pass those things by. We have men on the pay roll sent into the various departments by Members of Congress who are being paid for doing nothing. We spent over $3,000,000 for the Guffey coal bill enforcement. Just recently 150 men have been turned out, because they did not know what to do with them. You wasted more than half of that money last year. Every department of Government can be cut down tremendously.

Mr. Chairman, I am going now to another subject.

If you are conscientious Members of Congress, you ought to obey the laws you pass. A Member of Congress is no better in the eyes of the people of the country than anybody else. A Member of Congress should not receive or accept privileges under the law that are not accorded other people.

I picked up this morning's Post and I see this article, Traffic Law Not for Congressmen.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. RICH. No; I will not yield to the gentleman and I will not yield to anybody else until I finish this statement, because I believe some of the Members of Congress ought to have a real chastisement and I am going to give it to them. When the traffic laws of the District of Columbia are made for the people of the District and not for Congressmen, then we are going far afield.

I have here an article taken from this morning's Washington Post, and it reads in part as follows:

> Certain Members of Congress are after the jobs of certain Washington police officials—high and low—and the police, trying hard to bring order out of chaos in the District's tangled traffic situation, are facing a dilemma that has the department's morale at low ebb.
>
> A Post reporter was eyewitness to two incidents yesterday, and was told about a third, in which the taxpayer of Washington would be heavily fined, even sent to jail, but in which the lawmakers, deliberately breaking Washington traffic laws defied police to do their sworn duty.
>
> Last night a car drove up on the south side of G Street near the Keith Theater exit and deliberately stopped in a "No Parking" space. A policeman standing nearby walked up to the driver, who was accompanied by five friends.
>
> "You can't park there," the policeman said, politely.
>
> "I am a Member of Congress," the driver said, over his shoulder.
>
> IT'S QUITE A JOKE TO SOME
>
> The policeman walked around to the back of the car, as there were no license plates on the front, and noted the Mississippi license and congressional tag.
>
> "Rather taking advantage, aren't you, sir?" he said to the Congressman.
>
> "Listen, brother, I don't want to be contrary, but you just watch me park there," was the rejoinder of the honorable lawmaker, while the rest of the party with him snickered. They all laughed light-heartedly as they strolled into the theater.

I do not call this to your attention because the Congressman involved comes from a certain State, and I do not call it to your attention for the reason that this is the first time I have heard of such situations, for I myself have gone along the streets and seen Members of Congress chastising policemen and calling them all sorts of names. I tell you that the policeman in this town I will honor and respect is the one who will pull in the first Congressman who does not obey the law. [Applause.]

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. RICH. I am not through chastising you yet.

Mr. WHITE of Idaho. When the gentleman gets through chastising me will he yield?

Mr. RICH. Yes; I will yield then.

Many times in driving along the streets I cannot find a place to park my car because I see "No Parking" signs. We must remember, however, that the District must have its traffic laws, the same as our home towns have traffic laws. None of you wants to be fined for traffic-law violation back home, but some just do not care what they do here in Washington. You just do not care where you park. If you do not respect the laws, how do you expect the other fellow to respect them? Such conduct is not right, it is not honorable, and it is not just. There is simply no excuse for such conduct. I hope the policemen in the District will pull in my car if I park it in the wrong place. I know that sometimes you may park your car in a "No Parking" zone even though you do not want to do the wrong thing, simply because you do not see the signs. That is too bad, but yet you may be wrong. I want the policemen of the District of Columbia to pull in all the cars involved in traffic-law violations, and I do not care whose they are, whether they belong to the wealthiest Member of Congress or the poorest Member of Congress. Let us all obey the law.

Mr. WHITE of Idaho. If the gentleman has finished flagellating the Members of Congress, will he yield to me for a question?

Mr. RICH. I yield for a question.

Mr. WHITE of Idaho. The gentleman believes in economy. Does he believe it is good economy for a Congressman, who is costing the Government $28 a day, to go downtown and waste an hour or two hunting a parking place when he has a congressional tag on his car and also has a police courtesy card that gives him permission to park in certain places in order to go into the Department buildings and dispatch Government business? Does the gentleman believe

it is good business for men sent here to transact Government business, which is the most important business transacted in the District, to be hunting around for a parking place?

Mr. RICH. If you are transacting Government business, arrangements have been made for Government officials to park their cars in front of most every building in the District. The $28 a day paid to Members of Congress is money that it is mighty hard for the people back home to pay under some of the legislation we have passed during the last couple of sessions of Congress I must admit. I am speaking about the Congressman who follows this practice when he is only going to the theater and is not on official business.

Mr. WHITE of Idaho and Mr. MAHON of Texas rose.

Mr. RICH. If about six or eight more Members rise, I cannot yield to all of them.

Mr. WHITE of Idaho. Mr. Chairman, a parliamentary inquiry. Is there any rule of the House of Representatives that prevents a Congressman from rising to his feet if he does not say anything?

The CHAIRMAN. The gentleman from Idaho cannot take the gentleman from Pennsylvania off his feet by a parliamentary inquiry.

Mr. MAHON of Texas. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Texas.

Mr. MAHON of Texas. Does not the gentleman believe that in making this speech, which will appear in the RECORD and be distributed throughout the country, he will leave the impression that Members of Congress are lawbreakers, when as a matter of fact the average Member of Congress is respectful of the laws of the District of Columbia and all other laws?

Mr. RICH. I am speaking of the man who breaks the law. If the gentleman does not break the law, my remarks will not apply to him.

Mr. MAHON of Texas. Will the gentleman point out that those who break the law in this regard are certainly a small minority?

Mr. RICH. I hope they are. If all the Members of Congress were to go into the business district and park their cars there would not be room for anybody else to park.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield 5 additional minutes to the gentleman from Pennsylvania.

Mr. RICH. There are too many Members of Congress who are seeking favors among their colleagues and from the District. I like you individually and you are a fine bunch of fellows, but, collectively, you do so many things that are reckless that I do not like it.

If I wanted to I could read you the number of the license tag on this machine and spot the individual, but I do not want to hurt anyone. I simply want to say that the policemen of the District should pull them in, and I am going to ask everyone here who is willing to back up the the police to stand up. Stand up, you fellows who will back up the policemen.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. RICH. Not now. I will yield in a moment.

I want to know how many of you men will stand up here and back up the policemen of the District of Columbia when they find traffic violators.

Mr. SCHNEIDER of Wisconsin. Mr. Chairman, I make the point of order that the gentleman from Pennsylvania is out of order. The gentleman is attempting to take a poll of the Members of the House contrary to the rules of the House.

The CHAIRMAN. The gentleman from Pennsylvania will proceed in order.

Mr. RICH. Mr. Chairman, since they do not want to be recorded, I shall not insist on that.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Missouri.

Mr. COCHRAN. I would like to ask the gentleman why it is that around the Treasury Department you are unable to find any place reserved for those who have official tags and who go there to discuss official business? Is this because they do not want to let you know "where we are going to get the money"? [Laughter.]

Mr. RICH. They want to keep the Congressmen away because they are trying to ask them to take money out of the Treasury, and where the Treasury Department is located there is the heaviest traffic of the city, and it is impossible to permit people to park their cars around that building and have the traffic go to and fro in good order.

Now, Mr. Chairman, if there is anybody here who is offended by anything I have said, I beg his pardon, but I hope after this when you are going to the theater or when you are transacting any kind of business for the Government you will have consideration for the rights of other people and consideration for the laws of the District of Columbia, and will give every consideration to such laws, because you are responsible for them.

Mr. MAHON of Texas. Mr. Chairman, will the gentleman yield?

Mr. RICH. No; I have no more time. I intended, Mr. Chairman, to make a speech on government in business, but I have talked all this time on disobedience of the traffic laws of the District. I shall reserve the other speech for some future occasion. In the meantime, let us all do our best to support the police of the District and obey the traffic laws here. [Applause.]

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. SCHULTE].

Mr. SCHULTE. Mr. Chairman, I disagree with my friend, the gentleman from Pennsylvania [Mr. RICH], and I was very sorry to see him chastise, as he called it, the Members of the Congress. Such chastisement, certainly, is not due us. It is true there have been some violations, but Members of Congress, as a rule, are not law violators. I dare say that those who do violate the traffic laws are very, very much in the minority, and I dare say one or two, and it is unfortunate that we do have, perhaps, one or two who, because they take advantage of a privilege given them, bring condemnation upon the entire membership of the House.

The article referred to appeared in one of the local papers written by an individual connected with the paper who, to use a term of the kids on the street, has taken "picks" on Members of Congress. Last year this paper carried on a campaign, if you remember, carrying the headline, "You cannot arrest me, I am a Congressman." They go out of their way to find fault, and because of some slight violation by a Member of Congress they chastise the entire body.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. In just a moment. Because of the demand that was made upon the District of Columbia Committee sometime in November relative to traffic conditions existing in the District, the chairman of the District of Columbia Committee, the gentleman from Maryland [Mr. PALMISANO], saw fit to appoint a subcommittee of five to investigate traffic conditions here. Mr. Chairman, I have the distinction of being the chairman of the Subcommittee on Traffic. Last year we had 106 deaths on the streets in the District of Columbia. Not one Member of Congress contributed to any of those deaths. We had thousands of accidents and not one Member of Congress was involved in any one of them. It is true there have been flagrant violations of the law, and no one denies this fact. And certainly no Member of Congress should take advantage of the privilege given to them by violating any of the traffic laws.

We are insisting that the police department arrest all traffic law violators and favor no one.

The major of police, Ernest Brown, is doing an exceptionally good job, and is to be complimented, and I am sure that he has the backing of every Member of Congress in his fight to clean up conditions here, and certainly the results are being shown.

Last year at this time we had 23 people killed by automobiles, and today we have but 17. So you see that the drive

is really helping. So let us help the major by obeying all the laws and cooperate with him, as they look to the Congress for help. Let us praise and not condemn.

No one tries to deny the fact that this has been one of the wildest cities from the standpoint of traffic, probably, in the universe, but I want to say that since last December the accidents have been decreasing, and they are decreasing every day. The major and superintendent of police has taken it upon himself to catechise every policeman on the force. He has called them all in and insists that they do their duty. We have had the fleet owners in, and the taxicab drivers, and also the citizens of the District of Columbia who were interested in traffic, asking for their recommendations, and everyone has certainly shown a most willing spirit to help—newspapers, radio stations, and citizens—and I am happy to report that accidents are being cut down and cut down a great deal.

This article to which the gentleman from Pennsylvania [Mr. RICH] called attention says:

Certain Members of Congress are after the jobs of certain Washington police officials—high and low—and the police, trying hard to bring order out of chaos in the District's tangled traffic situation, are facing a dilemma that has the department's morale at low ebb.

Mr. Chairman, I do not know of any Member of Congress who wants any policeman's job. We are trying to help them, and insist that the policeman who does not do his duty be taken off the force.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. Yes.

Mr. RICH. I was driving up near Sixteenth Street and Columbia Road. I saw a car parked in the middle of the road, with a policeman there. I saw a Member of Congress there, throwing up his hand to that policeman. I stopped and walked back, and I heard that Member of Congress tirade that policeman in such a way as I never before heard a man abused in my life. I am only after that kind of a Member. I do not think the Members of the Congress generally are like that.

Mr. SCHULTE. I know a few who would bring condemnation on a majority of the Members of this House. It is true that there was a violation of law last night. It is unfortunate that that particular Member should bring wrath upon all of the Members of this body, and I hope that this may be a lesson to them. We have some policemen here in the District of Columbia who will go out of their way, because of the publicity they will receive in certain newspapers to embarrass Members of Congress. Oh, yes; it is great publicity. They will arrest one for the slightest infringement of the law. Yet we have some mighty good policemen who give the Members of Congress, as well as the citizens, of the District, every opportunity to obey the law.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. Just for a question.

Mr. WOLCOTT. I want to comment on a situation that I think will be helpful to the gentleman. I do not think the gentleman from Pennsylvania [Mr. RICH] is in favor of discrimination against Members of Congress. I happen to know of one case in which a Member of Congress has decided to take his congressional license plates off his car for the reason that there has been the greatest discrimination. In one instance his car was tagged when it was up in the middle of three or four other cars, the other cars not being tagged; and on another occasion, in the evening, his wife's car was tagged because she was within 20 feet of a street intersection, and there were seven other cars parked in exactly the same position without tags on them, all night long.

Mr. SCHULTE. That agrees with what I have said. There are certain police officials in the District of Columbia who will go out of their way to embarrass Members of Congress. I dare say those cases are isolated, but I fear we have one or two Members of Congress who will violate the law, who will abuse the privilege extended to Members of Congress.

The Members are granted courtesy cards so that we may transact business at the various bureaus in the District of Columbia, and out of the 435 Members of Congress I dare say that 433 of them have had no altercation with any member of the police department. The major and superintendent of police is doing all that he can. The inspectors of police are doing all that they can. The city is in bad shape today, but we are slowly coming out of what it has taken 8 or 10 years to get us into, and that is the adverse advertisements the city has received because of conditions here. One Member of Congress wanted to bring the Army over here and patrol the streets. That information got back to my district, and some of the folks there were afraid to come here on that account. We make a mistake in allowing that kind of publicity to get out. I am confident that if the Members of Congress will cooperate with the various law-enforcement agencies and with the police department and those who are entrusted with the enforcement of the law in the District of Columbia, we will all get out of this thing, and in place of having 106 deaths on the streets in the District of Columbia, we will have it cut down to 20 or 30.

But, Mr. Chairman, I obtained time this afternoon to make an entirely different sort of speech, but I will not stand to see my friends in Congress attacked without offering some defense.

THE GREAT LAKES TO THE GULF WATERWAY—VERY ESSENTIAL TO MY DISTRICT

Mr. Chairman, there is pending before the Committee on Rivers and Harbors a bill, House Resolution 8327, known as the Parsons bill. This bill seeks to promote interstate and foreign commerce and to improve the navigability of the Lakes to the Gulf waterway. This is a very important bill and means everything as far as the 24 Middle Western States are concerned that are affected by this piece of legislation. This is a national problem and, of course, we are one of the Middle Western States just asking for the concern you give any of them. Each must serve for the benefit of the other. My State, the State of Indiana, and in particular my district, is very much interested in this fight that is being made on this bill by the States of New York, Pennsylvania, Ohio, Michigan, and Wisconsin. The opposition I speak of is hard to understand and must be based on the misunderstanding of the real intent of the national system of inland waterways or upon the lack of knowledge of physiographic and hydrological data.

What this bill seeks to do is to continue the diversion of 5,000 cubic second-feet of water from Lake Michigan, a privilege that was granted them some 8 or 10 years ago. This Lakes to the Gulf waterway is of vital importance to the welfare of a large portion of our country, and I am sure it will merit a sympathetic and careful consideration of the Members of this House. The Mississippi Valley, which this Great Lakes to the Gulf waterway serves, is the very center of the United States—in fact, the very heart of this country. This basis is the chief wealth producing of the country. As someone stated in our committee, it includes 66 percent of our total area and contains 54 percent of our entire population. It produces 70 percent of our total agricultural produce and 52 percent of our manufactured products. It is destined to support an even greater percentage of our total population and will play a very important role in the future history of this great Nation; the proper development of its vast resources and the welfare of its people should concern every citizen of the country. The Federal Government has spent more than $420,000,000 for improvements of the Mississippi River and its tributaries. The State of Illinois and its municipalities have spent over $80,000,000 on artificial canals and river improvements to connect the Great Lakes with the Mississippi River system. To a considerable extent the full usefulness of this entire system of inland-water transportation, representing an investment of over $500,000,000, depends upon a commercially useful waterway from Lake Michigan to the Mississippi River. And now, gentlemen, that, in turn, depends upon an adequate supply of water for its functioning.

This Great Lakes to the Gulf waterway comprises the Chicago River, the Drainage Canal, the Calumet Sag Canal,

the Des Plaines and the Illinois Rivers. Located in my district is the Grand Calumet River, the Calumet River, and the Burns Ditch, which sooner or later must be taken into consideration. The planners of the future are giving these rivers and the ditch their most serious consideration as they are so located that it is the only available space for expansion. The Burns Ditch, just 6 miles out of my district, is a part of the Little Calumet River system which finds its way through Porter County and back to my district, and then again empties into Lake Calumet, which is a part of the Lakes to the Gulf waterway. I make this prediction—that it is only going to be a matter of time, and I hope in the very near future, until our dream of the past will be fully realized, because of the demand that is going to be made for water transportation. Certainly, located as we are, the Army engineers are going to find it necessary to widen and deepen both the Grand and the Calumet Rivers.

Hearings are to be held on the widening and deepening of the Grand Calumet River, which starts from Lake Michigan and flows through the cities of Indiana Harbor, East Chicago, and Hammond, emptying into Lake Calumet, which is a part of the Lakes to the Gulf waterway. Now, the distance from the mouth of the river at Lake Michigan to Lake Calumet is 7½ miles, and this, at one time, was navigable. Why, I remember the time when we had lumber, coal, and fruit boats that used this waterway. I have introduced a resolution asking for a resurvey of this project to be made by the Army engineers. The hearings are to be held in the city of Chicago on March 3, at which time the people of my district will be given an opportunity to express their sentiments on this most meritorious project.

Now, let me give you a brief outline of what water transportation has done for the cities in my district. In the year 1888, the population of a city in my district called East Chicago was then only 775; however, those far-sighted citizens realized the potential possibilities of the natural advantages and the geographic location of the district from an industrial standpoint, provided water transportation facilities were made available. Discussions reached a point to which a movement was started to build a ship canal. Land for the construction of the canal was deeded to the Government during 1888 and 1889. In 1901 the work on the harbor was started and carried on until its completion in 1903. In the year 1901 the East Chicago Land Co. commenced the building of the canal, expanding 7,700 feet in a southwesterly direction from Lake Michigan, and thence to a right angle of 5,140 feet to an avenue called White Oak, and constructed a small turning basin, just northeast of the Canal Street Bridge, and dredged the channel to a depth of 22 feet. Due to unforeseen circumstances, the completion of this branch of the canal consumed several years and was not finished until the year 1914. Records on file indicate that the right-of-way for the entire canal was accepted by the Secretary of War in compliance with the provisions in an act of Congress approved June 5, 1910. Since the building of the canal, the location of industries along its shores has been ever constant, and a great many millions of dollars have been spent by industries in the building of plants and docks. These industries would never have located in Indiana Harbor had they not been able to obtain water transportation, nor with the future thought that additional water service would be made available to them. Even as far back as 25 years, the far-sighted industrialists had dreamed that some day the Grand Calumet, the Little Calumet, and the Burns Ditch all would be taken in, in the planning of one huge water system of transportation which is so necessary for heavy industries.

In the year 1929 we had a tonnage of in-bound and out-bound freight of 8,054,233 tons. In 1937 it passed the 10,000,000-ton mark for a total of over 2,100 ships that entered this harbor. Now, you can readily understand why we in the Middle West, and especially in the northern part of Indiana, are so anxious to see this diversion continue. There is no question in my mind but that, if the Army engineers want to help us who are landlocked and have no further room for expansion, they certainly in their wisdom will see that this river is an absolute necessity for the further growth of northern Indiana, as it is only reasonable to assume, that coming out of my district alone we will contribute no less than 2,000,000 tons to the barge traffic going into the Mississippi Valley. It will make possible direct water communications between the cities of Gary, Indiana Harbor, and Hammond—such widely separated points as Birmingham, Knoxville, Nashville and Memphis, New Orleans and Shreveport, Vicksburg, Little Rock, St. Louis, Kansas City, Omaha, Council Bluffs, Bismarck, S. Dak., Detroit, Minneapolis, and St. Paul. All of these widely separated points will be put in direct water communication with points on the Great Lakes and, in turn, the Gulf of Mexico, by means of this waterway. This waterway depends for its successful expansion entirely upon the availability of an adequate supply of water, and the only place we can get this water is from Lake Michigan.

Unless this flow, the lifeblood of a 1,000-mile stream, is maintained, commerce on the Great Lakes to the Gulf waterway will die. As one of the local papers so ably stated, that, if the Supreme Court order is carried into execution, the Chicago River will at certain seasons become a sluggish, murky ditch. West winds or a heavy rainfall will reverse the current, sweeping out into the lake the wastes of the city streets, polluting the water, and endangering the health of 3,600,000 people. Because of the Supreme Court ruling Chicago has had to spend $250,000,000 on sewage-disposal plants and have had to build locks at the mouth of the river. Neither of these plants nor the locks, however, can prevent the pollution of Lake Michigan under adverse weather conditions. This channel has often been referred to as the key to Midwest prosperity.

Certainly the Chicago area, of which my district is a part, has long been discriminated against in the matter of freight rates. Manufactured products or raw materials can be shipped from San Francisco to New York by the Panama Canal at less expense than from Gary to the Pacific coast, and the Lakes to the Gulf waterway will equalize the rates. The prosperity of industries along this route will mean bigger pays and more jobs for hundreds of thousands of people in the Mississippi Valley, and certainly it will mean an increase in jobs for the people in my district—so ideally located as we are on the shores of Lake Michigan and on the rivers. I make this prediction: That in the event that this diversion be allowed, and the Army engineers approve the digging of the Calumet River, it will mean an increase in jobs to over 5,000 men in my district alone, and will give us a chance to meet the competition in the Mississippi Valley, as we have never before been able to do. So I say this is a fight for prosperity, a life-and-death struggle for the States in the Middle West, and I do hope that we can get the support of the majority of the Members of this House in the passage of the Parsons bill.

Taken from one of the Chicago newspapers:

Canada and New York State are urging ratification of the St. Lawrence waterway treaty.

Under this treaty Canada, through which most of the traffic would flow, would be the chief beneficiary. Chicago has opposed the treaty because it would internationalize Lake Michigan, the only great lake of the chain lying wholly within United States territory.

America should be given the first consideration by Congress. Preservation of the Lakes to the Gulf waterway is of more importance to America than any international treaty.

The fight to maintain this trade route cannot be left to the few courageous leaders. All Chicago, the whole Mississippi Valley, should enlist in the cause.

Mr. RABAUT. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. EBERHARTER].

Mr. EBERHARTER. Mr. Chairman, yesterday the House passed a deficiency appropriation bill which appropriated the sum of $250,000,000 to take care, to a certain extent, of the distress and unemployment situation. Last year when this subject was under consideration Congress appropriated $1,500,000,000 for this same purpose and it was thought at that time that that would be enough to take care of the needs for relief ending on June 30, 1938. However, it was

found that $1,500,000,000 was not sufficient. Last year at the same time practically that we passed the relief appropriation bill, the Congress passed what is known as the United States Housing Act. It was felt at that time that the passage of that act would have the effect of stimulating industry, would have the effect of reemploying thousands and thousands of workers, particularly trades workmen.

It was felt that it would house many thousands of families who are now ill-housed, and it was felt that it would eradicate slums. That act was passed last August and approved by the President on September 1, 1937, and there was authorized to be appropriated $526,000,000 to carry out the purposes of that act. What do we find today? We find today that in spite of that act the United States Housing Authority has not approved the plans of any single local housing authority in the United States. We find of that $526,000,000 which was authorized to be appropriated, not one cent has been loaned to any local community or local housing authority for a building program.

I have had some contact with the officials of the United States Housing Authority and I know personally that they are very anxious to see a building program started. I know that the President is very anxious to see a building program started.

The reason, in my opinion, that this act has not as yet commenced to function, the reason idle tradesmen have not been employed and a building boom has not started, as we had high hopes it would immediately upon the passage of this act, is due to two reasons: First, the act requires local communities or housing authorities to put up 10 percent of the initial cost of a housing project. After a depression which has lasted 4 or 5 years we find that the local communities and the local housing units are in many instances without any funds to provide the initial cost of these projects, the 10-percent initial cost, and for this reason many local communities have been unable to take advantage of this United States Housing Act. The second reason, and perhaps the real reason why we have not seen any building under this housing act after 8 or 9 months since its approval, is because of the proviso contained in section 10 to the effect that for every building unit constructed under the act the same number or a substantially equal number of slum dwellings must be eradicated.

Mr. Chairman, we know that all over the United States, and particularly in the urban communities, there is right now a very acute housing shortage, in the large centers of population, in the cities, and in those districts where there are heavy industries particularly there are not sufficient houses existing now properly or adequately to house the workers; yet we find this particular provision in the Housing Act which compels the local communities to destroy and demolish the homes that now exist to house these people, before any new houses can be built. It is true, of course, that the act does provide that the Administrator can defer the demolition of slum dwellings. But what happens when a local housing authority comes to Washington with some tentative plans for a new housing project in their community? The first thing the local housing authorities are asked is, "Where are you going to tear down the same number of slum dwellings?"

The answer of the local authorities, of course, is to the effect that there is a shortage of homes in the district now, that they have not got enough homes to house the workers, they have not got enough homes to house the people now.

The Administrator says:

> Under the act the only thing I can do is either to compel you to demolish these homes now or take your promise to do so within a reasonable time.

The hands of the local authorities are tied. They cannot promise to demolish 500 housing units because they are short many many more times that number of homes; and they can not promise to do it within a year, or 2 years, or 3 years, because it is impractical to make such a promise. They would have to pick out the particular slum dwellings they want to demolish a year or two in the future, and that is impractical. We know it cannot be done from the angle of finance, or from the legal standpoint, because you cannot make an approximate estimate of the cost that will result from such future demolition.

So, if the local housing authority and the National Housing Authority want to cooperate, their hands are tied by this particular proviso in the bill which requires a demolition of an equal number of slum dwellings.

Mr. Chairman, England has had a lot of experience in housing and I think that the framers of our housing measure looked to some extent to the experiences of that country when drafting this measure. But what do we find? The English housing law provides exactly the opposite of what the United States housing law provides. In England the act specifically says that no slum dwelling shall be demolished until the local authorities first find a place for these people to live. In other words, under our act we are going about the thing backward. Instead of first providing homes for these people who live in the slums we want to demolish their homes and turn them out on the streets. Where are you going to put them when you demolish the homes? In many districts there is not a single vacant home where these people could live, there is no place for them to go; and we know that it takes an average of 2 years to build a housing project. That is the experience of the United States in P. W. A. housing projects, and it is the experience of other countries that have had housing projects.

Mr. Chairman, if you demolish the homes these people are in, you have no place to put them; so the whole act is in effect stymied. You cannot go any place. The result is that the tradesmen that were expected to go to work by reason of this act cannot go to work.

[Here the gavel fell.]

Mr. RABAUT. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. EBERHARTER. Mr. Chairman, we find the tradesmen, as I stated, that were expected to be put to work by reason of this act have not been put to work. In my section 7 out of every 10 tradesmen are idle, and this includes carpenters, plasterers, plumbers, painters, tile setters, and so forth. The act has not helped them. It was supposed to stimulate the building-material business and that business which supplies materials for the construction of homes, but we find the act has not helped them at all. I, therefore, say it was a mistake to have put that provision in the bill in the first place and experience has proven that it was a mistake.

There is only one thing to do and that is to rectify the mistake by eliminating the provision that so many homes must be demolished, an equal number of homes for every new housing unit constructed.

On December 17 last I introduced in the House a bill which amended section 10 (a) of the act by eliminating that provision. If we erect some homes for the people to move into now, the people who live in the slums may move into those homes. After they move into the homes, then we can demolish the slums. Most of these slums are located in districts or territories where the land values are fairly high. They are located near the centers of business, generally speaking, and you will find it costs quite a bit of money to acquire the slum properties. When you take into consideration the value of the land, the buildings destroyed, and the cost of condemning the property you will find your cost will add up to the total original cost of construction, and it will be necessary to charge a higher rental per room. The adoption of my amendment will do much to stimulate business and reemployment, and the original purposes of the United States Housing Act will at the same time be accomplished.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman, a few days ago when my colleague the gentleman from Texas [Mr. PATMAN] was making certain statements on the floor relative to large corporations, I interrupted his speech and told him I thought if he

wanted to present a complete and fair picture of the whole proposition about which he was talking, he should include the number of individual stockholders in these large corporations. He told me at that time he did not have the figures available, but if I wanted to it would be perfectly agreeable to him for me to put the information in the RECORD. I have been looking for such statements and I have just been able to find one.

This survey was made by the American Association of Investors and the number of persons holding 100 shares and less, are considered as small stockholders.

This survey covered 110 of the largest corporations of the country, the combined number of stockholders of which were 4,149,666, of which 3,572,620, or 86 percent, owned 100 shares or less in these various corporations.

Mr. PATMAN. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Texas.

Mr. PATMAN. Does the gentleman have information as to the residence of these stockholders?

Mr. SNELL. I do not.

Mr. PATMAN. And as to their family connections and relationships?

Mr. SNELL. No. I have gone as far as I was interested, but I have not that information. I may say that a large number of these small stockholders are women.

Mr. PATMAN. The gentleman realizes that by having the stock distributed that way, it gives a few people control of the corporation and as good a grip on the corporation as if a few people owned it?

Mr. SNELL. No; I do not. Furthermore, if the gentleman is going to talk about the corporations, and if he is going to talk about laws to govern these various corporations, he ought to tell the full story by giving the number of people who are interested in the corporations.

Mr. PATMAN. Will the gentleman yield?

Mr. SNELL. No. I only have 5 minutes and I am not going to yield to the gentleman to make any speech. All the information I desire to give is contained in this statement and I want to get it in the RECORD.

Another fact brought out by the survey of these 110 corporations was that they had about 3,000,000 stockholders and only 2,454,135 workers. Of these 110 corporations, specific information is given with reference to 24 of the largest, which had at least 50,000 stockholders. For instance, the American Telephone & Telegraph Co. has 640,991 stockholders; 606,210 of these owned 100 shares or less.

General Motors has 375,000 stockholders; 330,000 owned 100 shares or less.

I have here a list of the 24 and I will put the list in the RECORD.

Mr. Chairman, I bring this up at the present time to show that anything which affects what we may call "Big Business" also affects a number of individual, small investors throughout the country, who are vitally interested in anything that affects the physical, financial, or economic policies of this country. [Applause.]

The table referred to, which lists 24 of the 110 largest corporations having 50,000 or more stockholders, with owners of 100 or less shares, is as follows:

	Total stockholders of record	Owning 100 shares or less	Average number of employees
American Telephone	640,991	[1] 606,210	[2] 275,000
General Motors	375,000	330,000	260,000
Pennsylvania R. R	217,000	188,000	122,900
United Gas Improvement	125,084	102,000	
Niagara-Hudson Power	122,157	[3] 65,000	11,392
Standard Oil, New Jersey	120,630	[1] 96,106	49,424
North American	117,853	100,175	19,500
Packard Motor	107,800	99,600	15,000
Socony-Vacuum	107,380	87,992	35,547
Curtiss-Wright	105,000	[3] 85,000	5,831
Pacific Gas	93,603	77,499	12,300
Standard Oil, Indiana	91,904	76,968	18,941
Armour & Co	81,225	75,286	70,070
Bethlehem Steel	73,681	70,281	[4] 84,002
Du Pont	72,670	65,460	51,899
National Dairy	[4] 70,543	63,882	37,200
Commonwealth Edison	69,482	61,244	10,065
American Waterworks [5]	64,000	[3] 50,000	11,000
New York Central	61,020	52,230	96,186
American Tobacco	58,700	[3] 44,612	14,641
Montgomery Ward	58,154	50,470	40,000
Swift & Co	51,760	47,527	63,050
Colum Gas & Electric	[3] 54,631	43,639	15,372
Woolworth	53,612	[3] 45,000	74,000

[1] Owning 99 shares or less.
[2] Includes subsidiaries, but not 38,548 employees of Western Electric Co. and Bell Laboratories.
[3] Estimated.
[4] For 9 months.
[5] Common stock.
[6] Includes subsidiaries.

Mr. BACON. Mr. Chairman, I yield 12 minutes to a member of the committee, the gentleman from Massachusetts, Mr. WIGGLESWORTH.

Mr. WIGGLESWORTH. Mr. Chairman, some of us who have been fighting to protect the thousands of men and women and their families dependent on the boot and shoe industry of this Nation from the savage loss of employment threatened under the proposed so-called reciprocal-trade agreement with Czechoslovakia have been intensely interested over a period of months to ascertain, or have the Tariff Commission ascertain, the comparative costs of production of cemented shoes in this country and abroad, particularly in Czechoslovakia. We have also been doing our utmost to persuade those charged with responsibility in the matter of negotiating this agreement to withhold the conclusion of any agreement until such information becomes available.

During the past 3 years we have seen the importation of this type of shoe increase over 1,500 percent. The manufacture of these shoes in this country, on the basis of 2 hours of labor per pair for the work on the shoe and on the materials going into the shoe, would have afforded in 1937 alone additional employment for our workers in America to the extent of over 6,000,000 hours. We believe there is an overwhelming prima facie case for additional protection of the workers in this industry against the importation of this type of shoe.

In this connection I call attention to the following figures showing the dollar equivalent of wages paid on the basis of a 48-hour week to workers in the shoe industry in Czechoslovakia, as reported by the International Labor Office in Geneva:

WEEKLY WAGE BASIS ON 48-HOUR WEEK PAID TO WORKERS IN CZECHOSLOVAKIA SHOE INDUSTRY

Shoe cutter, male, 180 to 280 koruna, equivalent to $6.30 to $9.80.

Sewer, first-class, female, 140 to 180 koruna, equivalent to $4.90 to $6.30.

Sewer, second-class, female, 80 to 120 koruna, equivalent to $2.80 to $4.20.

Paster, female, 80 to 140 koruna, equivalent to $2.80 to $4.90.

Chief machine worker, male, 200 to 350 koruna, equivalent to $7 to $12.25.

Auxiliary machine worker, male, 140 to 180 koruna, equivalent to $4.90 to $6.30.

Worker, helper, male, 120 to 160 koruna, equivalent to $4.20 to $5.60.

Worker, helper, female, 70 to 120 koruna, equivalent to $2.45 to $4.20.

The koruna has a value in American money of about 3½ cents. The highest wage paid as shown above is equivalent to 25½ cents per hour.

These figures inserted under leave to extend my remarks in the RECORD indicate that the wage paid to a man shoe cutter ranges from $6.30 to $9.80 a week; that the wage paid to the woman sewer, first-class, is from $4.90 to $6.30 a week; that the wage paid to the woman sewer, second-class, is from $2.80 to $4.20 a week; that the wage paid to the woman paster is from $2.80 to $4.90 a week; that the wage paid to the man chief machine worker is from $7 to $12.25 a week; that the wage paid to the male auxiliary machine worker is from $4.90 to $6.30 a week; that the wage paid to the man worker helper is from $4.20 to $5.60 a week; and that the

wage paid to the woman worker helper is from $2.45 to $4.20 a week.

How is it humanly possible for us to compete against American principles of organization, American machinery, free raw materials, and a labor cost reflected in these figures, unless the boot and shoe industry in this Nation is given proper protection?

Mr. Chairman, ever since July 9 last the Tariff Commission has had before it a request for an investigation into this matter of comparative costs. The initial request was made by the New England Shoe and Leather Association. Ever since that time the Tariff Commission has had knowledge of the fact that a reciprocal-trade agreement with Czechoslovakia was proposed, in respect of which this information would seem to be vital. Ever since August 19 last the Commission has known that this investigation was mandatory as a result of the resolution adopted on that date by the Senate.

And yet, Mr. Chairman, it was not until December 3 last that the Commission saw fit to send two representatives, admittedly with no special knowledge of the manufacture of boots and shoes, to Czechoslovakia in an endeavor to find out something about the costs of production in Czechoslovakia. And, as I have stated on this floor before, on December 9 last, when the representatives of the Commission appeared before the Committee on Appropriations, it was stated that the Commission was not in a position to state a fair value for the cost of domestic production, a fair value for the cost of foreign production, or a fair value for the cost of foreign production based on invoice prices.

The delay in this matter has caused the greatest dissatisfaction among the boot and shoe workers in my congressional district. Expedition, however, has seemed to be impossible. Only recently I addressed a letter to the Tariff Commission with a view to ascertaining when the necessary work would be completed. I received word that the two representatives had returned from Czechoslovakia, that the report was not yet ready, and that the Commission would "complete its work on this investigation just as soon as consistent with the accuracy and thoroughness that are required in section 336 investigations."

I immediately sought to clarify this statement by a further letter, and under date of February 14 received a further reply from the Chairman of the Commission, from which I quote the following paragraph:

> It is difficult for me to estimate how much time will be required to complete our report on shoes under section 336. I am in hopes that such a report may be completed within the next 2 months, but, judging from the many questions that always arise in the later steps of an important investigation such as this one, I should think that 2 months would be a minimum rather than a maximum.

What does this mean, Mr. Chairman? It means that even if the hopes of the Chairman of the Tariff Commission are realized we must wait until April 14 before this information is available. It means even on this basis that the Tariff Commission will require 8 full months since the adoption of the Senate resolution, or more than 10 full months since the request of the New England Shoe and Leather Association, and knowledge by the Commission of the proposed trade agreement with Czechoslovakia to procure this vital information.

Why this delay? Surely the ascertainment of the domestic costs of production cannot be such a difficult matter. Surely the foreign costs of production, based on invoice prices, should be readily available. Surely the ascertainment of the foreign costs of production, insofar as obtainable, should not be a superhuman task when we consider that shoes of this character are made for the most part in one country and by a single organization.

I am frank to state, Mr. Chairman, that the delay seems to me to be inexcusable. It seems to me explainable only against the background of the statement of Secretary Hull last summer when he opposed enactment of the resolution adopted by the Senate on the ground that it might tend to complicate the negotiations for a trade agreement with Czechoslovakia.

To proceed with negotiations for that agreement in the absence of this information seems to me without justification. To follow such a course of action is to my mind to fly directly in the face of the manifest intent of the Senate in adopting the resolution referred to, and to proceed without information which is absolutely essential for the proper protection of the workers dependent upon this great industry.

Without taking further time, Mr. Chairman, I want to call again upon the Tariff Commission to expedite in every possible way its work under this Senate resolution. I want to call again upon the Committee for Reciprocity Information, the Committee on Trade Agreements, the Secretary of State, and all others charged with responsibility in the matter of the proposed trade agreement, to withhold action in the matter until the Tariff Commission has finished its work and made known its findings.

I call upon them, Mr. Chairman, in the name of the thousands of shoe workers and their families in my district and throughout the Nation, who are dependent for their livelihood upon this industry, in order that they may not be deprived at this difficult time of millions of hours of employment through the application of a theory in disregard of practical realities.

Mrs. ROGERS of Massachusetts: Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mrs. ROGERS of Massachusetts. The gentleman is not speaking alone for his own district or for Massachusetts or for New England, but for the people of New York and the people of the Middle West who are engaged in the boot and shoe industry, and for the leather workers all over the country, as well as all the cattle raisers of the country. In other words, this is not a local issue.

Mr. WIGGLESWORTH. I agree with my colleague who has been so industrious in endeavoring to protect her people in this connection. It is, of course, a national problem.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, I want to take this occasion again to say this is the only committee of Congress on which I am permitted to serve, and if I frequently speak in this committee I do not want any Member of the Congress to take offense.

I think the Members of the Congress are actuated by good intentions. I think you would all like to straighten out our financial or economic situation and bring peace and prosperity to the people, but I am convinced of one thing, and I am thoroughly convinced of it. If private industry were left alone entirely and were not regulated and were freed of all restriction this Congress has ever placed upon them, they could not employ more than 3,000,000 of the 12,000,000 who are now out of a job. In other words, if we want to study the question and be honest about it, we must admit this afternoon that there is no hope for the 12,000,000 people out of a job if they are to depend upon private industry to furnish that job.

When representatives of the manufacturing interests of this country were before the committee I read in those reports where they themselves admitted they could not possibly employ more than 2,500,000 at that time, which was a year ago. If this is the situation, it seems to me, whether you are a spokesman here for big business as such or a spokesman for small business or for the section of the country from which I come, we ought to admit certain facts. Two and two make four in Massachusetts just as they do in North Dakota; and if it is true that private industry cannot absorb the unemployed, the next question is, Who is going to absorb it? and I want to present this question to the Congress this afternoon.

It has now become the duty of the Government, a new function of government, to furnish employment to the millions who are out of a job; and the sooner we realize that the unemployment situation is a permanent question for our consideration the sooner we will plan upon a worth-while

program of work. We have been patching here and there with the hope that prosperity would return; and over 14 months ago at this very spot, as little as I know about economics and as little as I know about the political machinery of this country, I predicted that in 1938 there would be more out of a job than there were in 1937. Improvements are continuing, science is advancing, and every year men find themselves out of a job that they had before. No matter who may be the President of the United States, you cannot stop the human brain and you cannot stop ingenuity. So it seems to me we can all admit at this very moment that private industry has failed and can never employ the millions who will be out of a job in this country.

Mr. BATES. Mr. Chairman, will the gentleman yield there?

Mr. BURDICK. Yes.

Mr. BATES. What is the point of view of the gentleman about those industries that can employ men if foreign products do not take away the market which they formerly had themselves? This is the situation in our State and we know it is so.

Mr. BURDICK. I would be the last one in this Congress who would want to interfere in any way with anyone who could profitably employ people.

Mr. BATES. We know that many of these imports of manufactured goods are interfering with our domestic market and ruining our industries in Massachusetts. We know this.

Mr. BURDICK. Let me conclude what I wanted to say. It has now become the duty of this Government, regardless of party, to put forward to the American people a program of work that will be useful work where people may find employment.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman.

Mr. WHITE of Idaho. Does not the gentleman think a part of that plan should be a movement to shift population back to land where they can become self-supporting?

Mr. BURDICK. The distinguished gentleman from Idaho is correct.

I want to say further in this connection—and the gentleman's question has suggested it—in the western part of the country where I come from, in the Dust Bowl, when we come before the Congress for money by which we can support ourselves and not have to ask for relief but ask for money for irrigation, we are met by those in the East who say, "You are going to interfere with the products that we raise in the East." The sooner we get over this line of activity and realize that this is one Nation and the people in New York are just the same kind of people as the people in Montana and that they are all entitled to a job and it is the duty of this Government to scientifically plan its work the sooner we are going to come out of this depression.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield further?

Mr. BURDICK. I yield.

Mr. WHITE of Idaho. Is it not a fact that in building these new communities in the West and putting people back on the land we are building markets for the industries of the East?

Mr. BURDICK. In normal times the farmers of the United States bought three-fifths of all the steel-manufactured products of the United States, and today that buying power is gone. And I say to the gentleman from Massachusetts [Mr. BATES] that in normal times the farmers of the United States bought 40 percent of the output of the leather mills of New England.

Mr. BATES. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. Yes.

Mr. BATES. The gentleman from Idaho [Mr. WHITE] suggests that the population ought to be shifted from the heavily populated sections of the country to farms, but if that were so would it not result in more production of farm products? That being so, then where is the sense of the agricultural bill that we passed here yesterday, the intention of which is to cut down production?

Mr. BURDICK. Mr. Chairman, I refuse to give up my time to yield to any private dispute between the gentleman from Massachusetts [Mr. BATES] and the gentleman from Idaho [Mr. WHITE]. I am trying to impress the few Members of Congress who are here now with the fact that in 1938 it has become so apparent that this Government must step into the matter of furnishing employment, that there ought to be no objection to such action. No one is trying to interfere with the functioning of private industry, but when they themselves and their representatives admit before congressional committees that they cannot employ these people, then, in the name of common sense, who is going to employ them? You cannot have 12,000,000 people running back and forth across the country looking for something to eat and have a republic. You cannot have 12,000,000 people without homes, you cannot have 12,000,000 people ragged, and have the great democracy that we boast of. Mr. Chairman, much of the difficulty is because we, as Members of Congress, have not realized that there is a new duty thrust upon us, and that is the duty of furnishing employment to those who want to work. [Applause.]

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. BACON. Mr. Chairman, I yield the gentleman 5 minutes.

Mr. DICKSTEIN. Mr. Chairman, I rise to discuss here today something pertaining to the bill now before us for consideration. On page 105 of the bill, lines 1 to 9, there is an innocent-looking little provision that will seriously affect the efficient administration of the immigration laws. It is not a question of appropriation, but it is a question of the language that is put in that particular provision, and which in my opinion is not germane to the bill. At the proper time I hope to get recognition to make a point of order against it, and if I am not successful in that, I shall appeal to the membership of the House to strike out that particular provision from the bill. That provision reads as follows:

> No part of any appropriation for the Immigration and Naturalization Service shall be expended for any expense incident to any procedure by suggestion or otherwise, for the admission to any foreign country of any alien unlawfully in the United States for the purpose of endeavoring to secure a visa for readmission to the United States, or for the salary of any employee charged with any duty in connection with the readmission to the United States of any such alien without visa.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. SIROVICH. Is not that new legislation on an appropriation bill?

Mr. DICKSTEIN. That is my opinion, and I go a step further and say that it was written in there without any consideration, without any thought. The people who wrote that provision do not understand the immigration law and do not know its scope.

Mr. SIROVICH. Legislation on an appropriation bill is subject to a point of order and would go out.

Mr. DICKSTEIN. I am not going to take any chances with a point of order. I want to submit the facts to the Congress. In the first place, I challenge the members of the Committee on Appropriations to tell me since when immigrants can come into this country without an immigration visa? If you read the language of the bill, it refers to aliens coming into the United States without a visa. No immigrant alien can come into this country unless he has a visa. Why put in language of that kind, when such a thing does not exist in the statutory law or in the practice. That is creating something germane not only to the present statutory law, but it creates an inference that persons may come into the United States without a visa, which is not the fact. Let me explain how this works out. Suppose one of your constituents is in this country, say for some 10 years, and suppose this man just came on a visit, but has established a business in your section, and now employs hundreds of American citizens

and is the head of an American family. He finds out that he is not here permanently, and what can he do? There are one of two things he can do. He can go back to his native country, thousands of miles away, meanwhile separating for an indefinite period from his American family, which is what he would have to do, or he can apply to the Secretary of Labor and say, "Mme. Secretary, I am in business in this country; I have an American family who needs my support; I desire to remain here permanently, and I want to make a legal entry at the earliest possible moment." The Secretary of Labor, if she so desires, and if she thinks the facts warrant it, will give this alien what we call a preexamination.

What is a preexamination? And I am addressing myself to the chairman of the subcommittee, if he knows. A preexamination is simply an examination in this country by the officers of the Immigration and Naturalization Service of aliens who are not lawful permanent residents of the United States, and who are the husbands, the wives, the fathers or mothers of citizens, or lawfully domiciled aliens, to determine whether they qualify for admission to the United States under the immigration laws. This examination includes an inquiry into whether the alien is physically and mentally sound, whether he has a criminal record, is of good moral character, and in all of the other exacting requirements of the immigration laws is fully eligible for admission when an immigration visa is secured. If the alien is found to be qualified for admission, a letter to that effect will be given him to facilitate his entry to a foreign country, for example, Canada. He may then proceed to that country and present himself physically before the American consul and apply for an immigration visa. If he then satisfies the American consul that he is a person of good moral character, a person of financial responsibility, and that he is physically fit, the consul may give him a visa. When he does obtain a visa, the alien may reenter the United States lawfully and rejoin his American family.

What is the effect of this so-called preexamination of aliens?

It prevents the prolonged separation of members of a family. It allows the Immigration and Naturalization Service officers who have had years of experience to determine whether or not an alien is admissible before he makes his application for admission. It makes available the alien's record in this country in determining his admissibility. It is an efficient and effective manner of weeding out those who, seeking to migrate to this country, are clearly inadmissible.

Under this amendment, Mr. Chairman, this so-called innocent amendment, the Department of Labor is prohibited from following this procedure. This amendment also would prohibit the Department of Labor from advising an alien, not lawfully in the United States but not subject to deportation, how he may correct his immigration status. In other words, if this amendment is adopted, an employee of the Immigration and Naturalization Service who gives that advice would not be entitled to any pay for his services.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield for a brief question.

Mr. McMILLAN. Has the gentleman read the hearings?

Mr. DICKSTEIN. I have, and I have gone even a step further.

Mr. McMILLAN. Then, is the gentleman correct when he said the committee was not advised about the situation and what prompted the committee in writing this language in the bill?

Mr. DICKSTEIN. I do not think the committee was advised about the situation, for this reason——

Mr. McMILLAN. If the gentleman will yield further, I may say that the hearings are very complete, in my judgment, as to what prompted the committee to write this language into the bill.

Mr. DICKSTEIN. Let me call the attention of the chairman of the subcommittee to the fact that the report of his committee on this bill, on page 28, relating to page 105 of the bill, has language which is inconsistent with the language of the bill—completely inconsistent.

Let me cite an example. Last year we expelled from this country under order of deportation 8,829 aliens, and gave voluntary departure privileges to 8,788 aliens; in other words, the Department told these aliens they would let them go out of the country voluntarily if they went out. If this particular new language in this bill were the law, the Department would be violating the law to tell these 8,788 aliens to go out of this country voluntarily and the agents of the Government who gave that advice would not be entitled to compensation for services, and they would be violating the law. In addition to that, there were 460 voluntarily departures under warrants of deportation because of this practice that has been in effect in the Department for many years before somebody's brains put this new language into this particular appropriation bill.

The average cost of deporting an alien in the past fiscal year was $65 per person. In the coming year the cost is estimated at $75 per person. In view of the fact that about 9,000 aliens were permitted to leave the country voluntarily in the past fiscal year, the resulting savings to the Government of the United States approximated the sum of $600,000. Considering that this practice has been in effect for many years past, the savings to the Government of the United States, by allowing aliens to leave voluntarily, amounts to millions of dollars. Whether or not the subcommittee intended to do away with this practice, I am not sure. I am certain that the language of the bill will require that that practice be stopped. Another bad effect of the particular language to which I refer, if enacted into law: There are many aliens in the United States who cannot be deported from the country because of inability to obtain passports from the countries of their nativity and citizenship with which to effect deportation. I have been informed by the Department of Labor that in many such instances aliens, when given the privilege of voluntarily departing from the United States, take advantage of that privilege and of their own volition proceed to some foreign country, thus effecting the purpose of the immigration laws to remove from the United States aliens who are subject to deportation.

Also, the State Department would be violating the spirit of the law if it advised your constituent or my constituent what his rights might be in the premises, because this language inserted by the committee reads very plainly that no part of any appropriation for the Immigration and Naturalization Service shall be expended for any expenses incident to any procedure, by suggestion or otherwise. In other words, if anybody in the Department of State honestly suggested to an alien that he has the right to leave this country voluntarily, they would be violating the spirit of the law. I could give you illustration after illustration.

This amendment not only is unnecessary but it is inhuman and unjust. You are trying to upset a practice that has existed ever since an immigration law has been on the statute books. Now, if you want to amend the immigration law, let us amend it, but let us not do it by sneaking an amendment in on an appropriation bill. Let us not do it by enacting in an appropriation bill a provision which, in my opinion, would penalize every employee of the Department of Labor and every person in the Department of State who advises an alien here unlawfully to do the right thing by himself and by the country in adjusting his immigration status. That is what would happen under this language to which I have called attention on page 105.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. DICKSTEIN. Mr. Chairman, I do not think I have ever taken the floor on any appropriation bill. I have always cooperated with the Appropriations Committee and every other standing committee of the House, but I submit this item has nothing to do with appropriations. It is not a question of a dollar more or less. The Department of Labor has a rather difficult job to carry on its work. We have millions of aliens in this country, some of whom are here legally and others illegally. You are tying the hands of the Department when you tell the Department of Labor and the

Department of State, if they advise an alien he must leave the country and he can do it voluntarily, they are violating the law—if they advise an alien who has an American family and a business in this country and wants to go into an adjacent land to make a legal entry under the immigration laws to that effect. The expression here is used "without a visa." I know all of you will agree with me there is no such law. Every alien must come into this country with a visa. Therefore the language written in here means nothing. Secondly, you are just tying the hands of the Department, which has done, in my opinion, a good job in being able to get out of this country almost 9,000 aliens who voluntarily departed without cost to the Government. Some of them can never come back here until they secure permission from the Department of Labor to come back. They must be persons of good moral character. They must come within the quota. There are almost 14 countries whose quota is closed.

Let me give you one more illustration. Suppose you were an American citizen and married an Irish girl not here lawfully. Your wife would have to go back 3,000 miles in order to return to you, as, according to the language of this bill, the Department of Labor could not give your wife a preexamination. They would not let you take your wife into Canada or some adjacent country. You would have to spend hundreds of dollars to bring your wife back from somewheres in Europe before she can legally be admitted under the law. I say to all those who believe in restriction that that is not restriction. It is nonsense and brutality. It is unjust.

It is not indicative of that degree of thought and study which should precede legislation of such far-reaching effect.

In conclusion I want to emphasize and leave for your consideration the following facts:

No persuasive reason for such a provision can be found in the committee report.

It increases the cost of enforcing the immigration laws.

It removes from the Department of Labor a means of alleviating the cruelty of separation of an alien from his American family where the alien is unlawfully in the United States.

It does not make for better enforcement of the immigration laws.

It is an attempt in an appropriation bill to enact general legislation on a matter of immigration.

This provision should be struck from the bill.

Mr. BACON. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I have been in close contact with the Commissioner of Fisheries, Mr. Bell, in relation to the further development of the fish hatcheries in Massachusetts, as well as throughout the country. I find him most cooperative and very anxious to do everything he can in the way of development of hatcheries for both commercial and sportsmen purposes. He recently visited Massachusetts, so is well acquainted with the local situation in our State.

We have in Massachusetts two hatcheries, one at Woods Hole on the Atlantic Ocean, and another one in a small town in my district in Berkshire County at the western end of the State. Both of these hatcheries need additional facilities and repairs.

In the hearings held before the Subcommittee on Appropriations, of which the distinguished gentleman from South Carolina [Mr. MCMILLAN] is the able chairman, Mr. Bell brought out the fact that the hatchery at Woods Hole needed repairs. The one at Hartsville in my neighborhood is used for the development of fingerling trout. I happen to know of the acquisition of that hatchery as a Federal proposition. It originally was a private hatchery, and its donation was accepted by act of Congress through a bill I introduced. So far as the original cost of the hatchery is concerned, the Government was in no way involved. Since it was taken over by the Government it has been of very great assistance to the people and the sportsmen in that vicinity who are fond of trout fishing. The facilities, however, are not sufficient to care for the demand. To increase its usefulness, additional water must be secured and the buildings enlarged.

Mr. BACON. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from New York.

Mr. BACON. The gentleman I recall came before our committee and brought this serious situation to the attention of the subcommittee. The lack of repairs to this hatchery was due in part at least to the fact that $80,000 of this present year's appropriation was impounded by the President, and the Bureau of Fisheries was not permitted to use the $80,000. The gentleman from Massachusetts, however, brought this matter to the attention of our committee and we have appropriated $80,000 for next year and have given them additional money to make the necessary repairs to the hatchery in the gentleman's district as well as to several other hatcheries.

Mr. TREADWAY. It was that point to which I was coming in bringing up the hatchery matter, because it is rather difficult from reading the evidence and the interrogatories of the various members of the committee to fully understand the details. I am very glad indeed to have the information which the gentleman from New York has just kindly given the committee to the effect that when this bill becomes law there will be an allowance placed in the hands of the Commissioner of Fisheries to make these repairs and improvements to the two hatcheries in Massachusetts as well as elsewhere in the country.

Mr. BACON. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman from New York.

Mr. BACON. May I thank the gentleman for bringing to the attention of the subcommittee this situation, because it applies not only to the hatchery in the gentleman's district but to many other hatcheries throughout the country. The committee is very grateful to him for having called our attention to this situation.

Mr. TREADWAY. I thank the gentleman.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. TREADWAY. Mr. Chairman, I only wish to add that the region surrounding the hatchery at Hartsville is a sportsman's paradise. Every community in the Berkshire Hills has a sportsman's club. The services rendered to those clubs by the superintendent of the hatchery, under instructions of the Commissioner of Fisheries, have been excellent, and with the additional money available under the bill now pending before the House I am sure that Commissioner Bell will increase the facilities at those hatcheries for the benefit of the sportsmen and the recreational interests of the neighborhood, which are very extended indeed. Berkshire County is famous as a recreational area and the people have been very enthusiastic for greater fishing opportunities. I thank the committee for its interest in this proposition.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield 20 minutes to the gentleman from South Dakota [Mr. CASE].

WE SHOULD RESTORE THE DUTIES ON MANGANESE CUT BY RECIPROCAL-TRADE AGREEMENTS

Mr. CASE of South Dakota. Mr. Chairman, I wish to speak today on a subject which I believe bears a considerably more important relation to the welfare of the country than would be indicated by the number of Members here today who will hear these remarks. I want to talk this afternoon about the subject of manganese and what has been done to the domestic development of manganese through putting into effect the reciprocal-trade agreement with Brazil.

I relate this discussion to the bill before us by referring to page 6, where it is proposed to appropriate $40,000—

For the promotion of foreign trade for the purpose of carrying into effect the provisions of section 4 of the act entitled, "An act to amend the Tariff Act of 1930," approved June 12, 1934.

This is the section that provides funds for the section in the State Department which handles the reciprocal-trade agreements.

THREE DISASTROUS RESULTS

The net results of the Brazilian trade agreement on manganese have been threefold: In the first place, in the first 2 years of its operation this agreement on manganese alone has cost the Treasury $10,000,000 in revenue. In the second place, it has thrown men out of work and retarded the development of a domestic manganese industry. In the third place, it has now brought us face to face with a situation which is critical from the standpoint of national defense.

Yesterday Senator MILLER introduced in the other body a bill to authorize an appropriation of $40,000,000 for the purchase of manganese ore in order to establish a domestic stock pile in this country, basing his action squarely upon the importance of manganese for national defense. We have been brought to the position of dependence upon foreign manganese by the practical destruction of the domestic industry.

Concrete evidence of the change that has been wrought is given in the figures which I quote now from the Minerals Year Book of 1937.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. Is it not a fact that the Steel Trust in this country, or the United States Steel Co., is the principal beneficiary of the trade agreement with Brazil through letting manganese in under reduced duties?

RUSSIA GETS THE BENEFITS

Mr. CASE of South Dakota. I believe that is probably true, and it has meant little to Brazil. Our imports from Brazil are not as important as from Russia, which gets the benefit of the Brazilian agreement under the policy which extends these concessions to every nation with whom we have the so-called most-favored-nation agreements.

In 1934, before we had this Brazilian agreement, we imported from Russia 124,836 tons. The agreement was negotiated during the year 1935. In that year our importations of manganese from Russia were 153,200 tons. In 1936, the first full year of operation of the agreement, importations increased to 289,867 tons, practically double.

The second principal source of our manganese supply today is the Gold Coast of Africa. Both Russia and the Gold Coast profit from the trade agreement with Brazil because of the most-favored-nation clause in their treaties. The importations of manganese from the Gold Coast producers went from 73,656 tons in 1934 to 95,134 in 1935. In 1936, the first full year in which they received the benefit of this agreement, the importations jumped to 241,594 tons, which is 150 percent, at the expense of our Treasury and of our domestic producers.

Brazil, with whom the first manganese agreement was made, has profited some. The importations from Brazil jumped from 55,000 tons in 1934 to 110,000 tons in 1936. However, the principal beneficiaries have been Russia and the Gold Coast, as far as countries shipping manganese to this country are concerned.

The net result has been that we have lost $10,000,000 in tariff revenue that would have been paid had the tariff not been reduced by the Brazilian agreement. The tariff was practically cut in two. Under the act of 1930 the tariff was 1⅞ cents a pound on ferromanganese and I cent a pound on metallic manganese in the form of ore. The Brazilian agreement cut the tariff the maximum of 50 percent on crude manganese ore, from 1 cent to half a cent; the Canadian agreement cut practically the maximum of 50 percent on ferromanganese, from 1⅞ cents to 1 cent.

This has resulted in a loss of revenue to this country, an increase in importations of manganese, the destruction of our domestic manganese industry and making us dependent today on ores 4,000 miles away.

MANGANESE ESSENTIAL TO NATIONAL LIFE

I want to speak for just a few minutes on the importance of manganese to this country.

Some manganese is used as a fertilizer in agriculture. Some is used in medicine. But the large use of manganese in this country is in the production of steel.

Manganese puts the starch in steel. It is absolutely impossible to make modern steel without manganese. Consequently, when we look at the figures of our normal consumption of manganese, we find that in the ordinary industries of the country we need 800,000 tons of manganese a year. When we face the problem of increasing armaments and the need for increased national defense we are confronted with the fact we do not have a ready supply of manganese. We have no adequate source of supply in this country, and must turn abroad to get the manganese we need.

Consequently, I believe Senator MILLER was justified in introducing his bill yesterday calling for the purchase of 550,000 tons of metallic manganese, which will be 1,100,000 tons of ordinary manganese ore, because it is estimated we will need at least that much to give us an adequate reserve of manganese for 1 year. Yet, I want to point out a cheaper way to give us this reserve and give us security.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from New York.

Mr. SIROVICH. The gentleman is making a very interesting contribution, and I am very much interested in his presentation. As I understand, this country would need about 1,200,000 tons of manganese both for making steel and for military purposes?

Mr. CASE of South Dakota. Yes, or possibly more than that, considering the requirements for ordinary domestic industries and for a proper reserve for a war.

Mr. SIROVICH. How much would be needed?

Mr. CASE of South Dakota. The American Institute of Mining and Metallurgical Engineers, in the publication "Manganese for National Defense," prepared and published in 1933, states we should have at least 680,000 tons for that purpose, which must be imported during a war emergency or must be stock-piled in advance. If we need 800,000 tons for our normal uses, this would be a total of 1,480,000 tons, or practically a million and a half tons.

Mr. SIROVICH. The only three countries from which we can secure manganese, as I understand, are Russia, the African Gold Coast, and Brazil, in addition to our domestic supply?

Mr. CASE of South Dakota. We get some from Cuba, but not in any great amount.

Mr. SIROVICH. A very minor amount.

Mr. CASE of South Dakota. In other words, our principal supply is 4,000 miles away.

Mr. SIROVICH. How many tons could our country produce today if the industry were operated intensively?

Mr. CASE of South Dakota. There are plants in this country capable of a production annually of about 200,000 tons.

I may say further that in my own State the General Manganese Corporation had spent some $300,000 in the exploration and investigation of deposits there and were prepared to put in a plant which would have produced at least 100,000 tons additional. They were stopped, however, by the reduction of the tariff.

Mr. SIROVICH. If I may interrogate the gentleman further, what is the cost to the American consumer of a ton of manganese, and what is the cost per ton with the tariff from Russia, from the African Gold Coast, from Brazil and from Cuba? What does it cost us to sell either to the Government or to the United States Steel Corporation a ton of manganese which is mined in our own country?

Mr. CASE of South Dakota. Manganese is priced per unit, and the price at Pittsburgh, which is the base price delivered, is quoted at approximately 66 cents a unit today.

Mr. SIROVICH. What is a unit?

Mr. CASE of South Dakota. A unit is 1 percent of a long ton, or, in other words, 22.4 pounds.

Mr. SIROVICH. And that costs 66 cents a unit?

Mr. CASE of South Dakota. At Pittsburgh; yes.

Mr. SIROVICH. What does it cost to import from Russia, from the African Gold Coast, from Brazil or from Cuba, which would give us an intelligent basis of comparison?

Mr. CASE of South Dakota. The price of foreign ore running 50 percent metallic manganese delivered Pittsburgh, according to current quotations, is approximately this:

C. i. f. Atlantic ports, 50 cents per unit, or $25 per ton.

Tariff as reduced, 11.20 cents per unit, or $5.60 per ton.

Freight (from Baltimore), 5.04 cents per unit, or $2.52 per ton.

A total of 66.24 cents per unit, or $33.12 per ton.

And may I say that our manganese producers assure me that if the tariff were restored to the amount that was provided in the Tariff Act of 1930 the price would now be sufficient so that our domestic ores would be properly developed and would provide what we need.

Mr. SIROVICH. If we put on this tariff—and I am in favor of developing our home industries—is there any chance in the future that this country could be self-sufficient and self-contained insofar as manganese is concerned?

Mr. CASE of South Dakota. Absolutely; and before I have concluded my remarks I will give the gentleman some further figures on that point.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. WHITE of Idaho. As a matter of fact, there are extensive deposits of manganese in our own country, particularly in the States of Washington and Montana.

Mr. CASE of South Dakota. There is considerable manganese there. I shall list States where manganese is found.

Mr. WHITE of Idaho. Is it not a fact that during the war companies went in there and developed those deposits and were prepared to exploit and utilize them, and when the war ceased they had claims before the War Claims Board and were paid for the loss of business under contracts which they had?

Mr. CASE of South Dakota. Yes; that was a very expensive proposition to the Government.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. PIERCE. And do not forget we have large deposits of manganese in Oregon.

Mr. CASE of South Dakota. Very important deposits. I shall refer to the States having deposits a little later.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. Did I understand the gentleman to say that it only cost about 60 cents a ton?

Mr. CASE of South Dakota. No. I said per unit.

Mr. MASSINGALE. What is a unit?

Mr. CASE of South Dakota. A unit is 1 percent of a long ton, or 22.4 pounds.

Mr. MASSINGALE. What is the tariff rate or the average tariff rate on this ore imported into this country?

Mr. CASE of South Dakota. The tariff rate at the present time, with the trade agreements in effect, is one-half cent per pound on crude manganese ore and 1 cent per pound on ferromanganese.

If I may speak a few minutes longer on the subject of the importance of this matter, in this report which I have referred to, that of the American Institute of Mining and Metallurgical Engineers, made in 1933, they said:

> The said 680,000 tons of ore must either be imported during the war emergency or must be stock-piled in advance. No one can foretell what the nature of the war emergency may be. It may range from an airtight blockade, on the one hand, through numerous conceivable intermediate situations, to minimum interference with sea lanes and shipping, on the other hand. For this reason the availability of foreign imports necessarily remains an unknown quantity in our problem; nor is there any way to determine it. At best foreign imports cannot be classed as insurance, and insurance is the keynote of this discussion.

Hanford MacNider, when Assistant Secretary of War, said:

> The safety of the country requires that we have a readily available source of manganese in the United States.

The late Senator Walsh, of Montana, who was generally, I think, in favor of low tariffs, said:

> Moreover, I make no apology to anyone for advocating a reasonable duty upon a commodity that is utterly indispensable to us as a matter of national defense, and I make no apology to anyone for advocating a duty upon a struggling, infant industry that is endeavoring to establish itself.

He said that on November 7, 1929, speaking of manganese.

Senator ASHURST, on December 7, 1929, speaking of the loss of the *Cyclops* during the World War with 211 men, 15 officers, and 57 passengers, sunk somewhere in the West Indies, said:

> What was the mission of that ship? With what was she laden? She was bringing manganese to the United States to assist in the manufacture of our own ordnance and other munitions of war.

Admiral Jellicoe, of the British Navy, in a speech in Toronto, Canada, delivered September 4, 1931, referring to a conversation between him and an American admiral at the Geneva Conference, stated that—

> An American admiral had stated that the United States was dependent upon sea communications for foods. I said, "In what direction?" and he said, "Manganese."

I think that should be sufficient, and I could go on for hours talking about the importance of manganese to this country as a matter of national defense and national welfare, because it is needed in the production of any steel at all.

TWENTY STATES HAVE DEPOSITS

I stated that I would speak something of the possible sources of supply in this country. Yesterday the gentleman from Nebraska [Mr. STEFAN] asked me to name the States in which there are substantial deposits of manganese in this country. I stated there were 20. They are Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Minnesota, Montana, Nevada, New Mexico, North Carolina, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and West Virginia.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. Yes.

Mr. SIROVICH. What are the two different forms of manganese? The gentleman talked of ferromanganese. What is the other?

Mr. CASE of South Dakota. Ferromanganese is to manganese ore what pig iron is to iron ore. Manganese, as we refer to it, is just crude manganese ore. In 1936 there was produced in this country manganese from about 14 States, according to the Minerals Yearbook for 1937. Those States were—and I quote from the Yearbook—Alabama, Arkansas, Colorado, Georgia, Michigan, Minnesota, Montana, New Mexico, Tennessee, Utah, Virginia, West Virginia, Wisconsin, and also some in Puerto Rico. The production in this country in 1936 was 32,119 tons of ore containing 35 percent or more manganese.

Mr. WHITE of Idaho. Is not the State of Washington included in that list?

Mr. CASE of South Dakota. It is not listed here as in production in 1936, but there are very important deposits there that would be developed if the tariff were restored.

MORE MANGANESE THAN IRON

The question was asked yesterday as to the extent of manganese in this country, whether or not we had enough manganese in this country to warrant its development. That I think can be answered best perhaps and most emphatically by saying that we have more manganese in this country than we have iron here, and I mean by that that we have more manganese than we have iron ore when we consider the amount of manganese required for the development of iron ore into steel.

The total known reserves of iron ore are estimated at 1,500,000,000 tons, or enough to make 750,000,000 tons of steel. To manufacture that into steel would require about 12,000,000 tons of high-grade manganese ore. Some manga-

nese deposits in the United States require the mining and treatment of 2 tons of crude ore for each ton of high-grade ore shipped; other deposits require 3 to 1, and so on. Taking an outside figure, saying it would require an average of 5 tons of crude ore mined to produce 1 ton of high-grade manganese ore running 50-percent metallic manganese, it would require at the utmost only 60,000,000 tons of crude low-grade manganese ore to produce the high-grade ore necessary to manufacture into steel all the known reserves of iron ore in the United States.

SOUTH DAKOTA ALONE HAS THAT

Naturally, we proceed from the viewpoint of self-interest, and my interest in manganese is primarily because of the fact that along the Missouri River in South Dakota we have the largest known reserves of manganese ore in the United States.

Dr. Finch, of the Bureau of Mines, stated to me in his letter of May 21, 1937:

The deposit at Chamberlain, S. Dak., is probably the largest reserve of crude manganese in the United States.

This was really unknown to the domestic industries until 1928. In 1929 a survey was made by the United States Geological Survey, by Dr. Hewett, one of our outstanding geologists, and one with long experience in this particular field.

Dr. Hewett's conclusions are summarized in the statement that this preliminary investigation was confined to nine townships west of Chamberlain, in the Oacoma country, and that the reconnaissance work of the Geological Survey shows that the manganiferous deposits proceed many miles farther both up and down the valley of the Missouri River, but that there are 102,000,000 tons of metallic manganese in that reserve within the nine townships alone.

So far as they could see it extends both up and down the river. The importance of that to the country has not been realized at all, because these deposits occur in the Pierre shale formation where you can see it in the bluffs of the river extending in a black line, prospected, so to speak, by Nature. At places the bluffs have eroded and in these gullies you can see how the deposit goes back into the hills. Also, they have core drilled and determined the extent of the deposit, and they estimate there is a supply of 102,000,000 tons of metallic manganese. The important thing to remember is that only 60,000,000 tons of low-grade manganese ore would be required to process all of the iron-ore reserves now known in the United States.

The question heretofore has been, of course, how to get it and reduce it to usable form. Bureau of Mines research at Boulder Dam points to great use of cheap power for an electrolytic process. We have a tremendous power possibility of cheap power at the Big Bend on the river within a stone's throw of these deposits. Our ores, however, may yield better to other processes, although cheap power is important for any mining development.

The manganese ore we find in this South Dakota deposit is in the form of nodules in dirt. You talk about high-grade manganese ore from abroad; that foreign manganese ore is simply hand-picked ore, using 1-cent an hour labor. It is sorted and picked out until you get more of the manganese; then it is called high-grade ore and is processed. In America we would do our high grading with milling equipment and conveyor belts pulled by power.

The best process for reducing the manganese ore we have in South Dakota seems to be one developed in the last couple of years by the University of Minnesota, which is now doing some work along that line. It may be illustrated by comparing it to a sugar-and-sand mixture. We use a leaching process to get the manganese out, the reagent being an acid. If you had a mixture of sugar and sand, you could add water and dissolve the sugar. Then you could precipitate the sugar out of the water, and you would have your sugar. So the process of which I speak is to dissolve the manganese and precipitate it out of the reagents, or dissolve out the manganese from the gangue. And we get a 70-percent metallic manganese.

The importance of this can be realized when I recall to your minds the fact that imported manganese runs about 50 percent metallic manganese content, whereas the best manganese that is produced in the United States—mostly in Butte, Mont.—runs 60 percent.

Mr. SIROVICH. Mr. Chairman, if the gentleman will yield, how do they get potassium permanganate?

Mr. CASE of South Dakota. That is a chemical product of which manganese is the base. It is essential to the making of gas masks and is used in the purification of water.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. CASE of South Dakota. That brings me now to the point from which I started. I started out by speaking of the reciprocal-trade agreements. The point I want to make—the point I want to leave with you—is that it is not necessary to appropriate $40,000,000 to buy manganese if you will restore the proper protective tariff on our domestic product so that we can produce manganese in the United States. For this purpose I introduced House Concurrent Resolution 34 day before yesterday calling upon the Secretary of State not to include manganese in these proposed agreements with the United Kingdom, Canada, and other countries; and, further, to serve proper notice to the Governments of Brazil and Canada to denounce the present agreement with respect to manganese.

We must do this if we are to stabilize the manganese industry. A temporary increase in price will not justify or bring development of our domestic ores.

House Concurrent Resolution 34, Seventy-fifth Congress, third session

(By Mr. CASE of South Dakota. February 15, 1938. Referred to the Committee on Ways and Means and ordered to be printed)

Concurrent resolution to encourage the development of domestic manganese in the interest of national welfare and national defense

Whereas the President of the United States in his message to Congress on the 2d day of March 1934, recommending the legislation under which reciprocal trade agreements are made, said:

"You and I know, too, that it is important that the country possess within its borders a necessary diversity and balance to maintain a rounded national life, that it must sustain activities vital to national defense and that such interests cannot be sacrificed for passing advantage"; and

Whereas manganese is an essential in the production of steel, both in the uses of peace and war, and is a vital element in maintaining national life in peace or war; and an assured supply is indispensable to national defense; and

Whereas there are adequate deposits of undeveloped manganese ore within the borders of the United States which would be developed if afforded the full protection of the tariff duties set forth in the Tariff Act of 1930: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States in the interest of national defense that the Department of State should refrain from negotiating trade agreements with any nation further reducing the tariffs on manganese ores, manganese concentrates, or manganese alloys; that these items should not be included in proposed trade agreements with the United Kingdom, Canada, or any other country; and, further, that the full duties on manganese ores, manganese concentrates, and manganese alloys as provided in the Tariff Act of 1930 should be restored by proper notice from the Department of State to the Governments of Brazil and Canada, with whom present agreements have reduced those duties, and to all nations receiving most-favored-nation treatment pursuant to those agreements.

CAN TERMINATE ON 6 MONTHS' NOTICE

Right in this connection I call attention to the fact that there has been the impression about the Brazilian agreement that an item could be ended only by giving 6 months' notice before the end of 1937—the end of the 2-year trial period. That was what our manganese people understood, and I had that impression a year ago. I took it up with the Secretary of State. I asked if he would denounce the section on manganese in the treaty with Brazil before June 30, 1937, which was the dead line for giving the 6 months' notice, as then understood. The Secretary of State replied in the following letter under date of May 21:

DEPARTMENT OF STATE,
Washington, May 21, 1937.

The Honorable FRANCIS CASE,
House of Representatives.

MY DEAR MR. CASE: I have received your letter of May 12, 1937, in regard to the concession on manganese in the trade agreement with Brazil.

With respect to the question of this Government's terminating the Brazilian agreement on January 1, 1938, by giving 6 months' notice to the Brazilian Government prior to June 30, 1937, so that the tariff rates on manganese imported into this country might be increased, I wish to point out that there are many American interests concerned in the Brazilian trade agreement and, therefore, any suggestion for specific action which would involve giving notice of termination of the agreement or reopening negotiations for its modification necessarily must be considered in relation to the broad problems to which such action would give rise and must take all points of view into account.

The information, with respect to the manganese concession contained in the Brazilian trade agreement, presented by the American Manganese Producers Association to the Committee for Reciprocity Information at an informal conference held on February 16, 1937, has been referred to the appropriate interdepartmental subcommittee for attention in connection with other aspects of the trade agreement. Should it be decided to open the trade agreement for renegotiation, due public announcement will be made and all interested persons will be given full opportunity to present their views in the customary manner. You may be assured that information and views already received through informal conference or otherwise would, of course, be given due consideration in connection with such negotiations.

Sincerely yours,

CORDELL HULL.

I protested again and said that it was generally understood June 30 was the dead line and wondered if anything could be done. Under date of July 8 the Secretary wrote me as follows:

DEPARTMENT OF STATE,
Washington, July 8, 1937.

MY DEAR MR. CASE: In accordance with your request made of an officer of the Division of Trade Agreements of the Department, I am glad to provide you with the following information regarding article XIV of the trade agreement with Brazil, which contains provisions relative to the termination of that agreement.

Article XIV of the agreement, a copy of which is enclosed, provides that the agreement—

"* * * shall continue in force for 2 years, unless terminated in accordance with the provisions of article II.

"Unless at least 6 months before the expiration of the abovementioned term of 2 years the Government of either country shall denounce the agreement, it shall continue in full force until denounced by either Government with 6 months' previous notice, or unless terminated in accordance with the provisions of article II."

The agreement was not denounced by either Government "at least 6 months" (or by July 1, 1937) before the expiration of the agreed term of 2 years. However, you will observe that under the quoted provisions of article XIV of the agreement notice may now be given by either Government at any time in order to terminate the agreement 6 months from the date such notice is given.

Sincerely yours,

CORDELL HULL.

Enclosure: Text of agreement with Brazil.

The Honorable FRANCIS H. CASE,
House of Representatives.

JOBS, REVENUE, AND SECURITY

So the agreement could now be terminated on 6 months' notice.

The matter is in the hands of the division in the State Department for which we are appropriating $40,000 in the State Department appropriation bill now before us. In other words, this $40,000 division can save a $40,000,000 bill for purchasing the million tons of manganese ore which is needed for stockpile purposes.

This will provide 68,000,000 man-hours of labor for each million tons of domestic ore produced. This will restore lost revenues on what manganese we continue to import; but eventually it will free us forever from dependence on ores 4,000 miles away. While providing the manganese which we must have to make steel for battleships as well as other purposes, it would reduce the need of battleships, which we are told we must have to keep the sea lanes open to bring industrial manganese from Russia.

This is a sensible thing to do. The President, in his message to Congress on the 2d day of March 1934, requesting trade-agreements legislation, said:

> You and I know, too, that it is important that the country possess within its borders a necessary diversity and balance to maintain a rounded national life, that it must sustain activities vital to national defense, and that such interests cannot be sacrificed for passing advantage.

We should terminate the manganese clauses in present trade agreements, keep them out of future agreements, and give domestic manganese the protection it was accorded in the act of 1930. [Applause.]

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, may I say I am in full agreement with my friend, the gentleman from South Dakota [Mr. CASE], in regard to the foreign manganese proposition. I believe we should begin at once to change these treaties so that manganese may be produced in this country. The gentleman speaks of great deposits of manganese, more than enough to match the iron-ore deposits of the country. Without attempting to match his statement in that respect so far as the State of Arizona is concerned, I am told that at Artillery Peak in Mojave County, western Arizona, within 30 miles of the Colorado River, there are at least 120,000,000 tons of manganese in sight. This is within easy distance of cheap and abundant electric power to make use of the new electrolitic process for reducing the ore.

Mr. SIROVICH. What are they doing with it now?

Mr. MURDOCK of Arizona. The deposit is located in a rather inaccessible country. It is being explored by a big company in Ohio. There are not rail or road facilities as yet.

I beg the Congress to prevail upon the administration to make it possible for us to develop this material in our own country so that we may have this strategic war material without having to store up a pile of it from abroad and so that we may also have it as the necessary backbone of our steel industry from now on.

Mr. Chairman, I rose also to speak about another matter. I find in the bill that we have under consideration at this time an appropriation for the Federal Bureau of Investigation. I have in my hand a letter from the secretary of the Merchants and Manufacturers' Association of Phoenix, Ariz., regretting greatly, and voicing the sentiment of the businessmen of the capital of Arizona, that the F. B. I. station at Phoenix is to be closed on March 6.

PHOENIX, ARIZ., *February 8, 1938.*

Hon. JOHN R. MURDOCK,
House of Representatives, Washington, D. C.

DEAR REPRESENTATIVE MURDOCK: We have been informed that the Phoenix field office of the Federal Bureau of Investigation is to be closed about March 6.

During the period the field office has been maintained in Phoenix we have a number of times found it advantageous to our fraud-prosecution department in that we were able to refer to that office cases which were within its jurisdiction. For instance, individuals attempting to perpetrate frauds on local business concerns frequently pass as Army officers or Government officials. Except for the F. B. I. office, in cases of this kind there is nothing we could have done in an endeavor to protect local business concerns. There are other and equally sound reasons why the field office should not be closed, and we ask that you please endeavor to discourage such a plan.

In directing this communication to you we do so on behalf of all our members, and particularly a considerable number which have telephoned us requesting that we direct this communication to you.

Very truly yours,

LYLE N. OWENS,
Secretary-Manager, Merchants' and Manufacturers' Association, Phoenix, Ariz.

On inquiry I find there are only 47 such stations in the United States and that 2 of them are being closed on account of lack of funds. One of these is Phoenix, Ariz., and the other is Hartford, Conn., the home town of the Attorney General.

Mr. McMILLAN. Will the gentleman yield?

Mr. MURDOCK of Arizona. I yield to the gentleman from South Carolina.

Mr. McMILLAN. It may be of interest to the gentleman to state that in this bill we provide that $65,000 of the amount appropriated for next year is made immediately available,

which will permit the Department to continue these various offices to which the gentleman has referred.

Mr. MURDOCK of Arizona. I thank the gentleman for the information. It is very delightful news to me, because that great agency has done a splendid work in Phoenix, and I do not want to see the office closed even temporarily. I notice that you say $65,000 is made available from the next year appropriation. I fear there will not be enough for next year.

In a way Phoenix is the "port of missing men." The same may be said of Tucson. John Dillinger was captured in Arizona, as will be remembered, and a great many other outlaws have been captured down there, although some of them have gotten away. May I say that Arizona attracts all kinds of people, the best people and, unfortunately, some of the worst. I think it is the climate, Mr. Chairman, that attracts all classes.

About a year ago, while the Faddis bill was before the House Military Affairs Committee, having to do with our laying in a store of strategic war materials such as manganese and tungsten, I went before the committee and asked that arrangements be provided for the getting of such materials in our own country. I pointed out to the committee at the time, just as the gentleman, Mr. CASE, from South Dakota, has pointed out, that such minerals as manganese and tungsten may well be produced in this country. The committee did amend that bill to provide accordingly. Gentlemen, we must as a matter of basic national preparation develop mines within our own borders for such supplies.

Although I am an ardent administrationist, coming from the West as I do, I frequently find myself, in looking after the interests of my constituency, opposed to some of the recent reciprocal-trade agreements now in effect or proposed. To illustrate, my livestock producers are greatly injured by such trade agreements. The new mineral developments are much hampered by our letting in manganese and tungsten. I agree with my colleague, Mr. CASE, that we ought to change those agreements. In regard to the treaty proposed with England and other parts of her Empire, I am greatly alarmed at a possible arrangement covering wool and mutton and lead and zinc, which would destroy those industries in my State. Not only do I earnestly hope the State Department will change the present agreement on manganese and tungsten but I also earnestly hope that no future trade agreement will be entered into involving cattle, mutton, and wool, nor lead and zinc.

There is another item on page 107 in this bill to which my attention is directed. This provides a fund for Federal aid to crippled children, under the Children's Bureau. There are two or three bills now before the Congress to carry this work further. I have lately made a study in the State of Arizona, and I find many hundreds of crippled children who are inadequately cared for and cannot be cared for by the means used heretofore. I do not want to discount the great work done by the fraternal orders. Some of the national fraternal orders are doing a splendid work. Some service clubs are doing a fine work in caring for crippled children. I would like to see more done than is provided in this bill, and I may introduce an amendment when that point in the bill is reached.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. MASSINGALE].

Mr. MASSINGALE. Mr. Chairman, I ask unanimous consent to revise and extend my own remarks at this point in the RECORD and to include therein an editorial from the Frederick (Okla.) Leader entitled "If Lincoln Were Here."

The CHAIRMAN. The Chair regrets to advise the gentleman that permission to include anything will have to be obtained from the House. Without objection, the gentleman may extend his own remarks at this point in the RECORD.

There was no objection.

Mr. McMILLAN. Mr. Chairman, I yield such time to the gentleman from Missouri [Mr. COCHRAN] as he may desire.

Mr. COCHRAN. Mr. Chairman, this bill carries the appropriation for the Department of Justice, and included in that appropriation are the activities of the Bureau of Investigation, as well as the maintenance of our penal institutions. The increase in population does not mean that there has been an increase in crime, but, as will be shown later, is due to the length of sentences that the prisoners have received. In 1935 the population in our Federal penal institutions was 13,708, while the report furnished the committee shows a population of 15,089.

A break-down of the prison population is found in the hearings, and I am going to quote it, together with a brief statement by the Director of Prisons, Hon. James V. Bennett:

New criminal statutes enacted by Congress during the past 5 years have already resulted in substantial additions to the population of the Federal correctional institutions. The table I am submitting gives separate figures for certain of the more important of these offenses for the past 3 fiscal years.

The prison population of the selected offense groups showed an increase of 40.2 percent for the end of the fiscal year 1936, as compared with 1935, and the figure for 1937 was 105.5 percent above that for 1935. During the same period the population of all other offense groups showed only the moderate increase of 9.5 percent for 1936, and a slight decrease for 1937, which was only 8.9 percent above 1935.

The selected offense groups made up only 1.2 percent of the prison population on June 30, 1935, but increased to 1.5 percent for 1936 and 2.2 percent for 1937.

Selected offense grouping for prison population of Federal institutions, June 30, 1935, 1936, and 1937

[These selected offenses are violations of certain criminal laws enacted since Mar. 4, 1933]

Offense	1935	1936	1937
Escape, flight, mutiny, etc.	48	34	38
Extortion and racketeering	15	13	15
Kidnaping	44	75	115
National Stolen Property Act violation	3	1	10
National-bank robbery	51	97	155
National Firearms Act violation	3	10	4
Total for above offenses	164	230	337
All other offenses	13,544	14,825	14,752
Grand total	13,708	15,055	15,089

Increases in the prison population were especially marked in the case of the kidnapers, whose numbers more than doubled from 1935 to 1937, and national-bank robbers, who numbered over three times as many in 1937 as in 1935.

This rapid growth in the number of gangsters and racketeers in our institutions is chiefly the result of the exceptional length of the prison sentences imposed upon this class of criminals. We must expect them to show a continued rapid growth, since few of those now in prison will become eligible for release for many years to come. Meantime, each year we can expect a steady stream of new commitments of this type.

The present prospect is that by June 30, 1940, we shall have a minimum of 600 prisoners sentenced under these new crime laws, and it is quite possible that the number will rise to 800 or 1,000, with sentences seldom under 15 years and usually from 25 years to life. In other words, we are threatened with a further accumulation of gangster-type prisoners sufficient to fill up, by 1940, one entire institution of from 600 to 1,000 population.

These expectations seem to be fully confirmed by our Federal court statistics.

As author of the Extortion Act and coauthor of the Kidnaping Act, naturally I am interested in the report in reference to the operation of those laws. There can be no doubt that many of those now confined for violating those laws would be at liberty if it had not been that the Congress made them Federal offenses.

There is another thing that is very pleasing to me in reference to the industrial activities in our Federal prisons. Of course, we all know that the existing law provides that the products can only be used or sold to Government agencies and departments.

We have been reading very much of late in reference to the mental condition of the patients confined at certain institutions, and some attribute this condition to the fact that the

inmates are not given more work. When the prison-industry bill was under consideration business generally, as well as labor organizations, bitterly opposed the operation of Government factories where prison labor would be employed, complaining that it would be competing with free labor. One of the outstanding prison industries is the shoe factory, and I want to commend the present director of prisons, who is also Commissioner of the Federal Prison Industries, Inc., for the manner in which he has acted in the last few years in regard to the manufacture of shoes. Like his predecessor, Hon. Sanford Bates, who is still president of the Federal Prison Industries, Inc., Mr. Bennett has held down to the minimum the manufacture of shoes at Leavenworth. Under existing law this factory could, if it so desired, manufacture all shoes used by the Government. In fact, no Government department can advertise for bids for shoes from private corporations unless clearances are issued by Mr. Bennett.

I propose to advise you just exactly what has been done and the extent of competition between prison labor and the free labor insofar as shoes are concerned. Not long ago I had a conversation with Mr. Bennett and from time to time I have in the past years consulted with the officials in reference to the shoe factory. The following information, which I received from Mr. Bennett in the form of a communication, dated to me on January 25, 1938, written by him as Commissioner of the Federal Prison Industries, Inc., is self-explanatory:

Hon. JOHN J. COCHRAN,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN COCHRAN: Please permit me to confirm what I told you personally when you called Saturday to inquire about our shoe-manufacturing operations.

During the calendar year 1937 we issued clearances to the several departments to purchase in the open market 1,869,348 pairs of shoes. The major portion of the clearances were issued, of course, to the United States Army, but we also have not made any shoes whatever for the Navy during the past year.

Generally, the shoe operations during the year were on a smaller basis than the preceding year, and our present plans call for no increase in the number of men assigned to the factory nor any material change in the production of the factory. We are accepting no orders from the Navy Department at the present time and do not contemplate accepting any further orders from the Army during the present fiscal year.

Rather than expand our shoe factory at Leavenworth, we are providing employment for the ever-increasing number of Federal prisoners in other activities and are continually striving to diversify to the maximum our industrial operations. I realize, as does our board of directors, the cogency of your statement that during the present recession we should conduct our operations most conservatively. That is our policy, and we shall not encroach further upon the Government market for shoes during the present lull in business activity.

Incidentally, the other day I was checking our production of shoes against the statistics for the industry and found that during the last few years shoe production has expanded quite considerably, while our output has remained substantially the same. I noticed that shoe production for the 11 months ending November 30, 1937, was 389,245,868 pairs, against 381,846,748 pairs for the same period in 1936 and 316,057,030 pairs for 1931. Our board of directors has not authorized any expansion in our output in ratio to the increasing amount of private production, despite the fact that private production has increased tremendously and Government demands are now nearly 10 times as much as when the shoe factory was started. It also should be remembered that our prison population has increased steadily the last several years until our average is now almost two and one-half times as much as it was when the shoe factory was authorized.

I shall be glad to discuss the matter further with you any time at your convenience.

With kind personal regards,
Sincerely yours,

JAMES V. BENNETT, *Commissioner.*

Since writing this letter I am informed that St. Louis manufacturers have received contracts for 400,000 pairs of shoes for the Army, C. C. C. camps, and others. Of course, these will be manufactured by free labor.

Much of the criticism against prison-made goods has disappeared, in view of the fact that in the Federal prisons there are now 22 different industries, where the output is low in each instance; in fact, so low that it is hardly noticeable by the trade. Of course, we all dislike to see prison labor competing with free labor; but it is a matter of fact if we do not have some employment for those confined, especially the long-term prisoners, there would be no end of trouble in the various institutions.

BUREAU OF INVESTIGATION

Possibly there is no better advertised Government organization than the Bureau of Investigation, which is under the control of J. Edgar Hoover, who is the Director. The work of this Bureau has been commended throughout the country. The Bureau has been increasing its activities from time to time, and I am pleased to know the cooperation that exists between the local police departments throughout the country and this Government agency. Take, for instance, the Identification Division. During the year 1937 they accomplished 468,664 identifications, which was an increase of 67,371 over the previous year. They have at the present time 8,000,000 fingerprints in the Identification Division.

At one time there was strong opposition against a fingerprinting system but the records show that there has been a great increase of what are known as civil fingerprints of persons who are desirous of having their fingerprints filed for protective measures. Mr. Hoover says most of them think of kidnaping or loss of memory. For instance, in 1936 they averaged 463 such prints a day, while in 1937 the average was 912 per day, an increase of 97 percent. They have now nearly one-half million civilian fingerprints on file of businessmen, businesswomen, and others who requested that their fingerprints be made part of the records. This Department gets copies of the fingerprints from the Civil Service, the military and naval services, and from police departments throughout the country. Every day they are identifying someone for police departments in various parts of the United States and sometimes in foreign countries as they have an international exchange of fingerprints.

The people of the country should certainly be interested in the statement Mr. Hoover made to the Committee on Appropriations in reference to the Civilian Conservation Corps. There has been a decided reduction of crimes committed by young men under the age of 21 years. In speaking of the Civilian Conservation Corps, Mr. Hoover said:

I think that the Civilian Conservation Corps has been one of the most important, if not the most important, factors in the reduction of crime among the youth. There is no question about that. It has taken oif of the roads and off of the railroad freight trains young boys who might have drifted into underworld activities. I think that work has had a very wholesome effect upon law enforcement, and that has been the observation, not only of myself but, I think, of most law-enforcement officers throughout the country who have had to deal with the problem.

KIDNAPING CASES

Mr. Hoover's report in reference to kidnaping cases is extremely interesting. He said:

In regard to the types of investigative activities that are covered by this personnel that I have referred to, of course, one of the most important items and one that has taken a great deal of time has been the kidnaping work of the Bureau, the wide scope of those activities extending in most cases from coast to coast. The record in that particular type of work shows that since June 22, 1932, there have been 114 kidnaping cases. Of that number all have been solved, and the persons responsible for the kidnapings have either been apprehended or killed, with the exception of three cases.

The three are the Mattson case at Seattle, the Ross case at Chicago, and the Fried case at New York. The Mattson case occurred in December 1936, the Ross case in October 1937, and the Fried case in December 1937.

We are working upon all three of those cases now. We have 22 persons in custody awaiting trial. Four fugitives are being sought, 255 have been convicted, with a total number of sentences of 3,217 years 8 months and 3 days, 44 life sentences, 6 death sentences, 2 were lynched, 5 were suicides, 6 killed, and 6 murdered by their own confederates.

In regard to the extortion cases and bank-robbery cases, Mr. Hoover's report to the committee follows:

Extortion work has also taken a tremendous amount of our time. There are a great many extortion cases, many of them perpetrated by persons under 20 years of age, who do it more or less as a prank. However, the scare or the fear that is engendered in the minds of the family is just as strong as if it was an actual attempt, so we have to run those down and see that they are handled expeditiously.

Another type of work that requires immediate action, like kidnaping or extortion, and which cannot be postponed for a month

or 2 months, is bank robbery. We took over the jurisdiction of the robbery of banks on May 18, 1934. Our jurisdiction was extended by act of Congress in August 1935 to include banks under the Federal Deposit Insurance Corporation, and increased the banks affected from 6,442 to 17,234, so that today any robbery occurring in any one of those 17,000 banks comes under our jurisdiction.

The difficulty has been that most of the banks coming under the amended law were banks in small towns not equipped with the protective equipment found in the larger cities. They do not, as many of the banks in the larger cities, have bullet-proof glass, or alarms, or tear gas. These small banks haven't those facilities and, consequently, they are the victims of preying bands of bank robbers like the Brady gang and the Payne gang.

The record of accomplishment in that work is, I think, interesting. The number of robberies since 1934 has totaled 480. The amount secured in those robberies totals $2,505,736. Convictions have been obtained of 412. Those in custody awaiting trial are 132. Sentences have been imposed totaling 6,424 years—23 life sentences, 6 deaths, and only 8 persons have been acquitted.

The decrease of bank robberies is interesting. For the calendar year 1936 we had 154 bank robberies in the United States under these 17,000 banks. In 1937 that had dropped to 126, or a reduction of 28 for the calendar year.

There has been a great deal of increase in reference to the white slave traffic. While there were 298 convictions in 1936, there were 479 convictions in 1937.

The record of this Bureau justifies the amount of money that has been spent by the Government in its activities. A summary of the work of the Bureau of Investigation as presented by Mr. Hoover for the information of Congress, follows:

The results of our investigations are presented to the United States attorneys for action and the following record has been made.

In 1936 we had a total of 3,905 convictions, and in 1937 we had 4,624 convictions. Sentences imposed in 1936 aggregated 11,067 years and sentences imposed in 1937 aggregated 13,345 years. Fines imposed in 1936 amounted to $439,472.44; fines imposed in 1937 amounted to $648,359.80.

Recoveries in 1936 amounted to $2,804,309.70; recoveries in 1937 amounted to $4,905,459.40.

In 1936 investigations by our Bureau defeated claims against the Government before the Court of Claims amounting to $1,416,277.19; in 1937 we defeated claims against the Government before the Court of Claims to the amount of $16,867,808.52.

In 1936, 2,499 automobiles were recovered in cases investigated by the Bureau and in 1937, 2,635 such cars were recovered.

In 1936 our convictions amounted to 94.35 percent, while they amounted to 94.67 percent in 1937.

Of all cases handled by the Bureau, 89 percent of those indicted pleaded guilty; did not stand trial.

There were 1,089 Federal fugitives apprehended in 1936 and 1,303 apprehended in 1937.

The total expenditures of the Bureau were $5,815,633; and the total savings, fines, and recoveries ran to $41,438,370.22, which means $7 saved for every $1 spent.

That the cost to the American public as a result of crime has been materially reduced by reason of the work of Mr. Hoover and his assistants there can be no doubt. [Applause.]

Mr. BACON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LORD].

Mr. LORD. Mr. Chairman, my remarks at this time will be along the line of the remarks I would have made yesterday if there had been sufficient time, but as the money has not been spent yet I guess they will do just as well today.

I regret that we are obliged to appropriate such a large sum of money for relief and I question whether it is necessary to appropriate as much as we did yesterday. However, I do not want anybody to go hungry, therefore I voted for the appropriation.

I was up in my district recently and I found conditions much worse than they have been at any time during the depression. This new Roosevelt recession is much worse than anything we have had before. Our car shops have laid off their entire forces.

Many of our factories are not working or are working from a half day to 2 days a week. We have to find some remedy for this situation. We must get the businessmen to have confidence. Some of our manufacturers have asked me, "What is going to happen? What is the President going to do? We want to know more about business conditions before we go ahead." This is what we must find out.

I was interested in what was stated on the floor yesterday by the gentleman from Alabama [Mr. STARNES] and the gentleman from North Carolina [Mr. COOLEY], with regard to turning relief back to the localities. I believe we should turn relief back to the localities and then supply Government aid in whatever amount is necessary to carry on relief but let local agencies care for relief. I also believe we should turn the W. P. A. work back to the localities, so we may get better results from the W. P. A. If we could have one-half of the money for road construction and do the work under supervision of our experienced supervisors we could accomplish much more, take care of the unemployed, and save the taxpayers one-half the amount we are spending under political supervision. Men are put in charge of road work who know nothing about the work and much money is wasted and a poor road constructed. The work is all political.

May I give just one instance that occurred in my district in regard to a W. P. A. job. We have in my district some great mountains covered with timber. In that locality we produce wood alcohol. Our factories have been closed down on account of the lack of call for this alcohol. During prohibition days many people were poisoned from drinking wood alcohol, and on that account the Government discontinued the use of wood alcohol as a denaturant. The resulting lack of demand caused the alcohol producers to close many factories.

Two years ago, and later, I with many others who were interested in the production of wood alcohol went to Secretary Morgenthau and endeavored to get him to allow wood alcohol again to be used as a denaturant, but we have not met with success. The owners of our factories say if wood alcohol could be used as a denaturant their factories would again run, and they could do a big business. We could take the men on relief in the localities off relief and give them real work. What has happened? The Government has gone up in that very locality and bought these great mountains covered with timber. They have bought thousands of acres of this timberland and paid perhaps approximately $20 an acre for it. All through these valleys they have taken this land out of production for all time to give employment to the workers under W. P. A. We have had about 250 to 300 men working in there, but not cutting the wood for the acid factories. They surveyed this land into checkerboards of an acre each. Then they wanted to create a sanctuary for bear. We have no bear there, but they went ahead and cut down the timber on alternate acres and left them with the timber slashed down so the brush would come up. We would then, it was said, have a chance for bear to hide in the brush if one ever happened to come that way. In this operation they have spent some $400,000.

I cite this incident to show that in this instance we could continue an industry for all time and could put men to work by just using a little good common sense; but they have taken this land out of production, and it will always be out of production. They are now asking the State of New York to accept these thousands of acres as a present to add to the forest preserve. This is just one of the ways we could make our people self-supporting and take them off relief.

What our businessmen want is confidence. They want to know what is going on. They want business done in more of a businesslike way, but the President wants lower prices one week and the next he says they must be higher. This incident I have just related, when we cut our woods up into checkerboards and destroyed the productivity of the land, is just one of the business ventures of the Government. [Applause.]

Mr. RABAUT. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. LUCKEY].

Mr. LUCKEY of Nebraska. Mr. Chairman, it is high time that this Congress does a little investigating of the present attempt of the Navy Department to mold public opinion and to dictate American foreign policy. We have a State Department and a Secretary of State whose primary duties are to carry on our relationships with other governments

of the world. It has always been the aim of the State Department to promote international good feeling. However, it is difficult to encourage such international good feeling when high-ranking officers of the armed forces of the United States carry on a propaganda campaign based on ill will and hatred toward foreign nations. Let me call your attention to some of the recent activities of the Navy Department. All this started since the recent request of our President to increase our naval armaments.

The other day Rear Admiral Clark H. Woodward of the Brooklyn Navy Yard made a public speech in which he advocated a big Navy on the grounds that gangster dictators threaten the peace of our country. The admiral has a right to his personal beliefs and cannot be too severely blamed for wanting to increase the strength of the organization he is with, but one can scarcely approve of his public utterances as being a gesture of international good will. The gangster dictators referred to by Rear Admiral Woodward are the recognized heads of governments which have been recognized by our President and our Secretary of State. Regardless of what you or I think about dictators and dictator governments, the fact remains that we are on friendly terms with those governments. The duly appointed representatives of European dictators have been recognized by the President and the Secretary of State. Yet, a high-ranking official of our Navy publicly proclaims them to be dictator gangsters. You may say that perhaps Admiral Woodward is not a responsible spokesman of the Navy and that he is not a responsible spokesman of our Government. There is no question in my mind but that he is not responsible.

In these days when we are trying to formulate a naval program based on actual needs, a calm, dispassionate survey of our needs has been made impossible largely through the efforts of our Navy Department itself. If you walk down the street and ask people whether or not Japan is building superbattleships, almost anyone who reads the papers will tell you emphatically that Japan is building such ships. Our State Department, in conjunction with Great Britain and France, sent a formal note to Japan asking for detailed information in regard to the Japanese naval building plans. Let us see on what all that was based. Appearing before the House Naval Affairs Committee on February 1, Admiral Leahy was asked:

Is any nation building battleships of a greater tonnage than 35,000?

Admiral Leahy replied:

As far as I know no nation has battleships of a greater tonnage building, although it has been published in Italy that Japan is now building battleships much larger than 35,000 tons.

In plain and simple words, an Italian newspaper article has now been accepted as a definite statement of fact.

This rumor out of Italy has been aided by the veiled hints in regard to the recent naval conversations held by the Chief of the War Plans Division of the United States Navy, Capt. Royal E. Ingersoll, and British naval officers. If actual proof of the Japanese building program exists, it would seem to be the straightforward procedure to give Congress and the people of this country the facts. We could then act intelligently. But why should we be asked to act on whispered assertions, particularly those coming from the Italian press?

Is it any wonder that confusion exists in the public mind in regard to our foreign policy and our defense needs? When Admiral Leahy was questioned as to the extent of a naval understanding between this country and Great Britain, he replied that he would discuss that question only behind locked doors in secret session. Admiral Leahy thus gave credence to a belief that such an agreement exists. The Secretary of State, when asked practically the same question, emphatically replied that no such agreement existed. Is it any wonder that some people question whether the Secretary of State has been kept informed of the work being done by the Navy Department?

Let me give you an example of the Navy Department propaganda campaign. Here in my hands I hold a copy of a recent radio address made by Gen. Hugh S. Johnson over the National Broadcasting Co. network. I did not get this reprinted speech from General Johnson, nor did I get it from the National Broadcasting Co. This reprint was sent to the House Office Building by a special messenger, a uniformed marine, and the speech came from the Navy Department. I understand that the Navy Department emphatically states that they are not carrying on a propaganda campaign. Well, here are the facts: General Johnson made this speech for a big Navy. The general has a perfect right to his beliefs, and I respect him for them. The envelope in which the Navy Department sent the reprint of his speech bears a frank which reads, "Navy Department, Office of Naval Intelligence, Washington, D. C., official business." In the upper left-hand corner of the envelope there is a further inscription which was penciled out which reads, "Public Relations Branch, Office of Naval Intelligence." Now, the Navy Department can say whatever they want. I have given you the facts, and anyone who so desires may corroborate them by looking at the material I hold in my hand. It would be interesting to know whether or not the Navy Department had this address mimeographed for distribution.

Perpetrating a war scare on the American people is one of the oldest dodges known to get funds from the Public Treasury. If you will turn back through the newspaper files year after year, you will find that each defense appropriation was accompanied by a war scare. Now, I am not a pacifist, and I will go just as far as any Member of this House to see that we get adequate national defense, but I do believe that our defense policy should be founded upon a clear and clean-cut study of the problems and should not be influenced by deliberate actions of any department of the Government to create widespread public beliefs in regard to situations which do not exist. [Applause.]

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1939, namely.

Mr. McMILLAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BUCK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 9544, had come to no resolution thereon.

HOUR OF MEETING TOMORROW

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

DIPLOMATIC RELATIONS IN THE FAR EAST

Mr. McREYNOLDS. Mr. Speaker, I offer a privileged resolution, House Resolution 418, on which an adverse report has been made.

The Clerk read the resolution, as follows:

House Resolution 418

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives—

(1) What facts, if any, are in possession of the State Department showing that the Japanese Ambassador to China has been withdrawn by the Japanese Government;

(2) What information, if any, is in possession of the State Department showing that the Chinese Ambassador to Japan has been withdrawn;

(3) Whether the Department of State is in possession of any facts that verify the report published recently in the press that Japan's Foreign Minister Hirota told the Japanese Diet that "a state of war exists between China and Japan;" and

(4) If the State Department is in possession of facts or information substantiating the withdrawal of the Japanese Ambassador from China and the Chinese Ambassador from Japan, and the statement by Japan's Foreign Minister that "a state of war exists

between China and Japan," has the State Department taken any action to advise the President that the Neutrality Act should be invoked in accordance with the mandatory provisions of the act?

Mr. McREYNOLDS. Mr. Speaker, there is a letter in answer to the resolution included in the adverse report, and I therefore move that the resolution be laid on the table.

The motion was agreed to; and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend in the RECORD the remarks I made in Committee of the Whole this afternoon and include therein a short table with respect to the stockholders of certain corporations.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a copy of an address delivered by Miss Natalie Couch at the annual Lincoln Day banquet at Grand Rapids, Mich., on February 12, 1938.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MAPES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a copy of an address by Mr. John D. M. Hamilton, chairman of the Republican National Committee.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. RICH. Reserving the right to object, Mr. Speaker, I call the attention of the Members of the House to the fact that putting in the RECORD addresses of individuals who are not Members of Congress is contrary to the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MAPES. Mr. Speaker, this request violates no rule of the House and this is frequently done.

Mr. RICH. It can be done by unanimous consent, but it was not the purpose of the RECORD to put in such speeches.

Mr. MAPES. Mr. Speaker, I make the same request and ask to include some remarks of my own made on the same occasion.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BACON. Mr. Speaker, I ask unanimous consent that I may have permission to include in the remarks that I intend to make tomorrow while the House is in Committee of the Whole certain tributes to one of our Foreign Service officers who was killed in line of duty. I have to ask this privilege in the House, and I wish to ask it today for use tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks at the point where I concluded some remarks in Committee of the Whole and to include therein a letter from the Merchants and Manufacturers Association of Phoenix, Ariz.

Mr. RICH. Mr. Speaker, reserving the right to object, I do not want to pick out any individual with respect to putting these matters in the RECORD. They are all contrary to the rules and the Members of the House certainly ought to recognize that fact.

The SPEAKER. The gentleman from Pennsylvania is a Member of the House. Does the gentleman object?

Mr. RICH. Mr. Speaker, I think it is not my duty to object to all these things. It is your duty as Speaker of the House and the duty of the majority leader to object to these things and not single me out.

The SPEAKER. The Chair hears no objection.

Mr. MASSINGALE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point and include therein an editorial from the Frederick (Okla.) Leader, entitled "If Lincoln Were Here."

Mr. RICH. Mr. Speaker, reserving the right to object, I may say that not only the Speaker of the House but the majority leader and all the Members of the House have just as much right to object to these things as I have, and I do not want to do anything of this sort if I am not going to get some support from the Members of the majority party of the House in trying to carry out the rules and regulations that have been laid down for this purpose. It is our duty to have the RECORD, as a matter of history, record the things that transpire in the House. I do not want to be the goat in trying to stop anybody from doing the things that ought not be done by Members of the House themselves. I think we ought to recognize this as the fact.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I may say in the presence of the gentleman from Pennsylvania exactly what I have said on so many occasions, and I hope I may not be called upon to make this statement any more. I am not going to take the responsibility of objecting to Members of the House placing in the RECORD things that I know if I object to here will be placed in the RECORD in the Senate, and until the committee, of which the gentleman is a very distinguished member, brings in some rule that the Senate and the House both may follow, I am going to pursue the same course and allow the Members of the House to act in the same way as Members of the Senate.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. I will.

Mr. RICH. I may say to the majority leader that Members of the House have tried to get the Senators who are members of the committee to do something in this matter. The Senators have not taken any action and they are rightfully responsible for this situation. I do not blame the Members of the House because the Senate is responsible, and somebody ought to make the Senators wake up and do their duty.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Oklahoma.

Mr. MASSINGALE. Mr. Speaker, the observance of Lincoln's Birthday has been an occasion when it was very proper and appropriate that many speeches and printed articles extolling the virtues of this great man should have appeared. To me it is noticeable that but few addresses made or articles written or reproduced have been free from partisan politics. It seems to me that it would be more in keeping with the spirit of Abraham Lincoln if politics had been adjourned during the observance of last Saturday's anniversary. I am sure that if Lincoln were here he would have had it so. But it seems that in the present temper of the American people, as well as the American press, no occasion is too sacred for some to relish the injection of political and personal thrusts at President Roosevelt. It is refreshing to find here and there one in public life who is able to rise above the level of prejudice and to speak out in open meeting the real sentiments that I believe to obtain among the respectable nonpolitical element of the American people. Such men seem to be few in number and when discovered should receive the sincere appreciation of the American people. They belong to that class of intelligence which loves America and desires to contribute all within their power to the betterment of conditions in America and to the welfare of the Republic, and to the class which believes it can pay honest and sincere tribute to the great American martyr without saturating their tributes with coarse and virulent abuse of some other person. In a recent edition of the Frederick (Okla.) Leader is an editorial entitled "If Lincoln Were Here," that typifies the higher minded among us. Mr. J. L. Newland, the editor of this paper, wrote the editorial, and I believe it is worthy the consideration of any Member of Congress, or other person, to read and to profit by. I therefore ask unanimous consent to extend my remarks in the RECORD and to include

therein the following editorial from a recent issue of the Frederick (Okla.) Leader. The editorial is as follows:

[From the Frederick (Okla.) Leader]

IF LINCOLN WERE HERE

The anniversary of the birthday of Abraham Lincoln will cause many of his admirers to say, "If Lincoln were here and in authority, things would be done differently." But a critic is a critic, and the probability is that if Lincoln were here and in the White House he would be the target of many of those who sigh for him now.

Lincoln lived in a stormy time. He faced conditions such as have never faced any other President. He met them courageously, wisely, patriotically—and he did it in the teeth of foes within his own lines as well of those who frankly tried to dismember the Union. And always he was under terrific fire. At times it seemed that he almost stood alone in his policies.

Looking at him and his problems from this distance, we realize that it was his tender heart as much as his lionlike courage, his tolerance as much as his patriotism, his kindness as much as his firmness, his wit as much as his wisdom, his humanity as much as his genius that carried him through.

If Lincoln were here, he would do what he thought was best to keep the United States of America a going concern, just as he did back in the sixties—and that is what Franklin Roosevelt has done and is doing.

If Lincoln were here, he would put the national welfare first, and contend that every ounce of strength and every dollar of wealth should be dedicated, so far as might need be, to the national defense. And that is what Roosevelt seeks to do.

If Lincoln were here he would strive to act as an arbiter between the warring factions of his own people, to bring about peace through readjustments which would result in a more uniform equality of opportunity and justice between men. Roosevelt has dedicated himself to such a program.

If Lincoln were here, he would still be a humanitarian, trying to give work to the jobless, support to the weak, courage to the downhearted, liberty to the enslaved, hope to those in despair. These are some of the things that Roosevelt's humanitarianism has prompted him to undertake.

President Roosevelt has made some mistakes, perhaps; but so did Lincoln. Some of Roosevelt's appointees have not measured up to the standards he set for them, but let us remember that Lincoln almost lost the Civil War for want of generals. He could not win alone, but he won through the inspiration of his leadership and his persistent adherence to his objective. That is the way we came out of the depression and the way in which we must make further progress, the manner in which our national integrity and welfare must be preserved—through the wise cooperation of the people with a strong and patriotic leadership.

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a short table prepared by the International Labor Office.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks by including the text of the letters I referred to this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. QUINN, for 1 week, on account of illness in family.

To Mrs. JENCKES of Indiana, for balance of the week, on account of important business.

To Mr. FARLEY, for 5 days, on account of important business.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3452. An act to extend the lending authority of the Disaster Loan Corporation to apply to disasters in the year 1938; to the Committee on Banking and Currency.

S. J. Res. 264. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

ADJOURNMENT

Mr. McMILLAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p. m.) the House, in accordance with its order heretofore entered, adjourned until tomorrow, Friday, February 18, 1938, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Friday, February 18, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Friday, February 18, 1938, at 10 a. m., for the consideration of a building program for the Navy. Very important.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Friday, February 18, 1938. Business to be considered: Continuation of hearings on S. 69—train length.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, joint resolution relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m. on Tuesday, March 1, 1938, on the bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee on fiscal affairs of the House Committee on the District of Columbia will meet on proposed taxation legislation Friday, February 18, 1938. The meeting will be held in the District of Columbia hearing rooms at 10 a. m.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 a. m., on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 9, 1938, at 10 a. m., on the following bills: H. R. 9225, authorizing the appointment of 30 principal traveling inspectors by the Secretary of Commerce; H. R. 9368, authorizing the issuance of certain seamen's certificates by inspectors of hulls and boilers.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 16, 1938, at 10 a. m., on H. R. 8251, relative to radio operators on cargo vessels.

EXECUTIVE COMMUNICATIONS, ETC.

1089. Under clause 2 of rule XXIV, a letter from the Chairman, United States Maritime Commission, transmitting a report of the United States Maritime Commission on tramp shipping service and the advisability of citizens of the United States participating in such service with vessels under United States registry (H. Doc. No. 520), was taken from the Speaker's table and referred to the Committee on Merchant Marine and Fisheries and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. McMILLAN: Committee on Appropriations. H. R. 9544. A bill making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1939, and for other purposes; without amendment (Rept. No. 1830). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. McREYNOLDS: Committee on Foreign Affairs. House Resolution 418. Resolution requesting the President of the United States to furnish certain information pertaining to the diplomatic relationship between Japan and China (Rept. No. 1831). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McMILLAN: A bill (H. R. 9544) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1939, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. CELLER: A bill (H. R. 9545) to amend an act of Congress approved July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States", and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. DUNN: A bill (H. R. 9546) to amend the Social Security Act, approved August 14, 1935, to enable clergymen of all denominations, organists, janitors, and caretakers of cemeteries to avail themselves of the benefits provided under the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMILTON: A bill (H. R. 9547) to extend the time for filing claims for refund of amounts paid as tax under the Agriculture Adjustment Act; to the Committee on Ways and Means.

By Mr. SANDERS: A bill (H. R. 9548) to amend the Rural Electrification Act approved May 20, 1936; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLER: Joint resolution (H. J. Res. 599) to set apart public ground for the Smithsonian Gallery of Art, and for other purposes; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY: A bill (H. R. 9549) for the relief of John A. Schojan; to the Committee on Naval Affairs.

By Mr. RICHARDS: A bill (H. R. 9550) for the relief of S. T. Enloe; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 9551) granting a pension to Charles E. King; to the Committee on Pensions.

By Mr. WIGGLESWORTH: A bill (H. R. 9552) for the relief of Charles M. Pickett; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4140. By Mr. BOYLAN of New York: Letter from the Federal Council of Churches of America, New York, N. Y., disapproving of the proposed increase of naval and military expenditures beyond the Budget already submitted for the fiscal year of 1938–39, etc.; to the Committee on Appropriations.

4141. By Mr. DELANEY: Petition of the Charles W. Heisser Post, No. 179, American Legion, Department of New York, urging the passage of such amendments as may be necessary to make the appointment of preference eligibles on a registered list mandatory, unless the appointing officer shall file with the United States Civil Service Commission a statement as to the reason for not making the appointment; and in the event that such statement is filed the preference eligible shall be given an opportunity to answer such statements before the appointment is approved by the Civil Service Commission; to the Committee on the Civil Service.

4142. By Mr. KEOGH: Petition of Charles W. Heisser Post, No. 179, American Legion, Department of New York, Brooklyn, N. Y., concerning such amendments as may be necessary to make the appointment of preference eligibles on a registered list mandatory, etc.; to the Committee on the Civil Service.

4143. Also, petition of the Long Island Association, Long Island, N. Y., concerning larger appropriations for river and harbor improvements; to the Committee on Rivers and Harbors.

4144. Also, petition of the Broadway Association, Inc., New York City, concerning House bill 2927, to amend the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

4145. Also, petition of the Merchants Association of New York, New York City, concerning the proposal to regulate rates on the New York State Barge Canal without regulating them on other inland waterways; to the Committee on Merchant Marine and Fisheries.

4146. By Mr. LEAVY: Resolution of the Northwest Mining Association adopted at Spokane, Wash., on February 7, 1938, expressing strenuous opposition to any reduction in import duties on lead and zinc by reciprocal-trade agreements or otherwise on the basis that such reduction of tariffs would necessitate a curtailment of activities among domestic producers of the Northwest and further result in an increase of unemployment and financial loss to operators; to the Committee on Ways and Means.

4147. By Mr. MEAD: Petition of the Women Defenders of Democracy Club of Lackawanna, N. Y., concerning the Spanish conflict; to the Committee on Foreign Affairs.

4148. By Mr. PFEIFER: Petition of the United Furniture Workers of America, New York City, urging passage of the Works Progress Administration deficiency appropriation and the Schwellenbach-Allen resolution; to the Committee on Appropriations.

4149. Also, petition of the Merchants Association of New York, concerning regulation of rates on the New York State Barge Canal; to the Committee on Merchant Marine and Fisheries.

4150. Also, petition of the Long Island Association, New York City, concerning reduction of the Federal Budget for river and harbor improvement work; to the Committee on Rivers and Harbors.

4151. Also, petition of the United Furniture Workers of America, New York City, concerning the May bill (H. R. 9391) and the Sheppard-Hill bill (H. R. 6704); to the Committee on Military Affairs.

4152. Also, telegram of the Pioneer Instrument Co., Brooklyn, N. Y., concerning House bill 7777; to the Committee on Naval Affairs.

4153. Also, petition of the American Legion, Kings County Department of New York, Brooklyn, N. Y., concerning certain amendments to the so-called Veterans Preference Act covering civil-service appointments; to the Committee on the Civil Service.

4154. Also, petition of the Committee for Industrial Organization, New York City, concerning the May bill (H. R. 9391) and the Sheppard-Hill bill (H. R. 6704); to the Committee on Military Affairs.

4155. Also, petition of the Friends' Peace Committee, Philadelphia, Pa., concerning the proposed increases in armament; to the Committee on Military Affairs.

4156. By Mr. REILLY: Resolution adopted by the Common Council of Oshkosh, Wis., opposing the passage of the Parsons bill (H. R. 8327), which seeks to legalize the diversion at Chicago of 5,000 cubic second-feet of Great Lakes water for the stated purpose of navigation on the Chicago-to-the-Gulf waterway; to the Committee on Rivers and Harbors.

4157. By the SPEAKER: Petition of Francis J. Dickenherr and others, with reference to Federal Government expenditures; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 18, 1938

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father of heavenly lights, about whom there is no change, in Thee we trust. Grant Thy blessing of mercy and peace to all, and may we love Thee with all our hearts. Give the Congress plenitude of patience and wisdom that Thy name may be exalted and our country served. As there are varied and appropriate duties before us, may they be borne in true manliness, with courage and cheerfulness. Enrich our land with faith, hope, and love so it shall be unto all citizens a haven of tolerance, good will, and brotherhood. Forbid that it should ever be corrupted by false gains or in any way be led aside from its appointed destiny. So bless our homes that in trial, disappointment, and in hardship they may be unto us as the gates of heaven. Almighty God, let that voice be heard which was spoken ages ago from Mount Sinai and was glorified on Calvary, and Thine shall be the praise, through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. O'CONNELL of Rhode Island. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a statement I made before a Senate committee.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BIGELOW. Mr. Speaker, under the leadership of the Chamber of Commerce of Cincinnati, a petition of 5,500 business people has been presented to the President and Members of the Congress.

This petition must have had its share of influence in bringing about a changed attitude toward business, as reported in the press this morning.

I am very happy for this announced change of policy, and I congratulate the businessmen of Cincinnati.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD at this point, and to include therein a letter from me to each one of these 5,500 Cincinnati petitioners.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object. Is it the purpose of the gentleman to include that whole petition with 5,500 names?

Mr. BIGELOW. Oh, no, just one letter.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. BINDERUP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix by inserting an address delivered by Mr. Messersmith, Assistant Secretary of State, on the work of the State Department?

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF TIME, DISASTER LOAN CORPORATION

Mr. GOLDSBOROUGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3452) to extend the lending authority of the Disaster Loan Corporation to apply to disasters in the year 1938.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the present consideration of the bill S. 3452, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the act of February 11, 1937, creating the Disaster Loan Corporation (50 Stat. 19), as amended, is hereby further amended as follows:

By striking out of the second paragraph thereof "years 1936 or 1937" and inserting in lieu thereof "years 1936, 1937, or 1938."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. SNELL. Mr. Speaker, I reserve the right to object. I am informed by members of the Banking and Currency Committee, on both sides of the aisle, that this matter is entirely all right and ought to be taken up at this time. I feel, however, that matters of this importance, extending the loan powers of various organizations, ought to have very careful consideration of the House, especially when we are not driven and there is plenty of time. I think they should come up under the regular rules and in the regular routine of the business of the House. There is no doubt from what gentlemen tell me that the record on these loans has been exceptionally good, but unless there is an absolute emergency I think matters of this kind should be brought up in the regular routine way, with opportunity for ample discussion. I shall not object at this time.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a statement of about 200 words from the Assistant Attorney General, contained in the hearings on the Department of Justice bill, on the matter of Indian claims.

The SPEAKER. Is there objection?

There was no objection.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR APPROPRIATION BILL, 1939

Mr. McMILLAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9544) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9544, with Mr. BUCK in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

OFFICE OF THE SECRETARY OF STATE

Salaries: For Secretary of State; Under Secretary of State, $10,000; counselor, $10,000; and other personal services in the District of Columbia, including temporary employees, and not to exceed $6,500 for employees engaged on piece work at rates to be fixed by the Secretary of State; $2,256,600, of which amount not to exceed $250,000 may be expended by the Secretary of State without regard to civil-service laws and regulations or the Classification Act of 1923, as amended: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the four Assistant Secretaries of State and the legal adviser of the Department of State, the Assistant to the Attorney General, the Assistant Solicitor General, and six Assistant Attorneys General, the Assistant Secretaries of Commerce, the Assistant Secretary and the Second Assistant Secretary of Labor, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Mr. FISH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent to proceed for 5 minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. McMILLAN. Mr. Chairman, reserving the right to object, and I shall not in this instance, but I serve notice, out of fairness to the Members of the Committee, that hereafter I shall object to similar requests.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Chairman, I have taken this time to explain what my vote would have been on the $250,000,000 relief bill had I been here last Wednesday. I had arranged for a live pair with one of my colleagues from New York who was against the bill and was to have voted against the bill and then withdraw his vote and state that he had a pair with me and that I was in favor of the bill. Unfortunately, he forgot to carry out his part of the arrangement.

I do not believe that hunger is debatable, and there is no question but what if Congress refuses to vote for relief appropriations at the present time some of our people would be without sufficient food, would be undernourished, and some who are unable to provide food for themselves would starve.

Under the circumstances I am compelled to support such relief legislation and at the same time to observe that the New Deal still goes round and round and comes out where? With 11,000,000 unemployed and 4,000,000 more on part time. This is why it is necessary for Members of Congress on both sides of the aisle to vote for this kind of relief legislation. We are in the midst of a depression, and I do not believe in mincing words. We are in the midst of a Roosevelt depression, a Government-made depression, and do not let anyone tell you differently. Sometime ago the President said, "We planned it that way." That is when things began to pick up; but now, after 5 years of New Deal economic fallacies and costly experiments consuming $20,000,000,000, we have 11,000,000 unemployed and 4,000,000 or more on part-time employment. Nobody knows where the end of this relief will be or of the increasing unemployment.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. WOLCOTT. I call the gentleman's attention to the fact that the Bigger report of last November concluded that there were 11,000,000 unemployed at that time. The President's letter to Congress indicated that 3,000,000 more had been put out of employment since that time, so now the combined unemployed is 14,000,000 instead of 11,000,000. I merely want to correct the gentleman's figures.

Mr. FISH. What I want to know is where it is going to end. We may even have 20,000,000 unemployed this year. The administration has destroyed confidence by its repeated attacks on business and apparently has no plans or program to restore confidence, promote recovery, and put American wage earners back to work.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. FISH. For a brief question.

Mr. CRAWFORD. Does not the gentleman, as a Member on our side, think that if the statements in the paper this morning are true, that about the most constructive thing all Republicans and all other citizens of this country can possibly do now is to support the President in this attempt he is about to make to change this course? I voted against the relief bill, as I have voted against every relief bill that has come up here; but now that the President is willing to change his course, I am willing to go with him 100 percent.

Mr. FISH. The gentleman, of course, has the right to vote the way he wants to. I want to make it positive that I would have voted for this bill. The gentleman with whom I am paired, I am told, unfortunately forgot to make any statement; otherwise I would have taken the floor on Wednesday before I left to speak at a big Republican rally at Brooklyn on the fiftieth anniversary of the Federal Republican Club, the oldest Republican club in Brooklyn, if not in the State of New York. It may interest my Republican colleagues to know that there were 1,000 present. It was the biggest Republican dinner held in Brooklyn for years.

As I have said, I have risen to make it very clear that I would have voted for the $250,000,000 relief measure; and if this Roosevelt depression continues and more people are unemployed, I propose to vote more funds for relief, regretting that I am forced to do so by the errors of the New Deal administration. If this depression gets worse, even though it was caused solely by this administration, there is nothing else to do but vote sufficient appropriations so that no American citizen shall starve.

[Here the gavel fell.]

The Clerk read as follows:

Salaries, Foreign Service officers: For salaries of Foreign Service officers as provided in the act approved February 23, 1931 (22 U. S. C. 3, 3a); salaries of Ambassadors, Ministers, consuls, vice consuls, and other officers of the United States for the period actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act in pursuance with the provisions of section 1740 of the Revised Statutes (22 U. S. C. 121); and salaries of Foreign Service officers or vice consuls while acting as Chargés d'Affaires ad interim or while in charge of a consulate general or consulate during the absence of the principal officer, $3,505,100.

Mr. BACON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the item that has just been read has to do with the Foreign Service officers of the United States Government. This bill provides for 725 officers, a slight increase. The minimum required should be 740. They are the men who protect our interests in 339 different posts throughout the entire world. They are the ones who are in effect our first line of defense. They are the ones who keep the Secretary informed daily as to the conditions that prevail throughout the entire world. Many of them are instrumental in developing and helping our foreign export and import trade. They are the ones who protect American interests throughout the world and American citizens wherever they may be outside of the United States. It is a service that is not very well known throughout the length and breadth of the United States because they do not come into intimate contact with American citizens except as our citizens travel abroad for business or pleasure. I believe our Foreign Service is one of the finest bodies of men who serve the United States Government in any capacity. Every single one of these Foreign Service officers have come into the Service as a result of the stiffest and hardest examination that is given in any branch of the Government service. These men come from every one of the 48 States; there is not a State that is not represented in the Foreign Service. Last October and again in January they held examinations to fill vacancies in this Service. Eight hundred men signified their intention to take the examination. Six hundred men took the written examination. Sixty-two out of 600 passed the written examination, and of the 62 who passed the written examination, 23 finally came through and passed the oral and written examinations; so, out of 800 who started, 23 finally came through.

I was interested to know where these 23 young men came from. I found that Oregon furnished 1, California 3, Colorado 1, Iowa 1, Kentucky 1, Maryland 1, Massachusetts 2, Nebraska 1, New York 5, North Dakota 1, Ohio 2, Tennessee 1, Utah 1, Wisconsin 1, and the District of Columbia 1.

You could not have had a wider distribution if it had been planned.

I also wanted to find out something about the educational background of these 23 men who came through so successfully and find out what colleges they had attended. This also presents a very interesting picture.

I find that Arkansas State Teachers College provided 1; Cambridge University, England, 1, an American, of course; Columbia, 1; Dartmouth, 3. Incidentally Dartmouth had the highest number. Harvard 2, North Dakota University 1, Northwest Nazarene College 1, Ohio State University 1, William Penn College 1, Pomona College 1, Princeton 1, Stanford 1, University of California—Los Angeles—1, University of Nebraska 1, University of Pennsylvania 1, University of Utah 1, University of Virginia 1, University of Wisconsin 1, and Yale University 2.

You could not have had a more widely distributed set of colleges than that. I cite these two tables to show that we are attracting the best and ablest young men from every State in the Union. There is no service in the entire United States Government that has higher standards than has our Foreign Service. They are a devoted, loyal body of highly qualified, hard working men.

The distribution of Foreign Service officers by States as of January 1, 1938, is as follows:

Alabama	9
Arizona	6
Arkansas	2
California	53
Colorado	14
Connecticut	15
Delaware	5
District of Columbia	22
Florida	8
Georgia	18
Idaho	2
Illinois	31
Indiana	7
Iowa	13
Kansas	7
Kentucky	12
Louisiana	5
Maine	7
Maryland	22
Massachusetts	43
Michigan	19
Minnesota	16
Mississippi	3
Missouri	17
Montana	1
Nebraska	7
Nevada	2
New Hampshire	6
New Jersey	21
New Mexico	4
New York	102
North Carolina	9
North Dakota	1
Ohio	33
Oklahoma	7
Oregon	12
Pennsylvania	36
Rhode Island	7
South Carolina	10
South Dakota	0
Tennessee	11
Texas	16
Utah	4
Vermont	4
Virginia	28
Washington	11
West Virginia	3
Wisconsin	10
Wyoming	1
	702

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McREYNOLDS. Will the gentleman yield?

Mr. BACON. I yield to the gentleman from Tennessee.

Mr. McREYNOLDS. I am very glad that the gentleman has taken this opportunity to express to the House the character of men we have in the Foreign Service. The gentleman is doing a good thing, because these men in our Foreign Service are very high-class gentlemen, as the gentleman from New York [Mr. BACON] stated. They are our first line of defense. I am glad the gentleman is putting this information in the RECORD and making a speech on the subject.

Mr. BACON. I thank the gentleman.

J. THEODORE MARRINER

Mr. Chairman, it is not an uncommon failing, when we have under consideration a branch of the Government such as the Department of State and its Foreign Service, to think of it exclusively in terms of cold figures and impersonal facts. The human element—men in gruelling conditions in far-off places, often in grave peril of their lives, obliged to make heavy sacrifices—we are prone to lose from sight.

From time to time, however, an event takes place which brings strikingly to our attention the good judgment and perseverance, or the devotion to duty and heroism of the Government's career officials who work in the foreign field. On occasion, happily rare, we learn that a new name has been added on the memorial tablet at the entrance to the State Department, dedicated to the diplomatic and consular officers of the United States who have, "while on active duty, lost their lives under heroic or tragic circumstances."

In the fall of last year one more soldier of our peace army earned the title to be thus commemorated. He was J. Theodore Marriner, American consul general at Beirut, Syria, who fell under an assassin's bullet at his post.

Ted Marriner was an intimate, personal friend of mine. I had known him for some 15 years. He was one of the ablest and most brilliant men in our permanent Foreign Service. He had reached class 1 of the permanent Service and the day before he was shot down papers were being prepared in the State Department promoting him to the rank of minister.

He arrived at his office one morning at about 8 o'clock, the first to arrive at the office, although he was in charge of it. A fanatic emptied his revolver and killed him instantly.

This fanatic was a man who had applied for a visa. He had received a visa. He had never seen Mr. Marriner in his

life and Mr. Marriner had not come in contact with him at all. This man had given an erroneous address. He had talked to one of the subordinates in the office and his visa had been granted. The visa had been mailed to the erroneous address, and therefore the man did not receive it; so he got thoroughly angry and determined to shoot the first American who came to the consular office at Beirut. It happened to be the chief of the office who came first, one of the most valuable men we had in the Service. He lost his life in the service of his country as though he had fallen on a battlefield. He was a warrior of peace, and he deserves the praise and gratitude of his countrymen.

Theodore Marriner, who lost his life in this tragic fashion, was a career officer of the highest type. He was one of those young men who, at home and abroad, carry on, often in a trusted and highly responsible position, the grind of American foreign policy. He was one of those fine and faithful public officers who in their daily lives refute the charge, sometimes so carelessly made, that our diplomacy is no match for that of other nations.

Marriner entered the State Department because he wished to serve his country. A native of Maine, in 1918 he left Harvard University, where he was marked for a brilliant career, and sought to enlist in the armed forces of the United States. The military authorities would not take him because he had a weak heart. Nothing daunted, he turned to the civil branch of the Government and, after passing the rigid examinations, was sent to serve abroad. He was an officer successively in Stockholm, in Bucharest, in Bern, in the State Department.

While serving in the State Department Marriner came to the attention of his chiefs. It was recognized that his experience and observation were wide and accurate, that his judgment was sound, that his industry was tireless. He was given exceptionally important work to do, which he carried out with conspicuous success. He took an active part in the preparation of the various limitation and disarmament measures of the period. He was an adviser at the London Naval Conference of 1930. He played an outstanding role in the negotiation of the Kellogg-Briand Pact for the renunciation of war as an instrument of national policy. He rapidly became a leading expert on European affairs and was rewarded with the designation of Chief of the European Division.

Marriner filled this post with distinction, and at a time when our relations with France required the services of an experienced diplomatist he was sent abroad as counselor at the Embassy at Paris. To this position he brought those qualities of sound decision, good breeding, dignified bearing, and unvariable tact which are indispensable if concrete results are to be obtained in his chosen profession of cementing international relationships. Punctilious in manner, witty and quick in the written and spoken word, thoughtful of the important and not so important alike, Marriner represented his country loyally and well when ticklish negotiations were under way, such as a trade treaty with France, disarmament negotiations, the moratorium and other financial negotiations, Prime Minister Laval's visit to the United States, and the multitude of daily chores of negotiation and representation which fill to the brim a Foreign Service officer's normal life.

It speaks well for an officer if he is appreciated and is respected in the country to which he is assigned. Marriner, in Paris, was well liked and thoroughly respected. Speaking, as he did, the French language fluently, he had ready access to French officials of all ranks, and, maintaining his contacts with wit and charm once they were established, he found all doors not only opened but kept open to him. For instance, Premier Laval left word that if Marriner came to the Ministry to do business he was not to go through the red tape from bottom to the top. He was to start at the top with the Premier, who, personally, would see that his request was heard. Imagine the advantage to this Government of having on the spot in Paris a career official who had only to knock on the Premier's door to have it opened. And what was true of Premier Laval was true of the other high officials with which the representatives of our Government have to deal.

Moreover, Marriner not only had wits but used them, as the following incident will illustrate: When it was decided to embark upon the moratorium negotiations, it was important that the French Government should be informed immediately. The telegram announcing the decision of our Government reached Paris on a Saturday afternoon. Marriner was informed of the arrival of the telegram and discovered that Premier Laval and the other members of the French Cabinet were at Longschamps attending, by command, the races in the President's box, of course, in top hat and morning coat. Quick as a flash Marriner had his top hat and morning coat brought to the chancelery. Rapidly he changed into the prescribed "uniform" for the races and motored out to Longschamps. There, without a flurry, he appeared, as though he were merely paying his respects, at the back of the President's box. He whispered into M. Laval's ear. M. Laval drew aside and read the telegram, then motioned to his colleagues of the Cabinet. Thus, in the President's box at the Longschamps race track, the French Government first heard of President Hoover's proposal for a moratorium in war debts. A few hours later the Ministers would have scattered for the week end. Without Marriner's quick decision and action, precious time might have been lost.

No wonder, then, that when he died members of the French Government were profuse and sincere in their expressions of regret. I cite a few, the official messages of condolence.

The first is from M. Yvon Delbos, Foreign Minister of France:

> Deeply moved by the news of the assassination of Mr. Marriner, whose great distinction and eminent qualities shown both at the Paris Embassy and at Beirut, the French Government was for years in a position to appreciate. I beg you to accept the expression of my sentiments of heartfelt condolence.

Then there is a message from the protocol section of the French Foreign Ministry:

> We have just learned with great emotion of the death of your predecessor, Marriner. We had entertained with him the most congenial relations and had retained the fondest memory of him.
>
> We cannot express our condolences to his family, whom we do not know, but I wish to tell you of the sincere sadness felt by the protocol section upon hearing of the frightful attack of which Marriner was the victim.
>
> Please accept, my dear colleague, my very cordial feelings.
>
> M. Lozé.

A third is from the American subsection of the French Ministry of Foreign Affairs:

> It is with deep emotion that I learned of the tragic death of Mr. Theodore Marriner.
>
> In behalf of my colleagues in the American subsection, and in my own name, I wish to tell you how deeply moved we are at this painful event and to express our most sincere condolences.
>
> The cordial official, as well as personal, relations which the members of our section entertained with your regretted colleague, of whom we treasure the fondest memory, authorize us to associate ourselves with you and the embassy in your loss.
>
> Please accept, Mr. Chargé d'Affaires, the assurance of my most devoted sentiments and the expression of the deepest sympathy of the American subsection.
>
> A. Decloux.

Finally, there is the following message from the French chargé d'affaires at Washington:

> I was shocked and grieved when I read yesterday in the press dispatches of the assassination of Theodore Marriner, United States consul general in Beirut.
>
> M. Yvon Delbos, Minister of Foreign Affairs of my country, has already expressed to you the sincere sympathy of the French Government on this sad occasion. Theodore Marriner was as highly esteemed in Paris, where he was counselor, as he was by the officials of your Government.
>
> I had the privilege of enjoying his friendship during many years of personal and official relations, and I wish to assure that his death has touched me as deeply as it has my colleagues of the American Foreign Service.
>
> Very sincerely yours,
>
> Jules Henry.

I wish also to include an excerpt from the message of Mr. Edwin C. Wilson, who succeeded Mr. Marriner at Paris:

I have the honor to report that I have received numerous messages of sympathy from persons in official and private life in France. Mr. Marriner had made a host of friends during the years that he was counselor of the Embassy in Paris, and his tragic death caused a shock and deep sense of personal loss to all those who had known him.

Among those who have expressed to me personally their sympathy on Mr. Marriner's death are: Foreign Minister Delbos; Vice President of the Council of Ministers Léon Blum; M. Léger, secretary-general of the Foreign Office; M. Bargeton, director of political and commercial affairs at the Foreign Office; M. Massigli, assistant director of political and commercial affairs; and M. Rochat, Chef de Cabinet of M. Delbos. I have also received written messages from M. Lozé, head of the protocol section of the Foreign Office, and M. Decloux, acting head of the American section, expressing the sympathy of the members of their offices.

Subsequent to his assignment in Paris and in accordance with the tradition that an officer of the State Department should have a period of consular experience before he mounts to the grade of minister, Theodore Marriner was transferred to Beirut.

This was a remote and not very healthy post, with a minimum of formal activity, with little companionship. Many a man might, with some justification, have complained. Not Marriner. He studied and mastered the intricacies of the near eastern problem. He made himself an authority on the archaelogical background of his district. He administered every detail of his office. He had an inquiring mind and discovered big and little things which fascinated him. He determined to enjoy his assignment and to put his whole heart into it, so that when death cut his period of service short he was already beloved by French officials, Syrian officials, and the private people—French, Syrian, American—with whom he came in contact day by day. I recall with satisfaction the pride Marriner displayed on his last leave in the work at Beirut and the fund of interesting and amusing anecdotes he had assembled and the photographs he had taken showing a keen appreciation of his post.

Marriner's, in short, was the true Service spirit. His experience, which ended so tragically, is splendidly illustrative of the careers of so many young men who are devoting their lives to the Government abroad and who have transformed our Foreign Service in a lifetime into a capable, efficient, effective, and respected organization which serves this country well. To those of us who have some first-hand knowledge of the evolution of the Foreign Service in recent years, the high technical competence of our new diplomacy is no revelation. We are aware—but I sometimes question whether the general public is aware—of the fine sense of discipline which animates the Service, the deftness and skill with which orders are carried out, the tact without weakness which is displayed by officers of all grades who have the responsibility of making this Government's contacts with foreign governments. I believe that in paying a tribute to Marriner we pay a tribute to a devoted body of public servants who devote their lives to results rather than to vainglory; who, without complaining, take the bitter with the sweet; and who are, and have to be, masters of the delicate art of buying and selling international understanding and good will.

These men constitute the first line of America's defense. Day by day, in all parts of the world, they work to promote international understanding and to serve peace. They are deserving of our full support, and if, as in the case of Theodore Marriner, they fall in the line of duty, they merit to be rewarded with their country's deepest gratitude and highest respect.

In concluding this tribute to Consul General Marriner I wish to read into the RECORD the statements made by the President and the Secretary of State at the time of his death; also, the tributes paid by the representatives of foreign governments to a brave colleague.

The President to Mr. Marriner's mother:

I wish to extend to you my heartfelt sympathy upon the loss of your son, who for many years has served his country with distinction and faithfulness.

The Secretary of State to Mr. Marriner's mother:

The news of the tragic death of your son has been a great shock to me and to his many other friends in the Department. His career in the Foreign Service has been a most distinguished one and he had before him a future of greatest promise. His death is a serious loss to the Government which he served so well and a great personal sorrow to his friends. Please let me express to you my most heartfelt sympathy.

The Japanese Ambassador:

Shocked to learn of the untimely death of Mr. Marriner, a good friend of mine since the days of the London Naval Conference. I wish to offer my sincere sense of condolence in this terrible bereavement.

The German Ambassador:

I am deeply shocked by the sad news of the tragic death of Mr. James Theodore Marriner, American consul general at Beirut. Mr. Marriner, who has been well known to me for many years, met an untimely death in the fulfillment of his duties; he died as the soldier dies on the field of honor. With him the American Foreign Service loses one of its most distinguished members.

Please accept the assurances of my deepest sympathy and please transmit my heartfelt condolences to Mr. Marriner's relatives.

The Minister of Switzerland:

I heard this morning with the deepest sorrow of the assassination at Beirut of Mr. J. Theodore Marriner, American consul general, whom I have known in Washington, first as he was at the Division of Western European Affairs and later as Chief of that Division. I am sure that all who came in contact with so amiable and so able a member of your Diplomatic Service were deeply grieved when hearing of the tragic event.

Kindly accept, sir, my sincere condolences for the great loss caused the American Diplomatic Service by the death of Mr. Marriner.

The Swedish Minister:

I was deeply shocked by the news about the assassination of Mr. Marriner. Not only had I learned to appreciate his intelligence and his character, but our friendship was of very long date as I knew him first during his stay in Stockholm.

Please let me express my deep sympathy in the loss that the State Department and your Diplomatic Service has suffered.

The Hungarian Minister:

I was greatly shocked to hear the sad news of Mr. Theodore Marriner's untimely death and hasten to offer to you and to the American Foreign Service my heartfelt sympathy.

During my previous term in Washington Mr. Marriner was Chief of the Western European Division and I had ample opportunity to appreciate his outstanding qualities and am fully conscious of the irreparable loss sustained by the Department.

The chargé d'affaires of the Soviet Union:

Please accept, on behalf of my Government and myself, profound condolences over the death by assassination of Mr. James Theodore Marriner, consul general of the United States in Syria. Permit me to add that the news of Mr. Marriner's death shocked me deeply. I knew Mr. Marriner and cherished the highest regard for both his personal and professional qualities.

A fellow member of the Foreign Service wrote the following in the November issue of the American Foreign Service Journal:

J. THEODORE MARRINER

"Ted" Marriner, who has gone so suddenly, so tragically, from among us had one quality in a brilliant galaxy of qualities which stood out. He loved life, life in its unusual and in its everyday aspects, the bright side which he relished with the richest appreciation and the grayer side which to him was human but never sordid or dull.

Loving life, he was happiest in the company of people, with the leaders here and abroad with whom in his work he was so constantly and effectively in contact and with the great multitude of his friends and colleagues, to whose enjoyment of work and play he added wit, zest, and humor, and, when it was necessary, the word of encouragement and cheer that lifted the heaviest burden and conjured away the darkest of clouds.

Perhaps because people with their foibles and their frailties fascinated him, the Foreign Service was to him something more than a splendid career; it was a thrilling experience in which every day was replete with humor and adventure, and its greatest award was the possibility it afforded of contributing in some small measure to the solution of the problems of the men and women he met in the great capitals and on the byroads along the way.

He was deeply devoted to the Foreign Service and to the Department of State. He had the highest sense of patriotism, and he identified the welfare of his country, with a strong and efficient peace service, animated by a spirit of close comradeship and the purest ideal of unselfish duty. He never spared himself. Where there was a job to be done long hours, grinding details, merciless strain did not turn him back. Although his health and his

strength were not great, he was prepared at any time and at all times to set an unflinching example and to sacrifice himself in the public interest.

It is difficult for us to understand that our day will not again be enriched and enlivened by one of his witty thrusts or sallies or that when we seem to be knotted in a peculiarly complex problem he will not be there to point the way out. But since he has been taken from us there is this mite of compensation: He fell in line of duty, serving the country which he had so long served gallantly and well.

—R. T. P.

The Clerk read as follows:

Living quarters' allowances, Foreign Service: For rent, heat, fuel, and light for the Foreign Service for offices and grounds, and, as authorized by the act approved June 26, 1930 (5 U. S. C. 118a), for living quarters and not to exceed $1,140,000 for allowances for living quarters, including heat, fuel, and light, $1,962,000: *Provided*, That payment for rent may be made in advance: *Provided further*, That the Secretary of State may enter into leases for such offices, grounds, and living quarters for periods not exceeding 10 years and without regard to section 3709 of the Revised Statutes (41 U. S. C. 5): *Provided further*, That no part of this appropriation shall be used for allowances for living quarters, including heat, fuel, and light, in an amount exceeding $3,000 for an ambassador, minister, or chargé d'affaires, and not exceeding $1,700 for any other Foreign Service officer: *Provided further*, That under this appropriation and the appropriations herein for "Contingent expenses, Foreign Service," and "Miscellaneous salaries and allowances, Foreign Service," not more than $5,000 shall be expended for custodial service, heat, fuel, and light for each ambassador or minister occupying a Government-owned building for residence or residence and office purposes, and not more than $1,700 for such purposes in the case of any other Foreign Service officer, and during the incumbency of a chargé d'affaires the limitation on such expenditures shall be the same as for the occupancy by the principal officer.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 9, at the beginning of line 6, insert the words "office and."

Mr. McMILLAN. Mr. Chairman, I may say this is merely a clarifying amendment to the title of the bill on page 9.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The committee amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO

Salaries and expenses: For expenses of meeting the obligations of the United States under the treaties of 1884, 1889, 1905, 1906, and 1923 between the United States and Mexico, and of compliance with the act approved August 19, 1935, as amended (49 Stat. 660, 1370), operation of gaging stations where necessary and their equipment; personal services and rent in the District of Columbia and elsewhere; fees for professional services at rates and in amounts to be determined by the Secretary of State; traveling expenses, including transportation of effects; printing and binding; law books and books of reference; subscriptions to foreign and domestic newspapers and periodicals; purchase, exchange, maintenance, repair, and operation of motor-propelled passenger- and freight-carrying vehicles; hire, with or without personal services, of work animals, and animal-drawn and motor-propelled vehicles and equipment; purchase of rubber boots and waders for official use of employees; purchase of ice; drilling and testing of dam sites, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); equipment and such other miscellaneous expenses as the Secretary of State may deem proper, $143,300.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment: Page 20, line 15, strike out "1923" and insert in lieu thereof "1933."

Mr. McMILLAN. Mr. Chairman, I do not think there is any necessity for calling attention to the change. It is simply a matter of changing the figures "1923" to "1933."

The CHAIRMAN. The question is on agreeing to the committee amendment offered by the gentleman from South Carolina.

The committee amendment was agreed to.

The Clerk read as follows:

Federal jails: For maintenance and operation of Federal jails, including not to exceed $723,760 for salaries and wages of all officers and employees, and including the purchase of two passenger-carrying automobiles, $1,367,855: *Provided*, That of this amount $155,000 shall be available for special equipment for the jail at Sandstone, Minn.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment on page 41, which I send to the Clerk's desk.

The Clerk read as follows:

Page 41, line 17, after the word "available", insert the word "immediately."

Mr. McMILLAN. Mr. Chairman, this $155,000 which is to be available after the first of the fiscal year has to do with the completion of the Sandstone jail. The Director of the Bureau hopes to have that jail in operation by the first of the fiscal year, and for that reason has asked that the funds be immediately available in order to equip the institution before the beginning of the next fiscal year.

The committee amendment was agreed to.

The Clerk read as follows:

Buildings and equipment, public works: For extensions to existing facilities and not to exceed $25,000 for construction of dwellings for prison officers at existing institutions, and including not to exceed $86,600 for construction of a sedimentation basin, filter plant, and other required appurtenances, to be operated by the city of El Reno, Okla., as a part of the water facilities of said city, on property to which the United States shall have acquired an easement, for the purpose of assuring to the United States a satisfactory water supply for the Federal reformatory at El Reno: *Provided*, That no part of this appropriation shall be available for expenditure for this purpose until a contract has been entered into between the city of El Reno and the Attorney General of the United States under the terms of which the city shall be obligated to furnish a satisfactory water supply at such rates as compared with existing rates as will accomplish the amortization within a period of 20 years of the cost of such construction, to be expended under the direction of the Attorney General by contract or purchase of material and hire of labor and services and utilization of labor of United States prisoners as the Attorney General may direct, $513,000 to remain available until July 1, 1940.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: On page 44, line 7, strike out the word "twenty" and insert the word "thirty."

Mr. McMILLAN. Mr. Chairman, I believe it is proper that I make a brief statement regarding the substitution of the word "thirty" in place of "twenty." This has to do with the language carried in the bill regarding the amortization of rates for certain water rights by means of a contract between the city of El Reno, Okla., and the Bureau of Prisons authorities. The Director of the Bureau feels that period of amortization should be extended from 20 to 30 years. In view of the attitude of the Director of the Bureau, I believe this language should be so changed.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from South Carolina.

The committee amendment was agreed to.

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise at this point to call the attention of the Committee to a ruling of the Comptroller General of the United States.

When we passed the relief appropriation bill in 1937 it contained the following provision:

No part of the foregoing appropriation shall be used to pay the salary or expenses of any person who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person, and to which office a salary or per diem attaches) in any primary, general, or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.

The opinion of the Comptroller General is that any money received from the relief appropriation is a salary, whether it is pay for day labor or whether it is a monthly stipend. I quote from a decision referred to by R. N. Elliott, Acting Comptroller General of the United States, in his decision of January 11, 1938, on this question, decision of August 4, 1936 (16 Comp. Gen. 116, 117), as follows:

* * * and in view of the apparent purpose of the provision, the term "salary" as used therein must be regarded as including any form of compensation attached to such office, regardless of whether fixed on a per annum, per diem, or fee basis.

I do not believe the Congress of the United States had any such intent in mind when it included this provision in the bill.

I talked to the Comptroller General's office today and it was admitted that the intent of Congress governed with regard to acts passed by Congress. I remember distinctly the discussion on the provision I just referred to, contained in the relief appropriation bill of 1937, and it was specifically stated at that time that it was not the intent of Congress to include in this provision those persons receiving the security wage. If the person construing this provision had taken time to read the debate on the floor of Congress, he could have easily determined what the intent of Congress was with regard to this section, but evidently the Comptroller General's office would like to narrow the construction of this provision so that persons on relief could be starved into submission to such an extent that they would not exercise their rights as citizens of the United States to be candidates for office. By what stretch of an imagination can anyone construing this provision rule that a man receiving a security wage and who is on the relief rolls is receiving a "salary"?

These men or women who are on the security wage are paid by the hour and not by the month, day, or week. The question involved, in my opinion, is whether or not we have degraded to such an extent that we are going to disfranchise a man or woman just because he or she happens to be unfortunate enough to be on relief.

It is not the fault of Congress, it is not the fault of the administration, it is not the fault of the officials of the Works Progress Administration that these unfortunate people are denied the right to run for public office, but it is the fault of the Comptroller General's office, because it was the Acting Comptroller General's opinion over and above the opposition of the officials of the Works Progress Administration, and in contradiction to their interpretation of the provision, that the Acting Comptroller General's opinion was handed down.

It was not the intent of Congress to refuse a man the right to work for enough money to keep him from starving if he wanted to be a candidate for public office. When a decision is handed down with regard to a subject of this nature, all the conditions and circumstances surrounding the situation should be taken into consideration and it should not be so narrow as to quibble over the definition of a word that should be plain to all who read it.

Law is nothing more or less than the rule of common sense, and the interpretation of any statute should be within the realm of common sense.

You Members of Congress should sit here day after day studying legislation never intended that any act passed by this Congress should be construed so as to bring about a situation that would force any citizen of the United States to refrain from exercising his right to hold public office or to be a candidate for public office in a free nation. I care not whether a man is a Republican or a Democrat, a Farmer-Laborite, or anything else as long as he is a citizen of the United States he is a free man and his right to run for an office should not be abridged because of the fact that he is unfortunate enough to be a relief client. Common sense would permit any person to know that relief clients on W. P. A. are there because of the fact that unless they had that income they would starve. The opinion of the Acting Comptroller General, in glaring innuendo, lays down the rule—

> You men on relief working for a security wage must starve while you are a candidate for office; keep your name off any ballot under the pains of starvation.

I cannot agree with such things. I shall never agree with such a ruling.

I received a telegram this morning from Stambaugh, Mich., informing me that men who file for the office of trustee on a township ticket were given orders that unless their names were taken off the ballot they would be removed from their W. P. A. jobs they hold on a security-wage basis. In my district that is $44 per month.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield to the gentleman from Michigan.

Mr. MICHENER. That seems preposterous. Does the gentleman say he has evidence to show that has happened?

Mr. HOOK. Yes.

Mr. MICHENER. Who is the party who gives out such instructions?

Mr. HOOK. The Comptroller General of the United States. When I received this telegram I called the Works Progress Administration and was informed of the ruling. I told them if they would look up the debate that occurred during the consideration of this bill they would find the intent of Congress was not to that effect. They said they could pursue no other course in view of the opinion of the Comptroller General. Then I called the office of the Acting Comptroller General and was given that ruling, a copy of which I have here and which I will insert in the RECORD. When the ruling first came out the Works Progress Administration sent a letter to the Comptroller General stating they did not believe the ruling was in line with the intent of Congress.

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. As a matter of fact, then the Comptroller General has interpreted the law as meaning that where one is on relief, either W. P. A. or P. W. A., he is drawing a salary?

Mr. HOOK. The gentleman is correct.

Mr. MICHENER. The only thing we can do under those circumstances is to pass a law changing that situation.

Mr. HOOK. It is the only thing I can see to do.

Mr. MICHENER. Certainly the Comptroller General should not be blamed if compensation is to be considered as salary. I have not read the opinion, but I am sure if the gentleman will read the opinion, which he has in his hand, he will pretty much agree with the Comptroller General as a matter of law. As a matter of policy, the question is up to the Congress. I agree with the gentleman the law should not be as it has been interpreted by the Comptroller General in this case, but let us not question a proper legal opinion. Let us clarify the law and change the policy in the Congress.

Mr. HOOK. That is not the law. The law is that no salary shall be paid. Certainly relief money not to exceed $44 a month cannot be considered a salary. If we had so intended, we would have included the word "compensation" in the provision, but we specifically used the word "salary." When I read the opinion I wondered whether the same argument that was applied to the matter of the special assistant attorneys in the Department of Justice should not apply to this case.

Mr. MICHENER. If the gentleman will yield further, I thought the very purpose of this relief work was that the people were to receive compensation or salary for services rendered rather than charity. They were to earn their pay.

Mr. HOOK. By permission granted, I am herewith including the following instruments:

A letter to Mr. Fred T. Gordon, Litchfield, Ill., dated December 22, 1937, signed by R. N. Elliott, Acting Comptroller General.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, December 22, 1937.

Mr. FRED T. GORDON,
Litchfield, Ill.

SIR: There has been examined your claim, No. 0698817, for $137.70, representing deductions made from your wages as a security wage worker of the Works Progress Administration for 47 days during the period March 15 to July 9, 1937, inclusive, when you were a candidate for the office of street commissioner of Litchfield, Ill.

The provisions of the Emergency Relief Appropriation Act of 1936, dated June 22, 1936 (49 Stat. 1610), reenacted as section 6 of the Relief Appropriation Act of 1937, dated June 29, 1937 (Public Resolution 47), applicable during the period involved, are, in part, as follows:

"No part of the foregoing appropriation shall be used to pay the salary or expenses of any person who is a candidate for any State, district, county, or municipal office (such office requiring full time

of such person and to which office a salary or per diem attaches) in any primary, general or special election, or who is serving as a campaign manager or assistant thereto for any such candidate."

The Works Progress Administration administratively approved your claim on the basis that wages received by a security wage worker—as distinguished from the compensation of the regular supervisory personnel—do not constitute "salary" within the purview of the act, and accordingly that the statutory inhibition above quoted is not applicable in your case.

However, considering the general purpose of the statutory restriction on the use of relief funds, and as such funds are required to be expended primarily in security wages, the terms "salary or expenses" may not be narrowly construed to apply only to the salary of the regular personnel of the Government, but apply to any remuneration for services rendered, including security wages, and any expenses incurred while performing any personal service for payment of which the relief funds are available.

In view of the clear and unequivocal language of the provision, there rests with this office no discretion otherwise than to disallow your claim, since you were paid the security wage for the period indicated during which you were a candidate for the office of street commissioner of Litchfield, Ill., and the deductions from your wages during a subsequent period for reimbursement to the Government of the amount to which you were not entitled were properly made.

Accordingly your claim must be, and is, denied.

Respectfully,

R. N. ELLIOTT,
Acting Comptroller General of the United States.

A letter from R. N. Elliott, Acting Comptroller General, dated January 11, 1938, in reply to letter from the Works Progress Administration dated January 3, 1938, which hands down the ruling as referred to above.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 11, 1938.

ACTING ADMINISTRATOR,
Works Progress Administration.

SIR: Your letter of January 3, 1937, is as follows:

"Reference is made to your decision No. A-91326, dated December 22, 1937, interpreting the following provision of the Relief Appropriation Act of 1937, dated June 29, 1937, Public Resolution 47:

"'No part of the foregoing appropriation shall be used to pay the salary or expenses of any person who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attached), in any primary, general, or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.'

"The Works Progress Administration has interpreted the word 'salary' in the narrow sense as applying only to compensation paid to supervisory and administrative employees of the Government, but not to compensation paid in the form of security wages to persons certified as in need of relief.

"The word 'salary' is generally applied to that compensation paid to official and clerical persons as distinguished from that paid to manual or mechanical workers. This distinction is pointed out in Webster's International Dictionary (1937 edition) wherein 'salary' is defined as 'the recompense or consideration paid, or stipulated to be paid, to a person at regular intervals for services, especially to holders of official, executive, or clerical positions; fixed compensation regularly paid, as by the year, quarter, month, or week; stipend—now often distinguished from wages.' In the same dictionary 'wage' is defined as 'pay given for labor, usually manual or mechanical, at short stated intervals, as distinguished from salaries or fees.'

"Had it been the intention of Congress that this provision should apply to all types of earnings, it seems probable that the more inclusive word 'compensation' would have been used in lieu of 'salary.' This seems particularly true since the phrase 'and expenses' which was added in the 1937 act to the provision contained in the 1936 act would seem to refer chiefly to such things as mileage and per diem paid to travelers. Payments of this type are very rarely made to security wage workers.

"We are further constrained to believe that it was the intent of Congress to use 'salary' in a more restricted sense because it is felt highly improbable that Congress intended to restrict the ordinary civil rights of citizens of the country, including the right to run for public office, simply because such citizens might temporarily be in straitened circumstances and receiving aid in the form of employment on work-relief projects. On the other hand, it seems reasonably clear that the purpose of this provision was to prevent the possibility that relief employees might be influenced in voting for candidates for office by the fact that such a candidate might be one of their superiors in an administrative or supervisory position.

"We had so interpreted the similar provision in the Emergency Relief Appropriation Act of 1936, dated June 22, 1936 (49 Stat. 1610), and our interpretation was well known to Members of Congress. No attempt was made in the Relief Appropriation Act of 1937 to clarify the provision of the previous act in order to set forth a different interpretation, and it seems reasonable to believe, therefore, that this interpretation coincided with that of Congress.

"For these reasons it is respectfully requested that your decision No. A-91326 be reconsidered."

In decisions of December 22, 1937, A-91326, to Messrs. Fred T. Gordon and Bert N. Richardson, Litchfield, Ill., of which reconsideration is requested, it is stated as follows:

"The Works Progress Administration administratively approved your claim on the basis that wages received by a security wage worker, as distinguished from the compensation of the regular supervisory personnel, do not constitute 'salary' within the purview of the act; and, accordingly, that the statutory inhibition above quoted is not applicable in your case.

"However, considering the general purpose of the statutory restriction on the use of relief funds, and as such funds are required to be expended primarily in security wages, the term 'salary or expenses' may not be narrowly construed to apply only to the salary of the regular personnel of the Government but apply to any remuneration for services rendered, including security wages, and any expenses incurred while performing any personal service for payment of which the relief funds are available."

Thus the administrative views of the Works Progress Administration were given consideration by this office. The additional reasoning stated in your present letter in support of the administrative view does not convince me that the interpretation of the statutory words "salary or expenses" made in the quoted decisions was erroneous. It is believed the Congress intended by the statutory inhibition to prevent relief funds from being used, or from having the appearance of being used, for political purposes, and accordingly sought to prohibit the use of such funds in any form of payment for the aid or support of any candidate during the period he was running for an elective office. In this connection it may be stated that, contrary to what seems to be assumed in your letter, the word "expenses," in the 1937 appropriation, was also contained in the original law of 1936.

It is unreasonable to suppose that the Congress would deny payment of one form of relief funds to candidates and permit payments in another form from the same funds. There is noted your statement regarding the alleged restriction on the right of citizens to run for office. It would be unlike the usual policy of the Congress to make a distinction between citizens receiving Federal aid through work relief and citizens receiving Federal salaries from the same funds, and in the absence of a more express language than now appears in the appropriation act, such a distinction may not be presumed.

Furthermore, the broad application of the word "salary" adopted by this office in this instance is in harmony with office application of the word "salary" appearing in the parentheses of the same statute relating to the compensation attached to the public office for which the candidate is running, made in decision of August 4, 1936 (16 Comp. Gen. 116, 117), as follows:

"* * * And in view of the apparent purpose of the provision, the term 'salary' as used therein must be regarded as including any form of compensation attached to such office regardless of whether fixed on a per annum, per diem, or fee basis."

Accordingly, the decisions of December 22, 1937, must be and are affirmed.

Respectfully,

R. N. ELLIOTT,
Acting Comptroller General of the United States.

Because of the decision of the Acting Comptroller General, Mr. Harry L. Hopkins, Administrator of the Works Progress Administration, was forced to send out a general letter No. 176, dated February 15, 1938, to all State W. P. A. administrators, as follows:

WORKS PROGRESS ADMINISTRATION,
Washington, D. C., February 15, 1938.

General Letter No. 176.

To: All State Works Progress administrators.

Subject: Policy regarding W. P. A. employees who are candidates for or who are holding an elective office.

Funds appropriated by the Emergency Relief Appropriation Act of 1937 shall not be "used to pay the salary or expenses of any person who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches) in any primary, general, or special election, or who is serving as a campaign manager or assistant thereto for any such candidate."

Under date of December 22, 1937, in a decision numbered A-91326, the Comptroller General of the United States interpreted the above-quoted provision of the Emergency Relief Appropriation Act of 1937 to apply to all persons receiving compensation in any form whatever from funds appropriated by that act. Therefore it is necessary to construe this provision as applying to project workers as well as to administrative or supervisory personnel.

Furthermore, it is the policy of the Works Progress Administration that no person while holding an elective office, the duties of which would necessitate being absent from a W. P. A. position during regular W. P. A. working hours, or to which a salary in excess of $200 per year is attached, shall be employed on the administrative staff of the State Works Progress Administration. This regulation also applies to nonrelief supervisory personnel on work projects as well as to field, district, and local administrative staffs, but does not apply to other project workers.

This letter supersedes General Letter No. 113, dated February 25, 1937, which is hereby rescinded.

HARRY L. HOPKINS, *Administrator.*

This was not the policy adopted by the Works Progress Administration, but the policy forced upon it by the Acting Comptroller General's decision.

After reading the excerpts above in the letter from the W. P. A., I am firmly convinced that the officials of the W. P. A. plainly saw the intent of Congress, which was blindly ignored by R. N. Elliott, Acting Comptroller General of the United States.

I am just as firmly convinced that the only thing that will straighten this matter out is an amendment to the present works relief appropriation bill now being considered in the Senate, to the effect that security wage earners will be exempt from the provision of the act construed by the Acting Comptroller General.

Mr. WALTER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, as the result of numerous communications received by the chairman of the Committee on the Judiciary a subcommittee was appointed for the purpose of determining whether or not adequate appropriations or allocations of the money appropriated had been made for the purpose of supplying the proper tools the judges need in carrying on their work. The attention of the committee was called to the fact that throughout the United States law libraries containing many valuable books were permitted to deteriorate to the extent that tremendous sums would be required to replace many of these very valuable volumes. In addition, there are many places in the United States where we have authorized the holding of terms of Federal courts where the judges have no libraries at all. In one case we found there was not a volume of the Federal Reporter or United States Reports in the entire judicial district.

In order to remedy this situation a survey was made of the demands and requests that have been made by the several judges, and it was ascertained that $216,196.95 was needed to supply working libraries and to put in decent condition the libraries already in existence.

In this connection, I will read a portion of a letter which is typical of many we have received. In this letter the judge states:

> The deplorable condition of the circuit court of appeals library is something that will have to be taken up sooner or later. It is practically worthless. I doubt if $100 a year has been spent on it for any of the last 10 years. The books are falling to pieces, there are no up-to-date textbooks worth mentioning, they do not have the reporter system at all and, generally speaking, it really is not a working law library at all. I have hesitated to mention this because it really is not my province and a judge does not appear to be interested.

It seems to me we can well afford to see that in every case where libraries are falling to pieces and where repairs ought to be made a sufficient amount of money is appropriated to keep these libraries in good shape. The subcommittee listened sympathetically to a committee that was appointed by the chairman of the Judiciary Committee, and very properly allowed $30,000 to start this work. It seems to me that annually the Appropriations Committee ought to make provision to preserve and protect the very valuable volumes that belong to the Government.

Estimated cost of purchasing lawbooks requested for the use of United States judges and United States attorneys which, due to insufficient funds, cannot be furnished by the Department.

List of places of holding United States district court at which basic libraries—United States Reports and Digest, Federal Reporter and Digest, and United States Code, Annotated—have not been furnished or are incomplete, together with the estimated cost of furnishing or completing same.

As will be noted from the title, list No. 1 includes merely requests which have been received in the Department and should not be considered as representing the actual needs of the field officials. With few exceptions, these requests were received within the last year. Many of the judges and attorneys are aware of the fact that the funds available for the purchase of lawbooks are very limited and have consequently refrained from submitting requests, although, as a matter of fact, they may be in need of additional reference material.

In compiling list No. 2 consideration was given to the fact that the law will not permit the furnishing of books at—

> • • • any place where the court is held in a building not owned by the United States unless there be at such place a United States officer to whose responsible custody they can be committed. (U. S. Code, title 28, secs. 334 and 337.)

At a few of the places listed court is not presently held in quarters owned by the United States; however, Federal buildings are in the process of construction at these points and will be completed in the near future.

Each list is complete in itself, however, in computing the total amount of the two estimates, it is necessary to make an adjustment for duplications totaling $4,478.44.

The total estimate for the two lists is as follows:

List No. 1	$54,687.03
List No. 2	165,988.36
Total	220,675.39
Adjustment for duplications	4,478.44
Total	216,196.95

If the books which are included in the above lists are purchased, an increase must be provided in the annual allotment to allow for the added cost of continuations. It is estimated that the cost of the annual continuations for these books will be as follows:

List No. 1	$2,272.45
List No. 2	6,117.80
Total	8,390.25
Adjustment for duplications	127.30
Total	8,262.95

With the purchase of the items covered by these lists, the annual cost of continuations would be approximately $68,000. In view of the fact that a number of additional judgeships have been created recently and further increases in the judiciary are now under consideration, it is believed that not less than $50,000 to $55,000 should be available each year for the purchase of accessions, such as recompilations of digests and statutes, new textbooks, and so forth. This would make an annual requirement of approximately $120,000. This, of course, is a general estimate based on the above considerations and the requisitions received by the Department in the past. However, the estimate is conservative and would provide only the essentials rather than the optimum in reference facilities.

Estimate of cost of purchasing law books requested for the use of United States judges and United States attorneys which, due to insufficient funds, cannot be furnished by the Department

Alabama	$110.00
Arkansas	774.50
California	1,081.78
Colorado	9.50
Connecticut	503.00
Delaware	134.30
District of Columbia	19.00
Florida	352.50
Georgia	402.50
Illinois	393.90
Indiana	90.00
Kansas	38.54
Kentucky	1,232.60
Massachusetts	133.50
Michigan	1,059.60
Minnesota	293.72
Missouri	124.00
Montana	4,557.80
Nevada	630.72
New Jersey	16.00
New Mexico	1,438.86
New York	1,410.60
North Carolina	1,105.21
Ohio	390.00
Oklahoma	963.00
Pennsylvania	7,738.52
Puerto Rico	36.00
Rhode Island	188.00
South Carolina	1,256.52
Tennessee	490.00
Texas	684.00
Virginia	1,788.00
Virgin Islands	912.48

Estimate of cost of purchasing law books requested for the use of United States judges and United States attorneys which, due to insufficient funds, cannot be furnished by the Department—Con.

West Virginia	$6.50
California	4,367.18
Colorado	77.50
Delaware	945.13
District of Columbia	10,000.00
Massachusetts	148.00
New York	10,082.00
North Carolina	842.32
Oklahoma	79.90
Grand total	54,687.03

List of places of holding United States district court at which basic libraries (U. S. Reports and Digest, Federal Reporter and Digest, and U. S. Code, Annotated) have not been furnished or are incomplete, together with the estimated cost of furnishing or completing same

Alabama	$9,522.05
Alaska	274.00
Arkansas	466.00
California	1,545.61
Colorado	3,542.22
Connecticut	1,451.61
Florida	8,225.05
Georgia	9,552.05
Idaho	560.00
Illinois	124.00
Indiana	2,140.00
Iowa	3,188.61
Kansas	2,786.61
Kentucky	7,178.83
Louisiana	4,802.61
Massachusetts	1,451.61
Michigan	2,474.61
Minnesota	75.00
Mississippi	1,793.61
Missouri	2,617.61
Montana	5,377.83
Nebraska	6,577.05
Nevada	428.61
New Mexico	3,027.61
New York	6,254.22
North Carolina	8,979.05
North Dakota	4,738.61
Ohio	1,543.00
Oklahoma	12,402.66
Oregon	2,903.22
Pennsylvania	3,249.61
Puerto Rico	2,903.22
South Carolina	5,347.44
South Dakota	654.00
Tennessee	887.61
Texas	14,862.05
Utah	733.00
Vermont	2,294.00
Virginia	3,839.00
Washington	654.00
West Virginia	1,947.61
Wisconsin	6,806.83
Wyoming	5,806.44
Grand total	165,988.36

Mr. HULL. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, on account of noise in the Chamber I was unable to discover, when the Clerk read pages 34 and 35, when the paragraph relating to the appropriation for the Antitrust Division of the Department of Justice was reached. Consequently I was unable to offer the amendment which I desired to offer to that particular paragraph.

Periodically for the last 48 years, since the Sherman law was enacted, we have heard a great deal about trusts and monopolies controlling prices, interfering with the progress of the people, and causing hard times, and in the last 4 or 5 months we have been hearing more and more about monopolistic practices which are supposed to be the cause, or partly the cause, of this recession. Notwithstanding that fact, and notwithstanding all that is being said about the prosecution of trusts and monopolies, this bill comes in here with an appropriation of nearly $460,000 less than the Department of Justice is asking at this time in order to carry out prosecutions of the monopolies.

It seems to me, if Congress is in any way in earnest about this matter, it should comply with the demands of the Department for sufficient funds to carry out the prosecution of such cases in the courts.

Very recently there has been a successful prosecution of oil monopolies in the district court at Madison, Wis., the facts of which, of course, you are well acquainted with.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. HULL. I yield.

Mr. McMILLAN. I may call the attention of the gentleman to the fact that the actual increase for the Antitrust Division over the current fiscal year is $133,000.

Mr. HULL. I recognize that, but yet you come nowhere near granting the Department what it asked.

As a matter of fact, note what Congress has been appropriating for the important purpose of prosecuting these great monopolies. It is said that any single case costs more than $100,000 to put through the courts, and at one time recently the Department had 26 cases pending in the Federal courts against various monopolies, some of which have been on the calendar for many years. Yet at no time have sufficient funds been available to make wide prosecution possible.

In 1934 the Department asked for $193,860 to prosecute trusts, the Budget recommended $163,800, and that was the amount allowed by Congress.

In 1935, $313,000 was demanded and only $254,000 allowed.

In 1936 the Department recommended $442,900, and that was reduced $7,180.

In 1937 the Department requested $535,000, and the Budget Bureau and committee reduced that estimate exactly $100,000, making the appropriation $435,000.

In 1938, $560,000 was asked for, and only $475,000 was allowed.

For 1939, with the many important cases pending, and with all this political talk about the effect of monopolistic practices upon the welfare of our country and the progress of our people, the Department of Justice comes in and asks for $1,028,540. The Budget Bureau, which must have been at least somewhat informed as to the need of the appropriation, recommended $692,250, and this committee makes a further reduction to $580,060.

I desired to offer an amendment, which I shall now offer, to increase the amount to that desired by the Department.

It does seem to me the responsibility for prosecuting trusts and monopolies belongs properly to the Department of Justice. That Department cannot handle the prosecution without ample funds. If it costs $100,000 to prosecute an ordinary antitrust action in any district court, as has been alleged, then we are only providing here for the prosecution of only five of the innumerable monopolies which it is claimed are sapping the lifeblood of the country.

I am particularly interested in obtaining the prosecution of some of the monopolies, because we in the dairy region have been milked almost dry by the dairy monopolies which control the marketing of not less than 40 percent of national production of dairy products. Dairy farmers for years have been demanding action and prosecution of such trusts, but none has been undertaken. It is high time that Congress shall provide the necessary funds and that the Department of Justice shall do its full duty in bringing prosecutions.

[Here the gavel fell.]

Mr. HULL. Mr. Chairman, I ask unanimous consent to return to the paragraph beginning at line 15, page 34, in order that I may offer an amendment to line 22 striking out "$580,060" and inserting "$1,028,540."

Mr. McMILLAN. I object, Mr. Chairman.

Mr. BACON. Mr. Chairman, I rise in opposition to the pro forma amendment. I do so to make a few comments on this antitrust situation. I am entirely in sympathy with the work the Department of Justice is doing in bringing antitrust suits, but I call the attention of the Committee to the fact that the Department is receiving more money for this work this year than ever before in the history of the Department of Justice. During the 4 years of Mr. Taft's administration, when Mr. Wickersham was Attorney General,

Mr. Wickersham brought 80 antitrust suits, and they were successful ones, and he carried them through, and he had a budget of only a fraction of what this is. During the 5 years of President Roosevelt's administration only 43 antitrust cases have been begun, although this administration has had more money for this work than any previous administration in the history of the country since the Sherman Antitrust Act was passed. Therefore I do not think this committee is starving this work for lack of funds.

Mr. HULL. Mr. Chairman, will the gentleman yield?

Mr. BACON. Yes.

Mr. HULL. Agreeing that this administration has not brought the proper actions which possibly should have been started, at the same time, if Congress is going to expect the Department of Justice to carry on wholesale prosecutions of monopolies which are so seriously interfering with business at this time, is it not right that we should let the Department have at least sufficient funds to carry out this program?

Mr. BACON. In my opinion, the Department has more than ample funds allowed by this committee for this purpose. It has more money today than was ever received before in the history of the Department for this work.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. BACON. Yes.

Mr. MICHENER. Possibly the Department of Justice may be going to change its policy in these cases, and it may require more money. In recent hearings before the Committee on the Judiciary, Mr. Jackson, in charge of trust prosecutions, made it very clear to the committee that it is the present policy to use criminal procedure in conjunction with civil suits, and that it is the practice of the Department to use coercion to get consent decrees. He said there would seldom be effective decrees without the use of the grand jury in criminal proceedings.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. WALTER. Did not Mr. Jackson, however, point out that the difference between actions under the Sherman Act and other actions is that the thing which the Department of Justice wished to secure is a restraining order rather than the punishment for something that occurred in the past? In other words, the desire is to prevent the continuance of a course of conduct that materially affects the people generally?

Mr. MICHENER. Yes; but I think Mr. Jackson attempted to justify the use of the grand jury upon the ground that the Department of Justice did not have the evidence and that the only way it could get the evidence on which it might base a civil suit is to use a criminal process to get that evidence. Of course, I objected to that. This is all in the printed hearings, and if I am mistaken it is easy to correct me.

Mr. BACON. Mr. Chairman, if the gentleman will permit me, Mr. Jackson, who is a candidate for Governor of the State of New York on the Democratic ticket, is no longer in charge of trust prosecutions, and perhaps his successor who may not be a candidate for some such office will be able to get along with the ample funds we have provided.

Mr. MICHENER. Mr. Jackson stated that as the policy of the Department.

Mr. BACON. There is a great deal of confusion in the Department of Justice and the administration as to what it is intended to do in respect to this antitrust matter. For example, I asked the following question during the hearings:

Mr. BACON. Don't you think there is a good deal of confusion in the business world as to just what they can and cannot do under the antitrust laws?

Mr. JACKSON. It is worse than that. There is confusion in our minds, to be frank with you, Mr. BACON.

The CHAIRMAN. The time of the gentleman from New York has expired, and the Clerk will read.

The Clerk read as follows:

National Training School for Boys, Washington, D. C., building and equipment: For alterations of and repairs to buildings, including the purchase and installation of machinery and equipment, and all expenses incident thereto, to be expended so as to give the maximum amount of employment to inmates of the institution, $24,620.

Mr. BACON. Mr. Chairman, I move to strike out the last word. The item just read has to do with the National Training School for Boys. There are 404 boys in that training school. They are all juveniles, and of the 404, 129 come from the District of Columbia and 275 from many States of the Union. Your committee went into this question very carefully this year, because this National Training School for Boys is a forgotten stepchild of the Government and is not under any one bureau of the Department. There is no question that the school has been starved for lack of funds in the past to such an extent that it is purely a custodial institution. It seems to me that a training school for youthful delinquents ought to have a highly competent staff of teachers to rehabilitate these boys so that they may return to civil life with some prospect of making a useful citizen. Instead of having the necessary teaching force they have nothing but a custodial force to keep them from running away, and that custodial force is so overworked that its members work over 60 hours a week. The guards in this training school are working longer hours than similar employees in any penal institution of the Government. Therefore your committee saw fit to increase the Budget estimate by approximately a little over $18,000 to correct in some respect this really deplorable situation. By increasing the amount allowed by the Bureau of the Budget we have, in addition to adding custodial guards, provided for a teaching staff and also a parole officer to follow these boys up after they are released from the institution.

This is the only Federal institution for juvenile delinquents that we have and the committee, therefore, feels it ought to be a model for the entire country. The hearings show conclusively that instead of the $18,000 plus that we have allowed the institution over the Budget estimate, it will require an additional $38,000 to give it the proper staff, both custodial and teaching. This institution needs an additional custodial force of 16 to provide for 26 days' annual and 15 days' sick leave and a 55-hour workweek.

As far as the teaching staff is concerned there are today but 6 teachers for 404 boys—a ridiculously low number—we have provided for additional teachers but not enough. In addition they should have a further appropriation of $38,980, which would provide for the following additional positions:

	Number	Amount
(Caf) Administrative assistant	1	$2,600
(Caf) Senior clerk-stenographer	1	1,620
(Caf) Junior clerk-stenographer	1	1,440
(Caf) Junior clerk-typist at $1,440	2	2,880
(P) Assistant medical officer	1	3,200
(P) Psychologist	1	2,600
(Sp) Instructor of related trades	1	2,000
(Sp) Parole officer	1	2,000
(Sp) Special teacher	1	1,800
(Sp) Teacher, physical education	1	1,800
(Sp) Assistant parole officer	1	1,800
(Sp) Instructor, general shops	1	1,800
(Sp) Nurse	1	1,620
(Cu) Assistant night supervisor	1	1,680
(Cu) Assistant farmer	1	1,500
(Cu) Cottage officer, relief, at $1,500	4	6,000
(Cu) Watchman at $1,320	2	2,640
Total	22	38,980

I have discussed this institution today because I, myself, want personally to serve notice on the Director of the Budget that he has got to treat this institution with a great deal more sympathy next year than he has in the past; and I want the RECORD to show that this committee intends—and I believe I can speak for my Democratic colleagues—to go into this institution with even greater care next year. We are going to see that they get the proper care, the proper treatment, and the proper appropriations, no matter what anyone says or thinks. [Applause.]

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield.

Mr. GREEVER. Do I understand the gentleman to say that at the present time there is no instruction in the school out there?

Mr. BACON. They have 6 teachers for 404 boys. These 404 boys, of course, have not the same mentality that the

average boy in high school has; otherwise they would not be in this school, they would not be delinquents. There are 404 backward boys with only 6 teachers to look after them and teach them and rehabilitate them. This, of course, is a ridiculous proportion. It is silly to maintain a school for juvenile delinquents mainly on a custodial basis.

Mrs. O'DAY. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield.

Mrs. O'DAY. Does the gentleman realize that they are also going to put in this same institution girls from the Girls' Training School, which is to be abolished?

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes in order to answer the gentlewoman from New York.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. I certainly hope that will never happen. I do not know anything about the National Training School for Girls, because that comes under the District of Columbia appropriation bill. This institution does not come under the District of Columbia in any way, shape, or manner; this is under the Department of Justice. I do not believe there is any authority in law to send delinquent girls to this institution, because the National Training School for Girls has to do only with the District of Columbia and has nothing to do with the States around the District.

Mrs. O'DAY. Unless there are other training schools for girls here—and I do not know that there are—the women of the District have been to me to say how terrible it would be to have the girls from the colored training school sent to the colored training school for boys.

Mr. BACON. I certainly will join with the gentlewoman from New York in doing everything I possibly can to prevent that thing from happening.

[Here the gavel fell.]

The Clerk read as follows:

Support of United States prisoners in non-Federal institutions and in Alaska: For support of United States prisoners in non-Federal institutions and in the Territory of Alaska, including necessary clothing and medical aid, discharge gratuities provided by law, and transportation to place of conviction or place of bona fide residence in the United States, or such other place within the United States as may be authorized by the Attorney General; and including rent, repair, alteration, and maintenance of buildings and the maintenance of prisoners therein, occupied under authority of sections 4 and 5 of the act of May 14, 1930 (18 U. S. C. 753c, 753d); support of prisoners becoming insane during imprisonment and who continue insane after expiration of sentence, who have no relatives or friends to whom they can be sent; shipping remains of deceased prisoners to their relatives or friends in the United States and interment of deceased prisoners whose remains are unclaimed; expenses incurred in identifying, pursuing, and returning escaped prisoners and for rewards for their recapture; and for repairs, betterments, and improvements of United States jails, including sidewalks, $1,500,000.

Mr. TARVER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as we conclude these items with regard to the Federal prison system, I want to call the attention of the House and of the country to the very regretful fact that crime, insofar as it relates to violation of Federal laws, is increasing rapidly, year after year, and has been for the last several years. An examination of the appropriation bills which have been passed during the last 3 or 4 years will disclose the appropriation of additional millions for the construction of new Federal penitentiaries, new Federal jails, the employment of additional administrative personnel, of wardens, of guards, and appropriation of money for the maintenance of the prisons. That is only one type of expense connected with this ever-growing crime wave. Another type is disclosed in the appropriations for the Department of Justice reflected in the creation of new United States courts, new judgeships, new district attorneyships, and the provision for other officials needed in carrying on the work of United States courts.

The Director of the Bureau of Prisons when he appeared before our committee gave some very interesting evidence regarding these matters. I desire to quote from his testimony on page 320 of the hearings indicating the reason assigned by him for this steadily increasing wave of crime. He said:

Mr. Chairman, during the past year the trend of the Federal prison population has continued, as during past years, upward. Last year the average population in all of our institutions, as you will notice from this chart, reached 14,522, which does not include the Federal prisoners in our Federal jails and camps. The high point was reached in July of 1937, when we had an aggregate of 16,660 prisoners in all of our federally owned institutions. Despite the fact that our population has continued to increase, Mr. Chairman, we, I think, will be able to keep within our appropriations for the current fiscal year.

Mr. TARVER. At that point, Mr. Bennett, if you will pardon me, it seems that your curve shows a steadily increasing prison population ever since about the time of the approval of the twenty-first amendment. Is that correct or not?

Mr. BENNETT. That is correct; yes, sir.

He further testified that the estimated increase in Federal crime for the present fiscal year would be in excess of 7 percent and that he anticipated that there would be an increase for the next fiscal year in excess of 8 percent. It thus becomes apparent to anyone who is willing to read the evidence relating to this subject matter with an impartial mind that the adoption of the twenty-first amendment not only did not decrease crime, as was so confidently claimed for it by its proponents but that the exact reverse of that proposition is true, and that ever since its passage crime throughout the country, not only Federal crime but crime because of violation of State laws, has been increasing by leaps and bounds.

I merely call attention to these facts, not because I entertain hope that any measures may be taken by this Congress, or, perhaps, by any Congress for years to come, to correct these conditions but in order to do what I can to impress upon the Congress and upon the country that whatever solution may finally be reached for the liquor problem, that solution was not reached by the repeal of the eighteenth amendment.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. TARVER. It is clearly apparent that conditions as they exist today are far worse than they were prior to the repeal of the eighteenth amendment and that the increase in Federal crime and State crime, according to the Federal Director of the Bureau of Prisons as well as other authorities, is directly attributable to the repeal of the eighteenth amendment. [Applause.]

The Clerk read as follows:

Repairs and improvements, District Court of the United States for the District of Columbia: For repairs and improvements to the courthouse, including repair and maintenance of the mechanical equipment, and for labor and material and every item incident thereto, $16,260, of which $2,500 shall be immediately available for changing two elevators in said courthouse from direct to alternating current, to be expended under the direction of the Architect of the Capitol.

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment: Page 48, line 3, after the third comma, strike out all language down to and including the comma in line 5.

The committee amendment was agreed to.

The Clerk read as follows:

DISTRICT COURT, PANAMA CANAL ZONE

Salaries: For salaries of the officials and employees of the District Court of the United States for the Panama Canal Zone, $46,085, together with not to exceed $1,250 of the unexpended balance of the appropriation for this purpose in the Department of Justice Appropriation Act, 1938, and such amount shall be available to pay additional compensation to the following officials of the court for the fiscal year 1938: District attorney, $500; assistant district attorney, $250; marshal, $500: *Provided further*, That during the fiscal year 1939 the compensation of the court officials named shall be at the rates as follows: District attorney, $5,500; assistant district attorney, $4,050; marshal, $5,500.

Mr. TABER. Mr. Chairman, I raise a point of order against the language beginning with the word "together" in

line 19 and running through the rest of the paragraph. This is legislation on an appropriation bill. These salaries that are attempted to be fixed here by law are required to be fixed by the President of the United States.

Mr. TARVER. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Georgia.

Mr. TARVER. The committee recognizes the fact that the language in question is subject to the point of order which the gentleman raises, in the event he desires to insist upon it. However, the facts are that the committee found last year that these officials, for whom these salary increases are provided, were not receiving salaries in proportion to the salaries received by officials in other United States courts, and the committee attempted to make some provision for a slight increase in their compensation.

It was discovered that this court, when first created, was not under the jurisdiction of the Department of Justice; therefore the law creating it contained a provision which is not applicable to any other Federal court, providing that the salaries of these officials should be fixed by the President. Thereafter it was transferred to the Department of Justice, and no reason occurs to the committee why it should not now be considered as would any other Federal court and its officials.

We are attempting to make effective a provision for these officials contained in last year's appropriation bill. This Congress provided for this increase, and it has not been paid. They have not received the money. I think the will of the Congress as to the increase in the compensation of these officials ought to be carried into effect.

If under those circumstances the gentleman desires to insist upon his point of order, we concede the point is good.

Mr. TABER. The idea of dating an increase in salary back to the 1st of last July is beyond my idea of what we ought to attempt under any circumstances in an appropriation bill.

Mr. TARVER. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Georgia.

Mr. TARVER. We are not dating them back.

Mr. TABER. But it is dated back. If the gentleman will note the provision in lines 24 and 25, it does date the salaries back. It goes back to the fiscal year 1938, to the 1st of July.

Mr. TARVER. I undertook to make it clear to the gentleman. In the bill last year providing for this fiscal year we provided for these salary increases to be effective as of July 1 of last year. These salary increases have not been made effective and we are endeavoring to carry out what was the intent at that time.

Mr. TABER. Mr. Chairman, I shall have to insist on the point of order.

The CHAIRMAN. Does the gentleman from South Caroline desire to be heard?

Mr. McMILLAN. Mr. Chairman, we concede this is legislation and is subject to a point of order.

The CHAIRMAN. Under the circumstances, the Chair feels it is necessary to sustain the point of order. If the Chair understands the point of order made by the gentleman from New York [Mr. TABER] correctly, the language beginning with the word "together," in line 19, down through the remainder of the section is the language to which the gentleman from New York directs his point of order?

Mr. TABER. That is correct.

The CHAIRMAN. The Chair sustains the point of order, and that language will be eliminated from the bill.

Mr. McMILLAN. Mr. Chairman, now that that language has been eliminated from the bill, I offer an amendment reducing the total by $1,200.

The Clerk read as follows:

Amendment offered by Mr. McMILLAN: Page 50, line 19, substitute "$44,812" in lieu of "$46,085."

The amendment was agreed to.

The Clerk read as follows:

Salaries and expenses of special attorneys, etc.: For compensation of special attorneys and assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, and for payment of foreign counsel employed by the Attorney General in special cases, $613,600, no part of which, except for payment of foreign counsel, shall be used to pay the compensation of any persons except attorneys duly licensed and authorized to practice under the laws of any State, Territory, or the District of Columbia: *Provided*, That the amount paid as compensation out of the funds herein appropriated to any person employed hereunder shall not exceed the rate of $10,000 per annum: *Provided further*, That reports be submitted to the Congress on the 1st day of July and January showing the names of the persons employed hereunder, the annual rate of compensation or amount of any fee paid to each, together with a description of their duties.

Mr. McMILLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: On page 53, line 25, change the word "any" to "a."

The committee amendment was agreed to.

The Clerk read as follows:

No part of the funds appropriated by this title for salaries of judges, the Attorney General, Assistant Attorneys General, Solicitor General, district attorneys, marshals, and clerks of court shall be used for any other purpose whatsoever, but such salaries shall be allotted out of appropriations herein made for such salaries and retained by the Department and paid to such officials severally, as and when such salaries fall due and without delay.

Mr. DICKSTEIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on yesterday I took the floor and called attention to a provision on page 105 of this appropriation bill.

Mr. McMILLAN. Mr. Chairman, I make the point of order we have not yet reached that section of the bill. I do not believe it is proper to bring up at this time any discussion on a section of the bill we have not yet reached.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. DICKSTEIN. I do, Mr. Chairman. I believe I am absolutely within my rights in addressing myself, after moving to strike out the last word, to any section of the bill, regardless of whether it is in the first or the last part of the bill. I am addressing myself to a provision of the bill now under consideration.

The CHAIRMAN. The gentleman from New York has been recognized for 5 minutes on a motion to strike out the last word. The last word of the section is "delay." The gentleman will proceed in order.

Mr. DICKSTEIN. If I am to confine myself to that particular word it is rather difficult, but I believe I can find enough language in talking about delay to suit the Committee.

Mr. Chairman, I submit section 105 is something new, and will delay the orderly procedure of both the Department of Labor and the Department of State. This legislation would destroy present rules and regulations which provide for orderly procedure. If the provisions of section 105 are carried out, it will not only delay the whole process of the law but will absolutely abolish the precedents this country has established in the last 20 or 30 years.

Mr. Chairman, as I stated yesterday, in all my time in Congress I have never opposed an appropriation bill. I have supported this subcommittee and I have supported every other subcommittee that has brought in an appropriation bill. It seems to me, however, that this subcommittee, which has sought to write a new immigration law, at least could have consulted somebody in the Department of Labor or some Member of Congress who knows, or is supposed to know the subject very thoroughly.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from New York.

Mr. FITZPATRICK. Does not the gentleman believe it would have been advisable for the Committee on Appropriations to have submitted this matter to the legislative committee that would ordinarily have charge of such rules and regulations so the members of the Committee on Appropriations could get information on the matter and pass upon it intelligently?

Mr. DICKSTEIN. There is no question about it.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Certainly, I will yield to the gentleman from South Carolina.

Mr. McMILLAN. Is the gentleman certain of the fact he is addressing himself to the word "delay"?

Mr. DICKSTEIN. I have been addressing my remarks to the word "delay" with a few trimmings around it. The gentleman does not want me to keep on repeating the word "delay" a thousand times to consume my 5 minutes?

Mr. McMILLAN. If my suggestion is worth anything to the gentleman, I believe his remarks are addressed more to the trimmings than the word.

Mr. DICKSTEIN. I thought the gentleman would be fair enough, and I know he is, at least to let me address the Committee and get right down to the meat of the subject, so the members of the Committee may understand what I am talking about. However, the gentleman is being technical.

Mr. McMILLAN. No; if the gentleman will permit, the gentleman is not being technical, but the gentleman did express to the gentleman from New York the hope he would reserve his remarks on this matter until it was reached in the bill.

Mr. DICKSTEIN. I am trying to save some time.

[Here the gavel fell.]

The Clerk read as follows:

Establishment of air-navigation facilities: For the establishment of additional aids to air navigation, including the equipment of additional air-mail routes for day and night flying; the construction of additional necessary lighting, radio, and other signaling and communicating structures and apparatus; the alteration and modernization of existing aids to air navigation; for personal services in the field; maintenance, repair, and operation of automobiles; special clothing, wearing apparel, and suitable equipment for aviation purposes; and for the acquisition of the necessary sites by lease or grant, $4,463,500, of which amount $2,000,000 shall be available for the payment of contractual obligations authorized to be incurred prior to July 1, 1938, by the first proviso under this head in the Department of Commerce Appropriation Act, 1938: *Provided*, That in addition to the amount herein appropriated, the Secretary of Commerce may, prior to July 1, 1939, enter into contracts for the purchase, construction, and installation of additional air navigation aids not in excess of $2,000,000, which authorization is in lieu of, and not in addition to, the authorization contained in said proviso to incur contractual obligations in the same amount prior to July 1, 1939: *Provided further*, That the Secretary of Commerce before entering into any such contract shall personally certify that in his opinion it is necessary in the public interest: *Provided further*, That a full report of all such certifications and of all expenditures under this item shall be made to Congress on or before July 1, 1939.

Mr. BACON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I believe it is desirable to supplement what the chairman of my subcommittee stated in his remarks on this bill as far as they pertained to the Bureau of Air Commerce.

There is no desire on the part of the committee to provide inadequate funds for air-navigation facilities to make flying safe. There did come to the attention of the committee, however, a new development in ultra short-wave, high-frequency radio. The committee was informed that this new system can be installed at approximately one-third of the original cost and can be maintained for about one-fifth of the maintenance cost of the present low-frequency long-wave radio beacons. The committee therefore felt the Bureau of Air Commerce ought to be more diligent in examining into this new development in ultra short-wave high-frequency radio. This type of radio beam has worked exceedingly well in Australia and in New Zealand. It is not an experiment any more, but is a tried thing. Not only is it cheaper to install and cheaper to maintain, but it increases the safety factor considerably. It is very much more accurate, and because it is short wave and high frequency it is not affected by outside interference or static. Therefore it does not go out in storms, when it is needed the most.

I am simply supplementing what the gentleman from South Carolina stated in his opening remarks on the bill in order to express the hope the Bureau of Air Commerce will examine into this new development so successfully installed in New Zealand and Australia before obligating these huge sums which we give them for air navigation facilities and aids.

Mr. FORD of California. Mr. Chairman, will the gentleman yield?

Mr. BACON. I yield to the gentleman from California.

Mr. FORD of California. Do I understand the radio beam that is used in Australia is a more efficient one than the one we employ?

Mr. BACON. That is the testimony before our committee.

Mr. FORD of California. Our trouble at the present time has been that static did interfere with the radio beam.

Mr. BACON. The gentleman is correct, and static will always interfere with a radio beam if you use low frequencies and high wave lengths. Low wave lengths and high frequencies eliminate static.

Mr. FORD of California. They are just reversed.

Mr. BACON. Just the reverse, yes.

Mr. FORD of California. I thank the gentleman.

The Clerk read as follows:

Salaries and general expenses: For salaries of shipping commissioners, inspectors, and other personal services; to enable the Secretary of Commerce to provide and operate such motorboats and employ such persons as may be necessary for the enforcement under his direction, of laws relating to navigation and inspection of vessels, boarding of vessels, counting of passengers on excursion boats to prevent overcrowding, and to secure uniformity in the admeasurement of vessels; fees to witnesses; materials, supplies, equipment, and services, including rent and janitor service; purchase, exchange, and repair of instruments; plans and specifications; insignia, braid, and chin straps; coats, caps, and aprons for stewards' departments on vessels; and other incidental expenses of field offices, including contract stenographic reporting services in the District of Columbia and elsewhere; $2,204,460: *Provided*, That $50,000 of the amount herein appropriated shall be available only for the payment of extra compensation for overtime services of local inspectors of steam vessels and their assistants, and United States shipping commissioners and their deputies and assistants, for which the United States receives reimbursement in accordance with the provisions of section 6 of the act of May 27, 1936 (46 U. S. C. 382b).

Mr. McMILLAN. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: Page 74, line 21, strike out "$2,204,460" and insert "$2,202,000."

Mr. McMILLAN. I may explain, Mr. Chairman, the purpose of this amendment is to correct a mistake in the total that was made in printing.

The committee amendment was agreed to.

Mr. BACON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is another Bureau of the Government that has been sadly neglected in past years. Last year the Congress passed many laws providing for the promotion of safety at sea, which imposed a number of additional burdens on this Bureau of the Department of Commerce. We discovered in the course of the hearing that the clerks, shipping commissioners, and inspectors, particularly in the lower grade, have not had any salary increases in many cases for at least 10 years. The fact that these men are in the field seems to be the reason they have been neglected. They are a fine, hard-working body of men, upon whose shoulders rests the enforcement of our navigation laws looking to making life at sea safe.

We have therefore in the committee exceeded the Budget estimate in order to begin correcting some of the injustices that exist, particularly among the lower-salaried group of clerks in the field, deputy shipping commissioners, and deputy inspectors. As I stated, we are only making a beginning, and again I am taking the floor to direct the attention of the Bureau of the Budget and the Department of Commerce to the fact that this committee of yours feel that they should go into this question with a great deal more care next year than they did this year, with a view of continuing the work this committee has started this year by providing some further increase in these salaries.

We had very extended hearings on this division. Unfortunately the testimony shows a chaotic condition in the American merchant marine—insubordination, lack of discipline,

and even mutiny. These questions are under this Bureau. There have been many cases of lack of discipline that have come before the boards of inspectors for trial. These boards of inspectors of this division may hold a trial in a case of lack of discipline or insubordination on the part of a sailor on a boat at sea, and if the charge is substantiated these boards may suspend or take away his certificate. Therefore they can mete out real punishment.

It has come to the notice of your committee that when the findings of these boards come to Washington for final approval, the Secretary of Labor, who has nothing whatsoever to do with the enforcement of these navigation laws, has interfered and has prevented the findings from being approved. There is nothing in the law that gives the Secretary of Labor anything to do with conditions on boats at sea in the American merchant marine.

For example, I asked the Secretary of Labor about her interference in the case of the steamship *California*. In the course of her remarks she excused her interference as follows:

I did this with the full concurrence of the Attorney General and the Secretary of Commerce. Both knew what we were doing and gave me word to proceed. Whether the Bureau of Steamboat Inspection thought some other course should have been pursued was not the important thing, since the Secretary of Commerce and the Attorney General thought what I proposed was the right and proper thing to do, if it could be done.

I have good reason for believing that this statement of the Secretary of Labor is inaccurate, to say the least, if not utterly false.

However, the Secretary of Labor did admit she did interfere. There is no law that gives her any authority in these matters. She ought to attend to her own business in the Department of Labor and keep out of the Department of Commerce. Apparently the Secretary of Labor cares nothing for the law, but does just what she pleases.

The Department of Commerce is well able to look out for itself without interference from the Secretary of Labor.

[Here the gavel fell.]

The Clerk read as follows:

Total, National Bureau of Standards, $2,615,000, of which amount not to exceed $1,875,000 may be expended for personal services in the District of Columbia.

Mr. HAINES. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed for 5 minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAINES. Mr. Chairman, yesterday the gentlewoman from Massachusetts [Mrs. ROGERS]—and I am sorry she is not present at the moment—made a statement upon the floor of the House to which I take exception. She accused this administration of being narrow and prejudiced against Abraham Lincoln, stating that there had been no Lincoln stamps issued during this administration. I call attention to the fact that in 1934 there was a large issue of Lincoln stamps, and they can be purchased at almost any post office in the Nation. I am sure the administration would not want to do anything to affect adversely the love and esteem that the American people have for this great American.

The Clerk read as follows:

Magnetic and seismological work: For continuing magnetic and seismological observations and to establish meridian lines in connection therewith in all parts of the United States; making magnetic and seismological observations in other regions under the jurisdiction of the United States; purchase of additional magnetic and seismological instruments; lease of sites where necessary and the erection of temporary magnetic and seismological buildings; and including the employment in the field and office of such magnetic and seismological observers and instrument makers and stenographic services as may be necessary, $60,000.

Mr. TOLAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TOLAN: Page 86, line 6, after the word "necessary", strike out "$60,000" and insert "$64,550", and after the figures "$64,550" insert the words "*Provided*, That $4,550 of this amount may be expended for a resurvey of the San Andreas fault line north of San Francisco, Calif."

Mr. TOLAN. Mr. Chairman, the reason for this amendment is that subsequent to the San Francisco earthquake in 1906 the Government spent thousands of dollars in locating monuments along what is known as the San Andreas fault line, which runs about 300 miles north of San Francisco, from Port Reyes to Petaluma, Calif. Those monuments are placed there for the purpose of ascertaining any twists or slides of the earth's surface. Since then they have reoccupied those markers and had resurveys. The last survey was in 1929 and 1930, and all the authorities here insist that resurveys should be taken every 5 years. It is now nearly 8 years since one was taken. The idea now is to resurvey and reoccupy those monuments to ascertain how much the earth has slipped or twisted, and after that has been ascertained they will have facts and data that might save thousands of human lives. That is the object of this amendment, and I hope it will be adopted.

Mr. McMILLAN. Mr. Chairman, the gentleman from California [Mr. TOLAN] appeared before the subcommittee in support of this item. It is true no Budget estimate was submitted for it, but in view of the explanation that the gentleman has given our subcommittee, and that he has given the Committee of the Whole today, we have no objection to the amendment. I have conferred with the ranking members of the committee on the other side, as well as my own colleagues about it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

Mr. TOLAN. Mr. Chairman, I ask unanimous consent to return to page 60 of the bill to offer a perfecting amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to page 60 to offer an amendment. Is there objection?

There was no objection.

Mr. TOLAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 60, line 22, strike out "$1,170,000" and insert in lieu thereof "$1,171,150."

Mr. McMILLAN. Mr. Chairman, this is merely a perfecting amendment offered in view of the action just taken by the House on the amendment offered by the gentleman from California.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

No part of any appropriation for the Immigration and Naturalization Service shall be expended for any expense incident to any procedure by suggestion or otherwise, for the admission to any foreign country of any alien unlawfully in the United States for the purpose of endeavoring to secure a visa for readmission to the United States, or for the salary of any employee charged with any duty in connection with the readmission to the United States of any such alien without visa.

Mr. DICKSTEIN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from New York will state his point of order.

Mr. DICKSTEIN. Mr. Chairman, I make the point of order that the language appearing on page 105 in lines 1 to 9 is legislation on an appropriation bill, which changes statutory law and creates new regulations without properly being before any committee or properly being passed upon by the Congress.

Under present statutory law, Mr. Chairman, any Member of Congress or any individual in the United States may apply to the Department of Labor, which is the Government institution dealing with the subject, for the purpose of obtaining suggestions to clarify the status of any alien in the United States, under the acts of 1921, 1923, and 1924. These acts place a duty upon the Department of Labor, as I say, definitely place a duty on the Department of Labor and its

officials, to clarify the status of aliens in the United States, whether they be here legally or otherwise.

The language to which I call attention, Mr. Chairman, purports to write something new in the annals of immigration law, namely, it prohibits any suggestion or advice being given by the Secretary of Labor or any agencies or employees of the Department of Labor to any person, even including a Member of Congress, who seeks to clarify the status of an alien in his own district. The language reads:

No part of any appropriation for the Immigration and Naturalization Service shall be expended for any expense incident to any procedure by suggestion or otherwise.

Any procedure! In other words, any suggestion that would clarify the status of an alien, or clarify the status of a citizen for that matter, if the Chair please, dealing with his naturalization, would be a violation of the law for the Department to give.

I respectfully submit that examination of the act of 1924 will disclose the policy here sought to be established as diametrically opposite to existing practice.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. FITZPATRICK. If the language of the bill to which the gentleman has called attention be adopted will it not repeal a present law on immigration?

Mr. DICKSTEIN. I do not know how far it would go in that respect.

Mr. FITZPATRICK. It would repeal an existing law.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield? I appreciate the fact that in the discussion of a point of order interruptions are discretionary on the part of the Chair.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. DICKSTEIN. I yield.

Mr. McCORMACK. In connection with the word "otherwise" in the gentleman's point of order, would the gentleman address the Chair as to whether that constitutes an affirmative conflict——

The CHAIRMAN. If the gentleman from Massachusetts will permit an interruption, the Chair will be very happy to hear the gentleman from Massachusetts further in connection with the point of order before the Chair rules.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. O'MALLEY. I was wondering how this language would affect a case which occurred in my district. In the case of an alien in my district one of the American consuls in a foreign country gave misinformation. I advised the alien, as did the Labor Department, to go to Canada to obtain admission.

Mr. DICKSTEIN. This language would stop that entirely.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. In a minute.

Mr. TARVER. The gentleman has just made an incorrect statement.

Mr. DICKSTEIN. I cannot yield now, but will yield in a minute.

The CHAIRMAN. Permit the Chair to make a statement. The Chair desires to hear the gentleman from New York thoroughly and without interruption. The Chair will then be glad to recognize any other Member who desires to discuss this point of order if he has something to contribute to the decision. The Chair suggests that the gentleman from New York be allowed to proceed without interruption until he has presented his point of order.

Mr. DICKSTEIN. I am glad the gentleman from Wisconsin called my attention to this case in his district. If an alien came here originally for a temporary stay, but decided to bring his money from the other side and go into business and to become an American citizen and wants to remain in this country, he could not go into Canada, because under this language the Department of Labor could not assist or aid him to give him a preexamination in Canada.

If he wanted to bring in a son or daughter who happened to be born on the other side, the Department of Labor could not give a preexamination at the border, but you would have to take that little boy or little girl back to Jalappe, 10,000 miles or so away, to bring them back.

What is the meaning of this language in line 9?—

That an alien cannot enter without a visa?

There is no such thing in the law. Under the law every alien must have a visa and they all come in under a visa, so that the language used by the distinguished Subcommittee on Appropriations refers to something that does not exist at all. That language makes it appear that people are coming into this country without visas, and that is not so.

Mr. Chairman, I respectfully submit we have at least 15 or 20 different rules and regulations which govern all of these problems so far as immigration is concerned. This particular section will upset those rules and regulations—and bear this in mind, there is no restriction against the State Department. The restriction is only against the Labor Department. But if the State Department, which depends for information upon the Labor Department, will ring the latter Department up and say, "Mr. Labor Department, I would like to have you straighten this case out or give us information on that case," under the proposed law, Mr. Chairman, the State Department could not get any information on any alien in this country, because if any information is given or any advice is given or suggestion is made by the Department of Labor, they would be violating the law and the people giving the information could not receive their compensation.

Mr. SABATH. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Illinois.

Mr. SABATH. Who issues those visas?

Mr. DICKSTEIN. The State Department.

Mr. SABATH. And the Immigration Department of the Department of Labor has no jurisdiction or no right and cannot act?

Mr. DICKSTEIN. The gentleman is correct.

Mr. HEALEY. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Massachusetts.

Mr. HEALEY. I am looking for information and just came here a few minutes ago. May I inquire whether the gentleman has made a point of order that this particular clause in the bill is legislation on an appropriation bill?

Mr. DICKSTEIN. That is right.

Mr. HEALEY. That is the basis of the gentleman's point of order?

Mr. DICKSTEIN. Yes.

The CHAIRMAN. The Chair desires to make the statement which the gentleman who has just arrived perhaps did not hear. Information is being given at this time for the benefit of the Chair. This is not general debate. The Chair has requested that the various Members who may all be recognized at the proper time withhold their comments until the point of order has been fully discussed by the gentleman from New York [Mr. DICKSTEIN].

Mr. HEALEY. I was just seeking information, and I have received that information.

Mr. DICKSTEIN. Mr. Chairman, I want to state further in support of my point of order, and aside from the humanitarian question involved, about which I spoke on the floor yesterday, I now raise the legal question. In other words, any member of the Department of Labor who would suggest or advise the constituent of a Congressman or a Senator would be violating the law. In other words, the language as written into the nine lines of the appropriation bill at this point will result in tying the hands of the Labor Department and will destroy existing legislation. An alien now has the right to petition the Labor Department and obtain the necessary information to straighten himself out as to what may be his present status.

Mr. Chairman, I submit that every line in this section is legislation, and I submit further it affects at least 15 sections of the immigration law. It affects the various studies that have been made in the past by the House and by various committees of the House, particularly since the year 1924, at which time the permanent policy on immigration was established by the Congress.

I further submit, Mr. Chairman, that the language used in line 9, page 105, is absolutely inconsistent with the present law, because no person comes into this country except under a quota. The only persons excepted from the quota would include the wife of an American citizen and the child of an American citizen under 21 years old. These are the only two classes who come here under exemption from the quota. Of course, the diplomats of foreign countries are also exempted. All other immigrants must, under the act of 1924, which the committee overlooked, come within the quota, as I stated yesterday. There are almost 12 countries whose quotas are closed, and the people of those countries must stay out. This interferes with our quota law, with our immigration law, and with all the statutes now in force with reference thereto.

Mr. Chairman, I submit that the point of order should be sustained.

Mr. McCORMACK. Mr. Chairman, I make the additional point of order that the language contained in lines 1 to 9, page 105, is not germane to that part of the bill.

In connection with the point of order raised by the gentleman from New York [Mr. DICKSTEIN] the merits of the matter in controversy, of course, are not of concern to the Chair.

There is precedent to the effect that a limitation must not give affirmative direction, and must not affect the discretion of an official of the executive branch of the Government; that the limitation must relate to the particular appropriation with reference to which the words of limitation apply.

The burden of proof is on the Committee on Appropriations to show that this is a limitation upon existing law. If any part of the limitation does not apply to existing law, although the greater part of the limitation might apply, then the point of order should be sustained. Whether or not another amendment would be in order is an entirely different question.

The burden of proof is not upon the gentleman from New York to show it is a limitation upon existing law. The Appropriations Committee occupies no different position than a Member of the House would occupy in offering a similar amendment. That committee has no greater powers under the rules of the House than an individual Member. The burden of proof being upon the proponents of this provision, it is necessary for them to show that it is a limitation upon existing law. The gentleman from New York has stated that the words "without visa" found in line 9, page 105, are not in the existing law. The burden of proof therefore is upon the Committee on Appropriations, or the subcommittee thereof, to show that such law exists and the provision is a limitation upon the same. Every word of it must be a limitation upon existing law; and, if it is not, then, although the major part of it might be a proper limitation, that part which does not relate to existing law is legislation on an appropriation bill.

In line 3 will be found the words "by suggestion or otherwise." A limitation must not give affirmative direction and the limitation cannot impose new duties. I contend that the words "by suggestion or otherwise" are an affirmative direction. I will concede that without these words, if the limitation applies to existing law, the language employed here would be a limitation within the meaning of our rules. If there is no law providing for a person coming into this country without a visa, and the burden of proof is upon the Committee on Appropriations to establish that fact, then for that reason alone the entire limitation would have to be stricken out. I respectfully submit the words in the limitation "by suggestion or otherwise" are an affirmative direction to an executive officer. Construing the rules conservatively, as they have been and as they wisely must be construed, because otherwise the Committee on Appropriations will constantly extend itself into the jurisdiction of legislative committees, it seems to me that these words are a direction contained in the limitation, and for that additional reason the point of order should be sustained.

May I make this one last observation. This limitation follows an appropriation for immigration stations:

For remodeling, repairing (including repairs to the ferryboat *Ellis Island*), renovating buildings, and purchase of equipment, $85,000.

I respectfully submit the limitation should have been applied to that particular part of the bill which contains the appropriation for the salaries of the persons who would be engaged in this particular activity.

Mr. TARVER. Mr. Chairman, I desire to address the Chair with regard to the point of order raised by the gentleman from New York.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Georgia.

Mr. TARVER. Mr. Chairman, the limitation proposed in the language which it is sought to strike out on a point of order is not only not new legislation or in any way suggestive of new legislation but it is merely an inhibition against the expenditure of moneys appropriated in this bill in an unlawful manner.

The CHAIRMAN. The Chair would like to ask the gentleman from Georgia what is his interpretation of the first line on page 105, in view of the statement he has just made that this refers only to money appropriated in this bill? The language in line 1 reads:

No part of any appropriation—

And so forth. Is that a limitation, or is it permanent legislation?

Mr. TARVER. It is my opinion, Mr. Chairman, that the language in question should be so amended as to make it applicable only to the money carried in this act. Insofar as that question is involved, the committee has prepared and will submit an amendment limiting the application of the prohibition to the moneys appropriated by this particular bill.

The CHAIRMAN. May the Chair again suggest, if the committee is prepared to proceed with that amendment, that obviously a point of order will lie against this particular paragraph and the committee can then offer its revision in an amendment.

Mr. TARVER. As far as that particular portion of the point of order is concerned, the Chair is correct in his statement. We have no objection to the Chair's sustaining the point of order on that point alone and permitting the committee to submit immediately the new language.

The CHAIRMAN. The Chair is ready to rule.

The Chair overrules the point of order made by the gentleman from Massachusetts [Mr. McCORMACK]. The question of germaneness is not in issue. This is a provision in the bill as reported by the committee, and not an amendment to it.

However, the Chair sustains the point of order on the ground the Chair has just suggested, that the use of the words "any appropriation" in the bill makes this legislation on an appropriation bill. The Chair, therefore, sustains the point of order against the entire paragraph.

Mr. TARVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TARVER: On page 104, after line 25, insert a new paragraph, as follows:

"No part of any appropriation contained in this act for the Immigration and Naturalization Service shall be expended for any expense incident to any procedure by suggestion or otherwise, for the admission to any foreign country of any alien unlawfully in the United States for the purpose of endeavoring to secure a visa for readmission to the United States, or for the salary of any employee charged with any duty in connection with the readmission to the United States of any such alien without visa."

Mr. DICKSTEIN. Mr. Chairman, I make the same point of order. This comes right back to the point I made originally, that this provision deals with the present immigration laws and is legislation on an appropriation bill. It changes our present act, which contains the provision that it is mandatory upon the officials of the Department of Labor to

advise an alien of his status, whether he is legally or illegally in this country. This provision seems to suggest that even a suggestion or an inference, even a suggestion over the phone, would be a violation of the law, and the men who are on the pay roll of the Government would be penalized. I respectfully submit that the language offered as the amendment to the new section is absolutely in the same category, and that it is not germane to the present bill or to the section now under consideration.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from New York [Mr. DICKSTEIN] makes the point of order that the amendment now suggested and offered by the gentleman from Georgia is legislation. The Chair feels he is bound by precedents which have been established for a long time in this House and have been ruled upon by many occupants of the chair more distinguished than he.

The fact that the failure to appropriate money to carry out the purposes of an act may work an actual hardship in the enforcement of that act or may even effect the practical repeal of certain provisions of the act is entirely within the discretion of Congress itself. Congress does not have to appropriate any money for laws which have been authorized by bills reported from legislative committees. As long ago as 1896 Nelson Dingley, Chairman of the Committee of the Whole House, ruled as follows, and I read from page 47 of Cannon's Procedure in the House of Representatives:

> The House in Committee of the Whole House has the right to refuse to appropriate for any object either in whole or in part, even though that object may be authorized by law. That principle of limitation has been sustained so repeatedly that it may be regarded as a part of the parliamentary law of the Committee of the Whole.

Therefore, the Chair is unable to agree with the contention of the gentleman from New York and overrules the point of order.

Mr. TARVER. Mr. Chairman, I ask unanimous consent that not only I, but the gentleman from New York [Mr. DICKSTEIN], may have 10 minutes each instead of the usual 5, in which to discuss the amendment.

Mr. O'MALLEY. Mr. Chairman, reserving the right to object, does the gentleman intend to conclude the debate in 20 minutes?

Mr. McMILLAN. Oh, no.

Mr. MASON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MASON. The point of order that the gentleman from New York made on the paragraph at the top of page 105 having been sustained, that automatically eliminates that paragraph of the bill.

The CHAIRMAN. The first point of order was sustained; yes.

Mr. MASON. And that automatically eliminates the paragraph from the bill?

The CHAIRMAN. The question now is on the adoption of the amendment offered by the gentleman from Georgia [Mr. TARVER].

Mr. MASON. And in view of that, Mr. Chairman, we must then consider the advisability of adopting that in the place of this provision rather than any necessity for it.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. HOOK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOOK. Mr. Chairman, among the questions raised there was also the question of germaneness.

The CHAIRMAN. The Chair has overruled the point of order raised by the gentleman from Massachusetts involving the question of germaneness.

Mr. HOOK. I mean with respect to this amendment.

The CHAIRMAN. If there is any doubt about that, the Chair will repeat his ruling previously made in connection with the point of order made by the gentleman from Massachusetts.

Mr. TARVER. Mr. Chairman, the purpose of my request for an additional 5 minutes was not to suggest that debate be cut off. On the contrary, I think this is a matter that should be fully discussed. I simply thought the gentleman from New York would like to have 10 minutes, and I know I would like to have 10 minutes, because I do not think the amendment can be intelligently discussed in less time than that.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the gentleman from Georgia and the gentleman from New York [Mr. DICKSTEIN] may be permitted to have 10 minutes each to discuss the pending amendment.

Mr. SABATH. Mr. Chairman, reserving the right to object, I desire to know from the gentleman whether he would then try to foreclose other Members who may desire to speak on the amendment?

Mr. TARVER. Certainly not.

Mr. SABATH. Because the amendment is so ridiculous I think it should be defeated, and I desire to be heard in opposition to it.

Mr. McMILLAN. Mr. Chairman, if I may be permitted to make a statement, I wish to announce to the committee now that it will be my purpose to have liberal time to debate this very interesting question, and at this time I shall make no effort to limit debate.

Mr. DICKSTEIN. Mr. Chairman, reserving the right to object, I am not going to object to my colleague, the gentleman from Georgia, if the gentleman wants to talk for 10 minutes, but I shall ask for my own time because other Members may want to speak longer. I have had my say, and I would like to give the opportunity to be heard to some of my colleagues here who have something to say on this subject.

The CHAIRMAN. Will the gentleman from Georgia modify his request?

Mr. TARVER. Mr. Chairman, in view of the remarks of my colleague, the gentleman from New York, I shall be pleased to do so, and ask that I may be permitted to address the Committee for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. TARVER. Mr. Chairman, the committee considered very carefully the subject matters which are referred to in this amendment. It is substantially the same language as that which was included in the original bill so far as appropriations for the next fiscal year are concerned.

An understanding of the purposes the committee has in mind is not possible unless you will turn to page 250 and the following pages of the hearings on the Department of Labor bill, and also Members should refer to the hearings on the State Department bill at page 47 and preceding pages.

It appeared from the evidence before our committee that the Department of Labor has established a practice with regard to some 3,862 aliens in the United States who, it has been found, are unlawfully in this country and are subject to deportation, of advising these aliens by addressing to each one of them a letter with regard to what is known as preexamination procedure. This preexamination procedure consists in these particular cases of some investigations in the United States. These aliens are advised to proceed to Canada and there to present themselves before a United States consul for the purpose of endeavoring to obtain a visa for lawful admission into the United States.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I cannot yield at this time. The procedure is had under an agreement between the Commissioner General of Immigration of the United States and the Commissioner of Immigration of Canada, which agreement gentlemen will find printed in the hearings, under which the United States agrees that if these aliens unlawfully in this country are permitted to proceed to Canada to endeavor to obtain a visa, and if they do not obtain it they will nevertheless be permitted to reenter the United States without a visa. So that when my friend the gentleman from New York [Mr. DICKSTEIN] said a while ago that no alien could be admitted

into the United States without a visa he was talking about what the law provides, he was not talking about the practice which has been instituted by the Secretary of Labor, because it appears from the evidence of the Labor Department witnesses themselves that this procedure has been and is being followed, and that these aliens who do not obtain visas through the method of procedure suggested to them will nevertheless be permitted to reenter the United States, which is in violation of law. So the purpose of the prohibition is merely to insure that the Department of Labor will conduct its business in accordance with the laws which have been enacted by the Congress. It is not enacting new legislation, it is not to write any provision into the present immigration laws. I challenge any Member of this House, including the gentleman from New York [Mr. DICKSTEIN], to find any provision of the immigration laws of this country which authorizes the Secretary of Labor to suggest to an alien who is unlawfully in this country, and in whose case it has been ascertained that he is unlawfully here and is subject to deportation, that he proceed to a foreign country and, with the assistance of the Secretary of Labor and other officials, procure legal readmission into the United States or, failing that, be allowed to reenter illegally.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. TARVER. In a moment. The gentleman did not yield to me when I requested him, but I shall yield to him. On page 47 of the State Department hearings will be found a list of 34 aliens, whose names are given by the State Department, who were thus advised by the Secretary of Labor to proceed to Canada and endeavor to obtain readmission into this country lawfully, which aliens had been convicted of crimes involving moral turpitude, so that the insistence of some gentlemen that this procedure has only been instituted in cases where the alien had committed no other offense than unlawful entry, and where he had a family and children dependent upon him, is not sustained by the facts; but the names of those convicted of crimes involving moral turpitude have been taken from this list, subject to deportation, as they are, and they have had it suggested to them that they proceed to Canada to procure from a United States consul in that country a visa upon which they might legally reenter the United States. And since they were barred from reentering because of their criminal records, the Secretary of Labor has executed in their cases waivers of this bar. Although the Secretary may legally make such waivers if she desires, the remainder of this procedure is not authorized by law, and, despite what the gentleman from New York [Mr. DICKSTEIN] said with regard to the ignorance of the committee as to the provisions of the immigration laws, I challenge him or anybody else to show any provision of the statutes by which any such procedure is authorized.

Mr. LANZETTA. Mr. Chairman, will the gentleman yield?

Mr. TARVER. Yes.

Mr. LANZETTA. Is it not a fact that the cases the gentleman is speaking of now are the hardship cases, where the individual will ultimately be readmitted to the United States, and where the purpose in sending him to Canada or to contiguous territory is to save him the expense of traveling to and from his own native country?

Mr. TARVER. That is not true. I have just pointed out that there are cases among those who have been the subject of this procedure, who have been convicted of crimes involving moral turpitude, and who ought not to be permitted to reenter the United States, but in whose cases the Secretary of Labor has executed express waivers permitting readmission.

Mr. LANZETTA. But is it not a fact that the cases which the gentleman is referring to are the hardship cases where there are American-born children or a wife who is an American citizen, and where the Government of the United States is willing to waive the conviction, which in the majority of the cases flows out of the aliens' illegal entry, so as not to visit undue hardships on his family?

Mr. TARVER. There are undoubtedly some of those cases.

Mr. LANZETTA. Most of them. Does the gentleman know of any case where the alien has been permitted to go to Canada or contiguous territory which is not a hardship case?

Mr. TARVER. Undoubtedly there are some of these cases in which many reasons exist, which would appeal to the hearts of the American people, and for which some provision should be made by Congress by legislation. I am not discussing that, I am saying simply that the Labor Department ought to observe the law, and that if the law should be changed in order to take care of any proportion of these aliens on this list, who ought not to be deported notwithstanding they are lawfully subject to deportation, then that is a question which should present itself to this House and the Senate, and legislation should be enacted to take care of it, but until that is enacted the Department of Labor ought not be permitted to follow a practice which they admit is in violation of existing law, and if gentlemen do not think they admit it, then let them turn to page 257 of the hearings on the Department of Labor bill and read the testimony of Mr. Shaughnessy, Deputy Commissioner General of Immigration, at the place where I asked him this question:

> Mr. TARVER. Do you feel you are justified in taking a bill passed by the House of Representatives, not passed by the Senate and not signed by the President, as your authority for following a procedure which is, at least, in contravention of existing law?
> Mr. SHAUGHNESSY. The answer is "yes."

Mr. DICKSTEIN. From what is the gentleman reading?

Mr. TARVER. That is from page 257 of the Department of Labor hearings.

The question is whether or not the House is going to say that American taxpayers should be taxed for the purpose of carrying on a procedure which is in violation of the laws enacted by the Congress of the United States with regard to procedure in immigration matters.

Mr. LANZETTA. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. LANZETTA. Will the gentleman please explain to the House what is to be gained by sending these aliens back to their native countries and compelling them to undergo great expense when we know that they are coming back and that they will be readmitted to the United States because of the particular hardship involved on the American citizens who compose their family, either in whole or in part?

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. LANZETTA. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended 5 minutes.

Mr. TARVER. Mr. Chairman, I do not care for more time than I have asked for.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for 2 additional minutes. Is there objection?

There was no objection.

Mr. TARVER. In the first place, Mr. Chairman, I do not take it for granted that it would be possible for these aliens unlawfully in this country to secure legal readmission to the United States. Why? Because section 137 (h) of title VIII, United States Code, provides that where an alien who has obtained unlawful entry to this country is deported that alien not only cannot return, but if he returns he is subject to imprisonment in the United States penitentiary for not exceeding 5 years. So if the Department of Labor carries out the law and deports aliens unlawfully here, aliens who are subject to deportation, not only cannot obtain legal readmission but if they do reenter the country without lawful authority they will be violating the law and subject to imprisonment in the penitentiary. [Applause.]

Under permission granted by the House, I insert in the RECORD the following extracts from the hearings of the State and Labor Departments:

JUSTICE DEPARTMENT HEARINGS

TEMPORARY ENTRANCE INTO CANADA OF ALIENS UNLAWFULLY IN THE UNITED STATES

Mr. TARVER. The thing I am particularly interested in with regard to the subject matter of this investigation is the charge which is being circulated in certain quarters in regard to the methods of the Secretary of Labor in handling cases of aliens who have been found deportable, but whose deportation has been stayed, without authority from Congress, for a period of some 3 years or more, the charge or charges being, in substance, these, that the Secretary of Labor, anxious to permit the staying of these aliens in the United States and to prevent their deportation, instead of deporting them, as provided by law, has been following the practice in the course of which there has been an agreement with the Canadian Government, as I understand it, allowing these aliens who have been illegally admitted into this country, or who are illegally here, to go to Canada and to attempt to procure there the necessary visas for lawful entrance, from American consular officers, having had given to them by commissioners of immigration letters assuring the Canadian Government that if they are not found eligible for a visa they will, nevertheless, be readmitted to the United States, and the charge is made, in that connection, that these aliens, after having gone temporarily to Canada for this purpose, have been readmitted to the United States recently at the rate of some 200 per month.

That, of course, is a very serious charge. Naturally, we are predisposed in favor of the honesty and proper purpose of any cabinet officer in the incumbent administration, and I feel particularly concerned in knowing whether or not there is a basis for that charge, and for that reason I would like you to give us such information as you can concerning it.

I do not understand that the Department of State is charged with complicity in any such purpose which may exist. I do understand that they are simply implementing the orders made by the Secretary of Labor and the Labor Department in this connection.

It is also charged that the Secretary of Labor, in many of these cases, has waived the consideration of crimes involving moral turpitude as an objection to the admittance of aliens, and that the State Department has thereupon, through its consular officers, issued visas for the admission of such aliens, recognizing the authority of the Department of Labor to make the waivers in question.

Anything that you can tell us that will throw any light upon that question will be appreciated by myself, and I am very sure by the other members of the committee.

Mr. SIMMONS. In the first place, the question of the admission of aliens into the United States is entirely within the jurisdiction of the Department of Labor. Therefore, the first point you raise in regard to the readmission of aliens into this country is one in which the State Department does not have a direct concern.

However, we desire to be helpful as far as we can.

It is a fact that the Department of Labor has entered into a special procedure for facilitating the entry into Canada of certain aliens who are in this country on other than a permanent basis.

Mr. MCMILLAN. With whom has this special procedure been agreed upon?

Mr. SIMMONS. It is an agreement of an informal character—I have never seen it—between our immigration officials and the appropriate Canadian immigration officials. We have no concern whatever in that agreement.

Mr. MCMILLAN. The State Department has no voice, or any authority in connection with any such proposed or contemplated agreement?

Mr. SIMMONS. Not in the slightest.

Mr. TARVER. That agreement, as I understand it, has reference to the temporary entrance into Canada of aliens unlawfully in the United States, with the purpose of securing their lawful readmission into the United States through the issuance of visas by American consuls in Canada.

Mr. SIMMONS. Of course, the Department of Labor makes its own decision as to what aliens it will apply this procedure to.

Mr. TARVER. I understand that.

Mr. SIMMONS. In using the word "unlawfully" I think that you are possibly putting stress on the wrong word.

Mr. BACON. Is not the agreement to this effect, that the alien who goes from the United States to Canada and is temporarily in Canada and is unable to get a permanent visa from a consul can come back to the United States and will not remain in Canada?

Mr. SIMMONS. That is a substantial part of the agreement. Its purpose is chiefly to facilitate the entry into Canada of these aliens. The Canadians have been very strict about letting into Canada anyone whom they know is a prospective immigrant coming to Canada to apply there for an immigration visa.

Mr. TARVER. But the purpose of the admission of the alien into Canada is that he may be able to qualify himself for lawful entry into the United States.

Mr. BACON. If he does not qualify we will take him back.

Mr. SIMMONS. As to the scope of the applicability of the agreement, I do not have any very specific information to give you upon that. That is entirely in the hands of the Department of Labor, and I cannot answer that question authoritatively.

Mr. BACON. Are there any cases under the seventh proviso and the ninth proviso, where applicants have been refused visas by our consuls?

Mr. SIMMONS. Where this procedure has taken place?

Mr. BACON. Yes.

Mr. SIMMONS. I know of none.

Mr. BACON. All those who have gone over have been given visas?

Mr. SIMMONS. You mean those cases in which the seventh and the ninth provisos apply?

Mr. BACON. Yes.

Mr. SIMMONS. I can imagine that there might conceivably have been some such cases, but none have come to my attention.

Mr. BACON. In other words, I was wondering whether this agreement that the Labor Department has with the Canadian immigration officials has been applied in any way so that an alien who has gone over there and cannot qualify has come back.

Mr. MESSERSMITH. That question is very interesting to me, but I do not know whether our records would show that, except in the cases of the refusal of visas. We would not, I believe, have any direct repercussion in the case of a refusal of a visa.

Mr. SIMMONS. We would not have, and aside from that, we have no information about that point.

Mr. BACON. You have not any records of the number of visas refused in Canada?

Mr. MESSERSMITH. Yes; we have those records, because they are kept very carefully in all of the consulates concerned.

Mr. TARVER. I want to ask, Mr. Simmons, if you have been supplied with a copy of that agreement to which you have referred?

Mr. SIMMONS. I have never seen the agreement, and I have no copy of it.

Mr. TARVER. There is no authority in law to have the State Department supplied with such an instrument by the Labor Department, or through the immigration authorities?

Mr. SIMMONS. I am not sure that there is any written agreement.

Mr. TARVER. Is this just a verbal understanding, or a gentleman's agreement between our labor authorities and the Canadian authorities?

Mr. SIMMONS. I suppose it is something of that kind; it is a procedure.

Mr. BACON. Has it ever come to your attention that aliens leaving the United States have carried letters to the Canadian immigration authorities that would readmit them to the United States?

Mr. SIMMONS. Yes, that is a part of the arrangement that the Department of Labor makes in such cases.

Mr. BACON. In other words, the Department of Labor gives these aliens who leave the United States a letter to the Canadian authorities which, in effect, tells the Canadian authorities that they can come back to the United States if our consuls do not give them such visas?

Mr. SIMMONS. That is substantially the nature of that letter.

Mr. RABAUT. Are you certain that they give them the letter, or is this just a surmise on your part?

Mr. SIMMONS. I know that to be a fact, although it is entirely a Department of Labor procedure, and it seems to me that the Department of Labor itself would be in a position to give you a more complete picture.

Mr. TARVER. You indicated some disagreement in my use of the word "unlawfully."

If the alien is not unlawfully in the United States the procedure indicated with reference to his trip to Canada and readmittance to the United States would be unnecessary, would it not?

Mr. SIMMONS. There are quite a number of cases where aliens are here on a temporary visit, and their temporary visa or permission to reside here temporarily is still valid, and if they decide they wish to remain here, then the procedure might naturally apply to cases of that kind.

Mr. BACON. Do they get that letter before going over?

Mr. SIMMONS. The beneficiaries do get that kind of a letter.

Mr. TARVER. They get it from the Commissioner of Immigration in New York?

Mr. SIMMONS. Yes; he may give such a letter as an officer of the Department of Labor.

Mr. TARVER. Has this procedure not been applied particularly, or almost solely to the people in the United States who have been held subject to deportation, with a view to a lawful stay in the United States?

Mr. SIMMONS. I can give you a rather definite picture of the present limitations of this procedure.

The Department of Labor has decided and announced that it will now apply this procedure to two classes of aliens and only two, that is, the beneficiaries of nonquota or preference quota petitions, and to alien women who were formerly American citizens. Referring to the first class, that refers to parents, husbands and wives, and minor children of American citizens only.

Mr. BACON. That announcement of the Department of Labor has been a recent one, since the new Commissioner of Immigration has come in?

Mr. SIMMONS. That is true.

Mr. BACON. But that was not the procedure, and it does not limit it to those cases prior to that announcement.

Mr. RABAUT. That is not so vicious.

Mr. BACON. No; I know there has been a change of policy recently, and has not that change of policy been partially due to the fact

that the Canadian immigration authorities have been protesting a little bit about that so-called gentlemen's agreement?

Mr. SIMMONS. I believe that may have been an element in the picture.

WAIVERS BY DEPARTMENT OF LABOR ON ALIENS INADMISSIBLE UNDER THE MORAL TURPITUDE CLAUSE

Mr. TARVER. With regard to this waiver by the Labor Department of the conviction for crimes involving moral turpitude disqualifying a prospective immigrant for a visa of admission, do you have any records available to show in how many cases the Labor Department has waived that disqualification in cases of applications for visas?

Mr. SIMMONS. We could find that record by a little research, but there are not many cases of that kind.

Mr. BACON. As long as these cases are so few, apparently, can you not let us have the names and addresses?

Mr. TARVER. The names of the immigrants in whose cases, during the last 3 years, that waiver has been made.

Mr. SIMMONS. Are you talking about the seventh proviso procedure?

Mr. TARVER. I am talking about all cases in which the Department of Labor has waived the conviction for crime involving moral turpitude as a disqualification for entrance into the United States.

Mr. SIMMONS. I shall attempt to get that information for you, and I think I can get it.

Mr. TARVER. I would like to have it inserted in the record.

Mr. SIMMONS. I will try to get it.

(The statement above referred to is as follows:)

"Reference is made to the committee's specific request for detailed information concerning the names and addresses of immigrants in whose cases the Department of Labor, under the seventh proviso procedure, has waived the grounds of inadmissibility in regard to aliens proceeding to Canada who are otherwise inadmissible under the moral-turpitude clause of section 3 of the Immigration Act of February 5, 1917.

"The segregation of such cases has presented the same difficulty as indicated in my preceding statement in relation to the general search made in this Department's files for seventh proviso cases acted upon by American consular officers in Canada. The same reservation as to incompleteness of data must consequently be made, although the results obtained are believed to be nearly complete, the cases not traceable being exceptional and relatively few in number.

"The names of all aliens which could be ascertained by research made in this Department's files, where the Department of Labor during the past 4 years has waived the inadmissibility under the seventh proviso and where the alien subsequently proceeded to Canada to obtain an immigration visa, are listed below by name and by calendar year.

Calendar year	Name	Address
1934	Michael Fedorko	93 East 7th St., New York, N. Y.
1935	Pietro Lorusso	409 4th St., Hoboken, N. J.
1935	Oscar S. Johnson (or Johansson).	3276 22d St., Astoria, Long Island.
1936	Archibald Edward McClarty.	Unknown.
1936	Lawrence Arthur McClelland.	Do.
1936	James Theodore Johnson.	350 Myrtle Ave., Buffalo, N. Y.
1936	Fernando Pini	6125 Broadway, New York, N. Y.
1936	Thomas Edward Coogan.	Unknown.
1937 (to Dec. 20, 1937)	John L. Anthony	Do.
Do	Francesco Collo	704 Main St., North Bergen, N. J.
Do	George Arthur Ingoldby	233 West 4th St., New York, N. Y.
Do	Daniel Harry Berliner	457 East 32d St., New York, N. Y.
Do	Carmelo Roman	Unknown.
Do	Karl Eder	Do.
Do	Friedrich Schlirf	Do.
Do	Giovanni Caruso	Do.
Do	Lipman Kufheiser	Do.
Do	Lillian J. Flake	7217 Vincennes Ave., Chicago, Ill.
Do	Joseph Ichtertz	201 West 108th St., New York, N. Y.
Do	Szczepan Adamczyk	Unknown.
Do	Shepsel Kushelewich	Do.
Do	Joseph Michaud	Do.
1937	Samuel Engler	Do.
1937	Russel H. Martin	Do.
1937	Friedrich L. H. Amberger.	60 Gramercy Park North, New York, N. Y.
1937	Anton Glavicich	331 East 16th St., New York, N. Y.
1937	Salvatore Mandala	Unknown.
1937	Camille Neuenschwander.	Do.
1937	Peter Glueck	125 Warner Ave., Jersey City, N. J.
1937	Sergio Di Terlizzi	2323 83d St., Brooklyn, N. Y.
1937	Leonard J. Martel	Unknown.
1937	Herman Salinger	559 Stone Ave., Brooklyn, N. Y.
1937	Joseph H. Kendall	Unknown.
1937	John Kulla	Do.

LABOR DEPARTMENT HEARINGS

PREEXAMINATION OF ALIENS HAVING CRIMINAL RECORDS SENT TO CANADA AND READMITTED TO THE UNITED STATES

Mr. TARVER. If there are no other questions on that subject, I would like to have some information with regard to the preexamination procedures which have been followed with respect to sending an alien to Canada under some sort of agreement with the Canadian Government by which it was agreed that if they were not found eligible for visa under the preexamination procedure, they would be nevertheless readmitted to the United States, and a number of those aliens who have been found for one reason or another subject to deportation, have been sent to Canada and readmitted after that procedure either with visas or without them. Can you give us full information regarding that?

Mr. HOUGHTELING. I will say that the question of preexamination came up to me shortly after I came into office as Commissioner of Immigration, and I have made a rule that we will grant preexamination for entry into Canada to get proper papers to return to the United States only in so-called petition cases, which are cases of aliens having a husband or wife or children or close-blood relatives who are American citizens. Because of such blood relationship to American citizens the law gives to certain specified aliens coming from quota countries as a nonquota status and to others a preferential position under the quotas. There are two classes of these petitions that can be made by American citizens for entry of their blood relatives.

Mr. TARVER. In connection with these regulations, do you also have something as to the previous record of the alien? He might have a wife or three or four children in the United States, but suppose he was a burglar, a thief, or a murdered, do you go into those circumstances?

Mr. HOUGHTELING. No. The only people to whom we give preexamination are people whose only illegality is illegal entry.

Mr. TARVER. The charge has been made, and I desire to repeat at this time my purpose is not to appear as a critic of the Bureau but I am simply asking these questions to secure information, that a number of men who show records as criminals of various sorts, burglary, and in some cases murder or manslaughter, and who were illegally in the United States, have been notified by your Bureau, either before your incumbency or since, to go to Canada, and there followed the preexamination procedure in an effort to secure visa to legally enter this country and have thereafter been admitted. Is it or is it not true that any persons who have been illegally in the United States and who have criminal records, have been sent to Canada for that purpose and have been readmitted to the United States?

Mr. WIXON. I know of no cases where that has been done, where there were criminal aliens involved. There is a statement here on the subject in a letter to Senator REYNOLDS and Congressman STARNES.

PREEXAMINATION OF ALIENS, SUBJECT TO DEPORTATION, THROUGH AGREEMENT WITH CANADIAN AUTHORITIES

Mr. TARVER. I have read the letter to Senator REYNOLDS. It has been furnished to me, but I do not want to accept that letter or its inclusion in the record as an answer to my question. I am particularly interested in the two or three thousand aliens who have been awaiting deportation from the United States for several years and whose deportation has been stayed for one reason and another, who I have been informed have been notified in many instances to go to Canada and follow this procedure in pursuance of an agreement reached between your Bureau and the Canadian Government. Directing your attention particularly to that class of cases, how many of them have been sent to Canada for that purpose?

Mr. HOUGHTELING. How many aliens?

Mr. TARVER. How many of the two or three thousand who have been under consideration for deportation some 2 or 3 years and whose deportation has been stayed, have been sent to Canada to follow this procedure?

Mr. WIXON. Only 1,957 cases that were approved. We would have no record of how many of them actually went to Canada unless they are kept at our ports.

Mr. TARVER. Do you have a list of aliens to whom I refer?

Mr. WIXON. We have a list of cases in which we have approved petitions.

Mr. TARVER. That is not the question. There is a list of aliens that has been furnished to committees of Congress who have been found subject to deportation but whose deportation has been stayed from time to time by the Secretary of Labor. You are familiar with the list?

Mr. WIXON. Yes.

Mr. TARVER. How many on that list have been sent to Canada for the purpose of following this preexamination procedure?

Mr. WIXON. I made inquiry this morning to the Chief of the Division and he said we do not have a list of cases in which preexamination was authorized where warrants of deportation had been issued.

Mr. TARVER. That is not answering my question. You say you are familiar with this question. I am not asking about aliens for whose deportation warrants have been issued, but aliens whose names appear on the list furnished us, aliens subject to deportation, who have been directed to go to Canada and have gone to Canada. How many aliens on that list have followed that procedure?

Mr. WIXON. We would have to go to the port of entry and check the records to ascertain the actual number of petitions granted and those who took advantage of them.

Mr. TARVER. How many have actually followed that procedure?

Mr. WIXON. One thousand nine hundred and fifty-seven.

(NOTE.—Mr. Wixon, in revising his testimony, desires to explain that the figure of 1,957 is in error as it relates to the question. What the figure actually represents is the number of preexaminations authorized from February 1, 1937, to December 1, 1937, as contained in the letter addressed to Senator REYNOLDS and Congressman STARNES.)

Mr. TARVER. From the list.

Mr. WIXON. That is according to the record I have here.

Mr. TARVER. I want to get this clear. How many on that list?

Mr. SHAUGHNESSY. Three thousand nine hundred and eighty-two.

Mr. TARVER. And 1,957 of the 3,982 found subject to deportation have been directed by your Department to go to Canada for the purpose of following this procedure. Is that right?

Mr. SHAUGHNESSY. No one has been directed to Canada.

Mr. TARVER. It has been suggested to them and you have given them letters to the Canadian authorities.

Mr. SHAUGHNESSY. Given permission to go.

Mr. TARVER. It has been stated that they go by direction of your Bureau.

Mr. SHAUGHNESSY. I am not familiar with any such instruction.

Mr. TARVER. You wrote them a letter, each one of them?

Mr. SHAUGHNESSY. We have given them permission to go.

Mr. TARVER. Did you write each one of them a letter suggesting that they go?

Mr. SHAUGHNESSY. The wording of the letter?

Mr. TARVER. I did not ask you the wording of the letter. I asked this question: Did you write each one of them a letter suggesting that they go?

Mr. SHAUGHNESSY. May I speak off the record?

Mr. TARVER. Answer the question.

Mr. SHAUGHNESSY. I am not competent to answer that question direct, because I do not have this particular branch of the work. I think substantially you are correct in that they have been given permission to go to Canada.

Mr. TARVER. Did you write each one of these aliens on this particular list a letter suggesting that they go to Canada?

Mr. SHAUGHNESSY. Quite possibly. For the purposes of the record let us say "yes."

Mr. TARVER. Not for the purpose of the record, but is it true or not? My purpose is to develop the facts. Is it true or not?

Mr. SHAUGHNESSY. I will accept the truth of it.

Mr. MCMILLAN. I think you can answer that question. It is just a matter of record and the facts ought to verify whether or not such a letter has been written.

Mr. SHAUGHNESSY. I will accept that it has been written.

Mr. TARVER. I am not asking you to accept anything. You put me in the position of making a statement and you accepting. Is that true or not?

Mr. SHAUGHNESSY. I do not know; I think you are substantially correct, without doubt.

Mr. MCMILLAN. Who is the officer that is in charge of that matter?

Mr. SHAUGHNESSY. J. H. Wagner. He is ill.

Mr. MCMILLAN. He is the official charged with that duty?

Mr. SHAUGHNESSY. That is right.

Mr. TARVER. Then 1,957 of the 3,982 have availed themselves of the privilege extended to them and have gone to Canada for that purpose?

Mr. SHAUGHNESSY. No; the 1,957 does not relate to that particular group of stayed cases.

Mr. TARVER. How many of these particular 3,982 cases have availed themselves of it?

Mr. SHAUGHNESSY. As of January 23, those 3,982 stayed cases, as far as I know, were awaiting the outcome of legislation and were not going to Canada.

Mr. TARVER. Do you mean that none of them have gone to Canada?

Mr. SHAUGHNESSY. Of this particular group. Hundreds of others, I assume, have.

Mr. TARVER. I am talking of this particular group of 3,982. Do you tell the committee that none of the 3,982 have gone to Canada?

Mr. SHAUGHNESSY. As far as I know, of this particular group of stayed cases, none have gone. They are resting their cases on the outcome of pending legislation in Congress.

Mr. TARVER. Do you mean to say that not a single one availed himself of the suggestion you made or the letter you sent to them?

Mr. SHAUGHNESSY. The suggestion has been made to others, but not to those in the stayed group.

Mr. TARVER. I am asking you about that group.

Mr. SHAUGHNESSY. It is divided into two subjects.

Mr. TARVER. I have been trying to get you to confine your evidence to that particular group. I am not asking you about the others. I want to know about the 3,982.

Mr. SHAUGHNESSY. There are two problems before us: The problem of preexamination and the problem of the stayed cases.

Mr. TARVER. Do you mean that this letter of suggestion about going to Canada for preexamination has not been sent to those 3,982 who are on this list?

Mr. SHAUGHNESSY. That is right.

Mr. TARVER. It has not been sent?

Mr. SHAUGHNESSY. It has not been sent because those people are not going to go to Canada. They rest their case on the chance of the Dies bill passing the Senate and then they will not have to go to Canada.

Mr. TARVER. You know what I have in mind, that a large number of these aliens, subject to deportation and named on the list to which you have made reference, have had it suggested to them that they go to Canada and follow the preexamination procedure and endeavor to enter the United States legally, and that they have done that in accordance with an agreement entered into between your Bureau and the Canadian Government, to the effect that where they found it impossible to qualify for visas they would be nevertheless readmitted to the United States without visas, and if that procedure has or has not been followed, whether or not any of this list of 3,982 have ever followed up that suggestion to them that they follow that procedure, and if any of them have followed it, whether any of them have subsequently been readmitted to the United States under visa or without visa, and the number in each class.

Mr. SHAUGHNESSY. I am not sure I understand which list you are referring to.

Mr. TARVER. The aliens who are the subject matter of the discussion in Congress in the last 2 or 3 years, about 3,000, known to be subject to deportation but deportation is stayed pending the enactment of legislation permitting them to stay in this country, which legislation has not been enacted—that is the list I am talking about, and if there is any difference as to just what we are talking about, I would like to have it clarified.

Mr. SHAUGHNESSY. I will clarify it if given an opportunity.

Mr. TARVER. Go ahead.

Mr. SHAUGHNESSY. Of the 3,982 cases, many would not even be eligible to apply for this preexamination privilege, because they were not within the petition class of cases; in other words, they do not come within the degree of relationship that the law specifies. Of this group of cases, if one, for instance, says, "I would rather get my case closed up and not wait for possible legislation, and I would like to have my citizen wife file a petition for me for a nonquota visa, and the facts are as represented, we would give him the preexamination privilege of going to Canada, because he would be a nonquota alien, being the husband of a citizen, having married before July 1, 1932.

Mr. TARVER. Then you have given some of these aliens on the list the privilege of going to Canada?

Mr. SHAUGHNESSY. I cannot say that we have on that list. We have hundreds of others but not included on the list.

Mr. HOUGHTELING. They go off the list.

Mr. TARVER. You say you follow the practice of sending them to Canada from this list. I want to know whether you have followed that practice, and if so, how many cases.

Mr. SHAUGHNESSY. We are doing it every day.

Mr. TARVER. From this list?

Mr. SHAUGHNESSY. Not exactly from the list.

Mr. TARVER. That is not the question.

Mr. SHAUGHNESSY. That is the answer.

Mr. TARVER. You are answering that you do not know? You do not know whether any of them have gone to Canada or not. Do you know whether or not any on that list of 3,982 have gone to Canada for the purpose of following this preexamination procedure or not?

Mr. SHAUGHNESSY. No, sir; I do not.

Mr. TARVER. Is there anyone in your Department who can give that information?

Mr. SHAUGHNESSY. Not immediately when they go off this list, but when they either report or an investigation is made. The files are always available for your inspection.

Mr. CALDWELL. What do you mean by "this list"?

Mr. SHAUGHNESSY. In 1934 the Department of Labor sought legislation to invoke the discretionary principle in the deportation law in behalf of some classes of aliens, that related to staying deportation where the deportation of the alien would separate the deportable alien from an American wife and American-born children. That has been going on since 1933–34, and at the present time the list has reached 3,982, but it is an ever-changing list.

Mr. CALDWELL. How do they get off it?

Mr. SHAUGHNESSY. In various ways. Last year it was 2,682. Of that 2,682, 34 have died, 111 were deported, and 502 departed voluntarily, and of the 502 it may be that some of them were preexamination cases.

Mr. TARVER. Can you have that list checked and tell us whether or not any were, and if so, how many of them?

Mr. SHAUGHNESSY. If we can identify the case, we can certainly tell you whether they were on the previous stayed list.

Mr. TARVER. You have taken off 502 from the list?

Mr. SHAUGHNESSY. That is correct.

Mr. TARVER. Can you check those 502 to determine how they got off the list and whether they were sent to Canada to follow that procedure?

Mr. SHAUGHNESSY. It is quite possible.

Mr. TARVER. If possible, do it.

(NOTE.—The 502 cases have now been checked and the Immigration and Naturalization Service reports that of the 502 aliens who departed voluntarily, 440 were readmitted lawfully. Of the 440, 257 were granted preexamination prior to departure for Canada and the balance of 183 left without preexamination and returned lawfully. The balance of 62 have not returned to the United States.)

Mr. MCMILLAN. This new policy you have initiated since you assumed office in connection with this problem, give us the date that

policy was promulgated, since Mr. Houghteling assumed office. I understand you to say that you issued an order.

Mr. HOUGHTELING. Yes.

Mr. MCMILLAN. I want the date of that order.

Mr. HOUGHTELING. November 5, 1937.

Mr. MCMILLAN. Tell us briefly the effect of that order.

Mr. HOUGHTELING. The effect of that order is that the preexamination shall only be granted to petition cases; that is, the cases of aliens who are nonquota on account of being wives of American citizens or husbands to American-citizen wives married prior to July 1, 1932.

Mr. TARVER. A preference after that date?

Mr. HOUGHTELING. An alien husband married to a citizen wife prior to July 1, 1932, is nonquota; but if married since that date he has a preference status in the quota, but still comes within our class of so-called petition cases. We have two other classes of petition cases—minor children of American citizens (who are nonquota) and parents of citizens (who are preferential). In such cases (provided the alien's only illegality is illegal entry) we allow the aliens after preexaminations to depart voluntarily to Canada in order to secure an immigration visa, and in such cases only; that is, members of families of American citizens who have only illegal entry against them. The deportation of such aliens, taking them away from their families, breaking up families, seems to us to be unsound economically, provided we can get them legal entry through Canada.

Mr. MCMILLAN. Can you tell us what prompted the necessity for this order being issued?

Mr. HOUGHTELING. Just a new Commissioner coming in who wanted to get the thing in more definite shape.

Mr. MCMILLAN. What do you mean by definite shape? Was there something indefinite prior to that time, in your judgment?

Mr. HOUGHTELING. The practice was not as definitely formulated as I formulated it in my memorandum.

Mr. MCMILLAN. In other words, as the problem occurred to you, it was not in the shape you would like to have had it. Is that what you mean?

Mr. HOUGHTELING. Yes.

Mr. MCMILLAN. As a result of this conviction on your part, this order was issued?

Mr. CALDWELL. This right of petition granted by an Executive order is in fact an evasion of the laws of this country, is it not?

Mr. HOUGHTELING. I am not in possession of a permit to practice law, and when you ask me about the law I would rather have one of my legal experts answer.

Mr. SHAUGHNESSY. It is a procedure which was adopted by the Department and considered as an emergency.

Mr. CALDWELL. I am not suggesting that there is any impropriety, but, as a matter of fact, I would like to know whether or not the extending of the right of petition is an effort to evade the letter of the immigration law which prevails in this country at this time.

Mr. SHAUGHNESSY. It depends on a person's point of view.

Mr. CALDWELL. Are these aliens in question entitled to enter this country legally under the laws?

Mr. SHAUGHNESSY. These aliens are illegally here, but where we find deportation of a man would make a potential public charge out of his citizen wife and four or five citizen children, then we recognize an emergency exists. It may be stated this way: Of the 3,982 stayed cases we have now in the United States, 4,050 children would be separated from their deported relatives, and 1,712 are citizen wives involved, and then there are 1,841——

Mr. CALDWELL. Are you discussing the social problem or the legal problem?

Mr. SHAUGHNESSY. Social and economic problems in relation to the legal problem.

Mr. CALDWELL. As a legal problem, they are not eligible to citizenship in this country.

Mr. SHAUGHNESSY. No, because of illegal or irregular entry.

Mr. CALDWELL. But sending them to Canada under petition, writing a letter, makes them eligible.

Mr. SHAUGHNESSY. That is correct, in the event that they are legally readmitted.

Mr. CALDWELL. Then, in fact, it is a violation of the letter of the law.

Mr. SHAUGHNESSY. It is not a violation of the letter of the law unless in the remote event that an alien might not qualify for visa when we readmit him temporarily, in the same status, a deportable status at that time, until deported from the country, but to my knowledge there has been one such case out of hundreds of cases. It is not even a violation of the letter of the law. We tell him, "Your time is up; you must leave." His wife petitions, which he is entitled to under the law. We do not care where he goes to, but he must go to a foreign country, because consuls in foreign countries issue visas. He goes to Canada. We assist them to Canada. There is not even a violation of the spirit of the law.

Mr. MCMILLAN. Is there any further statement you desire to make clearing up any question that has been asked you?

Mr. SHAUGHNESSY. I think not, except, perhaps, by way of justification of our acts to know that the House of Representatives has passed the Dies bill, which carries out the same purpose we have been working on.

Mr. TARVER. If the Dies bill is necessary and if it is necessary to change the law, is your department justified in your opinion in acting on a bill which has passed the House, which has not passed the Senate, and has not been enacted into law, or should it observe the statute which has been regularly enacted?

Mr. SHAUGHNESSY. It is not justified in taking final action on any of these cases contrary to existing law.

Mr. TARVER. Do you feel you are justified in taking a bill passed by the House of Representatives, not passed by the Senate and not signed by the President, as your authority for following a procedure which is, at least, in contravention of existing law?

Mr. SHAUGHNESSY. The answer is "yes."

Mr. TARVER. That is a remarkable answer, and I do not know how you have reached your position.

Mr. HOUGHTELING. I would like to raise the point that we are not changing the status of any deportable alien by deferring action during the consideration by Congress of remedial legislation. The question of the propriety of such delay does frequently come up, because there are a number of private bills introduced from time to time to relieve individual aliens from deportation. The question came to me the other day in connection with such a bill whether an alien should be deported after a bill had been printed and filed with the Immigration Committee of the House of Representatives—whether to deport him. I consulted the Immigration Committee. I thought he ought to be deported. If it had not been for the introduction of this private bill to relieve this alien, he would have been on his way to Italy or even back in Italy now. I raised that point with the Committee on Immigration, and they asked me—although I described it to them as a narcotic case where a Federal pardon had been refused, a case where the alien certainly ought to be deported—I asked them not to ask me to stay deportation, and not a man on the committee would raise his voice to back me up. Should I have to deport that alien in the presence of a private bill to relieve him? Maybe I was wrong to stay deportation.

AGREEMENT WITH CANADIAN AUTHORITIES TO PERMIT PREEXAMINATION OF ALIENS

Mr. TARVER. You have an agreement with the Canadian Government on this subject?

Mr. HOUGHTELING. The Canadian Government has at one time or another questioned this process of sending our aliens to Canada to be readmitted, and we have discussed it with them.

Mr. TARVER. You have an understanding, have you not?

Mr. HOUGHTELING. We have told them our problem.

Mr. TARVER. They have agreed for you to send these aliens there with the understanding if they did not obtain visas they would be readmitted anyway to the United States?

Mr. HOUGHTELING. They are admitted as visitors to Canada.

Mr. WIXON. We have an understanding with them that if they are admitted to Canada we will accept them back.

Mr. TARVER. Is that understanding in writing?

Mr. WIXON. A letter is given to the Canadian officer at the port of entry to Canada to that effect.

Mr. DICKSTEIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if only the committee would sit down and read some immigration law and then try to legislate, we might know what they were doing. Criminals are being taken care of.

I respectfully submit, Mr. Chairman, that section 7 (c) of the present immigration law, which I think my friend did not look at, provides that an immigrant shall furnish to the consular officer two copies of his prison record, of his military record, and of his birth certificate; in other words, an alien cannot enter the country under the section of the present law I have just quoted unless he is of good character and unless he is in a position to establish that he is an honest-to-goodness person who may be of some value to this country.

The consul cannot issue a visa to any alien who has not got these qualifications. So no criminals are coming in here; and, as a matter of fact, no immigration is coming in here to speak of. In 1922 or 1923 the number of immigrants entering this country totaled 1,400,000; today it is almost insignificant, about 9,000 or 11,000, and this number includes wives and children of American citizens.

I am not at all quarreling with my colleague the gentleman from Georgia [Mr. TARVER]; I have the highest regard for him—that is, his way of thinking—but he is trying to tell the Congress this: For the sake of illustration let us suppose your brother came from England and entered this country with permisison to stay here 6 months. Under the present law he must leave the country within 6 months. He can go to contiguous territory, which would be Canada or Cuba, within that period of time. He wants, however, to make this his permanent home.

If the Department of Labor will give him a letter to the Canadian authorities, Canada will let him enter her country for the purpose of making a lawful and legal application for a lawful visa to come within the quota and reenter this coun-

try. Let us suppose that the consul refuses to give the man a visa. Then, as the gentleman from Georgia says, he comes back to the United States, but for how long? He can stay here only for the duration of the original 6-month permit he receives; in other words, he must go out of this country within 6 months. So no immigation visa is necessary at all to permit his reentry under such circumstances; and he cannot come in here and stay here unlawfully. Every alien must have a visa.

My friend complains that criminals have gone out and reentered. The gentleman cannot cite a single instance of that kind to me, for if such a person had a letter, the State Department would stop him under section 7 (c) because he would have to have all of these qualifications and supporting papers.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. Gladly.

Mr. TARVER. Will the gentleman turn to page 47 of the State Department hearings and read the list of the names of the 24 people whom the State Department say followed this procedure but who had been convicted of crimes involving moral turpitude?

Mr. DICKSTEIN. I know something about those cases. What the gentleman may call moral turpitude I would not call moral turpitude. I do not think the whole Congress could agree on what moral turpitude is, and I defy you to tell me and interpret the language or the words "moral turpitude." If you will tell me what moral turpitude means, I will tell you what I think it means.

[Here the gavel fell.]

Mr. MASON. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, we face a situation now by which the paragraph at the top of page 105 has been stricken from the bill on a point of order made by the gentleman from New York. In place of that paragraph we have an amendment offered which does identically the same thing as the paragraph did, only it avoids applying the restriction to all money and applies it only to the money appropriated in this particular bill. That voids the point of order, but it does exactly the same thing in that it changes a deportation policy that the Department of Labor has carried on for over 20 years. This prohibits that Department from carrying on this policy in particular cases.

What are the cases in which this policy is carried on? We have an alien in this country, and he may have been here 6 months, 6 years, or 10 years. He came in here on a 6 months' visiting permit and overstayed his time, or he came in on a false visa. Those are the two kinds of cases. But he has been here. Now the Department of Labor has caught up with him. They find that this man has married and has children. They find it necessary to send him back to his own country in order to enter legally so that he may become a permanent resident. But, in order to avoid this hardship, the Department of Labor, whether it is legal or not, has carried out the policy of saying to that man: "In view of the fact it would be a hardship on you and your family to send you back there to enter legally, we are now willing to advise you to go to Canada or to Cuba or some place contiguous to this country, there get a proper visa, and reenter legally." That is all this policy means.

The question is raised in reference to criminals and people who have been accused or convicted of moral turpitude. Well, in most of the cases the moral turpitude was committed when they swore falsely in order to get a visa to come here. That is the moral turpitude in 90 percent of the cases. In other words, they told a lie in order to attain the possibility of coming to this country. I admit that perhaps most of us during our lifetime have told a lie, shall we say for a good purpose? That is all there is to it.

The question is, Does the Congress want to adopt this limitation and change the policy that the Department of Labor has carried on for 20 years in order to get around these hardship cases? It does not involve criminals. If it does involve criminals, then the Department of Labor should be censured. That is the situation.

Mr. LEWIS of Colorado. Will the gentleman yield?

Mr. MASON. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. Does the gentleman believe that perjury is just something to be passed over?

Mr. MASON. No; I do not.

Mr. LEWIS of Colorado. It is perjury when they swore falsely on their application for a visa?

Mr. MASON. It was. I agree with that statement. But there are circumstances that have occurred since the perjury was committed which make it a hardship case and which would tend to divide families and separate a father from his children, and so forth.

[Here the gavel fell.]

Mr. HEALEY. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HEALEY. Will the gentleman yield?

Mr. MASON. I yield to the gentleman from Massachusetts.

Mr. HEALEY. There have been a great many cases where the alien himself did not commit the perjury. Some consular official of the United States was responsible for their obtaining visas because of false information that he gave these aliens.

Mr. MASON. In many cases that is true, as the testimony shows.

Mr. HEALEY. And because the visa was obtained on false information, the alien is held to have committed a crime involving moral turpitude.

Mr. MASON. In most instances the alien signed his name to a blank paper and the consul filled it out for him.

Mr. CELLER. Will the gentleman yield?

Mr. MASON. I yield to the gentleman from New York.

Mr. CELLER. Would it not be worse if we had not allowed this practice that the Labor Department has been carrying on for years? For example, suppose a man came in here and committed a technical violation. He is married and has a family of three, four, or five children. We send that man out and do not give him an opportunity to receive some advice and counsel from responsible authorities. We just send him out. Lord knows when he can come back. This provision we have followed for years.

Mr. MASON. And it has worked satisfactorily.

Mr. CELLER. It has also worked satisfactorily. Only a few days elapses and he is back with his family after going to Canada. Otherwise he may be deported and Lord knows where he will go. Now, what is going to happen to the children? They go on the relief rolls and the wife goes on the relief rolls.

Mr. MASON. The policy we have been carrying on for 20 years is the only practical policy to follow.

[Here the gavel fell.]

Mr. RABAUT. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I rise here as a member of the Subcommittee on Appropriations having this particular legislation in hand to say that I am very much opposed to this provision in the pending bill. I think the entire provision is drawn around the exception to the general rule. I believe that many innocent people will suffer under its provisions, rather than those of whom we speak. I am in favor of the law generally, but I hope always to be so constituted as to have a warm heart rather than a great devotion to the strictest letter of the law.

For instance, take a family consisting of a husband who is an alien, a wife, and several children. Under this law, and under the custom of the Department of Labor for many years, such an alien has been permitted to leave the country voluntarily and come back with the proper visa under a previous arrangement with the Department. What will happen if this provision is stricken from the law? Those people will be placed in the hands of a lot of racketeers in

obtaining the information desired. A bootleg situation will be created, whereas today the honorable custom of the alien appearing and taking counsel from the Department who has a fault to find with him will be thrown into the discard should this legislation be written upon the statute books.

Today the officials of the Department take cognizance of the moral character, the industry, and the family life of the alien, and because of the action of the Department in many cases an alien has voluntarily departed and has returned after a short absence to his American wife and his American-born children.

Let us have a little humanity about us. Let us think about the proposition. It all depends on whose ox is being gored. If one of your own children were in such a situation you would not favor this proposition. We cite the case of some individual who happens to be an alien and breaks our laws. I sometimes wonder how many descendants of the Indians hold seats in this House. We hear the alien question, but we are unmindful of those from whom we came. [Applause.]

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. RABAUT. I yield to the gentleman from New York.

Mr. CELLER. The gentleman probably knows his history and knows that 50,000 inmates of almshouses and prisons were emptied into the Colonies between 1700 and 1800.

Mr. RABAUT. Yes, they were. Years ago some of the captains of American ships complained to the Council of Jamaica of a law which compelled them, under penalty of fine, to carry away one pauper for each 100 tons of cargo. Look at the picture of the world today, and then realize we have done pretty well with our alien stock. I am no champion of one who is a downright offender against the law, but let me tell you the case of a young lawyer in my district.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RABAUT. The father of this young lawyer was a doctor and later held public office. The father died when the son was 7 years old. The old judge of the probate court said he knew this young man's father, and that to be a public official a man had to be a citizen. When this young man was in law school the question came up to him, as boys will tease one another, "How would you prove your citizenship?" He had been to Canada several times and he said he was born in the United States. He was not born in the United States. His father was a doctor on a staff of a hospital across the river from Detroit in Canada. At the time of his birth his mother, although their residence was in Detroit, went over and was confined in that hospital, where his father was an interne. The young man's case came up because of the fact that he became a lawyer. When he was admitted to the bar he said, as he truthfully believed, he was a citizen, but also as a result of his conversation with his companions and knowing because of the poor records kept in early times and to avoid any question that might ever arise, he made application for citizenship.

Eventually he was confronted with his dual action and in the course of the examination the question was asked of him, "Have you ever been in Canada?" He is as clean-cut a boy as I have ever known. He said, "Yes; I have." They asked, "How did you get back?" He said, "I told them I was born in Detroit." This young lawyer was disbarred. He is waiting today for a certain time to expire to ask for his citizenship papers. His father held public office. The probate judge said his father was a citizen, that he could not hold public office without being a citizen. The old judge, in the twilight of life, far from Detroit, made an affidavit—but they disbarred him for telling the fact he told a lie.

This is the great crime they talk about here, moral turpitude, but how magnified when connected with an alien.

One time Christ wrote in the sands, when a woman was taken in adultery and those who accused her were ready to stone her to death as was the letter of the law. One by one her accusers fell away, as the Master wrote their crimes on the sand in one word. Then, lifting His eyes and turning to the woman, He said, "There is no one here to accuse thee. Neither do I accuse thee. Go and sin no more." I pray not to be he who casts the first stone. [Applause.]

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the unfortunate thing about this amendment, as I see it, is how unnecessary it is. This amendment has brought into operation an emotional state of mind, when it is completely unnecessary. I was sorry to see the subcommittee report the provision that was stricken from the bill and to see the gentleman from Georgia offer in substitution for it the amendment the Chair has held in order.

Just to show how ridiculous this amendment is, may I say there is not a Member of this body who, if this amendment is adopted, if he asked official information of the Department of Labor, could receive such information from the Department relating to an alien who comes within the purview of the amendment.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Georgia.

Mr. TARVER. The gentleman is entirely in error. There is not a word in the amendment which would prohibit the expenditure of the funds of this appropriation for any purpose other than advising aliens who are unlawfully in this country as to the procedure necessary in order for them to go to Canada and endeavor to obtain readmission. There is nothing in the language of the amendment that would prohibit the giving of advice to anybody for any other purpose.

Mr. McCORMACK. The amendment states:

> No part of any appropriation contained in this act for the Immigration and Naturalization Service shall be expended for any expense incident to any procedure by suggestion or otherwise, for the admission to any foreign country of any alien unlawfully in the United States for the purpose of endeavoring to secure a visa for readmission to the United States, or for the salary of any employee charged with any duty in connection with the readmission to the United States of any such alien without visa.

There is nothing in that amendment which states it is limited to giving information to an alien. This is a prohibition against the employees of the Service giving any information to anyone. If an alien, a close personal friend, or a constituent should write me or any Member of the House asking for information about an alien who is in trouble with the Department and whose case is pending before the Department, involving this particular question, I respectfully submit that under the language of the amendment no employee of the Department would dare give the information to you or me, as Members of Congress.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield briefly.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended 2 minutes so that I may make this statement in the form of a question.

The CHAIRMAN. The time of the gentleman from Massachusetts has not expired.

Mr. CELLER. Let me call the gentleman's attention to this fact: The Government by the process which it has been using for many years has saved $601,120 every year by allowing those who are deportable to voluntarily leave the country, as is involved in this practice, and there is saved to the Government $65 for each alien—next year it will be $75—and I am told by the authorities that we can save over $600,000.

Mr. McCORMACK. The gentleman is absolutely correct, and that is another argument that is worthy of consideration. However, showing the absurdity of this amendment, I want to emphasize the fact that the pending amendment, while directed against the employees, is also a prohibition against ourselves. It is a prohibition against any Member of Congress seeking information. This shows the unreasonableness of the amendment and shows its undesirability.

There are other arguments against it that I will not enter into at this time, but I think upon this ground alone, although there are other grounds that are worthy of consideration, the amendment should be defeated.

Mr. HOLMES. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman.

Mr. HOLMES. My colleague, I am sure, realizes Canada has just as strict immigration laws as the United States, and in the case of an alien who is here unlawfully and is married to an American woman, he must go out of the country and if he wanted to stop in Canada, he would have to apply to the Labor Department and get a certain form to fill out, but under this provision they could not even give him this application.

Mr. McCORMACK. Exactly.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. I call to the attention of the gentleman from Georgia and any others who are inclined to favor this amendment the fact that within recent months the Canadian Government by an order has restricted the aliens who can leave the United States and go into Canada for reentry purposes. This is restricted now to a child, a husband, a wife, a mother, or father. I had a case within the last 2 weeks where the sister of an alien is facing deportation, and the Canadian Government would not permit this sister to go to Canada for the purpose of applying for a reentry permit.

So, in addition to this being undesirable, it also is an unreasonable limitation upon our own rights. [Applause.]

[Here the gavel fell.]

Mr. STARNES. Mr. Chairman, I move to strike out the last four words, and I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. STARNES. Mr. Chairman, I think entirely too much feeling is being indulged in upon this particular question. Of course, it involves a humane question or a human equation, naturally, but it also involves another question, and that is the question of law observance.

I feel for many of the gentleman who have just preceded me. They are splendid, able gentlemen. I appreciate the fact that within their districts live a large group of foreign-stock population. Naturally, this motivates their feelings to a large extent, just like farm legislation or legislation of that type would appeal to me most keenly.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. STARNES. Mr. Chairman, I refuse to yield until I have completed my statement. Then I shall be pleased to yield.

What is the situation with which we are confronted? Here is what the committee discovered. They discovered there were thousands of aliens unlawfully within this country. Some of them were guilty of crimes involving moral turpitude. I will enumerate some of these crimes. Some of them were adultery, some coming here for the purpose of engaging in illicit intercourse, some of them involving murder, some involving perjury, some involving bribery and fraud. There are some of these cases in which a genuine hardship would be involved. There are some cases in which there is involved separation of families, but there are many cases in which a family separation is not involved. Permit me to call these facts to your attention while you are considering this question.

Three thousand nine hundred and eighty-two of these cases have been stayed over a period varying from a few months to 5 years by the present Secretary of Labor. Two thousand six hundred and eighty-two were presented to you 2 years ago when I was a member of the Committee on Immigration, in which the then Commissioner of Immigration and Naturalization solemnly affirmed all were "lily white" cases or pure cases with no crimes involved. I had occasion to examine personally the records in some of these cases and found that such was not the case, and I called it to the attention of the Congress. Certain Members of the Senate did likewise, and listen to this testimony if you say there were no crimes involving moral turpitude in these cases. Mr. Shaughnessy, the Deputy Commissioner of Immigration, in testifying before the subcommittee handling this bill, at page 254 of the hearings, Labor Department appropriations, said that of the 2,682 cases, 34 have died, 111 were deported, 502 departed voluntarily, and of the 502 departing voluntarily 440 were readmitted lawfully, and of the 440, 257 were granted free examination prior to departure to Canada. This was done although the Congress was told more than 2 years ago that they were all "lily white" cases, stainless as the driven snow. But a further review of the cases caused Mme. Perkins and her Commissioner of Immigration and Naturalization to deport 111 of them.

What has happened? The Congress has refused to grant amnesty to these cases en bloc, although all of us recognize there are some genuine hardship cases. We should not vest absolute discretion in an administrative officer who has abused that discretion to the extent I have shown you. To my astonishment these hearings at page 274 disclose the then Commissioner of Immigration and Naturalization admits he interceded with the Department of Labor to permit Emma Goldman, wild-eyed anarchist Tom Mann, British Communist; and Willie Muesenberg, German Communist, to enter this country, although under the law they could not be granted a permanent visa. The Commissioner, Mr. McCormick, frankly admitted he interceded for these parties, knowing he was treading upon dangerous ground. The committee is interested in observance of the law. It insists that administrative officials do likewise. It condemns the use of the taxpayers' money to contravene existing law.

If we permit illegal entry of aliens; if an administrative officer connives with an alien illegally in this country to evade the clear intent of the law, we discourage good law-abiding aliens who come here legally. They naturally wonder why they should observe the law, pay fees, and so forth, and see the nonobserver forgiven.

After listening to some of my colleagues today, I find that some of them do not think that perjury is a crime involving moral turpitude. I find, according to some of them, the fault is not with the alien lawbreaker at all, but the fault is with our own American system, our inhuman, cruel laws. That is a ridiculous attitude to assume. Let us discuss this matter fairly and frankly. As men who make laws we ought to teach others to observe them. Each of you has recited some instance of your own. Less than a month ago I received a letter from a young man in my State, a splendid young fellow, a graduate of one of the leading colleges in my State, a church college. He wants to become an American citizen, but he finds that through some technicality he is barred.

I took the matter up with Mr. Houghteling, the new Commissioner of Immigration and Naturalization, and I found that this young man entered this country as a deserting seaman and, therefore, he entered the country unlawfully. Before he can become a citizen it will be necessary for him to leave the country and reenter lawfully. I wrote him I regretted the situation and advised him to obey both the spirit and the letter of the law, go out of this country and come in lawfully and become a citizen.

Mr. FITZPATRICK and Mr. SIROVICH rose.

Mr. STARNES. I cannot yield now. I sent a copy of the letter to the Commissioner of Immigration and had a very nice letter in return, commending my stand. The gentleman from Massachusetts [Mr. McCORMACK] raised an important question a moment ago. He said that at the present time this preexamination privilege was being granted to only nonquota and preference cases. That is only since Mr.

Houghteling has become our Commissioner. Mr. Houghteling was dissatisfied with the manner in which the proceedings had been conducted before he took over the office. He issued orders on November 5, 1937, that hereafter only nonquota and preference cases would be given such latitude. I commend Mr. Houghteling for his attitude. He impresses me as a man who desires to live and act within the law and not in contravention thereof. Previous to Mr. Houghteling's order referred to, undoubtedly alien criminals were granted amnesty with the connivance of the Department of Labor. I say that that is a condition that should not exist. Men and women who are charged by their oath of office with the administration of the law should administer the law fairly, impartially, and humanely. If there is anything wrong with the law, Congress should repeal it, but no administrative officer has the right to repeal the law by administrative nullification, and I resent that attitude of the Department of Labor in so doing.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. STARNES. I yield to my genial friend from New York.

Mr. FITZPATRICK. Assuming the young man the gentleman referred to is married to an American citizen and has two children born in this country, would the gentleman want to send him out of the country?

Mr. STARNES. I would want him to observe the law if he had 50 children.

Mr. FITZPATRICK. Would the gentleman want to send him out of the country?

Mr. STARNES. Yes.

Mr. FITZPATRICK. And let the family suffer?

Mr. STARNES. Oh, we do not allow them to suffer in my section of the country.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. STARNES. Yes.

Mr. MASON. If this amendment is adopted, the gentleman would not have gotten the information from the Labor Department; he could not have had that information to advise the young man to obey the law, to go over to Cuba and return, and that is the reason we do not want this amendment adopted.

Mr. STARNES. The gentleman is incorrect in that statement. I have a right and the gentleman has a right to ask for the status of any case. I never asked the Department to advise me how he could evade the law or condone the violation of the law.

Mr. MASON. The Department could not even have given the gentleman that advice on that young man if this is adopted.

Mr. STARNES. They did not give me advice. They told me that he was in here illegally, and therefore he could not become a citizen.

Mr. SADOWSKI. Mr. Chairman, will the gentleman yield?

Mr. STARNES. Yes.

Mr. SADOWSKI. When we passed the Dies law this Congress recognized that we did have such things as hardship cases. We recognized that fact, and that we wanted to help American-born children, children born of alien parentage. We recognized that fact in the passage of that bill. Does not this amendment try to come in by the back door and undo the work that this Congress did?

Mr. STARNES. No; absolutely not. The basic immigration laws are already on the statute books. The Department of Labor is advising criminals and lawbreakers how to come in at the back door when they cannot come in at the front door, and that is what I resent.

(Several gentlemen rose.)

Mr. STARNES. I cannot yield any more.

Answering the question asked me a moment ago by the gentleman from New York about taking care of the women and children, we have spent more than $1,000,000,000 during the past 5 years. We have spent from $1,000,000,000 to $1,500,000,000 to take care not only of the women and children of aliens in this country but to take care of adult aliens.

Those of us who are supporting the amendment of the gentleman from Georgia [Mr. TARVER] are not hard-hearted nor inhuman. We merely want the alien as well as our own citizens to observe the law. I resent more than I can say this attempt on the part of the Department of Labor to usurp the treaty-making powers of the Department of State in an effort to contravene established law and inculcate a spirit of defiance against the laws of this country.

[Here the gavel fell.]

Mr. McMILLAN. Mr. Chairman, before proceeding further with the debate I wish to ascertain if we can place some limitation on it.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 45 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this amendment and all amendments thereto close in 45 minutes. Is there objection?

There was no objection.

Mr. MAVERICK. Mr. Chairman, I ask recognition in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. MAVERICK] is recognized for 5 minutes.

THE WORLD IS CURSED WITH ALIEN SCARES—HITLER

Mr. MAVERICK. Mr. Chairman, the matter which comes before us would seem, offhand, as not being very important, but I say to every Member of this House that this is an extremely important matter, because all over this world today there is an alien scare; everywhere you go there is an alien scare; there are wars and rumors of war.

How did Hitler seize power? By persecuting in a miserable way less than 1 percent of the population of Germany. That is what we are doing now.

PICAYUNISH PERSECUTION—IT IS LITTLE, MEAN, WRONG

We get up here and talk about picayunish things: 3,928 aliens, 111 deported; fever heat about 4,000 poor fellows hounded around and yelled at in this Chamber—an infinitesimal number as against 130,000,000 American people. What we are doing is persecuting people.

This is mean; it is little; it is wrong; it is not the kind of dignified thing for a group of men like the United States Congress to do.

The aliens. Oh, how bad the aliens are.

IN FRONT OF WHITE HOUSE—LAFAYETTE, VON STEUBEN, KOSCIUSKO, ROCHAMBEAU

But when we started our Revolution who came here with his money, his blood, and his courage? Lafayette, and we are proud of him. [Applause.] Over here is his picture. Take down the picture of Lafayette; kick it out the door, for he is dead and his honor is immortal, but do not do a mean and miserable thing like this.

Go down to the White House. Who designed the White House? The son of an Irish immigrant, a boy almost. Whose statues are in front of the White House in Lafayette Park, called Jackson Square by some? Rochambeau, Baron von Steuben, Kosciusko, and Lafayette. What did they do? Baron von Steuben disciplined the American troops. All of these men did great service to this country. Who drew the plans of Washington? Major L'Enfant, a Frenchman.

Oh, we get so sanctimonious, we get so smug, we are such a grand bunch of people to be talking about moral turpitude. My God! It makes me sick at the stomach to hear people talk like that. [Applause.]

PERSECUTE, HAVE SCARES INSTEAD OF DUTY AT HOME

When countries have great economic disturbances they always have a witch hunt or an alien hunt. In Rome when the emperors were not doing so good and the senators were not doing their duty at home and keeping up a decent economic structure they would have an alien scare and go starting their wars. They would accuse somebody of being a

Greek, a foreigner, and then either put him out or persecute him.

AMERICA MUST BE KEPT BULWARK OF DEMOCRACY

Let me tell you that if we want to do our duty we will not pass any little mean thing like this. Americanism consists in fairness. This country today is the bulwark of democracy of the world. We have got the greatest Government that there is, we have got a democratic Government, but when we begin to persecute people we are not Americans any more.

What we must do is vote down this little, cruel, bitter thing and get on to some important matters for the benefit of our great country. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back 1 minute.

Mr. O'MALLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as the gentleman who preceded me said, whenever a country has an economic problem its legislators are unable to solve, they look for a whipping boy. Today the scapegoat is a minority of voiceless persons who desire to become citizens of this country, as our ancestors did. If there had not been some immigrants admitted from time to time to this great Nation of ours, none of us would be here today to speak or act on the law. I do not like the implication made by the gentleman from Alabama that those who oppose this amendment come from districts in which the original stock is or was largely foreign. May I say that I represent that kind of a district, and it happens to be the most law-abiding district and city in the United States. [Applause.]

I could reply by intimating that certain portions of this country would not have been populated at all if the moral turpitude interpretation we are now giving the law had been invoked when these States were settled, because anybody who had served in prison, under our present interpretation of moral turpitude, could not have gotten in here. There are a lot of sections of this country populated from the stock of the prisons of London and other European cities. These progenitors of the people of these sections would be barred from admission if we all adopted the sanctimonious view of those favoring this kind of heartless law.

It has been said that this amendment does not hamper a Member of Congress in helping a person who comes from a foreign country and who will make a good citizen, a man who may have come in here and made some mistake in connection with his entry application or misunderstood the law. I have had one instance in my city where a person of excellent character came into this country but was given wrong information by an American consul in Europe. If the Department of Labor did not have the discretion of advising that man to go to Canada and make proper arrangements with him to go to Canada and be readmitted, the man would have had to spend five or six hundred dollars steamship fares to go back to Europe and reapply for admission again. It is a ridiculous proposition, unless you want to help the steamship companies enrich themselves from the pockets of decent immigrants who have the same burning desire for the benefits of democracy as our own ancestors.

Mr. Chairman, if we do not want to give the Department of Labor discretion, then it is the duty of the Congress to write a law that it shall have no discretion; but when that Department is given discretion in the law it may be expected that somewhere somebody may abuse the discretion. If 34 criminals have been sent to countries nearby in order to get visas to come back in here, then the man in the Department of Labor who gave those instructions should be fired. We should not try to cure the carbuncle by cutting off the patient's head. Discretionary power is absolutely essential if decent treatment is to be given the honest and good immigrants. If it is abused the gentlemen who know of its abuse ought to impeach the Secretary of Labor and have her removed for misfeasance, or else these gentlemen should demand the removal of the Labor Department employees who have aided criminals, and put their demands in the RECORD.

Mr. HEALEY. Will the gentleman yield?

Mr. O'MALLEY. I yield to the gentleman from Massachusetts.

Mr. HEALEY. Does the gentleman think the way to accomplish what the proponents of this amendment are trying to accomplish is via the route of an appropriation bill?

Mr. O'MALLEY. No; I do not think so.

Mr. HEALEY. Does not the gentleman think this is an underhanded way to try to accomplish it?

Mr. O'MALLEY. I think it is the wrong way to come in here and try to hamper [illegible] bers of Congress, individually and collectively, in helping worthy immigrants who want to come here, and will make good citizens when they do. If they want to stop all immigration for a time, that is a different matter, and is one I might consider favorably until conditions are improved here in America.

Mr. CELLER. Will the gentleman yield?

Mr. O'MALLEY. I yield to the gentleman from New York.

Mr. CELLER. The gentleman from Alabama said a while ago he trusted the discretion of the Commissioner of Immigration and his able assistant. Why should we not continue to trust that discretion?

Mr. O'MALLEY. Maybe there are some persons that the gentleman will trust their discretion like I will and others he will not. The fact he does not trust certain ones should not make him try to deny discretion to others who are ably carrying out the intent of Congress and the law.

Mr. SIROVICH. Will the gentleman yield?

Mr. O'MALLEY. I yield to the gentleman from New York.

Mr. SIROVICH. I think one of the finest humanitarians in the Department—and all of the Members of Congress will agree with me—is the able Mr. Shaughnessy, who has rendered such conspicuous and able service.

Mr. O'MALLEY. I do not know anything about him. I have not appealed to the Department to violate any law in behalf of anyone and never expect to. However, I do make the statement I want the right to have the Department of Labor tell me how I can get a good, decent immigrant, who will make a respectable citizen, into this country, and I do not want any committee of this House to deprive me or other Members of that right. That is what this amendment will do, and that is why it should be defeated. It is time we stopped chasing bogeymen and got down to business, legislating for the economic needs of 130,000,000 Americans and not waste the taxpayers' time and money arguing such a picayune proposition as contained in this proposed amendment.

Mr. CELLER. Mr. Chairman, from a hasty reading of the amendment, it would appear that the sponsor of the amendment has merely intended it to prevent the so-called preexamination practice now followed by the Immigration and Naturalization Service in permitting certain classes of aliens who are more or less technically subject to deportation to be preexamined and to proceed to Canada for the purpose of securing immigration visas with the end in view of entering the United States in a legal manner. These classes are designed to care for nonquota or first preference under the quota, and those designed to be benefited by the present arrangement are the wives and minor children and husbands where the marriage occurred prior to July 1, 1932, of citizens who petition for immigration visas; and the parents and husbands where the marriage occurred after July 1, 1932, of citizens.

However, the language of the amendment is so broad that it may involve a complete change in deportation policy which has existed for at least a score of years. This will be discussed later, but it might be well to cite one example of a case that at present comes under the preexamination rule. A entered the United States as a visitor shortly after July 1, 1924. He made business connections while here and neglected to leave the country in accordance with the provisions of his admission. In the past 13½ years of his residence in the United States he has married an American-citizen woman and has four or five American-citizen children.

His constant presence here is required for their continued support. Having married a citizen prior to July 1, 1932, he is entitled to a nonquota visa upon petition by his wife. By granting him the preexamination privilege of going to Canada his absence from his family is reduced to a minimum of a few days. Under this amendment any employee in the Immigration and Naturalization Service would not only be estopped from preparing any correspondence by way of advising this man, but would even be estopped from discussing, on official time, such a policy. It would mean that because the man is technically here in violation of law he would have to be formally deported from the United States to his home country, which may be located at the other end of the earth, and under this order of deportation he would be required to remain out of the United States for a period of 1 year. As a matter of fact, he would never be eligible for readmission unless under the 1929 act the Secretary of Labor had granted him permission to reapply for admission following 1 year from the date of his deportation. So much for the preexamination.

As previously stated, the Service has throughout many years granted aliens subject to deportation permission to leave the United States voluntarily at their own expense. This practice has not been followed in the case of aliens who are subject to deportation on the grounds that they are criminals, of the immoral classes, and so forth, but limited principally to aliens who are here more or less in violation of technical laws and are otherwise of good character. This practice has not only resulted throughout the years in the saving of millions of dollars to the United States but has effected the purposes of the immigration law by requiring the departure of a deportable alien from the United States.

In addition, it has worked out in a most humane manner by not requiring the formal deportation of certain aliens to countries where they might be persecuted for one reason or the other and has given them the opportunity to leave voluntarily to any country of their choice that would accept them.

As an example of cost, last year we expelled from the country under formal order of deportation 8,829 aliens and gave the voluntary departure privilege to 8,788 aliens found to be subject to deportation. Of the first number, 460 voluntarily departed under an order of deportation, and, therefore, when we add the 460 to the 8,788 who voluntarily left, we have a total of 9,248 aliens at an average cost of deportation of $65 per alien. Therefore, if it had been necessary for the Government to formally deport this group, the cost to the Government would have been an additional $601,120, to say nothing of the additional personnel cost incident to a formal completion of this large group of cases, because under the present practice an alien will frequently leave voluntarily as soon as detected without the necessity of the Government going to the expense of working the case out.

With pending increased cost of transportation and detention costs, and so forth, it may be that the average cost of deportation for the next fiscal year will reach $75. If that be so, it would be necessary to add approximately 15 percent to last year's costs, thus running the additional cost of deportations up close to a million dollars.

This amendment would also prevent the immigration and naturalization officials from advising aliens unlawfully in the United States, who, however, are not subject to deportation because of the statute of limitations, to correct their illegal status by proceeding abroad and obtaining an immigration visa. For example, an alien seaman who came to the United States unlawfully in 1923 is not now subject to deportation. However, an immigration officer could not under the amendment advise him to go abroad to obtain the necessary papers to effect his reentry.

There is an additional thought I would like to advance on this subject. This amendment is so sweeping in its terms that it may have the effect of vitally changing a deportation policy which has been in existence for many years. In the circumstances, it would appear that it is not the province of this committee to recommend legislation changing radically the policy of a branch of the Government when we have a standing committee for that express purpose. It would, therefore, appear to me that a matter of this kind should be referred to the standing Committee on Immigration and Naturalization for their most earnest consideration.

The present Commissioner of Immigration and Naturalization, Mr. Houghteling, and his able assistant, Edward J. Shaughnessy, have both done splendid work in their Department. They are humane and wise and kind, withal law abiding. They are entitled to great credit. We can trust to their discretion. They will not abuse it. Continue to trust them.

Mr. PALMISANO. Mr. Chairman, I have heard Members of Congress often condemn department heads for not respecting Members of Congress. The amendment, as I understand it, proposed by my good friend, the gentleman from Georgia, wants to condemn the Labor Department because it is respecting the wishes of the Members of the House in passing the Dies bill. I think they have a right to respect the Members of the House until the Senate acts on the bill or kills it. I think they owe it to the Members of the House to let these aliens stay here until the Senate acts on that bill.

The gentleman from Georgia [Mr. TARVER] read from page 257 of the hearings.

On page 247 Mr. Shaughnessy, speaking about holding these men up, said it was not the Department that held them up; it was under the instructions of the White House that they were held up until the hardship cases could be looked into. I quote the following testimony:

> Mr. SHAUGHNESSY. Decidedly not, sir. We had nothing to do with that. We knew nothing about it until the Department of Justice informed us that the President had commuted the sentences of these men or had paroled them for deportation. In no instance did we take any of these people out of the penitentiary until the case had been finally disposed of and they were ready to be placed on a vessel, or their terms had expired, and we could not get a passport.

In other words, the Department of Justice conveyed the information.

Mr. Chairman, when I went on this committee I went there for the sole purpose of helping American women and children who were the victims of circumstance because of some neglect on the part of the Federal Government. Why? Because some man came here illegally, or some man left a ship and is not entitled to be here. The testimony shows that our own consuls abroad permitted people to come here illegally. These people came here and have been law abiding in every respect with the exception of their illegal entry, which was permitted by an agent of our own Government. These men have married American women and had children.

I am surprised at the attitude of the gentleman from Alabama that we do not want to consider cases of that kind. Even if they have 15 children, separate the father and the mother forever. God forbid! I would never be in that position. I would not separate a dog from its puppies. Can a man say he would not permit the father and mother of 15 children to live together because a Federal agent had in some way or other permitted the father to come into the country illegally? But that is the position we are in. I say we should have some discretionary power somewhere. If the Secretary of Labor is not doing right, then let us impeach him, but let us give discretion to someone we can trust, I do not care who he is, so we can separate the good from the bad. Under this amendment no consideration will be shown.

Let me give you an illustration. About a year ago the case arose of a police officer in Baltimore who had two brothers here, and all three had served in the United States in the World War. The mother came from England on a temporary visit. She was permitted to go to Canada and return at the request of her sons.

[Here the gavel fell.]

Mr. DINGELL. Mr. Chairman, because of my committee work I appear on this floor in debate but very rarely. However, I notice a tendency, Mr. Chairman, on the part of the great Committee on Appropriations to sort of appear as a superregulating committee in the House and now it assumes the character of a supermoralist authority. Frankly, I am getting sick and tired and I must take a stand against it. I believe the problem, if it be a problem, is one for the Committee on Immigration and Naturalization to handle, not the Committee on Appropriations. [Applause.] I think we are approaching the time when the Committee on Appropriations is going to be put in its rightful place or be liquidated. I think that time must come, and the sooner the better, as far as I am concerned. It was in 1922 or 1923 when this committee was established. It is one of the youngest of the House committees. At the time it was created it was expressly understood that the committee was to have nothing to do with legislation. Since then this committee has usurped privileges never intended it should have; it has gone further and further afield in telling the rest of the committees of the House wherein they were wrong as to legislative matters which they brought out and then proceeded to make changes clearly in violation of the rules of the House. I believe it is high time this committee be told just exactly where the line of demarcation is and be confined within this barrier.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I know the gentleman wants to be fair about the statement he has made.

Mr. DINGELL. Absolutely.

Mr. McMILLAN. The Chair has already ruled that this is not legislation.

Mr. DINGELL. It is crowding the limit of legislation mighty far, and after all, the ruling is a question of opinion. I still hold to my opinion that this is a matter of legislation. The Committee on Appropriations is going altogether too far, and it ought to be stopped. A ring ought to be put in its nose to keep it from rooting around in territory belonging to other committees. The Committee on Appropriations has gone too far, its encroachments are resented and should cease.

Mr. McMILLAN. If the gentleman will yield, the committee does not want to spend money that in the committee's mind——

Mr. DINGELL. Just a moment and I will answer that.

Mr. McMILLAN. Will the gentleman let me finish my question?

Mr. DINGELL. I heard enough of the gentleman's observation to give him the answer. If the committee wants to save money, it can save money by letting these people depart voluntarily, as permitted by existing law, and $65 in American money will be saved in every case. If the chairman of the committee wants to be truthful about it, he will admit that if a man leaves the country voluntarily the Treasury will save $65 in each and every case.

Mr. McMILLAN. Will the gentleman yield?

Mr. DINGELL. Yes.

Mr. McMILLAN. The position of the committee is that this practice is in contravention of existing law, and for that reason the committee has undertaken to limit this practice.

Mr. DINGELL. Precisely. Then you admit you are legislating. If it is in contravention of law, you are trying to correct the condition by an appropriation, and your committee does not have that right or privilege.

Mr. McMILLAN. We are limiting the appropriation.

Mr. DINGELL. Certainly; you are attempting to make the correction in law by limiting an appropriation. That is just exactly my contention—that it is legislation, and I care not what the ruling is. The membership of this House will tell your committee whether or not the ruling was correct when the vote is taken on the question before us.

More than that, Mr. Chairman, this is a question of just downright bigotry. This is a question of downright narrowness of view. This sort of legislation and this sort of amendment emanate from certain individuals at all times. I want to make an exception as far as my genial friend the gentleman from South Carolina [Mr. McMILLAN] is concerned. He is a generous soul and the salt of the earth. However, I do notice with a great deal of pain and regret, Mr. Chairman, that this type of amendment always originates with certain Members who nurture hatreds and prejudice. This "holier than thou" attitude which they assume is too glaringly transparent to get by this House. I certainly hope the amendment will suffer a crushing defeat.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Georgia.

Mr. TARVER. When did the gentleman ever know me to offer an amendment of this kind?

Mr. DINGELL. Perhaps this reference does not apply to the author of the amendment I have in mind. However, certain gentlemen are absolutely mean and hateful. They despise anybody who was unfortunately born a foreigner or who is of foreign antecedents.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. Is it not true that this type of amendment also comes from certain States?

Mr. DINGELL. I should say, regrettingly, that is correct; yes. [Applause.]

Mr. GIFFORD. Mr. Chairman, just one brief word about this alien matter. There are many aliens in my district.

There is a large section of this country that has workers for the fields, but not good enough to be allowed to vote. Where I live we have many faithful workers who must be called alien. Many have never learned to read and write, but they are generally good, honest, and hard-working citizens. Only a day of two ago you wanted to deprive them of any relief. The House, by its action, expressed violent prejudice against aliens in general. I think it is time that we recognize whence this opposition chiefly comes. We in the North are rather dependent upon these aliens for good workers, and we do not wish a continuance of much prejudiced opinion.

I had the case last fall of a bright young man who had married a citizen and raised a family. He applied for his naturalization papers, but was informed that his uncle who brought him to this country had used a false name when he came in. This was no fault of the boy. He had to be deported to Portugal, and the authorities over there have made it very difficult for him to reenter. He has not yet come back to rejoin his family and again try to become a citizen of the United States.

Now, it is most unfair, is it not, that you should try to deprive the Department of the right to give you or me proper information about these aliens? I wish to register my protest against the action of the Committee on Appropriations in this backhanded way trying to legislate and display their animosity in that manner. Some aliens we do detest, but we have many who are well worthy of consideration. We in the North have not that large population of colored workers that we can do with about as we please. It does not always follow that people are more deserving merely because they were born in this country. [Applause.]

Mr. SADOWSKI. Mr. Chairman, ordinarily it can be expected that Members of Congress are quite appreciative of each other's problems. I know that we of Michigan on various occasions have tried to understand and have voted for measures that were highly beneficial to people of the South, to people of the West, and to the eastern industrial districts. We have tried to understand each other's problems, but ever so often it seems that somebody gets up here with a piece of demagoguery, a piece of legislation that does no one any good, that does not affect his own district in any way, but does do a tremendous amount of damage to others.

Just day before yesterday we had an amendment here that the gentleman who preceded me referred to, introduced ostensibly against aliens, but whom does it affect? It affects

the children of that alien, and who are these children? They are American children, American-born boys and girls, first generation Americans that ought to have every opportunity to make good in this country; but instead of that, you starve them, you ill-clothe them, you ill-feed them, you send them to school under the worst kind of conditions, and then when they go to jail when they grow up you wonder why it happened.

This is what is being done here in this Congress. I do not believe they do this intentionally. The gentlemen who introduce legislation of this kind do it because it is good political propaganda in their own district, because they do not happen to have any aliens. They can get up there—in their home districts—and wave the old American flag and say, "I am 100-percent American, and see what I am doing to these so-and-so aliens. I am just giving them hell. I am a great Congressman." They do this because they do not have any aliens in their districts. The fact they harm these American-born children does not interest them at all. They do not try to understand that problem in any way.

I have this problem in my district, and the gentlemen from Chicago, Pittsburgh, and other large cities have the same problem. My God, can you not understand our problems? Can you not be as reasonable with us as we are with you? When your problems come up here do we not stand by you? Do we not try to understand what your problems are? Can you not be as decent and as fair with us when our problems come before you? [Applause.]

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Chairman, I always fear the day when an immigration question comes up before this body. It is gratuitous for me to express my love and affection for this body, but, unfortunately, these immigration questions always arouse emotions, passions, and, unfortunately, prejudices which are not akin to America.

The attention of the world has been called during the past year or more to a certain antialien sentiment in some of the leading governments of the world. Three or four or more governments are now persecuting the Jews. I hate to think that this great country of ours is antialien, that it could go further than those other governments; that it is against all aliens.

The gentleman from Alabama [Mr. STARNES] has tried to inject into this debate the suggestion that Members here are protecting their own districts. In my district in New York City I have very few aliens, so I do not have to demagog one way or the other on the subject, but I feel that these alien-restriction amendments are mean—that is the only word that I can use—mean, from an American standard. When the rest of the world is persecuting Jews, should America, the haven for all the oppressed of the world, persecute all aliens, not only Jews but every other race? Take this precise amendment, for instance. I myself have one experience among others.

I remember some years ago a German who was here for 25 years. He had come here illegally. He stepped off the boat as a seaman. He liked New York, and he stayed here. He married an American girl and had nine children, all citizens. He was a prosperous businessman. He wanted to become a citizen, and when he applied for citizenship the immigration authorities said that he was here illegally, that he would have to go back to Germany and come in lawfully. He said, "I don't want to go all the way back to Germany; what can I do?" The immigration department told him that they had investigated him, that he was a decent citizen, that he had conducted himself morally and had never committed a crime, that he had an American wife and nine American children and suggested that he go up to Canada. What would this amendment do? It would stop all that. This amendment does not involve criminals or anyone charged with moral turpitude. It involves decent people who are here technically unlawfully. In the German case the Labor Department suggested that the man go to Canada, that they would tell the American consul in Montreal that he is a decent man, that he is a responsible businessman, and had conducted himself properly in America. They also said that they would give him a letter and that the American consul would give him a visa and that that visa would be charged to Germany; that it would not increase the quota at all, as none of these matters do increase the quota of any country. They suggested that he go there and spend a few days and then come back.

Now, will you tell me what is wrong with that? That man wanted to become an American citizen. Some of our Members who always take the antialien attitude say that everyone should be a citizen, but this amendment is against decent people who have never committed a crime, who have conducted themselves properly in this country, even becoming citizens. You cannot deport them.

The gentleman from Alabama, who always takes the lead in an antialien movement, said he is concerned with hardship cases. That is the only type of case involved in this amendment. The matter of criminals is not involved, nor is the question of moral turpitude. These are people who have to prove first to the American immigration authorities that they are decent citizens before they can get a recommendation from the consul in Canada or anywhere else; and this amendment would prevent their becoming citizens, although they could not be deported.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. O'CONNOR of New York. Mr. Chairman, I ask unanimous consent to proceed for 1 minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. O'CONNOR of New York. Mr. Chairman, when we look at the rest of the world, which for political or other purposes is picking on minorities because of their race or religion, I like to think of America, where my people have been for 150 years. I like to think of it as it was originally created, a refuge for the oppressed of all lands. I despise the thought, but I fear for the future of America if the antialien sentiment advocated by a handful of Members in this House should reach that climax where not only Jews, Italians, Russians, Irish, but all aliens, are not to have a place in our great Nation originally created for that sole purpose. [Applause.]

The amendment of the gentleman from Georgia [Mr. TARVER] should not be adopted. It provides:

> *Provided further,* That no part of this appropriation shall be expended for any expense incident to any procedure, by suggestion or otherwise, for the admission to any foreign country of any alien unlawfully in the United States for the purpose of endeavoring to secure a visa for readmission to the United States or for the salary of any employee charged with any duty in connection with the readmission to the United States of any such alien without visa.

It would appear that the sponsors of the amendment have merely intended it to prevent the so-called preexamination practice now followed by the Immigration and Naturalization Service in permitting certain classes of aliens who are more or less technically subject to deportation to be preexamined and to proceed to Canada for the purpose of securing immigration visas with the end in view of entering the United States in a legal manner. These classes are designed to care for nonquota or first preference under the quota, and those designed to be benefited by the present arrangement are the wives, and minor children, and husbands where the marriage occurred prior to July 1, 1932, of citizens who petition for immigration visas, and the parents and husbands where the marriage occurred after July 1, 1932, of citizens.

However, the language of the amendment is so broad that it may involve a complete change in deportation policy, which has existed for at least a score of years. This will be discussed later, but it might be well to cite one example of a case that at present comes under the preexamination rule: "A" entered the United States as a visitor shortly after July 1, 1924. He made business connections while here and neglected to leave the country in accordance with the provisions of his admission. In the past 13½ years of his residence in the United States he has married an American-citizen woman and has four or five American-citizen children. His constant presence here is required for their

continued support. Having married a citizen prior to July 1, 1932, he is entitled to a nonquota visa upon petition by his wife. By granting him the preexamination privilege to go to Canada, his absence from his family is reduced to a minimum of a few days. Under this amendment any employee in the Immigration and Naturalization Service would not only be estopped from preparing any correspondence by way of advising this man but would even be estopped from discussing on official time such a policy. It would mean that because the man is technically here in violation of law he would have to be formally deported from the United States to his home country, which may be located at the other end of the earth, and under this order of deportation he would be required to remain out of the United States for a period of 1 year. As a matter of fact, he would never be eligible for readmission unless under the 1929 act the Secretary of Labor had granted him permission to reapply for admission following 1 year from the date of his deportation. So much for the preexamination.

As previously stated, the Service has throughout many years granted aliens subject to deportation permission to leave the United States voluntarily at their own expense. This practice has not been followed in the case of aliens who are subject to deportation on the grounds that they are criminals, of the immoral classes, and so forth, but is limited principally to aliens who are here more or less in violation of technical laws and are otherwise of good character. This practice has not only resulted throughout the years in the saving of millions of dollars to the United States but has effected the purposes of the immigration law by requiring the departure of a deportable alien from the United States.

In addition, it has worked out in a most humane manner, by not requiring the formal deportation of certain aliens to countries where they might be persecuted for one reason or the other, and has given them the opportunity to leave voluntarily to any country of their choice that would accept them.

As an example of cost last year we expelled from the country, under formal order of deportation, 8,829 aliens and gave the voluntary-departure privilege to 8,788 aliens found to be subject to deportation. Of the first number, 460 voluntarily departed under an order of deportation, and, therefore, when we add the 460 to the 8,788 who voluntarily left, we have a total of 9,248 aliens at an average cost of deportation of $65 per alien. Therefore, if it had been necessary for the Government to formally deport this group the cost to the Government would have been an additional $601,120, to say nothing of the additional personnel cost incident to a formal completion of this large group of cases, because under the present practice an alien will frequently leave voluntarily as soon as detected without the necessity of the Government going to the expense of working the case out.

With pending increased cost of transportation and detention costs, and so forth, it may be that the average cost of deportation for the next fiscal year will reach $75. If that be so, it would be necessary to add approximately 15 percent to last year's costs, thus running the additional cost of deportations up close to a million dollars.

This amendment would also prevent the immigration and naturalization officials from advising aliens unlawfully in the United States who, however, are not subject to deportation because of the statute of limitations, to correct their illegal status by proceeding abroad and obtaining an immigration visa. For example, an alien seaman who came to the United States unlawfully in 1923 is not now subject to deportation. However, an immigration officer could not, under the amendment, advise him to go abroad to obtain the necessary papers to effect his reentry.

There is an additional thought I would like to advance on this subject. This amendment is so sweeping in its terms that it may have the effect of vitally changing a deportation policy which has been in existence for many years. In the circumstances, it would appear that it is not the province of the Appropriations Committee to recommend legislation changing radically the policy of a branch of the Government when we have a standing committee for that express purpose. It would, therefore, appear to me that a matter of this kind should be referred to the standing Committee on Immigration and Naturalization for their most earnest consideration.

The CHAIRMAN. The time of the gentleman from New York has again expired. The question is on the amendment offered by the gentleman from Georgia [Mr. TARVER].

The question was taken; and on a division (demanded by Mr. TARVER) there were—ayes 15, noes 70.

So the amendment was rejected.

Mr. TARVER. Mr. Chairman, I asked unanimous consent to extend my remarks in the RECORD and to insert certain quotations from the hearings.

The CHAIRMAN. The Chair suggests to the gentleman that permission for insertion of anything except his own remarks must be obtained in the House.

Mr. TARVER. I was under the impression that where the remarks had been made in committee, they might be used in the manner indicated.

The CHAIRMAN. Not by the insertion of outside material.

The Clerk read as follows:

Payments to States: For payment to the several States in accordance with the provisions of the said act of June 6, 1933 (29 U. S. C. 49–491), as amended, $1,950,000: *Provided*, That apportionments for the fiscal year 1939 shall be on the basis of a total apportionment to all States of $3,000,000: *Provided further*, That the unused balances of amounts apportioned to the several States for the fiscal year 1937 for establishing and maintaining public employment offices shall be reapportioned among all the States, in accordance with said act of June 6, 1933, as amended, without regard to the sufficiency therefor of the fund established under this head for payment to States by the Department of Labor Appropriation Act, 1938.

Mr. VOORHIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have made this motion merely for the purpose of pointing out to the Members of the House that the section just read provides for payments to the States for the establishment and carrying on by the States of employment service and free employment offices under the Wagner-Peyser Act. Parallel with that we have also payments by the Social Security Board to States for the purpose of administering their unemployment insurance plans. In addition to that we have the W. P. A., we have the various groups of people entitled to benefits under the Social Security Act, and a number of other different categories of work being carried on by the Federal and State Governments for the purpose of meeting human need.

I want to ask one question: How long is it going to be before we get down to business and establish a sensible system where there will be one central office in every community, with necessary branches, of course, where everybody will go who is eligible for any of these aids—eligible for old-age benefits, who is unemployed and needs a job, or who might be properly certified to W. P. A. or some other governmental agency—so that these people will not have to go wandering about all over the country wondering where they belong? Many real tragedies have occurred because of this confusion and plenty of families have suffered absolutely needlessly during long days of traveling from one kind of office to another.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. I yield gladly.

Mr. McMILLAN. I desire to point out that on page 29 of the report we have called this whole question to the attention of the Committee on Labor and suggest that they consider the question of making certain amendments to the law dealing with these employment offices.

Mr. VOORHIS. I thank the gentleman. I am not in any way criticizing his committee.

Mr. McMILLAN. We understand that perfectly.

Mr. VOORHIS. I am not offering any amendment. I just wanted to discuss this question. I am delighted that the gentleman's committee has called attention to this necessity of avoiding the duplication that now exists. Now, in

this connection there is a situation about which many Members have complained. In order to get a W. P. A. job a person has to go through the formality of declaring himself a pauper. Instead of having to do that, things should be so arranged that he could go to the proper person who would talk with him. If his age were over 65—I wish it were 60—he would be investigated to see whether he was eligible for old-age assistance. If he was unemployed and a private job in his line was available, he would, of course, be referred to that. And if the office knew, as it should know, that no private jobs were available, then it should first determine whether the man or woman in question was entitled to unemployment insurance. If so, then that insurance would be put in operation.

If the person was unemployed, able to work, of working age, and not eligible for unemployment insurance, then he is the fellow who ought to be given certification for a W. P. A. job. We would thus avoid all of this business of people having to become virtually paupers before they can be placed on W. P. A. Furthermore, I believe such a plan as I have suggested would do away with a great deal of inefficiency and unnecessary administrative expense. It would be of great benefit, especially to States like my own, if the Farm Placement Service of the United States Employment Service could be expanded so it could do a bigger part of the job of solving the problem of migratory labor and so everybody, both employers and workers, would know exactly where he had to go to get the information about such employment. Indeed, it would be performing a very useful service to the unemployed and also all the rest of the people of the country if we would in this manner tie together this whole great system we have to have in this country in order to meet the needs of this present day. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The Clerk read as follows:

SEC. 3. No part of any appropriation contained in this act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such officer or employee is a citizen of the United States.

Mr. McMILLAN. Mr. Chairman, I ask unanimous consent to return to page 90, line 14, and offer an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection?

The Clerk read as follows:

Committee amendment offered by Mr. McMILLAN: Page 90, line 14, strike out "$400,830" and insert in lieu thereof "$423,050."

Mr. McMILLAN. Mr. Chairman, I may say in explanation of this amendment that the total is increased because of the adoption of an amendment which added to the appropriation but which additional amount was not included in the total.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. McMILLAN. Mr. Chairman, I have one more amendment to offer. I ask unanimous consent to return to page 91, line 3, in order to offer an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. McMILLAN: Page 91, line 3, after the word "the", insert the words "acquisition of necessary land."

Mr. McMILLAN. Mr. Chairman, I may say in explanation of this amendment that the Bureau of Fisheries recommended that this language be carried in the bill, but it was inadvertently not included in the bill as printed and presented to the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. BACON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we have just concluded approximately 3 months' work of the subcommittee that has been working on the pending bill. We began hearings on about November 15 and we have been working on the bill since that time. I have taken the floor for a few moments at this time to express my appreciation to the able, courteous gentleman from South Carolina, chairman of the subcommittee, for the splendid way in which he conducted the hearings and for the splendid way in which he has handled the bill on the floor of the House. [Applause.]

I deem it a great honor to be a member of the subcommittee and I consider it a great pleasure to work with such men as the gentleman from South Carolina, the gentleman from Georgia, the gentleman from Michigan, the gentleman from Illinois, the gentleman from Florida, and my own colleague on my side of the aisle, the gentleman from California. I sincerely congratulate the chairman and thank him for the courteous way he has treated the minority. We have never divided on any political question in the course of the consideration of this bill. I believe every decision that we have made in committee was unanimous.

Most people do not appreciate the strenuous work that the Subcommittees of the Appropriations Committee go through. We have met practically every day from 10:30 to 5, and sometimes until 6 o'clock, including Saturdays, since the 15th day of November, with the exception of Christmas week. In spite of the strenuous nature of the work, it is a great pleasure to be associated with this subcommittee and I congratulate again the chairman for his fine work in the preparation and consideration of this bill. [Applause.]

Mr. McMILLAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BUCK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 9544) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1939, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. McMILLAN. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their own remarks made in the Committee of the Whole during the consideration of the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. TARVER. Mr. Speaker, I ask unanimous consent that in connection with certain remarks made by myself in the Committee of the Whole today, I may be permitted to in-

corporate certain excerpts from the hearings on the bill, to which I made reference in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. LAMBETH. Mr. Speaker, from the Committee on Printing, I report back favorably House Resolution 421, and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

House Resolution 421

Resolved, That 18,000 additional copies of Public Law No. 430, current session, entitled "Agricultural Adjustment Act of 1938," be printed for the use of the House document room.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANSWERING BRITISH BRANCH-BANK ADVOCATE

Mr. PATMAN. Mr. Speaker, the branch-banking group is not going to give up without a fight. They are enjoying privileges and opportunities that local people should have. Not only are the branch-banking advocates in America endeavoring to protect the privileges of absentee ownership and control in banking, but evidently they have persuaded Mr. H. G. Rouse, joint general manager of the Midland Bank, largest bank in the world, London, to come to their rescue. February 8, 1938, in the American Banker, published in New York, there appeared an address made by Mr. Rouse in which he praised the branch-banking system of the British Empire and criticized our unit banking system in America. Mr. Rouse contends that during the past 15 years the branch banks in his country and other countries have fared better than the unit banks in the United States. After reading this address several questions occur to my mind. Among them are these, which I wish Mr. Rouse or his representative in this country would attempt to answer:

Why did Britain abandon gold standard in 1931, and was this not cause of world abandonment of gold standard, including our own; because of its ruination of confidence in banking systems?

Was not British abandonment of gold due to glossed-over failure of the $300,000,000 Anglo-South American Bank, with many branches in South America and elsewhere, affiliate of Lloyd's Bank, in the early fall of 1931, and was this failure not due to the inability of the Anglo-South American Bank to meet its share of the international run then draining all London banks?

Could London have stood a branch-bank failure in the summer of 1931? Would not a $300,000,000 failure have so much disillusioned British and world creditors of British banks and their depositors that it would only have been the opening gun in a whole sequence of crashes?

And were not the Bank of England and other banks of London's financial "city" forced to band together to underwrite and carry the failing Anglo-South American system lest one crash destroy the whole simple faith of British depositors that branch banking and better banking are synonymous?

Did not the British banking try to keep this whole story from the British people in 1931? Was not the whole truth finally revealed in the merger of the Anglo-South American in 1936, when its underwriters finally wrote off their losses, possibly $30,000,000. (See Statist, London, July 11, 1936.)

And when the underwriting of the Anglo-South American did not suffice to halt the international run on the British banks—for the very good reason that the informed financial world knew that the British banks could not go on underwriting each other indefinitely—did not the British banks force the Bank of England to repudiate its gold standard, and thus halt the run on them by making it unprofitable to draw deposits out of the British Isles?

Was not the abandonment of the gold standard by the Bank of England merely a step to forestall a British banking crash, because, for all their boasted "diversification" the British big branch banks in 1931 were frozen to a point beyond which they could no longer liquidate? And was not abandonment of the gold payments by the Bank of England the Britons' only alternative to shutting their banks? See A Primer on Money, by Woodward and Rose, published in 1932 by McGraw-Hill Publishing Co. Also see address by Frank H. Sisson, president of the American Bankers Association and vice president of Guaranty Trust Co., New York City, on December 13, 1932, before Illinois Manufacturers Association, Chicago.

Are not branch bankers trying to fool the public just a little?

Why do Canadians always forget to mention that whereas they had 20 banks with their supposedly strong branch systems in 1920 they now, as the result of failures and mergers, have only 10 big banks into which the entire banking business of the Dominion of Canada has been concentrated in 20 postwar years?

Why do these same branch bankers always forget to mention that they had a failure of the Home Bank of Canada, with 78 branches, in 1923, in which depositors got only 60 cents on the dollar, despite desperate attempts by the Canadian Government to save the bank by prolonging its life from 1919 to 1923? Why do they gloss over the virtual failure of the Merchants Bank, with a Dominion-wide system of 227 branches, which was taken over at Government request by a larger bank in 1922?

Why does our British critic Rouse fail to mention that of the $3,000,000,000 tied up in United States bank failures from 1930 to 1933, at least $2,000,000,000 was tied up in the collapse of 30 of our own branch-banking banks, 19 of which, with deposits of over $1,300,000,000, and 494 branches, which had been kept open with R. F. C. money from 1932 to 1933, were unable to open in 1933 after the banking holiday, and that this $1,300,000,000 in United States branch banks was more than half the total tied up in our closed banks, which failed to reopen after the banking holiday?

Why do not the American people see that it was not until our big banks, notably those with branch-bank-minded managements like the Union Trust Co., Cleveland; the Union Guardian, Detroit; the First National, Detroit; the Baltimore Trust Co., Baltimore; and a string of others began to crack in 1932 after the British crisis that the R. F. C. had to be formed to attempt to underwrite America's big branch banks' liabilities? When 1933 came was not this process of socialization of billions of American big bank losses—there was no R. F. C. when only little banks were permitted to fail—so entirely impossible to carry on, that further R. F. C. support was denied, and did not this result in the State bank holiday in Louisiana, a branch-banking State; Michigan, a branch-banking State; Ohio, a branch-banking State; Maryland, a branch-banking State; and New York, a branch-banking city? Did not these State holidays lead directly to national bank holiday and our own abandonment of the gold standard?

Why do branch bankers never bring out the truth behind Herbert Hoover's campaign remarks in 1932 that we were "within 2 weeks of going off the gold standard in February 1932"? Is the truth not simply that in February 1932 the Bank of America of California, with 400 branches and a billion in liabilities, was undergoing a great run, which it was able to meet only by the emergency creation of the R. F. C., which, together with New York and Chicago banks, put $135,000,000 into the Bank of America in a few weeks' time to save the west coast and the Nation from the disaster of a billion dollar bank failure and to save our largest branch-bank system from having to be liquidated like any country bank?

Does not branch banking merely mean that banks are to be concentrated so big that the Government will be forced to

save them and their management by sacrificing the national currency and credit if necessary, lest the collapse of so big a bank be an immediate calamity, worse than currency repudiation, which, in the long run, however, may be the worst disaster known to economic man?

Does not the history of branch banking in Britain, Germany, and Italy show how branch-bank failure must always be covered up either by currency repudiation or by government taking over the banks and whatever businesses they control when the alternative of currency depreciation has once been tried, as in Germany and Italy, and has proved so horrible that a dictatorship is preferable?

Do the branch bankers offer any assurance in this country that as they extend their systems and control over our credit facilities they will give us any better management than that which we got from the branch systems which failed on us in the past, such as the Manley system of over 100 banks in Georgia in 1926, the Bank of the United States in New York with 58 branches in 1930, the Peoples State Bank, South Carolina, with 44 branches in 1931; Fidelity Trust Co. and Casco Mercantile Trust Co., affiliated, with a total of 39 branches in Maine in 1933; and the 19 banks with 494 branches in Michigan, Ohio, Maryland, Virginia, North Carolina, South Carolina, Louisiana, and so forth, which were failures in 1933?

Do those who propose branch banking as an American banking cure-all realize that in Maine, a branch-banking State with 133 banks and 68 branches, the depression brought closure of 21 banks with 56 branches, while in the contiguous and equally Yankee State of New Hampshire, with 118 banks, and where branch banking is prohibited, there were only 5 bank failures?

Do those who propose branch banking as better than unit banking realize that it was not until we began to have branch banks in this country after the wartime inflation of 1918–20 that we began to have unit banking failures by the thousands each year, and that for the 60 years prior to 1915, although we had thousands of unit banks in the country, our failures among them averaged less than 50 a year, a small price to pay for the avoidance of banking concentration such as England now has, in the hands of our big city bankers?

Are the American people going to be fooled about all this big talk about branch banking in which branch bankers deceive themselves and their public in their attempts to justify the vast concentrated Nation-wide banking and credit trusts which they have created abroad? Do we want that in the United States? With its danger of, first, either taking control of the Government, or, second, being taken control of by a Socialist government as the ready-made centralized vehicle of control of all business and industry and all the savings of our people? Or do we want to conserve local control business, local control municipal and county credit sources, and local control of our money, which goes with local control of our banks through the American system of independent banking?

UNITED STATES BRANCH BANK COLLAPSE REVEALED IN 1933

After the great bank holiday of 1933, the following parent banks and branches failed:

First National Bank, Detroit, 200 branches, and so forth, deposits $484,700,000.

Union Trust Co., Cleveland, 22 branches, deposits $194,925,000.

Guardian National Bank of Commerce, Detroit, 97 branches, deposits $300,000,000.

Guardian Trust Co., Cleveland, 19 branches, deposits $109,750,000.

Canal Bank & Trust Co., New Orleans, 20 branches, deposits $58,243,000.

Hibernia Bank & Trust Co., New Orleans, 9 branches, deposits $52,863,000.

Baltimore Trust Co., Baltimore, 19 branches, deposits $49,000,000.

Union Trust Co., Maryland, 18 branches, deposits $45,333,000.

First Central Trust Co., Akron, 7 branches, deposits $41,845,000.

Fidelity Trust Co., Portland, 11 branches, deposits $25,694,000.

North Carolina Bank & Trust Co., Greensboro, 22 branches, deposits $30,337,000.

American Bank & Trust Co., Richmond, 9 branches, deposits $15,017,000.

Tennessee Valley Bank, Decatur, Ala., 15 branches, deposits $2,988,000.

Casco Merc. Trust Co., Portland, Maine, 9 branches, deposits $16,290,000.

Page Trust Co., Raleigh, N. C., 14 branches, deposits $5,676,000.

South Carolina National Bank, Charleston, S. C., 5 branches, deposits $16,814,000.

Central Union Bank, Columbia, S. C., 4 branches, deposits $7,346,000.

East Shore Trust Co., Cambridge, Md., 20 branches, deposits $12,528,000.

Augusta Trust Co., Augusta, Maine, 15 branches, deposits $18,000,000.

Mr. T. R. Frentz is cashier of the New American Bank, of Oshkosh, Wis. He wrote an article entitled "America Beware!—Of Branch Banks," which was published in the American Banker, August 14, 1937, and distributed by the Independent Bankers Association, Ben DuBois, secretary, Sauk Centre, Minn. After calling attention to the branch-bank collapse in 1933 he stated:

But that is only part of the story of branch- and chain-banking disasters in the United States alone in the past decade.

Previous to the banking holiday public confidence was shaken by crash after crash of regional and branch banking systems, shaken in a way that the closings for liquidation of unit banks in separate communities never affected people. It is significant that hoarding never became widespread or pronounced until after the big chain institutions began to prove unsafe in 1930.

But when a big bank goes down, affecting a large area, and usually carrying with it a number of unit institutions which had deposited their reserves with it, it is natural that confidence be shattered. The record of branch and chain system closings prior to the banking holiday was enough to destroy it. Here is a partial list:

Arizona State Bank, Phoenix, closed June 26, 1932; State-wide system of six branches; deposits, $3,800,000.

Wingfield-Reno National chain, closed December 9, 1932; State-wide system of 13 units; deposits, $15,000,000. Brought the first of the State "banking holidays."

First National Bank, Boise, Idaho, closed August 31, 1932; State-wide system of 10 affiliated units; deposits about $10,000,000. (Reopened with R. F. C. assistance October 31, 1932.)

Atlantic National Bank, Boston, Mass., with 10 branches, deposits of $123,000,000, saved by merger, May 4, 1932, but shareholders' interests, including many shares owned by Massachusetts mutual savings banks, completely wiped out and levied upon for deficiency assessment.

Peoples State Bank, Charleston-Columbia, S. C., closed December 31, 1931; 44 branches in State; deposits, $25,000,000.

Federal National Bank, Boston, Mass., closed December 15, 1931; five branches, several affiliates; deposits, $28,000,000.

Central Trust Co., Frederick, Md., closed September 3, 1931; eight branches; deposits, $12,000,000.

Ohio Savings Bank & Trust Co., Toledo, closed August 15, 1931; 17 branches; deposits, $48,000,000.

Commerce Guardian Trust & Savings Bank, Toledo, closed December 15, 1931; six branches; deposits, $21,000,000.

Commercial Savings Bank, Toledo, closed August 15, 1931; nine branches; deposits, $13,000,000.

Security Home Trust Co., Toledo, closed June 16, 1931; 12 branches; deposits, $25,000,000.

Union Trust Co., Dayton, closed October 30, 1931; five branches; deposits, $30,000,000.

Northern Central Trust Co., Philadelphia, closed September 26, 1931; five branches; deposits, $13,000,000.

Franklin Trust Co., Philadelphia, closed October 6, 1931; four branches; deposits, $22,500,000.

United States National, Los Angeles, closed August 18, 1931; eight branches; deposits, $15,000,000.

National Republic Bancorporation System, Chicago, one of the nascent group systems in 1929; deposits of parent bank, $180,000,000 saved by merger with Dawes bank in June 1931, but affiliated banks permitted to fail. Burden of merger was factor in collapse of Dawes bank in June 1931, and guaranty in full of its deposits by Reconstruction Finance Corporation.

Bain Banks, Chicago, another system created to circumvent Illinois branch-bank laws, closed June 9, 1931; 13 unit banks; deposits, $17,000,000.

Bankers Trust Co., Philadelphia, closed December 22, 1930; 11 branches; deposits about $25,000,000.

Bank of United States, New York City, closed December 11, 1930; 58 branches; deposits had been reduced by accelerating run from $225,000,000 in 1929 to $160,000,000 at time of closure. Branches meant only more points for withdrawals when runs on this bank developed.

BancoKentucky: James B. Brown chain, Louisville, Ky., closed November 17, 1930; chain and branch-banking advocate, with nine banks already in system, including 100-year-old National Bank of Kentucky; deposits, $40,000,000.

A. B. Banks-Home Insurance-Exchange Trust Co. chain, Little Rock, Ark., 27 banks; closed November 17, 1930; deposits, $24,000,000.

Caldwell-Fourth & First Banks, of Tennessee, branch and chain system, 10 banks; deposits of $30,000,000, saved by merger November 26, 1930.

The above record of depression closings is obviously incomplete. Yet it totals 280 branches and over $500,000,000 in deposits, not counting the $338,000,000 deposits saved by merger when three branch systems mentioned above were taken over for their own good by neighboring institutions.

How many of the unit bank closings of the period were due to the confidence-breaking collapses of big banks in correspondent centers will never be known. But it must account for a larger percentage than is commonly admitted, considering the effect on hoarding which the big bank failures produced.

If we look even further back in the twenties, we find the same story repeated, of branch-banking failures, notable among which was the Manley-Bankers Trust collapse in Georgia in 1926, causing 87 affiliated Witham system banks and dozens of correspondent banks to fail in Florida and other Southern States.

And it may be of more than passing significance that in Maine, where branch banking was considerably developed, the depression brought 8 collapses of branch institutions, operating in all 40 branches, the majority of such branch offices in the State. On the other hand, the directories show that only 17 unit banks, institutions without branches, failed out of about 150 banks in the State in 1929.

Maryland also allowed branch banking. During the depression six banks operating branches closed and failed to reopen without liquidation or reorganization. With these 6 banks 60, or a majority of Maryland's bank branches, were involved.

What is it our branch bankers say about the big banks being better managed and never failing?

BRANCH BANKING AND NATIONAL PROGRESS

Five hundred years before America was discovered, England, France, Spain, Holland, Denmark, Persia, and Egypt were powerful, rich, and wonderful countries, and in all of them branch banking had full sway.

The history of the independent national banking system started in the United States in 1863, and in its 77 years of existence it has carried our country so far ahead of all lands under the sun, that none can compare with it in richness, greatness, or strength, and that system, the greatest, the best, the safest that ever was devised by the ingenuity of man, is decried as being secondary to a system it has left so far behind as to have entirely outclassed it.

BRANCH BANKING AND LOCAL PROGRESS

Why has the American system of independent banks so utterly eclipsed the alien branch banks? Simply because branch banks are alien institutions whose sole desire is to draw all deposits from every city, village, town, or hamlet it has a branch in, and use all or practically all of these funds for the upbuilding of the metropolitan city the parent bank is located in. Should there be a little struggling factory in Hale's Corners, and they wish to borrow $10,000 from the branch bank, their request goes to the parent bank, and we will say that one of the 111 vice presidents of the said parent bank, who is in the same line of business, gets up and says, "This little one-horse concern at Hale's Corners has been a thorn in my side long enough, and I move we refuse to loan them one cent." How many $10,000 do you think our little-business man will get? It has happened in Canada and England. Why should we invite it to happen here?

On the other hand, a little independent bank is operating at Hale's Corners. Instead of being compelled to go to a branch bank to get his loan he goes to the First National Bank of his city and interviews his friend and neighbor, John Jones, the cashier, and lays his plans before him. Is it not an indisputable fact that bank and village are indissolubly linked in their future? As grows the village, so grows the bank. What is good for one is equally good for the other; what is bad for one is bad for the other.

Mr. Jones knows everything to be known about his neighbor, Mr. Smith, who runs the little factory; knows he is honest, sober, and industrious. If he loans Mr. Smith the money, it means employment for 50 more men, an addition to the factory, more customers for the bank, a little increase in the size of the village.

Not only do Mr. Jones' sympathies strongly lie with Mr. Smith but every reason under the sun exists why he should make the loan. It is helping Mr. Smith, the bank, and all the village and that's why Mr. Smith gets the loan, and that's why the independent bank is worth more to Hale's Corner than any branch bank under the sun would be; and that is exactly the reason that our United States of America became so great that no foreign country was ever even a rival.

BEWARE OF BRANCH BANKS

Beware of branch banks. Once this merciless octopus is fastened onto our country there will be a branch in every city, and, just as the Toronto Star says in Canada, they will absorb the money of the entire country into their greedy paws—and can you faintly picture to yourselves the tremendous power this Frankenstein monster will have? It will make and unmake all Presidents, all Senators, all Congressmen, all judges, all Governors, all mayors. It will dictate all tariffs, all taxes, all laws. None can become great without its sanction, and it will chain to its golden chariots all men, all women, all children, just as did the Romans in days of old. Men will no longer be free, for he who holds in his claws all the money in the world enslaves the nations of all the world.

CANADIAN ANSWER TO CANADIAN ARGUMENT

Let's take their stock arguments, one by one, and let's see just how near the truth they come.

No. 1. The Canadian branch-banking system is far superior to our independent-banking system! Any statistics to prove this bare statement? Not one!

Now listen to what the Toronto Star had to say in 1912 about this much-lauded banking system of Canada. "Monster banking monopoly a leech at Canada's throat, killing local industry, depopulating rural districts, centralization of almost entire financial power of Dominion in the hands of a few capitalists has resulted from our much-vaunted banking system. To this accursed system of concentration of capital, and destruction of local industry, Canada stands indebted for a contracted population of 7,000,000 in place of 25,000,000 rightfully due it under decentralized systems of banks designed to sustain, to breathe the breath of life through the remotest, as well as the most insulated of its parts!"

That is what Canada thinks of branch banking, and she ought to know!

CANADIAN BANKS' LOAN POLICY

No. 2. An independent unit such as ours is less able to care for a general situation than a branch-banking system. Again naught, but empty words without even a suggestion of any proof!

The American Banker's Journal, under date of November 1929, published several letters from a large Canadian parent bank to their branch managers, and I will quote you only one, as they are all of the same tenor. "I realize that a great many farmers do need $50 to $75 to buy coal, but it is not expected that you loan even this amount, unless they are entitled to it without question. It is surprising how little money a man can get along with when he has to!"

That is taking care of a general situation much better than our independent banks could, is it not? Can you imagine an independent bank saying to a farmer that he could not have $50 to keep him from freezing?

No. 3. The minimum limit ever placed on a branch manager in Canada is $2,500.

Read the above once more and see just how true this statement is.

BRANCH BANKING WIPES OUT UNIT BANKING

No. 4. Branch banks will not drive out of existence our independent banks.

The history of what country do they quote you from to prove this bare assertion? Oh, none? Let me give you a few facts on this statement. In England there are five banks with nearly 10,000 branches and they have put out of existence practically every unit bank in the Kingdom.

In Canada there are 10 parent banks with over 3,000 branches that rule the entire finances of the Dominion. In Germany and France, 10 banks dominate the whole banking power of these two countries. Rather disproves assertion No. 4, does it not?

BRANCH BANKING'S FAILURE RECORD

No. 5. Branch banking is much safer than independent banking. So? Again no statistics quoted to prove this assertion? No. All right, let's quote a few to show the utter untruthfulness of this statement. Statistics clearly prove that the losses to depositors in Canada, compared with our national-bank losses, exceed ours several times over, and her banking capital is less than that of little Massachusetts alone.

In 1886 when Overend, Gurney & Co. failed for $50,000,000, the bank failures in Great Britain aggregated over $250,000,000.

In 1878 three banks in Scotland, with some 200 branches failed for $100,000,000. Our banking power averaged 100 times greater than these three banks.

In 1893, 13 banks, with over 800 branches in Australia failed in 6 months for $450,000,000, and their banking power was not one-sixth of ours.

Now compare these tremendous losses with all the losses in all the national banks in the United States from 1863 to 1901. For this period of 38 years the total losses were less than $100,000,000, and remember that the population of our country averaged nearly 100,000,000 people and that meant a loss of $1 per person for 38 years. Now, take the $450,000,000 crash in Australia in 6 months, and remember that her population was less than 7,000,000, and let any sane man figure out for himself how much safer branch banking is than unit banking.

AN ARGUMENT AGAINST BANKING CONCENTRATION

In the American Banker, in its issue of February 28, 1935, the following editorial appeared:

A BRITISH BRANCH BANKER GIVES US SOMETHING TO THINK ABOUT

When our friends push for extension of branch banking, they may do well to consider the situation of Britain's "Big Five" banks. These large institutions, with their thousands of branches as the result of 50 years of progression away from the unit banking system which once prevailed, now dominate banking in the British Isles. But, as a result of their dominance, Britain's big banking trusts have become, as their Reginald McKenna says, "conspicuous," so that today they are face to face with the real fear of socialization or nationalization of their business.

British Socialist and Labor Party leaders have won growing support for their program of getting control of the banks and their loans and deposits. The consolidation of British banking into a few big banks with headquarters in London makes nationalization appear easy, and banking socialization appeals to the Socialist leaders as the easiest and most direct way to gain control of all industry. To the worker and businessman in other cities, the question of whether a Government officer or a banker in far-off London administers the banking system seems small. It is even argued that if absentee banking overlordship must be endured, local areas may have more to say in its administration if it is made responsive to political influences through nationalization than in its present form of aloof corporateness.

British bankers are, of course, fighting this drive to nationalize the banking system right over their heads.

In arguing against nationalization, Mr. McKenna, head of the Midland Bank and war-time Chancelor of the Exchequer, says that nationalization of banking would simply be making a monopoly of banking and that monopolies do not give the service which a reasonable amount of competition does. Here is the way Mr. McKenna expresses his argument:

"Increasing size has brought stability and more efficient service, but at the same time has rendered the banks conspicuous, and an attractive subject for the political platform. The would-be reformers have put the banks upon their defense, not on any proof of inefficiency but in deference to a theoretic principle that they ought to be nationally owned and controlled. The application of this principle to banking is alleged by its exponents to be an overriding social obligation, though probably the millions of customers of the banks will base their judgment on more practical considerations. For business people the decision will turn not upon abstract questions of proprietorship and control but upon the plain issue: Is the consumer of banking service, whether as the owner of deposited funds or as a trade borrower, likely to be better, more economically, and more fairly served by one vast bank, invested with all the powers of unrestrained monopoly, or by a few highly competitive institutions?

"We must not forget that a monopoly would still be a monopoly, even though under direct State management and control. If it stood for a private combination of the existing banks, it would be called a money trust—a name of ill omen for commercial freedom; but it would be none the less a money trust if the control were exercised by a nominee of the Government. There is no such trust today. The banks are in active competition with each other and can maintain their own shares of the available business only by efficient service and sympathetic consideration of their customers' requirements. Any bank which failed to satisfy its customers would lose them. But what protection would the customer have if all banking were under one control? Then, indeed, the power of the single bank could be misused oppressively in a manner we are now hardly able to conceive.

"Moreover, a monopoly, which can be efficiently operated only on a basis of more or less complete standardization, could not be expected to show the responsiveness to individual needs which is essential to good banking. What, then, is to be gained by it? So far as I have seen, nothing adequate or even feasible has been suggested. I assume that no one wishes to make banking a State monopoly in order to earn larger profits and thus contribute to the relief of taxpayers. Any monopoly of an essential service can be used to extort large profits at the expense of the public; but a profit-making motive is not avowed by those who urge this particular project of nationalization. I conclude that there is no assurance of any compensating benefit to set against the grave evils which must arise if all banking power were concentrated in one hand."

Considering that banking has become concentrated in just five banks, which easily can agree about many things that might be considered competitive, Mr. McKenna's argument at times sounds a bit thin. It would sound better if England had many local institutions devoting themselves to the particular interest of their locality.

Here in the United States, we have some 15,000 banks and, despite all the radical proposals which are being made these days, we do not hear anybody proposing that the Government should step in and run the home-town bank. Proposals may be made that the Federal Reserve banks be made into a central bank, and so forth, but not even Father Coughlin, Huey P. Long, and other popular talking radicals are campaigning for any governmental institution to take over the functions of the independent bank on the main street corner of every American city and town.

Unit bankers of the United States ought to vote Banker McKenna thanks for one of the best arguments in their favor ever voiced. If they are wise, they will give it plenty of publicity.

PRESIDENT ROOSEVELT'S POSITION ON BRANCH BANKS

President Roosevelt, when he was Governor of New York, and on June 7, 1930, at White Plains, N. Y., made an address to the Westchester County bankers. His remarks were as follows:

Branch banking, if extended through the State and Nation, will take individual initiative away from things in the daily life of the community and is a question that must be decisively settled within the next 10 years. Bankers are divided into two camps. There are those who believe that this country, as a whole, must follow in the footsteps of England and Canada, where all of the banks could be counted on the fingers of one hand, or possibly two hands, where there is concentration of banking management and banking capital covering the entire Nation. At the other extreme are those who would have no change or very little change from the old conditions where the local bank in its own community rested fully on its own feet and had practically no connections outside that community, where you had a concentration of what I shall call individualism.

We are going to face this great problem of branch banking in the next 10 years without much question. I don't know what is best for the Nation. I am afraid I am much too prone to look on both sides of a question, but something gives me what might be called a "hunch," an innate feeling, that this country of ours is, perhaps, different from the other nations of the world that have come to concentration in banking.

Territorially, England is only about as large as New York State, and Canada has only nine or ten million population—a young nation. We are large and mature. Local conditions must always be taken into account.

One of the problems of the legislature is to fit the laws to local conditions. Legislation, which will operate in a remote rural section with very low assets, with poor values, with no large community, will hardly apply to counties like Westchester, Nassau, Monroe, and Erie. And it is a very great question, naturally, whether the same legislation that is good for an industrial State like New York, is necessarily equally good for an agricultural State like Missouri and Kansas.

Are we in this State, or in this Nation, going to extend branch banking? I don't know. Something tells me that the very minute we lose the individual initiative in the cities and some towns to the State, we are going to run a great risk of taking away individual initiative from a great many other things in our daily lives.

I don't care if it is a local man put in charge of a local branch; he is, nevertheless, the representative of an absentee landlord. If New York reaches into your county and runs your banks, you may like it, but don't forget that effect is going to be felt soon in Dutchess County, in Orange County, and a little further to Columbia, then on to the capital district. My feeling is that this is a problem you bankers have got to show leadership in.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain excerpts from documents and newspapers in explanation of the statement I just made.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks on another subject.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE ON RIVERS AND HARBORS

Mr. BEITER. Mr. Speaker, by direction of the Committee on Rivers and Harbors, I ask unanimous consent that the committee may sit on Wednesday next during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered before the Associated General Contractors of America on the undistributed-profits tax.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

REGULAR ARMY RESERVE

Mr. MAY. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to file a supplemental report on the bill (H. R. 9359) to amend the National Defense Act of June 3, 1916, as amended, by reestablishing the Regular Army Reserve, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may be permitted to sit during the sessions of the House on February 23 and 24 next.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. HOOK. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in Committee of the Whole and include therein an opinion by the Comptroller General of the United States, together with certain excerpts in connection therewith.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address on the subject of electricity delivered by Mr. David Lilienthal, of the T. V. A.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

Mr. BACON. Mr. Speaker, reserving the right to object, and I shall not object, may I ask the majority leader what the program is for Monday and Tuesday of next week?

Mr. RAYBURN. On Monday the Consent Calendar will be called, and I do not believe it will take more than 20 or 25 minutes to complete the call. On Tuesday it is the purpose to meet and listen to the reading of Washington's Farewell Address, and then adjourn.

Mr. BACON. There will be no motions to suspend the rules on Monday?

Mr. RAYBURN. The Speaker can answer that question. Frankly, I have not asked him about any such motions.

The SPEAKER. The Chair does not have in mind recognizing any Member to move to suspend the rules on Monday.

Mr. RAYBURN. I may say further, with regard to the program for next week, that we will have Calendar Wednesday, of course, and on Thursday we expect to begin the consideration of the Interior Department appropriation bill.

Mr. BACON. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2008. An act for the relief of the Cleveland Railway Co.; to the Committee on Claims.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 9024. An act to exempt from taxation certain property of the Society of the Cincinnati, a corporation of the District of Columbia; and

H. R. 9379. An act to authorize the Secretary of the Treasury to cancel obligations of the Reconstruction Finance Corporation incurred in supplying funds for relief at the authorization or direction of Congress, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 24 minutes p. m.), under its previous order, the House adjourned until Monday, February 21, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce adjourned its meetings this morning on S. 69—train lengths—and the next meeting will be had at the call of the chairman.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Saturday, February 19, 1938, at 10 a. m., for the consideration of a building program for the Navy. Very important.

COMMITTEE ON CLAIMS

A special subcommittee of the Committee on Claims will reconsider at an open meeting at 1:30 p. m., Monday, February 21, 1938, in room 327, House Office Building, the following bills which were objected to in the House and recommitted to the committee on July 6 and August 3, 1937, for the purpose of determining whether they merit inclusion in an omnibus bill:

H. R. 599. For the relief of W. J. Steckel (by Mr. THURSTON).

H. R. 938. For the relief of Mr. and Mrs. Joseph Konderish (by Mr. WALTER).

H. R. 1185. For the relief of D. X. Sanders (by Mr. NICHOLS).

H. R. 1750. For the relief of Capt. Walter L. Shearman (by Mr. DORSEY).

H. R. 2353. For the relief of Bolinross Chemical Co. (by Mr. HARTLEY).

H. R. 3225. For the relief of Roland Stafford (by Mr. REED of Illinois).

H. R. 3552. For the relief of William O'Connell (by Mr. HEALEY).

H. R. 4260. For the relief of C. J. Murrill (by Mr. TOLAN).

H. R. 4777. For the relief of New York Harbor Drydock Corporation (by Mr. O'LEARY).

H. R. 4864. For the relief of Max and Helen Rauch (by Mr. BLOOM).

H. R. 4941. For the relief of Rogowski Bros. (by Mr. RYAN).

H. R. 5615. For the relief of Capt. Bigelow B. Barbee (by Mr. PETERSON of Florida).

H. R. 5994. For the relief of S. Uttal (by Mr. VOORHIS).

H. R. 6296. For the relief of Dr. A. C. Antony and others (by Mr. CARLSON).

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, February 23, 1938, at 10: 30 a m, to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will meet at 10: 30 a. m., Wednesday, February 23, 1938, in room 445, House Office Building, on a private bill—H. R. 8631.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on

Senate Joint Resolution 208, relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m. on Tuesday, March 1, 1938, on the bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 a. m., on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 9, 1938, at 10 a. m., on the following bills: H. R. 9225, authorizing the appointment of 30 principal traveling inspectors by the Secretary of Commerce; H. R. 9368, authorizing the issuance of certain seamen's certificates by inspectors of hulls and boilers.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 16, 1938, at 10 a. m., on H. R. 8251, relative to radio operators on cargo vessels.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GOLDSBOROUGH: Committee on Banking and Currency. S. 3452. An act to extend the lending authority of the Disaster Loan Corporation to apply to disasters in the year 1938; without amendment (Rept. No. 1832). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHANDLER: Committee on the Judiciary. S. 2215. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; with amendment (Rept. No. 1833). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9496) granting a pension to Annie Joyce, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRISWOLD: A bill (H. R. 9553) conferring jurisdiction upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to hear, examine, adjudicate, and enter judgment in all claims which the Miami Indians of Indiana, who are organized and incorporated as the Miami Nation of Indians of Indiana, may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. HAINES: A bill (H. R. 9554) to authorize an extension of not more than 2 years of any loan made prior to June 16, 1933, by a member bank of the Federal Reserve System to an executive officer of such bank; to the Committee on Banking and Currency.

By Mr. KNUTSON: A bill (H. R. 9555) to amend section 601 of the Revenue Act of 1932, as amended, to provide for an excise tax on eggs and egg products; to the Committee on Ways and Means.

By Mr. O'LEARY: A bill (H. R. 9556) to incorporate the United States Power Squadrons, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 9557) to authorize the Secretary of Commerce to dispose of material of the Bureau of Lighthouses to the Sea Scout Department of the Boy Scouts of America; to the Committee on Merchant Marine and Fisheries.

By Mr. O'MALLEY: A bill (H. R. 9558) to amend title 48, section 864, of the United States Code; to the Committee on the Judiciary.

Also, a bill (H. R. 9559) to amend the Judicial Code; to the Committee on the Judiciary.

By Mr. WALLGREN: A bill (H. R. 9560) to amend section 4525 and section 4526 of the Revised Statutes of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. COLLINS: A bill (H. R. 9561) to extend the time for filing claims for refund of amounts paid as tax under the Agricultural Adjustment Act; to the Committee on Ways and Means.

By Mr. MAY (by request): A bill (H. R. 9562) to authorize the Secretary of War to acquire by donation land at or near Fort Missoula, Mont., for target range, military, or other public purposes; to the Committee on Military Affairs.

By Mr. BARRY (by request): A bill (H. R. 9563) to increase the purchasing power of the Nation, to promote trade, and to aid national economic recovery, and for other purposes; to the Committee on Banking and Currency.

By Mr. GEARHART: A bill (H. R. 9564) to enable the Secretary of Agriculture to improve and develop the Kings River drainage within the Sequoia and Sierra National Forests, and for other purposes; to the Committee on the Public Lands.

By Mr. O'TOOLE: A bill (H. R. 9565) to authorize the granting of medals to all troops that took part in an expedition to northern Mindanao Island; to the Committee on Military Affairs.

By Mr. COLLINS: Joint resolution (H. J. Res. 600) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 601) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of South Carolina, memorializing the President and the Congress of the United States to consider their concurrent resolution with reference to importation of Japanese manu-

factured goods into the United States of America; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McCORMACK: A bill (H. R. 9566) for the relief of James Philip Coyle; to the Committee on Naval Affairs.

By Mr. O'CONNOR of New York: A bill (H. R. 9567) for the relief of Frank Scarlo; to the Committee on Claims.

By Mr. O'LEARY: A bill (H. R. 9568) for the relief of Marjorie Christopher; to the Committee on Claims.

By Mr. RAMSPECK: A bill (H. R. 9569) for the relief of Charles P. McCarthy and the Paul Revere Fire Insurance Co.; to the Committee on Claims.

By Mr. REECE of Tennessee: A bill (H. R. 9570) for the relief of Garland Hartman; to the Committee on Military Affairs.

By Mr. SCHAEFER of Illinois: A bill (H. R. 9571) for the relief of Jos. Greenspon's Son Pipe Corporation; to the Committee on Claims.

By Mr. SHORT: A bill (H. R. 9572) granting an increase of pension to Cordelia E. Sims; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9573) to provide for the issuance of a license to practice chiropractic in the District of Columbia to Dr. Laura T. Corriveau; to the Committee on the District of Columbia.

Also, a bill (H. R. 9574) to provide for the issuance of a license to practice chiropractic in the District of Columbia to Dr. George M. Corriveau; to the Committee on the District of Columbia.

By Mr. SIMPSON: A bill (H. R. 9575) granting an increase of pension to Rachel A. Norris; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 9576) for the relief of Frank P. Guevin; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4158. By Mr. BEITER: Petition of the Buffalo Chamber of Commerce, Buffalo, N. Y., and officials and citizens of the port cities on Lakes Erie, Ontario, and along the St. Lawrence River, State of New York, urging the Congress and Rivers and Harbors Committee of the House to report adversely on the so-called Parsons bill (H. R. 8327) which seeks to legalize the withdrawal at Chicago of 5,000 cubic second-feet of Great Lakes water; to the Committee on Rivers and Harbors.

4159. By Mr. COFFEE of Washington: Resolution of Hobart Grange, Hobart, Wash., condemning Members of Congress opposed to antilynching legislation and urging the prompt enacting into law of the current antilynching bill, for the reason that the same would assist in some degree in wiping out a part of the prejudices so unfairly exerted upon the colored population of America, and as more in keeping with upholding the thirteenth, fourteenth, and fifteenth amendments to the Federal Constitution; to the Committee on the Judiciary.

4160. By Mr. CONNERY: Resolution of the Italian Citizens Club, Lawrence, Mass., protesting against the lowering of tariff on woolen and worsted goods in proposed trade agreement between the United States and Great Britain; to the Committee on Foreign Affairs.

4161. Also, resolution of the Unione D'Italia Mutual Benefit Society, Lawrence, Mass., protesting against the lowering of tariff on woolen and worsted goods in the proposed reciprocal-trade agreement with Great Britain; to the Committee on Foreign Affairs.

4162. Also, resolution of the Wood Mill Loom-Fixers Association, Lawrence, Mass., protesting against any concession in the wool schedule in the proposed trade agreement between the United States and Great Britain; to the Committee on Foreign Affairs.

4163. Also, resolution of the Social Justice Councils of Greater Lawrence, Mass., protesting against the lowering of tariff on woolen and worsted imports in proposed trade-treaty agreement with Great Britain; to the Committee on Foreign Affairs.

4164. Also, resolution of the Massachusetts Department of the Italian American World War Veterans of the United States, Inc., protesting against any further reductions of protective tariff or concessions in the proposed Anglo-American trade treaty; to the Committee on Foreign Affairs.

4165. Also, resolution of the New England Shoe and Leather Association, urging no concessions on shoes in the negotiations of a reciprocal-trade agreement with Czechoslovakia and that the United States Tariff Commission complete its cost investigation of women's cemented shoes as directed by Senate Resolution 144 as speedily as possible; to the Committee on Foreign Affairs.

4166. By Mr. CURLEY: Petition of the Transport Workers Union of New York, New York City, N. Y., opposing the Sheppard-Hill bill (H. R. 6704); to the Committee on Military Affairs.

4167. Also, petition of the New York Board of Trade, New York City, N. Y., opposing the Federal licensing bill (S. 3072); to the Committee on the Judiciary.

4168. Also, petition of the Board of Trade of the City of New York, New York City, N. Y., endorsing House bill 8911 to provide for judicial review of findings of facts or orders of the National Labor Relations Board; to the Committee on the Judiciary.

4169. By Mr. DONDERO: Petition of citizens of the Seventeenth Congressional District of Michigan, urging the enactment of the so-called Sheppard-Hill bill (H. R. 6704), believing it would eliminate special privileges and profits and provide equal service for all in case of war; to the Committee on Military Affairs.

4170. By Mr. KEOGH: Petition of the Military Order of the Loyal Legion of the United States, Commandery of the State of New York, New York City, concerning national defense; to the Committee on Military Affairs.

4171. By Mr. LAMNECK: Resolution of John Murray Dalton, Izaak Walton League, Columbus, Ohio, opposing enactment of the reorganization bill; to the Joint Committee on Government Organization.

4172. By Mr. MAPES: Petition of 402 citizens of Kent and Ottawa Counties, Mich., urging the passage of the Sheppard-Hill bill; to the Committee on Military Affairs.

4173. By Mr. MERRITT: Resolution of the members of the Charles W. Heisser Post, No. 179, Kings County American Legion, New York, petitioning Members of Congress to pass such amendments as may be necessary to make the appointment of preference eligibles on a registered list mandatory; to the Committee on the Civil Service.

4174. By Mr. MICHENER: Petition signed by J. F. Munnell, Jackson, Mich., and 233 other residents of the Second Michigan Congressional District, urging enactment of the universal-service law, as proposed in Senate bill 25 and House bill 6704; to the Committee on Military Affairs.

4175. By Mr. O'NEILL of New Jersey: Petition of the Jersey Coast Fishermens & Clammers Association, Inc., for the extension of the facilities of the naval air station, Lakehurst, N. J.; to the Committee on Naval Affairs.

4176. Also, petition of Rutgers University, favoring the appropriation of funds to continue research work under Bankhead-Jones Act; to the Committee on Appropriations.

4177. By Mr. PFEIFER: Petition of the Broadway Association, Inc., New York City, concerning adequate railroad rates, House bill 2927; to the Committee on Interstate and Foreign Commerce.

4178. Also, petition of the Transport Workers Union of Greater New York, Section No. 19, Brooklyn, N. Y., concerning the Hill-Sheppard bill (H. R. 6704); to the Committee on Military Affairs.

4179. Also, petition of the United Razor Workers, Local Industrial Union No. 231, Brooklyn, N. Y., concerning House bills 8431 and 8428 and Senate bills 3050 and 3051; to the Committee on the Civil Service.

4180. By Mr. WOLCOTT: Petition of approximately 1,100 citizens of the Seventh Congressional District of the State of Michigan, advocating the passage of the so-called Sheppard-Hill measures (S. 25 and H. R. 6704), being the American Legion's plan for universal service legislation; to the Committee on Military Affairs.

4181. Also, petition of Frank E. Lewis, of Croswell, Mich., and 23 others, urging passage of the Thomas bill (H. R. 4797), to provide for grants to the States for assistance to needy incapacitated adults; to the Committee on Ways and Means.

4182. By the SPEAKER: Petition of the Mobile Chamber of Commerce, Mobile, Ala., petitioning consideration of their resolution with reference to wages and hours; to the Committee on Ways and Means.

4183. Also, petition of the Utica Chamber of Commerce, Utica, N. Y., petitioning consideration of their resolution with reference to profits-tax law and the capital gains tax law; to the Committee on Ways and Means.

4184. Also, petition of the City Council of the City of Huntsville, Ala., petitioning consideration of their resolution with reference to the Tennessee Valley Authority, at Knoxville, Tenn.; to the Committee on Military Affairs.

SENATE

MONDAY, FEBRUARY 21, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, February 17, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A JOINT RESOLUTION AND BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following joint resolution and act:

On February 15, 1938:

S. J. Res. 191. Joint resolution to protect foreign diplomatic and consular officers and the buildings and premises occupied by them in the District of Columbia.

On February 18, 1938:

S. 2194. An act to provide for the annual inspection of all motor vehicles in the District of Columbia.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3452) to extend the lending authority of the Disaster Loan Corporation to apply to disasters in the year 1938.

The message also announced that the House had passed a bill (H. R. 9544) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1939, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bulkley	Dieterich	Guffey
Andrews	Bulow	Donahey	Hale
Ashurst	Burke	Duffy	Harrison
Austin	Byrd	Ellender	Hatch
Bailey	Byrnes	Frazier	Hayden
Bankhead	Capper	George	Herring
Barkley	Caraway	Gerry	Hill
Bilbo	Chavez	Gibson	Hitchcock
Bone	Connally	Gillette	Holt
Borah	Copeland	Glass	Johnson, Calif.
Bridges	Davis	Green	Johnson, Colo.
King	McNary	O'Mahoney	Thomas, Okla.
La Follette	Maloney	Overton	Thomas, Utah
Lee	Miller	Pope	Townsend
Lodge	Milton	Reames	Truman
Logan	Minton	Russell	Tydings
Lonergan	Murray	Schwartz	Vandenberg
Lundeen	Neely	Schwellenbach	Van Nuys
McAdoo	Norris	Sheppard	Wagner
McKellar	Nye	Shipstead	Walsh

Mr. MINTON. I announce that the Senator from Delaware [Mr. HUGHES] and the Senator from New Jersey [Mr. SMATHERS] are unavoidably detained.

The Senator from Tennessee [Mr. BERRY], the Senator from Michigan [Mr. BROWN], the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Illinois [Mr. LEWIS], the Senator from Nevada [Mr. MCCARRAN], the Senator from Kansas [Mr. MCGILL], the Senator from Florida [Mr. PEPPER], the Senator from Nevada [Mr. PITTMAN], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], and the Senator from Montana [Mr. WHEELER] are detained from the Senate on important public business.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State showing all receipts and disbursements on account of refunds, allowances, and annuities for the fiscal year ended June 30, 1936, in connection with the Foreign Service retirement and disability system as required by section 26 (a) of an act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor, approved February 23, 1931.

In addition there are enclosed, in identical form, revised reports for prior years, showing receipts and disbursements and recapitulations of the status of this fund at the end of each fiscal year.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 21, 1938.*

[Enclosures: Reports concerning retirement and disability fund, Foreign Service.]

REPORTS OF COMMITTEE ON APPROPRIATIONS DURING RECESS

Mr. ADAMS, by unanimous consent, from the Committee on Appropriations, reported that under authority of the order of the Senate of the 17th instant he filed with the Secretary of the Senate on February 18, 1938, the following reported joint resolutions, with the accompanying reports:

H. J. Res. 591. Joint resolution making appropriations for the control of outbreaks of insect pests, without amendment (Rept. No. 1393); and

H. J. Res. 596. Joint resolution making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938, with amendments (Rept. No. 1392).

ASSOCIATE JUSTICE STANLEY REED

The VICE PRESIDENT laid before the Senate a resolution adopted by the executive committee of the American Legion of New York County, N. Y., endorsing the appointment of Hon. Stanley Reed as an Associate Justice of the Supreme Court of the United States and felicitating him upon his elevation to that office, which was ordered to lie on the table.

PROMOTION OF FRIENDLY RELATIONS WITH JAPAN

The VICE PRESIDENT laid before the Senate an R. C. A. telegram signed by Gosuke Imai, chairman of a recent numerously attended mass meeting held in Tokyo, Japan, and stating that the meeting had resolved that mutual good understanding be cultivated between Japan and America for promoting friendship of the two nations, which was referred to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of South Carolina, which was referred to the Committee on Finance:

Concurrent resolution memorializing the President and the Congress of the United States to forbid the importation of Japanese manufactured cotton goods into the United States

Whereas the Japanese continue to ship cotton goods into the United States for sale prices cut much below the actual cost of American production of the same class of cotton goods; and

Whereas by this unfair trade practice and ruinous competition the Japanese are threatening to force a reduction in wages and to lower our standards of living, and to destroy the great textile industries in America: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the President and the Congress of the United States be, and they are hereby, respectfully memorialized to forbid the importation of Japanese manufactured goods into the United States of America; be it further

Resolved, That copies of this concurrent resolution be sent by the clerk of the Senate and the clerk of the House of Representatives of the General Assembly of South Carolina to the President of the United States, and the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States of America, and to the Emperor of Japan.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Interstate Commerce:

Whereas the State of New York was a pioneer in the enactment of adequate laws restricting child labor within its borders and has been successful in administering and enforcing such laws; and

Whereas the products of free adult labor in the State of New York are at present subject to unfair competition from products of child labor in other States to the detriment of adult wage earners and employers of the State of New York; and

Whereas it is both necessary and desirable that the Congress of the United States enact legislation in order that the products of free adult labor in the State of New York be adequately protected from the aforesaid unfair competition; and

Whereas, by recent rulings of the Supreme Court of the United States, it has been determined that adult wage earners and employers of the State of New York can be accorded protection against the aforesaid unfair competition through the enactment of complementary laws dealing with the problem of State legislatures exercising their local police powers and by the Congress of the United States exercising its power to regulate commerce among the several States; and

Whereas the Legislature of the State of New York has exercised its local police power to prohibit the sale within its borders of products of child labor; and

Whereas the Honorable BURTON K. WHEELER and the Honorable EDWIN C. JOHNSON, United States Senators from Montana and Colorado, respectively, have introduced in, and there is now pending before the Congress of the United States the necessary complementary Federal legislation; namely, a bill to regulate interstate transportation of products of child labor in certain cases (S. 2226); and

Whereas other bills designed to prohibit the interstate transportation of the products of child labor are also pending before the Congress of the United States: Now, therefore, be it

Resolved (if the senate concur), That the Congress of the United States be, and it hereby is, memorialized to enact into law at its present session the Wheeler-Johnson bill or other child-labor bill now pending or hereafter introduced which in conformity with the rulings of the United States Supreme Court and employing all constitutional approaches to the child-labor problem, will (1) prohibit the transportation of the products of child labor into any State where the sale of such product of child labor would be unlawful, and (2) prohibit entirely the transportation in interstate commerce of the products of child labor, in order that adult wage earners and employers of the State of New York may be accorded protection against unfair competition from the products of child labor in other States; and be it further

Resolved, That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate, one copy to the Clerk of the House of Representatives, and one copy to each Member of said Congress from the State of New York.

The VICE PRESIDENT also laid before the Senate a resolution adopted by Local No. 802, A. F. of M. (Associated Musicians), of New York City, N. Y., favoring the enactment of the joint resolution (S. J. Res. 127) memorializing the Honorable Frank F. Merriam, Governor of the State of California, to grant to Thomas J. Mooney a full and complete pardon, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Council of the Society of Colonial Wars in the State of Maryland, Baltimore, Md., favoring the preservation and restoration of the U. S. frigate *Constellation* and the stationing of the frigate at Fort McHenry, Md., which was referred to the Committee on Naval Affairs.

He also laid before the Senate a resolution adopted by the Ohio Association of Juvenile Court Judges assembled in Columbus, Ohio, favoring adequate appropriations for C. C. C. camps in the interest of the youth of the country, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the Colored Community Club of the Henry Street Settlement, New York City, N. Y., favoring the prompt enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, which was ordered to lie on the table.

Mr. GEORGE. Mr. President, I ask to have appropriately referred and inserted in the RECORD a resolution adopted by the Georgia State House of Representatives approving the program for national defense.

The resolution was referred to the Committee on Appropriations and, under the rule, was ordered to be printed in the RECORD, as follows:

Whereas it is the desire of the people of this country to have peace both at home and abroad; and

Whereas the Government of this country has always been willing to agree, and in the past has agreed, to limitations of naval armaments in an effort to discourage war and in an effort to prevent an aggressive war program amongst the nations; but

Whereas there now exist wars, and rumors of other wars; and

Whereas certain nations are not willing to agree to limitations of naval armaments; and

Whereas while certain nations are actually engaged in war and in carrying on an aggressive war program; and though other nations are not actually engaged in war, such nations are actually involved and interested in carrying on an aggressive war program; and

Whereas this country is concerned with the safety and security of its peoples and their possessions; and

Whereas there is now pending in the Congress of our National Government a measure to provide appropriations necessary to furnish means to maintain our national security: Now, therefore, be it

Resolved, That this House, by the adoption of this resolution, go on record as being in favor of such appropriations as may be necessary to guarantee a defense strong enough to protect our people and their possessions; and be it further

Resolved, That the clerk of this House be directed to mail a copy of this resolution to the Georgia Members of the House and Senate of the National Congress and to the Secretary of the Navy.

Mr. CAPPER presented a resolution adopted by the Women's Foreign Missionary Society and members of the First Methodist Episcopal Church of Grand Rapids, Mich., favoring the enactment of legislation to prohibit the advertising of alcoholic beverages, which was referred to the Committee on Interstate Commerce.

Mr. COPELAND presented a resolution adopted by a meeting of the Clinton County (N. Y.) Board of Supervisors, favoring the establishment of a migratory game bird refuge at the mouths of the Great Ausable and the Little Ausable Rivers in the towns of Ausable and Peru, Clinton County, and the town of Chesterfield, Essex County, N. Y., which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of New York City and vicinity, endorsing the 23-point program adopted by the recent conference of small businesses in the city of Washington, which were referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Petroleum Industries Committees of Cattaraugus, Chautauqua, Montgomery, Oneida, Orange, Otsego, and Sullivan Counties, all in the State of New York, praying for the repeal of Federal taxes on gasoline and lubricating oils, which were referred to the Committee on Finance.

He also presented a resolution adopted by the New York Regional Board of the United Federal Workers of America, protesting against the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens

of war and thus provide for the national defense, and promote peace, which was referred to the Committee on Finance.

He also presented a resolution adopted by the National Association of Tobacco Distributors, at New York City, N. Y., favoring the adoption of measures for the restoration of prosperity, particularly the stamping out of unfair trade practices and the development of legitimate business by constructive cooperative technique, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Freeport Council, No. 57, Junior Order of United American Mechanics, of Freeport, Long Island, N. Y., favoring the enactment of legislation providing drastic restriction of immigration, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Poughkeepsie, N. Y., remonstrating against the enactment of the so-called executive reorganization bill, which was ordered to lie on the table.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation providing for additional regular appointments in the Postal Service, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of New York and vicinity, remonstrating against the enactment of legislation reorganizing the Government service and the wage and hour and so-called seven regional T. V. A. bills, which was ordered to lie on the table.

He also presented petitions of members of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of Amityville; the Women's Christian Temperance Union, of Whitestone; and sundry citizens of Utica, all in the State of New York, praying for the enactment of legislation regulating the blind-selling and block-booking of motion-picture films, which were ordered to lie on the table.

He also presented petitions, numerously signed, of sundry citizens of New York and vicinity, praying for the prompt enactment of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which were ordered to lie on the table.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS

Mr. MILLER, from the Committee on Military Affairs, to which was referred the bill (S. 3144) for the relief of Harry Hume Ainsworth, reported it with an amendment and submitted a report (No. 1394) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 3272) to clarify the status of pay and allowances under the provisions of the act of September 3, 1919, reported it without amendment and submitted a report (No. 1395) thereon.

Mr. JOHNSON of Colorado, from the Committee on Military Affairs, to which was referred the bill (H. R. 6479) for the relief of Guy Salisbury, alias John G. Bowman, alias Alva J. Zenner, reported it without amendment and submitted a report (No. 1396) thereon.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on February 17, 1938, that committee presented to the President of the United States the following enrolled bills:

S. 628. An act to provide for the construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah; and

S. 2383. An act to amend the act authorizing the Attorney General to compromise suits on certain contracts of insurance.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEE:

A bill (S. 3491) for the relief of Ruth Rule; to the Committee on Claims.

By Mr. JOHNSON of California:

A bill (S. 3492) to provide for forest protection against the white-pine blister rust, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 3493) providing for the suspension of annual assessment work on mining claims held by location in the United States; to the Committee on Mines and Mining.

By Mr. SCHWELLENBACH:

A bill (S. 3494) for the relief of Capt. James L. Alverson; to the Committee on Claims.

A bill (S. 3495) to authorize the reimbursement of the port of Vancouver, Wash., for dredging work done in the Columbia River covered by project set forth in Rivers and Harbors Committee Document No. 81, Seventy-fourth Congress, second session; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 3496) for the relief of Lewis Hall; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3497) granting an increase of pension to Frances A. Harris (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH, Mr. GEORGE, and Mr. RUSSELL:

A bill (S. 3498) for the relief of Charles P. McCarthy; and

A bill (S. 3499) for the relief of the Paul Revere Fire Insurance Co.; to the Committee on Claims.

By Mr. BILBO:

A bill (S. 3500) to prohibit the marriage in any Territory or possession of the United States, or in the District of Columbia, of any white person and any Negro, and for other purposes; to the Committee on the Judiciary.

By Mr. BYRD:

A bill (S. 3501) to extend the time for filing claims for refunds of amounts collected under the Agricultural Adjustment Act; to the Committee on Agriculture and Forestry.

By Mr. SCHWARTZ:

A bill (S. 3502) to protect producers, manufacturers, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, or knitted or felted fabrics and in garments or articles of apparel or other articles made therefrom, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 3503) to liberalize the laws providing pensions for veterans and the dependents of veterans of the Regular Establishment for disabilities or deaths incurred or aggravated in line of duty other than in wartime; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 3504) to permit the Seminole Nation or Tribe of Indians in Oklahoma to sue in the United States courts for certain oil rights claimed by them; conferring jurisdiction upon the United States courts to hear, determine, and render judgment in any such suits; and for other purposes; to the Committee on Indian Affairs.

By Mr. SHEPPARD:

A bill (S. 3505) to adjust the pay of enlisted personnel of the Army, Navy, Marine Corps, and Coast Guard, and for other purposes; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

(By request.) A bill (S. 3506) relating to certain Filipino residents of the United States; to the Committee on Immigration.

By Mr. CHAVEZ (for himself and Mr. McCARRAN):

A bill (S. 3507) to provide for the classification of star routes, the employment and compensation of star-route mail carriers, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. KING:

A bill (S. 3508) to create a Recreation Board, to define its duties, and for other purposes; to the Committee on the District of Columbia.

By Mr. GILLETTE:

A bill (S. 3509) to amend the Soil Conservation and Domestic Allotment Act, as amended, with respect to the use of diverted acres; and

A bill (S. 3510) amending section 202 of the Agricultural Adjustment Act of 1938, relating to new uses and new markets for farm commodities; to the Committee on Agriculture and Forestry.

By Mr. McKELLAR:

A bill (S. 3511) for the relief of Jim Reed Chevrolet Co. (with accompanying papers); to the Committee on Claims.

By Mr. BILBO:

A joint resolution (S. J. Res. 266) to amend subsection (d) of section 202 of the Agricultural Adjustment Act of 1938 to limit certain administrative expenses in connection with the establishment, maintenance, and operation of regional research laboratories; to the Committee on Agriculture and Forestry.

By Mr. CHAVEZ:

A joint resolution (S. J. Res. 267) relating to restrictions on the number of livestock which may be grazed on the Navajo Indian Reservation; and

A joint resolution (S. J. Res. 268) authorizing the appointment of a joint committee of the Senate and House of Representatives to make investigation and findings relating to grazing regulations on the Navajo Reservation promulgated by the Secretary of the Interior; to the Committee on Indian Affairs.

HOUSE BILL REFERRED

The bill (H. R. 9544) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1939, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ADDITIONAL APPROPRIATION FOR RELIEF—AMENDMENT

Mr. BONE submitted an amendment proposing to increase the appropriation of $250,000,000 for relief purposes to $400,000,000, intended to be proposed by him to the joint resolution (H. J. Res. 596) making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938, which was ordered to lie on the table and to be printed.

AMENDMENT OF COMMODITY EXCHANGE ACT—EXTENSION OF PROVISIONS TO WOOL AND OTHER COMMODITIES

Mr. HATCH and Mr. O'MAHONEY, jointly, submitted amendments intended to be proposed by them to the bill (S. 3105) to amend the Commodity Exchange Act, as amended, to extend its provisions to wool and other agricultural commodities traded in for future delivery, which were ordered to lie on the table and to be printed.

AMENDMENT OF TARIFF ACT OF 1930

Mr. SCHWELLENBACH submitted an amendment intended to be proposed by him to the bill (H. R. 8099) to amend certain administrative provisions of the Tariff Act of 1930, and for other purposes, which was referred to the Committee on Finance and ordered to be printed, as follows:

On page 36, line 5, after the word "including", insert the word "lumber" and a comma.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. McNARY submitted an amendment intended to be proposed by him to the Agricultural Department appropriation bill, 1939, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place to insert the following:

"Fiber flax: For the development and operation, in cooperation with any existing public or private agency, of a scutching and retting fiber flax plant designed to operate efficiently on a 12-month basis, to be expended in such manner and for such purposes as the Secretary of Agriculture may direct and to remain available until expended, $25,000."

THE PRESIDENT'S CONFERENCE WITH NEWSPAPERMEN ON FEBRUARY 18

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the statement read by the President to newspapermen who attended the President's conference with the press on Friday, February 18, 1938, which appears in the Appendix.]

FARM RELIEF ACT—ADDRESS BY SENATOR HATCH

[Mr. POPE asked and obtained leave to have printed in the RECORD a radio address on the new farm law, delivered by Senator HATCH February 18, 1938, which appears in the Appendix.]

MILITARY SCHOOL TRAINING FOR BOYS—ARTICLE BY SENATOR LUNDEEN

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD an article by Senator LUNDEEN on the subject Why I Am Sending My Boy to Military School, published in Physical Culture Magazine, which appears in the Appendix.]

FOREIGN TRADE, FARM PROSPERITY, AND PEACE—ADDRESS BY SECRETARY HULL

[Mr. HERRING asked and obtained leave to have printed in the RECORD an address delivered by Hon. Cordell Hull, Secretary of State, at a dinner held in connection with the Second Annual National Farm Institute at the Hotel Fort Des Moines, Des Moines, Iowa, on February 19, 1938, entitled "Foreign Trade, Farm Prosperity, and Peace," which appears in the Appendix.]

THE CONSTITUTION—ADDRESS BY CHARLES KERR

[Mr. BURKE asked and obtained leave to have printed in the Appendix an address by Charles Kerr on the occasion of the celebration of the sesquicentennial of the signing of the Constitution, Lexington, Ky., October 6, 1937.]

ORDER OF BUSINESS—ADDITIONAL RELIEF APPROPRIATIONS

Mr. BARKLEY obtained the floor.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New York?

Mr. BARKLEY. I yield for a question.

Mr. WAGNER. Not for a question; but will the Senator permit me to make a preliminary motion?

Mr. BARKLEY. No; I cannot yield for that purpose. I myself am going to make a preliminary motion, and I do not think I should yield to permit another motion to be made. I wish to make a statement with respect to the legislative situation preliminary to the motion which I intend to make.

Mr. President, I am sure I need not recount the history of the proceedings of the Senate since last August in its effort to obtain a vote on the so-called antilynching bill, being House bill 1507. I am sure I need not remind the Senate and the country that I have done everything that I could to facilitate the proper consideration of this measure and to bring it to an early conclusion. I have become convinced, as I think the membership of the Senate are now convinced, that there are only two ways in which this bill can be brought to a conclusion within any reasonable length of time. One is by a unanimous-consent agreement to limit debate, which, of course, cannot be obtained. The other is by the adoption of a cloture rule, which has on two occasions failed of even a majority vote, although the rule itself requires two-thirds in order that it may be adopted.

I regret that this proposed legislation has dragged on here to the extent which has been experienced, because, regardless of the type of measure that it is or that any other measure might be under similar circumstances, it has always seemed to me to be a reflection upon the self-governing quality of the Senate that it cannot limit debate and bring any matter to a conclusion within a reasonable length of time.

Legislation of a nature that is necessary for consideration is now piling up upon the calendar. We will very shortly, I assume, have before us a measure in the nature of an emergency appropriation for relief purposes. Many other appropriation bills are now on the calendar of the Senate; other important legislation has been on the calendar for months awaiting consideration. In the very near future we hope that there will be here from the other House a tax bill which the

whole country desires to see promptly enacted. Under these circumstances, with which every Member of the Senate is familiar, it seems to me unwise to indulge any longer in the futile effort to bring to a conclusion and to a vote a bill which has been pending here since last August, in view of all the efforts made, without success, to bring it to a vote.

For these reasons, and without taking further time of the Senate, I, therefore, move that the Senate now proceed to the consideration of House Joint Resolution 596, making an additional appropriation for relief purposes.

The VICE PRESIDENT. The clerk will state the joint resolution by title.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 596) making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Let the Chair state the question. The question is on the motion of the Senator from Kentucky that the Senate proceed to the consideration of the joint resolution, the title of which has just been read.

Mr. WAGNER. Mr. President, I desire to submit a proposal for unanimous consent.

I ask unanimous consent that the pending business be temporarily laid aside in order that we may consider the relief joint resolution which has been reported by the Committee on Appropriations.

Mr. CONNALLY. Mr. President, I object.

The VICE PRESIDENT. Objection is heard.

Mr. WAGNER. Mr. President, I now move to amend the motion of the Senator from Kentucky to the effect that the pending business be postponed until March 28, and that on that day certain the Senate proceed to the consideration of the pending business.

My reason for making the motion is in order that the relief joint resolution and other matters which may be in the nature of emergency legislation may be considered by the Senate, and that we may then resume the consideration of the pending bill.

Mr. CONNALLY. I make the point of order——

Mr. BARKLEY. Mr. President, I appreciate the feelings of the Senator from New York with respect to the desirability of setting this bill down again for a day certain; but, in the first place, the motion is not in order. I feel, under the rules, that I must make the point of order that the motion is not in order.

The VICE PRESIDENT. The point of order is sustained.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from New York desire the floor again?

Mr. McNARY. Mr. President——

Mr. WAGNER. I will wait until the Senator from Oregon shall have concluded. I desire to make a brief statement to the Senate.

The VICE PRESIDENT. The Senator from New York has the floor if he desires it.

Mr. WAGNER. I will give way to the Senator from Oregon.

Mr. McNARY. Mr. President, I insist on giving way to the distinguished Senator from New York, who has charge of the bill.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY].

Mr. WAGNER. Mr. President, I tried to secure the floor earlier in the day for the purpose of making a motion which I thought would be disposed of before the question of considering the relief joint resolution would come up. The motion I intended to make was to postpone for a period of time, even as long as 6 weeks, the consideration of the so-called antilynching bill, and that we then take up the matter again for consideration. Of course, I make no complaint of the Chair for not being recognized.

The VICE PRESIDENT. With the Senator's permission, the Chair will state that when the Senator from Kentucky is on his feet it is the custom of the Chair to recognize him first, since he is the leader of the Senate on the Democratic side. The Senator from Oregon [Mr. McNARY], the leader on the Republican side, likewise has the preference when a number of Senators are standing. That is why the Chair recognized the Senator from Kentucky. Besides, the Senator from Kentucky had spoken to the Chair, asking to be recognized for the purpose of making a motion. The Chair had no notice from the Senator from New York that he desired recognition.

Mr. WAGNER. Mr. President, I was about to say that I was not complaining of the Chair, because I have always had the fairest and most impartial treatment from the Chair. I make no complaint about that; and I recognize and understand what the Chair has said. I take it that even if I should make a request, and a request for recognition should also be made by the distinguished leader of the majority, my request would be considered after that of the distinguished Senator from Kentucky. I am a realist about these matters.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. WAGNER. Yes.

Mr. BARKLEY. I want the Senator from New York to understand that so far as I am individually or legislatively concerned, I had no objection to his making the motion which he had in mind; but in an effort to find out what the situation is here I have conferred not only with the Senator and his colleagues who are proponents of this bill, but also with the opponents of the bill. Of course, the motion the Senator had in mind, to postpone to a day certain, if it had been made, would have been debatable.

Mr. WAGNER. Yes.

Mr. BARKLEY. And I had been previously advised that on that motion the debate would have gone right on just as it has been going on upon the bill itself. So it seemed to me that nothing would be accomplished by a motion of that sort, which would be subject to debate, and against which endless conversation and oratory and debate would be likely to go on, or at least the information was conveyed to me that that would be the course.

Under those circumstances, it seemed to me that the best thing to do was to make a motion to bring the relief joint resolution immediately to the consideration of the Senate, although I realize, as we all realize, that if the motion is carried it will displace the unfinished business, which will go back to the calendar and be in the same position as other bills on the calendar. I felt, and I think the Senate would feel, and the country certainly would feel, that we would not be justified in delaying any further the consideration not only of this measure but of other measures of importance while Senators discussed the motion to postpone until a day certain as it was contemplated by the Senator from New York.

I feel that that explanation ought to be made, because personally I had no desire to foreclose the Senator from making any motion he might see fit to make. In that connection, however, I will say that even if he should make a motion to postpone the pending bill until the 28th day of March, I think we all realize that by that time in all probability we shall be running into a tax bill and other legislation, and that it would be unwise to postpone the consideration of the pending bill to any such date, not knowing so far ahead what the situation in the Senate would be when that day should arrive. For that reason, in view of all the circumstances, the history of this legislation, and the legislative jam we are liable to get into, I thought the best thing to do was to make the motion I have made; and I hope it will be carried.

Mr. WAGNER. Mr. President, in answer to the Senator, let me say that March 28 is no magic date so far as I am concerned. I would postpone the consideration of the bill even for a longer period, so as to permit the consideration of the other matters about which the Senator is concerned.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. WAGNER. I now learn for the first time that the Senator from Kentucky had notice or had understood from those who are opposed to the antilynching bill coming to a vote that my motion to postpone to a day certain would re-

ceive the same filibustering treatment that the bill itself is now receiving. Am I stating the situation with approximate accuracy?

Mr. BARKLEY. No. I am sure the Senator wants to be frank.

Mr. WAGNER. I do want to be frank, and I understood that to be the case.

Mr. BARKLEY. I advised the Senator privately last Thursday, before we left the Chamber after the recess, that I had been informed by those who are opposed to the bill that the motion which the Senator now has in mind and which he then had in mind is debatable, and that it would be debated in an unlimited way. The Senator may not have understood me, but I brought that knowledge to him at the time.

Mr. WAGNER. Exactly; but I used the word "filibuster," and the Senator used the words "unlimited debate." In other words, the motion would be debated to the limit.

Mr. BARKLEY. A rose or Limburger, respectively, by any other name, would smell the same, whatever we might be pleased to call it.

Mr. POPE. Mr. President, will the Senator from New York yield for a question?

Mr. WAGNER. Yes.

Mr. POPE. If the pending bill should be postponed to March 28 or any other date in this session, does the Senator think there is any reasonable possibility of its being voted on at this session?

Mr. WAGNER. Yes. I should not have made the motion, if I had not thought that ultimately the Senate would be persuaded to impose cloture, and then the bill would come to a vote. I had hoped that in the meantime some of us could go to the country upon this question, because the situation here is a strange one. The antilynching bill, if it ever comes to a vote, will pass by the vote of at least two-thirds of the Members of the Senate.

Yet the strange situation exists at present that in spite of that support for the final passage of the bill, I have on two occasions attempted to secure cloture so that we might be able to limit debate and bring the matter to a conclusion, and many of the votes which have been cast against cloture are votes which would be in favor of the passage of the legislation. Of course, it makes the situation, for the time being, hopeless, and the hopelessness is caused by the action of the professed supporters of the legislation in refusing to impose cloture, when everybody in this body knows that the matter has been fully and frankly discussed and that the provisions of the bill are understood by every Senator.

Some 4 weeks ago, when the first effort at cloture was made, I heard the Senator from Oregon [Mr. McNARY] say that those on his side for whom he speaks were prepared and ready to vote for the measure. I desire to pay tribute to the intelligence of those the Senator from Oregon represents, by saying that I know they would not vote in favor of the measure unless they thoroughly understood its provisions and its implications. So I had a right to assume even at that time that these Senators voted against cloture, against really bringing the bill to a vote, notwithstanding the fact that they understood its provisions and were ready to express their views upon it on a final vote.

Mr. BARKLEY. Mr. President, will the Senator from New York yield?

Mr. WAGNER. I yield.

Mr. BARKLEY. I wish to say in this connection what I have said earlier, that I desire to pay tribute to the Senator from New York [Mr. WAGNER] for the zeal and the persistence and the devotion with which he has labored in behalf of the pending measure. Of course, it is unnecessary for me to pay the Senator such a tribute, because he assumes an attitude of zeal and devotion toward all measures which he sponsors, and, as we all know, he has been remarkably successful in the sponsoring of important measures which have gone through the Senate and through the Congress, and which have greatly benefited the country.

The Senator has had a good deal of help in his effort to bring this matter to a vote, and all those who sympathize with the measure I am sure appreciate the Senator's efforts, whether they are Members of the Senate or not. But, as Grover Cleveland once said, it is a condition and not a theory which now faces us, and every Member of the Senate must make up his own mind as to what he thinks about the possibility of bringing the bill to a vote.

Of course, the further along we go in the session, the less likely the bill is to be brought to a vote, even if the motion which the Senator desired to make were to carry, with other legislation crowding the calendars of the Senate and the House, and with the feeling that Congress will not want to sit here during the summer to consider any legislation except that of the most emergent character. We must take that situation into consideration in determining what our action shall be now.

My motion that the Senate proceed to the consideration of the joint resolution making relief appropriations was not made with any design or desire to minimize in any way the efforts of the Senator from New York. We all appreciate the desire, enthusiasm, and devotion of the Senator from New York and the Senator from Indiana and other Senators who have sponsored the proposed legislation, but we have reached a time now, it seems to me, when we must give attention to other measures which are deserving of immediate consideration and passage by the Congress.

Mr. WAGNER. Mr. President, I thank the Senator for his very generous tribute, which I hope I deserve. In return I wish to say to the Senator that I hope that nothing I say will be interpreted as in the slightest degree critical of the Senator from Kentucky, because he has been a most sincere advocate in attempting to secure a vote upon the pending measure, and without his cooperation, of course, I would not have been able to get anywhere with the bill.

Mr. President, I shall not review the debate upon this matter. I shall not review the personal attacks which have been made, one way or the other, because such attacks have never disturbed me, I assure the Members of the Senate. I have been so interested in this cause that any personal matters which have been injected have not affected me at all, as I have stated.

I believe in this cause; I believe it is righteous, and I know that eventually we will succeed. I wish to say to any Senator who is opposing the bill, as well as those in favor of it, that the fight will go on. The fight will go on, so far as I am concerned—and I know I speak for the others interested—until we ultimately carry our point, because a righteous cause, while it may be temporarily defeated, will eventually prevail.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WAGNER. I have not yet answered the question of the junior Senator from Idaho [Mr. POPE]. I am a realist, too, just as the Senator from Kentucky is, and I know that without cloture we cannot secure a vote on the bill at this session. I expect some of us will speak to the country upon this measure, with the hope of arousing public sentiment, and perhaps public indignation, to the point where the Senators who profess to favor the legislation will be persuaded that perhaps a better policy would be to make their support a reality by imposing cloture, and thus bring the matter to a vote.

Mr. HARRISON. Mr. President, the Senator is not going to leave out some of us who are not in favor of the proposed legislation, is he? Is not the Senator going to pay us a visit, and try to arouse the people of our States?

Mr. WAGNER. Yes.

Mr. HARRISON. I understood the Senator to restrict the plan to visit to States to only those Senators who favor the proposal, but who would not vote for cloture. He intends to give the benefit of his eloquence and advice to the people of my State, the same as he is going to give it to the people of other States, is he not?

Mr. WAGNER. Again I say to the Senator that I am a realist, and I have very little hope that I can convert the Senator from Mississippi to the point where he will vote for cloture. I will therefore perhaps go to more fertile fields.

Mr. McKELLAR. Mr. President, will the Senator from New York yield?

Mr. WAGNER. I yield.

Mr. McKELLAR. The Senators says he is going to keep up the fight. If the States themselves stamp out lynching, as I have every reason to believe they will, because it is being rapidly eradicated; if that is accomplished by the States themselves, surely the Senator will not undertake to have a Federal law enacted.

Mr. JOHNSON of California. Mr. President——

Mr. WAGNER. Just a moment. The point about it is that if the States perform their duty in that regard, then the law would not operate. Unless a State failed to give equal protection to all the people within the State, as is required by a national mandate contained in the fourteenth amendment of the Federal Constitution, the law will not be invoked.

I yield to the Senator from California.

Mr. JOHNSON of California. Mr. President, I did not grasp the full extent of what the Senator from New York said a moment ago in relation to taking the cause to the country. Am I correct in thinking he made such a statement?

Mr. WAGNER. The Senator is correct. I stated that my reason for wanting a postponement of the consideration of the pending bill for 6 weeks or 2 months was that every one here recognizes that without cloture the bill cannot come to a vote. When there are 14 to 20 men prepared to talk interminably against a bill, there is no other way provided under the rules by which to secure a vote except by cloture.

I question the sincerity of no one, either among those who vote for or those who vote against cloture; but I had hoped to persuade the people of the country, who I know are overwhelmingly in favor of the proposed legislation, that our only chance to secure a vote on the final passage of the bill is by means of cloture. I am sure Senators always like to hear from their constituents, and I am sure that if the will of the people is made known to the Members of this body, perhaps many who voted against cloture will vote for it, and we will have a sufficient number to secure a vote upon the bill.

Mr. JOHNSON of California. Mr. President, will the Senator yield further while I observe that that course of conduct will not make the slightest difference with one man, at least, upon this floor?

Mr. President, I had not intended to say anything about this subject; I had intended merely to vote as I saw fit; and I had thought the subject would take care of itself. I have been for the Senator's bill. I have voted when occasion arose to take the bill up. I have not been for cloture, and I will not be for cloture, I do not care whether everybody in Christendom asks me to be for it or not. I will not vote to shut the mouths of men in the Senate, because there will come a day when we will need this sort of unlimited debate. It seems harsh now to the Senator, because he is engaged in an attempt to have enacted a bill in which he is greatly interested, but there will come a day when we will be considering the most important subject that can come before us, when unlimited debate may be required in the Senate, and I want the opportunity then to exercise my prerogative.

I say to the Senator again that this proceeding has been a filibuster which might be denominated a "feather duster" filibuster, a "pink tea" filibuster, one I cannot comprehend with my understanding of the rules of the Senate or when it is compared with filibusters of the past. To permit men to go on day after day in debate, as the Senator has permitted, without endeavoring to hold a session continuous in character or endeavoring to continue to keep the Senate in session all night and all day seems utterly incomprehensible in men who really desire to have an antilynching bill enacted. I have sat here and listened to men who boast of the fact that they have talked 8 days. But 8 days how? They would talk today for a while, postpone until tomorrow, and begin again, postpone until the day following, and begin again. And that is a filibuster upon the antilynching bill.

That is no way to break a filibuster, and the Senator knows it as well as I know it. I have sat here and wondered what sort of game it was that was being played, and what sort of thing it was in which we were all participating, and I realize that it was not the breaking of a filibuster at all, but the permission of an unlimited debate. Then to ask cloture, to ask me to violate what I regard as a sacred right in this body, and particularly at this time and in the near future, seemed to be utterly incomprehensible.

Mr. WAGNER. I do not know just how to interpret what the Senator has said—whether he intends to state to the country that I have been playing a game. If he does, all I can say in the mildest possible manner is that he has made a very unfounded remark—one that I should never attribute to him. But, Mr. President, everyone here knows that when between 14 and 20 men have given notice that they propose to filibuster or to talk in an unlimited way upon this measure, night sessions or day sessions cannot break such a filibuster, and any statement to the contrary does not look at the situation realistically. It is true that if there are one or two or perhaps three men engaged in filibuster, night sessions can break them. I have conferred upon that question with all those who have had longer experience than myself in the Senate, and it was the universal opinion that when 14 to 20 men were ready to talk for an unlimited time upon this question, there was no way of breaking it in day and night sessions, because they will simply take turns, and one speak all night, or three speak all night for one night, and the next three speak all night the next night, and so it goes on.

There is absolutely no way of ever bringing this bill to a vote except by means of a cloture, because there are too many engaged in the filibuster.

Mr. President, I am not going to reveal any records—I do not enjoy that sort of thing and I will not do it—but let me speak impersonally and say that there are a number of Senators on the other side of the Chamber, as well as on this side of the Chamber, who have protested in this case against voting for cloture who voted on a number of occasions in favor of cloture and limiting the debate when legislation in which they were interested was being considered. They did so in cases when there were less than 14 men engaged in a filibuster. So that we know as a matter of fact that however genuine the Senator may be in what he says—and I know that he is genuine about it—that we cannot break this filibuster by all-night sessions. We can break it only by the imposition of a cloture. I do not want to repeat that constantly.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. WAGNER. Yes; I yield.

Mr. MINTON. As the Senator from New York has pointed out, it is perfectly impossible to terminate a filibuster which is carried on by 15 or 20 Senators day after day and night after night, who can spell each other in speaking. It is necessary for them to keep only 3 or 4 Senators present all the time, while the other side must have 45 or 46 Senators present in order to maintain a quorum, and I should like to know if the Senator from California is willing to stay here 24 hours a day until this thing could be broken?

Mr. JOHNSON of California. Yes; I am willing to stay whatever time may be necessary. We have never tried the other method. You have never made any attempt at breaking this filibuster by the usual methods that have been employed.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WAGNER. Yes; I yield.

Mr. BARKLEY. I do not know whether the Senator from California was present at the time we had night sessions or not. I do not recall that. I do not know whether he was. It does not make any difference anyhow, because the Senator has not been in the most robust health, so even if he were not present no one could criticize him for not being present at night. We all observe that the Senator is improving rapidly, and we hope that he will soon be his dear self again physically and in every other way, though he has never been anything but his usual self except of late physically. We have had night sessions on this matter until 11 o'clock at night.

I would not reveal any private conversations here, of course, but the difficulties involved might be better understood if I could reveal to the Senate and the country the number of Senators who have come to me pleading that we do not have night sessions—and that includes Members of both parties, and on both sides of the Chamber—and the difficulties would be better understood if it were known how difficult it has been to keep a quorum here when we did try to have night sessions.

With respect to the theory of the Senator from California that all night sessions night after night break down the filibusterers, I would remind him that it also breaks down the filibusterees, so that it works both ways. More Senators have to be present on the side opposed to the filibuster than those who are trying to bring about the defeat of a measure by filibuster. And it is too late now to bring up the proposition that if we had had more night sessions the filibuster might have been broken.

Mr. JOHNSON of California. Mr. President, permit me to say that it is not on that theory that I spoke this morning. Of course, night sessions in the manner that we then held them were not worth a snap of the finger to break a filibuster, and if there are not enough Senators interested in the passage of this bill to attend, then, of course, you have no real feeling for your bill. Senators who are for it must be willing to attend and maintain a quorum; and if they do then they may bring an end to the filibuster through the method of continuous sessions.

We have had these things before. There were two filibusters upon a bill in which I was interested, and we went about ending them by holding continuous sessions, and in that way ultimately the Senate came around to taking action.

But I rose today because of the implication there was in the remarks of the Senator from New York that we and the people of the country, as I understood him, should have the knowledge that the cloture was the only way, and that he would hold up to some sort of obloquy the Senators who did not vote for cloture, and he would get the people back home to work in requiring us to undertake cloture, and I wanted to impress upon him just this one thing and nothing else, that it did not make a bit of difference to me whether all the people back home were requesting cloture or were not; I would not vote for cloture under any circumstances.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. BARKLEY. I think every cloture motion has to stand on its own bottom, and Members of the Senate who have voted for cloture in one case might consistently vote against it in another case, depending on the circumstance; but the Senator from California heretofore has voted on four occasions for cloture, so he is not quite consistent in saying that he would not vote for cloture under any circumstances. The circumstances in those cases the Senator regarded as justifying his vote for cloture. The circumstances in this case do not in his opinion justify it. But the Senator would not be justified in saying that he would not under any circumstances vote for a cloture rule.

Mr. JOHNSON of California. In connection with this bill I would not, because it is important and situations have changed, so that the maintenance of the right of unlimited debate ought to be kept sacred by this body.

Mr. BARKLEY. The Senator does not think that a vote on cloture now would bind him in the future with respect to some other motion for cloture, because while he has voted four times for cloture he has voted six times against it. So that each cloture motion stands on its own merits.

Mr. JOHNSON of California. One time I voted for cloture, and one time only. The Senator may have some other records there of some other sort, but it makes no difference if it were four instead of one. One time I recall, and one I was certain of, when I voted for cloture. At that time I did not succeed in obtaining it, and probably the Members of the body were justified in their position.

Mr. WAGNER. Mr. President, I did not want to mention one matter, but since it has come up I shall do so. I never care to make any personal allusions, but since the matter was disclosed I am in a position to reiterate the fact that the Senator who just spoke, who said that he would never in this body vote for cloture, did as a matter of fact on four occasions vote for cloture.

I would never have mentioned it, I may say to the Senator from California, except that it has already been mentioned.

Mr. JOHNSON of California. I beg the Senator not to feel any regret at mentioning any record of mine at any time here.

Mr. WAGNER. I do not get any great pleasure out of that, but it was somewhat contradictory of the statement that the Senator made that he will never vote for cloture. That may apply to the future, but it does not apply, of course, to the past.

In connection with the filibuster which the Senator mentions particularly, I was one of his loyal followers in that fight. The Senator, perhaps, has no occasion to remember it, but I remained on the floor of the Senate with him night after night because I was in sympathy with the Senator's views. But, remember, there were only 2 or 3 Senators engaged in that filibuster, in contrast with 14 to 20 Senators in the present instance. On the former occasion there were only two or three Senators indulging in a filibuster. On that occasion the Senator was absolutely right, and I remained on the floor with him all through the night in support of his position, because I thought he was on the right side.

There has been some talk in this Chamber, even recently, to the effect that a game is being played. I had hoped that I had made a sufficient record in this body so that I would not be charged with playing a game in connection with the legislation involving the welfare of humanity.

In this connection I refer to the fact that I have been made the center of the entire attack. Although two-thirds of the Senators have favored this legislation, I, and I alone, have been the subject of vituperation and abuse throughout the discussion. I do not complain about that. I do not want the Senate to believe that I consider for a moment that it has affected me in any way. I have a cause in which I believe, and I long ago learned that when one has a just cause he does not have to resort to personal attacks. I would not know how, anyway.

The suggestion has been made that the antilynching bill is an election proposition. God forbid that I should stand here and favor legislation and go on with it merely for the purpose of an election. As a matter of fact, if I should submit myself again to election, I do not think I would need legislation of this kind to help me. On the other hand, I am not at all sure that I shall submit myself again to the electorate, for reelection to this office or election to any other office. I want Senators to believe me when I say that in the consideration of this bill I have not votes in mind or any other such consideration. I have in mind the unfortunate victims of barbarism, of injustice, and of violations of every principle of democracy. I have in mind that the humblest individual who is accused of a crime is entitled to a trial by a jury of his peers before any punishment is inflicted upon him. I am pleading for that right. I do not care whether the individual is white or black, whether he is from the North or from the South, from the East or from the West.

I have not injected sectionalism into the debate, because the proposed law has application no matter where the violation of the fourteenth amendment takes place.

I know I am "on the spot," but I never evade responsibility, nor do those who are the proponents of the pending measure. I am thinking of those inside this Chamber as well as those outside. We are confronted with a proposal to consider legislation of the same type as the legislation under consideration, namely, legislation dealing with fundamental issues of human relationships.

The joint resolution in connection with which the motion has been made involves the immediate alleviation of human suffering. It is designed to provide employment for those who are unemployed and unable to care for their families, their

wives, and their children. I do not want to appear boastful, but the Senator from Wisconsin [Mr. LA FOLLETTE] and I were the pioneers in seeking the enactment of relief legislation in this body. I could not and I would not stand in the way of the immediate consideration of such legislation. If such legislation shall not be enacted, the result will be immediately to remove from W. P. A. jobs some 150,000 human beings in this country, and to remove 300,000 others from such jobs by June of this year. If the joint resolution shall be enacted, in addition to maintaining those 450,000 in employment, an additional 500,000 men will be given work. In the recession under which we are now suffering one would be inhuman if he did anything to thwart or frustrate the immediate consideration of such legislation, which involves the welfare of humanity to the extent to which it is affected by the joint resolution. The joint resolution is for the benefit of all, whatever their race, their creed, or their color.

I speak for the proponents of the antilynching bill inside this Chamber as well as those who have been cooperating on the outside—people interested in the colored race and others interested in the general subject of preventing lynching—when I say that we shall not put a single obstacle in the way of immediate consideration of the joint resolution.

I have only one or two other things to say and then I shall have finished. I was sorry to learn that if I should attempt even to postpone consideration of this bill to another date, the filibuster upon such a motion would go on; so I am realistic about that, too. Anyone who thinks that this displacement will end the consideration of the antilynching bill, even at the present session, is mistaken. The bill will go right back upon the calendar, and those of us who are interested in the legislation will continue the fight. We will talk to the country. Knowing the impartiality of the Chair, I know that I shall have another opportunity to bring the bill before the Senate for consideration.

Mr. HARRISON. Will the Senator yield?

Mr. WAGNER. I yield.

Mr. HARRISON. The Senator stated that he is in favor of bringing the relief bill to the floor of the Senate.

Mr. WAGNER. Yes.

Mr. HARRISON. Am I to infer from what the Senator has just said that he will oppose bringing before the Senate other appropriation bills which are now on the calendar, whose passage is necessary if the Government is to function? Will the Senator oppose, when it is ready for presentation to the Senate, the consideration of a very important tax bill through which we hope to give some relief to the taxpayers of this country?

Mr. WAGNER. The Senator has misunderstood me.

Mr. HARRISON. I am glad to hear that.

Mr. WAGNER. I did not say that at all.

Mr. HARRISON. The Senator is in favor of bringing those matters before the Senate?

Mr. WAGNER. If the Senator had done me the honor of listening to my very feeble and perhaps disjointed words, he would recall that I said that the reason why I wanted a postponement for a period of time was in order that other important measures might be considered by the Senate. I am enough of a realist in this matter to know that unless cloture is agreed to, we cannot obtain a vote on the antilynching bill. That is the responsibility which those who have voted against cloture have taken. They may make any protestation they like. There are certain things which are obvious. One of them is that if a Senator votes against cloture, he votes against bringing the bill before the Senate for a final vote. No amount of verbal protestation can becloud that fact.

Mr. HARRISON. But the Senator is going to cooperate, as I understand from his last remarks, with other Senators to proceed in an orderly way to consider the appropriation bills, the tax bill, and other legislation which has been proposed by the President and which is now on the calendar, including the so-called reorganization bill, before he brings up again the matter of the antilynching bill?

Mr. WAGNER. I shall certainly not act as an obstructionist in this matter, because, I say to the Senator, I want to pass this legislation.

Mr. HARRISON. There is no doubt about that in the minds of any of us.

Mr. WAGNER. There has been something said here this morning to the effect that somebody may be playing a game. I am not sensitive about such things, except that I want to assure the Senate that I am going to continue this fight; and I will say to the Senator that it is going to be won. I think that before we get through, the Senator himself may feel the advisability of enacting legislation of this kind.

Mr. HARRISON. The Senator is certainly an optimist. But I may say to him that I made no allusion to his "playing a game"; I know the Senator would not "play a game"; and when he said there was no politics in his movements in connection with this measure I would be the last one here to suspect politics in it. It was almost an insult to this membership for the Senator even to suggest that anybody had in his mind that the Senator was playing any politics in reference to the antilynching proposal.

Mr. WAGNER. May I say there have been some very definite utterances to that effect?

Mr. McKELLAR. Mr. President, will the Senator from New York yield to me?

Mr. WAGNER. I yield.

Mr. McKELLAR. The Senator speaks of "going to the country." He understands that the others of us can "go to the country" along with him, and will be glad to do so.

Mr. WAGNER. Yes, and I will welcome that.

Mr. McKELLAR. The Senator will certainly find those of us on the side doing that very thing.

Mr. WAGNER. Of course, I should like to go right on the air with the Senator from Tennessee at any time to present both sides of the question.

Mr. McKELLAR. I will be glad to do that.

Mr. WAGNER. As a matter of fact, though, from a poll which has been taken even in the Southern States——

Mr. BARKLEY. Mr. President, if the Senator will yield let me say that to a joint discussion of that sort on the air, I think we will all listen in, because it would be "hot air," no doubt, on the part, at least, of some of those participating.

Mr. WAGNER. I may say to the Senator that the Gallup poll, which, as the Senator remembers, was taken all through the Southern States, showed that even in the South, where there is supposed to be opposition to this proposed legislation, 57 percent of the citizenry were in favor of the enactment of Federal antilynching legislation.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. WAGNER. Yes.

Mr. HARRISON. The Gallup poll did not show that 57 percent were in favor of the pending antilynching legislation, did it?

Mr. WAGNER. That 57 percent were in favor of Federal legislation on the subject.

Mr. HARRISON. The poll showed they were in favor of stopping lynching.

Mr. WAGNER. Oh, no. That remark was made on the floor. So I went back and looked up the poll. The question submitted was, "Do you favor the enactment of a Federal antilynching bill?"

Mr. HARRISON. But this particular bill was not endorsed.

Mr. WAGNER. This was the only antilynching bill then pending.

Mr. HARRISON. Yes; and it is bad enough.

Mr. WAGNER. Oh, yes; I know as to that.

Mr. McKELLAR. It is one too many.

Mr. CONNALLY. Mr. President, regular order.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky that the Senate proceed to the consideration of House Joint Resolution 596.

Mr. McNARY. Mr. President, I wish to indulge only a word of consolation, criticism, and correction of what has

been said. I console the Senator from New York with the suggestion that at any time when he desires to be recognized there is always a fair-minded occupant of the chair, and that he may move to bring this bill again before the Senate. But I wish to tell him the futility of a move of that kind unless it is supported by more genuine enthusiasm than has been shown.

The VICE PRESIDENT. The Senators seem to be talking to each other. The Senator from Oregon would like to have the attention of the Senate and that of the Senator from New York. The Chair requests Senators to maintain order.

Mr. McNARY. Mr. President, I repeat the word of consolation to the Senator from New York that he may have an opportunity to bring this bill before the Senate at any time when he is recognized, and that will be at almost any time he may desire to be recognized. But I wish to say to him that it would be futile again to bring this bill before the Senate unless he can show more genuine enthusiasm for the measure than he has shown.

Mr. President, the able Senator from New York tries to get out of this dilemma by laying responsibility on the Senators who did not sign the cloture motion. That criticism probably is directed largely to the Republican Members on this side of the aisle. No one in the great world outside finds sportsmanship in a big, overgrown boy fighting a cripple or beating up one who is his junior in years. It is not sportsmanship, Mr. President, to try to fix responsibility upon the few Republican Members who did not sign the cloture motion when the first effort for cloture was made.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. WAGNER. I think the Senator from Oregon misunderstood me. I did not attempt to fix all responsibilitity on the other side.

Mr. McNARY. I certainly did not misunderstand the Senator.

Mr. WAGNER. I did call attention to the fact that those for whom the Senator from Oregon speaks were prepared to vote for the antilynching bill, and, therefore, that they must have understood all its provisions. I did not cast the entire responsibility, of course, on those on the other side. There are Senators on my own side who also prevented the imposition of cloture. So the responsibility must be shared by all of us, however we voted.

Mr. McNARY. I quite understand the able Senator from New York, and I understand the implications involved in his statement. Let me say to him that if all the Republicans who refused to vote for cloture had voted for it when it was first presented, it would have lacked 10 votes of having the necessary two-thirds to invoke it; and if all the Republican Senators in this Chamber had voted for cloture the last time it was presented, it would still have been 7 votes short of the necessary two-thirds. Under what reasoning can a little minority of 15 or 16 Republicans be blamed for not controlling a situation when there are 80 Democratic Senators? It is puppyish, Mr. President, to conceive of a thing so ridiculous.

Let me add further that the definite responsibility is not in the failure to adopt cloture; the responsibility, Mr. President, lies in not attempting in good faith to pass the bill. The antilynching bill, in my opinion, could have been passed. The bill was brought before this body, as I recall, about the 21st day of November last. At the suggestion of the Senator from New York, a special order was made to defer action on the bill until the 6th day of January of this year, 1938. At that time it was taken from the calendar, as a special order, and made the unfinished business. At that time, if the able Senator from New York, and his admiring friend, the able Senator from Kentucky [Mr. BARKLEY], who have passed compliments to each other, had kept this body in session as suggested by the Senator from California [Mr. JOHNSON], in my opinion, this bill would have been passed weeks ago.

I have been a Member of the Senate for 20 years and more; I know how filibusters are broken; I know what it is necessary to do in such circumstances. No realistic Senator ever undertakes to invoke cloture until a filibuster has been tried out by night and day sessions. I say to the Senator from New York that, in my judgment, he will never get cloture in this body until he and his colleague the Senator from Kentucky show a disposition manfully, aggressively, and enthusiastically to attempt to pass the proposed legislation.

What did we have? Mr. President, we had a parade of fellowship; we had a hippodrome display. We met here daily at 12 o'clock and adjourned anywhere from half past 4 to 5 o'clock. We had night sessions on two occasions; on one occasion when the Senate met at 11 o'clock in the morning and remained in session until 11 o'clock at night, and the other when the Senate met at 12 o'clock in the morning and adjourned at 10:15 p. m. That is what some call "night sessions." A night session, Mr. President, as I understood, and as it has been invoked heretofore, means all night and all day.

Who can say that there are 18 or 20 filibusterers here? In my judgment, there are not half a dozen who would go through a fight as contemplated by the able Senator from New York, who says that there are 18 or 20 filibusterers. The Senator does not know, for he has not had the aggressive force or willingness to try out the filibuster in order to determine, to any extent, its effectiveness and its strength.

Mr. President, the responsibility for being unable to function in the case of this bill lies with the 80 Democrats in this body. It cannot be transferred to the 15 or 16 Republicans who, save two, stand ready to support this bill at any time, and stay here, as I repeat what I said on a former occasion, the necessary length of time to do that particular job, and do it well. If the Democrats are unable to function, Mr. President, as every one knows they are unable to do, they should admit it.

Mr. President, speaking of cloture, let me tell the Senator from Kentucky, whom I greatly admire, that the greatest power in this country today, the greatest force in the Democratic Party, is the gentleman in the White House—the beloved Franklin Delano Roosevelt.

On many and many occasions messages have come from the White House to this body urging legislation. Not a word, however, has come to us about this bill. If the President wanted this bill passed he could easily have sent up word to that effect to the Members of the Senate, and the bill would have been passed a few days after it came before the Senate.

So, Mr. President, without tarrying longer, I wish to say that this great, vigorous force in the White House—one whom we all admire—could have brought this debate to an end, and could have brought about a final vote on this measure, weeks ago. He has not done it. There is one who is responsible. The administration is responsible for the bills it brings into the Congress. If a bill is reported to the Senate by a Democratic committee, in a great sense it becomes a Democratic measure; and in nearly every instance in which there has been failure to function in this body the President has been called upon to relieve a situation which was embarrassing to the Democrats inside and outside of the Senate Chamber.

If the 80 Democratic Members of the Senate and their affiliates are unable to function, then I can say in behalf of the 15 Republicans that we will give them all the aid that is possible. It may be, and it is my rather candid view, that if they desert the bill now, sometime will go by before it is passed. My confidence has been shaken; but a day is coming when this side will again have the majority in this body, and then the bill will pass. So those of us who are supporting the bill may look to that day.

Mr. BARKLEY. Mr. President, I have no desire to inject any politics into a discussion of this measure or of the motion I have made; but, in view of the partisan political remarks

made by the Senator from Oregon, I feel that I cannot do otherwise than make a brief reply.

The Senator says the day will come when his party will again have a majority in the Senate, and then the bill will pass. His party had an enormous majority following 1920, until 1932, and they did not pass the bill; so in 12 years of control of the Senate and the House of Representatives, the party which is so ably represented here by the Senator from Oregon as its leader failed utterly to function with respect to the matter, although twice during that period the platforms on which the Senator ran promised the American people to pass such legislation.

The Senator says the White House could have stopped this filibuster, and that the bill could have been passed within 2 or 3 days. I acknowledge the power of the President of the United States, and I am glad to have public acknowledgment of the admiration in which the Senator from Oregon holds him; but if there is one thing which any President of the United States cannot do, it is to stop a filibuster in the United States Senate. Everybody knows that this is not a partisan measure. If it were a partisan measure, it would be a Republican measure, because the Republicans twice promised to enact this legislation when they were in power, and they did not enact it. It is not a partisan measure. It is a measure upon which everyone, without regard to party, entertains his own view.

The Senator from Oregon says that the responsibility is with the 80 Democrats, and that the 15 or 16 Republicans here have no responsibility. That is the first time the distinguished leader of the Republican Party has publicly admitted the irresponsibility of his side of the Chamber. Every Member of the Senate has an individual responsibility in legislation, not only of this sort but of all kinds. We have never charged, and I do not now charge, that the Republicans are solely responsible for failure to obtain cloture in limiting debate here; but I did have an idea that they might have aided in securing cloture, in view of the enthusiasm which they have displayed about the bill, not one of them having spoken in favor of it since the debate has been on. [Laughter.] The only Member on the Republican side who has raised his voice on this measure has been the Senator from Idaho [Mr. BORAH], who spoke against it.

I do not class the Senator from Idaho as a Republican. The Senator is too big to be a Republican, and not quite big enough to be a Democrat. [Laughter.] Now and then he has progressive pains, but when delivery time comes the result is sometimes disappointing. In spite of all that, however, we admire the Senator's ability. We regard him as one of the outstanding Senators, and he does not go according to party platforms. He does not go according to any rule except his own, and that is frequently a good rule, because the Senator is an independent. He is a force for independent thought in this body, and regardless of whether he is for or against legislation, regardless of what he thinks about anything, we are always glad to have the benefit of his views, and we respect his views, as we respect him. But the Senator from Idaho is the only Republican, if he is a Republican, who has spoken on the antilynching bill, and he spoke against it, and he made one of the ablest and one of the best speeches made against the measure.

Mr. BORAH. Mr. President——

Mr. BARKLEY. I yield to the Senator from Idaho.

Mr. BORAH. How did I get into this debate? I was thinking much but saying nothing. [Laughter.]

Mr. BARKLEY. I brought the Senator into it. I was answering the Senator from Oregon [Mr. MCNARY], who was trying to shove over onto our side the responsibility for failure to obtain cloture, and I stated that the Senator from Idaho was the only Republican who had spoken on the bill.

Mr. BORAH. But the Senator says I am not a Republican.

Mr. BARKLEY. Well, the Senator sits on that side.

Mr. BORAH. I cannot help that. There is no room over on the other side. [Laughter.]

Mr. BARKLEY. The Senator may be with them, but not of them; but I stated that the only speech made on that side, by which I mean the Republican side, was made by the Senator from Idaho, and he spoke against the bill.

While nobody holds the Republican minority, small as it is, responsible for the failure to obtain cloture, it was supposed in view of their enthusiasm for this legislation, indicated by their perpetual silence on the subject during all this debate since last August, that their help, at least their moral help, might be counted on in undertaking to bring about a limitation of debate. We have not even had their moral assistance. They have not raised their voices in behalf of the bill. They have voted against cloture. Not even the moral influence and support of the Senator from Oregon and the band that follows him has been forthcoming.

Mr. MCNARY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Oregon.

Mr. MCNARY. Has the Senator from Kentucky addressed himself to this subject?

Mr. BARKLEY. The record speaks for itself.

Mr. MCNARY. The record does not speak.

Mr. BARKLEY. But whatever my record is speaks for itself, while the Senator's record is silent on the subject.

The Senator has acted as if he were the fabled girl in the story who was advised to "hang her clothes on the hickory limb, but not go near the water." [Laughter.] He is for the bill, but he is against voting on it. He is in favor of the law, but against its enforcement. [Laughter.] The Senator's attitude, and the attitude of those who have followed him, reminds me of an old clock that my father borrowed from one of the neighbors when I was a country boy on the farm. My father took the clock home and put it on the mantelpiece, and it stayed there a week, and he never could tell what time it was. Finally, he took the clock back, and said to his neighbor, "What is the matter with this clock? I cannot tell what time it is." The neighbor said, "Well, I ought to have explained it to you. It is a very curious clock. When both hands point to 12 and she strikes 2, that means it is half-past 4." [Laughter.]

That is about the attitude of the Senator from Oregon on the bill which is now under consideration, and the effort to limit debate and bring it to a conclusion.

Mr. President, the country will not misunderstand the political byplay which has been injected into this debate by the Senator from Oregon. I myself did not intend to refer to the politics of the situation except as he himself injected politics into it, which I regret, because, so far as I have been concerned and am now concerned, I have tried to maintain this whole debate, from beginning to end, upon a high, elevated, nonpartisan plane; and I regret that the Senator from Oregon has descended from that high pedestal, which I am sure he would set for himself in his more sober moments. I will say to the Senator that I am speaking mentally, not physically. [Laughter.]

I hope we may now have a vote on the motion.

Mr. CONNALLY. Mr. President, I only wish to say that the Senator from Kentucky has made a motion to take up the relief joint resolution. It is supported by the Senator from New York [Mr. WAGNER]. In order to remove any misapprehension, I hope those who have been cooperating with me will support the motion.

Mr. NORRIS. Mr. President, principally in order that there may be no misunderstanding as to my attitude in regard to voting for or against cloture, since that matter has been injected into this debate, I desire to state that I was one of the Senators who voted for the adoption of the rule providing for cloture. I have always believed that we ought to adopt cloture after very mature consideration of a measure. Some of the greatest men who ever sat in this body were opposed to that rule. Some of those who are now here are opposed to that rule.

They can back up their logic with good reasoning. But to me it has always seemed that there ought to come a time when debate should end.

I voted against cloture in this matter mainly because I am opposed to the bill itself. If occasion should arise, today or tomorrow, in connection with any other matter of legisla-

tion to which I thought cloture ought to be applied, I would vote for cloture; but I think it would be a bad mistake if Congress should pass the so-called antilynching bill. Much as many of its features appeal to me, after as mature consideration as I am able to give to it, I have reached the conclusion that it never ought to be enacted into law; and I will vote against cloture.

I cast no reflection on those who believe in the proposed legislation and who ardently support it. That is particularly true of the Senator from New York. I have had no sympathy with anything that has been said in the debate which even indirectly reflected upon his sincerity, his integrity, or his courage.

Mr. President, I am opposed to the bill for reasons which have perhaps not been given during the debate. They may be of but little value; it may be that they would not have any effect upon anyone else in the consideration of the bill. While I think that the bill is constitutional, I am opposed to it because I think it would have a tendency to raise again that slumbering monster which came into being as a result of the Civil War. I am opposed to the bill because I believe it would do more harm than good even to the colored race.

I had a brother, Mr. President, an only brother, who breathed out his life at the Battle of Resaca while serving with the Union Army. I got my first lesson in the details of the Civil War when, standing as a child at my mother's knee, I heard her read the letters which had been written by her elder son by the campfire's light in the southland. One of the letters was received after the fatal bullet had done its deadly work.

I saw that mother, although she lived for many years afterward, go to her grave with a broken heart. The packet of letters which she read to me was tied up, I remember so well, with a little red ribbon, and was enclosed in a little tin box. When my mother died many years after I had grown to manhood, she left me no material riches, nothing of intrinsic value, but she gave to me something more precious than the gold of the kingdom. She gave me that little packet of letters, stained with a mother's tears, tied up with a little red ribbon, enclosed in a little tin box. She carried to her grave a heart broken by the loss of her boy in the Civil War.

My mother was only one of millions of others, both in the North and in the South, whom that terrible conflict made unhappy for life. Our fireside in our humble home was only one of millions where a chair was made vacant by the Civil War.

Then, Mr. President, when I read of the terrible things that happened to the South after the Civil War; when I read of the reconstruction days, and the days when the carpetbagger was running riot over the South, and adding misery and ruin to homes which had already been desecrated and destroyed as a result of the war; when I read of the terrible things which ensued as a result of the reconstruction days and the activities of the carpetbagger I wonder now how the South has done such remarkable work in the way of recovery. With many of their boys, their brothers, their sons, their husbands, killed in the Civil War, their homes destroyed, their country laid waste, seeing them, a proud people, subjected by the cruelties of the reconstruction days to the domination of the carpetbaggers and the control in their legislatures and in their executive offices by officials who were corrupt and ignorant, and who added insult to injury, I wonder at the great improvement that has come about in the South in the years since the Civil War.

The people of the South have done a wonderful job. I confess we could not have improved upon it. With all the hatred, the animosity, and the agony which came to the people, it is amazing to me that the crime of lynching has been gradually dying out. The people of the South have made a record of which they have a right to be proud.

We have forgotten the reconstruction days. The agonizing animosities which came about from the Civil War and the reconstruction period have been, thank God, largely forgotten. If enacted into law, this bill would revive them all. It would have a tendency, I think, to halt the progress which has been made during these eventful years.

We could not improve upon what has been done. Confronted by a condition which never before faced a people, the people of the South have now almost reached the time, in the few short years which have passed since the Civil War, when the crime of lynching is almost unknown. Why should we interfere now? Why should the Federal Government undertake to step in now? With their record, it would be a step backward in human progress, as I see it.

Mr. President, I know that I am expected to vote for the bill. Until I thought it out myself, until I began to realize what I believe would be an infliction instead of a blessing, I was not looking upon the measure with disfavor. But when I consider the history of my country, when I see the condition which exists now, I do not want the Federal Government to take up this burden, which the people of the South have carried so well. I think it is certain we would fail where they have succeeded.

Mr. President, now, when the bitter days of reconstruction have been largely forgotten, when those who participated in the Civil War, which originated that regrettable period, are gone; when years later we can, in calmness and deliberation, think over those times; when we can read history and realize the awful mistakes which were made by the Federal Government after the death of the sainted Lincoln; when we can think of it all only as past history and understand that, no matter what may be expected, we must deal with conditions as they are now, it seems to me, under my conscientious convictions, that I should not be one who would stay the great progress which has been made in the South. Whatever may be the result, whatever may be the consequences, so far as my vote and voice against the proposed legislation are concerned, I take the responsibility and am willing to abide the consequences.

The PRESIDING OFFICER (Mr. DUFFY in the chair). The question is on the motion of the Senator from Kentucky [Mr. BARKLEY].

Mr. HOLT. I see that there is a deliberate move to prevent a roll call on this particular motion, and in order that the people of the country may have the advantage of knowing who are conscientiously and sincerely for or against the bill, I suggest the absence of a quorum in order that I may ask for the yeas and nays on the motion.

I first suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Hitchcock	Norris
Andrews	Davis	Holt	Nye
Ashurst	Dieterich	Johnson, Calif.	O'Mahoney
Austin	Donahey	Johnson, Colo.	Overton
Bailey	Duffy	King	Pope
Bankhead	Ellender	La Follette	Reames
Barkley	Frazier	Lee	Russell
Bilbo	George	Lodge	Schwartz
Bone	Gerry	Logan	Schwellenbach
Borah	Gibson	Lonergan	Sheppard
Bridges	Gillette	Lundeen	Shipstead
Bulkley	Glass	McAdoo	Thomas, Okla.
Bulow	Green	McKellar	Thomas, Utah
Burke	Guffey	McNary	Townsend
Byrd	Hale	Maloney	Truman
Byrnes	Harrison	Miller	Tydings
Capper	Hatch	Milton	Vandenberg
Caraway	Hayden	Minton	Van Nuys
Chavez	Herring	Murray	Wagner
Connally	Hill	Neely	Walsh

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

The question is on agreeing to the motion of the Senator from Kentucky [Mr. BARKLEY] to proceed to the consideration of House Joint Resolution 596.

Mr. HOLT. On that I ask for the yeas and nays.

The VICE PRESIDENT. Those in favoring of taking the vote by yeas and nays will rise and stand until they are counted.

Sixteen Senators having risen, there is a sufficient number. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MINTON. I announce that the Senator from Florida [Mr. PEPPER] is paired with the Senator from Kansas [Mr. McGILL]. If the Senator from Florida were present and at liberty to vote on this question, he would vote "yea." If the Senator from Kansas were present and at liberty to vote, he would vote "nay."

I also announce that the Senator from Tennessee [Mr. BERRY], the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Florida [Mr. PEPPER], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Montana [Mr. WHEELER] are detained on important public business. I am advised that if present and voting these Senators would vote "yea."

The Senator from Michigan [Mr. BROWN], the Senators from Nevada [Mr. McCARRAN and Mr. PITTMAN], the Senator from Kansas [Mr. McGILL], and the Senator from Illinois [Mr. LEWIS] are detained in their respective States on official business.

The Senator from Delaware [Mr. HUGHES] and the Senator from New Jersey [Mr. SMATHERS] are unavoidably detained.

The result was announced—yeas 58, nays 22, as follows:

YEAS—58

Adams	Connally	Hill	Pope
Andrews	Dieterich	Hitchcock	Reames
Bailey	Duffy	Johnson, Colo.	Russell
Bankhead	Ellender	King	Schwartz
Barkley	Frazier	La Follette	Schwellenbach
Bilbo	George	Lee	Sheppard
Bone	Gerry	Lonergan	Shipstead
Borah	Gillette	McKellar	Thomas, Okla.
Bulkley	Glass	Maloney	Thomas, Utah.
Bulow	Green	Miller	Truman
Burke	Hale	Murray	Tydings
Byrd	Harrison	Norris	Van Nuys
Byrnes	Hatch	Nye	Wagner
Caraway	Hayden	O'Mahoney	
Chavez	Herring	Overton	

NAYS—22

Ashurst	Donahey	Logan	Neely
Austin	Gibson	Lundeen	Townsend
Bridges	Guffey	McAdoo	Vandenberg
Capper	Holt	McNary	Walsh
Copeland	Johnson, Calif.	Milton	
Davis	Lodge	Minton	

NOT VOTING—16

Berry	Hughes	Pepper	Smathers
Brown, Mich.	Lewis	Pittman	Smith
Brown, N. H.	McCarran	Radcliffe	Wheeler
Clark	McGill	Reynolds	White

So Mr. BARKLEY's motion was agreed to; and the Senate proceeded to consider the joint resolution (H. J. Res. 596) making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938, which had been reported from the Committee on Appropriations with an amendment, on page 1, line 10, after the word "act", to strike out the colon and the following language:

Provided, however, That no part of this appropriation shall be paid to any alien unless such alien has heretofore in good faith declared in the manner prescribed by law an intention to become a citizen or unless such alien has resided continuously and lived honorably in the United States since January 1, 1928, and is ineligible under the laws of the United States to become a citizen.

So as to make the joint resolution read:

Resolved, etc., That to continue to provide relief, and work relief on useful public projects, as authorized in the Emergency Relief Appropriation Act of 1937, and subject to all the provisions thereof, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000,000, which amount shall be added to, and proportionately increase the specified amounts of the limitations prescribed under, the appropriation made in such act.

The VICE PRESIDENT. The question is an agreeing to the committee amendment.

Without objection, the amendment will be agreed to.

Without objection, the amendment will be engrossed, and the joint resolution read a third time.

Mr. VANDENBERG. No, no; Mr. President.

The VICE PRESIDENT. The Senator from Washington.

Mr. SCHWELLENBACH. In view of the fact that the measure under consideration involves an additional appropriation of $250,000,000, I should like to hear some explanation of it from the Senator from Colorado.

Mr. ADAMS. I shall be very glad to explain the joint resolution.

Mr. President, the Emergency Relief Appropriation Act of 1937 appropriated directly one and a half billion dollars. It appropriated indirectly, by carrying over an unexpended and unobligated balance, an additional $243,000,000.

At the time of the passage of the Emergency Relief Appropriation Act of 1937 it was anticipated that the necessity for relief would gradually decline. That expectation was fulfilled up until October of last year, when the number on the relief rolls had reached 1,450,000. Due to the industrial recession which began last October, the number on relief was increased to 1,945,000. That number does not cover the total number of those in need of relief. The money now available is adequate to care for a load of 1,700,000. Inasmuch as the load now being carried is 245,000 more than that number, unless there is an increase in the appropriation it will be necessary to reduce the number of those on relief to 1,800,000 in March, 1,600,000 in April, and 1,500,000 in June. The figures were given to the Committee on Appropriations by Mr. Aubrey Williams, who is the acting head of the Works Progress Administration during the absence of Mr. Hopkins.

Under the provisions of the original act it was required that the funds be allocated and distributed throughout the entire fiscal year, so that it was not possible to anticipate the amount appropriated.

The pending bill, by adding $250,000,000, seeks to meet the necessity which has arisen. The added amount is specified in the joint resolution to be a proportionate increase in the various items of the present law; so that the added amount, in turn, is distributed monthly through the balance of the fiscal year.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Colorado yield to the Senator from Washington?

Mr. ADAMS. I shall be glad to yield to the Senator from Washington.

Mr. SCHWELLENBACH. The restrictive provision known as the Woodrum amendment, contained in the pending joint resolution, was contained in the appropriation act for the year 1937?

Mr. ADAMS. That is correct. The purpose of the joint resolution is to add $250,000,000 to the fund remaining unexpended, to be subject to the same distribution and the same limitations contained in the original appropriation. That is, there is a proportionate addition made to what might be described as the various compartments set up by the Woodrum amendment.

Mr. SCHWELLENBACH. Does the Senator mind telling us now how much of the 1937 appropriation is still unexpended?

Mr. ADAMS. I shall be glad to. On the first of February there was $545,000,000.

Mr. SCHWELLENBACH. The proposed appropriation of $250,000,000 is in the nature of a deficiency appropriation, is it not?

Mr. ADAMS. It is.

Mr. SCHWELLENBACH. Ordinarily there is no deficiency appropriation until the last of the regular appropriation is being expended. I should like to ask if it is not true that the reason why it is necessary now to have this deficiency appropriation, despite the fact that we have half a billion dollars on hand in the fund, is that the Woodrum amendment was adopted in the relief appropriation bill of last summer, which makes it impossible for the Works Progress Administration to meet the problem in accordance with the needs as they see them at the present time.

Mr. ADAMS. I think that is substantially true. The deficiency is regarded as extending over the balance of the fiscal year, and is met at this time by reason of necessity. In other words, there are today 700,000 more people in need of relief than can be provided for by the present funds.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. ADAMS. I shall be glad to yield.

Mr. ASHURST. I do not wish to interrupt the trend of the Senator's explanation of the bill——

Mr. ADAMS. I shall be glad to have the Senator interrupt.

Mr. ASHURST. It appears that the committee has reported an amendment. I think the amendment should be rejected. If the Senator will permit me, I should like to ask him a question, inasmuch as he is in charge of the bill. I have every inclination to follow the able Senator from Colorado, because I have learned to pay respectful attention to all he says and does, but I cannot understand why the following language is stricken out:

Provided, however, That no part of this appropriation shall be paid to any alien unless such alien has heretofore in good faith declared in the manner prescribed by law an intention to become a citizen or unless such alien has resided continuously and lived honorably in the United States since January 1, 1928, and is ineligible under the laws of the United States to become a citizen.

If that amendment shall be agreed to, a man who has lived dishonorably in the United States, violating her laws, who has not applied for citizenship, and who ought to be deported, will be fed at Government expense.

Mr. President, the issue must be met sooner or later. So long as we feed people, of course, they will not work. If we are going to feed aliens, it must be upon the hypothesis that they will, therefore, not work; whereas if they work, they might displace some citizens. Surely at this time in our history we do not want to continue to feed aliens who have entered the United States dishonorably and are not eligible to citizenship.

Mr. ADAMS. Mr. President, I will be glad to explain the matter in part, but the Senator from South Carolina [Mr. BYRNES], who is better advised than I am about it, may make further explanation. Here is the provision of the existing law:

SEC. 3. The departments, agencies, or establishments having supervision of projects for which funds from the foregoing appropriation are made available shall not knowingly employ on such projects aliens illegally within the limits of the United States or aliens who have not filed declaration of intention to become citizens, and they shall make every reasonable effort consistent with prompt employment of the destitute unemployed to see that such aliens are not employed, and if employed and their status as such aliens is disclosed they shall thereupon be discharged: *Provided,* That preference shall be given to American citizens who are in need of relief in employment by the Works Progress Administration and next those aliens who are in need of relief and who have declared their intention to become citizens prior to the enactment of this joint resolution: *Provided further,* That veterans of the World War and Spanish War who are in need of relief shall be given preference for employment by the Works Progress Administration.

The amendment which the Senator from Arizona indicates should stay in the bill is much less drastic than the provisions of the present law, and the added appropriation of $250,000,000 this year is made subject to its limitations. The amendment which the House put in the bill would allow those who are not eligible for citizenship, which would include Asiatics, criminals, imbeciles, those who are here under contract, and a group of others, to obtain relief. The law as it stands does not allow any of those people to be upon relief. It provides that if the funds are inadequate American citizens shall be cared for first, and then those who have declared their intention to become citizens; so those who are illegally in the United States and those who have not shown a sufficient interest in the Government to declare their intention to become citizens shall not be fed at the expense of the taxpayers.

Mr. ASHURST. Mr. President, will the Senator yield further?

Mr. ADAMS. Yes.

Mr. ASHURST. The explanation of the able Senator is most gratifying. In other words, the Senator's view is—and undoubtedly it is correct—that if the provision adopted by the other House remains in the bill it will weaken or relax the stringency of the present law? Is that correct?

Mr. ADAMS. Yes; it would if it is to be regarded as an amendment.

In addition to that, I will say to the Senator from Arizona that the $250,000,000 is added to the fund now existing; so we would have one rule which would apply to the $545,000,000 unexpended, and a different rule would apply to the $250,000,000 which is to be added to the fund. Confusion would thereby be added which the administration could hardly meet.

Mr. ASHURST. Then, Mr. President, it is very clear to me—and I am grateful to the Senator from Colorado for his explanation—that the retention of the language proposed to be stricken out would tend to weaken the present law, or, at least, to make confusion because of the application of two different rules? Is that true?

Mr. ADAMS. That is my understanding.

The PRESIDING OFFICER. May the Chair interpose a statement as to the parliamentary situation? The amendment of the committee has been agreed to, and, in order to have it reconsidered, it will be necessary to make a motion to that effect.

Mr. ASHURST. Mr. President, I do not intend to make any motion. I am perfectly content with the lucid, clear explanation of the Senator from Colorado. I think if the parliamentary situation were such that a vote could be had, I would be inclined to vote to support the amendment recommended by the committee, in view of the statement made by the Senator from Colorado.

Mr. BYRNES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. ADAMS. I yield.

Mr. BYRNES. I merely wish to say with reference to the amendment which I offered to the bill a year ago that, under that amendment, approximately 75,000 aliens were removed from W. P. A. jobs.

The position of the Appropriations Committee in reporting the amendment last year was that if we owed a duty to the alien, if he is in need, to provide him direct relief, and that it would be far better that the State, county, or city should investigate such need, and if he had to be given relief, it could be given him as direct relief at a cost not exceeding $30 a month. But when it comes to furnishing a job, since the average W. P. A. job costs the taxpayers $65 a month, certainly we owe no such duty to the alien at a time when upon the relief rolls of the various States there are thousands of citizens who are employables, who are eligible for jobs, but who are unable to secure jobs. So, in my judgment, the amendment adopted by the other House should not be agreed to, for its only effect would be to give jobs to aliens who entered this country illegally, are, therefore, ineligible for citizenship, and, therefore, cannot file declarations of intention to become citizens. It would accord them a privilege which should not be extended to those who cannot comply with our law.

Mr. ASHURST. Mr. President, will the Senator from Colorado permit me one more sentence?

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Arizona?

Mr. ADAMS. I am glad to yield to the Senator from Arizona.

Mr. ASHURST. I wish to say that, while I am not in a critical mood this morning, it is my opinion that the Department of Labor has been remiss in the performance of its duty in connection with the deportation of criminal aliens. Even a remote excursion of the imagination cannot bring before me any reason for this remissness, this flagrant disregard on the part of the Secretary of Labor with respect to the law that should be enforced as to the deportation of criminal aliens who are now in the United States.

Mr. HAYDEN and Mr. DAVIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield; and if so, to whom?

Mr. ADAMS. I yield first to the Senator from Arizona.

Mr. HAYDEN. Mr. President, apparently, from the statement of the Chair, there is nothing now pending before the Senate. I have an amendment to the joint resolution which I should like to offer.

The PRESIDING OFFICER. The joint resolution itself is pending before the Senate. Does the Senator from Colorado yield to the Senator from Arizona for the purpose of offering an amendment?

Mr. ADAMS. I will be glad to yield, but I should like to proceed and make further explanation.

Mr. HAYDEN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to strike out a period and insert a colon and the following proviso:

Provided, That no part of the sum herein appropriated shall be allocated or obligated for the construction of any building.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arizona [Mr. HAYDEN]. The Senator from Colorado has the floor.

Mr. DAVIS and Mr. HALE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield; and if so, to whom?

Mr. ADAMS. I yield first to the Senator from Pennsylvania.

Mr. DAVIS. I desire to say that I think it is wise to adhere to the committee amendment.

During the last year I have been insisting that W. P. A. employment be extended first to American citizens in need thereof; then next to aliens who have heretofore declared their intention to become American citizens; and, finally, if funds permit, to other legally entered aliens who have not so far indicated their intention to become American citizens, with no such employment to be extended to any alien who had illegally entered this country. Such provision became a part of the Emergency Relief Appropriation Act last July 1 and has already resulted in the discontinuance of 72,000 aliens from W. P. A. rolls, thus making a place for that many needy American citizens for whose employment funds would not otherwise have been available. That provision must remain in the law as it is, unless possibly it can be made stronger. It cannot be tolerated that this provision should be made inapplicable, as would be the result if the United States Senate were to give its approval to the so-called Lanham amendment adopted by the House last Wednesday. The Lanham amendment reads as follows:

Provided, however, That no part of this appropriation shall be paid to any alien unless such alien has heretofore in good faith declared in the manner prescribed by law an intention to become a citizen, or unless such alien has resided continuously and lived honorably in the United States since January 1, 1928, and is ineligible under the laws of the United States to become a citizen.

On the very best authority I am advised that while the first part of this amendment would tighten up the present law slightly the last part would weaken it outrageously and would place on a par with American citizens for W. P. A. employment purposes more than 3,000,000 aliens who have been in this country for 10 years or more who are inadmissible to citizenship because they entered illegally, because they are illiterate, or because they are racially excluded. On the other hand, law-abiding, legally entered, literate, and racially admissible aliens who have been in this country less than 10 years would be absolutely barred from W. P. A. employment if they had not previously declared their intention to become citizens. In other words, the Lanham amendment would give preference to the illegally entered as compared with the legally entered, to the racially inadmissible as compared to the racially admissible, to the illiterate as compared with the literate. What an absurd situation that would be. Americans first, then legally entered aliens, if funds permit, is the policy I would have followed by the Federal Government and by all States and municipalities. I desire to support the recommendation of the committee.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Maine?

Mr. ADAMS. I yield to the Senator from Maine.

Mr. HALE. Regardless of the Woodrum amendment, we were told in the committee, unless I am mistaken, that the additional sum of $250,000,000 was to be used entirely for W. P. A. projects. Is not that correct?

Mr. ADAMS. That is correct.

Mr. HALE. And it will not be used for other purposes at all?

Mr. ADAMS. Not as the joint resolution stands and as it was reported to the Senate.

Mr. HALE. We were told that the purpose for which it was to be used was altogether for W. P. A. projects.

Mr. ADAMS. That is in accordance with the report of the Appropriations Committee.

Mr. HALE. Mr. President, the cost of taking care of one man under work relief, as I recall the figures, was somewhere between $65 and $66 a month, which includes the cost of administration, material, equipment, and everything else. The entire cost I think was given to us as about $65 or $66 a month. Is that correct?

Mr. ADAMS. It is my recollection that $66 was the figure stated.

Mr. HALE. Mr. President, the Works Progress Administration have outlined a plan which is set forth on page 4 of the House report, and which I ask be printed with my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

The following tables show the workers (except National Youth Administration) on Works Progress Administration projects based upon the present appropriation without any augmentation and as the employment on Works Progress Administration projects may occur if the additional appropriation requested is granted:

	Average number of workers—	
	With existing funds unsupplemented	With existing funds supplemented by the $250,000,000
1937:		
July	1,662,000	
August	1,514,000	
September	1,458,000	
October	1,464,000	
November	1,505,000	
December	1,578,000	
1938:		
January	1,803,000	
Feb. 5 (actual)	1,945,000	
Feb. 15 (estimated)	2,000,000	
March	1,800,000	2,500,000
April	1,600,000	2,400,000
May	1,530,000	2,300,000
June	1,500,000	2,200,000

Mr. HALE. As will be noted, the plan provides for an increase over the number that had been originally contemplated of about 700,000 people during each of the last 4 months of the year, except that in one month the number would be 800,000 and in another 770,000. Taking those figures and multiplying by 66, the number to be employed each month, the entire additional cost would be under $200,000,000. What is to be done with the other $50,000,000?

Mr. ADAMS. I will say to the Senator that I think he is figuring on the basis of 4 months, and I think the Works Progress Administration were figuring on the basis of 5 months, including the current month. If we should figure on the basis of 4 months, the Senator's figures would be correct. That is, if that were the maximum, the amount would be $198,000,000. But I have assumed that the Works Progress Administration wanted to meet the situation in February as well as in March and that they did not wish to be absolutely without funds in the event there should be a continued increase in unemployment and in need and they should find themselves on the 30th of June perhaps in worse distress than now. So it seemed to the Works Progress Administration, and it seemed to the committee, that the amount asked for was not excessive.

Mr. HALE. Mr. President, I think the Senator is in error. On page 4 of the House report it is stated——

Mr. ADAMS. The Senator knows that we made our report on the basis of the figures given to the Senate committee.

Mr. HALE. I think they are the same. On page 4 of the House report it is stated that the average number of workers, with existing funds supplemented by the $250,000,000, would be by the 15th of February 2,000,000, and that is exactly what the Works Progress Administration have up to the 1st of March. With the funds already on hand, they could have 1,800,000 in March, and that would require dismissing some of those who are already on the rolls. Then for April the number goes down to 1,600,000, for May to 1,530,000, and for June to 1,500,000. They propose to add substantially 700,000 persons for these last 4 months, and, as I say, the figures do not warrant the $250,000,000 provided in the joint resolution.

Mr. SCHWELLENBACH. Mr. President, would the Senator object to a running discussion on the amendment?

Mr. ADAMS. Not at all.

Mr. SCHWELLENBACH. I desire to ask the Senator a question.

It is my recollection that when the billion and a half appropriation was made last year, it was made upon the statement of Mr. Hopkins that that amount would be sufficient, assuming that private industry absorbed unemployment problems at the rate at which private industry was absorbing them at the time we passed that measure.

Mr. ADAMS. That was the anticipation at that time; and I may add that that anticipation was realized up until October, when the number on relief declined to 1,450,000.

Mr. SCHWELLENBACH. The Woodrum amendment was inserted in the billion-and-a-half-dollar bill for the purpose of preventing the Works Progress Administration from using funds to too great an extent during the winter months of the year if private industry was taking up the slack in unemployment. Was not that the real purpose of the Woodrum amendment?

Mr. ADAMS. That was one of the purposes. There was an added purpose. The Appropriations Committee and those who have followed its problems have been distressed over the fact that when an appropriation is made for a full year, many agencies proceed to anticipate the appropriation, and to expend all of it within 6 months, 7 months, or 8 months, and then, notwithstanding the provision of the statute that an appropriation is made to last 12 months, come back asking for a deficiency appropriation, and thereby really take from Congress its control over the funds. So the Woodrum amendment was put in to maintain congressional control over appropriations, and to comply with existing statutes that the expenditure of an appropriation for a fiscal year should extend through the fiscal year, and it should not be anticipated. Now the need has increased beyond expectations; and the Works Progress Administration are doing the appropriate thing in coming back to the Congress and saying, "We have observed the requirement you put upon us; but emergencies have arisen, and in order to meet them we must have a deficiency appropriation to expend, in addition to what we already have, through the following 4 months."

Mr. SCHWELLENBACH. Is the Senator able to state to us the time when the operation of the Woodrum amendment made it impossible for the Works Progress Administration to take care of the number of unemployed which they felt they should take care of, and which the committee, by advocating this deficiency appropriation, must necessarily recognize they should take care of? Has there not been a lagging in the past month and a half, due to the fact that despite the fact that at the beginning of that period the Works Progress Administration had $650,000,000 on hand, and they now have half a billion dollars on hand, there are today, as I understand the first statement of the Senator, 500,000 more persons who should be receiving Works Progress Administration work than are receiving it?

Mr. ADAMS. That is true.

Mr. SCHWELLENBACH. Is it not true that that condition—not as to half a million persons, but as to a very substantial portion of them—has existed for a period of several weeks, or even months?

Mr. ADAMS. We made inquiry of Mr. Williams on that subject before the Senate committee. I do not recall his exact words. They are in the report of the hearings; but he said to us that "we were unwilling to recognize this situation as early, perhaps, as it existed; we had hoped that private employment would resume employment; we hoped that the decline would not be as severe as it proved to be, so that we did not finally recognize the situation, perhaps, as soon as we might have; but we did become conscious of it," I think, "some time in January."

Mr. SCHWELLENBACH. Is it not a fact that even if they had recognized it they would not have been able to do anything about it because of the Woodrum amendment?

Mr. ADAMS. I will say to the Senator from Washington that they had certain leeway in the distribution of the money, and they did add 200,000 persons to the number for whom they had expected to provide work. They added to the amount. They made what we might speak of, perhaps, as savings in the allocation, and they put 200,000 persons on the rolls. If the appropriation contained in the joint resolution is not made, not only will the 500,000 not be added, but 200,000 will be taken off the rolls.

Mr. SCHWELLENBACH. The Works Progress Administration now have a total, they say, of 500,000 persons certified for work, and, they think, another couple of hundred thousand who should be certified. Is it not a fact that they knew that if they added on the 1st of January the number that should have been added, under the Woodrum amendment they would have simply had to come along on the 1st of March or the middle of March and toss them out, and that it was the fact that the Woodrum amendment was there which, when they did recognize the problem, made it impossible for them to take care of the problem?

Mr. ADAMS. That is correct. The Senator says "the Woodrum amendment." In doing that the Works Progress Administration were living up to the obligations which Congress put upon them and were using the funds which were provided in the manner in which Congress provided they should be used—a thing which is not entirely customary throughout the departments.

Mr. SCHWELLENBACH. I think the Works Progress Administration are to be complimented on following the orders which Congress gave them, even though I do not think those orders were particularly wise; but the dropping off of employment which came in October and November was, as the Senator indicated, a very sudden sort of thing. We were sailing along in August and September, thinking we were entirely out of the woods so far as the depression was concerned, and that employment was going to continue increasing month by month. Then, all of a sudden, the bottom dropped out of it; and this appropriation, which still carries with it the Woodrum amendment—we still have the theory of the Woodrum amendment in our original relief act—does not recognize the possibility that perhaps there will not be the dropping off in unemployment in March or April or May or June that is anticipated when we allow only $250,000,000 to be added to the billion and a half dollars.

Let me submit the question in this way:

This measure does not contemplate immediately employing half a million more persons. Then it provides that in April the number is to go down, in May it is to go down, and in June it is to go down, does it not?

Mr. ADAMS. This is the statement of Mr. Williams:

> The proposed appropriation of $250,000,000 additional funds for the W. P. A. would permit an increase in employment to 2,500,000 in March. The schedule of employment, after reaching 2,500,000 in March, calls for a reduction of approximately 100,000 persons a month until the end of the fiscal year, which would bring employment to 2,200,000 in June.

Mr. SCHWELLENBACH. If we pass the joint resolution as the committee recommends, shall we not be doing precisely the same thing that we did last summer? At that time we assumed that there was going to be further reduction in unemployment, and therefore that it was all right to have this binding amendment upon the Works Progress Administration. Since then we found that it did not work. We found that we miscalculated. We had a sudden recession and a sudden drop. We do not need now to have any sudden recession. All we need to do is to have things continue on as they are going, and the figures of dropping off 100,000 persons a month are not going to work. Is not that correct?

Mr. ADAMS. Of course, as the Senator from Maine was developing the point, there is in the $250,000,000 appropriation measure a provision for some leeway to meet that possible situation.

Mr. SCHWELLENBACH. I do not want to digress to a discussion of the question of amount of the appropriation, since I am interested now in the theory of the Woodrum amendment; but it is a fact, is it not, that the Works Progress Administration say that this will take care of two and a half million people through March, that 100,000 will be cut off each month after that, but that they figure that 200,000 or 300,000 people, in addition to the half million people who are certified, have not been certified because they know there is no use in going through the motions?

Mr. ADAMS. I think it is rather rare to have an organization ask for less than they need. Mr. Williams told us that if this appropriation were made he had no doubt that it would be entirely adequate to take care of all those entitled to relief throughout the remainder of the fiscal year, and the committee accepted the figures. As a matter of fact, the Works Progress Administration is the source of our information.

Mr. BYRNES. Mr. President, will the Senator from Colorado yield to me?

Mr. ADAMS. I yield.

Mr. BYRNES. I may say to the Senator from Washington that the Woodrum amendment is in fact only a restatement of the statute. There never was any reason for it except to call the matter to the attenion of the Adminisration, the law providing that no official of any department has a right to incur a deficiency.

Under the rule which all departments follow, and under the law, at the beginning of the year, when the Congress had apportioned $1,500,000,000, the Works Progress Administration had to apportion that sum by the month, and they did about the only thing they could do. Judging by their past experience—that so many would have to be cared for in the summer months and that a larger number would have to be cared for in the winter months—they apportioned the amount available on their books in accordance with the rule they would have followed had the Woodrum amendment never been adopted, and advised the General Accounting Office and advised the Treasury what amount of money they would need for the 12 months.

The circumstances to which the Senator has referred, which were entirely unforeseen, and which are the only excuse for this appropriation, developed in November, and when they developed, the works-progress officials still believed that they could use their funds without violating the apportionment. As late as December they thought they could do so. Conditions which have developed since that time have shown that it was impossible for them to do it, and, in my opinion, they did exactly what was right; they came to the Congress to advise the Congress that under the apportionment, which was made in accordance with law, a deficiency would be incurred, and they asked for this supplemental appropriation, without waiting until May or June to do so. I think all will agree that their course was better. I was certainly one of those who did not want to appropriate any more than a billion and a half dollars, but, as a result of the testimony before the special committee of which I am chairman, I know that the unemployment situation throughout the country necessitated the Works Progress Administration submitting this request.

Even if we attempted to put different language in the bill, and subject this supplemental appropriation to different provisions of law, the Administration would still be met with the statute which provides that the amount should be apportioned, and this is the only way by which we can accomplish what the Works Progress Administration desires to do in order to secure the funds necessary to enable them to look after those who need relief, and yet operate within the law.

Mr. HALE. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I yield.

Mr. HALE. Regarding what was said by the Senator from South Carolina, we made special provision in the bill last year for the apportionment, so that no deficiency would be incurred. Now, in spite of that, on account of the depression, we are asked to go beyond what we intended to do last year. We should be very careful when we do it not to go too far.

Mr. SCHWELLENBACH. Mr. President, will the Senator from Colorado yield again? I promise him that I will make just a short statement, and I will speak in my own time after the Senator concludes.

Mr. ADAMS. I yield.

Mr. SCHWELLENBACH. The Senator from South Carolina has pointed out the general rule. We all know that departments come to the Congress every year and ask for deficiency appropriations. I should like to point out that in the last 2 years we have had experiences with the Works Progress Administration when nobody could deny the necessity for deficiency appropriations. I call attention to the drought condition of 1936 and the flood condition of the spring of 1937. Certainly no one could contend that we should have had a sort of a Woodrum amendment in our Relief Act in 1936 or in 1937, and have forced Mr. Hopkins into the position when, for example, in the Ohio River region, he was being called upon for relief assistance many times in excess of what he had had reason to anticipate, or what anybody thought he would need in that area during the period of time, of saying, "I cannot do it. I have to apportion this appropriation over the year. The Congress has said there must be $1.25 left on the 30th day of June, and I cannot spend the money."

He could not under those circumstances have come to the Congress and have done as he did this year.

Mr. ADAMS. Mr. President, will the Senator permit me to interrupt him?

Mr. SCHWELLENBACH. Certainly.

Mr. ADAMS. Of course, the law does not require that the money be evenly distributed. It is entirely proper for them to make an apportionment in accordance with the needs, and, of course, it would have been useless to take a flood appropriation and allot some of it for a season in the year which is the dry season. What Congress wants to do is to say to the agency, "Spend the money in accordance with the recommendations you have made. You have asked for certain amounts. The Budget has authorized certain amounts, and you do not want to go beyond them. The money you will get is all the money you shall spend during the fiscal year, not that you shall spend it equally throughout the period. You may lump it and spend four-fifths of it in 1 week if the necessity demands."

Mr. SCHWELLENBACH. Let me answer that in this way: Of course, the money does not have to be divided equally; but if we had had a Woodrum amendment last spring when the flood condition arose, Mr. Hopkins would have been forced into the position either of having to say, "I will let these flood sufferers go without any relief," or "I will not take care of my ordinary relief load during the months of April, May, and June of 1937."

Mr. BYRNES. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I yield.

Mr. BYRNES. The Senator from Washington is not quite accurate in that statement. If such a condition arose, and the President believed that there was necessity for the expenditure of an amount in excess of the apportionment, the President could proceed to make the expenditure and then do what is done by so many departments, come to Congress and ask for a deficiency, relying upon the righteousness of the cause and the circumstances which demanded it.

For the benefit of the Senator, I will put into the RECORD in a moment or two the statute which now prohibits incurring an obligation which will cause a deficiency. By that statute the officials of the Government are bound, and through all the history of the Government it has been found necessary, because, otherwise, an administrator might say, "I have $100,000,000 appropriated by the Congress; for what time? For the fiscal year. But I have no respect for that. I will spend it in 3 months." Then he would come to Congress and ask for a deficiency for 9 months. Of course, the intent of the Congress in enacting the law and making it an offense to incur a deficiency—and I think it is made a criminal offense—was to see to it that before any of the departments incurred an obligation in excess of the appropriation they must present a request for a deficiency. In the situation the Senator has described, the President would not have had to violate the law because he had funds sufficient, and he could have spent those funds. But before he obligated the Government for anything in excess of the amount available, he would report the facts to the Congress and ask for a deficiency appropriation, as is done every year, and he would have secured the deficiency appropriation. That is the way it would operate.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. ADAMS. I yield.

Mr. McKELLAR. I think I can help to give the Senate an understanding of the situation by reading from the joint resolution:

> That to continue to provide relief, and work relief on useful public projects, as authorized in the Emergency Relief Appropriation Act of 1937, and subject to all the provisions thereof, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000,000, which amount shall be added to, and proportionately increase the specified amounts of the limitations prescribed under, the appropriation made in such act.

That would provide for the Woodrum amendment. The Woodrum amendment is still the law. As I recall, the administration were perfectly willing last year that the Woodrum amendment should become the law, and indicated they thought it was very proper in the interest of economy, and in the interest of good administration of the law. Now they are perfectly satisfied with this provision, as I understand. Is that not true?

Mr. ADAMS. That is correct.

Mr. McKELLAR. The administration is perfectly satisfied with the provisions I have read as the proper way to make the appropriation. To my mind the fact that the Woodrum amendment is in the law is in the interest of economy; it is in the interest of a proper administration of the fund, and it seems to me that the committee has reported a measure which is entirely proper in its provisions.

Mr. ADAMS. Mr. President, I merely wish to add a word at this point. A deficiency may arise in one of two ways. In one case it is perfectly proper, being caused by circumstances which occur regardless of the acts of the administration, such as a great increase in unemployment, and an increase in the necessity for funds. Secondly, a deficiency may come about because the administrative agents spend their money when they should not spend it, and they themselves are responsible for the shortage because of their failure to comply with the statutory requirements as to making the fund carry them through the year. What those of us who favor this provision seek is to retain in the Congress the control over the purse.

In other words, when an agency finds that an emergency has arisen it should come to the Congress for relief, and not itself assume authority to defy the statute and spend money in violation of it.

Mr. McKELLAR. Mr. President, that is all the more true because we all know that the Congress will be in session certainly up to the first of June, I think it will be fair to say, and we can make any corrections that might be needed while Congress is in session.

Mr. BYRNES. Mr. President, will the Senator yield to me so that I may cite to the Senate the law with reference to incurring deficiencies?

Mr. ADAMS. I shall be glad to yield for that purpose.

Mr. BYRNES. The first sentence of that law is as follows:

> No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law.

I ask unanimous consent to have set forth the entire section at this point.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Without objection, it is so ordered:

The section referred is as follows:

> Deficiencies in appropriations prohibited—voluntary services forbidden.
>
> No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such executive department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment for not less than one month. (Feb. 27, 1906, Stat. L., vol. 34, p. 49, sec. 3.)
>
> The provisions of section 3679 of the Revised Statutes of the United States, as amended by section 3 of the urgent deficiency appropriation act approved February 27, 1906 (Stat. L., vol. 34, p. 49), known as the antideficiency act, are hereby extended and made applicable in all respects to appropriations made for and expenditures of and to all of the officers and employees of the government of the District of Columbia. (June 26, 1912, Stat. L., vol. 37, p. 184, sec. 9.)

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. ADAMS. I yield.

Mr. SCHWELLENBACH. I think it is very plain that the statute which the Senator has discussed and from which he has read does not meet the situation about which I am arguing. There is not any deficiency in the W. P. A. fund. But supposing it were all gone and that the President would obligate the Government without the consent of Congress

for further funds. That would be the situation against which this statute is a protection.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. BYRNES. That would be a violation of the law.

Mr. SCHWELLENBACH. Yes.

Mr. BYRNES. But before he exhausts the funds which have been appropriated for the fiscal year, when it becomes apparent to the Executive that a deficiency will be incurred, then he submits an estimate to the Congress asking for a deficiency appropriation. The provision I referred to is to rule and to guide the Executive in administering this law, so that he will not incur obligations which are prohibited. Realizing now that a situation has arisen which will exhaust the available funds, making it impossible for him to have sufficient funds to last throughout the 12 months, the President comes to Congress and asks for a deficiency appropriation before he incurs any obligation, which is right.

Mr. SCHWELLENBACH. Mr. President, the point I make is simply that, so far as W. P. A. and relief are concerned, that rule is not practicable. We had demonstrated last year the necessity for a sudden increase in expenditures because of the flood. Certainly no one would have said to the people in the Ohio River Valley that they should have to wait until the President, anticipating a deficiency, came to Congress before they could get any assistance. In view of the general statute and the Woodrum amendment, the President and the W. P. A. very properly take the position that they cannot make such expenditures as will result in a deficiency at the end of the year.

We had a demonstration last year by the flood; we have had a demonstration this year by a sudden change in business conditions. I do not think anyone can deny that several hundred thousand of our people—I do not know how many; nobody knows how many—in the last month or 6 weeks were entitled to W. P. A. employment, who came under all the rules and qualifications of W. P. A. employment, who were denied the possibility of such employment because of the rule which we specifically and specially laid down, so far as relief expenditures are concerned, by the Woodrum amendment. I do not think the rule works with respect to relief expenditures.

I appreciate the fact that the W. P. A. officials say that this measure is satisfactory. Surely it is satisfactory to the W. P. A. They think $250,000,000 is sufficient. They think that conditions during the next 4 months will so improve as to make $250,000,000 sufficient. Suppose that instead of conditions improving we should have another drop in May such as we had in October, then it is not going to be sufficient, and we shall have another lag of a month or 6 weeks when the unemployed will not be taken care of.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. GLASS. Who is more competent to determine what the needs will be than the Administrator of this fund? The committee questioned Mr. Hopkins' representative in detail and very carefully, and he gave us to understand that $250,000,000 would not only be sufficient, but that there would be a leeway for any unexpected emergency.

Mr. SCHWELLENBACH. I may say to the Senator from Virginia that certainly I am not criticizing the committee, and I am not criticizing the W. P. A. I am arguing what to me has always been a fundamental point, that with relief appropriations we have to apply a different rule than is applied with respect to other appropriations because of emergency conditions. We have had three of them in the last year and a half—a drought in the fall of 1936, flood conditions in the spring of 1937, and the business recession in November and December of 1937.

Mr. GLASS. That might be true no matter what amount we appropriate. We cannot foresee conditions of that kind.

Mr. SCHWELLENBACH. I am not discussing the amount of the appropriation. I am discussing the fact that we tie the hands of the administrators with a rule which makes it impossible for them to meet sudden emergencies.

Mr. GLASS. I will say to the Senator that I was opposed to applying that rule to this appropriation, but the W. P. A. administrators were so explicit and confident in their statement that they could foresee nothing in the world which would make it impossible to take care of any situation that might arise, that we merely acted on their testimony.

Mr. BONE. Mr. President, I was very much impressed by the statement of the Senator from Virginia to the effect that representatives of the Works Progress Administration had come before the Appropriations Committee and indicated that the amount of money proposed would probably not only be entirely adequate but might provide a surplus in meeting the problem of unemployment in the next few months. It is not an unusual thing to have representatives of that department tell us that they are going to have plenty of money. They told us that last year, and everyone in this body is quite familiar with exactly what happened afterward, and the misery and the want that later prevailed in this country. It is a rather challenging thing to see a bill such as the anti-lynching bill laid aside, and this bill brought up, involving millions of unemployed and hungry people, and then see many Members of the Senate immediately get up and walk out, apparently not much interested. Possibly they were impressed with the idea that enough was being provided in this bill. I had hoped that we would give this vital matter the full discussion it surely deserves, but the bill will be put through with little debate on the question of actual need, as it comes daily to our attention.

Mr. President, I do not know anything more menacing and more challenging in its implications and in its possible effect on our Republic and our democratic forms than the extent of unemployment in this country right now, but somehow it fails to interest a great many Senators, except one or two on the Republican side who have come over, perhaps to proclaim that we are going to spend too much money on our hungry people. We had better spend a little on them if we want to preserve democratic forms in this country.

I have read some of the testimony of Mr. Williams before the Committee on Appropriations. Perhaps he is right and the money will be sufficient to do the job, although I think many men here realize that it is not going to be enough.

The Senator from Maine [Mr. HALE] asked Mr. Williams:

So you did not attempt to deal with them all? You simply picked out as many as you thought you could take care of?

Mr. WILLIAMS. With the funds now available the W. P. A. has not been able to give employment to all eligible families in need.

Mr. Williams repeats his statement. There are some rather interesting and, I think, impressive and ominous statements in these hearings, considering the temper of the people and their rather sullen resentment against conditions over which they have no control and for which they are in no wise responsible.

Senator ADAMS asked Mr. Williams:

If you do not get the money, what will be the result?

Mr. Williams replied:

Well, if additional funds are not appropriated, I will have to issue an order immediately to drop 200,000 people the first of next month.

And then he says in further answer to questions that if they get the money they can put an additional 500,000 to work.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. BONE. I should prefer not to yield, because later I shall use some figures which may answer the Senator's question, but I yield.

Mr. DUFFY. I think it would be clearer to anyone reading the RECORD if the Senator would state what additional sum of money he had in mind with which 500,000 additional persons could be put to work.

Mr. BONE. The proposal of the department was the $250,000,000 proposal I now have pending and on the desk,

an amendment raising the amount to $400,000,000. I have grave misgivings as to whether even that amount will be sufficient. I think time will demonstrate the accuracy of my statement. Later, we can all answer to the hungry people of this country if we do not supply them enough to take care of them. I think $400,000,000 will be insufficient to meet the demands on the W. P. A., regardless of what Mr. Williams or anyone else says about it.

Mr. Williams says further:

Their demands were increasing at a great rate. You will understand, as you study this problem, that there is a lag of 8 to 10 weeks between the time when a man loses his job and when he applies to a relief agency. He doesn't come at once. He goes through a period of hope, when he doubles up with his relatives and does everything in the world he can, and finally, as a last resort, he comes for assistance. As a result of this much of the increase in need did not reach us until January.

Mr. Williams stated further:

We also know that relief standards are being reduced all over the country in an effort to spread the available funds as widely as possible. In the counties in the Cotton Belt, for instance, average relief benefits are as low as $3.76 a month per family.

That is a fine showing for the good old United States of America.

Averages of $4, $5, and $6 are common.

One would think we were living in the Middle Ages under medieval conditions, and talking about serfs instead of Americans.

In Cleveland—

Cleveland, Ohio, not Patagonia, or the middle of Africa—

Only 10 cents a month per case can be allowed for clothing, and food allowances have been cut.

That is in America, Mr. President.

Half of the needy applicants are being turned away.

Mr. Williams makes this further statement:

In some places they ran out of funds. There weren't any funds, and there were no direct relief agencies.

The Senator from Maine [Mr. HALE] asked:

You mean they let them starve?

Mr. Williams replied:

That is what it would amount to.

Then the Senator from Maine asked:

Do you know any cases where they have let people starve?

Mr. Williams replied:

Well, we know of places where if it had not been for the Federal Government people would have starved. I am not willing to say that I know actually of anyone starving.

There are many more significant observations in the testimony of the representatives of W. P. A. before the Committee on Appropriations. I do not wish to burden the RECORD with them at this time, but there are some aspects and some phases of this question which I think ought to be examined.

At this time, Mr. President, I tender the amendment to which I have referred and ask to have the clerk state it.

The PRESIDING OFFICER. The Chair will state to the Senator from Washington that an amendment offered by the Senator from Arizona is already pending. Therefore, the amendment of the Senator from Washington is not in order at this time.

Mr. BYRNES. Mr. President, the Chair has reference to the junior Senator from Arizona [Mr. HAYDEN]?

The PRESIDING OFFICER. Yes.

Mr. BYRNES. I thought he had reference to the senior Senator from Arizona [Mr. ASHURST].

The PRESIDING OFFICER. No.

Mr. BONE. Mr. President, I am vitally interested in the amount we are going to appropriate for W. P. A., and I want it to be ample; but I am also interested in what we are going to do to reduce and finally eliminate unemployment among our employables by getting at its causes.

I want to discuss today the W. P. A. program and the necessary appropriations, and also to present a body of facts bearing on the reasons why we are going to have a permanent unemployment problem unless we do something more than merely pass so-called emergency relief appropriations each year. I shall place certain tables of statistics in the RECORD, because, to those who take the trouble to analyze them, they speak eloquently of the deep-seated malady we call enforced unemployment.

The best evidence we have at the present moment with regard to the volume of unemployment is the Preliminary Report of Total and Partial Unemployment, issued January 1, 1938. In his report to the President, the Administrator of the Unemployment Census, Mr. John D. Biggers, says:

The true number of those who considered themselves totally unemployed, able to work, and wanting work, in our opinion, lies between 7,822,912, the number who responded to the registration, and 10,870,000, the number indicated by the enumerative census.

If we take the lower figure of 7,822,912 and cut it in half, we still have more than 3,000,000 unemployed, the figure which a number of organizations suggest be used in estimating the need for work relief.

The estimate of $250,000,000 for W. P. A. to continue the work until June 30 appears not to be based upon actual needs, just as the appropriation in June 1937 was not based on actual needs. The fact that we are voting on a deficiency appropriation proves that the amount we previously voted was not sufficient, and it should be borne in mind that there is always a period of pinching on appropriations and cutting down employment before regular funds are supplemented with deficiency funds. That was true in the case of W. P. A. late in 1937, and is true this year. My State and certainly other States were not given enough money to meet their minimum needs in some months during previous years, and the reason given by W. P. A. officials was lack of money.

I have had the experience of having W. P. A. officials state, when appropriations were being considered, that these appropriations were sufficient to take care of the needs, not only in the United States, but in my State; and then, when it was necessary, because of widespread suffering and want, to obtain an increased quota for my State, I have had the experience of being refused on the ground that Congress had not appropriated a sufficient amount. This seems to me a contradictory attitude which should be cleared up. We should know whether the $250,000,000 proposed as a deficiency appropriation will be enough or whether, when it is found necessary to have increased quotas, the W. P. A. will again tell us that insufficient appropriations do not permit granting the increases. How encouraging it is to a man who wants work in order to feed his family to be told that he could have the work if Congress had voted enough funds and that perhaps at some other time in the distant future he can be given work on W. P. A., but right now he has to starve or go on State relief, if any.

I want to go on record right now as favoring a sufficient appropriation. I do not want to be told later that it was my fault, as a Senator, that funds are not available because I refused to vote for them.

I have a table provided by the W. P. A. Statistical Division as to the amount of money on hand as of February 16, the number of persons employed on W. P. A. projects as of February 5, and the employment that could be given in March, April, May, and June with the funds on hand. I also have a table showing what added employment will be given by the $250,000,000.

My State needs an immediate increase of 14,000 in quota. To it have thronged thousands of depression victims from drought and flood areas. On the basis of the $250,000,000 proposed to be appropriated, the W. P. A. would increase its employment rolls 700,000 in March and if my State should receive merely its proportional share of the increase, it would be possible to employ about 7,000 of the 14,000 who are now waiting or will be waiting for employment. I should

like to be assured that my State and other States in a similar situation will be adequately cared for.

I desire to read into the RECORD the tables to which I have referred.

Employed by W. P. A., Feb. 5	1,900,000
Proposed employment on basis of money now on hand, which is $545,000,000, is as follows:	
March	1,800,000
April	1,600,000
May	1,530,000
June	1,500,000

The $250,000,000 increase will provide employment as follows:

March	2,500,000
April	2,400,000
May	2,300,000
June	2,200,000

From December 1937 to January 1938 there was a 13-percent increase in general relief case loads in 90 urban areas, according to the Social Security Board. General relief includes all State and local relief extended to the needy except public assistance to the needy aged, blind, and children under the Social Security Act, other public assistance of these special types, and aid to veterans under State and local statutes.

Of the 90 urban areas, all but 11 showed an increase in the number of cases of general relief from December to January.

I ask to have inserted in the RECORD, at the conclusion of my remarks, a table, which I am designating as Table I. It is from the Unemployment Census, and is found at page 3 of Mr. Biggers' report. This table gives the break-down by regions and States of the figure of 7,822,912 unemployed which I have mentioned. I shall hereafter refer by number to the tables of figures I am using, and have them follow my remarks. At this time I ask that the tables which I shall use follow my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Table I appears at the end of Mr. BONE's remarks.)

Mr. BONE. To overcome the enormous volume of unemployment, the W. P. A. on January 15 of this year employed 1,767,108 persons, as compared with 2,138,059 on January 30, 1937, and 2,925,605 on January 25, 1936.

I ask to have inserted in the RECORD a table showing the number of persons employed on W. P. A. projects during the last week in each month from August 1935 to January 1938. This table is designated as Table II. It shows the tendency to pinch on W. P. A. expenditures.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Table II appears at the end of Mr. BONE's remarks.)

Mr. BONE. This table shows that W. P. A. employment was reduced almost 50 percent between January 1936 and January 1938. I believe no one will contend that private employment has increased 50 percent during that period. Such an increase would be the only valid reason for such a reduction in W. P. A. operations.

The United States Department of Labor Bureau of Labor Statistics, in comparing number of employees in manufacturing and 14 nonmanufacturing industries, takes July 1929 as index 100 and rates 1936 as having index 82 and 1937 as having index 89, showing only a slight rise in employment.

I ask to have printed in the RECORD a table designated as Table III, issued by the United States Bureau of Labor Statistics. It speaks for itself, and shows no such sensational rise in employment as would be necessary to justify 50-percent reduction in W. P. A. pay rolls.

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD.

(Table III appears at the end of Mr. BONE's remarks.)

Mr. BONE. It has been apparent for a long time that despite large Government relief expenditures they have been insufficient to meet needs. In my own State of Washington there were on February 3 this year 12,365 able-bodied unemployed workers, with their 39,568 dependents, receiving direct relief and unable to secure employment with the W. P. A. Yet the W. P. A. had a quota in my State on that date of 38,000 and the quota was full.

I quote from a letter of February 3 from our State director of social security:

> The number of applications from able-bodied unemployed continues high over the State and there is no reason to think that we have yet reached the peak for the winter.

In my own State W. P. A. employment reached its peak in March of 1936, when more than 46,000 persons were employed, but I am assured that the quota needed in the State is 52,000, and that such an increase is the only thing that can prevent the State of Washington from being forced to disrupt its entire social-security program in behalf of the aged, the blind, and the children.

My State has one of the most advanced programs of social security in effect in any State, and I would not like to see it broken down because of the State's necessity for providing food, shelter, and fuel to the able-bodied who should be cared for through the works program.

My State is perhaps in greater need for relief than are some other States, but the condition is quite general. A glance at the newspaper headlines reveal that fact.

Here are some of them:

Los Angeles Times, January 26: "Three counties face huge gain in unemployment relief."

St. Paul Pioneer Press, January 27: "9,000 more jobs, Minnesota W. P. A. need."

St. Louis Post-Dispatch, January 25: "W. P. A. applicants wait on sidewalk in cold."

And so the sad record goes.

I could fill pages of the CONGRESSIONAL RECORD with similar headlines. It is apparent that all over the country there is need for increasing the works program rather than decreasing it. Sound economics dictate that whenever employment slumps Government spending should be increased, and that during periods of prosperity Government spending should be decreased.

It has been our habit to consider the unemployment problem as an emergency and to appropriate on an emergency basis. Since May 12, 1933, money for relief has been raised nine times, and we are now considering raising relief funds for the tenth time.

Of those bills passed, some were for deficiencies, and again we are asked to appropriate for a deficiency, and I am heartily in favor of doing so; but I would like to see the Government make a more scientific approach to this problem rather than to put through mere bills for relief expenditures and keep on attacking the problem as though each appropriation is the last we will be called upon to provide.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. BONE. I yield to the Senator from Nebraska.

Mr. NORRIS. The figures the Senator has been giving and, I assume, the tables, which were not read, apply only to W. P. A. Is the Senator going to go into the employment situation so far as P. W. A. is concerned?

Mr. BONE. I am not attempting to cover P. W. A., but I am going into the question of technological unemployment and its bearing on the problem of relief.

Mr. NORRIS. I should like to ask the Senator if in his judgment the pending joint resolution is, in effect, going to provide for any further development or work by the P. W. A.?

Mr. BONE. No; I will say to the Senator from Nebraska that my amendment increases the amount of money made available under the pending joint resolution from $250,000,000 to $400,000,000.

Mr. NORRIS. But the joint resolution itself does not designate whether the money shall be used by the W. P. A. or the P. W. A.?

Mr. BONE. This is a work relief measure; it is a pure W. P. A. measure. It does not revive or add anything to the activities of the P. W. A.

Mr. BYRNES. Mr. President——

Mr. NORRIS. Will the Senator from Washington permit the Senator from South Carolina to make a statement with reference to the matter?

Mr. BONE. I yield to the Senator from South Carolina.

Mr. BYRNES. Mr. President, the pending joint resolution would not increase the amount available for P. W. A., which is $300,000,000, for this year. The amount provided by the pending joint resolution is intended by the President, according to the testimony before the committee, to be allotted to W. P. A.

Mr. NORRIS. There is nothing in the joint resolution that allots the money?

Mr. BYRNES. No.

Mr. NORRIS. That will be done by the President?

Mr. BYRNES. Exactly.

Mr. NORRIS. Will there be some other bill that will provide for an allotment for the P. W. A.?

Mr. BYRNES. I know of no estimate that has been submitted. Three hundred million dollars is all which was asked for this year, and that was granted by the Congress.

Mr. NORRIS. I wonder if the Senator from Washington will permit me to ask the Senator from South Carolina a further question?

Mr. BONE. Certainly.

Mr. NORRIS. The P. W. A., as I understand, have approved a large number of so-called projects in different sections of the United States. They have been examined by the engineers; they have been examined by the legal staff of the P. W. A. and have met with approval; but there has been no allotment made to carry them out because there are not sufficient funds to do it. The pending measure would not help that situation?

Mr. BYRNES. No.

Mr. NORRIS. Is it the intention of the committee that any consideration shall be given to such projects that have been approved but lack an allotment?

Mr. BYRNES. As I understand the facts, when the last request was submitted to the committee, the W. P. A. took the position that the P. W. A. officials had not approved those projects but they had been approved by State officials, and hence we have had from many, if not all, the States requests for consideration of those projects by the Congress.

Mr. NORRIS. Will it be possible for an allotment under the pending joint resolution to be made for the W. P. A. to carry out any of the projects that have been approved by the P. W. A.?

Mr. BYRNES. Absolutely.

Mr. NORRIS. Is it the intention to do that?

Mr. BYRNES. I know the W. P. A. has been doing exactly what the Senator suggests, but the argument has been made by some that those P. W. A. projects involve larger construction, and that W. P. A. should not be permitted to carry it on, but W. P. A. has during this year been using its funds to give employment to persons on relief rolls in the construction of projects throughout the country that have been approved by the P. W. A.

Mr. McKELLAR. That largely depends, as I understand, on the number who are on relief in the particular employment.

Mr. NORRIS. I am thinking now of a project, say, an irrigation project—and I use it merely as an illustration—that by the expenditure of a great deal of time and a great deal of money, much of it Government money, has been submitted to the P. W. A.; surveys have been made; the legal questions involved have all been passed on; everything has had the approval of the P. W. A., and it is a worthy project.

Mr. BYRNES. Under the law, the W. P. A. can go ahead, take charge of that project, employ the people who are on relief rolls upon it, and finish it.

Mr. NORRIS. I wonder if it is the intention to do that.

Mr. BYRNES. I know that it is being done, because in many instances the best projects within a State were those which had been examined and which come within the category referred to by the Senator.

Mr. NORRIS. There is no doubt in my mind that a great many—so far as I know, all of them—have been approved and are very worthy projects and would give employment to a great many people.

Mr. BYRNES. I know that is now being done.

Mr. BONE. Mr. President, On May 12, 1933, the first relief money under this administration was made available when the Reconstruction Finance Corporation transferred $500,000,000 to the Federal Emergency Relief Administration. On November 9, 1933, the Civil Works Administration was set up and $400,000,000 was transferred to it from N. I. R. A. funds. By January 1934 this sum was depleted, and $89,000,000 was transferred from F. E. R. A. to C. W. A. This lasted until the middle of February 1934. Then, on February 15, 1934, the Emergency Relief Act was passed appropriating $950,000,000. Of that amount, $345,000,000 was used to liquidate C. W. A. and $605,000,000 went to F. E. R. A.

On June 19, 1934, 4 months later, the Emergency Relief Act of 1934 was passed. That measure carried an appropriation of $1,500,000,000 and authorized the transfer of an additional $500,000,000 from the R. F. C., making $2,000,000,000 available for relief. Out of that total of $2,000,000,000 the F. E. R. A. used $1,128,000,000. The balance was used for heavy construction and for relief given in agricultural areas.

The next relief act was that of April 8, 1935, when $938,000,000 was appropriated. Following that, in 1935, the W. P. A. was set up and F. E. R. A. discontinued. The next relief appropriation was on June 22, 1936, when $1,425,000,000 was appropriated. Then on February 9, 1937, a deficiency appropriation of $789,000,000 was made. The Emergency Relief Act of 1937 was approved on June 29, 1937, and provided appropriations of $1,500,000,000; and now an additional $250,000,000 is sought as a deficiency.

On June 18, 1937, when the matter of relief appropriations for the fiscal year 1937–38 was before the Congress, I discussed the modern phenomenon that increasing production, productivity, and prosperity for some groups does not necessarily mean equal increase in employment. I pointed out that—

> We have a startling picture of fewer and fewer men turning out more and more products.

At that time I offered a variety of supporting statistics from such sources as the Brookings Institution, the National Industrial Conference Board, and the American Federation of Labor. I stated then that—

> From 1919 to 1937 the production per man-hour in American manufacturing industries rose from approximately 100 units of production to 192 units of production per man-hour, representing an increase of approximately 92 percent.

But during the same period the man-hours of labor index dropped from 100 to 92. So we see that as we improve our technique of production, employment decreases.

Let us go into this matter a little further by giving a few of the innumerable examples of the enormous increases in productivity of one man in 1 hour, due to use of machinery.

The Bureau of Labor Statistics, on page 61 of the January 1938 Monthly Labor Review, reports that—

> Barely half as much labor time would have been required in 1936 to produce a given amount of woolen and worsted cloth as was required with advanced technology in 1910. * * * The increase in possible man-hour output between 1910 and 1936 was over 86.4 percent in the manufacture of woolen goods.

At the Pittsburgh meeting of the Steel Workers' Organizing Committee in December of 1937, John L. Lewis and Philip Murray pointed out that—

> Next year a wholesale dismantling of the old-type mills begins, and for them will be substituted the hot-strip mills which can roll one-third of a mile of hot-strip a minute. When, 3 years from now, the program for the substitution of this new process is completed, 15,000 strip-mill workers will be doing the work of 100,000 sheet, bar, heavy-plate sheet, and back-plate workers. In other words, of the 125,000 men normally employed in these types of work, only 25,000 will remain.

A few words more about steel. A survey by C. C. Furnas, associate professor of chemical engineering at Yale, as given in Technological Trends and National Policy, a publication of the National Resources Committee, at page 332, says:

> Man-hours of labor necessary for production of a long ton of steel decreased from 36 in 1909 to 20 in 1929, when plants were

operating at a high percentage of capacity, then increased to about 31 in 1933 and started downward again, reaching 27 in 1935.

There is every reason to believe that in the future the average figure of 35 man-hours per ton of finished steel produced from pig iron will be materially reduced. In 1929 there were 1⅛ billion man-hours consumed in the production of steel. Any item which makes a very large percentage change in this figure will undoubtedly have a distinct effect, at least of a temporary character, on technological unemployment.

The significance of this statement by Professor Furnas—and it is a statement that applies equally well to many other important industries, including the lumber industry in my own State—is that production can be greatly increased with present plant and machinery without a corresponding increase in employment. This is because production per man-hour increases automatically as production rises toward the peak that could be attained if the plant were to run at 100-percent capacity.

This is well explained in the foreword of the National Resources Committee's report entitled "Technological Trends and National Policy," page 9. It says:

Even if industrial techniques remained the same, the volume of production would have to be greater in the future than in 1929 in order to absorb the increase in the working population and keep unemployment to the level of that date. If the productivity of 1935 (the latest year for which figures are available) continues the same in 1937, and the composition of the Nation's total product remains unchanged, production would have to be increased 20 percent over that of 1929 to have as little unemployment as existed then.

In this connection, I call attention to the findings of David Weintraub and Harold L. Posner, who supervised a W. P. A. research project called "National research project on reemployment opportunities and recent changes in industrial techniques." The findings were published in March 1937. This statement is made in that report:

With recovery in industry and business—

That was in 1937—

manifesting itself in increased production and sales, increased employment, and increased profits and dividends, we face the disturbing realization that estimates of the number of unemployed show no proportionate decrease, and that the relief burden remains at a high level. Numerous startling developments in production techniques and some recent dramatic instances of displacement of workers through the introduction of these new techniques have helped to focus attention on the effects of decreasing labor requirements per unit of production on the volume of employment.

Further to document the statements I have been making about the relationship of technoligical advances to unemployment, I ask to have printed in the RECORD at the conclusion of my remarks, tables of production per man-hour in the leather industry, the railroad industry, and cotton-textile industry. These are designated as "Table IV," "Table V," and "Table VI."

The PRESIDING OFFICER. Without objection, it is so ordered.

(Tables IV, V, and VI appear at the end of Mr. BONE's remarks.)

Mr. BONE. I have an almost endless number of proofs of the displacement of labor due to technological advance, but I shall not burden the Senate with them further than to say that the Alexander Hamilton Institute, in a release dated April 6, 1937, stated that the output per man-hour in industry generally, in January 1937 was 71.2 percent higher than in 1920.

I ask to have inserted in the RECORD, at the end of my remarks, a table of output per man-hour in 1920 as compared with 1924 in manufacturing, mining, steam railroads, and telephone-communications industries. This is table VII. I also ask to have inserted in the RECORD at the end of my remarks a table showing changes in productivity of labor in electric-lamp assembly plants, this being table VIII, and a table showing increase in productivity per man-hour in the automobile-tire manufacturing industry, this being table IX.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Tables VII, VIII, and IX appear at the end of Mr. BONE's remarks.)

Mr. BONE. I do not want my remarks to be interpreted as opposition to the introduction of automatic machinery, and in any event opposition of that sort would be futile. I am presenting these data to the Senate to delineate a condition which must be faced. We have been diagnosing the unemployment illness of the body politic as what doctors would call an acute attack, but in fact the illness is chronic. It is going to stay and increase unless we disagnose it correctly as a continuing ailment, and treat it with the proper remedies. Occasional emergency appropriations for work relief are like sedatives to give temporary relief from pain. They do not reach the cause or causes of the illness.

These causes run deep. I have been outlining one of the causes, and that is technological advancement. There is another cause equally important, and that is failure to pay to workers a sufficient sum to give them the necessary purchasing power to buy back sufficient of the products of their own industry.

Failure to do this will be fatal to our capitalist economy. Only by making our present economic system function sufficiently effectively to produce a satisfactory livelihood for all the people can it be maintained—

Says James Harvey Rogers, professor of political economy at Yale.

If I ask Senators what proportion of the price of an automobile is represented by wages paid in that industry, I doubt if any here could give me an answer even approximately correct without first looking up the astonishing facts that research reveals. The answer is that only 9.1 percent of the price of an automobile is due to wages of labor paid by the manufacturer, so that if the manufacturer doubled the wages of his employees he would have to add less than 10 percent to present prices to make up the difference.

This figure, and other figures that I am going to refer to in a moment, are found in a table in the Standard Statistics Co.'s Outlook for the Security Markets, July 5, 1937. Those familiar with the Standard Statistics Co. know it is an organization which sells business data to businessmen; and the company's service is valuable to businessmen only insofar as the data are accurate. In compiling the information that I insert in the RECORD, the company was merely giving businessmen a lead on one factor that might affect the value of securities. All the figures for the manufacturing industries are based on the 1935 United States census of manufactures.

The figures as to the percentage that wages bear to value of product in many industries are truly amazing. For instance, only 2.9 percent of the cost of flour is factory labor; and in the case of sugar it is 3.7 percent; cigars and cigarettes, 5.4 percent; and meat-packing, 5.8 percent.

Those figures should startle you. With granulated sugar wholesaling at 3.6 cents per pound, if the wages of workers in the sugar factories were to be quadrupled, it would be necessary to add only a little more than one-third of a cent per pound to the wholesale price of sugar. I am not talking about adding 10 percent. I am talking about doubling or quadrupling the wages of the men in these industries. If the wages of all workers in the cigarette factories were doubled—imagine what that would mean to the community in which they live, what it would do to the average businessman—it would not make an appreciable difference in the price of cigarettes. If a package of cigarettes wholesales for 10 cents, the difference in price due to such a wage increase would be slightly more than one-half cent per package.

I ask that the Standard Statistic Co.'s table, to which I have referred, be placed in the RECORD, with the designation "Table X."

The PRESIDING OFFICER. Without objection, it is so ordered.

(Table X appears at the end of Mr. BONE's remarks.)

Mr. BONE. The facts I am bringing out bear directly upon the relief problem. When so many of our people have such small incomes when they work that they cannot lay aside substantial savings for times of unemployment, it is

obvious that the Federal Government must be prepared to give them work when private industry cannot do so.

I digress at this point, Mr. President, to say that before long the Members of this body and the other legislative body will hear a lot of very learned discussion about the harm which the corporate surplus tax has visited upon business enterprises. Many in this body will agree with that. We have all been presented with arguments as to the necessity of modifying or changing the tax on undistributed corporate surpluses. Many Members of the Congress feel that if we do not do it, there will be direful results to the country.

Mr. President, why not exhibit the same solicitude for the average worker? He does not pile up what to the corporation would be a surplus. He never has a chance to do it. His wages are kept at a level which makes it impossible for him to pile up his little "corporate" surplus, and it certainly is as vital to this Republic, to the welfare of our country, that the little fellow have a surplus as it is that a corporation have a surplus, because he has his times of stress, sickness, death, injuries to himself and members of his family. He, too, needs and should have a cushion. It is quite as important as the corporate surplus, all of which has been painfully apparent in recent years.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BONE. I am glad to yield.

Mr. WAGNER. I happen to know of instances, which I do not claim are numerous, but which point to a matter which must give us some concern, when, for instance, a corporation discharged over 500 men with no inquiry made as to their necessities. By the way, they created some of the surplus about which the Senator has been speaking. No inquiry was made as to whether these men had sufficient funds to feed their families, or to pay their rent, or as to what their destiny might be. They were thrown out, and at the same time a surplus was laid aside so that large dividends were paid to a very small number of stockholders, and the corporation continued to pay very large salaries to the executives. There was no reduction in either case. Yet these men will probably have to be taken care of eventually by the Government. That is a matter about which industry should certainly think seriously, because we must remedy a situation of that kind.

Mr. BONE. I heartily agree with the Senator from New York. There will be no security for industry in this country unless and until we exhibit enough interest here to try to help the people to whom the able Senator refers. There will be a dangerous degree of insecurity, not only for business, but for the social institutions of this country, until we correct this condition.

Mr. WAGNER. Would it not have been better to use some part of the surplus to keep these workers employed, with sufficient funds at least to take care of their families, and give the stockholders a little less, or reduce the large salaries of the executives somewhat, so as to balance the burden, and also to be sure to preserve our democracy?

Mr. BONE. I wholly agree with that suggestion, because it is good social insurance, and because this thing is going to involve democratic processes and the whole fabric of our Government if it continues. It cannot go on very many years longer without precipitating grave trouble. I have no quarrel with the idea of permitting corporations to have a sufficient reserve to provide a cushion against the day of financial wrath, especially when it involves smaller corporations.

Mr. WAGNER. Nor have I. I know the necessity of a corporation having a surplus. But I say it is a mistaken policy, without considering the social implications from an economic standpoint, from the standpoint of those interested in preserving our Government, to leave helpless these individual workers, without making some provision for them. Now the unemployment insurance will take care of a portion of them, so that they will not be left entirely helpless.

Mr. BONE. Mr. President, I have a statement from a prominent paper published in Washington, D. C., assuming to quote a report of the Federal Reserve bank in New York dealing with the profits of some concerns for 1937; that is to say, profits made before the present slump. I read:

> The report said that 286 large "industrial and mercantile concerns and public utilities" made profits in the first 9 months of 1937, which were 23 percent larger than in 1936 and 600 percent larger than in 1932.
>
> It especially points to 14 steel companies whose profits were 150 percent larger in 1937 than in 1936.
>
> The six railroad-equipment concerns "doubled their 1936 profits" in the 9 months of 1937. "Increases of 50 percent or more in net profits were registered in building supplies, electrical equipment, machinery and tools, metals and mining, office equipment, petroleum, class I railroads, and paper products."
>
> Still more remarkable is the report's disclosure that many of these industrial groups made bigger profits than they did in the peak boom year, 1929. For example, "net profits in the 9 months of 1937 exceeded those in 1929 by 40 percent in metals and mining, by 22 percent in machinery and tools, 10 percent in paper products, and 6 percent in chemicals and drugs."

Mr. VANDENBERG. Mr. President, before the Senator leaves those figures, may I add one further figure?

Mr. BONE. I am happy to have the Senator contribute to the debate.

Mr. VANDENBERG. Much of what the Senator says meets with my approval. I think it is fair to add, however, that private corporate business from 1930 to 1936 took $25,000,000,000 from its own earned surplus and poured it into the effort to create employment. So let us give them that much benefit of clergy at the moment in connection with the discussion, indicating, first, the importance of reserves to labor itself, and, secondly, the importance of recreating the reserves so that cushions will be available again.

Mr. BONE. Mr. President, I have no quarrel with the cushion as such. I merely endeavor to point out that unless we also provide the average worker, the head of a family, with a financial "cushion," he finds himself in a pitiable predicament. It is quite as tragic for the individual who is a part of these corporate millions we call the U. S. A. to be without a cash reserve as it is for a business organization. After all, we cannot have millions of unemployed in this country and allow that condition to be kept alive year in and year out without threatening the very existence of the Republic. It will create a sullen bitterness in the hearts of so many millions of people that they will come to regard even parliamentary forms as the acme of all that is futile.

That is why I said at the very beginning—and I do not know whether the Senator from Michigan was in the Chamber at the time or not—that it hurt me to see so many Senators rise and walk out of this Chamber when this bill was brought up today, as though it were of no great moment that we were to enter upon a discussion of hungry kiddies in this, the richest country in the world.

Mr. President, I have a little clipping here to which I call attention. It is a story I cut out of a paper about a young chap by the name of Bryan Untiedt. He was a schoolboy who 7 years ago saved the lives of a lot of children during a terrible storm out in Colorado. He came to Washington and was entertained at the White House, I believe, by President Hoover. He was then a national hero. There was a boy willing to lay his all on the alter to save a lot of kids marooned in a school bus during a blizzard.

A few days ago he was arrested for driving a truck out at Golden, Colo. He did not have a driver's license. Poor kid, he did not even have the money to buy one, and he was arrested and thrown into jail. Finally, through the generosity of some lawyer in Denver, who sent him the $7 to get him out, he was released from jail, and he said:

> People thought I was a great guy then, but I was just a kid. When I grew up and started looking for a job it was a different thing. I have not had much luck. But I am not complaining.

I wonder how many of those sitting about me have in their hearts the assurance that their boys will never have to go up against that kind of thing. Oh, how sweet we have been toward the big fellows, the utility magnates, like Hopson and Mange, who could rig $45,000 worth of stock into a valuation of $30,000,000. How tender has been our solicitude for men who have manipulated utility organizations in this country and built up giant fortunes out of wind and water. Talk

about the alchemist of the Middle Ages transmuting base metals into gold. The Congress has passed laws which enable the alchemists in big business to outshine all the alchemists of the Middle Ages.

Need we wonder when honest men turn cynical and inveigh against such things? I do not blame them. They would not be decent Americans if they were not getting "fed up" with it and getting tired of it. Senators may well be keenly interested in relief bills in these uncertain times.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. VANDENBERG. The Senator will observe that I have not walked out on him; I am still here.

Mr. BONE. Yes; but I notice most of the other Republicans across the aisle left when this bill was called up. The Senator from Michigan is generally alive to significant things, and he remained in the Chamber.

Mr. VANDENBERG. I wish to agree with the Senator's emphasis on the importance of reorganizing that fundamental situation so that there shall be economic equity, and I agree that unless something is done it is rapidly trending toward a serious situation politically, governmentally, and otherwise. I may, on my own behalf, point to the resolution I have introduced respecting profit sharing to prove that I have substantial sympathy with the Senator's viewpoint. I rose merely to assert that when there is a corporate reserve such as was used to the extent of $25,000,000,000 in 6 years to help take up the unemployment slack, labor has a stake in a corporate reserve, as well as the corporation itself, and got most of the stake in those 6 years.

Mr. BONE. Assuming that to be true—and I am not quarreling with the Senator's viewpoint or his conclusions—it must be obvious to every thoughtful man that there is something fundamentally unstable in an economic system when, with $25,000,000,000 poured out by private business and all the billions poured out by the Government, the thing now literally rocks on its foundations. We dare not trifle with this thing much longer, because if we do, we trifle with the Republic itself. It makes no difference what any of us around here think; the question is what the millions outside are going to do if we fail them in this critical period.

They may abandon hope in parliamentary government if it fails them in their hour of need. Make no mistake about that, Senators. You would not shoot the doctor for coming into your home and telling you that your children have measles merely because you do not want to hear bad news. Of course, this is not a pleasant thing to hear. But we must consider the implication of millions of persons out of work and in misery, through no fault of their own.

Then, Mr. President, we are cutting our crops because these millions do not have anything with which to buy them. Do Senators think that the people will not look critically at that kind of a system? Does anyone think that they are not going to critically examine it and begin to feel doubts about its worth? When the efforts of all the smart boys, the Insulls, the Hopsons, the masters of American finance, and of the higher business world, failed to find the answer to our economic problems, they dumped that question into the lap of Congress, and we must finally solve it or admit that our governmental processes cannot shield our people from gross abuses—abuses sheltered under laws passed by Congress.

If any of us think that such an economic condition is going to last indefinitely we are mistaken. It is not going to last. Certainly there is intelligence enough in this country to formulate ways and means to meet conditions of this kind in our own country. But we are not going to do it effectively by the old methods that merely palliate. Suppose workers in the cigarette and tobacco industries ask to have their wages doubled, what a howl would be raised about it. Yet such a raise would add only a fraction of a cent to a package of cigarettes. Yet we wonder why the people in this industry do not have the purchasing power they should, and why those communities are hard up.

There is no alternative for our people but more wretchedness since it has been so often demonstrated that the States, counties, and cities cannot alone bear the relief load. I am prepared, if necessary, to submit figures to show that they cannot bear it, but believe such proof is superfluous.

The Brookings Institution, in its book America's Capacity to Consume, at pages 206–207, gives the table I ask to have inserted in the RECORD as table XI.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Table XI appears at the end of Mr. BONE's remarks.)

Mr. BONE. This shows estimated distribution of all personal incomes in the United States in 1929. It shows that 1.3 percent of the population received 25.51 percent of the income while 39.7 percent of the people received only 12.48 percent of the income.

A statement which comes to about the same thing by a slightly different approach is found in W. Buel Patch's National Wealth and National Income, found in Editorial Research Reports at volume 1, 1935, No. 15, April 20, 1935, at page 301.

Mr. Patch says:

> Almost two-thirds of the income recipients at the bottom of the scale, with incomes of under $2,000, received in the aggregate about 28 percent of the national income, while practically the same percentage of the income went to 2 percent of the income recipients at the top of the scale, with incomes over $10,000. Those with incomes under $5,000 constituted 93 percent of the total number and received 60 percent of the income, while the remaining 40 percent of the income went to the 7 percent receiving incomes above $5,000.

Despite the overwhelming evidence that these figures are correct, some leaders in big business look down the nose at them and say that they are imaginary. Just for the benefit of the skeptics, we will tie the proof up tight with another set of figures that I believe none of them will have the effrontery to deny. I ask to have placed in the record a table of deposits of the member banks of the Federal Reserve bank system, showing deposits in the member banks by size of account. This is designated as "Table XII."

The PRESIDING OFFICER. Without objection, it is so ordered.

(Table XII appears at the end of Mr. BONE's remarks.)

Mr. BONE. This is found in Federal Reserve Bulletin for May 1935, at page 316. It shows the deposits as of October 25, 1933, for deposits of $2,500 or less, for $2,501 to $10,000, for $10,001 to $50,000 and deposits of over $50,000.

This table shows that 96.7 percent of all deposits, by number and not amount, in Federal Reserve banks on the day mentioned were $2,500 or less. There were 33,073,372 depositors who were in the $2,500 or smaller class, and their deposits totaled $5,823,394,000 or only 22 percent of total deposits.

Mr. ADAMS. Mr. President, the Senator is using the term "Federal Reserve banks." I think the Senator means the members of the Federal Reserve System. There are no individual deposits in the Federal Reserve banks.

Mr. BONE. I am putting the table in which indicates the banks and the deposits.

Mr. ADAMS. The Senator's statement is misleading in use of that term.

Mr. BONE. I was referring to table No. 12. If the Senator would like to see it I shall be glad to show it to him.

Mr. ADAMS. I am familiar with the figures.

Mr. BONE. The table indicates the deposits in the member banks.

Mr. ADAMS. They are member banks rather than Federal Reserve banks.

Mr. BONE. That is right. They are member banks of the Federal Reserve System.

On the same date 49,816 depositors had in the banks $12,822,773,000, or 48.2 percent of all deposits.

In other words, a little more than one-tenth of 1 percent of the depositors had in the banks more than twice as much money as 96.7 percent of the depositors.

A little arithmetic shows that the average deposit of those having $2,500 or less in the bank was $176, but most of these depositors had much less than $176, as averages of this sort usually run too high to give a true picture. No median figures, which would be more accurate, are available.

One-tenth of 1 percent of the depositors owning about half of all the money in the banks on October 25, 1933, when the Federal Reserve bank issued its call for this sort of report, it follows that they must have obtained this money out of income. The figures thoroughly confirm the statement that has frequently been made here that 2 percent of the people have as much income as 65 percent.

Such obvious facts as these about income are disputed, but I want to place in the RECORD additional tables, and if those who contend that income in this country is principally distributed to those in the lowest brackets still cherish that opinion I hope they will come forward with some proof of an official nature, as I have done.

I call attention now to a study just completed by the United States Department of Agriculture to determine family income and related data for farm families in specified localities in 1935–36. The study included 24,852 families in 64 counties in 23 farm areas.

I quote from a statement issued by the Department regarding this study. It says:

> In no area did more than half of the farm families interviewed have yearly family incomes, including income in cash and in kind, of more than $1,586.

The income—including such foods as the farm family raised and consumed, and food and material for which it traded—amounted in Kansas to $732 in the case of 695 family surveys. This $732 is a median figure.

I should like to ask how the farmer who receives considerably less than $732 cash income in a year can buy a new automobile for $800; a new refrigerator for $200; or a new radio for $100; or any of these articles even for half of the amounts named. The Kansas farmer mentioned received about $476 in cash from his farm.

I ask to have inserted in the RECORD a table showing median farm family income by States. It is designated as "Table XIII."

The PRESIDING OFFICER. Without objection, it is so ordered.

(Table XIII appears at the end of Mr. BONE's remarks.)

Mr. BONE. The Senator from Florida [Mr. PEPPER] in an able address given November 19, 1937, on this floor pointed out that 10 percent of the population of the country annually has income of less than $500 a year, and 39.8 percent make less than $1,000 a year.

The United States Commission on Industrial Relations, in its final report and testimony in 1916, volume 1, pages 32–34, Senate Document No. 415, Sixty-fourth Congress, first session, says:

> The ownership of wealth in the United States has become concentrated to a degree which is difficult to grasp. * * * The rich 2 percent of the people own 60 percent of the wealth; the middle class, 33 percent of the people, own 35 percent of the wealth; the poor, 65 percent of the people, own 5 percent of the wealth.

I fear that in this country seeing with our eyes we see not and hearing with our ears we hear not. We know these things but close our eyes and ears to them. We are like mariners who blissfully sleep while the ship heads for the rocks on which many ships have sunk.

Do we not know, by contemplating history, that there comes a time when concentration of wealth and power at the top and excess of poverty and misery at the bottom causes an explosion?

John Stuart Mill hit the nail on the head when he said in his Principles of Political Economy:

> The deepest root of the evils and iniquities which fill the industrial world is * * * the subjection of labor to capital, and the enormous share which the possessors of the instruments of industry are able to take from the produce.

And President Grover Cleveland said in his annual message as long ago as 1888 that—

> The communism of combined wealth and capital * * * is not less dangerous than the communism of oppressed poverty and toil.

Anyone who has not read the speech by Congressman WRIGHT PATMAN, of Texas, delivered in the House on June 15, 1937, would find it profitable to do so. He thoroughly sustains and documents his statement that a few men, controlling a few great banks, control a majority of the corporate wealth of the Nation, if not a majority of the entire wealth of the Nation. He points out also in a speech in the House January 4, this year, that the directors of 24 banks—and this means the relatively few active directors, not all 484 on the list—virtually control the banking resources of the Nation, and the directorates of these 24 banks are interlocked, giving still further concentration.

Sometimes men write to me and complain, "The Government is destroying confidence. Let business alone, and everything will be all right." We did that wholly and completely from 1920 to 1932, and it failed to work. The poor will not starve in peace and quietness; and the sooner we recognize that fact the better.

For my part, I believe we must think and talk about the cankers that are eating at the vitals of this country—the cankers of wealth concentration, monopoly, unemployment, and insecurity. We cannot cure a disease by denying its existence, and we cannot cure it by mumbling magic words of the confidence-restoring kind. The only kind of confidence worth while is the kind that finds permanent lodgment in the minds of the millions of producers in this country.

I wish to put in the RECORD one more table, designated as "Table XIV."

The PRESIDING OFFICER. Without objection, it is so ordered.

(Table XIV appears at the end of Mr. BONE's remarks.)

Mr. BONE. Table XIV indicates the necessity of improving our social-security program. It is from the Portland Oregonian, which reproduced a table developed by Prof. H. F. Clark and a corps of assistants at Columbia University. These figures show the average total lifetime earnings of persons in different occupations. They show that the farm laborer, in 51 years of hard work, receives only $10,400 gross income, or an annual average income of $204. The term "51 years" refers to his working years, not to his age.

The farmer working for 51 years receives $12,500, or an average of $245 annually; the unskilled laborer in 44 years receives $15,200, or $345 annually; the nurse in 40 years receives $23,300, or $583 annually; and the skilled tradesman in 44 years receives $28,600, which is at the munificent rate of $650 annually. Yet we have such solemn nonsense as the statement by Dr. Leo Wolman, who recently pontificated that the trouble in the United States is that wages are too high. Perhaps some wages are too high in contrast to others, but the question is, Whose wages? Certainly not the wages of 65 percent of our people who are at the bottom of the economic ladder. Dr. Wolman should have been referring to the swollen wages of executives of great corporations who vote themselves fat sums in salaries and bonuses at regular intervals, at the expense of the general public and of the little stockholders who have no real voice in the affairs of the companies which use their money.

I think the Members of the Senate will agree with me that the facts I have submitted prove beyond a shadow of a doubt that unemployment, as we find it today, is an inescapable by-product of technological advance, and that we shall never be wholly free from it unless and until we accept the urgent necessity of making such changes as will balance the national human economy. I believe that we shall never again be able to balance the National Budget for any length of time until we make it possible for the average man or woman in this country to balance his or her personal budget, by affording them an opportunity to earn enough to pay for the things which provide a decent American standard of living. Because I am so profoundly moved by the conclusions to which

these figures have driven me, I feel that I owe to my colleagues the duty of presenting both the figures and my conclusions, so that when we shall have voted the new millions for relief, we may address ourselves to the larger aspects of the problem, which no individual appropriation can solve.

I now renew my request that the tables to which I have referred be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—*Persons who registered in the unemployment census as totally unemployed or working on emergency work, by sex and by States*

Division and State	Estimated population, July 1, 1937	Persons who, between Nov. 16 and Nov. 20, registered as—						Percent of estimated population	
		Totally unemployed and wanting work			Working at W. P. A., N. Y. A., C. C. C., or other emergency work			Totally unemployed	Working at W. P. A., N. Y. A., etc.
		Total	Male	Female	Total	Male	Female		
United States	129,257,000	5,821,035	4,137,370	1,683,665	2,001,877	1,662,444	339,433	4.5	1.5
New England	8,597,000	435,036	289,060	145,976	129,036	104,584	24,452	5.1	1.5
Maine	856,000	37,814	27,534	10,280	6,050	5,226	824	4.4	.7
New Hampshire	510,000	25,311	16,219	9,092	6,628	5,305	1,323	5.0	1.3
Vermont	383,000	10,197	7,619	2,578	4,128	3,362	766	2.7	1.1
Massachusetts	4,426,000	248,484	162,052	86,432	79,135	62,428	16,707	5.6	1.8
Rhode Island	681,000	43,654	27,453	16,201	14,889	12,487	2,402	6.4	2.2
Connecticut	1,741,000	69,576	48,183	21,393	18,206	15,776	2,430	4.0	1.1
Middle Atlantic	27,478,000	1,546,935	1,107,671	439,264	460,886	397,011	63,875	5.6	1.7
New York	12,959,000	763,322	537,007	226,315	206,518	178,974	27,544	5.9	1.6
New Jersey	4,343,000	217,176	156,371	60,805	70,354	60,155	10,199	5.0	1.6
Pennsylvania	10,176,000	566,437	414,293	152,144	184,014	157,882	26,132	5.6	1.8
East North Central	25,841,000	1,083,617	802,622	280,995	380,886	334,596	46,290	4.2	1.5
Ohio	6,733,000	304,682	223,254	81,428	105,185	92,375	12,810	4.5	1.6
Indiana	3,474,000	133,136	97,724	35,412	53,267	47,865	5,402	3.8	1.5
Illinois	7,878,000	338,055	246,732	91,323	121,688	106,270	15,418	4.3	1.5
Michigan	4,830,000	195,016	147,445	47,571	54,172	47,914	6,258	4.0	1.1
Wisconsin	2,926,000	112,728	87,467	25,261	46,574	40,172	6,402	3.9	1.6
West North Central	13,819,000	514,310	381,581	132,729	237,833	199,418	38,415	3.7	1.7
Minnesota	2,652,000	98,495	75,568	22,927	45,684	38,937	6,747	3.7	1.7
Iowa	2,552,000	61,531	46,760	14,771	23,765	20,324	3,441	2.4	.9
Missouri	3,989,000	191,873	133,573	58,300	65,109	55,333	9,776	4.8	1.6
North Dakota	706,000	26,962	22,340	4,622	18,707	15,531	3,176	3.8	2.6
South Dakota	692,000	26,002	20,533	5,469	23,680	19,323	4,357	3.8	3.4
Nebraska	1,364,000	44,872	33,446	11,426	25,850	22,044	3,806	3.3	1.9
Kansas	1,864,000	64,575	49,361	16,214	35,038	27,926	7,112	3.5	1.9
South Atlantic	17,260,000	647,951	410,948	237,003	217,483	165,832	51,651	3.8	1.3
Delaware	261,000	8,907	6,493	2,414	2,429	1,883	546	3.4	.9
Maryland	1,679,000	58,288	41,518	16,770	12,947	11,237	1,710	3.5	.8
District of Columbia	627,000	37,600	19,073	18,527	9,765	6,960	2,805	6.0	1.6
Virginia	2,706,000	84,487	53,372	31,115	28,112	20,329	7,783	3.1	1.0
West Virginia	1,865,000	86,449	69,315	17,134	34,061	29,194	4,867	4.6	1.8
North Carolina	3,492,000	94,711	55,270	39,441	31,030	22,471	8,559	2.7	.9
South Carolina	1,875,000	73,227	44,268	28,959	29,401	20,694	8,707	3.9	1.6
Georgia	3,085,000	130,803	78,715	52,088	36,587	27,573	9,014	4.2	1.2
Florida	1,670,000	73,479	42,924	30,555	33,151	25,491	7,660	4.4	2.0
East South Central	10,731,000	498,902	334,102	164,800	154,424	125,684	28,740	4.6	1.4
Kentucky	2,920,000	143,031	98,240	44,791	54,352	44,838	9,514	4.9	1.9
Tennessee	2,893,000	116,142	76,266	39,876	31,956	27,609	4,347	4.0	1.1
Alabama	2,895,000	150,145	98,942	51,203	38,739	30,782	7,957	5.2	1.3
Mississippi	2,023,000	89,584	60,654	28,930	29,377	22,455	6,922	4.4	1.5
West South Central	12,900,000	532,834	386,061	146,773	202,494	159,918	42,576	4.1	1.6
Arkansas	2,048,000	92,149	67,832	24,317	34,254	29,037	5,217	4.5	1.7
Louisiana	2,132,000	97,317	69,410	27,907	33,160	27,026	6,134	4.6	1.6
Oklahoma	2,548,000	114,114	85,596	28,518	58,725	48,212	10,513	4.5	2.3
Texas	6,172,000	229,254	163,233	66,031	76,355	55,643	20,712	3.7	1.2
Mountain	3,792,000	155,017	124,990	30,027	82,068	67,739	14,329	4.1	2.2
Montana	539,000	28,390	22,867	5,523	20,203	17,515	2,688	5.3	3.7
Idaho	493,000	18,641	15,819	2,822	7,239	6,171	1,068	3.8	1.5
Wyoming	235,000	7,665	6,355	1,310	3,191	2,335	856	3.3	1.4
Colorado	1,071,000	44,272	33,967	10,305	20,829	15,621	5,208	4.1	1.9
New Mexico	422,000	21,162	18,232	2,930	9,428	8,313	1,115	5.0	2.2
Arizona	412,000	12,948	10,220	2,728	8,476	7,176	1,300	3.1	2.1
Utah	519,000	18,848	14,959	3,889	10,945	9,223	1,722	3.6	2.1
Nevada	101,000	3,091	2,571	520	1,757	1,385	372	3.1	1.7
Pacific	8,839,000	406,433	300,335	106,098	136,767	107,662	29,105	4.6	1.5
Washington	1,658,000	89,871	71,196	18,675	31,078	26,574	4,504	5.4	1.9
Oregon	1,027,000	58,557	46,673	11,884	14,634	12,414	2,220	5.7	1.4
California	6,154,000	258,005	182,466	75,539	91,055	68,674	22,381	4.2	1.5

Source: Preliminary Report on Total and Partial Unemployment, Jan. 18, 1938.

TABLE II.—*Total number of persons employed on W. P. A. projects last week in each month, August 1935 to January 1938*

UNITED STATES AND TERRITORIES

[Subject to revision]

Week ending:	
Aug. 31, 1935	252,739
Sept. 28, 1935	456,013
Oct. 26, 1935	777,294
Nov. 30, 1935	2,445,954
Dec. 28, 1935	2,740,070
Jan. 25, 1936	2,925,605
Feb. 29, 1936	3,035,852
Mar. 28, 1936	2,871,637
Apr. 25, 1936	2,570,315
May 30, 1936	2,339,740
June 27, 1936	2,255,898
July 25, 1936	2,249,357
Aug. 29, 1936	2,376,565
Sept. 26, 1936	2,481,516
Oct. 31, 1936	2,581,208
Nov. 28, 1936	2,482,681

TABLE II.—*Total number of persons employed on W. P. A. projects last week in each month, August 1935 to January 1938*—Con.

UNITED STATES AND TERRITORIES—continued

Week ending—Continued.	
Dec. 26, 1936	2,192,409
Jan. 30, 1937	2,138,059
Feb. 27, 1937	2,145,562
Mar. 27, 1937	2,114,800
Apr. 24, 1937	2,070,151
May 29, 1937	1,999,269
June 26, 1937	1,821,151
July 31, 1937	1,572,924
Aug. 28, 1937	1,482,707
Sept. 25, 1937	1,452,874
Oct. 30, 1937	1,477,291
Nov. 27, 1937	1,519,740
Dec. 25, 1937	1,629,261
Jan. 15, 1938	1,767,108

Source: Works Progress Administration, Division of Research, Statistics, and Records, Jan. 24, 1938.

TABLE III.—*Employment, pay rolls, and earnings in manufacturing and in 14 nonmanufacturing industries, 1929, 1932, 1936, July 1932, and July 1937*

Industry	Average			July		Index numbers (average 1929=100)				
						Average			July	
	1929	1932	1936	1932	1937	1929	1932	1936	1932	1937
1. Manufactures:										
All manufacturing industries:										
Number of wage earners [1]	8,767,000	5,488,400	7,693,400	5,057,300	8,494,300	100.0	62.6	87.8	57.7	96.9
Weekly pay rolls (in thousands)	$221,750	$94,346	$167,461	$81,700	$204,110	100.0	42.5	75.5	36.8	92.0
Per capita weekly earnings	$25.29	$17.19	$21.77	$16.15	$24.03	100.0	68.0	86.1	63.9	95.0
Durable goods:										
Number of wage earners	4,491,900	2,286,900	3,669,800	2,166,800	4,287,500	100.0	50.9	81.7	48.2	95.4
Weekly pay rolls (in thousands)	$123,805	$39,125	$88,771	$34,397	$114,566	100.0	31.6	71.7	27.8	92.5
Per capita weekly earnings	$27.56	$17.11	$24.19	$15.87	$26.72	100.0	62.1	87.8	57.6	97.0
Nondurable goods:										
Number of wage earners	4,275,100	3,201,500	4,023,600	2,890,500	4,206,800	100.0	74.9	94.1	67.6	98.4
Weekly pay rolls (in thousands)	$97,945	$55,221	$78,691	$47,303	$89,544	100.0	56.4	80.3	48.3	91.4
Per capita weekly earnings	$22.91	$17.25	$19.56	$16.36	$21.29	100.0	75.3	85.4	71.4	92.9
2. Mining, quarrying, and crude petroleum producing: [2]										
Number of wage earners [1]	968,500	575,000	667,592	501,448	683,100	100.0	59.4	68.9	51.8	70.5
Weekly pay rolls (in thousands)	$25,871	$9,815	$15,157	$7,601	$16,023	100.0	37.9	58.6	29.4	61.9
Per capita weekly earnings	$26.71	$17.07	$22.70	$15.16	$23.46	100.0	63.9	85.0	56.8	87.8
3. Transportation, communication, and local utilities: [3]										
Number of employees [1]	2,958,215	2,027,954	2,049,447	1,997,402	2,225,721	100.0	68.6	69.3	67.5	75.2
Weekly pay rolls (in thousands)	$96,411	$52,871	$59,866	$50,217	$66,103	100.0	61.2	69.3	58.1	76.5
Per capita weekly earnings	$29.21	$26.07	$29.21	$25.14	$29.70	100.0	89.3	100.0	86.1	101.7
4. Trade and service industries: [4]										
Number of employees [1]	6,107,700	4,696,800	5,263,324	4,520,100	5,409,900	100.0	76.9	85.8	74.0	88.5
Weekly pay rolls (in thousands)	$160,468	$102,118	$108,510	$96,929	$119,785	100.0	63.6	67.6	60.4	74.6
Per capita weekly earnings	$26.27	$21.74	$20.69	$21.44	$22.14	100.0	82.8	78.8	81.6	84.3
5. Groups 1-4 combined:										
Number of employees [1]	18,801,415	12,788,154	15,653,763	12,076,250	16,813,021	100.0	68.0	83.3	64.2	89.4
Weekly pay roll (in thousands)	$494,500	$259,150	$350,994	$236,447	$406,022	100.0	52.4	71.0	47.8	82.1
Per capita weekly earnings	$26.30	$20.26	$22.42	$19.58	$24.15	100.0	77.0	85.2	74.4	91.8

[1] In groups 1 and 2 salaried employees and, in most cases, home-office (central administrative) employees are excluded. In many of the industries in groups 3 and 4 wages and salaries cannot readily be separated, and many salaried employees are included.
[2] Anthracite mining, bituminous-coal mining, metalliferous mining, quarrying and nonmetallic mining, and crude-petroleum producing.
[3] Class I steam railroads, electric-railroad and motorbus operation and maintenance, telephone and telegraph, and electric light and power and manufactured gas.
[4] Wholesale trade, retail trade, hotels (year-round), laundries, and dyeing and cleaning.

Source: U. S. Department of Labor.

TABLE IV.—*Long-time index of production per man-hour in leather industry for census years 1849–1935* [1]

[1935=100]

Year	Index numbers of—				
	Employment	Average hours per week	Total man-hours	Quantity produced	Production per man-hour
1849	50	168	83	21	25
1859	52	151	79	20	26
1869	69	151	104	37	35
1879	79	151	119	62	52
1889	83	151	125	70	55
1899	102	151	154	82	53
1904	113	151	171	89	52
1909	122	144	176	96	54
1914	110	131	144	80	62
1919	142	127	180	102	56
1921	96	122	117	89	76
1923	117	125	146	114	78
1925	103	125	129	96	75
1927	104	120	125	101	81
1929	98	125	123	97	79
1931	83	119	99	82	84
1933	87	110	96	84	88
1935	100	100	100	100	100

[1] Sources: Index of employment, from Census of Manufactures and Bureau of Labor Statistics; index of average hours per week, computed from data in publications of the Bureau of Labor Statistics and the National Industrial Conference Board; index of quantity produced, computed from data in publications of the Bureau of the Census and the Bureau of Foreign and Domestic Commerce.

TABLE IV.—*Long-time index of production per man-hour in leather industry for census years 1849–1935*—Continued

[1935=100]

Sources: U. S. Department of Labor Bulletin R. 596, Labor Productivity in the Leather Industry, Monthly Labor Review, July 1937.

TABLE V.—*Revenue traffic, employment (excluding principal salaried groups), and average man-hour output, class I railroads and principal switching and terminal companies, 1916 to 1936*

[Derived from reports to the Interstate Commerce Commission. Index numbers based on 1926=100]

Year	Revenue traffic						Employees		Man-hours worked		Index of average man-hour output
	Passenger-miles		Ton-miles		Traffic-units		Number	Index	Number (thousands)	Index	
	Number (millions)	Index	Number (millions)	Index	Number (millions)	Index					
1916	34,586	97.5	326,444	81.7	452,368	84.4	1,626,006	92.5	5,119,374	115.1	73.4
1917	39,477	111.3	394,465	88.9	497,105	92.7	[1] 1,710,117	97.3	[1] 5,360,069	120.5	77.0
1918	42,677	120.3	405,379	91.4	516,338	96.3	[1] 1,823,748	103.8	[1] 5,639,015	126.8	76.0
1919	46,358	130.7	364,293	82.1	484,825	90.5	[1] 1,897,925	108.0	[1] 4,991,316	112.2	80.6
1920	46,849	132.0	410,306	92.5	532,113	99.3	[1] 2,004,277	114.1	[1] 5,396,462	121.3	81.8
1921	37,313	105.2	306,840	69.1	403,853	75.3	1,640,414	93.3	4,035,113	90.7	83.1
1922	36,470	100.0	339,285	76.5	431,597	80.5	1,604,176	91.3	4,140,296	93.1	86.5
1923	37,967	107.0	412,727	93.0	511,414	95.4	1,835,127	104.3	4,745,819	106.7	89.4
1924	36,091	101.7	388,415	87.5	482,252	90.0	1,732,262	98.5	4,359,524	98.0	91.8
1925	35,950	101.3	413,814	93.3	507,285	94.6	1,722,713	98.0	4,343,282	97.6	96.9
1926	35,478	100.0	443,746	100.0	535,988	100.0	1,757,298	100.0	4,447,075	100.0	100.0
1927	33,650	94.8	428,737	96.6	516,226	96.3	1,711,901	97.4	4,294,224	96.5	99.3
1928	31,601	89.1	432,915	97.6	515,079	96.1	1,630,925	92.8	4,078,346	91.7	104.8
1929	31,074	87.6	447,323	100.8	528,114	98.5	1,635,909	93.1	4,108,089	92.4	106.7

[1] Switching and terminal company employees and man-hour 1933–36 are estimated for all employees except principal salaried groups by means of ratios applying to all employees. The figures for 1917–20 include estimated switching and terminal company employment based on actual figures for 1916, 1921–32.

TABLE V.—*Revenue traffic, employment (excluding principal salaried groups), and average man-hour output, class I railroads and principal switching and terminal companies, 1916 to 1936*—Continued

[Derived from reports to the Interstate Commerce Commission. Index numbers based on 1926=100]

Year	Revenue traffic						Employees		Man-hours worked		Index of average man-hour output
	Passenger-miles		Ton-miles		Traffic-units		Number	Index	Number (thousands)	Index	
	Number (millions)	Index	Number (millions)	Index	Number (millions)	Index					
1930	26,815	75.6	383,450	86.4	453,168	84.5	1,461,140	83.2	3,526,833	79.3	106.7
1931	21,894	61.7	309,225	69.7	366,150	68.3	1,233,990	70.2	2,829,162	63.6	107.4
1932	16,971	47.8	233,977	52.7	278,102	51.9	1,011,797	57.6	2,201,233	49.5	104.8
1933	16,341	46.1	249,223	56.2	291,710	54.4	[1] 945,665	53.8	[1] 2,053,277	46.2	117.9
1934	18,033	50.8	268,711	60.6	315,597	58.9	[1] 983,396	56.0	[1] 2,201,398	49.5	118.9
1935	18,476	52.1	282,037	63.6	330,075	61.6	[1] 968,900	55.1	[1] 2,200,125	49.5	124.5
1936	22,416	63.2	338,984	76.4	397,266	74.1	[1] 1,046,718	59.6	[1] 2,482,278	55.8	132.8

[1] Switching and terminal company employees and man-hours 1933-36 are estimated for all employees except principal salaried groups by means of ratios applying to all employees. The figures for 1917-20 include estimated switching and terminal company employment based on actual figures for 1916, 1921-32.

Source: U. S. Department of Labor Bulletin R597, Productivity, Hours and Compensation of Railroad Labor, 1933-36, Monthly Labor Review, July 1937.

TABLE VI.—*Productivity and labor requirements in manufacture of cotton textiles, 1910 and 1936*

Mill producing—	Man-hour output of finished product (grey cloth)				Labor-time requirements for identical quantity of output			
	1910		1936		Percent of increase	Output (yards of grey cloth)	Man-hours required for two 40-hour shifts	
	Pounds	Yards	Pounds	Yards			1910	1936	Percent of decrease
Carded broadcloth	3.26	16.30	4.88	24.40	49.69	437,890	26,880	17,960	33.18
Combed broadcloth	2.65	10.60	4.26	17.04	60.75	295,828	27,880	17,360	37.73
Sheeting	3.95	15.80	6.14	24.56	55.44	541,496	34,200	22,040	35.56
Carded-filling sateen	2.76	13.14	4.05	19.28	46.74	343,742	26,120	17,840	31.70
Canton flannel	7.25	18.55	11.47	21.44	58.21	559,149	41,280	26,080	36.82
Print cloth	3.05	12.20	[1] 4.62	[1] 18.48	51.50	307,000	25,200	[1] 16,600	34.10
Lawns	.92	8.28	[1] 1.75	[1] 15.75	90.20	220,000	26,680	[1] 14,000	47.50
Terry cloth	2.84	10.79	[1] 7.15	[1] 27.17	151.80	{[2] 701,680 / [1] 712,480}	75,400	[1] 30,240	59.90

[1] Data for 1935. [2] 1910.

Source: U. S. Department of Labor Bulletin R. 612, Effects of Mechanical Changes in the Cotton-Textile Industry, 1910-36, Monthly Labor Review, Aug. 1937.

TABLE VII.—*Increased productivity and reduced unit labor requirement 1920, as compared with 1934, in selected industries*

Industry	Index number	
	1920	1934
Manufacturing:		
Unit labor requirement	100	55.6
Productivity	100	179.8
Mining:		
Unit labor requirement	100	80.7
Productivity	100	123.9
Steam railroads:		
Unit labor requirement	100	74.3
Productivity	100	134.5
Telephone communication:		
Unit labor requirement	100	75.2
Productivity	100	133.0

Source: National Resources Committee's report on Technological Trends and National Policy.

TABLE VIII.—*Estimated changes in productivity of labor and in time required per unit of output in electric-lamp assembly plants, 1920 to 1931*

[1920=100]

Year	Production of lamps		Employment		Lamps produced per man-hour		Time requirement per lamp	
	Number	Index	Man-hours	Index	Average number	Index	Man-hours	Index
1920	362,140,000	100.0	36,145,000	100.0	10.019	100.0	0.099809	100.0
1921	242,515,000	67.0	21,710,000	60.1	11.171	111.5	.089520	89.7
1922	311,265,000	86.0	24,549,000	67.9	12.679	126.6	.078868	79.0
1923	404,226,000	111.6	26,821,000	74.2	15.071	150.4	.066351	66.5

TABLE VIII.—*Estimated changes in productivity of labor and in time required per unit of output in electric-lamp assembly plants, 1920 to 1931*—Continued

[1920=100]

Year	Production of lamps		Employment		Lamps produced per man-hour		Time requirement per lamp	
	Number	Index	Man-hours	Index	Average number	Index	Man-hours	Index
1924	435,172,000	120.2	22,079,000	61.1	19.710	196.7	.050736	50.8
1925	459,275,000	126.8	19,753,000	54.7	23.251	232.1	.043009	43.1
1926	482,455,000	133.2	17,576,000	48.6	27.450	274.0	.036430	36.5
1927	544,512,000	150.4	17,922,000	49.6	30.382	303.2	.032914	33.0
1928	556,953,000	153.8	15,976,000	44.2	34.862	348.0	.028685	28.7
1929	643,957,000	177.8	16,003,000	44.9	40.240	401.6	.024851	24.9
1930	553,199,000	152.8	13,424,000	37.1	41.210	411.3	.024266	24.3
1931	503,350,000	139.0	11,448,000	31.7	43.968	438.9	.022743	22.8

Source: U. S. Department of Labor Bulletin No. 593, Technoiogical Changes and Employment in the Electric-Lamp Industry, published in 1933.

TABLE IX.—*Index numbers of total and man-hour output and of labor time required in 6 representative plants, 1914 to 1931*

[1914=100]

Year	Total output		Man-hours worked	Output per man-hour	
	Tires	Pounds		Tires	Pounds
1914	100.00	100.00	100.00	100.00	100.00
1922	485.45	432.83	173.70	279.49	250.56
1923	546.71	478.21	175.48	311.72	272.67
1924	614.33	527.35	186.95	328.49	282.19
1925	712.80	687.05	224.79	317.09	305.79

TABLE IX.—*Index numbers of total and man-hour output and of labor time required in 6 representative plants, 1914 to 1931*—Continued

[1914=100]

Year	Total output		Man-hours worked	Output per man-hour	
	Tires	Pounds		Tires	Pounds
1926	739.00	739.00	202.00	366.00	366.00
1927	829.75	883.62	211.55	392.35	417.86
1928	993.44	1,108.57	238.24	417.09	465.55
1929	1,001.27	1,181.37	233.47	428.66	506.25
1930	791.40	1,008.88	173.72	455.41	581.03
1931	768.49	955.82	140.41	547.21	681.05

Source: U. S. Department of Labor Bulletin No. 585, July 1933, Labor Productivity in the Automobile Tire Industry.

TABLE X.—*Table showing percent that wages bear to value of product, showing average hourly wage levels as of March 1937, and showing the percent of wage increases since June 1933*

PERCENT WAGES TO VALUE OF PRODUCT

*Telegraph	60.0
*Coal mining	55.0
*Telephone	45.0
*Railroads	45.0
*Gold mining	40.0
Shipbuilding	35.8
Building	35.0
Lumber	33.2
Aircraft	32.8
Office and business equipment	31.4
Machine tools	30.6
*Traction	30–50
*Lead mining	30.0
*Manufactured gas	30.0
Silk and rayon goods	26.9
Boots and shoes	26.6
Furniture	26.2
Glass	25.2
*Copper mining	25.0
Carpets and rugs	24.8
Cotton goods	24.1
Machinery	23.9
Locomotives	22.8
Textiles	22.6
Agricultural implements	22.1
Woolen and worsted goods	21.4
Radios and phonographs	21.3
Auto bodies and parts	21.2
Iron and steel	20.6
Electrical equipment	20.6
Bread and bakery products	20.1
Printing and publishing	19.1
Leather	18.1
*Electric light and power	18.0
†Department stores	18.0
Rubber tires and tubes	17.5
Cement	17.4
Locomotives	16.4
Paper	15.5
Nonferrous metal manufactures	13.9
†Variety stores	13.0
Beverages	10.9
Canning and preserving	10.9
Chemicals	10.1
†Mail order outlets	10.0
†General merchandise stores	10.0
Tin cans	9.5
Automobiles	9.1
Food	8.4
Fertilizers	7.8
Paints and varnishes	7.7
Soap	6.4
Petroleum refining	6.0
Meat packing	5.8
Cigars and cigarettes	5.4
Sugar refining	3.7
Flour	2.9

AVERAGE HOURLY WAGE LEVELS, MARCH 1937—CENTS PER HOUR

Rubber tires and tubes	93.0
Petroleum refining	88.3
Building construction	88.2
Automobiles	85.7
Printing and publishing	84.9
Telephone and telegraph	81.8
Electric light and power and manufactured gas	81.4
Beverages	80.7
Shipbuilding	79.0
Coal mining	78.7

TABLE X.—*Table showing percent that wages bear to value of product, showing average hourly wage levels as of March 1937, and showing the percent of wage increases since June 1933*—Continued

AVERAGE HOURLY WAGE LEVELS, MARCH 1937—CENTS PER HOUR—con.

Office equipment	78.4
Iron and steel	74.8
Chemicals	71.0
Machine tools	69.1
Metalliferous mining	68.1
Locomotives	67.0
Soap	66.7
Agricultural implements	66.6
Electrical equipment	66.4
Machinery	65.8
Glass	65.6
Paints and varnishes	63.5
Aircraft	62.6
Cement	62.2
Nonferrous metal manufactures	61.1
Sugar refining (cane)	60.8
Meat packing	60.8
Leather	59.1
Carpets and rugs	59.1
Tin cans	57.2
Paper and pulp	56.8
Food	56.5
Radio and phonograph	56.0
Baking	55.8
Flour	54.9
Retail trade	53.5
Woolen and worsted goods	53.5
Boots and shoes	50.9
Furniture	48.8
Lumber	48.5
Textiles	48.1
Canning and preserving	44.7
Silk and rayon goods	43.5
Cigars and cigarettes	42.4
Cotton goods	39.0

PERCENT WAGE INCREASE SINCE JUNE 1933

Cotton goods	71.8
Lumber	61.2
Rubber tires and tubes	60.8
Iron and steel	55.2
Woolen and worsted goods	53.8
Cement	53.6
Carpets and rugs	52.7
Furniture	51.5
Automobiles	51.4
Glass	46.8
Radio and phonograph	46.6
Agricultural implements	46.1
Meat packing	45.1
Leather	44.4
Metalliferous mining	44.3
Canning and preserving	44.2
Cigars and cigarettes	43.7
Silk and rayon goods	43.1
Shipbuilding	42.3
Petroleum refining	39.3
Paper and pulp	39.1
Sugar refining (cane)	38.2
Paints and varnishes	35.3
Locomotives	35.1
Beverages	34.5
Flour	32.9
Soap	32.3
Retail trade	32.1
Electric light and power and manufactured gas	31.5
Chemicals	31.0
Baking	30.7
Machine tools	28.9
Office equipment	26.5
Electrical equipment	25.1
Fertilizers	24.3
Coal mining	23.8
Telephone and telegraph	15.1
Printing and publishing	6.3
Aircraft	—4.3

NOTE.—The figures on the utility, railroad, and mining industries in the first column (designated by an asterisk) indicate the percentage of gross revenues paid out in wages; those for retail trade (designated by a dagger) show the percentage of gross sales. Aside from these figures which have been obtained from other sources, the percentages in this column are based on the 1935 Census of Manufactures. Figures in column 2 are those of the United States Bureau of Labor Statistics; for all practical purposes, these represent hourly wage rates. The Bureau does not collect statistics on all of the industries included in the first column, and the number of industries on which wage statistics were collected in 1933 was even smaller.

Source: Standard Statistics Co., vol. 3, No. 1, sec. 1, p. 493, July 5, 1937.

TABLE XI.—*Estimated distribution of all personal incomes in the United States, 1929* [1]

Income class (in dollars)	Persons in each class		Income in each class	
	Number	Percent of total	Amount	Percent of total
Under 0 [2]	177,000	0.360	−$1,059,000,000	−1.14
0 to 500 [2]	4,898,600	9.990	1,691,000,000	1.82
500 to 1,000 [3]	14,430,600	29.420	10,971,000,000	11.80
1,000 to 2,000	20,107,100	41.000	28,679,000,000	30.85
2,000 to 3,000	5,348,500	10.910	12,675,000,000	13.63
3,000 to 5,000	2,294,700	4.680	8,607,000,000	9.26
5,000 to 10,000	1,130,670	2.307	7,685,000,000	8.27
10,000 to 15,000	283,195	0.577	$3,427,000,000	3.69
15,000 to 20,000	122,446	.250	2,107,000,000	2.27
20,000 to 25,000	66,623	.136	1,483,000,000	1.59
25,000 to 30,000	40,043	.082	1,093,000,000	1.18
30,000 to 40,000	45,830	.093	1,578,000,000	1.70
40,000 to 50,000	25,008	.051	1,114,000,000	1.20
50,000 to 100,000	43,825	.089	2,999,000,000	3.23
100,000 and over	26,860	.055	9,900,000,000	10.65
All classes	49,041,000	100.000	92,950,000,000	100.00

[1] Estimated on the basis of sample distributions of occupational earnings and income-tax statistics and census distribution of value of farm products; figures include profits from sale of property.
[2] Rough estimate; negative incomes are due chiefly to losses from the sale of property.
[3] Highly tentative.

Source: Brookings Institution's America's Capacity to Consume. Figures from columns 1, 2, and 3 in tables 27 and 28, pp. 206–207.

TABLE XII.—*Deposits of member banks, by size of account*

LICENSED MEMBER BANKS—DEPOSITS, BY SIZE OF ACCOUNT AND BY CLASS OF DEPOSITS, OCT. 25, 1933

[Amounts of deposits in thousands of dollars]

Class of banks and class of deposits	Total—All deposit accounts		Deposit accounts of—							
			$2,500 or less		$2,501 to $10,000		$10,001 to $50,000		Over $50,000	
	Number of depositors	Amount of deposits	Number of depositors	Amount of deposits	Number of depositors	Amount of deposits	Number of depositors	Amount of deposits	Number of depositors	Amount of deposits
All licensed member banks:										
State, county, and municipal funds	63,729	1,376,256	40,989	23,121	10,711	57,870	8,252	187,633	3,777	1,107,632
U. S. Government deposits [1]		917,889		863		3,403		14,851		898,772
Postal savings [1]		782,691		299		2,574		28,845		750,973
Deposits of other banks	76,488	3,236,892	22,607	17,781	19,005	110,292	23,580	547,258	11,296	2,561,561
Certified and cashiers' checks, etc. [2]	967,578	429,650	951,898	71,002	10,826	44,987	3,834	72,054	1,020	241,607
Other active accounts	27,432,172	19,652,404	26,425,235	5,617,388	808,831	3,670,387	164,448	3,111,475	33,658	7,253,154
Other dormant accounts [3]	5,646,045	189,039	5,632,643	112,940	12,126	47,062	1,211	19,963	65	9,074
Total on Oct. 25, 1933 [4]	34,186,012	26,584,821	33,073,372	5,843,394	861,499	3,936,575	201,325	3,982,079	49,816	12,822,773
Percent	100.0	100.0	96.7	22.0	2.5	14.8	.6	15.0	.2	48.2
Total on May 13, 1933 [4]	30,556,105	23,542,307	29,482,384	5,580,327	839,736	3,752,923	187,115	3,720,403	46,870	10,488,654
Percent	100.0	100.0	96.5	23.7	2.8	15.9	.6	15.8	.1	44.6
National-bank members:										
State, county, and municipal funds	53,140	1,075,065	34,121	19,201	9,077	48,929	6,962	157,492	2,980	849,443
U. S. Government deposits [1]		514,035		789		3,112		13,000		497,134
Postal savings [1]		578,182		246		2,330		25,390		550,216
Deposits of other banks	57,761	2,024,302	17,521	13,503	14,584	85,469	17,983	418,012	7,673	1,507,318
Certified and cashiers' checks, etc. [2]	663,959	193,148	654,361	49,061	7,117	26,096	2,002	33,976	470	84,015
Other active accounts	20,040,976	12,505,505	19,362,244	4,014,419	554,746	2,497,582	105,049	1,926,177	18,937	4,067,327
Other dormant accounts [3]	4,526,153	131,896	4,516,931	82,549	8,486	30,438	685	10,995	51	7,914
Total on Oct. 25, 1933 [4]	25,341,980	17,022,133	24,585,178	4,179,768	594,010	2,693,956	132,681	2,585,042	30,111	7,563,367
Percent	100.0	100.0	97.0	24.6	2.4	15.8	.5	15.2	.1	44.4
Total on May 13, 1933 [4]	22,476,727	14,909,352	21,748,754	3,983,711	579,580	2,552,918	120,028	2,366,331	28,356	6,006,392
Percent	100.0	100.0	96.8	26.7	2.6	17.1	.5	15.9	.1	40.3
State bank members:										
State, county, and municipal funds	10,589	[5] 301,191	6,868	3,920	1,634	8,941	1,290	30,141	797	258,189
U. S. Government deposits [1]		[5] 403,854		74		291		1,851		401,638
Postal savings [1]		204,509		53		244		3,455		200,757
Deposits of other banks	18,727	[5] 1,212,590	5,086	4,278	4,421	24,823	5,597	129,246	3,623	1,054,243
Certified and cashiers' checks, etc. [2]	303,628	[5] 236,502	297,537	21,941	3,709	18,891	1,832	38,078	550	157,592
Other active accounts	7,391,196	7,146,899	7,062,991	1,602,969	254,085	1,172,805	59,399	1,185,298	14,721	3,185,827
Other dormant accounts [3]	1,119,892	57,143	1,115,712	30,391	3,640	16,624	526	8,968	14	1,160
Total on Oct. 25, 1933 [4]	8,844,032	[5] 9,562,688	8,488,194	1,663,626	267,489	1,242,619	68,644	1,397,037	19,705	5,259,406
Percent	100.0	100.0	96.0	17.4	3.0	13.0	.8	14.6	.2	55.0
Total on May 13, 1933 [4]	8,079,378	8,632,955	7,733,630	1,596,616	260,147	1,200,005	67,087	1,354,072	18,514	4,482,262
Percent	100.0	100.0	95.7	18.5	3.2	13.9	.8	15.7	.23	51.9

[1] For the purposes of the reports underlying this table, each member bank was requested to count all U. S. Government deposit accounts as constituting one account, and likewise to consider all postal-savings deposits as one account. In this table, however, the U. S. Government and the Postal Savings System are not counted in the number of depositors.
[2] Figures shown against this item under the head of "Number of depositors" actually represent the number of checks.
[3] Represents deposit accounts from which no withdrawals and to which no credits were made (other than interest credited to such accounts) between Jan. 1, 1929, and Oct. 29, 1933, inclusive, except that if a depositor had a dormant account and also one or more active accounts all of his accounts were combined and included in active deposits as one account.
[4] Since the figures for Oct. 25, 1933, represent the number of "depositors" while those for May 13, 1933, represent the number of "deposit accounts", they are not entirely comparable.
[5] These figures differ somewhat from corresponding totals in the Member Bank Call Report, due to the fact that some banks submitted corrections in their condition reports after the Member Bank Call Report had been compiled, and to the fact that in some cases it was not found practicable to reconcile relatively minor differences between condition reports and the special schedules classifying deposits according to size of accounts.

Source: Federal Reserve Bulletin, May 1935, p. 316.

TABLE XIII.—*Median income in cash and in kind of farm families in specified localities, 1935–36*

[Families that include husband and wife, both native-born]

Locality [1]	Number of families [2]	Median farm family income	
		All families [2]	Nonrelief families [3]
NEW ENGLAND			
White operators, Vermont	543	$1,142	$1,190
CENTRAL			
White operators:			
New Jersey	861	1,371	1,468
Pennsylvania	2,096	1,433	1,471
Ohio	836	1,196	1,214
Michigan	810	1,080	1,105
Wisconsin	795	1,293	1,305
Illinois	857	1,493	1,519
Iowa	748	936	966
MOUNTAIN AND PLAINS			
White operators:			
Kansas	695	732	857
North Dakota	1,106	593	706
Colorado, Montana, and South Dakota	1,088	731	971
PACIFIC			
White operators:			
Central California	281	1,379	1,429
Southern California	1,159	1,473	1,534
Oregon, full-time farm operators	1,781	1,085	1,169
Oregon, part-time farm operators	646	1,462	1,562
Washington	830	1,039	1,182
SOUTHEAST [4]			
North Carolina:			
White operators	460	1,586	1,591
White sharecroppers	300	1,023	1,036
White self-sufficing farm operators	1,294	611	917
Negro operators	129	1,046	1,053
Negro sharecroppers	398	797	803
South Carolina:			
White operators	2,310	1,035	1,053
White sharecroppers	274	540	640
Negro operators	488	597	606
Negro sharecroppers	293	423	438
Georgia:			
White operators	847	708	794
White sharecroppers	248	544	583
Negro operators	249	490	533
Negro sharecroppers	296	409	422
Mississippi:			
White operators	552	1,091	1,202
White sharecroppers	347	573	608
Negro operators	277	575	578
Negro sharecroppers	958	416	422

[1] See FS 2–7 for number and names of counties studied.
[2] This column represents all relief and nonrelief families studied.
[3] Nonrelief families include families with positive net incomes and families whose farm expense exceeded income, resulting in a net loss.
[4] Because of the economic and social significance of the system of farm tenancy in the Southeast, these data have been tabulated separately for each type of tenure; hence no justifiable comparisons can be made between any one group in this region and white operators in other regions. Negro farm families were studied only in the Southeast.

Source: U. S. Department of Agriculture, Bureau of Home Economics, Study of Consumer Purchases.

TABLE XIV.—*Earning expectancy of persons in various occupations as determined by Prof. H. F. Clark and corps of assistants at Columbia University*

[Table found in Portland Oregonian, July 1937]

Occupation	Working-life span	Average earnings	Average per year
Medicine	42	$108,000	$2,571.43
Law	43	105,000	2,441.86
Dentistry	45	95,400	2,120.00
Engineering	43	95,300	2,216.28
Architecture	43	82,500	1,918.60
College teaching	44	69,000	1,568.18
Social work	45	51,600	1,146.67
Journalism	46	41,500	902.17
Ministry	44	41,000	931.82
Library work	46	35,000	760.87
Public-school teaching	45	29,700	660.00
Skilled trades	44	28,600	650.00
Nursing	40	23,300	582.50
Unskilled labor	44	15,200	345.45
Farming	51	12,500	245.10
Farm labor	51	10,400	203.92

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN].

Mr. HAYDEN obtained the floor.

Mr. ADAMS. Mr. President, will the Senator from Arizona yield to me?

Mr. HAYDEN. I yield.

Mr. ADAMS. I merely desire to direct a question to the Senator from Washington [Mr. BONE].

At one point the Senator from Washington quoted from the hearings parts of the testimony of Mr. Williams. The matter referred to was correctly quoted, and I think the Senator was accurate with respect to the parts referred to; but they convey the impression that the payments of $4, $5, and $6 per month to individuals in need were contributions of the Federal Government. The contributions referred to were made by cities and States.

Mr. BONE. That is correct.

Mr. WAGNER. Mr. President, I believe I was not present at the time the Senator from Washington [Mr. BONE] offered his amendment.

Mr. BONE. I understood it was out of order to offer it at the moment, because of another pending amendment.

Mr. WAGNER. What is the effect of the Senator's amendment?

Mr. BONE. The effect of my amendment is to increase the appropriation from $250,000,000 to $500,000,000. I intend to reoffer my amendment when it is timely.

Mr. WAGNER. I want to be present when it is offered.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Washington?

Mr. HAYDEN. I yield.

Mr. SCHWELLENBACH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Hitchcock	Norris
Andrews	Davis	Holt	Nye
Ashurst	Dieterich	Johnson, Calif.	O'Mahoney
Austin	Donahey	Johnson, Colo.	Overton
Bailey	Duffy	King	Pope
Bankhead	Ellender	La Follette	Reames
Barkley	Frazier	Lee	Russell
Bilbo	George	Lodge	Schwartz
Bone	Gerry	Logan	Schwellenbach
Borah	Gibson	Lonergan	Sheppard
Bridges	Gillette	Lundeen	Shipstead
Bulkley	Glass	McAdoo	Thomas, Okla.
Bulow	Green	McKellar	Thomas, Utah
Burke	Guffey	McNary	Townsend
Byrd	Hale	Maloney	Truman
Byrnes	Harrison	Miller	Tydings
Capper	Hatch	Milton	Vandenberg
Caraway	Hayden	Minton	Van Nuys
Chavez	Herring	Murray	Wagner
Connally	Hill	Neely	Walsh

The PRESIDING OFFICER. Eighty Senators have answered to their names. A quorum is present.

Mr. HAYDEN. Mr. President, the amendment which I offered is brief, and I shall read it for the information of the Senators who were not present when the amendment was offered. The amendment is to add, at the end of the bill, the following proviso:

Provided, That no part of the sum herein appropriated shall be allocated or obligated for the construction of any building.

The proviso applies only to the $250,000,000 contained in the joint resolution. It in no manner affects the half billion dollars that remains from previous appropriations. From the sums previously appropriated money has been allocated upon a 12 months' basis for the construction of buildings, so that the adoption of my amendment will not stop the construction of any building now under construction. It will merely prevent during the 4½ months between now and the 30th of June any new construction with the money appropriated by the joint resolution.

On the face of it, the amendment does not appear to be a very serious proposition to bring to the attention of the Senate, because it applies for only a little over 4 months and affects only $250,000,000. I am, however, offering it in the nature of a sign, cautioning the Congress to stop, look, and

listen and to consider what we will run into if we follow the existing procedure. I am offering it now so that the Senate may give thought to the major proposition involved in the billion dollars or more which we shall be called upon to appropriate for the Works Progress Administration during the next fiscal year.

So far as any Member of the Senate is concerned, there can be no complaint, because those who are in charge of the Works Progress Administration, either in Washington or in the States, are seeking to improve the character of the W. P. A. projects. The Works Projects Administration has been loosely charged with digging holes and then putting the dirt back into the holes, with raking leaves, and other operations of no greater merit. Therefore, it is only natural that those in authority in that agency should seek to improve the grade of W. P. A. projects. But when the Works Progress Administration enters into building construction an economic situation is created which must receive consideration by the Congress.

That situation was brought to the attention of the Committee on Appropriations by Mr. Harry C. Bates, president of the Bricklayers, Masons, and Plasterers' International Union of America. He submitted a complete and detailed statement to the committee, and I shall read to the Senate some extracts from his testimony, which will indicate why all those engaged in the building trades in the United States, whether they be employers or employees, are favorable to the amendment which I have offered.

Mr. Bates said on last Thursday:

> When the W. P. A. was established, it was not intended that it would carry out a program of construction. Its function was to initiate projects all over the country to care for the unemployed whose resources were exhausted. A large portion of those unemployed were found in the group of the unskilled. Because this was so, the W. P. A. program from the beginning was directed in large part to work which could be done by the unskilled. That the W. P. A. has undertaken and carried out many valuable projects cannot be doubted. That it has been of invaluable service to workers all over the country can likewise not be doubted.
>
> The value of its services does not, however, in any way imply that it should be entrusted with a building program which should be part of any permanent public works program established by the Government, and not part of a relief program which we sincerely hope will be temporary.

And, again, here is another statement of fact, by Mr. Bates, which I believe to be correct:

> In the early part of 1935, Mr. Harry Hopkins, Administrator of W. P. A., met in a conference with the committee representing the building trades department of the American Federation of Labor to discuss the work-relief program and the problems of its administration arising on the projects which involved buildings and other construction. At that time, Administrator Hopkins assured our committee that no public buildings would be constructed by W. P. A., that the funds for the construction of public buildings would be allocated to P. W. A., and that the construction would be carried out in full conformity with P. W. A. terms and conditions.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. WAGNER. I remember that case particularly well, because it was shortly after that, following a conference with the same leaders, that I called upon the Administrator, and while, of course, I do not charge any insincerity, I certainly got the impression from him—indeed, more than an impression, an understanding—that public construction work, such as public buildings, was to be done in accordance with the rules of P. W. A. and under P. W. A. contracts in the way it is usually done. I think it is unfortunate that rule has been deviated from.

Mr. HAYDEN. There can be no question that such was the policy so long as the Public Works Administration was functioning. It has been said here this afternoon by the Senator from South Carolina [Mr. BYRNES] that now that the Public Works Administration is fading out of the picture, the Works Progress Administration is taking over projects which were once approved by the Public Works Administration, for which P. W. A. funds are no longer available, and are building them with Works Progress Administration funds.

Mr. McKELLAR. Mr. President——

Mr. HAYDEN. I yield to the Senator from Tennessee.

Mr. McKELLAR. Suppose the kind of a case which was suggested by the Senator from Nebraska [Mr. NORRIS] a few moments ago, of the construction of a building having been approved, a building of great importance to the community, and there are sufficient relief workers, say, to do the work on that building; why would it not be wise to except that from the program?

Mr. HAYDEN. In that particular instance there might be a good reason for carrying the project on, and citing particular instances one after another perhaps justification could be found in each case; but let us go a little deeper than that into the policy into which we are drifting. No such policy has been adopted by Congress, but because the Public Works Administration has been denied funds and thereby put out of business, the Works Progress Administration now assumes to undertake the same kind of construction jobs which the Public Works Administration was designed to do, but by a different system. The difference is that every Public Works job was advertised for bids; a contract was let to the lowest responsible bidder and the contractor then employed skilled labor belonging to the building trades.

The men engaged on the project had their wages fixed by collective bargaining. Men belonging to the building trades obtained the work. Under this new dispensation none but those who are on relief can obtain employment, and no contractor can obtain any part of the work paid for with funds appropriated by Congress for expenditure by the Works Progress Administration.

Mr. BARKLEY. Mr. President——

Mr. HAYDEN. I yield to the Senator from Kentucky.

Mr. BARKLEY. Following the first policy of relief, when the Federal Government decided to change the method of the expenditure of money so as to put men to work instead of simply feeding, clothing, and housing them, one of the criticisms made was that, while it did give people work, it resulted in no permanent improvements and no actual values being provided the community. Then a different policy was inaugurated. I know that all over the country schoolhouses which had not been improved or repaired for years were improved and repaired; new schoolhouses were erected in nearly every county—high schools, graded schools of all sorts—courthouses which counties had not been able to build, and improved buildings in many localities. Under this amendment, as it is offered by the Senator, no building of any kind, schoolhouse, courthouse, city hall, or any other sort of public building, could be constructed out of the money appropriated, and, as a result, there would be no buildings constructed at all unless the building operations of the P. W. A. were revived. They have been, as the Senator knows, curtailed, the States offices have been abolished, and now the P. W. A. is functioning under sort of a regional set-up, with a view of finally tapering off and finally discontinuing altogether. So the result would be that probably hundreds of thousands would not be employed, certainly for several months, because it would be impossible for the P. W. A. to reset up its examining boards and State offices and require the cities and counties to make their financial arrangements and provide the necessary inspection so as to bring within the range of possibility a reinauguration of the construction of public buildings under the P. W. A. So, the result, it seems to me, would be to slow down the very object of this appropriation, which is to give people employment.

Mr. HAYDEN. It would not merely slow down building construction by the Works Progress Administration but the amendment would stop the use of the $250,000,000 for the purpose indicated by the Senator.

Mr. BARKLEY. That is true.

Mr. HAYDEN. I want to be perfectly frank about the purpose of my amendment.

Mr. GLASS. Mr. President——

Mr. HAYDEN. I yield to the Senator from Virginia.

Mr. GLASS. And for that reason the committee declined to adopt the Senator's suggestion, even in a modified form.

Mr. HAYDEN. That is correct, but I gave notice to the committee that I intended to present this proposal to the Senate.

Mr. BARKLEY. The only excuse for this appropriation at all is to provide for employment. If we are going to restrict the W. P. A. or the agency, which is to make the expenditure of this money in the type of work it can do and require it, if it does anything at all, to spend this money in employment of men on work that will not be permanent, which will not add values to the community, it seems to me that we are going back to the original proposition.

Mr. HAYDEN. There is nothing in my amendment which relates in any way to other types of permanent construction, such as roads, reservoirs, flood-control projects, sewers, and similar projects.

Mr. BARKLEY. Yes; or to playgrounds.

Mr. HAYDEN. They would not be interfered with at all by my amendment.

Mr. BARKLEY. They would not be, but frequently a schoolhouse that will provide sanitary housing for school children and afford them adequate facilities is more valuable than even a park or a playground.

Mr. HAYDEN. If the Senator will permit me, there is involved a larger question than whether a schoolhouse is to be immediately provided in some community. I want to present that question, and I should like to do it for a moment in the words of those who represented the building trades before the Committee on Appropriations.

Mr. CHAVEZ. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Mexico?

Mr. HAYDEN. I yield.

Mr. CHAVEZ. I hope the Senator from Arizona, when he explains as to rural schoolhouses, will tell us how under his amendment school construction will be accomplished. I know that in my State more schoolhouses for less money have been constructed under the W. P. A. in 3 years than were built in New Mexico during many previous years.

Mr. HAYDEN. If the building activities of the Works Progress Administration had been confined solely to rural schoolhouses this amendment would never have been presented; but when we have testimony before the Committee on Appropriations that there is pending in the city of New York a W. P. A. program for the construction of public buildings to cost $180,000,000; and when that matter was brought to the attention of the mayor of New York he advised the representatives of the building-trades organizations that "nevertheless and notwithstanding" he was after the $180,000,000 of W. P. A. funds and proposed to get it, then the construction of rural schoolhouses ceases to be a major factor in the problem.

Let me for a moment develop the objections presented to the committee. Mr. Bates, representing the Bricklayers and Masons and Plasterers International Union of America, said:

> The issue is twofold: (1) During the past year the Works Progress Administration has extended its activity to include in its projects the construction of buildings which call for the work of a large number of building mechanics, helpers, and laborers. These projects include the building of schoolhouses, fire stations, libraries, and other public buildings which have thus far been constructed by building labor through regular employment under contract.

In other words, the building trades object to the acceleration of a program of public-building construction, which normally would take place anyway, and where the work goes not to those in the trades but is given exclusively to men on relief, whose primary qualification is that they are on the relief rolls, thereby depriving building-trades workers of their future opportunity to be employed as carpenters, masons, bricklayers, and plumbers because work is being hastened under an emergency program which otherwise would be theirs in the normal course of events. They are not only being denied work now but are deprived of even the hope that they may find work on public buildings.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. McKELLAR. The Senator referred to a program in New York City which will require the expenditure of $180,000,000. Does the Senator think for a moment that the Works Progress Administration would allot to the city of New York, out of this $250,000,000, $180,000,000 for a housing program? I am quite sure they will not do it.

Mr. HAYDEN. I, too, am sure they will not.

Mr. McKELLAR. The W. P. A. have made a splendid record, and I think they are trying to divide relief funds equally according to unemployment and are trying to furnish jobs for the unemployed. It seems to me if we begin by our legislation to say that they cannot do this or cannot do that, we will get ourselves in trouble. That is what I am afraid of.

Mr. HAYDEN. I have cited the New York City public-buildings proposal to show that it is impossible to confine the W. P. A. program to rural schoolhouses; that it also involves very heavy expenditures in the large cities and contemplates the construction of buildings which will cost many millions of dollars.

Mr. CHAVEZ. The Senator from Arizona knows New Mexico as well as I do, and he knows Arizona. What I do not want to have happen under his amendment is the discontinuance of a very useful program under W. P. A. which has done good in two ways. In the first place, it has provided work, which was the main reason for establishing W. P. A. In the second place, it has resulted in the construction of necessary public buildings.

I could take the Senator from Arizona to places in New Mexico 200 miles away from a railroad where since 1846, the time of the American occupation, until 3 years ago, possibly the best school accommodation was a dugout or a broken-down adobe building. Now, however, our neighbors from Arizona, when they come to New Mexico to stay with us once in a while, and the people of New Mexico, and the boys who come to New Mexico from Indiana and Nebraska and other States, go to a first-class schoolhouse.

In my State I think that is the best part of the program of the W. P. A., because, as I stated before, more schoolhouses have been built under W. P. A. in our part of the country than in the 90 years of American occupation before the time of W. P. A.

Mr. HAYDEN. Mr. President, I would get nowhere with the Senator from New Mexico in arguing about the merits of small schoolhouses in country districts; but if the Senator will allow me, I should like to explain the larger implications of this matter as presented by those representing the building-trades unions.

There probably will be very violent disagreement on the part of the Works Progress Administration, with the second part of the twofold issue, but this is what Mr. Bates said to the Senate Committee on Appropriations:

> In building these projects the Works Progress Administration maintains no rules, standards, or requirements which would insure sufficient skill and training on the part of the worker to qualify him for the proper performance of the job, nor terms and conditions equivalent to those maintained as a result of long experience on building projects constructed by the Public Works Administration or maintained in private industry.

This further representation was made by Mr. Bates, which I am sure is true:

> The building and construction mechanics throughout the country have undergone a long and exacting period of apprenticeship and training to attain the skilled qualifications which they possess. A great majority of these mechanics, helpers, and laborers have remained off relief rolls by their own efforts. They have often subjected themselves to privation rather than to become a public relief burden. Many have borrowed money, have drawn upon their savings and upon the assistance of their friends and relatives, and have borrowed money on their life-insurance policies in order to stay off relief rolls.

Appropriations to be expended by the Works Progress Administration, if devoted to the construction of buildings, will not be available to these mechanics, because they are not on the relief rolls.

Now, let me make a final quotation from the record as presented before our committee:

> As a representative of the building-trades workers, I want to go on record as supporting a Government program of education and training of the unskilled, and of rehabilitation of persons who have long been unemployed. But I do not believe it wise or desirable to

undertake such a training program when it will increase the number of persons attached to an industry in which such serious unemployment already exists as exists in the construction industry. A further objection to this method of training is that persons so trained cannot be considered qualified building-construction mechanics.

What happens is that men from the relief rolls are placed upon Works Progress Administration building-construction jobs to act as carpenters, bricklayers, plumbers, plasterers, and painters. With the meager training thus obtained they go out to compete against skilled mechanics throughout the United States. The national representatives of the building-trades organizations insist that this is unfair competition.

Mr. CHAVEZ. Mr. President—

Mr. HAYDEN. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I believe the statement read by the Senator from Arizona is entirely correct as it applies to urban places, but it is not applicable to the great areas other than urban places in the United States. It was for that very reason, and because I agree with everything contained in the statement the Senator has read that we should employ skilled mechanics, and that we should protect them in their wages and in their salaries, that I voted recently for the Lodge amendment. But the principle of paying prevailing wages to skilled mechanics cannot be applied to a little country town in Kentucky or West Virginia or New Mexico; and if the amendment of the Senator from Arizona should be adopted, in my opinion it would deprive those little country towns of the benefits to which they are entitled in the way of improvements, and also the employment of relief labor.

Mr. HAYDEN. If there is to be a substantial public-buildings program throughout the United States, if Congress is to authorize the construction of public buildings in any city to cost as much as $180,000,000 there is but one sound way to go about it, and that is to do the work through the Public Works Administration and not with relief labor. How are public-works projects carried on? As I have previously stated, the work is done by advertising for bids with keen competition among the contractors, thereby getting a full dollar's worth of value for each dollar of Federal expenditure. The successful contractor deals with men in the building trades who, by collective bargaining, have fixed a decent wage scale. The mechanics obtain enough money from their work to give them purchasing power, and that today is our country's greatest need. But when relief labor is employed at an hourly wage sufficient to enable a laborer to earn fifty or sixty dollars a month for his family, and then he is laid off after part of a month and another laborer is taken on in his place, and perhaps a third one before the month is over, there has been given a mere subsistence to two or three families for a month. Each such family has no real or substantial purchasing power. That is the serious error in the arrangement we now have under the W. P. A. policy, and that is the fundamental question which I think ought to be passed upon by the Senate.

Mr. NORRIS. Mr. President——

Mr. HAYDEN. I shall yield in just a moment.

First, what is the best way to get the highest value for each dollar from the point of view of the taxpayer? Unquestionably. It is to continue the contract system, and let building-construction work out to the lowest bidder. Second, what is the best way to increase the purchasing power of the American people? Again, it is by following the contract system, rather than by paying out a mere subsistence wage to men who can get only the bare necessities of life out of an arrangement such as is provided by the Works Progress Administration.

I now yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I should like to ask the Senator if we would not be able to accomplish the very things the Senator says he wants to accomplish, in which I agree with him, if, instead of limiting the expenditure of the money in this legislation, we should provide that it should go to the Works Progress Administration in its entirety, and let the P. W. A. in on some of the money, so that they could carry out the method they have pursued in the past in bringing about these improvements?

Mr. HAYDEN. The Senator from Nebraska has been here much longer than I have, but I am sure that we have both had the same experience. Can the Senator from Nebraska remember any time during his long service when money appropriated to one branch of the Government was voluntarily turned over for expenditure to another branch? Did the Senator ever hear of the War Department turning over money to the Navy Department, or the Department of Commerce turning over money to the Department of the Interior?

Mr. NORRIS. No; but, after all, if we want to provide for building these schoolhouses by the method of building that the Senator says he favors, we shall prevent that very thing from being done if we confine our appropriations entirely to W. P. A. rather than extending them to P. W. A. as well.

Mr. HAYDEN. The fact is that the Works Progress Administration has been coasting along, without any particular guidance from Congress, in a direction which I think is wrong. I should like to apply the brakes on this $250,000,000 for a little over 4 months and see what happens. If that is done, nobody is going to be hurt very much between now and the 30th of June. Within the next month or 6 weeks a bill will come from the House of Representatives carrying perhaps a billion dollars or more for the Works Progress Administration, and the very question I have raised must be answered in connection with it. I understand that the special committee of which the Senator from South Carolina [Mr. BYRNES] is the chairman is studying this very problem. I now bring this matter to the attention of the Senate so that we can cease drifting and begin planning as to the future policy of Congress with respect to the construction of buildings.

Mr. BARKLEY. Mr. President——

Mr. HAYDEN. If the Senator from Kentucky will pardon me for just a moment, there are two ways of accomplishing results if full value is to be obtained for the money expended from the Federal Treasury. One way is to follow the tried and tested contract system which Congress has specified for over 100 years shall be the proper way in which Government money is expended. The cheapest and the best work is obtained in that way. There is no dispute about that. Everybody admits that it costs more to achieve a given result through the Works Progress Administration by doing the work under force account; and that is true of any other kind of Government construction. There never yet has been a record of economy and efficiency made in a State highway department, or in anything done by the Federal Government, where the money was spent by force account in the hands of a man to whom it made no difference what it cost, as compared to having the work done by a contractor who was vitally interested in seeing the work done as economically as possible, and who made a bid on that basis.

Mr. BARKLEY. Mr. President——

Mr. HAYDEN. Let me express another point of view. We can either do the work in the old established way by contract, or else we ought to go the full length of national socialism. There can be no profit in halfway measures like this. If we have unemployed persons in the United States, and we have not work for them, the dictators of Europe have pointed out a perfectly simple method of finding employment. Congress can establish labor concentration camps.

Hitler has built magnificent roads in Germany with the youth of Germany conscripted into labor camps. They must serve in labor battalions as a part of their military training. As conscripts they are paid practically nothing. The only purchasing power that comes from labor concentration camps is from the purchase of food and clothing for the men. They receive virtually no pay, only a few cents a day. Such a plan of dealing with unemployment has no value in approaching the problem that we have in the United States, of giving the people as a whole greater purchasing power. Hitler teaches his men how to do right shoulder arms with a shovel,

and to present arms with a pick, as they are trained to become the soldiers he hopes to make out of them. Conscription of labor does get magnificent results, and such construction costs very little money.

To save money to the Treasury, Congress can establish labor camps of this kind, and we can conscript labor, which is practically a form of slavery, save that a nominal wage is paid. That is what has been done in Germany; that is the way it is done under Stalin in Russia; and that is what is done by Mussolini in Italy. That is what made it possible for Mr. Hitler to say yesterday that there is no unemployment in Germany. Neither is there any such thing as organized labor in Germany, nor in Russia, nor in Italy. There is no unemployment in any of those countries because there is practical slavery so far as the workingman is concerned. If we want to go at the matter in that way, and let all the work be done by the Government, Congress should conscript the labor to do it. But when the Works Progress Administration attempts to work out a scheme halfway between the contract system and a system of conscription such as they have in the dictatorships of Europe—a system which employs a man part of a month for a mere pittance, just enough to support his family for the month, and at the end of the month he is just as badly off as he was the month before—there is no real solution of the unemployment problem at all.

For that reason I think that the Congress, in connection with this joint resolution, and certainly in connection with the billion or more dollars which will be appropriated for the Works Progress Administration in the near future, should seriously consider whether we want to continue the construction of buildings by the method now followed by that Administration.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BARKLEY. I am not interested, except academically, in what Hitler is doing in the way of conscription of labor, because I am not in favor of the alternative which has been set forth by the Senator from Arizona. I agree with him that the Public Works Administration has done a fine job all over the country in the management and supervision of the type of work it has carried on under the loan and grant provisions of the measures which have heretofore put money at their disposal. On the contrary, I wish to say that the W. P. A., since it started in its more permanent improvement policy, has also done what I regard as a fine job, not only in the employment of men and women, but in the character of improvements and the value of the improvements they have brought into thousands of communities all over this country which never could have enjoyed them without that W. P. A. service.

Under the amendment of the Senator from Arizona, which prohibits a dollar of money being spent for any kind of building, neither skilled nor unskilled workmen would get any jobs in the construction of any sort of house, if his amendment should be agreed to. So that while he may theoretically be deciding in favor of the P. W. A. against the W. P. A., so far as concerns the character of work and the character and type of employment which will be involved, he is really denying employment to numbers of builders, skilled or unskilled. Is not that true?

Mr. HAYDEN. For the moment, yes; for about 4 months, and only so far as this $250,000,000 is concerned.

Mr. BARKLEY. We are dealing only with 4 months.

Mr. HAYDEN. I should like to have this prohibition in force for that brief period of time, and have it in effect while we are considering what is to be done with the next billion or more that Congress may appropriate to the Works Progress Administration.

Mr. BARKLEY. I do not believe that all the builders in this country, all the carpenters and bricklayers and masons and plumbers, ought to be put out of work for 4 months in order to try to find out whether they will starve to death in 4 months.

Mr. HAYDEN. Again I fear that the Senator overspoke himself.

Mr. BARKLEY. I may have, but I am concerned about the welfare of these people who are in need of work.

Mr. HAYDEN. There is available to the Works Progress Administration over half a billion dollars, not in the least affected by my amendment. On any work which has been started, as, for example, under the allocation shown in the House hearings of some $14,000,000 to the Quartermaster's Corps for the erection of buildings at Army posts, the allocation was made on a 12-month basis, and that work will go right on.

Mr. BARKLEY. If there is any building now under process of construction, with the money already available, and there is not enough money with which to finish it, then it could not be completed.

Mr. HAYDEN. There had to be money enough to finish it or the building could not have been started, because the projects were supposed to be provided for in units, and taken care of month by month.

Mr. BARKLEY. There was supposed to be enough ultimately to finish any project, provided it could be finished within the 6 months. It turns out that the Woodrum amendment has handicapped the W. P. A. in undertaking to reach forward into the allocation for March, we will say, and use the money in February, which is absolutely essential in order not to throw men out of employment, but to keep them at work, not only on buildings, but on all sorts of projects.

Mr. WAGNER. Mr. President, I wish to ask the Senator from Arizona a question.

Mr. HAYDEN. I yield.

Mr. WAGNER. I am in sympathy with the Senator's amendment. I regretted that the W. P. A. in the construction of buildings deviated from the original plan of employing the contract method and using skilled labor. There is nothing I could add to what the Senator has so admirably stated.

There is just one point, however, which I do not believe the Senator emphasized. Let us take New York, for instance, to which the Senator referred. He spoke of the skilled worker who, though not on relief, is kept off the pay roll, and perhaps some unskilled worker on relief is put on the job of assisting in constructing a schoolhouse. I agree absolutely with the Senator that in the long run the purchasing power of the skilled worker, if he is employed, will take the other man off the relief roll, because the unskilled man may be a hatter, or shoemaker, or engaged in other occupation of that kind, and as the skilled worker, through collective bargaining, gets his regular wage, he spends his income for various purposes. So that the plan is a proper and normal one we should always have pursued in the construction of buildings.

There is this other point, particularly about schoolhouses. What is of more importance than to have a schoolhouse erected by skilled labor, so that it will be built in such a way as to protect the children who attend the school? We will be undertaking, if the joint resolution shall be enacted, to have the work done by the W. P. A. through unskilled workers, temporarily trained—overnight, it might be said—undertaking by a security wage the construction of a large schoolhouse, say in New York City, which kind of work requires great skill. I think it is a most unwise and uneconomical thing to do, because we are wasting our money in constructing a building which perhaps afterward cannot be used.

In New York City today there are a great many men in the building trades who are unemployed. While they may not all be on relief, they are out of employment, and if the unskilled worker is taken, and he does a poor job, the skilled worker is kept out of employment and is put on the relief roll. It seems to me it is a very unwise procedure. That is why I am in sympathy with the Senator, particularly as during the next 4 months we will be able to take up this matter and solve it once for all. I am sure the Senate will decide that that type of construction work ought to be performed in the way which has always been followed.

Mr. BARKLEY. Mr. President, I do not think the intimation of the Senator from New York ought to be left unanswered, that all the work that is being done on buildings is by unskilled labor. Much of it is performed by skilled labor. These buildings are being erected in a way that will make them not only commodious and comfortable and convenient, but permanent, and anyone, whether he is skilled or unskilled, who is out of employment, may go to a certifying agent and get on a roll that will enable him to be employed. So it is not quite fair to say that all the buildings which are being constructed by the W. P. A. are being constructed by unskilled or untrained workers. That is not a fact.

Mr. WAGNER. The Senator has misunderstood me.

Mr. BARKLEY. The Senator from New York did not say that, but the intimation has been left.

Mr. WAGNER. When we get to the small country schoolhouses, I am not sufficiently informed to be able to say whether it would be possible to have the work performed by men without any great skill in their trade. I do not know. But to me it is unthinkable that in a city such as New York, where the school buildings are large, anyone could be profitably used except a skilled worker in the construction of the fireproof buildings, which requires a great deal of skill.

Mr. BARKLEY. Undoubtedly that is true.

Mr. WAGNER. I say that there should be no unskilled work in the construction of a building of that kind. Considering it a little further, I may say to the Senator from Kentucky that I think it is a wise policy in an effort to absorb the unemployed, because when the skilled workers are employed, in the first place we have erected buildings fit for the children of our city, and secondly we give the skilled worker a purchasing power which he immediately uses, and so the unskilled man is taken from the relief rolls and goes back to work.

Mr. BARKLEY. What is being given to the people who are being employed? It is purchasing power. Two hundred and fifty million dollars will furnish just a certain amount of purchasing power.

Mr. BYRNES. Mr. President, I hope the Senate will determine not to adopt the amendment to the joint resolution. The joint resolution provides for an appropriation of $250,000,000, "which amount shall be added to, and proportionately increase the specified amounts of the limitations prescribed under" the appropriation made in the relief act for this year.

When the appropriation is made it becomes a part of the funds of the W. P. A. They cannot have two sets of books. They cannot have two safes in which to put the money. The balance of the one and a half billion dollar fund will, according to the joint resolution, be added to by the $250,000,000.

Therefore, from an administrative standpoint, the Works Progress Administration will be confronted with a provision directing them, through an amendment, not to use any part of the $250,000,000 to construct buildings. Under the unexpended balance of the billion and a half appropriation they could construct buildings. How in the world they would be able to lay their hands on a dollar which is part of the $250,000,000 and say, "This dollar cannot be used for a building, but over here we have some money that can be used for a building." They would have to open two sets of books, they would have to have two kinds of projects. Administratively the Works Progress Administration properly takes the position that it would be impossible.

As to the question discussed by the Senator from New York with the Senator from Kentucky, more than one-half of the employees engaged in construction are union employees, so that it is not a question of union employees in the building trades being denied employment, and employment being given to those who are nonunion.

Those who are given employment, who are either union or nonunion, are, under the statute, paid the prevailing hourly wage; so there is no question about the wage. The only question is whether we should put $250,000,000 into the general fund, and then say to the Administrator that he can spend some of that money for buildings and some of it he cannot. We would say, "You must not do it by force account." How would he do it, then? He would have to do it by contract. If by contract, he would certainly advertise for bids. He would advertise for bids say for 60 days. In the meantime, what are we going to do with the people for whom this appropriation is made? Certainly the Members of the Senate recall that in the last session I was one of those seeking to hold down the appropriation for this purpose. But as chairman of the Unemployment Committee the testimony before that committee convinced me that since November so many men have been added to the rolls of the unemployed that it was necessary to provide an additional appropriation.

Not every man who is unemployed is eligible for relief. We cannot get a very accurate figure as to the number of the unemployed who are eligible for relief, but we know from the applications for relief throughout the Nation that it will take this amount of money for the remainder of this fiscal year to care for men who are today out of employment, union men, plasterers, bricklayers, carpenters who want jobs now, instead of 60 days after bids are advertised for and contracts are made.

We know what has occurred. No matter how we may view the activities of the Public Works Administration, a certain amount was appropriated by the Congress for this fiscal year. They have been making contracts and have been going ahead, but they could not possibly provide work for all the unemployed. They are not restricted by the law to those who are on relief. Even if we gave this money to them, we would not be taking care of those who in the great cities of the country today are on relief and must be provided for, and for whom the President is seeking to provide by this appropriation.

I submit to the Senate that when the question comes before this body in about 4 weeks these questions can be gone into by us. I propose then to submit a number of other questions, and the subject now under discussion is one of them. Then there will be the question of the security wage, whether a man who has a job with W. P. A. can, after he has finished working 3 days a week, take another job, and if he takes a job, and it is disclosed that he is earning a certain amount from it and that he has reached an income of a certain figure, whether he shall be refused work under W. P. A. There will be the question whether we shall demand greater contributions from States, counties, and cities, and there are about half a dozen other questions. I do not even want to discuss them at this time, because we have before us an emergency measure. If it is to be of any service to those it is intended to benefit, we must pass it now. It would not be fair to the President and the Works Progress Administration to call it an emergency appropriation and then keep it here until April, while we discussed various questions which, as the Senator from Arizona has said, must be considered by the Congress if this is to be a permanent activity of the Government.

Mr. HAYDEN. I take it from what the Senator says that he concedes that there is a very grave question here to be determined.

Mr. BYRNES. I certainly do. On next Monday we intend to start our hearings again, and I want to have hearings on the subject then, because it is an important question. But I do not believe that in this joint resolution, which merely provides a supplemental amount to be expended in accordance with all the limitations of existing law, we can make a change in some one provision of existing law, so that the Works Progress Administration will never know where they are, and we will be unable to proceed to relieve those who throughout the country today are in need and are suffering, and whose needs ought to be relieved.

Mr. ADAMS. Mr. President, the amendments covering the subject which is being discussed came before the Appropriations Committee after we had heard from the Works Progress Administration. There was one amendment providing that whenever a construction project was proposed it should be turned over to the P. W. A. for construction in accordance with its rules and practices. The other amend-

ment which came before the committee was that of the Senator from Arizona, the amendment now before the Senate, except that it only applied, as it was then considered, to building projects costing more than $25,000.

Following the consideration of those matters, and because the Works Progress Administration had not been heard from by the committee, I made a request of Mr. Aubrey Williams for his opinion in reference to the two amendments, and I should like to have his letter read for the information of the Senate. There is attached to it a tabulation which I will ask to have printed, but it will not be necessary to read it, though I may state one fact shown by the table. It shows that of the total W. P. A. employees on a 2,000,000 basis, nonconstruction projects employed 580,000 men, while the construction projects employed 1,420,000. That is all the construction projects, as the Senator from Arizona was about to say.

The PRESIDING OFFICER. Without objection, the clerk will read the letter presented by the Senator from Colorado.

The Chief Clerk read as follows:

WORKS PROGRESS ADMINISTRATION,
Washington, D. C., February 21, 1938.

The Honorable ALVA B. ADAMS,
United States Senate, Washington, D. C.

MY DEAR SENATOR ADAMS: I am writing you in reference to the proposed amendments to the joint resolution making an additional appropriation for relief purposes for the fiscal year 1938.

One form of this amendment involves the transfer of all construction work financed from these funds to the P. W. A. and another amendment, as I understand it, proposes that no part of the money be used for public building projects having a cost of more than $25,000.

In regard to the proposed amendment to transfer all construction work to the P. W. A., this would mean that from 70 to 75 percent of the $250,000,000 appropriation would not be available to the W. P. A. and would mean that we would not only not be able to increase employment to meet the relief situation, but also that we would be forced to drop hundreds of thousands of persons beginning in March. This deficiency appropriation was requested as an unemployment relief fund to meet the present unemployment emergency and to put unemployed people to work promptly. This purpose will not be accomplished if the time-consuming processes in getting work started are used, including the detailed financial and legal examination of all project applications, the preparation and closing of legal contracts with cities, advertising for bids, and letting contracts and subcontracts.

In regard to the proposal to prohibit the W. P. A. from working on public-building projects having a cost of more than $25,000, I should like to point out that this would eliminate some of the finest and most constructive work of the W. P. A. program and a type of work on which cities provide substantial amounts of sponsors' contributions.

Almost 50 percent of the W. P. A. public-building program has been on educational buildings. Buildings that have been deficient and obsolete for years have been completely remodeled and modernized. This work has consisted of grade schools, high schools, gymnasiums and auditoriums, dormitories, museums, libraries, and laboratories and for the most part would not have been undertaken except as a part of a work-relief program.

Because of the inability of the public to provide proper care of its property during the past 10 years, this part of the Works Progress Administration has served to protect the investment in public buildings. It has helped to reduce overcrowding in public schools, and has provided sanitary and healthful school facilities. It has relieved congestion in hospitals and provided adequate medical facilities where none existed. At the same time, 140,000 workers are employed on W. P. A. public-building projects having a cost of more than $25,000. In general, I should like to emphasize that all unemployed workers in need have an equal chance to get W. P. A. jobs. Unemployed union workers who are in need are treated on the same basis as other workers. As a matter of fact, the W. P. A. employs a large number of skilled and semiskilled building trades workers on its projects. A study conducted in seven cities showed that a majority (52 percent) of the carpenters, bricklayers, and painters on W. P. A. projects were or had been union members.

Finally, I believe that to attempt to change the basis on which the program is operated in the midst of an emergency situation would introduce great confusion. This is a deficiency appropriation and an important policy of this sort should be postponed until the regular appropriation is up for discussion when adequate time can be devoted to the question.

I am enclosing a tabulation showing the distribution of W. P. A. employment, showing the number employed on all construction and public-building projects separately and also the number employed on projects having a cost of more than $25,000.

Sincerely yours,

AUBREY WILLIAMS,
Deputy Administrator.

Mr. ADAMS. I ask that the table accompanying the letter be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Estimated distribution of W. P. A. employment, Feb. 15, 1938

Total W. P. A. employment	2,000,000
Nonconstruction projects	580,000
Construction projects	1,420,000
Construction projects:	
Total	1,420,000
Projects with a cost of more than $25,000	1,000,000
Projects with a cost of less than $25,000	420,000
Public-building projects:	
Total	200,000
Projects with a cost of more than $25,000	140,000
Projects with a cost of less than $25,000	60,000

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN]. [Putting the question.] The Chair is in doubt.

Mr. HAYDEN. I ask for a division.

On a division, the amendment was rejected.

Mr. BONE. Mr. President, I offer the amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 8, it is proposed to strike out "$250,000,000" and insert "$400,000,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

Mr. BONE. I shall ask for the yeas and nays on my amendment. Before doing so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Hitchcock	Norris
Andrews	Davis	Holt	Nye
Ashurst	Dieterich	Johnson, Calif.	O'Mahoney
Austin	Donahey	Johnson, Colo.	Overton
Bailey	Duffy	King	Pope
Bankhead	Ellender	La Follette	Reames
Barkley	Frazier	Lee	Russell
Bilbo	George	Lodge	Schwartz
Bone	Gerry	Logan	Schwellenbach
Borah	Gibson	Lonergan	Sheppard
Bridges	Gillette	Lundeen	Shipstead
Bulkley	Glass	McAdoo	Thomas, Okla.
Bulow	Green	McKellar	Thomas, Utah
Burke	Guffey	McNary	Townsend
Byrd	Hale	Maloney	Truman
Byrnes	Harrison	Miller	Tydings
Capper	Hatch	Milton	Vandenberg
Caraway	Hayden	Minton	Van Nuys
Chavez	Herring	Murray	Wagner
Connally	Hill	Neely	Walsh

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

Mr. BYRNES. Mr. President, I shall not take the time of the Senate to make any extended remarks with reference to the amendment offered by the Senator from Washington [Mr. BONE]. The Senator seeks to increase the amount of the appropriation from $250,000,000 to $400,000,000.

After a careful survey had been made by the Director of the Public Works Administration, who communicated with the local officials throughout the country, the President of the United States, with the responsibility resting upon him in this situation, asked Congress for $250,000,000, which he stated would be sufficient at this time. Under the circumstances, I hope the amendment will not be adopted.

No one can charge the Congress of the United States or the present administration with being negligent and disregardful of the interests of our people who are in need.

I have a letter from the Director of the Budget, in response to a request from me, showing that the present Congress has made available, for the fiscal year from July 1, 1937, to June 31, 1938, as contributions to local governments

for work relief, pensions, benefits, and gifts, a total of $3,814,392,526.

I think the President is in the best position to know how much is needed at this time. Therefore, I believe the amendment of the Senator from Washington should not be adopted.

I ask to have inserted in the RECORD at this point the letter written to me by the Director of the Budget, setting forth the various amounts appropriated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

BUREAU OF THE BUDGET,
Washington, February 11, 1938.

Hon. JAMES F. BYRNES,
United States Senate.

MY DEAR SENATOR BYRNES: In reply to your telephone request of this morning, there is set forth below the appropriations made available for the fiscal year 1938 for the purposes indicated in your letter of February 7, 1938:

(1) Relief and work relief (including Public Works Administration):	
Emergency Relief Appropriation Act	$1,500,000,000
Civilian Conservation Corps	350,000,000
(2) Grants—Social Security Act:	
Old-age assistance	132,000,000
Dependent children	54,600,000
Unemployment Compensation Administration (including unexpended balances reappropriated)	38,840,678
Assistance to the blind	10,000,000
Maternal and child welfare	7,975,000
Public health work	8,000,000
(3) Veterans' pensions and benefits	585,632,000
(4) Employees' Compensation Commission	8,575,610
(5) Grants and aids for highway construction, Bureau of Public Roads	180,000,000
(6) Agricultural benefits:	
Soil Conservation and Domestic Allotment Act (including unexpended balances appropriated)	500,000,000
Exportation and domestic consumption of agricultural commodities (sec. 32, Agricultural Adjustment Act)	108,325,766
Elimination of diseased cattle	15,864,000
(7) Federal Surplus Commodities Corporation (estimated expenditures from balance available from prior-year transfers)	3,474,000

In addition to the appropriation made in the Emergency Relief Appropriation Act, there was also made available for expenditure unobligated balances of prior relief appropriations amounting to approximately $243,400,000. There is also available to the Public Works Administration proceeds derived from the sale of bonds to the Reconstruction Finance Corporation. During the first 7 months of the fiscal year 1938 the amount so received by the Public Works Administration was $67,505,472.

The expenditures of the Farm Security Administration in the nature of grants will be made from allocations to that Administration from the general relief appropriation. The direct appropriations which have been made under the provisions of the Farm Tenant Act are for the purpose of loans and land acquisitions.

If there is any further information you desire in this connection, I shall be glad to furnish it.

Very truly yours,

F. J. BAILEY,
Acting Administrative Assistant for and in the absence of the Acting Director.

Mr. BONE. Mr. President, in a moment I shall ask for the yeas and nays on my amendment; but I desire to say just a word in conclusion.

I cannot bring myself to believe that this problem of human misery can be reduced to a cold statistical basis. We shall soon appropriate probably in excess of $1,000,000,000 for the Navy for 1 year. If we make a blunder by not providing sufficient money for the people on relief we shall not be able later to answer for the blunder we now make. If we are going to err at all, it were so much better, so much more human, to err on the side of generosity; so much better to err on the side of humanity in dealing with the problem of unemployment.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. NORRIS. Mr. President, I do not feel that I have sufficient light on the subject to enable me to vote intelligently on the amendment offered by the Senator from Washington. I am inclined to favor it, and yet I realize that I have not sufficient information as to just what is intended to be done with the sums turned over to the W. P. A., and I have not sufficient information as to what is to come before us in the shape of another appropriation bill.

I wish to make a few observations on the question whether or not relief projects and relief buildings should be turned over to the W. P. A., and the P. W. A. gradually allowed to pass out of existence.

In the joint resolution, as I understand, we are providing additional funds to be used by the W. P. A. That means that to get any relief for unemployment from the money provided in that way the applicant for work must be on the unemployment rolls.

I have always felt that the Congress and the executive officials who are carrying out the directions of Congress were at fault—although acting from perfectly sincere motives—in the way they have sought to distinguish between the unemployed and those who are expected soon to be on the unemployment rolls. We neglect to take into consideration the obvious fact, which I think is apparent to all who have studied the subject, that there are a large number of persons, literally millions of them, who are not now on the unemployment rolls, but who will soon be there unless something is done to give them employment, not fully realizing, as I think we ought to realize, that millions of our people who are not on the unemployment rolls are off those rolls because they have been hanging, as it were, by a thread to keep off those rolls. Many of them are as much in need of employment as those who are actually on the rolls; but we have persistently refused to give them employment because of their persistency in living a life which would keep them off the unemployment rolls because of a pride that they have, a natural pride which we must admire. I think every man must admire them for keeping off the unemployment rolls as long as they can; but, because we will not give them employment, we are hastening the day when they will be on the rolls, notwithstanding their attempts to keep themselves off.

Mr. President, the best people in the world are in that class. They have a pride in maintaining themselves and their families as long as they can. They want to stay off the unemployment rolls. They are sacrificing everything they have in order to do so; and yet, because of that sacrifice and because of that patriotic desire to keep off the unemployment rolls, they are refused employment by the Government of the United States.

I say I think that is the effect of what Congress and some of the administrative officials of the Government have done. I regret that that is the case. It seems to me it is wrong in principle. I do not believe we ought to provide by law that employment shall go only to those who are on the unemployment rolls, who have been compelled to go there through no fault of their own, when millions of other persons who are just as worthy, but who are not on the unemployment rolls, are on the verge of starvation.

If the two classes could be compared, there is not any doubt that the latter class is the better class, because while many of those on the unemployment rolls are just as worthy as anybody possibly could be, a fraction of them would be unemployed at any time; but all of the other class, those who are just on the other side of the line, are there because they have persisted, because they have hung on by a thread, by a hair, in order to keep off the unemployment rolls.

Now I wish to refer to another thing that I do not quite understand about this matter. It may be made plain to me. I think those who know much more about it than I do—those who have been members of committees, for instance, who have had charge of such matters—probably could give me some additional information that perhaps I ought already to know, but I do not.

Under the P. W. A. as it existed in the past a large number of projects were proposed, and all Senators know that the projects had to go through a pretty rigid examination be-

fore the P. W. A. in order to get the approval of the P. W. A. They had to have the approval of the legal department. They had to have the approval of the engineers. I do not know but that they had to have the approval of other bureaus in the P. W. A. They had to travel a long, difficult road. It was a good road—I am not finding fault with it—but it had a tendency to weed out the unworthy projects; and, in order to get through, a project had to have the approval of the entire administration of the P. W. A. It meant, as I see the matter, that the project had to be a good and worthy project or it could not get through.

A great many of those projects were in process of going through the machinery when we commenced to curtail the activities of the P. W. A., when we got the idea that we would abandon what they were doing. I do not know how many of the projects there were. Perhaps some member of the committee can give the Senate that information; but I do not know now how many projects were approved by the P. W. A., and are now approved by them, but no allotment has been made because of lack of funds.

The projects of that kind which have been approved are just as worthy as any other projects which have been approved and allotments made for them. Allotments were not made for the projects in question because there was no money to be allotted, and the projects are now resting in the files in that condition.

I am thinking, for instance, of a project with which I am personally familiar. It is mainly an irrigation project. I am not sure, but I think originally it had some power development connected with it; but the main thing in the project is irrigation, and next comes flood control. It is on the Republican River, close to the line between Kansas and Nebraska. I have been all over the project. Though I am not an engineer, and do not pose as an expert on the subject, so far as I was able to see it was a very worthy project. Its object was just as worthy as the object of any project that has ever been put through the P. W. A. In the first place, it would have protected a large territory from flood damage. We had just had a flood that had done a wonderful amount of damage on the Republican River for 250 miles through Nebraska and Kansas. The project would have stored a large amount of floodwater; but in addition to that, Mr. President, it provided for the irrigation of a great deal of land in the Republican River Valley. The word "Republican" shocks some of our Democratic friends here, but I do not think it ought to have that effect. They will do well if they are not more shocked before we get through.

Mr. BARKLEY. Mr. President, if the Senator will yield, I was impressed by the use of the word "wonderful" in speaking of flood damage done to the Republican River. That must mean that it was entirely obliterated.

Mr. NORRIS. No. I am not so well educated as is the Senator from Kentucky; but, as I understand the word "wonderful," it does not necessarily mean that. It might mean that. At least, I did not mean that when I used the term. That land is as fertile as the land in the valley of the Nile, but it has not had a normal amount of rain for 3 or 4 or 5 years. Some of it is almost a desert now, because for 2 or 3 years, in some portions of it, not a thing has been raised.

I thought the project was a very worthy one, and the administration officials thought so, too. They agreed with me. They made a careful survey of the project. The legal part of the P. W. A. found that what it was planned to do was perfectly legal. The engineers reported favorably. The project had a favorable report in every respect; and it lies now in the archives of the P. W. A. approved from beginning to end. It lacked allotment because there was no money for it. When the investigation of the project was finally completed, all of the money had been used for other projects. I take it that that project was just as worthy, in the view of the men who approved it, as any other project they had approved during the past 4 or 5 years. Now, apparently, it is dead, for want of allotment.

As I understand, under this appropriation no relief can be given in that kind of a case, because it is said that the project would require too many experts. It would require too many men who are trained; or it may be that in the territory where the project is located there are not sufficient men on the unemployment rolls to perform the labor. There are sufficient men there who are on the verge of ruin, who have used up all their resources, although technically they may be off the unemployment rolls. If they are off the unemployment rolls, they are off because of their persistency, and because of their own determination to get along without going on the unemployment rolls.

So, even if the W. P. A. under other circumstances would do that kind of work, they probably would decline to take up this project because they would say, "Your unemployment roll in this locality is not large enough," when virtually three-fourths of the people in that part of the country would be delighted to go to work on the project if there was anything for them to do on it. Although they are not now on the unemployment rolls, thousands of them will be on the rolls if something is not done to keep them off the rolls by giving them work. As I understand, they would not get relief under this appropriation measure. Is there to be another appropriation bill that will permit the P. W. A., or some other instrumentality of the Government, to take out of the pigeonholes the projects which have been approved all the way from beginning to end?

What could we do that would be more worthy than to carry out projects of that kind? I ask for information. I should be glad to be interrupted? Can the Senator from South Carolina give me any information on the subject? He has mentioned another appropriation, a large one, which is to be made later. Is it the idea of the committee that these projects which have been approved as worthy are to die, after we have spent the time and the money to put them into the condition in which they now are?

Mr. BYRNES. Mr. President, it is possible to answer the question in this way: The P. W. A. has for this year $300,000,000. Whether the project to which the Senator refers has been approved in such a way that it is one of the projects eligible to be constructed by the expenditure of that money I do not know. After the Congress passed the work relief bill containing the $300,000,000 appropriation for P. W. A., the President made certain allotments. The only information on that subject I have is the statement made in the press that when the President had approved certain projects he announced that he would not approve any more. As to the amount of money left in the P. W. A. fund at this time, the committee has no information, because no estimate has been submitted to Congress for any appropriation for P. W. A. But I say to the Senator that that would not apply until the President submitted his estimate for work relief for the next fiscal year. This comes in only as a deficiency, entirely different from the estimate which the President will submit later for work relief for the next fiscal year. My information has been that it would not be submitted for about 30 days. Whether he is going to ask for additional funds for P. W. A. I do not know. But there is no estimate here for a deficiency for P. W. A., and the estimate for this deficiency is based, as the Senator knows, upon the extraordinary situation which has developed, causing so many people to be out of employment.

Mr. NORRIS. I thank the Senator from South Carolina, although he has not been able to give me the information I was seeking. I want the Senator from South Carolina and other Senators to realize that I am using the particular case to which I have referred only as an illustration. I know of other projects which perhaps are just as worthy as this, and I presume there are quite a number scattered over the country which are in the same category.

Mr. BONE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BONE. It is not my understanding that W. P. A. funds will be diverted to P. W. A. activities, but that all this money

will be expended directly under the control of Mr. Hopkins and Mr. Williams. I doubt very seriously whether a dollar of the money will be diverted to loans and grants on P. W. A. projects which have been approved, no matter what they are—power systems, buildings, bridges, or anything of that sort.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. MILLER. The Senator was speaking of a project on the Republican River, which is one of the 90 projects, as I remember, approved by the Army engineers.

Mr. NORRIS. That is not the project to which I referred.

Mr. MILLER. I know it is not that project, but it is a project which I think is highly meritorious, and I happen to know something about it. It is one along with about 90 others in the United States approved by the Army engineers and estimated to cost, all together, $480,000,000, to which I think the Congress could well afford to give some attention and could well afford to appropriate a sufficient sum to start work on those approved projects, aside from the W. P. A. appropriation.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BARKLEY. In connection with the projects which have been approved by the P. W. A., I think it ought to be stated that, in all probability, many more projects have been approved by the State directors and gone through the financial and engineering examinations and set-up by State directors of the P. W. A. than we would ever be able to appropriate enough money to finish. I recall that a year ago the total amount necessary for the construction of approved projects, that is, projects approved by the State directors and sent to the Secretary of the Interior, or to the administrator, was more than $2,000,000,000, and at that time only $200,000,000 were available, which meant that only 1 out of every 10, or one-tenth of the projects which had been approved, could even be begun. Since that time we have appropriated and made available to P. W. A. the sum of $300,000,000, but additional projects approved by the State and sent to the Secretary of the Interior, or to the Administrator, that even with that $300,000,000 the amount available represents only about one-tenth of the aggregate amount of the cost of the projects which have been approved.

Of course, like all Senators who are interested and have done everything possible to secure approval of projects from their own States, I realize the inconvenience and disappointment which comes to any community which has worked up a project, whether a street, or a sewer system, or waterworks, or public building of some kind, had surveys made, architects' drawings prepared and the projects approved by the State director, only to find that in Washington the authorities were unable to go through with it. It is disappointing, and it brings the Federal Government somewhat into discredit, because in most cases somebody has held out to the local communities the hope that if they worked up the project it would finally become feasible. What is going to happen to all those projects I do not know.

Mr. NORRIS. Mr. President, the Senator from Kentucky is speaking of projects of a different sort from those to which I have been referring. He refers to projects approved by State authorities. The particular projects to which I have called attention, and the ones which I think ought to have consideration at the hands of Congress, have not only been approved by the State authorities; but, in addition to that, they have had the approval all the way through of the P. W. A. and all its instrumentalities. The P. W. A. does not always approve a project because the State authority approves it.

Mr. BARKLEY. I understand that.

Mr. NORRIS. They have disapproved projects which I have personally examined, and which I thought were very worthy. But I am guided, of course, by their proceedings and do not question their integrity. They may be right and are more likely to be right than I am. I am speaking of projects which have the approval all the way through, clear up to the final step of the allotment of the money.

Mr. BARKLEY. I had in mind many such projects as that.

Mr. NORRIS. Those projects would not run into any such money as the Senator has suggested.

Mr. BARKLEY. Not the large amount, but they probably would run into amounts larger than what is available to the P. W. A. at the time of the approval of the project.

Mr. NORRIS. Oh, yes.

Mr. BARKLEY. Otherwise they would have gone on with them.

Mr. NORRIS. How was this condition brought about? It was under a law passed by us. Are we acting in good faith? We say to the people, "You may start a project; get behind the project; comply with the law which we have enacted, and if the project is passed on and approved by the officials whom we have put in power to pass on it we will allot the money to see that the project is proceeded with." Is that what happens with the class of projects to which I have referred? They were started under the law we enacted, approved by officials we put in power, and had their approval from beginning to end. Now if Congress says, "That must all stop; we will not appropriate any money for such projects," it strikes me there is quite a serious question whether we are acting in good faith. There is no question raised that the projects are not as worthy as any other projects that have been carried through and for which allotments have been made. They had to be stopped because no further appropriations were made by the Congress, so that no more allotments could be made. I am afraid that quite a large number of projects are in that condition.

We want to do something for the unemployed. The reason for providing other projects was to relieve unemployment. These projects stand on all fours with those which have heretofore been provided for. Why should we make fowl of one and fish of the other? When all requirements of law with respect to projects had been met only one step remained to be taken, and that was the allotment of the money, and allotments were not made because the Congress did not appropriate the money. I can see no reason for failure to make provision for such projects.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. The amendment leaves it within the power of the W. P. A. to go on with just such projects as the Senator suggests. I agree with him entirely.

Mr. NORRIS. That is what I should like to be assured, but I am doubtful of it, because in the particular project I have mentioned a great many employees would necessarily have to be taken from a class which is not now on the roll of unemployed. It would require a large number of engineers. It would carry out the purposes for which Congress has legislated. First, it would reduce unemployment, second, it would go forward to help out with respect to flood-control projects, and would give employment all over the East, in the steel factories, on the railroads, and in cement factories. It would give employment just as similar projects which the Government has constructed and built have furnished employment.

Mr. McKELLAR. If the Senator will examine the House hearings, on pages 46 and 47 he will find an item which, it is true, is small—$60,735 for Rural Electrification Administration projects in Mississippi. There is also an allotment for the assembling of labor statistics. There is also an allotment for the temporary government of the Virgin Islands. There is an allotment of a considerable sum—$9,000,000—for the Puerto Rico Reconstruction Administration. It seems to me that if allotments can be made for such projects as those, there is no reason why the money could not be used under the present law and under this amendment for building projects such as the Senator has

just mentioned, very much-needed school buildings, or, for instance, a courthouse that is badly needed and cannot be built in any other way.

Mr. NORRIS. Mr. President, I do not know that what I have just said leads to anything useful in the way of action by the Senate, but I call the attention of the Senate to conditions which are unjust, in that some worthy projects have had to be stopped, when there is no good reason why they should be stopped. They ought to be entitled to relief by this measure.

Mr. President, this is not a flood-control measure, of course. Everyone, however, knows the need for flood control. The development of flood-control projects would be of great advantage to the country because of their value in saving land and buildings along the Mississippi and its tributaries. Such developments would furnish employment for many persons, even though they might not technically be on the unemployment rolls. To me that seems to be an added reason why such projects should be pushed.

ASSISTANT CLERK TO COMMITTEE ON ENROLLED BILLS

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, with amendments, Senate Resolution 219, and ask unanimous consent for its present consideration.

There being no objection, the Senate proceeded to consider the resolution (S. Res. 219) submitted by Mrs. CARAWAY on January 10, 1938.

The amendments reported by the Committee to Audit and Control the Contingent Expenses of the Senate were, in line 2, after the word "employ", to strike out "for the remainder of the present session," and in line 4, after the words "per annum" to insert a comma and "this authorization to be effective from the beginning of the present session of the Congress and for the remainder of such session," so as to make the resolution read:

Resolved, That the Committee on Enrolled Bills hereby is authorized to employ an assistant clerk to be paid from the contingent fund of the Senate at the rate of $1,800 per annum, this authorization to be effective from the beginning of the present session of the Congress and for the remainder of such session.

The amendments were agreed to.

The resolution, as amended, was agreed to.

ELIZABETH REILY

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, without amendment, Senate Resolution 228, and ask for its immediate consideration.

There being no objection, the resolution (S. Res. 228), submitted by Mr. HARRISON on January 28, 1938, was read, considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Elizabeth Reily, daughter of W. Jones Miller, late a messenger of the Senate under supervision of the Sergeant at Arms, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CORRINE W. M'CAMPBELL

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably, without amendment, Senate Resolution 235, and ask unanimous consent for its present consideration.

There being no objection, the resolution (S. Res. 235), submitted by Mr. MCNARY on February 14, 1938, was read, considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Corrine W. McCampbell, widow of Frank A. McCampbell, late a laborer of the Senate under supervision of the Sergeant at Arms, a sum equal to 1 year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXECUTIVE SESSION

Mr. BARKLEY. I had hoped that we might finish the consideration of the pending joint resolution this afternoon, but it is obvious we cannot do so. Therefore, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. ADAMS, from the Committee on Public Lands and Surveys, reported favorably the nomination of Ellis Purlee, of California, to be register of the land office at Sacramento, Calif. (Reappointment.)

Mr. O'MAHONEY, from the Committee on Public Lands and Surveys, reported favorably the nomination of William G. Johnson, of Wyoming, to be register of the land office at Cheyenne, Wyo. (Reappointment.)

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, nominations on the calendar are in order.

POSTMASTER, TIPTONVILLE, TENN.—RECOMMITTAL OF NOMINATION

Mr. MCKELLAR. Mr. President, before the calendar is taken up, I wish to say that on February 16, 1938, being the same legislative day as today, the Senate confirmed the nomination of Phil W. Campbell to be postmaster at Tiptonville, Tenn., in place of P. W. Campbell. I ask unanimous consent that the vote by which the nomination was confirmed be reconsidered and that the nomination be recommitted to the committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The vote by which the nomination was confirmed is reconsidered, and the nomination is recommitted to the Committee on Post Offices and Post Roads.

The clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. MCKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

That completes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 28 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, February 22, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 21 (legislative day of January 5), 1938

UNITED STATES MARITIME COMMISSION

Max O'Rell Truitt, of Missouri, to be a member of the United States Maritime Commission for the remainder of the unexpired term of 2 years from September 26, 1936, vice Joseph P. Kennedy.

UNITED STATES ATTORNEY

Francis C. Canny to be United States attorney for the southern district of Ohio. (Mr. Canny is now serving in this office under an appointment which expired January 26, 1938.)

UNITED STATES MARSHAL

Joseph A. McDonald, of Alaska, to be United States marshal for the fourth division, District of Alaska. (Mr. McDonald is now serving in this office under an appointment which expired June 13, 1937.)

PUBLIC HEALTH SERVICE

The following named doctors to be assistant surgeons in the United States Public Health Service, to take effect from date of oath:

Theodore McC. Burkholder
Robert J. Ritterhoff
Robert C. Dunn
Rudolph J. Ferlic
Waldo B. Edwards
Benjamin Highman
Ward L. Mould

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO CORPS OF ENGINEERS

Second Lt. Warren Sylvester Everett, Infantry, with rank from June 12, 1935.

TO QUARTERMASTER CORPS

Maj. Henry Theophil John Weishaar, Infantry, with rank from January 1, 1934.

Capt. Theodore Kalakuka, Cavalry, with rank from June 14, 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 21 (legislative day of January 5), 1938

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

First Lt. Jean Evans Engler to Quartermaster Corps.

Second Lt. Harold Roy Low to Quartermaster Corps.

PROMOTIONS IN THE REGULAR ARMY

Marvin Randolph Baer to be lieutenant colonel, Infantry.

Lewis Morrell Van Gieson to be major, Ordnance Department.

John Mitchell Willis to be colonel, Medical Corps.

Carl Randolph Mitchell to be lieutenant colonel, Medical Corps.

Michael Gerard Healy to be lieutenant colonel, Medical Corps.

Martin Fred DuFrenne to be lieutenant colonel, Medical Corps.

Philip Lewis Cook to be lieutenant colonel, Medical Corps.

Charles Fremont Snell to be lieutenant colonel, Medical Corps.

Dwight Moody Young to be major, Medical Corps.

Edwin Sornesen Segard to be major, Medical Corps.

Bryan Coleman Thomas Fenton to be captain, Medical Corps.

John Dupre Dupre to be captain, Medical Corps.

Aloysius Thomas Waskowicz to be captain, Medical Corps.

Warren Charles Caldwell to be lieutenant colonel, Dental Corps.

Philip Francis Coholan to be chaplain with the rank of lieutenant colonel.

John Frazer Chalker to be chaplain with the rank of captain.

POSTMASTERS

ILLINOIS

John W. Epperson, McLeansboro.

LOUISIANA

Robert Lee Pettit, Baton Rouge.
Henry F. Couvillon, Moreauville.

MINNESOTA

Oscar Leonard Flo, Bricelyn.
Alex C. Wahoske, Odessa.

MISSOURI

Charles Grover Macke, Jackson.

SOUTH CAROLINA

Palmer A. Matthews, Winnsboro.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 21, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer.

Our Father, Thou who dost in holy love sustain human life, help us to know it at its strongest and best. In this day of change, shock, and tragedy, inspire us with that spirit which shall fill us with cheer and contagious courage; may we have patience, prudence, and resolution. We trust that we shall be dedicated to the fulfillment of our obligations we owe to our country. So influence our demeanor that we shall walk in unselfish ways and be mindful of the sacred ties which bind us to our fellow men; we pray that our acts may be filial, fraternal, and loyal to them. O Immanuel! let Thy light be within us to dispel all clouds and to reveal the rainbow. Oh guard and gird the world against the forces that would destroy the foundations of righteousness, justice, and truth. With us may it be forever true—though we travel the world over in search of the beautiful we must carry it with us or we find it not. Unto Thee be eternal praises, world without end. Amen.

The Journal of the proceedings of Friday, February 18, 1938, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On February 3, 1938:

H. R. 8730. An act to amend the National Housing Act, and for other purposes.

On February 4, 1938:

H. J. Res. 571. Joint resolution making appropriations available for administration of the Sugar Act of 1937 and for crop production and harvesting loans.

On February 11, 1938.

H. R. 9043. An act to amend an act to provide for the retirement of Justices of the Supreme Court.

On February 16, 1938, 3 p. m.:

H. R. 8505: An act to provide for the conservation of national soil resources and to provide an adequate and balanced flow of agricultural commodities in interstate and foreign commerce and for other purposes.

EXTENSION OF REMARKS

Mr. STACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent that on Thursday next, at the conclusion of legislative business, I may be permitted to address the House for 30 minutes.

Mr. TABER. Mr. Speaker, reserving the right to object, I wonder if the majority leader would tell us whether or not we are going to have general debate on an appropriation bill that day?

Mr. RAYBURN. The gentleman from Colorado [Mr. TAYLOR] was telling me this morning he thought it would be impracticable to take the bill up on Thursday, but that he could have it here on Friday of this week with general debate on that day.

Mr. TABER. Then what would be the program for Thursday?

Mr. RAYBURN. Nothing, except the gentleman's request.

The SPEAKER. The gentleman from California [Mr. VOORHIS] asks unanimous consent that on Thursday next, at the conclusion of the legislative business of the day, he may be permitted to address the House for 30 minutes. Is there objection?

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, let me say to the gentlemen on the opposite side of the aisle that tomorrow being Washington's Birthday, a holiday, we cannot have the large amount of testimony taken on the Interior Department bill printed until Friday. I want that testimony printed before I present the bill to the full committee. So if we want to call it up on Thursday we would have to pay $500 extra for help to work on the holiday getting the bill ready by that time. I feel that the difference of 1 day is not worth an expenditure of $500. I presented the matter to the Speaker and to the majority leader, and they both agreed with me. That is the fact about the matter. For this reason we will hold the main committee meeting on Friday instead of Thursday, and have the hearings printed by that time and take up the bill then, and the committee will have the hearings before them.

Mr. SNELL. This is the first exhibition of the New Deal attempting to save the taxpayers any money, and I congratulate my friend.

Mr. TAYLOR of Colorado. I am always in favor of economy.

Mr. RICH. Although a member of the committee, this is the first intimation I have had that we are trying to economize by saving $500 on the bill.

Mr. TAYLOR of Colorado. We are saving $500 by not having the hearings printed on Washington's Birthday.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. LAMNECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a set of resolutions on the subject of loans to industry adopted by the small-business men when they were here in Washington recently for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ANDRESEN of Minnesota. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDRESEN of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a comparative table on naval strength.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

SECRET FOREIGN AGREEMENTS AND WAR

Mr. ANDRESEN of Minnesota. Mr. Speaker, George Washington, our first President, admonished the American people to keep out of foreign entanglements. His advice guided the destiny of this country for more than a century. What he said about the conduct of our Government and our foreign policy applies with more force today than when he gave us his farewell message 140 years ago.

I am suspicious of what is taking place today. By insidious propaganda the people are being led into a trap of war-mindedness so as to approve the spending of billions in the name of defense. We all want the best army and navy in the world to defend our country when in need. Every true citizen will join in its defense. But, I am opposed to the building up of a huge war machine to be used in policing the entire world in order to make President Roosevelt's quarantine effective against any belligerent nation.

Rumors of secret foreign agreements, said to have been negotiated by the President, which may involve the United States in another foreign war, and the preparation that is going forward at top speed to increase our Naval and Military Establishments to war strength, leads us to question the sincerity of the President's preelection utterances, that he hated war and would keep this country out of any foreign conflict.

Realizing the experiences of the recent World War, I cannot believe that the President would deliberately engage our country in another foreign war. Possibly, his war talk and demand for enormous war expenditures is for the sole purpose of diverting the people's minds from the depression, or recession as some like to call it, which has again overtaken this country. And there is cause for alarm about conditions at home, for with more than 13,000,000 now unemployed and millions more on relief, drastic action should be taken by the administration to change its policy of experimentation, reform, and unjust taxation, so as to restore confidence and again get our feet on solid ground for real progress toward sanity and prosperity for everyone.

Secretary Hull has denied, for the State Department, any secret foreign alliance, but the country and Congress are entitled to hear from Mr. Roosevelt's own lips what agreement he has made with foreign diplomats and what his intentions are in connection with the vast armament program now demanded by him.

We know that a secret agreement exists and is now in operation whereby the United States is stabilizing the currencies of England, France, and other European countries. We also know that secret negotiations are daily taking place with foreign diplomats to cut the tariff duties on competitive farm and manufactured products, so as to give foreign producers an opportunity to ship into this country additional quantities of these products to the detriment of American producers and workers.

Therefore, when secret agreements exist for the United States to manipulate and control the economic policies of foreign countries, it is reasonable to assume that with all of the preparation for war in this country, a secret agreement has been concluded which may engage our country in another foreign disaster.

We have enough domestic troubles at home to concern us for some time before we again attempt to pull some other country's chestnuts out of the fire in order to again make the "world safe for democracy." History repeats, and should we again join with foreign powers to save their prestige, we would again find the people of the United States "holding the bag."

In the course of the next 30 days Congress will consider legislation to meet the President's demand for additional authorizations to increase our naval strength at a cost from eight hundred millions to $1,000,000,000. This sum will be in addition to the annual appropriation for the Navy

Department. The amount voted by the House for the next fiscal year was $564,406,461.

Administration leaders and big Navy and Army advocates seek publicly to make the country believe that we are not properly prepared to defend our country. Privately, Army and Navy officials boast about our national-defense forces and say that we can lick any country in the world.

We surely must have something for the money which has been spent during the past 5 or 6 years for the development of our national defense. Omitting President Roosevelt's billion dollar request, Congress has appropriated from July 1, 1933, to July 1, 1939, the sum of $5,056,596,443 for the Army and Navy. This is a staggering expenditure for peacetime operation and expansion. And what do we have to show for this expenditure? The following comparative table will tell its own story for the Navy:

Present armament ranking

	Battleships	Cruisers	Destroyers	Aircraft	Subs
United States	15	29	195	5	84
Great Britain	15	55	159	5	52
Japan	9	35	115	4	62
France	7	19	69	1	75
Italy	4	22	118	0	84
Germany	3	6	32	0	36
Russia	3	5	26	0	114

If the President's billion-dollar request is necessary for national defense at the present time, the authorization should be approved, but if he intends to use this large sum so as to carry out secret agreements to join with other powers to fight a foreign war, then his request should be overwhelmingly rejected by Congress. We do not want and will not stand for the entry of this country in another foreign war. Let the President speak clearly as to his intentions.

The cost of the last war with its millions of men and billions of dollars should still be fresh in the minds of most people. What a terrible price to pay, and we will continue to pay it for the next 75 years.

It has been estimated that America's share of the cost of the World War alone would have bought a $2,500 house on a $500 lot with $1,000 to furnish it for every family in this country, with enough money left over to build a $5,000,000 library and a $10,000,000 university, with permanent endowment for teachers' salaries, in every community of 20,000 or more population.

I favor adequate national defense for this country and the expenditures of necessary sums to give us the best army and navy in the world for this purpose. I am, however, opposed to secret agreements and our present vacillating foreign policy, which can only lead this country into another world conflict. Instead of wasting our young manhood and resources by joining in foreign wars between war-crazed dictators, let us devote our energies as a nation to world peace and a sound solution for domestic happiness and prosperity at home.

RECIPROCAL-TRADE AGREEMENT WITH UNITED KINGDOM, NEWFOUNDLAND, AND THE BRITISH COLONIAL EMPIRE

Mr. COOPER. Mr. Speaker, I present a privileged resolution (H. Res. 403) from the Committee on Ways and Means and ask unanimous consent that the adverse report, which includes a letter from the Secretary of State, may be read.

The Clerk read the resolution, as follows:

House Resolution 403

Resolved, That the Secretary of State is requested to transmit to the House of Representatives at the earliest practicable moment the following information, namely:

1. What is the basis of the rate of duty given in the list of products announced on January 8, 1938, on which the United States will consider granting concessions to the United Kingdom, Newfoundland, and the British Colonial Empire?

2. Which items on the list have already been reduced to 50 percent of the rate of duty provided in the United States Tariff Act of 1930?

3. Has the Department of State interpreted "The act of Congress approved June 12, 1934, entitled 'An act to amend the Tariff Act of 1930,' as extended by Public Resolution No. 10, approved March 1, 1937," to mean that it can reduce the tariff rates below those provided in the act of 1930, and then by subsequent agreements further reduce the rates to 50 percent on each preceding rate so established?

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, may I inquire if the request calls for the printing of the resolution and the report in the RECORD?

Mr. COOPER. That is the purpose of the request.

Mr. CASE of South Dakota. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the adverse report, as follows:

Mr. COOPER, of Tennessee, from the Committee on Ways and Means, submitted the following adverse report (to accompany H. Res. 403):

The Committee on Ways and Means, to whom was referred the resolution (H. Res. 403) requesting the Secretary of State to transmit to the House of Representatives at the earliest practicable moment the following information, namely:

1. What is the basis of the rate of duty given in the list of products announced on January 8, 1938, on which the United States will consider granting concessions to the United Kingdom, Newfoundland, and the British Colonial Empire?

2. Which items on the list have already been reduced to 50 percent of the rate of duty provided in the United States Tariff Act of 1930?

3. Has the Department of State interpreted "The act of Congress approved June 12, 1934, entitled 'An act to amend the Tariff Act of 1930,' as extended by Public Resolution No. 10, approved March 1, 1937," to mean that it can reduce the tariff rates below those provided in the act of 1930, and then by subsequent agreements further reduce the rates to 50 percent on each preceding rate so established?

having had the same under consideration, report it back to the House and recommend that the resolution do not pass.

The action of the committee is based upon the following letter from the Secretary of State.

DEPARTMENT OF STATE,
Washington, February 2, 1938.

The Honorable ROBERT L. DOUGHTON,
House of Representatives.

MY DEAR MR. DOUGHTON: My attention has been called to House Resolution No. 403, introduced by Representative CASE of South Dakota, and referred to your committee, by which Mr. CASE requests certain information with respect to the list of products published in an announcement of January 8, 1938, in connection with the notice of trade-agreement negotiations with the Government of the United Kingdom.

I am very glad to provide the information desired, and, in order to save your time and that of your committee in considering this resolution, I submit herewith the answers to Mr. CASE's questions, in the order in which they are set forth in his resolution. These answers apply to the supplementary list issued on January 24 as well as to the original list of January 8.

(1) The rates of import duties shown in these lists are, with a few exceptions, those now applicable to products of the United Kingdom, Newfoundland, and the British Colonial Empire. In the case of a few items where a broad description is given, the rates shown do not include certain rates resulting from changes made under the authority of section 350 of the Tariff Act of 1930, as amended. In such instances, the rates not shown are applicable to only a part of the products covered by the description.

(2) There is attached a list of all those products included in the lists of January 8 and January 24 above referred to, on which the rates of duty provided in the United States Tariff Act of 1930 have already been reduced by 50 percent under the authority of the Trade Agreements Act.

(3) In the opinion of the Department of State, the President is authorized to reduce an import duty under the provisions of the Trade-Agreements Act by no more than 50 percent. In other words, once an import duty has been reduced by the full 50 percent permitted under section 350 of the tariff act, no further reduction may be made in the rate of duty pursuant to trade agreements. Of course, if other countries interested in a product on which the duty has already been reduced seek to have the reduced duty included in trade agreements with them, the President may include the reduced rate in subsequent agreements with such countries, without, however, granting any further reduction.

I should like to add that the limitation to which I have referred upon the authority conferred by the Trade Agreements Act had seemed to me so clear and unequivocal that no mention was made of it in issuing the list of January 8. In view of the fact that question has been raised on this point, however, there was included in the announcement of the supplementary list of January 24 the following statement: "No further reduction will, of course, be made in any import duty which has already been reduced by 50 percent under the authority of the Trade Agreements Act."

I trust that the foregoing statements will provide Mr. CASE with the information he desires.

Sincerely yours,

CORDELL HULL.

Products included in the lists published by the Department of State on Jan. 8 and Jan. 24, 1938, in connection with the Secretary of State's announcement of intention to negotiate a trade agreement with the Government of the United Kingdom, on which the rates of import duty have been reduced by 50 percent of the rates provided in the Tariff Act of 1930

Paragraph No.	Article	Tariff Act of 1930 rate	Present rate	Trade agreement
58	Patchouli oil not containing alcohol	25 percent	12½ percent	France.
72	All pigments containing lead, dry or in pulp, or ground in or mixed with oil or water not specially provided for, in chief value of suboxide of lead. NOTE.—The maximum reduction of 50 percent is effective only with respect to goods subject to the minimum ad valorem rate, i. e., those valued at $0.20 per pound or more.	30 percent	3 cents per pound but not less than 15 percent nor more than 30 percent ad valorem.	Switzerland.
218 (f)	Table and kitchen articles and utensils, and all articles of every description, not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, if cut or engraved and valued at not less than $1 each. NOTE.—The concession granted in the Swedish agreement was as follows: "Articles provided for in paragraph 218 (f) when primarily designed for ornamental purposes, decorated chiefly by engraving and valued at not less than $8 each."	60 percent	60 or 30 percent	Sweden.
302 (a)	Manganese ore (including ferruginous manganese ore) or concentrates, and manganiferous iron ore, all the foregoing containing in excess of 35 percent of metallic manganese. NOTE.—The concession granted in the Brazilian agreement was as follows: "Manganese ore (including ferruginous manganese ore) or concentrates, and manganiferous ore, all the foregoing containing in excess of 10 per centum of metallic manganese."	1 cent per pound on the metallic manganese contained therein.	½ cent per pound on the metallic manganese contained therein.	Brazil.
353	Electrical X-ray apparatus, instruments (other than laboratory) and devices, and parts thereof; any of the foregoing, finished or unfinished, wholly or in chief value of metal, and not specially provided for.	35 percent	17½ percent	Netherlands.
365	Shotguns and rifles valued at more than $50 each. NOTE.—The concession granted in the Belgian agreement was as follows: "Shotguns: valued at more than $50 each."	65 percent	65 percent or 32½ percent.	Belgium.
720 (a) (3)	Herring, smoked or kippered (except herring packed in oil, or in oil and other substances, and except herring packed in air-tight containers weighing with their contents not more than 15 pounds each): eviscerated, split, skinned, boned, or divided into portions. NOTE.—The concession granted in the Canadian agreement was as follows: "Smoked herring (except herring packed in oil or in oil and other substances and except herring packed in airtight containers weighing with their contents not more than 15 lbs. each): Boned, whether or not skinned."	3 cents per pound	3 cents or 1½ cents per pound.	Canada.
802	Whisky of all types and classes: Aged in wooden containers 4 years or over	$5 per proof gallon	$2.50 per proof gallon.	Do.
802	Rum, in containers holding each 1 gallon or less	do	do	Haiti.
802	Gin	do	do	Netherlands.
1005 (a) (1)	Cordage, including cables, tarred or untarred, composed of three or more strands, each strand composed of 2 or more yarns: Wholly or in chief value of sisal. Any of the foregoing smaller than three-fourths of 1 inch in diameter shall be subject to an additional duty of	2 cents per pound	1 cent per pound	Do.
		15 percent	7½ percent	Do.
1502	All clubs, rackets, bats, golf tees, and other equipment, such as is ordinarily used in conjunction with balls primarily designed for use in physical exercise (whether or not such exercise involves the element of support), not specially provided for. NOTE.—The concession granted in the Canadian agreement was as follows: "Lacrosse sticks."	30 percent	30 or 15 percent	Canada.
1529 (a)	Flouncings, all-overs, neck ruffings, flutings, quillings, ruchings, and tuckings, all the foregoing, wholly or in chief value of cotton (if made of lace and valued at $1.50 or more per pound). *Note:* The United Kingdom announcement with regard to negotiations lists the above articles whether or not made of lace, and without regard to value. To such articles not made of lace, and to articles made of lace other than those listed above, various rates of duty apply under the tariff act and under the Belgian, Swiss, and French trade agreements, but none of the agreement rates represent reductions of 50 percent except the one group listed above.	90 percent	45 percent	Belgium.

NOTE.—The wording above is that of the concession in the Netherlands agreement. In the announcement with regard to negotiations with the United Kingdom, this item is included with a large group of other electrical apparatus.

Mr. COOPER. Mr. Speaker, I move to lay the resolution on the table.

The motion was agreed to.

On motion of Mr. COOPER, a motion to reconsider the vote by which the resolution was laid on the table was laid on the table.

INFORMATION RESPECTING RECIPROCAL-TRADE AGREEMENTS

Mr. COOPER. Mr. Speaker, I present the following privileged resolution from the Committee on Ways and Means, House Resolution 420, requesting the Secretary of State to furnish certain information pertaining to reciprocal-trade agreements, together with the report, and ask unanimous consent that the report be read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman from Tennessee please state what the resolution is?

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 420

Resolved, That the Secretary of State is hereby requested to submit to the House of Representatives a photostatic copy of each communication, received by the Department of State from any consul general stationed in a foreign country, dealing with the effect of any foreign trade agreement negotiated with such foreign country or any instrumentality thereof under the provisions of the Reciprocal Trade Agreements Act, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I object.

Mr. COOPER. Mr. Speaker, I move that the resolution be laid on the table.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentlewoman from Massachusetts makes the point of order that there is no quorum present. Evidently there is no quorum present. This is an automatic call. The question is on the motion of the gentleman from Tennessee to lay the resolution on the table.

The question was taken; and there were—yeas 209, nays 75, not voting 146, as follows:

[Roll No. 26]

YEAS—209

Aleshire	Colmer	Faddis	Hill
Allen, La.	Cooper	Fernandez	Hobbs
Ashbrook	Costello	Fitzpatrick	Hook
Atkinson	Cox	Flaherty	Houston
Bigelow	Cravens	Flannagan	Imhoff
Binderup	Creal	Fleger	Jacobsen
Bland	Crosby	Fletcher	Jarman
Boehne	Crosser	Forand	Johnson, Luther A.
Boland, Pa.	Cullen	Ford, Calif.	Johnson, Lyndon
Boren	Cummings	Ford, Miss.	Johnson, Okla.
Boyer	Delaney	Fuller	Johnson, W. Va.
Brooks	Dempsey	Fulmer	Jones
Brown	DeMuth	Gambrill, Md.	Kee
Buck	DeRouen	Garrett	Keller
Bulwinkle	Dies	Goldsborough	Kennedy, Md.
Burch	Dingell	Gray, Ind.	Keogh
Byrne	Disney	Gray, Pa.	Kerr
Caldwell	Dixon	Green	Kirwan
Cannon, Mo.	Doughton	Greever	Kitchens
Cartwright	Doxey	Gregory	Kleberg
Champion	Driver	Griffith	Kniffin
Claypool	Duncan	Griswold	Kocialkowski
Cochran	Dunn	Harlan	Lamneck
Coffee, Nebr.	Eberharter	Hart	Lanham
Coffee, Wash.	Eicher	Havenner	Lanzetta
Collins	Elliott	Hildebrandt	Larrabee

Lea	Mitchell, Ill.	Reilly	Tarver
Leavy	Mitchell, Tenn.	Richards	Taylor, Colo.
Lewis, Colo.	Moser, Pa.	Rigney	Terry
Lewis, Md.	Mouton	Robertson	Thom
Long	Murdock, Ariz.	Robinson, Utah	Thomas, Tex.
Luckey, Nebr.	Murdock, Utah	Rogers, Okla.	Thomason, Tex.
Ludlow	Nelson	Romjue	Thompson, Ill.
Luecke, Mich.	O'Connell, R. I.	Ryan	Tolan
McCormack	O'Connor, N. Y.	Sadowski	Towey
McFarlane	O'Day	Sanders	Transue
McGehee	O'Neal, Ky.	Schaefer, Ill.	Turner
McGrath	O'Neill, N. J.	Schuetz	Umstead
McKeough	O'Toole	Scott	Vinson, Fred M.
McLaughlin	Pace	Scrugham	Vinson, Ga.
McReynolds	Palmisano	Shannon	Voorhis
McSweeney	Parsons	Sheppard	Wallgren
Magnuson	Patman	Sirovich	Warren
Mahon, S. C.	Patton	Smith, Va.	Wearin
Mahon, Tex.	Pearson	Smith, Wash.	Weaver
Mansfield	Peterson, Fla.	Smith, W. Va.	West
Martin, Colo.	Peterson, Ga.	South	Whittington
Massingale	Pierce	Sparkman	Williams
May	Poage	Spence	Woodrum
Mead	Polk	Stack	Zimmerman
Meeks	Ramsay	Starnes	
Merritt	Ramspeck	Sumners, Tex.	
Mills	Rayburn	Sutphin	

NAYS—75

Allen, Ill.	Crowther	Kinzer	Robsion, Ky.
Amlie	Culkin	Knutson	Rockefeller
Andresen, Minn.	Dirksen	Lambertson	Rogers, Mass.
Andrews	Ditter	Lemke	Sauthoff
Arends	Dondero	Luce	Schneider, Wis.
Barton	Dowell	McLean	Secrest
Bates	Engel	Maas	Simpson
Brewster	Englebright	Mapes	Smith, Okla.
Buckler, Minn.	Gearhart	Mason	Snell
Burdick	Gehrmann	Michener	Stefan
Cannon, Wis.	Gifford	Mott	Taber
Carlson	Gilchrist	Oliver	Taylor, Tenn.
Carter	Guyer	Plumley	Tinkham
Case, S. Dak.	Gwynne	Powers	Tobey
Casey, Mass.	Halleck	Reece, Tenn.	Wadsworth
Church	Hancock, N. Y.	Reed, Ill.	Wigglesworth
Cole, N. Y.	Holmes	Reed, N. Y.	Withrow
Connery	Hull	Rees, Kans.	Wolcott
Crawford	Jenkins, Ohio	Rich	

NOT VOTING—145

Allen, Del.	Drew, Pa.	Kelly, Ill.	Rutherford
Allen, Pa.	Drewry, Va.	Kelly, N. Y.	Sabath
Anderson, Mo.	Eaton	Kennedy, N. Y.	Sacks
Arnold	Eckert	Koppleman	Satterfield
Bacon	Edmiston	Kramer	Schulte
Barden	Evans	Kvale	Seger
Barry	Farley	Lambeth	Shafer, Mich.
Beam	Ferguson	Lesinski	Shanley
Beiter	Fish	Lord	Short
Bell	Fitzgerald	Lucas	Smith, Conn.
Bernard	Flannery	McAndrews	Smith, Maine
Biermann	Frey, Pa.	McClellan	Snyder, Pa.
Bloom	Fries, Ill.	McGranery	Somers, N. Y.
Bolleau	Gamble, N. Y.	McGroarty	Steagall
Boykin	Gasque	McMillan	Sullivan
Boylan, N. Y.	Gavagan	Maloney	Sweeney
Bradley	Gildea	Martin, Mass.	Swope
Buckley, N. Y.	Gingery	Maverick	Taylor, S. C.
Celler	Greenwood	Mosier, Ohio	Teigan
Chandler	Haines	Nichols	Thomas, N. J.
Chapman	Hamilton	Norton	Thurston
Citron	Hancock, N. C.	O'Brien, Ill.	Treadway
Clark, Idaho	Harrington	O'Brien, Mich.	Vincent, B. M.
Clark, N. C.	Harter	O'Connell, Mont.	Walter
Clason	Hartley	O'Connor, Mont.	Welch
Cluett	Healey	O'Leary	Wene
Colden	Hendricks	O'Malley	Whelchel
Cole, Md.	Hennings	Owen	White, Idaho
Cooley	Hoffman	Patrick	White, Ohio
Crowe	Honeyman	Patterson	Wilcox
Curley	Hope	Pettengill	Wolfenden
Daly	Hunter	Pfeifer	Wolverton
Deen	Izac	Phillips	Wood
Dickstein	Jarrett	Quinn	Woodruff
Dockweiler	Jenckes, Ind.	Rabaut	
Dorsey	Jenks, N. H.	Randolph	
Douglas	Johnson, Minn.	Rankin	

So the resolution was laid on the table.

The Clerk announced the following pairs:

On this vote:

Mr. Sullivan (for) with Mr. Martin of Massachusetts (against).
Mr. Arnold (for) with Mr. Jarrett (against).
Mr. McAndrews (for) with Mr. Short (against).
Mr. Kennedy of New York (for) with Mr. Eaton (against).
Mr. O'Brien of Illinois (for) with Mr. Seger (against).
Mr. Dickstein (for) with Mr. Bacon (against).
Mr. Sabath (for) with Mr. Douglas (against).
Mr. Drewry of Virginia (for) with Mr. Hartley (against).
Mr. McMillan (for) with Mr. Thomas of New Jersey (against).
Mr. Satterfield (for) with Mr. Wolfenden (against).
Mr. Boylan of New York (for) with Mr. Lord (against).
Mr. Steagall (for) with Mr. Gamble of New York (against).
Mr. Hamilton (for) with Mr. Wolverton (against).
Mr. Kelly of Illinois (for) with Mr. Shafer of Michigan (against).
Mrs. Norton (for) with Mr. Woodruff (against).
Mr. Gavagan (for) with Mr. Hoffman (against).
Mr. Bloom (for) with Mr. Fish (against).
Mr. Lucas (for) with Mr. Bolleau (against).
Mr. O'Leary (for) with Mr. Treadway (against).
Mr. Pfeifer (for) with Mr. Cluett (against).
Mr. Greenwood (for) with Mr. White of Ohio (against).
Mr. Owen (for) with Mr. Hope (against).
Mr. Randolph (for) with Mr. Smith of Maine (against).
Mr. Curley (for) with Mr. Rutherford (against).

General pairs:

Mr. Rankin with Mr. Welsh.
Mr. Frey of Pennsylvania with Mr. Clason.
Mr. Rabaut with Mr. Kvale.
Mr. Beam with Mr. Bernard.
Mr. Nichols with Mr. Johnson of Minnesota.
Mr. Allen of Pennsylvania with Mr. Beverly M. Vincent.
Mr. Beiter with Mr. Walter.
Mr. Ferguson with Mr. Clark of North Carolina.
Mr. Chandler with Mr. Healey.
Mr. Cooley with Mr. Buckley of New York.
Mr. McGrannery with Mr. Harrington.
Mr. Somers of New York with Mr. Wilcox.
Mr. Anderson of Missouri with Mr. O'Connell of Montana.
Mr. Gingery with Mr. Patterson.
Mr. Daly with Mr. Hennings.
Mr. Swope with Mr. Farley.
Mr. Maverick with Mr. Whelchel.
Mr. Fitzgerald with Mr. Barden.
Mr. Wood with Mr. Fries of Illinois.
Mr. Bradley with Mr. Pettengill.
Mr. Haines with Mr. Smith of Connecticut.
Mr. Flannery with Mr. Sweeney.
Mr. Colden with Mr. Dorsey.
Mr. Patrick with Mr. Clark of Idaho.
Mr. Barry with Mr. Phillips.
Mr. Schulte with Mr. Drew of Pennsylvania.
Mr. O'Connor of Montana with Mr. Bell.
Mr. Gasque with Mr. Quinn.
Mr. Kramer with Mr. Edmiston.
Mr. O'Brien of Michigan with Mr. Gildea.
Mr. Biermann with Mr. Boykin.
Mr. Hancock of North Carolina with Mr. Shanley.
Mr. Eckert with Mr. Celler.
Mr. Hunter with Mr. Evans.
Mr. Taylor of South Carolina with Mr. Harter.
Mr. Hendricks with Mr. McClellan.
Mr. Crowe with Mr. Snyder of Pennsylvania.
Mr. Teigan with Mr. Mosier of Ohio.
Mr. Deen with Mrs. Honeyman.
Mr. Lambeth with Mr. Dockweiler.
Mr. Maloney with Mr. Kelly of New York.
Mr. Cole of Maryland with Mr. Chapman.

Mr. BUTLER changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

On motion of Mr. COOPER, a motion to reconsider the vote by which the resolution was laid on the table was laid on the table.

LECTURE COURSES, DEPARTMENT OF AGRICULTURE

Mr. COCHRAN. Mr. Speaker, a few days ago an article appeared in the Washington newspapers to the effect that employees of the Department of Agriculture were going to school at the expense of the Government. I called for a report on that, and I have a letter from the Secretary of Agriculture in reply. I ask unanimous consent that the letter be placed in the RECORD at this point.

The SPEAKER. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, February 19, 1938.

Hon. JOHN J. COCHRAN,
House of Representatives.

DEAR MR. COCHRAN: In your letter of February 14 you quote part of an item from the Washington Herald of that date on a Department of Agriculture lecture course. You inquire if "employees of the Department are attending lecture courses during the period that they should be at work." You also request information on this series of lectures, on its purpose, and who receives the money that is paid by those attending the lectures.

I welcome this request for information. It is a pleasure to supply you with a full statement concerning the lectures in question.

The item in the Washington Herald apparently refers to a series of weekly lectures on democracy for Department of Agriculture employees, now being conducted by the graduate school of this Department under the chairmanship of Under Secretary M. L. Wilson. The lectures are given between the hours of 4 and 5 on Thursday afternoons, in the Department auditorium, by outstanding students of democracy, who are not employed by the Government. Thus it is true that employees attending these lectures do so on time of which half is official time and half is not. The lecturers are each given an honorarium, which is paid from funds received as fees from those attending the lectures.

I can well understand your desire to learn something of the purpose of these lectures. It is to fit the current administrative duties placed on the Department by Congress into the historical trend of American agriculture, to clarify these duties in their relationship to the needs of democratic representative government in the United States, and to assure as far as possible in the discharge of those duties a democratic, cooperative attitude on the part of our employees.

You are undoubtedly familiar with the Department graduate school. You probably know also of the many courses which it offers and which are open to all Government employees. The general purpose of these courses is the technical and cultural improvement of the individual employee. Typical examples of such courses are those in stenography, accounting, statistics, sociology, and economic history. But the objective of the special lectures on democracy is quite different. Here the idea is not so much the training of individual employees from various Government departments as it is the enlarging of the outlook of Department of Agriculture employees and the deepening of their understanding of their place in an effectively working system of economic democracy. For this reason we have felt that it is appropriate to consider attendance at the lectures as part of the Department's official work.

In making plans for the lectures on democracy we were confronted with the question of how to arrange them so that a large number of employees could attend them without at the same time disrupting the routine work of the Department. We thought of holding simultaneous group meetings in the several bureaus but discarded this idea when we realized that under it only a few people a week would be able to hear the distinguished guest speaker. On the other hand, to gather eight hundred or a thousand employees together for a whole hour any time during the working day, even for the purpose of hearing discussed questions of vital importance to the democratic and efficient administration of Department affairs, would probably have slowed down the normal dispatch of public business. Since the lectures were clearly of such a nature as to increase employees' understanding of the technique and objectives of the program of the Department as fixed by Congress, it was decided to conduct the course half on official time and half on employees' time. Since, also, employees who attend regular graduate school courses on their own time are accustomed to paying a registration fee, it was thought appropriate to charge a nominal fee for registration in this course.

I appreciate the fact that it is somewhat unusual for a Government department to adopt this method of informing its members of the nature and scope of their duties. Frankly, however, it seems to me not only justifiable but also necessary and desirable. Only through some such means as this is it possible, in my opinion, to assure in our administration of the laws that tolerant outlook and cooperative attitude among our employees which democratic formulation and carrying out of policy requires. On the building up of such an attitude the successful administration of our public responsibilities depends. The better transmission of policy and attitude impulses to employees is essential to best administration of the diverse and complex programs carried on by modern government.

Sincerely yours,

H. A. WALLACE, *Secretary.*

EXTENSION OF REMARKS

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech I delivered a few days ago on the life of Abraham Lincoln, including also a short newspaper article dealing with the same subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'NEILL of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

RECIPROCAL-TRADE AGREEMENTS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I regret extremely that the House tabled the resolution (H. Res. 420) requesting the Secretary of State to furnish certain information pertaining to reciprocal-trade agreements; that is, a photostatic copy of each communication received by the Department of State from any consul general stationed in a foreign country, dealing with the effect of any foreign-trade agreement negotiated with such foreign country. The committee did not even send to the Secretary of State for that information. We are about to consummate a reciprocal-trade agreement with the United Kingdom, a treaty that I feel may have far-reaching effect in other ways than simply upon our trade. I hope in the future that the House will secure all the information possible before committing us to treaties that may completely wipe out some of our industries. Negotiation of these treaties in secrecy should not be the American way of doing it. [Applause.]

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. JACOBSEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech delivered by Governor Earle.

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object. Does the gentleman refer to the Governor of the State of Pennsylvania?

Mr. JACOBSEN. Yes. The speech was delivered in connection with a Lincoln Day celebration.

Mr. RICH. Does the Governor of Pennsylvania follow the customs of Abraham Lincoln?

Mr. FADDIS. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEAVE OF ABSENCE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from California [Mr. COLDEN] may have leave of absence for 1 week on account of illness.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HARLAN. Mr. Speaker, I ask unanimous consent that on Thursday, after the disposition of business on the Speaker's table and other special orders, that I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM (H. DOC. NO. 527)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Congress of the United States:

I transmit herewith a report by the Secretary of State showing all receipts and disbursements on account of refunds, allowances, and annuities for the fiscal year ended June 30, 1936, in connection with the Foreign Service retirement and disability system, as required by section 26 (a) of an act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor, approved February 23, 1931.

In addition there are enclosed, in identical form, revised reports for prior years, showing receipts and disbursements and recapitulations of the status of this fund at the end of each fiscal year.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 21, 1938.*

EXTENSION OF REMARKS

Mr. LEA asked and was given permission to extend his own remarks in the RECORD.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the calendar.

RED LAKE BAND OF CHIPPEWA INDIANS, MINNESOTA

The Clerk called the first bill on the Consent Calendar, H. R. 4540, authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

BOARD OF AWARDS

The Clerk called the next bill, H. R. 171, to create a United States Board of Awards and to provide for the presentation of certain medals.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I object.

OSAGE TRIBE OF INDIANS

The Clerk called the next bill, S. 670, authorizing an appropriation for payment to the Osage Tribe of Indians on account of their lands sold by the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN, Mr. RICH, and Mr. TABER objected.

SAN CARLOS APACHE INDIANS

The Clerk called the next bill, S. 1231, authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent that this bill be resubmitted to the committee for modification.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, and I shall not, I hope that when this gets back to the committee the committee will take into consideration the proviso on page 2. I do not think it means anything, but I shall have no objection to the bill if this proviso is stricken out.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, I also express the hope that when the bill goes back to the committee it will reduce the amount. The departments, including the Bureau of the Budget, hold that with the amount reasonable they would have no objection to the bill, but they do object to the amount carried in the pending bill.

Mr. MURDOCK of Arizona. I may say, Mr. Speaker, that I am not opposed to a reduction in the amount as suggested by the gentleman. It will be reduced in the committee, I feel sure.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

CAMP MERRITT, N. J.

The Clerk called the next bill, H. R. 71, to provide for the establishment of a national monument on the site of Camp Merritt, N. J.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CHOPAWAMSIC RECREATIONAL DEMONSTRATION PROJECT, DUMFRIES, VA.

The Clerk called the next bill, H. R. 6351, to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of the Interior, through the National Park Service, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I wish the chairman of the committee would explain how much it will cost, and whether it is not advisable to put some limitation upon the amount which the Government may spend in the development of this demonstration project.

Mr. DEROUEN. I will explain the proposed legislation. It will merely permit the transfer of the camp facilities in Rock Creek Park to that area. It is purely a bill to relieve the District of Columbia. The amount involved, I am informed, is a very nominal sum.

This proposed legislation would authorize the Secretary of the Interior to operate recreational facilities within the Chopawamsic recreational demonstration project, located in Prince William and Stafford Counties, near Dumfries, Va., transferred to the said Secretary under the provisions of Executive Order No. 7496, dated November 14, 1936, as part of the park system of the National Capital and its environs.

The area, which is very poor farm land, is located within 35 miles of Washington and constitutes an ideal recreational and camping area, which is needed for organized camping facilities for various social service and other organizations, such as the Associated Charities of Washington, which at the present time utilizes Camp Goodwill in Rock Creek Park. This camp in Rock Creek Park is inadequate and improperly located in an area which is needed for intensified day use and recreational purposes rather than for long-period camping. Because of the lack of camping and recreational facilities in the National Capital, the development of the Chopawamsic area is endorsed by all of the social-service agencies of Washington and the various organizations dealing with youth movement.

Through the Emergency Conservation Works program, camping facilities to serve approximateley 7,500 people each season are being developed. It is desired to operate these facilities directly or by contract, or contracts, with organizations such as the Community Chest, Community Center, Boys' Club, and so forth, or with reliable and qualified individuals who will operate them for the same purposes. It is provided that the receipts derived from the operation of these recreational facilities shall be deposited in the Treasury to the credit of miscellaneous receipts.

I have been advised by the Bureau of the Budget that there would be no objection by that office to the presentation of this proposed legislation to the Congress.

Mr. WOLCOTT. Section 3 of the bill carries the following proviso:

> There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such sums as may be necessary for the purpose of carrying out the provisions of this act.

Mr. DEROUEN. That is true; but this is the usual language carried in such bills. I do not believe I can give the gentleman any definite amount, but it will be very nominal. The facilities are already in existence, and no money is needed to develop any of the facilities.

Mr. WOLCOTT. I have always felt that it was very, very bad legislative practice to give blanket authority to spend money.

Mr. DEROUEN. I quite agree with the gentleman. I do not believe the committee has any objection to having a specified amount fixed, except that it is very difficult to determine what the amount should be.

Mr. TABER. Would not the gentleman agree to strike out that paragraph?

Mr. DEROUEN. Here is the situation: Suppose we did strike that out, and a nominal sum was needed, does the gentleman think it would be proper to deny the people of the District of Columbia those facilities?

Mr. TABER. Should we not know about that before we pass the legislation?

Mr. DEROUEN. I have no objection, if the gentleman wants to offer an amendment to control that, because I really believe there will not be any need for a large sum of money.

Mr. WOLCOTT. Would it be agreeable to the gentleman to strike out "such sums as may be necessary" and insert "the sum of $1,000"?

Mr. DEROUEN. Certainly. I do not believe we need a large sum of money, but that is agreeable. You may say "not to exceed the sum of, say, $1,000 a year." As I stated to the House, this measure is not intended for the development of any area. The facilities exist there already. This is purely authority given to the Secretary to permit the people of Washington and the religious and civic organizations to use that area in Virginia for camp purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CHURCH. Mr. Speaker, reserving the right to object, an amendment is being prepared.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the lands comprising the Chopawamsic recreational demonstration project transferred to the Secretary of the Interior under the provisions of Executive Order No. 7496, dated November 14, 1936, shall be administered by the Secretary of the Interior through the National Park Service as part of the park system of the National Capital and its environs.

SEC. 2. The Director of the National Park Service, under the direction of the Secretary of the Interior, is hereby authorized to establish prices and collect charges for such recreational facilities, conveniences, and services as may be furnished by the National Park Service for the accommodation of the public within the said area: *Provided, however*, That he may, in his discretion, authorize charitable or welfare organizations to occupy the said area and utilize the facilities therein without charge.

SEC. 3. The Director of the National Park Service, under the direction of the Secretary of the Interior, is hereby further authorized, in his discretion, to enter into contract or contracts with any reliable person, organization, or corporation, without advertising and without securing competitive bids, for the operation of facilities within the said area.

SEC. 4. Any revenues collected by the National Park Service as fees for the use of the said area or facilities located therein, or which may be received under any contract or contracts entered into for the operation of facilities therein, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

SEC. 5. The Director of the National Park Service is hereby authorized to exercise all authority, power, and duties with respect to the said area as are conferred upon him within the District of Columbia by the act of Congress approved February 26, 1925 (43 Stat. 983), as amended.

SEC. 6. That there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the provisions of this act.

Mr. WOLCOTT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Page 3, line 5, after the word "sums", insert "not to exceed $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

The SPEAKER. The Chair desires to make a statement at this time.

A day or two ago inquiry was made as to whether or not the Chair intended to recognize any Member today to suspend the rules and pass a bill. At that time the Chair stated he had no intention of so doing. However, attention of the Chair, this morning, has been called by the chairman of the Committee on the Judiciary [Mr. SUMNERS] to the importance of the passage of the bill, S. 2215, today if possible, because of the fact that the original act, which is sought to be amended, will expire very early next month. The Chair, therefore, with the understanding it will not be disagreeable to the minority leader, announces he will recognize the gentleman from Texas to suspend the rules and pass this bill at the conclusion of the consideration of the bills on the Unanimous Consent Calendar.

INVESTIGATION AND REPORT ON LOSS OF TITLE TO LANDS ALLOTTED TO INDIANS

The Clerk called the next bill, H. R. 2534, to authorize the Secretary of the Interior to investigate and report on the loss of title to or the encumbrance of lands allotted to Indians.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDING ACT LIMITING COST OF CONSTRUCTION OF BUILDINGS IN NATIONAL PARKS

The Clerk called the next bill, H. R. 6350, to amend the act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks.

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ERECTION OF TERMINAL MARKER FOR JEFFERSON DAVIS NATIONAL HIGHWAY

The Clerk called the next bill, S. 1463, authorizing the erection in the District of Columbia of a suitable terminal marker for the Jefferson Davis National Highway.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ACQUISITION OF CERTAIN LANDS FOR ADDITION TO THE TAHOE NATIONAL FOREST

The Clerk called the next bill, H. R. 7513, to provide for the acquisition of certain lands for and the addition thereof to the Tahoe National Forest, in the State of Nevada, and for other purposes.

Mr. COCHRAN. Mr. Speaker, this bill having been included in a Senate bill which passed the House a few weeks ago, I ask unanimous consent that the bill and report be laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WESTERN BANDS OF SHOSHONE NATION OF INDIANS

The Clerk called the next bill, S. 68, authorizing the Western Bands of the Shoshone Nation of Indians to sue in the Court of Claims.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

AUTHORIZING THE CONSTRUCTION OF CERTAIN BRIDGES IN THE STATE OF MARYLAND

The Clerk called the next bill, H. R. 8714, authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the State of Maryland, by and through its State Roads Commission or the successors of said commission, be, and is hereby, authorized to construct, maintain, and operate any or all of the following bridges and approaches thereto, at points suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act, to wit:

A bridge across the Potomac River from a point in Charles County at or near Ludlows Ferry to a point approximately opposite in the State of Virginia near Dahlgren and Colonial Beach.

A bridge across the Chesapeake Bay from a point in Baltimore County at or near Millers Island to a point approximately opposite in Kent County at or near Tolchester.

A bridge across the Susquehanna River from a point in Cecil County at or near Perryville to a point approximately opposite in Harford County at or near Havre de Grace.

The times for commencing and completing the construction of any of the bridges authorized by this section shall expire 3 and 5 years, respectively, from the date of approval hereof.

In lieu of any bridge hereinabove mentioned in this section, the State of Maryland, by and through its State Roads Commission or the successors of said commission, be, and is hereby, authorized to construct, maintain, and operate a tunnel and approaches thereto at the same location; but no such tunnel shall be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of

such tunnel and accessory works. The word "bridge" or "bridges" as hereinafter used in this act shall be deemed to include and to apply to any such tunnel or tunnels, and the powers granted by and the conditions and limitations contained in this act shall be applicable in all respects to any such tunnel or tunnels.

The authority herein granted to construct, maintain, and operate any of the foregoing bridges shall not be deemed to be exclusive or to repeal the authority heretofore granted to any other corporation, public board, or agency to construct a bridge at the same location.

SEC. 2. There is hereby conferred upon the State of Maryland and its State roads commission or the successors of said commission all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of any or all such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 3. The State of Maryland, by and through its State roads commission or the successors of said commission is hereby authorized to fix and charge tolls for transit over any or all such bridges and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The State of Maryland, by and through its State roads commission or the successors of said commission, may unite or group all or such of said bridges into one or more separate projects for financing purposes as in its judgment shall be deemed practicable. If tolls are charged for the use of a bridge or bridges in a project, the rates of toll to be charged for the use of such bridge or bridges embraced in the particular project shall be so adjusted as to provide a fund not to exceed an amount sufficient to pay the reasonable costs of maintaining, repairing, and operating the bridge or all of the bridges included in the particular project and their approaches under economical management, and not to exceed an amount sufficient in addition to the foregoing, to provide a sinking fund sufficient to amortize the aggregate cost of the bridge or all of the bridges embraced in the particular project, and their approaches, including reasonable interest and financing costs, as soon as possible under reasonable charges, but within a period not exceeding 40 years from the completion of such bridge or from the date of completion of the last completed bridge in the particular project. The tolls derived from the bridge or bridges embraced in any particular project may be continued and paid into the appropriate sinking fund until all such costs of the bridge or bridges embraced in the particular project shall have been amortized. In any event, tolls may be charged on the basis aforesaid for transit over the bridge or bridges in each project for which revenue bonds of said State are issued, and such tolls may be continued and adjusted at such rates as may be necessary to pay such bonds with interest thereon and any lawful premium for the retirement thereof before maturity, subject only to the power of the Secretary of War or other authorized Federal authority to regulate such rates.

SEC. 5. The failure of the State of Maryland, by and through its State roads commission, to construct, maintain, and operate any one or more of the foregoing bridges, or to unite or group any two or more for financing purposes, shall in no wise affect its authority or powers hereby granted to construct, maintain, and operate such bridge or bridges as it may deem expedient, and any one of the bridges herein authorized may be constructed, maintained, and operated as a single project without uniting such bridge in a joint project with other bridges authorized herein.

SEC. 6. After a sinking fund sufficient to amortize the cost of any bridge or bridges in any particular project or group or sufficient to pay the principal and interest on bonds issued for the purpose of financing such particular bridge or bridges or project or group shall have been provided to the extent hereinbefore required, the bridge or bridges included in any such project or group shall thereafter be maintained and operated free of tolls: *Provided, however,* That tolls for the use of any such bridge or bridges may be continued thereafter in the event that such tolls shall have been pledged by the State roads commission to the payment of revenue bonds issued for any other bridge or bridges the construction of which shall have been authorized by Congress. An accurate record of the cost of each bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 7. The powers conferred by this act are supplementary and additional to all other authority and powers heretofore granted by law for the construction of the hereinbefore-named bridges, but all acts or parts of acts heretofore enacted, authorizing the construction of the hereinbefore-named bridges (except as applied to any bridge over the Potomac River) which are in conflict with the terms of this act be, and the same are hereby, repealed insofar as such conflict exists. Nothing in this act shall be construed as authorizing tolls to be charged for the use of any one or more of the hereinbefore-named bridges except as hereinabove provided, and nothing herein shall be construed so as to prohibit the State of Maryland from paying all or any part of the costs of the construction of any one or more of such bridges or their approaches, and any and all bonds issued for such purposes, from any funds of the State which may now or hereafter be made available for that purpose.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 6, line 18, strike out "shall have been authorized by Congress" and insert in lieu thereof "is authorized herein."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERECTION OF EQUESTRIAN STATUE OF GEN. ROBERT E. LEE IN ARLINGTON NATIONAL CEMETERY

The Clerk called House Joint Resolution 142, authorizing the erection of an equestrian statue of Gen. Robert E. Lee in the Arlington National Cemetery.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. SNELL, Mr. TABER, and Mr. RICH objected.

UNCOMPAHGRE VALLEY RECLAMATION PROJECT, COLORADO

The Clerk called the next bill, H. R. 7764, to authorize the sale of surplus power developed under the Uncompahgre Valley reclamation project, Colorado.

Mr. RICH. Reserving the right to object, Mr. Speaker, will the gentleman from Colorado [Mr. TAYLOR] explain this bill?

Mr. TAYLOR of Colorado. Mr. Speaker, the oldest reclamation project in the United States, the first one built after the reclamation law was passed in 1902, is the Uncompahgre project in my district in Colorado. This project takes water out of the Gunnison River and runs it through a 6-mile tunnel over into the Uncompahgre Valley, where it irrigates about 75,000 acres of land. At or near the mouth of the tunnel on the west side, the Pacific Slope, there is a drop of several hundred feet in the canal. A private concern offers to put up the money for and build a power plant at that place on the canal. The water users on the project have agreed to pay for the power produced by that power plant. The power will be for the use of these local people. This development is purely for the use of the residents of the Uncompahgre Valley project in Montrose and Delta Counties, Colo.

The Government does not put up a nickel in connection with this project and does not have any responsibility for it. After the whole plant is paid for and the power people have been paid off, the further proceeds of the sale of power would go into the reclamation fund, subject to congressional action hereafter. This is one instance where the Government undertakes no liability whatever. It would be a benefit to the housewives, the farmers, and everybody on that project to have this plant produce the power for their own local consumption. It would help run the farms, machinery, and especially, I hope, the washing machines of the housewives. The production of this power would be of general benefit. No one outside this community will be at all responsible for this development. It is certainly a meritorious matter. It is purely a local concern. I hope the House will allow these people to make that arrangement with the power company, which they have agreed to do, and build this local plant on the line of that canal.

Mr. RICH. As I understand, the people who will benefit there are going to put up the money for the development of this project, and eventually the money will be paid back to them. The Government has no obligation of any kind whatever in connection with this project?

Mr. TAYLOR of Colorado. The gentleman is correct. The Government incurs no obligation in the matter.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever a development of power is necessary for the irrigation of lands under the Uncompahgre Valley reclamation project, Colorado, or an opportunity is afforded for the development of power under said project, the Secretary of the Interior is authorized to enter into a contract for a period not exceeding 40 years for the sale or development of any surplus power.

The provisions of such contract shall be such as the said Secretary may deem to be equitable: *Provided*, That no such contract shall be made without the approval of the Uncompahgre Valley Water Users' Association, which, prior to any development of power on said project, shall be required to contract with the United States to repay the cost thereof, on such terms and conditions and with such provisions for the disposal of the annual net power profits as the said Secretary may deem to be equitable, and with or without interest on the construction cost as the said Secretary may determine.

With the following committee amendment:

Page 2, line 8, after the word "determine", insert a colon and the following: "*And provided further*, That if the said association is not required to pay interest on the construction cost of the power plant and power system, the net earnings of the power plant and system, after the association shall have paid the full cost thereof, and its project construction charge indebtedness to the United States shall be payable into the reclamation fund, unless Congress shall hereafter otherwise direct."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF THE ACT TO INCORPORATE THE HOWARD UNIVERSITY

The Clerk called the next bill, H. R. 9042, to amend section 2 of the act to incorporate The Howard University.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act to incorporate the Howard University in the District of Columbia, approved March 2, 1867 (14 Stat. 438), is amended to read as follows:

"SEC. 2. That Samuel C. Pomeroy, Charles B. Boynton, Oliver O. Howard, Burton C. Cook, Charles H. Howard, James B. Hutchinson, Henry A. Brewster, Benjamin F. Morris, Danforth B. Nichols, William G. Finney, Roswell H. Stevens, E. M. Cushman, Hiram Barbour, E. W. Robinson, W. F. Bascom, J. B. Johnson, and Silas L. Loomis be, and they are hereby, declared to be a body politic and corporate, with perpetual succession in deed or in law to all intents and purposes whatsoever, by the name, style, and title of "The Howard University", by which name and title they and their successors shall be competent, at law and in equity, to take to themselves and their successors, for the use of said university, any estate whatsoever in any messuage, lands, tenements, hereditaments, goods, chattels, notes, bonds, stocks, moneys, and other effects, by gift, devise, grant, donation, bargain, sale, conveyance, assurance, or will; and the same to grant, bargain, sell, transfer, assign, convey, assure, demise, declare to use and farm let, and to place out on interest, for the use of said university, in such manner as to them, or a majority of them, shall be deemed most beneficial to said institution; and to receive the same, their rents, issues and profits, income, dividends, and interests, and to apply the same for the proper use and benefit of said university; and by the same name to sue and be sued, to implead and be impleaded, in any courts of law and equity, in all manner of suits, actions, and proceedings whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COAST GUARD STATION, PANAMA CITY, FLA.

The Clerk called the next bill, H. R. 7414, for the establishment of a Coast Guard station.

Mr. RICH. Reserving the right to object, Mr. Speaker, will the gentleman sponsoring this bill tell us whether this request comes from the Coast Guard, from the Army, or from some other branch of the Government, or represents only the desire of some Member of Congress to have additional men employed along the coast of Florida and call it a Coast Guard station?

Mr. CALDWELL. I may say to the gentleman the Coast Guard Service recognizes and appreciates fully the necessity for this service. The distance between Pensacola and Key West is approximately 600 or 700 miles. At this time there is no Coast Guard station serving that area.

Mr. BLAND. If the gentleman will yield, may I bring out the point that the report of the Acting Secretary of the Treasury states that—

In a study of Coast Guard needs to improve the efficiency of that service, made by a board of Coast Guard officers in 1935, entirely independent of the present investigation, it was recommended that a station be established at or near Panama City.

The Acting Secretary of the Treasury further reports the proposed legislation, amended as recommended, and the measure is amended as recommended, is in accord with the program of the President.

Mr. RICH. May I say I am not very much in sympathy with the program of the President, but I shall not object.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to establish a Coast Guard station on the coast of Florida at such point west of the St. Marks River as the Commandant of the Coast Guard may recommend.

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury is authorized to establish a Coast Guard station on the coast of Florida at or near Panama City, at such point as the Commandant of the Coast Guard may recommend."

Mr. PATMAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, in connection with the Coast Guard we think of our national defense and the Army and Navy. I want to take advantage of this opportunity to invite your attention to the fact that only a few days ago the entire munitions industry of France was taken over by the Government. I am not an advocate of Government ownership or control of any business or industry that should be owned by individuals. I do not believe Government should engage in any business that individuals and corporations can conduct. At the same time, I believe it is probably more important to take the profits out of munitions in time of peace than it is to take the profits out of war after a war has started. We have many war scares because it is to the financial interests of the munitions people to get up these war scares in order to cause us to want to build more battleships and invest more money in munitions of different kinds.

MUNITIONS PROFITEERS SHOULD BE CURBED IN TIME OF PEACE AS WELL AS WAR

We are all familiar with the Biblical quotation of "wars and the rumors of wars."

We are more thoroughly familiar with the demonstrated fact that many of these wars and rumors are diligently outlined and fostered by arms and munitions profiteers long before the battles begin.

TWENTY-FIVE THOUSAND DOLLARS TO KILL ONE SOLDIER

Proof of this, and allied situations, is found in an article entitled "Arms and the Men," published in Fortune magazine of March 1934. Briefly the article cites the fact that it cost approximately $25,000 to kill one soldier during the late World War; that there is one class of big-business men in Europe that never "rose up to denounce the extravagance of its governments in this regard" and finally that "the reason for the silence of these big-business men is quite simple: the killing is their business."

The article enters into elaborate detail explaining how "a great part of the $25,000, much of it profit, finds its way into the pocket of the armament maker" and then brings to light astounding facts, too detailed for elaboration here, regarding the powerful influence of the De Wendels, Sir Basil Zaharoff, Eugene Schneider, Krupp of Germany, Vickers of England.

MONOPOLY ON MANKIND

We find then, as now, that these and other war profiteers represent many nations. They exert vast control over the focus of public opinion through their ability to create war scares and war excuses. They bring many arms and munitions manufacturing plants under operating direction of single gigantic direction, frequently numbering several hundred units to one war lord.

In short, they establish monopoly on mankind.

MUNITIONS MAKERS PAY TO BREAK UP PEACE CONFERENCE

Perhaps our own most shining example of the detailed influence of war on public opinion is to be found in William B.

Shearer, the "big bass drum," who sued his employers, the Bethlehem Shipbuilding Corporation, the Newport News Shipbuilding & Drydock Co., and the American Brown Boveri Corporation, for $250,655 due him on account back in the fall of 1929.

Shearer strode the length and breadth of our land speaking, apparently, for patriotic big armament. The eventual truth left no doubts as to the mighty industrial sponsors of "the big bass drum," who boasted that he had wrecked the naval conference at Geneva in 1927.

Commenting on this specific situation, the newspaper Labor cited Shearer's job as trying to "wreck disarmament conferences, stimulate fear and hatred among nations, poison the sources of public information, and lobby through Congress immense navy-building programs—all in the sacred name of patriotism."

I do not single Shearer out with malice aforethought. I name him as typical of contemporary Shearers who today are active lobbyists roaring in the interest of profiteering muntions manufacturers. And I dare say that many of my congressional colleagues have been approached by these dogs of war.

FOR PREPAREDNESS

Do not misunderstand me; I am 100 percent for national preparedness. I shall vote for the naval bill that has President Roosevelt's backing. But before so doing, I insist that we, of Congress, thwart history in its effort to repeat itself.

REDUCE PROFITS OF MUNITIONS MAKERS

I insist that we indict the munitions profiteers before we have another war; that we adopt an amendment to the naval bill that will slash the 10-percent private-profit allowance down to one-half of 1 percent or some equally bedrock figure.

I hold that everything that goes into war supplies or national defense should be owned or controlled by the Government; otherwise we will have the wholesale operation of our own Zaharoffs and Krupps and Wendels.

I am not an advocate of Government ownership or control of any business or industry that should be owned by individuals. I do not believe Government should engage in any business that individuals and corporations can conduct on fair, cleanly cut competitive lines.

But I do hold that it is more important to take profits out of munitions and arms in time of peace than it is to take out profits after the declaration of war.

If we pass the billion-dollar naval bill in this Congress, I warn you that without this amendment there will be a handful of munitions giants that will embezzle at least $100,000,000 in rank profits out of the appropriation. That means out of the pocket and lifeblood of the American citizen.

WAR SCARES INSPIRED

The American people are not aware of the ballyhoo of battle behind the electric excitement of wars and rumors of wars in the international air today. But there is no doubt but that those whose wealth pours from the plants of arms and munitions in this and other countries are directly responsible for our present war scares.

Men who control mines, smelters, armament works, holding companies, banks, and munitions plants have gathered together in one close international embrace. Theirs are the "hands across the sea." Theirs are mailed fists in velvet gloves of peace. The control exerted by these men and by their myriad companies reaches above even the power of government itself in Europe.

Unless we crack down and fracture these fists of fighting right here in our own country, the profiteer will prosper again.

I ask the forthright support of my colleagues on the amendment to the naval bill that will remove the private profits of munitions makers from potential large-scale returns and substitute a regulation of such drastic intensity and force that the incentive to promote war scares and maintain million-dollar lobbies will be eliminated.

I say to you, "Indict potential profiteers prior to performance."

So I think the Committees on Military Affairs and Naval Affairs should give consideration to the subject of removing this incentive which would cause America to want to build lots of battleships and spend lots of money for munitions by getting up war scares all over the country. I just invite this to your attention.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. McFARLANE. I am sure the gentleman is familiar with the fact that the military and naval committees of both branches of the Congress have a membership largely composed of Members from districts that have military or naval establishments, and, naturally, this places such Members in a rather embarrassing position to bring forward such legislation.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. There was quite a speech made yesterday by the head of a government. Would the gentleman from Texas consider that a war scare?

Mr. PATMAN. I do not know the speech the gentleman refers to.

Mr. FORD of California. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. FORD of California. Would the gentleman go so far as to have the building of our naval vessels brought under Government construction for the purpose of saving money?

Mr. PATMAN. I think the question should be studied in order to take the profits out of the munitions industry, from bullets to battleships.

[Here the gavel fell.]

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks, and insert in connection therewith excerpts from newspapers about this subject.

The SPEAKER. Is there objection to the request of the gentleman from Texas.

There was no objection.

The pro forma amendment was withdrawn.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "A bill to provide for the establishment of a Coast Guard station at or near Panama City, Fla."

UNITED STATES DISTRICT JUDGE FOR EASTERN DISTRICT OF LOUISIANA

The Clerk called the next bill, H. R. 2709, to provide for the appointment of one additional United States district judge for the eastern district of Louisiana.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one additional United States district judge for the eastern district of Louisiana.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPENSATION OF CLERKS-COMMISSIONERS

The Clerk called the next bill, H. R. 8565, defining the compensation of persons holding positions as deputy clerks and commissioners of United States district courts, and for other purposes.

Mr. TABER. Mr. Speaker, I object.

Mr. HILL. Mr. Speaker, will the gentleman withhold his objection a moment, so that I may explain the bill?

Mr. TABER. Yes.

Mr. HILL. Mr. Speaker, in 46 of the United States district courts one person holds the joint office of deputy clerk and commissioner. He has a salary as a deputy clerk but re-

ceives only fees as commissioner. He is now limited in compensation to $2,000, including his salary. If he does work which brings the fees above the difference between his salary and $2,000, he does not receive such fees, although he has to do the work and has to furnish the additional and costly legal forms at his own expense.

This bill has been approved by the Judiciary Committee. It is approved by the judge of the district court, Judge J. Stanley Webster, whom probably some of you will remember, as he served here as a Republican Member of Congress for quite a number of years. He is the district judge, and he approves of this bill.

Mr. TABER. Does it apply to just one district?

Mr. HILL. No; it applies to 46 districts.

Mr. TABER. Practically all the districts?

Mr. HILL. It applies to 46 districts. The deputy clerk-commissioner in my district, Mr. Tom Granger, is a very capable and efficient official and does the work very well. Our United States district court sees the necessity for passing this bill and retaining him.

Mr. TABER. This would raise the salary from $2,000 to $3,000 at one time, which is a rather substantial increase.

Mr. HILL. Not the salary. The total he may receive in fees and commissions would be increased only sufficiently to amount to $3,000 when added to his salary as deputy clerk. The total amount of increase in fees that will be paid in the United States for the 46 districts would not be more than $3,105.70.

Mr. TABER. Why?

Mr. HILL. That is the statement of the Attorney General made here in his report. There is only $52.90 involved in one place $175.85 in another place, and so on as you can see from page 2 of the report. It shows that in the 46 districts this would not amount to $3,105.70, for all of them.

Mr. MURDOCK of Utah. Mr. Speaker, will the gentleman

Mr. TABER. Yes.

Mr. MURDOCK of Utah. As a member of the Judiciary Committee, I may say that I believe the bill was reported out unanimously. We find in many districts it is rather difficult, in some instances, to get a commissioner, and if we make a combination and raise the maximum only $1,000 the only way a clerk acting in a dual capacity can raise his salary is by doing the work.

The amount involved as stated by the gentleman from Washington [Mr. HILL] is almost negligible. It is recommended by the Department of Justice.

Mr. TABER. Very well, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., No clerk or deputy clerk or assistant in the office of the clerk of a United States district court shall receive any compensation or emoluments through any office or position to which he may be appointed by the court, other than that received as such clerk, deputy clerk, or assistant, whether from the United States or from private litigants, and the acceptance of payment for personal services from private litigants shall be deemed a vacation of their appointments, but clerks of United States district courts, their deputies and assistants, who are or may be appointed United States commissioners, may receive compensation for both offices in an aggregate amount not exceeding the rate of $3,000 per annum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PORT ARTHUR, TEX.

The clerk called the bill (H. R. 4201) to amend section 4414 of the Revised Statutes of the United States to include Port Arthur, Tex.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. Without objection, the Clerk will read the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert: "That a board of inspectors, Bureau of Marine Inspection and Navigation, consisting of a local inspector of hulls and a local inspector of boilers, be, and is hereby, created at the port of Port Arthur, Tex. Such inspector of hulls and inspector of boilers shall each be entitled, in addition to his authorized pay and traveling expenses, to his actual and reasonable expenses for transportation of instruments which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, and was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill to create a Board of Inspectors, Bureau of Marine Inspection and Navigation, at Port Arthur, Tex."

COMPACTS BETWEEN STATES BORDERING GREAT LAKES

The Clerk called House Joint Resolution 504, to authorize compacts or agreements between the States bordering on the Great Lakes with respect to fishing in the waters of the Great Lakes, and for other purposes.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the consent of Congress is hereby given to any two or more of the States of New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota to enter into compacts or agreements for the uniform regulation of fishing in the waters of the Great Lakes and connecting waters thereof on which such States border and to which their jurisdiction otherwise extends, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such compacts and agreements.

SEC. 2. Any such compact or agreement shall not be binding or obligatory upon the signatory States unless it has been approved by the legislatures of such States and by the Congress of the United States.

SEC. 3. The right to alter, amend, or repeal this resolution is hereby expressly reserved.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STEALING PROPERTY OF THE UNITED STATES

The Clerk called the bill (H. R. 8826) to amend section 35 of the Criminal Code, as amended (U. S. C., title 18, sec. 82), relating to purloining, stealing, or injuring property of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 35 of the Criminal Code of the United States, as amended (U. S. C., title 18, secs. 80, 82, 83, 84, 85, and 86), be, and the same is hereby, amended to read as follows:

"SEC. 35. (A) Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; and whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, or willfully to conceal such money or other property, shall deliver or cause to be delivered to any person having authority to receive the same any amount of such money or other property less than that for which

he received a certificate or took a receipt; or, whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

"(B) And whoever shall purchase, or receive in pledge, from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States, under a clothing allowance or otherwise, to any soldier, sailor, officer, cadet, or midshipman in the military or naval service of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law, having knowledge or reason to believe that the property has been taken from the possession of the United States or furnished by the United States under such allowance, shall be fined not more than $500 or imprisoned not more than 2 years, or both.

"(C) And whoever shall take and carry away or take for his use, or for the use of another, with intent to steal or purloin, or shall willfully injure or commit any depredation against, any property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder, or any property which has been or is being made, manufactured, or constructed under contract for the War or Navy Departments of the United States, shall be punished as follows: If the value of such property exceeds the sum of $50, by a fine of not more than $10,000 or imprisonment for not more than 10 years, or both; if the value of such property does not exceed the sum of $50, by a fine of not more than $1,000 or by imprisonment in a jail for not more than 1 year, or both. Value, as used in this section, shall mean market value or cost price, either wholesale or retail, whichever shall be the greater."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

IMPERSONATION OF OFFICERS, GOVERNMENT-OWNED CORPORATIONS

The Clerk called the bill (S. 2381) to amend the Criminal Code by providing punishment for impersonation of officers and employees of Government-owned and Government-controlled corporations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 32 of the Criminal Code (act of Mar. 4, 1909, ch. 321, sec. 32; 35 Stat. 1095; U. S. C., title 18, sec. 76) be amended to read as follows:

"Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any department, or any officer of the Government thereof, or under the authority of any corporation owned or controlled by the United States, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any department, or any officer of the Government thereof, or any corporation owned or controlled by the United States, any money, paper, document, or other valuable thing, shall be fined not more than $3,000 or imprisoned not more than 5 years, or both."

With the following committee amendment:

Page 2, line 7, strike out "$3,000" and insert "$1,000."
Page 2, line 8, strike out "five" and insert "three."

The committee amendments were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ATTORNEY FEES, QUINAIELT RESERVATION

The Clerk called the bill (S. 1517) authorizing the payment of attorney fees contracted to be paid by certain Indians allotted on the Quinaielt Reservation, State of Washington, and for other purposes.

The SPEAKER. Is there objection?

Mr. COCHRAN. Mr. Speaker, I reserve the right to object. I have asked for a report upon this bill. I have not had time to secure it. I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEASING OF PRIVATELY OWNED LANDS

The Clerk called the bill (H. R. 7874) to provide for the leasing of State, county, and privately owned lands, for the purpose of furthering the orderly use, improvement, and development of grazing districts.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICH. Mr. Speaker, I object.

Mr. PIERCE. Mr. Speaker, will the gentleman reserve his objection?

Mr. RICH. Yes.

Mr. PIERCE. Mr. Speaker, this bill simply gives to the Secretary of the Interior the right to lease lands where districts are organized under the Taylor Grazing Act. We find that in the 11 Western States there are State and privately owned lands, particularly State school lands, that are simply dry lands which the States have not been able to sell. This bill enables the grazing districts to rent those isolated sections. It simply gives the organization the right to control the entire district, and these rented lands would come in under the same lease.

Mr. RICH. The Interior Department already has about 175,000,000 acres of land they are leasing, and now this Department wants to control privately owned land. Fifty percent of the money the Interior Department receives for these leases go to the State or district and 25 percent to the improvement of the land. The Government will get only one-quarter of it back and has to pay the cost of leasing the lands. I think these Western States should take care of leasing their own lands and not involve the Federal Government in it.

Mr. GREEVER. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. GREEVER. I think the gentleman is laboring under a misconception, because this is the efficient way of leasing these lands. Without such a law the situation would be one where there would be federally owned land in the middle of State-owned land, which makes it impossible for a man to use it satisfactorily. It means that he is not going to get the use out of the lands of the Government that he is leasing. It is going to stabilize his use of the lands to the extent that he can afford to pay a reasonable price for them.

Mr. RICH. Rather than have the Federal Government go into the Western States, speaking now of Wyoming and Oregon, and taking charge of all agricultural lands suitable for grazing, the State should handle them themselves. You fellows in your own States handle them and we will turn all the Federal lands over to you. At least arrange it so that we in Pennsylvania do not have to pay the expense of leasing these lands to grazing interests. The people in these States should bear that cost themselves, not the Federal Government. For this reason I object, Mr. Speaker.

Mr. PIERCE. Will not the gentleman withdraw his objection and let the bill go over without prejudice until I can have an audience with him and talk with him for an hour or so?

Mr. RICH. Yes. I shall be glad to accommodate the gentleman in any way and to help him, but I do not want him to try to get the Federal Government into everything in these Western States and carry the expenses that the States should carry for themselves.

Mr. Speaker, I withdraw my objection and ask unanimous consent that the bill may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

NATURALIZATION OF CERTAIN WOMEN BORN IN HAWAII

The Clerk called the next bill, H. R. 7780, to amend an act entitled "An act relating to the naturalization of certain women born in Hawaii," approved July 2, 1932.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act relating to the naturalization of certain women born in Hawaii", approved July 2, 1932, is amended to read as follows: "That for the purposes of subdivision (b) of section 3 of the act entitled 'An act relative to the naturalization and citizenship of married women,' approved September 22, 1922, as amended, a woman born in Hawaii prior to June 14, 1900, shall, if residing in the United States, be considered to have been a citizen of the United States at birth."

With the following committee amendment:

Page 1, lines 9 and 10, strike out "if residing in the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MENOMINEE TRIBE OF INDIANS

The Clerk called the next bill, H. R. 7277, to amend an act entitled "An act to refer the claim of the Menominee Tribe of Indians to the Court of Claims with the absolute right of appeal to the Supreme Court of the United States," approved September 3, 1935.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARCH HURLEY CONSERVANCY DISTRICT, NEW MEXICO

The Clerk called the next bill, H. R. 8817, to amend an act entitled "An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley Conservancy District in New Mexico," approved August 2, 1937 (Public, No. 241).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley conservancy district in New Mexico," approved August 2, 1937 (Public, No. 241), is amended to read as follows:

"That the Secretary of the Interior is hereby authorized to construct a Federal reclamation project for the irrigation of the lands of the Arch Hurley conservancy district in New Mexico under the Federal reclamation laws: *Provided*, That construction work is not to be initiated on said irrigation project until (a) the project shall have been found to be feasible under subsection B of section 4 of the act of December 5, 1924 (43 Stat. 702), but the project may be found to be financially feasible if the Secretary of the Interior finds that the amount to be expended from the reclamation fund can be repaid by the district, and further that the amount of money to be expended from the reclamation fund, plus the amount of money which has been made available from other sources (for the estimated period of construction), equals the estimated cost of construction; (b) a contract shall have been executed with an irrigation or conservation district embracing the land to be irrigated under said project, which contract shall obligate the contracting district to repay the cost of construction of said project met by expenditure of moneys from the reclamation fund in 40 equal annual installments, without interest; (c) contracts shall have been made with each owner of more than 160 irrigable acres under said project by which he, his successors, and assigns shall be obligated to sell all of his land in excess of 160 irrigable acres at or below prices fixed by the Secretary of the Interior and within the time to be fixed by said Secretary, no water to be furnished to the land of any such large landowner refusing or failing to execute such contract; and (d) contracts shall have been made with all owners of lands to be irrigated under the project by which they will agree that if their land is sold at prices above the appraised value thereof approved by said Secretary, one-half of such excess shall be paid to the United States to be applied in the inverse order of the due dates upon the construction charge installments coming due thereafter from the owners of said land."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NEW YORK WORLD'S FAIR, 1939

The Clerk called House Joint Resolution 573, to amend the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair 1939."

Mr. RICH. Mr. Speaker, reserving the right to object, may we have this joint resolution explained?

Mr. MERRITT. Mr. Speaker, this joint resolution is to make retroactive the original joint resolution which was passed, putting it back from August 21, I believe, to July 9. When the original joint resolution was passed they contracted for office space. The deficiency bill came out about a month and a half later. The joint resolution was dated as of July 9.

The pending joint resolution also gives the New York World's Fair Commission the right to purchase goods and services without competitive bidding.

Time is of the essence. Prompt action is needed, and the process of bidding takes a great deal of time between advertising and receipt of bids. This applies to such things as office equipment and supplies and some of the mural painting.

Mr. RICH. Does not the gentleman think this equipment could be obtained through the Procurement Division of the Treasury, a division that purchases such equipment by the trainload? I do not refer to mural paintings, of course.

Mr. MERRITT. They have been to the Procurement Division.

Mr. RICH. They should take advantage of the Government price on these things. If they come back very shortly wanting additional appropriations, it will be because they are going to buy their equipment at random.

Mr. MERRITT. We bought everything we could from the Government.

Mr. RICH. The gentleman assures us that we are going to have businesslike management in the operation of this commission?

Mr. MERRITT. I will guarantee it.

Mr. RICH. The gentleman will guarantee it; so, if they wind up in debt with exorbitant bills, we have a guarantee that the gentleman will take care of them?

Mr. MERRITT. I will take care of them. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the United States New York World's Fair Commission established by the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair 1939," approved July 9, 1937, is authorized to allocate funds from the appropriation made to carry into effect the provisions of such joint resolution, for the purchase of paintings, historic papers, exhibits, and supplies, by contract or otherwise without regard to the provisions of section 3709 of the Revised Statutes: *Provided*, That the funds made available by the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937, for carrying into effect the provisions of the said joint resolution, are also available for payment of obligations incurred on or after July 9, 1937. Such obligations and expenditures shall not be subject to the provisions of any law regulating or limiting the expenditure of public money other than the said joint resolution as amended by this act.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPENSATION OF CHAR PEOPLE IN THE GOVERNMENT SERVICE

The Clerk called the next bill, H. R. 9309, to adjust the rates of pay for charmen and charwomen in the Post Office Department and in the Postal Service.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, effective upon the date of enactment of this act, in lieu of the rates of pay under existing law, the rate of pay for charmen and charwomen in the custodial service of the Post Office Department and of the Postal Service shall be 55 cents per hour, and the rate of pay for head charmen and head charwomen in such service shall be 60 cets per hour.

With the following committee amendments:

Page 1, line 5, after the word "for", insert the word "part-time."
Page 1, line 7, after the words "Postal Service", insert "and of all other departments and agencies of the Government."
Page 1, line 8, after the word "for", insert "part-time."

Mr. McCORMACK. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the passage of the pending bill, H. R. 9309, is necessary to meet the main objection stated in the President's disapproval of H. R. 7415. The provisions of this bill are designed to meet what appears to be the main reason for the veto of H. R. 7415. This bill covers all persons of the same class wherever employed by the Federal Government. H. R.

7415, which was disapproved, applied to the charwomen employed on the custodial force of the Post Office Department, which constitutes about 92 percent of the char people employed in all branches of the Government service who are employed on a part-time basis.

This class of employees are paid on an hourly basis. The pending bill will give those covered by it an increase in pay of 5 cents per hour, from 50 to 55 cents per hour for charwomen and charmen, and from 55 to 60 cents per hour for head charwomen and charmen. On two occasions the Post Office appropriations bill has been earmarked to provide funds permitting this increase, but it cannot be actually granted and paid until this bill, authorizing legislation, becomes law. In other words, the Congress has appropriated the money to provide for the increase for about 92 percent of those covered by this bill, but until the pending bill becomes law the Department cannot pay the increase.

This is a humane piece of legislation. Those who will benefit by its passage are deserving of this consideration. This bill should become law.

The pro forma amendment was withdrawn.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "A bill to adjust the rates of pay for charmen and charwomen in the Post Office Department and in the Postal Service and in all other departments and agencies of the Government."

MAILING OF SMALL SAMPLES OF LIQUOR

The Clerk called the next bill, H. R. 8115, to amend section 340 of chapter 8 of title 18 of the United States Code of 1934 (48 Stat. 1063), approved June 19, 1934.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 340 of chapter 8 of title 18 of the United States Code of 1934, approved June 19, 1934, is amended to read as follows:

"SEC. 340. All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or material, of whatever kind, which may kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier; but the Postmaster General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided*, That the transmission in the mails of poisonous drugs and medicines may be limited by the Postmaster General to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians, under such rules and regulations as he shall prescribe: *Provided further*, That spirituous, vinous, malted, fermented, or other intoxicating liquors are hereby declared to be nonmailable and shall not be deposited or carried through the mails: *Provided further*, That nothing in this section shall be construed so as to prevent the transmission through the mails of hermetically sealed samples of the intoxicating liquors in this section particularly described if such samples are tendered for mailing in containers holding not more than 8 ounces and are packed, labeled, and addressed in accordance with the standards set forth in articles 120 and 121 of the Universal Postal Convention of March 20, 1934.

"Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster General, shall be fined not more than $1,000 or imprisoned not more than 2 years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail, according to the direction thereon or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General or not, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $10,000 or imprisoned not more than 20 years, or both."

With the following committee amendments:

Page 1, line 3, strike out all of lines 3, 4, and 5 and insert the following:

"That the act entitled 'An act to amend section 217, as amended, of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909,' approved January 11, 1929, as amended (U. S. C., title 18, sec. 340) is amended to read as follows."

Page 2, line 1, strike out "Sec. 340."

Page 2, line 25, after the word "that", insert the word "all."

Page 3, line 2, after the word "deposited", insert the word "in."

Page 3, line 3, after the word "mails", strike out the balance of line 3 and all of lines 4, 5, 6, 7, 8, 9, and "1934" in line 11 and insert the following: "*Provided further*, That nothing in this act shall be construed so as to prevent the transmission through the mails for delivery in a foreign country or in a State, Territory, or possession of the United States wherein the possession thereof is not unlawful, of hermetically sealed samples of intoxicating liquors in this act particularly described if such samples are tendered for mailing in containers holding not more than 8 ounces and are packed, labeled, and addressed in accordance with the standards provided by International Postal Regulations."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. That concludes the bills eligible to be called under the rule.

AUTHORIZING THE CONSTRUCTION OF CERTAIN BRIDGES IN THE STATE OF MARYLAND

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the proceedings whereby the bill (H. R. 8714) authorizing the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State, was engrossed, read a third time, and passed be vacated and the bill be restored to the calendar.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, is that number 554 on the calendar?

Mr. COSTELLO. Yes. It is a bill authorizing the construction of certain bridges in Maryland.

Mr. WOLCOTT. Why does the gentleman desire this bill restored to the calendar?

Mr. COSTELLO. The author of the bill would like to have it passed over without prejudice because additional legislation is being considered in connection with this matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. MEAD. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on the bill H. R. 9309, passed just a few minutes ago.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OF SECTION 75 OF THE BANKRUPTCY ACT

Mr. SUMNERS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2215) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereto, as amended.

The Clerk read the bill, as follows:

That subsections (b) and (c) of section 75 of an act entitled "An act to establish a uniform system of bankruptcy throughout

the United States", approved July 1, 1898, as amended, are amended to read as follows:

"(b) Upon filing of any petition by a farmer under this section there shall be paid a fee of $10, to be transmitted to the clerk of the court and covered into the Treasury. The conciliation commissioner shall receive as compensation for his services a fee of $25 for each case submitted to him when a composition or extension proposal has been effected and confirmed, or $10 in each case submitted to him in which there is no confirmation, to be paid out of the Treasury upon final disposition of each case. A supervising conciliation commissioner shall receive, as compensation for his services, a per diem allowance to be fixed by the court in an amount not in excess of $5 per day, together with subsistence and travel expenses in accordance with the law applicable to officers of the Department of Justice. Such compensation and expenses shall be paid out of the Treasury. If the creditors at any time desire supervision over the farming operations of a farmer, the cost of such supervision shall be borne by such creditors or by the farmer, as may be agreed upon by them, but in no instance shall the farmer be required to pay more than one-half of the cost of such supervision. Nothing contained in this section shall prevent a conciliation commissioner who supervises such farming operations from receiving such compensation therefor as may be so agreed upon. No fees, costs, or other charges shall be charged or taxed to any farmer or to his creditors by any conciliation commissioner or with respect to any proceeding under this section, except as hereinbefore in this section provided. The conciliation commissioner may accept and avail himself of office space, equipment, and assistance furnished him by other Federal officials, or by any State, county, or other public officials. The Supreme Court is authorized to make such general orders as it may find necessary properly to govern the administration of the office of conciliation commissioner and proceedings under this section; but any district court of the United States may, for good cause shown and in the interests of justice, permit any such general order to be waived.

"(c) At any time prior to March 4, 1940, a petition may be filed by any farmer, stating that the farmer is insolvent or unable to meet his debts as they mature, and that it is desirable to effect a composition or an extension of time to pay his debts. The petition or answer of the farmer shall be accompanied by his schedules. The petition and answer shall be filed with the court, but shall, on request of the farmer or creditor, be received by the conciliation commissioner for the county in which the farmer resides and promptly transmitted by him to the clerk of the court for filing. If any such petition is filed, an order of adjudication shall not be entered except as provided hereinafter in this section."

SEC. 2. That section 75 of said act be further amended by amending paragraph 5 of subsection (s) to read as follows:

"This act shall be held to apply to all existing cases now pending in any Federal court, under this section, as well as to future cases. All cases under this section that have been dismissed by any conciliation commissioner, referee, or Federal court because such court erroneously assumed or held that subsection (s) of section 75 of this act was unconstitutional, shall be promptly reinstated, without any additional filing fees or charges. Any farm debtor who has filed under the General Bankruptcy Act may take advantage of this section upon written request to the court; and a previous discharge of the debtor under any other section of this act shall not be grounds for denying him the benefits of this section."

The SPEAKER. Is a second demanded? [After a pause.] If not, the question is on the suspension of the rules and the passage of the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MALONEY, for 10 days, on account of official business.

To Mr. PATTERSON, for 3 days, on account of official business.

To Mr. POLK, for 1 week, on account of important business.

To Mr. CHANDLER, for 5 days, on account of important business.

To Mr. DREWRY of Virginia, for 1 week, on account of illness.

To Mr. RABAUT, for 1 week, on account of illness.

EXTENSION OF REMARKS

Mr. DOCKWEILER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the relief resolution passed several days ago.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a speech recently delivered by my colleague from Oklahoma [Mr. FERGUSON] before the Rivers and Harbors Congress.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend and revise my own remarks in the RECORD and include therein a speech made last night by Senator ROBERT M. LA FOLLETTE at a meeting of the National Lawyers' Guild.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes on Thursday next after the disposition of business on the Speaker's desk and at the conclusion of legislative business in order for the day and previous special orders.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent that on Thursday next, following the disposition of matters on the Speaker's table, the legislative business in order for the day, and previous orders heretofore made, I may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 38 minutes p. m.) the House adjourned until tomorrow, Tuesday, February 22, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce adjourned its meetings on S. 69—train lengths—Friday morning, February 18, 1938, the next meetings to be held subject to the call of the committee chairman.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Wednesday, February 23, 1938, at 10 a. m., for the consideration of a building program for the Navy. Very important.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, February 23, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will meet at 10:30 a. m., Wednesday, February 23, 1938, in room 445, House Office Building, on a private bill—H. R. 8631.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m., on Tuesday, March 1, 1938, on the bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United

States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 a. m., on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 9, 1938, at 10 a. m., on the following bills: H. R. 9225, authorizing the appointment of 30 principal traveling inspectors by the Secretary of Commerce; H. R. 9368, authorizing the issuance of certain seamen's certificates by inspectors of hulls and boilers.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 16, 1938, at 10 a. m., on H. R. 8251, relative to radio operators on cargo vessels.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1090. A letter from the Secretary of Agriculture, Chairman of the Migratory Bird Conservation Commission, transmitting a report of the Migratory Bird Conservation Commission for the fiscal year ended June 30, 1937 (H. Doc. No. 528); to the Committee on Agriculture and ordered to be printed.

1091. A letter from the Acting Secretary of the Treasury, transmitting a proposed bill for the relief of Esmerald Goodman, boatswain's mate, first class (lifesaving); Raymond H. Wilson, boatswain's mate, first class (life saving); Louis J. Burns, motor machinist's mate, first class (life saving); Silvie S. Langton, surfman; Eudorus J. Brown, surfman; Kenneth G. Sherwood, surfman; Alvin Combs, surfman; William E. Knight, surfman; Olaaf E. Starr, surfman; and Ejner E. Jenson, surfman, United States Coast Guard; to the Committee on Claims.

1092. A letter from the Secretary of War, transmitting draft of a proposed bill authorizing the United States Civil Service Commission to consider and determine the claims of Joseph Inniss and William E. Murtagh, former employees of the Panama Canal, for disability retirement under the provisions of section 94 of title 2 of the Canal Zone Code, approved June 19, 1934, as amended; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. NORTON: Committee on Labor. H. R. 9415. A bill to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937; with amendment (Rept. No. 1836). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MASON: Committee on Immigration and Naturalization. S. 2257. An act for the relief of Helene Landesman; without amendment (Rept. No. 1837). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. COOPER: Committee on Ways and Means. House Resolution 403. Resolution requesting information from the Secretary of State relative to trade-agreement negotiations with the Government of the United Kingdom (Rept. No. 1834). Laid on the table.

Mr. COOPER: Committee on Ways and Means. House Resolution 420. Resolution requesting photostatic copies of communications received by the Department of State dealing with the effect of any foreign trade agreement negotiated (Rept. No. 1835). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 9577) to amend section 402 of the Merchant Marine Act, 1936, to further provide for the settlement of ocean-mail contract claims; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 9578) to amend the Canal Zone Code so as to provide for 30-year optional retirement; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 9579) to amend the Canal Zone Code so as to provide for widows' annuities; to the Committee on Merchant Marine and Fisheries.

By Mr. LEA: A bill (H. R. 9580) for forest protection against the white-pine blister rust, and for other purposes; to the Committee on Agriculture.

By Mr. HOBBS: A bill (H. R. 9581) to provide for the recording of the proceedings in the District Court of the United States for the District of Columbia by sound-recording equipment and for the reproduction of the sounds of such proceedings in the circuit courts of appeals of the United States and in the Supreme Court of the United States upon the review of any such case; to the Committee on the Judiciary.

By Mr. JENKINS of Ohio: A bill (H. R. 9582) to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936, as amended by an act now known as Public Law No. 406, approved August 28, 1937; to the Committee on Flood Control.

By Mr. MURDOCK of Arizona: A bill (H. R. 9583) to authorize the Secretary of the Treasury to make settlement with the holders of certain unpaid notes and warrants of the Verde River Irrigation and Power District; to the Committee on Claims.

By Mr. SMITH of Washington: A bill (H. R. 9584) to provide for the construction of a post-office building at Castle Rock, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. THOMASON of Texas: A bill (H. R. 9585) for the relief of the officers of the Russian Railway Service Corps organized by the War Department under authority of the

President of the United States for service during the war with Germany; to the Committee on Military Affairs.

By Mr. BLAND (by request): A bill (H. R. 9586) to amend section 10 (b), (c) of the act of June 26, 1884, as amended (U. S. C., 1934 ed., title 46, sec. 599), relative to the allotment of wages by seamen; to the Committee on Merchant Marine and Fisheries.

By Mr. COFFEE of Washington: A bill (H. R. 9587) to repeal the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," approved February 22, 1935, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: A bill (H. R. 9588) to provide for an 8-hour day on tugs on the Great Lakes; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 9589) to regulate interstate and foreign commerce by prescribing the conditions under which corporations may engage in such commerce, to provide for and define additional powers and duties of the Federal Trade Commission, and for other purposes; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Virginia, memorializing the President and the Congress of the United States to consider their resolution with reference to interstate advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Assembly of the State of New York, memorializing the Congress of the United States to enact into law the Wheeler-Johnson bill or other child-labor bills at this session of the Congress of the United States; to the Committee on Labor.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4185. By Mr. BARTON: Communication to the Congress from Arthur B. Hyman, of New York City, urging Congress to lay aside all other matters and to concentrate immediately upon consideration of the repeal of the undistributed-profits and capital-gains tax; to the Committee on Ways and Means.

4186. By Mr. COFFEE of Washington: Resolution of the Workers Alliance of Washington, Local 81, Thomas A. Hilton, secretary, urging that the Congress repeal the Woodrum amendment by passing the Schwellenbach-Allen resolution and expand the Works Progress Administration to 3,000,000 jobs; to the Committee on Appropriations.

4187. By Mr. DIXON: Petition of the Ninety-second General Assembly of the State of Ohio, endorsing the resolution adopted by the American Legion of Ohio and pledging their support to bring about the naming of one of the new battleships "Ohio"; to the Committee on Naval Affairs.

4188. By Mr. ENGEL: Petition of John W. Stites, of Lake City; Victor A. Johnson, J. D. Underwood, Lester Reed, and Frank W. Smith, of Bear Lake; Donald Gamache, of Manistee; Albert Stephenson, Leonard C. Fettig, and Mrs. Martin Cavanaugh, of Fife Lake; Ben H. Koenig, of Traverse City; and others, all of the Ninth Congressional District, urging adoption of the Sheppard-Hill bill; to the Committee on Military Affairs.

4189. By Mr. KEOGH: Petition of the United Photographic Employees, Local Industrial Union, No. 415, New York City, concerning Senate bill 3078 and House bill 8532; to the Committee on Merchant Marine and Fisheries.

4190. By Mr. LAMNECK: Petition of Carl Green, a native-born citizen of Columbus, Ohio, as a matter of right for the purpose of enabling a citizen of the United States to seek redress for grievances as provided by the Constitution; to the Committee on the Judiciary.

4191. By Mr. MEAD: Petition of Local No. 5 of the International Jewelry Workers' Union, of Buffalo, N. Y., opposing war and urging a stricter neutrality law; to the Committee on Foreign Affairs.

4192. Also, petition of the Erie County Industrial Union Council, urging support of the Schwellenbach-Allen resolution in connection with the Works Progress Administration deficiency bill; to the Committee on Appropriations.

SENATE

TUESDAY, FEBRUARY 22, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, February 21, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 2215. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

S. 2381. An act to amend the Criminal Code by providing punishment for impersonation of officers and employees of Government-owned and Government-controlled corporations.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 2709. An act to provide for the appointment of one additional United States district judge for the eastern district of Louisiana;

H. R. 4201. An act to create a Board of Inspectors, Bureau of Marine Inspection and Navigation, at Port Arthur, Tex.;

H. R. 6351. An act to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes;

H. R. 7414. An act to provide for the establishment of a Coast Guard station at or near Panama City, Fla.;

H. R. 7764. An act to authorize the sale of surplus power developed under the Uncompahgre Valley reclamation project, Colorado;

H. R. 7780. An act to amend an act entitled "An act relating to the naturalization of certain women born in Hawaii," approved July 2, 1932;

H. R. 8115. An act to amend section 340 of chapter 8 of title 18 of the United States Code of 1934 (48 Stat. 1063), approved June 19, 1934;

H. R. 8565. An act defining the compensation of persons holding positions as deputy clerks and commissioners of United States district courts, and for other purposes;

H. R. 8817. An act to amend an act entitled "An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley Conservancy District in New Mexico," approved August 2, 1937 (Public, No. 241);

H. R. 8826. An act to amend section 35 of the Criminal Code, as amended (U. S. C., title 18, sec. 82), relating to purloining, stealing, or injuring property of the United States;

H. R. 9042. An act to amend section 2 of the act to incorporate The Howard University;

H. R. 9309. An act to adjust the rates of pay for charmen and charwomen in the Post Office Department and in the Postal Service and in all other departments and agencies of the Government;

H. J. Res. 504. Joint resolution to authorize compacts or agreements between the States bordering on the Great Lakes with respect to fishing in the waters of the Great Lakes, and for other purposes; and

H. J. Res. 573. Joint resolution to amend the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair 1939."

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 3452) to extend the lending authority of the Disaster Loan Corporation to apply to disasters in the year 1938, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Holt	Overton
Andrews	Davis	Johnson, Calif.	Pope
Ashurst	Dieterich	Johnson, Colo.	Radcliffe
Austin	Donahey	King	Reames
Bailey	Duffy	La Follette	Russell
Bankhead	Ellender	Lee	Schwartz
Barkley	Frazier	Lodge	Schwellenbach
Berry	George	Logan	Sheppard
Bilbo	Gerry	Lonergan	Shipstead
Bone	Gibson	Lundeen	Thomas, Okla.
Borah	Gillette	McAdoo	Thomas, Utah
Bridges	Glass	McKellar	Townsend
Bulkley	Green	McNary	Truman
Bulow	Guffey	Maloney	Tydings
Burke	Hale	Miller	Vandenberg
Byrd	Harrison	Minton	Van Nuys
Byrnes	Hatch	Murray	Wagner
Capper	Hayden	Neely	Walsh
Caraway	Herring	Norris	Wheeler
Chavez	Hill	Nye	
Connally	Hitchcock	O'Mahoney	

Mr. MINTON. I announce that the Senator from Delaware [Mr. HUGHES], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Montana [Mr. WHEELER] are unavoidably detained. The Senator from Michigan [Mr. BROWN], the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Illinois [Mr. LEWIS], the Senator from Nevada [Mr. MCCARRAN], the Senator from Kansas [Mr. MCGILL], the Senator from New Jersey [Mr. MILTON], the Senator from Florida [Mr. PEPPER], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on important public business.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

READING OF WASHINGTON'S FAREWELL ADDRESS

The VICE PRESIDENT. Under a standing order of the Senate the Senator from Louisiana [Mr. ELLENDER] has been designated by the Chair to read to the Senate George Washington's Farewell Address. Will the Senator kindly come to the Secretary's desk and perform that duty?

Mr. ELLENDER advanced to the desk and read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end, but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection,

of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, ever portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern and southern—Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government,

better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and maintaining within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however spacious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all

their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government The rule, indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gliding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we

are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe; my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17 September, 1796.

REPORT OF MIGRATORY BIRD CONSERVATION COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, Chairman of the Migratory Bird Conservation Commission, transmitting, pursuant to law, the report of the Commission for the fiscal year ended June 30, 1937, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from Percy A. White, of Red Bank, N. J., praying for the adoption of the so-called "peace amendment," which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by the executive board of the Building Employees Industrial Union of America, of New York City, and Local Union No. 778, Brotherhood of Painters, Decorators, and Paperhangers of America, of Brooklyn, both in the State of New York, praying for the enactment of the joint resolution (S. J. Res. 127) memorializing the Honorable Frank F. Merriam, Governor of the State of California, to grant to Thomas J. Mooney a full and complete pardon, which were referred to the Committee on the Judiciary.

Mr. WALSH presented the following resolutions of the General Court of Massachusetts, which were referred to the Committee on Finance:

Resolutions memorializing Congress to increase the tariff or duty on certain foreign-made products imported into the United States

Whereas the principal industries of the New England States, and the health and welfare of a large number of their citizens, are imperiled because of the importation into the United States of certain articles and products manufactured or produced in foreign countries and their sale at prices too low to allow of fair competition on the part of New England producers and manufacturers of the same or similar articles: Therefore be it

Resolved, That the General Court of Massachusetts hereby memorializes the Congress of the United States to enact at the earliest possible moment legislation properly to regulate and to increase the amount of tariff or duty levied upon the importation into the United States of boots, shoes, and other footwear, shoe findings, textiles, bicycles, jewelry, gold and silverware, plated ware, glassware, granite, furniture, isinglass, paper and paper products, machinery and electrical appliances manufactured or produced outside the United States; and be it further

Resolved, That a copy of these resolutions be forwarded by the secretary of the Commonwealth forthwith to the presiding officers

of both branches of Congress and to each Member of Congress from the Commonwealth.

In the house of representatives, adopted February 14, 1938.

In the senate, adopted, in concurrence, February 16, 1938.

Mr. CAPPER presented a resolution adopted by the Women's Home Missionary Society of the First Methodist Episcopal Church of Grand Rapids, Mich., favoring the enactment of legislation to prohibit the advertising of alcoholic beverages, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented resolutions of the General Court of Massachusetts, favoring the enactment of legislation to increase the tariff duties on certain foreign-made products imported into the United States, which were referred to the Committee on Finance.

(See resolutions printed in full when presented today by Mr. WALSH.)

Mr. TYDINGS presented a petition of sundry citizens of the State of Maryland, praying for continuation of the printing of United States patents by the Government Printing Office, which was referred to the Committee on Printing.

He also presented a resolution adopted by the Council of the Maryland Historical Society, Baltimore, Md., favoring the preservation and restoration of the United States frigate *Constellation* and the stationing of the frigate at Fort McHenry, Md., which was referred to the Committee on Naval Affairs.

REPORT OF COMMITTEE ON MILITARY AFFAIRS

Mr. LUNDEEN, from the Committee on Military Affairs, to which was referred the bill (S. 2864) to correct the military record of Clayton R. Miller, reported it with an amendment and submitted a report (No. 1397) thereon.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, to which had been recommitted the nomination of Phil W. Campbell to be postmaster at Tiptonville, Tenn., in place of P. W. Campbell, reported favorably thereon, and the nomination was ordered to be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

A bill (S. 3512) for the relief of Elizabeth Cory; to the Committee on Claims.

A bill (S. 3513) to authorize the Chief of Engineers of the Army to enter into agreements with local governments adjacent to the District of Columbia for the use of water for purposes of fire fighting only; to the Committee on Military Affairs.

By Mr. SCHWELLENBACH:

A bill (S. 3514) for the relief of the Boeing Aircraft Co., formerly the Boeing Airplane Co.; and

A bill (S. 3515) for the relief of the Boeing Aircraft Co., formerly the Boeing Airplane Co.; to the Committee on Claims.

(Mr. WAGNER introduced Senate bill 3516, which was referred to the Committee on Education and Labor and appears under a separate heading.)

By Mr. HERRING:

A bill (S. 3517) for the relief of David B. Monroe; to the Committee on Military Affairs.

By Mr. MILLER:

A bill (S. 3518) granting a pension to Alice F. Thomas; to the Committee on Pensions.

APPORTIONMENT OF APPROPRIATIONS TO STATES FOR PUBLIC EMPLOYMENT OFFICES

Mr. WAGNER. Mr. President, I ask unanimous consent to introduce a bill for appropriate reference, and that there may be printed in the RECORD a brief explanatory statement of the proposed legislation.

The PRESIDING OFFICER (Mr. MILLER in the chair). Without objection, the bill of the Senator from New York will be received and appropriately referred, and the statement will be printed in the RECORD.

The bill (S. 3516) to alter the ratio of appropriations to be apportioned to the States for public-employment offices affiliated with the United States Employment Service was read twice by its title and referred to the Committee on Education and Labor.

The statement presented by Mr. WAGNER is as follows:

The United States Employment Service was established in 1933 under the terms of the Wagner-Peyser Act, to promote and develop a national system of public-employment offices by assisting in the establishment, maintenance, and coordination of public-employment offices in the several States. Such public-employment services have now been established in every State in the Union, and in Alaska, Hawaii, and the District of Columbia.

The existing law limits the administrative expenses of the United States Employment Service to one-fourth of the total annually appropriated by Congress; the remainder is distributed to the States, on a matching basis, for the maintenance of State public-employment offices. The amendment which I have just offered would eliminate the requirement that 75 percent of the total appropriation be distributed to the States. The result is to vest in the discretion of Congress, from year to year, the designation of the proportion which will be earmarked for the States and consequently the amount which will be devoted to the administrative expenses of the United States Employment Service. Such flexible control by Congress in the light of existing conditions each year has become necessary in view of the unprecedented demands which have recently been made upon the services of this agency.

During the past year the United States Employment Service has assumed a new and tremendous burden of activity in connection with the Social Security program. In order that the payment of unemployment insurance benefits may be coordinated with the placement of unemployed workers in appropriate jobs, the Social Security Act requires that workers must register with State employment offices when they seek benefits under the unemployment-insurance laws of their respective States. This has brought about a vast expansion of State public employment services in the 23 States where unemployment-insurance laws are now in active operation. During the month of January 1938, which witnessed the commencement of benefit payments under 22 State laws, the State employment services handled more than 4,686,000 personal interviews in connection with unemployment-compensation plans. The Social Security Board has allocated to these 23 States alone funds at the rate of over $20,000,000 a year for administrative purposes, as provided in the Federal law.

The United States Employment Service is under a duty to supervise the operations of all these State employment offices. By July of 1939 unemployment insurance will be a reality in every State in the Union, with the consequent additional burden on the United States Employment Service. Under such an arrangement it is obvious that the funds actually used for State employment services are vastly greater than the combined State and Federal funds expended for that purpose under the Wagner-Peyser Act itself. With the State employment services now operating at five or six times the previous scale, the $1,000,000 of administrative expenses to which the United States Employment Service is in effect now limited, is entirely inadequate.

The purpose of this amendment, therefore, is to permit the authorization of larger administrative funds by eliminating the rigid requirements as to ratio of annual appropriation to be apportioned to the States, without necessarily increasing the total annual appropriation by Congress for the purposes of the law.

In the four and a half years of operation under the Wagner-Peyser Act, a total of 55,000,000 applicants (including reapplicants) were registered for jobs by the public-employment offices throughout the country. During this period the public-employment offices have made almost 22,000,000 placements.

In the operation of this system particular attention has been given to the needs of veterans. More than 2,000,000 veterans have been placed in jobs through the public-employment services, not counting placements made on relief jobs before July 1, 1935.

The earlier placement work of the public-employment offices was carried on largely in connection with various phases of the public-works program, but in more recent times placements in private industry have predominated. During the calendar year 1937 over 2,353,000 private placements were made.

HOUSE BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 2709. An act to provide for the appointment of one additional United States district judge for the eastern district of Louisiana; to the calendar.

H. R. 6351. An act to provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Va., by the Secretary of the Interior through the National Park Service, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 7780. An act to amend an act entitled "An act relating to the naturalization of certain women born in Hawaii", approved July 2, 1932; to the Committee on Immigration.

H. R. 9042. An act to amend section 2 of the act to incorporate the Howard University; to the Committee on Education and Labor.

H. R. 7764. An act to authorize the sale of surplus power developed under the Uncompahgre Valley reclamation project, Colorado; and

H. R. 8817. An act to amend an act entitled "An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley Conservancy District in New Mexico", approved August 2, 1937 (Public, No. 241); to the Committee on Irrigation and Reclamation.

H. R. 8565. An act defining the compensation of persons holding positions as deputy clerks and commissioners of United States district courts, and for other purposes;

H. R. 8826. An act to amend section 35 of the Criminal Code, as amended (U. S. C., title 18, sec. 82), relating to purloining, stealing, or injuring property of the United States; to the Committee on the Judiciary.

H. R. 8115. An act to amend section 340 of chapter 8 of title 18 of the United States Code of 1934 (48 Stat. 1063), approved June 19, 1934; and

H. R. 9309. An act to adjust the rates of pay for charmen and charwomen in the Post Office Department and in the Postal Service and in all other departments and agencies of the Government; to the Committee on Post Offices and Post Roads.

H. R. 4201. An act to create a Board of Inspectors, Bureau of Marine Inspection and Navigation, at Port Arthur, Tex.;

H. R. 7414. An act to provide for the establishment of a Coast Guard station at or near Panama City, Fla.;

H. J. Res. 504. Joint resolution to authorize compacts or agreements between the States bordering on the Great Lakes with respect to fishing in the waters of the Great Lakes, and for other purposes; and

H. J. Res. 573. Joint resolution to amend the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair 1939"; to the Committee on Commerce.

AMENDMENT TO TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. MURRAY, Mr. LUNDEEN, Mr. NYE, Mr. FRAZIER, Mr. WHEELER, Mr. SHIPSTEAD, Mr. MCNARY, Mr. DUFFY, Mr. SCHWELLENBACH, and Mr. BONE, jointly, submitted an amendment proposing to strike out "$16,785,177" (as reported by the Committee on Appropriations) for the inland transportation of mail by aircraft, etc., and in lieu thereof to insert "$16,931,336", intended to be proposed by them to the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes, which was ordered to lie on the table and to be printed.

THE RAILROAD PROBLEM AND THE FARMERS—ADDRESS BY SENATOR WHEELER

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD a radio address delivered by Senator WHEELER on the subject of The Railroad Problem and the Farmers, which appears in the Appendix.]

ROOSEVELT AND HIS BUSINESS CONFERENCES—ADDRESS BY SENATOR HOLT

[Mr. HOLT asked and obtained leave to have printed in the RECORD a radio address on the subject Roosevelt and His Business Conferences delivered by him on February 16, 1938, which appears in the Appendix.]

AMENDMENT TO FARM BANKRUPTCY ACT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2215) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, which were, after the enacting clause, to strike out all down to and including line 9 of page 2 and insert:

That subsections (b) and (c) of section 75 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, are amended to read as follows:

"(b) Upon filing of any petition by a farmer under this section there shall be paid a fee of $10, to be transmitted to the clerk of the court and covered into the Treasury. The conciliation commissioner shall receive as compensation for his services a fee of $25 for each case submitted to him when a composition or extension proposal has been effected and confirmed, or $10 in each case submitted to him in which there is no confirmation, to be paid out of the Treasury upon final disposition of each case. A supervising conciliation commissioner shall receive, as compensation for his services, a per diem allowance to be fixed by the court in an amount not in excess of $5 per day, together with subsistence and travel expenses in accordance with the law applicable to officers of the Department of Justice. Such compensation and expenses shall be paid out of the Treasury. If the creditors at any time desire supervision over the farming operations of a farmer, the cost of such supervision shall be borne by such creditors or by the farmer, as may be agreed upon by them, but in no instance shall the farmer be required to pay more than one-half of the cost of such supervision. Nothing contained in this section shall prevent a conciliation commissioner who supervises such farming operations from receiving such compensation therefor as may be so agreed upon. No fees, costs, or other charges shall be charged or taxed to any farmer or to his creditors by any conciliation commissioner or with respect to any proceeding under this section, except as hereinbefore in this section provided. The conciliation commissioner may accept and avail himself of office space, equipment, and assistance furnished him by other Federal officials, or by any State, county, or other public officials. The Supreme Court is authorized to make such general orders as it may find necessary properly to govern the administration of the office of conciliation commissioner and proceedings under this section; but any district court of the United States may, for good cause shown and in the interests of justice, permit any such general order to be waived.

"(c) At any time prior to March 4, 1940, a petition may be filed by any farmer, stating that the farmer is insolvent or unable to meet his debts as they mature, and that it is desirable to effect a composition or an extension of time to pay his debts. The petition or answer of the farmer shall be accompanied by his schedules. The petition and answer shall be filed with the court, but shall, on request of the farmer or creditor, be received by the conciliation commissioner for the county in which the farmer resides and promptly transmitted by him to the clerk of the court for filing. If any such petition is filed, an order of adjudication shall not be entered except as provided hereinafter in this section."

And on page 3, to strike out lines 1 and 2.

Mr. FRAZIER. I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota.

Mr. KING. Mr. President, will the Senator from North Dakota briefly advise us as to the nature of the amendments which the House has made?

Mr. FRAZIER. Mr. President, this is a bill which was introduced during the first session of the present Congress. It provided that the emergency clause of what was known as the Farm Bankruptcy Act should be stricken out, and the act made permanent.

The present date of expiration of the act is the 4th of March, next week. The House changed it so as to extend the period of emergency for 2 years, making the act expire on March 4, 1940. They also reduced the payments to the conciliation commissioners.

Those are the principal changes. In view of the fact that such a short time will elapse before the present act expires, I have moved that the Senate concur in the House amendments.

Mr. KING. Do the amendments meet, generally, the approval of the committee?

Mr. FRAZIER. I talked with the chairman of the committee, and he said they were satisfactory to him.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota [Mr. FRAZIER] that the Senate concur in the amendments of the House.

The motion was agreed to.

IMPERSONATION OF OFFICERS, ETC.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2381) entitled "An act to amend the Criminal Code by providing punishment for impersonation of officers and em-

ployees of Government-owned and Government-controlled corporations," which were, on page 2, line 7, to strike out "$3,000" and insert "$1,000"; and on page 2, line 8, to strike out "five" and insert "three."

Mr. ASHURST. Mr. President, as the Senate passed the bill it provided that the impersonation of certain officers should constitute a crime, and prescribed a penalty of not more than 5 years' imprisonment in the penitentiary and a fine of not less than $3,000. The House, by amendments, reduced the term of imprisonment to 3 years and reduced the fine to $1,000. So far as I am concerned, the amendments are satisfactory; and such members of the Judiciary Committee as I have been able to confer with agree with me.

I therefore move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

Mr. RUSSELL. Mr. President, during the discussion on the so-called antilynching bill, which was laid aside by the Senate on yesterday, I stated on the floor of the Senate that I had collected a considerable number of editorial comments from all over the United States which would establish the fact that there was no general demand on the part of the American people for the enactment of the proposed legislation. I am loath to encumber the RECORD with these editorials, and would not do so but for the statement on yesterday of the proponents of the measure that it was their intention to go to the country to build up sentiment looking to the invocation of cloture, and a revival of that measure as the pending business before the Senate. It had been my purpose to read all these expressions of opinion if the debate had continued, but in view of the displacement of the bill I do not desire to take the time of the Senate now to read the editorials into the RECORD. I ask unanimous consent that they may be printed in the RECORD as a part of my remarks.

I have undertaken to reduce the number of editorials to the very minimum, and at the same time secure a fair cross-section of the viewpoint of the American press. I have specifically eliminated from the editorials some hundred or more from southern newspapers, which were practically unanimous in their opposition to the measure. I have also eliminated a large number of others from newspapers in sections of the country other than the South which also express their opposition to the proposed law, in an effort to present merely those that were representative.

These editorials are very interesting. They cover all phases of the question, and are devoted both to the merits of the bill and to its demerits, according to the viewpoint of the editor of the newspaper; and they also deal with the somewhat lengthy discussion which took place in the Senate, sometimes referred to as a filibuster. Newspapers of all political faiths are represented and I think they are scattered generally over the country. The number could be doubled, but I think these will be sufficient to convince anyone that the people of the United States, without regard to section, who have studied this measure regard it as wholly unnecessary and unwise.

The PRESIDING OFFICER (Mr. HERRING in the chair). Without objection, the editorials referred to by the Senator from Georgia will be printed in the RECORD.

The editorials are as follows:

[From the Wheeling (W. Va.) Intelligencer of January 8, 1938]

FOR THIS HAVE WE A CONGRESS

Senator BORAH is the latest nonsouthern Member of Congress to condemn the pending antilynching bill.

The Idaho veteran, who had opposed the measure before, because he considered it unconstitutional, said he still feels the same way about it, and has an added reason for objection in that the measure attempts to have Congress "sit in judgment" on the Southern States.

It is a sad commentary on the type of men we have in the Congress of the United States, that such an unnecessary and dishonest measure should receive the attention it has; that opponents are driven to the weapon of filibuster in fear of its passage.

This is so, because northern Members of Congress are willing to commit any legislative crime for the sake of votes. Negroes throughout the country have been deluded into believing that this measure would in fact reduce lynchings. And, inasmuch as members of their race have been the most frequent victims of mobs, they have been for it.

The truth is, of course, that such a law would not in any way check lynching. It simply proposes for financial recovery by the families of lynch victims, and prosecution by the Federal Government of officers in whose jurisdiction lynchings occurred.

We all know what sort of conduct such prosecutions would be apt to provoke. And all in the interest of a farcical measure supposed to deal with a problem which has all but disappeared in the United States.

[From the San Francisco Chronicle of January 19, 1938]

LYNCHING NOT THE ISSUE

As the filibuster on the so-called antilynching bill drags on every effort is made to have it appear to be a racial issue and the opposition is pictured as a bloodthirsty band that wants to be left free to lynch.

Actually it is not a racial issue and neither is it an issue of lynching. The opposition is fighting an attempt to give the Federal Government an opening door into State powers, on no matter what pretext.

Lynching has declined greatly without any Federal interference, and it is on the way out entirely under the pressure of public opinion, even in localities where it occurs. There seems to be a general agreement to ignore the fact that the most spectacular lynching in recent years was not in the dark South, but at San Jose, Calif., and there was no race issue involved.

The antilynching bill, as it stands, is a sordid drive for the northern Negro vote on a pretext of friendship. It would not affect lynching; but it would widen the breach through which there is increasing intrusion of central authority.

[From the Wheeling (W. Va.) Intelligencer of January 25, 1938]

PUBLIC SENTIMENT AND THE LYNCHING BILL

In November, the Institute of Public Opinion asked this question in its sampling of public opinion:

"Should Congress pass a law making lynching a Federal offense?"

To this query, 70 persons of every 100 answered "yes."

Since then, the Institute has asked another question. Following the first 2 weeks of debate on the Wagner-Van Nuys so-called antilynch bill, it asked:

"The survey question asked: 'Congress is now considering a lynching bill which gives the Federal Government power to (1) fine and imprison local policemen who are negligent in protecting a prisoner from a lynch mob, and also (2) make a county in which a lynching occurs pay a fine up to $10,000 to the victim or his family. Do you approve of this bill?'"

To this question, only 53 percent of those approached replied affirmatively.

This striking shift indicates no lessening of the public desire to stamp out lynching. It does indicate that a great many of those who would go so far as to make lynching a Federal offense, stop at the enactment of such a measure as that now pending.

It is the considered judgment of this newspaper that if there were a more general public understanding of this bill, sentiment would be overwhelmingly against its enactment. For it must be clear to any thoughtful person that such a law would in no measure prevent lynching. Its only important effect would be to aggravate the race problem, and to provide a number of Northern statesmen with the support of Negro voters who have been led to believe that such a law actually would prevent lynching which, in reality, has about died out in the United States.

[From the Kansas City (Mo.) Star of January 21, 1938]

JUST FOR THE PRINCIPLE OF IT

Despite the acute sectional bitterness engendered in the Senate debate over the antilynching bill, it is not believed at this writing that a recurrence of the Civil War is imminent. But there's something in it, at that.

Once a small boy was found licking the hide off another youngster and was asked why he was indulging in such unseemly behavior.

"Why," exclaimed the enraged aggressor, "this chap has insulted me. He said my sister was freckled and red-headed."

"Well, is it true?"

"No," came the blunt reply. "I ain't got no sister. But it's the principle of the thing."

Now the principle of the thing in the antilynching bill is politics. And it is very plain that the indignant southern Senators are aware of the fact. They are not in favor of lynching, and the great bulk of their people at home are as vigorously opposed to it as are any of those "Yankee" Senators who want the bill passed. But the Senators from "up Nawth" have their eye on the Negro vote in doubtful districts and would like to hold it for the New Deal.

So the antilynching bill has little to do directly with mob violence, which, incidentally, is not a racial issue, and against which the decency of the Nation stands committed as a unit. Fortunately, too, this form of lawlessness has been steadily diminishing, and there is both law and public sentiment enough to deal with it without Federal interference.

The southerners feel that an attempt at such interference is an insult to their region, and they are fighting over a principle, partly the bedraggled principle of State rights.

But when the bitterness has subsided, with an antilynching bill or without it, the country will continue to condemn mob violence until the disgrace of it is finally wiped out altogether.

The energy and antagonism of Senators north and south of the Mason and Dixon's line would be well invested in that endeavor.

[From the Youngstown (Ohio) Vindicator of January 31, 1938]

A MAJORITY FILIBUSTER

No anguished cries about a minority thwarting the will of the majority have been heard during the Senate filibuster against the antilynching bill. Probably none will be heard as the bill staggers to its grave, for the fact is that in spite of the political ballyhoo for the measure, the Senate majority actually is against it.

A good many of the Senators agree with Senator WILLIAM E. BORAH that the bill is unconstitutional. Another large group feels it is unwise for the Federal Government to force upon one section of the country something it does not want. Southern Senators oppose it for obvious reasons. Signing the bill would embarrass President Roosevelt with his southern supporters, so administration Senators are willing to see it talked to death.

The total of all these groups certainly is a majority of the Senate. The vote on shutting off debate was a clear indication. Invoking cloture requires a two-thirds vote; it did not command even a bare majority, but was beaten decisively by a 5-to-3 margin.

Yet if the bill itself ever should come to a vote it would be passed, because it promises votes in the coming elections. The Democratic organization in the Northern States is stronger in the cities, weaker in the rural areas. And in the cities the Negro vote is a considerable factor. In Cleveland and Pittsburgh the Negroes form 8 percent of the population, in Manhattan and Indianapolis, 12 percent, and in Philadelphia, 11 percent.

These votes were Republican before the depression. Even in 1932 they stayed largely with the G. O. P., for President Hoover did better in the Negro sections of Chicago and New York than elsewhere in those cities. But in 1934 and 1936 the Negro vote swung largely to the Democrats.

The northern Democrats want to hold this new element of Democratic strength, and so would vote for the antilynching bill—which, by the way, does not prohibit lynching. Yet the bill's failure does not grieve them; they can go back to their constituents and announce that they tried to get the measure through but were blocked by other Senators.

So the question is decided by politics, not on merit, and a minority filibuster has the secret good will of the majority.

[From the Butte (Mont.) Standard of January 19, 1938]

THE NEGRO COMMANDS

It was something of a body blow to administration Democrats when Senator BYRNES, of South Carolina, on many occasions a recognized spokesman for the White House, delivered a severe castigation to the Senate forces supporting the antilynching bill last week. The South Carolina Senator, with all the fire that can be concentrated in southern oratory, told the Senate that the Negroes had not only come into the Democratic Party but that they had come into the control of the party. He said that a Negro, Walter White, secretary for the Association for the Advancement of Colored People, had ordered the antilynching bill passed and that it would pass.

The southern filibuster on the antilynching bill is holding up all other business in the Senate, and not even during the fight over the administration plan for packing the Supreme Court has feeling been so bitter. Senator BYRNES recalled the filibuster in the lower House against the antilynching bill in 1921. At that time Vice President Garner, who is presiding over the Senate during the present debate, and Senator BARKLEY, the majority leader and representative of the White House on the Senate floor, were both Members of the House. BARKLEY, who today is seeking the enactment of the lynch bill, was a speaker against the measure in the historic debate of 1921. Garner also made a speech against the measure during that filibuster.

BYRNES ridiculed the idea that the measure was being advanced for any other purpose than politics—primarily to capture and hold the Negro vote in the industrial North. BYRNES added the warning that the very life of the Democratic Party is threatened, since those who control the party insist upon "perpetrating an outrage against the South because seven persons were lynched in the United States in 1937."

Senator WAGNER, of New York, who is the author of the bill, was charged with having introduced it for the sole purpose of winning the Negro vote in New York City. If these charges are true, Congress is certainly presenting a sorry and sordid picture to the Nation. It is engaged in debating legislation for political effect in a time of grave danger. It is much like the fiddling that went on while Rome burned.

[From the Hartford (Conn.) Times of February 1, 1938]

STATUS OF THE FILIBUSTER

Temporarily the Senate has taken the antilynching bill from the floor while consideration is given to the administration's housing legislation.

The news would be more gratifying if it could be said that the bill has been defeated, withdrawn, or at least shelved until it could be literally the last unfinished business of the session.

Determined filibuster against this measure has been justified thoroughly despite it is already 4 weeks old and may run for weeks longer after the housing measure had been disposed of. The bill represents only partisan political play, legislative mischief, and practical futility, in addition to dangerous precedent from the constitutional standpoint. Unfortunately at present the measure's advocates seem to control a majority of the Senate votes. The minority, under the circumstances, will fight against passage to the last possible parliamentary ditch. The onus for the delay so caused to other legislation falls upon Senators who have assumed position without a sound leg for its support. Public opinion is against them. They are manifestly in the wrong. They should acknowledge it with what grace they can muster.

[From the Phoenix (Ariz.) Republic of January 27, 1938]

THE SUCCESS OF THE FILIBUSTER ABOUT TO BE ADMITTED BY SENATORS

Apparently the antilynching contingent is on the run, realizing the strength and durability of the filibuster. Within the past week, in debate, new phases of the struggle, or old and ill-considered aspects of it, were more clearly outlined. It was plainly made to appear that a lot of northern Democratic politicians had engaged in a nefarious plot to place a stigma on 13 Southern States in the hope that it would make more permanent the alliance with them of some thousand Negro voters in Harlem, Chicago, and Indianapolis, and enable them to hold a few congressional districts the Roosevelt party had gained in the last 4 years.

In the early part of the struggle the South was in the position of a citizen of hitherto unimpeachable reputation who is asked, "Have you been licking your mother again?" A flat and simple denial of the accusation is made by the "again" to appear to be an admission that at some earlier time one had chastised his mother.

The South could not defend the institution of lynching, which for years had been condemned by every welfare and uplift organization of the land, and which, by the way, had been practiced at one time or another in every State in the Union but three, but which, especially since reconstruction days, had come to be associated almost solely with the Southern States.

A week ago Mark Sullivan, the commentator and columnist, lent the defenders of the South an effective helping hand by classifying lynching as "the rarest crime in America." Mr. Sullivan was equipped by facts and figures to prove his statement. Opponents of the antilynching bill had already shown by statistics the dwindling number of lynchings in the South until last year when the number was reduced to eight. In the meantime, in the rest of the country, banditry, kidnaping, sexual horrors, and gangsterism had gone on unchecked except now and then by the capture of some one public enemy.

The enemies of the bill continued to dwell upon the absolute unconstitutionality of it, though they were well aware that if the bill were passed and sustained by the courts, the principle so established could be made to remove the last vestige of States' rights. It would be possible to transfer every power reserved by the Constitution to the States to the Federal Government, and to delegate all powers to the executive department of the Government.

Among the things aimed at in the bill was one to invest the Federal Government with the power to define and punish crimes, which everywhere had been the function of the States alone. The opponents of the Wagner-Van Nuys bill thereupon sought an object lesson teaching the futility of Federal enforcement of criminal laws. The city of Washington was held up as a horrible example, perhaps the most criminal city in the Nation—one where human life and property are less secure than in any State. Long lists of murders, burglaries, holdups, purse-snatchings, and every conceivable crime were presented and were undisputed.

Much was also made by the opponents of the fact that no Member of the majority in the Senate (it was estimated at 73), none had dared to raise his voice in support of the bill, or even make a reply to the arguments of the minority, which, day after day, taunted the majority with its shameful silence, and threatened it with responsibility for the probable disruption of the party, which still has the name of the party of Jefferson, Jackson, Calhoun, Randolph, and others yet revered in the South.

And for what? That a handful of colored voters in the North, less than a million, might be placated by the sight of Southern statesmen humiliated before the crowded galleries of the Senate and the House.

If any northern Democrat believed that the antilynching bill would accomplish its pretended purpose, none to date has been heard to proclaim his belief, or to offer in or outside the National Capitol any reason for his belief. If he were compelled to state the reason for his position as one pledged to support of the bill, he could name but one—that he had been drawn into a vile political plot by a persuasive colored leader, who, sitting high in the Senate gallery, watched with satisfaction this unparalleled scene in an American legislature.

A further resistance of the opponents of the bill would seem to be useless. Outnumbered as they may be, if they are determined, they can hold it up until doomsday. They are confronted by many whose heart is not in their work and who would welcome failure and defeat.

[From the Salem (Oreg.) Journal of January 13, 1938]

ANTILYNCHING BILL

The Senate is wasting its valuable time in an acrimonious debate over the so-called antilynching bill, which is of doubtful constitutionality when it should be devoting its energies to vital recovery measures to end the "recession." And the controversy between the North and South is splitting the Democratic Party when unity is essential.

The measure was introduced by Senators WAGNER and COPELAND, of New York, as a gesture for the support of Harlem Negroes and is supported by northerners who have large Negro constituencies—a political play to hold the Negro vote. The bill provides:

Imprisonment from 5 to 25 years and a fine up to $5,000 for any State official not using "diligent" effort to prevent a lynching; imprisonment up to 25 years for any official conspiring with a mob to release a prisoner to it; damages up to $10,000 against any county in which mob violence occurs, the money to go to the victim or his heirs.

The measure is a clear invasion of State rights by interference with State and local government, and there is little likelihood that it would stop lynchings, which occur in the North as well as the South. Some Southern States already provide similar penalties on officials.

Since 1882, when records began to be kept, there has been a steady decrease. The total lynchings for the 55 years were 3,679, of which over 700 were whites. The record for last year was only eight, showing that the South is remedying the situation and actively preventing lynching as far as possible. The South is the only section of the country that has a real racial problem and is handling it now admirably. After its own strenuous efforts, the proposal for the Federal Government to butt in is naturally resented.

While 8 persons were being lynched last year, over 38,000 persons were being killed on our highways. It would seem far more important to legislate for the protection of the 38,000 than for the 8.

[From the Kenosha (Wis.) News of January 27, 1938]

FEW TEARS WILL BE SHED

There is a probability that the antilynching bill which has long been before the Senate will go down to defeat, not in the regular way through a failure to secure enough votes to pass the measure but because of a determined filibuster, which refused to be broken. There are reasons to deprecate the method which has been used to bring about the demise of this measure but for various reasons there will be few tears shed over its bier.

This does not mean that there is any lessening of the desire to put an end to lynching, which is indefensible, but it does mean that there has possibly come a realization that there is a better way to accomplish this than through a Federal law which may not produce the desired result and which may bring many other disadvantages in its wake. That better way is through education of the public of respect for laws which now exist rather than to produce another law which under emotional stress may also be ignored. It might result in the same situation which arose following the attempt of the Federal Government to enforce the prohibition amendment which brought disrespect for Federal law without producing the result sought.

This law proposed to send Federal agents to see that local authorities enforced the laws. If such a policy could be followed for one problem, trying though it may be, it might also be applied to others. Resentment against such a policy might do more harm in halting the progress which has already been made in lessening the instances of lynching than the good which might be accomplished through this proposal of coercion.

Senator WILLIAM E. BORAH in a notable speech in the Senate set forth all of these reasons why he could not support the antilynching bill as it is now before the Senate even though he was a foe of mob violence in any form. In addition he showed how this would stir up the sectionalism which it is desirable to quench.

There is another reason why few tears will be shed in the event that the antilynching bill is sidetracked. It has been an obstacle to prevent the consideration of other legislation along economic lines which is more sorely needed at this time. Stubbornly the administration has insisted upon forcing the measure through despite the equally stubborn resistance of southern Members, who unquestionably are sincere in their opposition to it. Its removal, even though the method used to produce that result may not be entirely commended, will clear the way for consideration of this more needed legislation.

[From the Washington Post of February 5, 1938]

NARROWING THE ISSUE

Perhaps the strangest aspect of the controversy over the antilynching bill is the fact that the chief address in defense of the measure came after its assailants had been filibustering for 4 weeks. Senator WAGNER'S recent illness may explain his delay in taking the floor. But surely some other sponsor could have presented the case for the bill at an earlier date.

Senator WAGNER'S address was significant because it narrowed the scope of the controversy. The same arguments presented 3 or 4 weeks ago would have made the time-consuming speeches of many southern orators appear even more inappropriate. For the Senator from New York recognizes the universal abhorrence of lynching. And he has not overlooked the fact that recent progress has been made in curbing that barbarous practice.

The two basic points on which Senator WAGNER and opponents of the measure seem to be at variance are its constitutionality and its probable effects upon the States. Since Mr. WAGNER presented his able argument that the fourteenth amendment gives Congress authority to penalize local officials and taxpayers for failure to enforce antilynching laws impartially, Senator BORAH has put in a powerful blow on the other side. The fourteenth amendment does give Congress broad power. Yet, as Senator BORAH pointed out, the separation of State and Federal powers so that one government will not encroach upon the domain of the other is the very basis on which the Constitution is built.

The Senate is not likely to reach a definitive conclusion on this constitutional issue. Nor is that necessary to dispose of the antilynching bill. Congress has many powers which its judgment forbids it to exercise. Certainly this is a case in which discretion and common sense should take precedence over legalistic arguments.

It is in discussing the effects of the measure that Senator WAGNER'S argument is particularly weak. He insists that it would permit Congress to "stand behind the States" as a guarantor of individual rights and privileges. The quoted phrase is significant. With such a measure on the statute books, the Federal Government would "stand behind the States," but with a blacksnake in its hand to whip local officials into line with national legislation.

No amount of argument can make this bill appear as a harmless cooperative measure. Such a bill could be drawn, perhaps, after the pattern of the Antikidnaping Act. But the Wagner-Van Nuys bill is coercive and dictatorial. By assuming that it is only a move to help localities eager to rid themselves of lynching, Senator WAGNER has given his own case away.

Despite yesterday's vote against laying the bill aside, a growing dislike for its coercive methods will probably induce the Senate to displace it by more vital legislation in the near future.

[From the La Crosse (Wis.) Tribune of January 18, 1938]

BORAH AND THE SOUTH

Senator WILLIAM E. BORAH, Idaho Republican, was born in Illinois a couple of months after the last shot of the Civil War was fired. Born in Abraham Lincoln's State and brought up an old-school Republican—who later acquired western progressive trimmings—Mr. BORAH cannot be suspected of a sentimental bias in favor of the Old South.

But Senator BORAH has denounced the Wagner-Van Nuys antilynching bill as "a sectional measure," embodying the same principles upon which Federal legislation—"regrettable" legislation, Mr. BORAH called it—of the reconstruction era was founded.

"And I say to you," BORAH told his fellow Senators, "that it is not in the interest of the Nation at this time to stir old embers, to rouse old fires, to lacerate old sores, and again, after all these years, to brand the southern people as incapable or unwilling to deal with the question of human life."

Senator BORAH'S speech naturally was hailed with delight by Southern Senators opposed to the antilynching bill, many of whom would be in a more logical position today if they had stood by Mr. BORAH and other Republicans in resisting various legislative experiments involving Federal invasion of States' rights. Having helped to override lines of State jurisdiction in many instances, such Southern Senators now are engaged in a last-ditch fight against Federal assumption of police powers within their several States.

One cannot expect complete consistency in politics, however. Nor can one deny the accuracy of Senator BORAH'S charge that the Wagner-Van Nuys bill is a sectional measure. It may be said, on the other hand, that the sectional motive is a desire for consolidating and retaining the Negro vote in the North as a Democratic Party asset, rather than a desire to penalize the South such as animated reconstruction legislation.

At all events, the Southern Senators have in the person of Mr. BORAH a formidable ally in their apparently hopeless fight against this latest extension of Federal police powers at expense of the States.

[From the Fargo (N. Dak.) Forum of January 27, 1938]

THE FILIBUSTER

Without consideration here as to the merits or demerits of the antilynching measure, it does seem that, after the Senate experience with it in the special session and thus far in the regular session, Senate proponents might be well advised not to push it further at this time. It can hardly be classified as an emergency measure. It is highly controversial. If the proponents should win out shortly, their success in the face of the attitude of the southern representatives would make bitter divisions for the rest of the session. And the delay in the handling of matters of immediate importance may soon become acute.

There is an effort now to bring the filibuster to a close by resorting to the cloture rule. The petition for cloture has received sufficient signatures. There is very grave doubt whether it can be passed by the two-thirds vote necessary. But if it should carry and debate be limited, there would be little harmony left in the Senate. If it loses, then the filibuster goes on.

Possibly there are those who will say that it is just as much up to the opposition to give way as it is for the proponents. And that is true, of course. Yet the history of previous such attempts makes

it plain that the opposition will not give in—at least they never have. The only way such legislation can ever pass will be through support outside the South. The proponents contend that if it could be brought to a vote it would pass, and probably that is so, but what probability is there that it can be brought to a vote? Then, too, if it is set aside at the moment, it could be taken up when other and more pressing matters are out of the way.

There is another angle to the fight, however, that has brought some support to the South from outside the South: There are a number of Members of Congress outside the South who are opposing it, not because it is an antilynching bill, but because, they contend, it goes far beyond lynchings to the question of constitutionality and the issue of State rights.

Wouldn't it be better, under such conditions, to let the matter rest so that immediate thought can be given to economic problems?

[From the Lincoln (Nebr.) Journal and Star of January 23, 1938]

THE LYNCHING RECORD

Lynching is on the way out. The process may be speeded up materially by the debate over the bill now before Congress. The result of congressional action on that bill may or may not help. The fact is that for many years sentiment against lynching has become more widespread. Education has been the potent factor.

Last year there were only eight lynchings. The records show that there were very nearly seven times that number of lynchings prevented during the year by obstinate resistance of officers of the law. Officers are often prone to go along with public opinion. The fact is being impressed on those who are charged with the protection of men under arrest that public sentiment against lynching is growing. The number of lynchings now is but a small percentage of the number that took place yearly immediately following the Civil War. Laws have not been changed and until recent years there has been little threat of Federal interference.

During the reconstruction period of the South there was often a break-down of law. Where the law broke down the people took the matter of punishing for crime in their own hands. Since then law enforcement has become stronger. The claim that it is necessary for those who desire social order to enforce their own judgments is less countenanced.

Opposition to Federal Government taking any part in enforcement of law which should be left to the State is fairly general in the North and the South. Unless the Nation wants rule from Washington in local affairs, it must draw the line rather tightly. Opposition to the antilynching bill is largely predicated on defense of home rule.

[From the Boise (Idaho) Statesman of January 25, 1938]

LYNCHING FALLACIES

A writer of a forum letter elsewhere on this page takes the Statesman to task for a recent editorial which opposed antilynch law legislation. The Statesman is glad to print the letter, just as it is always glad to print communications on vital issues—regardless of whether they agree or disagree with policies enunciated in Statesman editorials. But the writer of the letter in question indulges in a number of fallacies which the very editorial was seeking to point out.

To the Statesman's knowledge none of the congressional opponents of the measure have defended lynching or condoned it in any way whatsoever. In assuming the contrary, Mr. Moore errs exceedingly and lays himself open to the charge that he has read the opposition's argument—if at all—in only the most casual and biased manner.

The opposition is based upon these points:

1. That the rapidly diminishing lynch rate (there were only nine lynchings last year) does not make the problem nearly so momentous as the northern Congressmen with large Negro constituencies would have us believe.

2. That the legislation would constitute a devastating blow at the principle of State's rights by stripping State courts of much of their power and placing local law enforcement agencies under the mercy of Washington bureaucrats.

3. That most of the profoundest students of the Negro problem, bitterly opposed to mob rule and whose activities are largely responsible for the declining lynch rate, are firmly convinced that enactment of the legislation not only will fail to serve its avowed purpose, but will greatly increase the rate by fanning into flames the dying embers of race hatred.

In naively assuming that enactment of the measure would stop lynching, Mr. Moore places himself in the same category as those who took it for granted, back in the early twenties, that the signing of the Kellogg-Briand peace pact by virtually all the nations of the world would abolish warfare.

Mr. Moore's other arguments are not worth answering, because they are all based on the false premise that lynching will immediately become a thing of the past when (and if) the measure goes into effect, and that opponents are in favor of lynching.

[From the Las Vegas (Nev.) Review-Journal of January 18, 1938]

THE SENATORS OF THE TWO CAROLINAS ON THE ANTILYNCHING GESTURE

Senator BYRNES, of South Carolina, in a speech last week against the antilynching bill, touched a tender spot and made many a northern Democrat flinch, when he declared "the colored man has not only come into the Democratic Party, but he has come into control of the Democratic Party."

The next day that theme was elaborated by Senator JOSIAH W. BAILEY, of North Carolina.

It is not intended here to discuss the merits of the antilynching bill. We believe all good citizens of whatever party or creed, are opposed to lynching, so, as to that, there is no place for discussion. Southerners, as well as northerners, are agreed as to that. But proper subjects for consideration are the political character of the bill, its sponsors and supporters, among whom are every northern, and, for that matter, southern Socialist, every Communist in and out of America who advocates the social equality of races, and that is a part of the creed of every Communist. Also, in support of the bill is the American Civil Liberties Union.

Though the bill has not been classed as an administration measure, it is observable that the more ardent New Deal Members of both Houses are either supporting the bill or are silent concerning it.

Since the franchise was extended to colored men their votes have been cast almost solidly, in the North, for the Republican ticket. In the South, after the reconstruction period, they were not cast at all.

The colored population in the North, for a long time after the Civil War, was sparse. In the rural districts, except in neighborhoods where had been located "underground railway" stations incidental to the movement of fugitive slaves, there was none at all. There were comparatively few colored persons in the large cities except along the Mason and Dixon line.

About 20 years ago the migration of Negroes to the North became observable. They settled mostly in large towns and cities. But they were still loyal to the Republican Party, which was relying too heavily on what the party had done for the colored man a generation before, but had done nothing since in reward of his continued loyalty. Almost unnoticed the colored voters were drifting into Democratic ranks. In many representative districts they were holding the balance of power and in some of the city districts, they constituted a plurality of the voters. It was not until 1932, however, that realization was forced upon Republican leaders that the Negro vote had shifted to the Democratic side. The Democrats, who had already perceived this moving phenomenon were taking steps to keep it moving and have been eminently successful. The antilynching bill, whoever may have thought of it first, is a gesture highly pleasing to Negroes of the North, though it in no way alters the party status of those who remain in the South and which can in no way be altered unless sometime the Democrats advance a step farther and give the South a Force Bill, such as the Republicans attempted to do a few years ago for the benefit of the then yet unenfranchised southern colored voter.

The opposition of the South now to the antilynching bill is not to the asserted aim of the measure, the prevention or the reduction of the crime of lynching. The South claims that there is no need of such legislation. Public sentiment in the South has already, they say, accomplished so much that there were only eight lynchings last year.

The South intensely resents the brand of barbarism which the enactment of this bill would place upon the whole South.

It also resents the bill's intended seizure of the right of the States to deal with lawlessness within their borders. Almost certainly such an act would be held to be unconstitutional. But it would probably never be subjected to a test. We doubt very much whether an attempt would ever be made by a Democratic administration to enforce it. It would stand as a friendly gesture to the Negroes of the North, all that it was ever intended to be, and as a stigma upon the South.

In conclusion, and somewhat irrelevantly, we call attention to an utterance by Senator BAILEY on Wednesday: "We'll not yield; we'll not let anybody take the Democratic Party away from us. It is an institution down there. And no matter what happens, we will still be there in the same old Democratic Party."

Yet the Senator warns northern Democrats: "You may do what you please with the colored people in Pennsylvania and other States, but when you come down to North Carolina and try to impose your will on us—in that hour, so help me God, you'll learn a lesson you'll never forget."

[From the Williamsport (Pa.) Sun of January 14, 1938]

SOUTHERN REVOLT

It is a strange political development that the most serious southern revolt witnessed in Washington in many years should come under a Democratic administration.

Even when the "solid South" stood alone as Democratic territory, with its representatives hopeless, outnumbered in a Republican Congress, there was less charge of discrimination than today, when Congress, in a nominal sense at least, is made up in overwhelming proportion of Democrats.

The South's revolt has been aroused by the determination to pass the antilynching bill and by the wage and hour regulation proposals, in which it sees a deliberate move to stem its industrial advancement; but back of these specific issues there lies a deeper resentment at the departure of the New Deal form of democracy from the Democratic standards to which the South has given traditional loyalty.

The dissatisfaction of the South has been smoldering for some time. Now it is breaking out in flames. While it is the anti-

lynching bill and the wage and hour bill which induce the flood of oratory in which deliberate insult to that region and neglect of its interests are charged, there is involved a dislike for the invasion of State rights, which violates a traditional Democratic principle, a feeling that the administration has failed the South by neglecting the tariff reform for which it looked to regain its lost cotton markets, a disagreement with the New Deal's labor policy, and its overtures to preserve to itself the Negro vote it has won over from the Republican Party, and a general distaste for the advanced liberalism which bears too strong a resemblance to the radicalism which the South has distrusted.

The Democracy of the South has been conservative. There has been increasing evidence of a desire to return to conservatism after the passing of the acute emergency period which was accepted as justifying much of the experimenting of early New Deal days.

The filibuster against the antilynching bill is developing into something more than a determined fight by southern Senators to kill this individual legislative item. Its greater importance lies in the opportunity it affords for the South to speak its mind on other counts and air its resentment. Senator NORRIS, who expresses deep concern at the situation, is not alone in his belief that a continuance of the argument will open wounds difficult to heal.

[From the Providence (R. I.) Journal of January 24, 1938]

MAN FROM MARS

If the traditional man from Mars were to visit the United States, he probably would not be here an hour before he was told about the current recession in business.

It began late last summer, he would be informed. It may or may not be moderating at the moment, but it has played havoc in the past several months—destroying profits, creating unemployment, swelling relief rolls, and causing no end of distress.

Naturally our man from Mars would be curious to know what the Federal Government is doing to counteract this recession, and sooner or later he might travel to Washington to see. What he would have seen in the United States Senate, if he had visited it any time after January 6, however, might leave him pretty puzzled. He would have heard Senator REYNOLDS discussing the Palestine question, "from an entirely new standpoint." Or Senator MCKELLAR reading from a crime commission's report on homicides in Cook County, Ill., in the 5 years before 1928. Or the Senate clerk, at the request of Senator CARAWAY, reading a 3-hour report submitted by the Senate Judiciary Committee in 1888. Or Senator BAILEY declaiming the farewell address of President Andrew Jackson.

By this time our man from Mars might be wondering whether he or we had gone crazy.

The explanation, of course, lies in the filibuster on the antilynching bill that has been raging in the Senate since January 6. The strange and irrelevant speeches and reports read in the Senate since that time represent the efforts of southern Senators to keep this bill from coming to a vote.

But why, the man from Mars might ask, should the Senate waste precious days discussing an antilynching bill at a time when the recession-ridden country expects sound thinking and swift action from Congress?

Why, indeed? There is no emergency, no sudden outbreak of lynchings, to make action on this bill imperative at the moment. It is the same old bill Congress has been talking about, off and on, since last August—in fact, since the turn of the century. Meantime, the number of lynchings has steadily decreased, which would indicate that the problem is slowly solving itself.

Just why the Senate continues to discuss antilynching measures when the American people expect it to discuss the business recession and how to overcome it must remain a mystery. The man from Mars would have to be told that, though the Senate can rise to great heights on occasion, it can also sink to depths of banality. Like the little girl with the curl, when it is good it is very, very good, and when it is bad it is horrid.

[From the Scranton (Pa.) Tribune of January 21, 1938]

FILIBUSTERING TO ONE

A sorry spectacle is presented in the Senate, where the antilynching bill filibuster drones on.

Nobody with a sense of decency has any defense to offer for lynching. It is an unmixed evil.

But it is by no means to be regarded as this country's major evil. Evidence is to the effect that the South has been correcting it and ultimately would eliminate it. To let an antilynching bill tie up the Senate at a critical time is bad business and bad politics.

On Wednesday, according to newspaper reports, the Senator from Louisiana "continued his 5-day attack on the antilynching bill." At his desk, presumably but not certainly listening to him, was the senior Senator from Pennsylvania—an audience of one.

The South regards the attempt to enact an antilynching bill as an insult. There has been talk of a splitting away from Democracy. This, although it would be to the South's advantage, will hardly come to pass.

[From the Rockford (Ill.) Star of January 27, 1938]

WILLFUL DEADLOCK

There is little probability that administrationists will be able to command the two-thirds vote necessary to invoke cloture in the Senate and speed to a close the antilynching bill filibuster which has tied up Senate action since Congress convened. A vote is scheduled around noon today. If cloture, which rigidly limits debate, fails, the next step will probably be the shelving of the antilynching bill in order that the Senate may get to work. Opinion is growing in Washington that proponents of the bill are no less stubborn and willful in insisting on pressing the bill than the southern Senators who oppose it through filibuster.

The bill itself, lost sight of in almost fantastic oratory, has been variously described as a fatal blow to States rights, as a great gesture toward justice, and as a purely political measure designed to strengthen the New Deal with the colored voter. There is something of all three in it, and its pretenses to being a human-justice bill cannot be disassociated from its political meaning, nor from the long-distance effect of extending Federal police activities into community affairs, with the possibility that in no great span of years national majorities might compel the hurt of minorities in local communities. In short, fascism.

The immediate effect of the willfulness of both sides has been that for nearly a month the Senate has been tied up when it should be exercising its captaincy of the legislative branch not only in meeting the depression but in restoring legislative prestige. The filibuster has played into the Executive's hands by keeping the focus on that branch alone.

[From the Hartford (Conn.) Times of January 25, 1938]

THE FILIBUSTER

High time it is that in the United States Senate action should consist of something more than the steps of messengers carrying assorted books upon every subject from top spinning to the history of Haiti to be read aloud, perhaps on the sixth day of his ordeal, by some determined southern Senator, to supplement his flagging intellect, in its endeavor to prolong professed discussion of an antilynching bill.

Henderson, in a recent cartoon, pictures Business as out on the end of a limb, clinging desperately, while above advances the wildcat, Recession, and a figure clad in a hunting toga, representing the Senate, rushes below in circles around the bole of the tree, chasing a rabbit, labeled "Antilynching bill."

The situation illustrates how the name of deliberation, or of discussion, is mocked when the normal processes of a legislative body are blocked by the failure of the body to defend its efficiency and prosecute the real purposes for which it was assembled.

Filibusters, on occasion, are justifiable. The occasion should be removed when it is magnifying the controversy with which it is engaged out of all proportion to its actual importance. Passage of an antilynching bill from even the standpoint of its advocates, is not immediately imperative. The Senate's dawdling with it is exhausting the Nation's patience. Friend and foe of the measure should unite to shelve it in the public interest.

[From the Lewiston (Maine) Sun of January 31, 1938]

Those valiant southern Senators, so eloquently persistent in staving off the antilynching bill, ought to see that indefensible as the antilynching bill is—as great a trespass on State rights—yet a far greater and more mischievous trespass on State rights is the housing bill.

The plan now seems to be to sidetrack the antilynching bill so as to push ahead the housing bill. Those southern Senators should be even more eloquently persistently valiant against the housing bill than they have been against the antilynching bill.

[From the Colorado Springs (Colo.) Gazette of January 31, 1938]

NO TEARS SHED

The antilynching bill of 1938 is slowly going the way of the antilynching bill of 1935—being done to death by a filibuster. Nor will there be any tears shed.

There is no more reason for a Federal statute covering lynching than there is for a Federal statute covering murder, or any other crime. Indeed, the one leads to the other, and both lead to such further invasion of local authority as virtually to supplant it with Federal power.

The antilynching bill is nine parts politics and one part emotionalism. The politicians view it as a sop to throw to northern Negro voters in an effort to hold them in line for the New Deal.

Sentimentalists are outraged by the crime of lynching. Yet lynching is but one item in the category of crime, neither in vileness nor in extent meriting singling out for Federal action.

Could it be so singled out, then there is no limit to the authority the Federal Government might usurp. If counties and county officials can be penalized by Washington when lynchings occur, they can be penalized for anything else. Either the police power is a local function else it is vested in the central Government; and with the police power, of course, goes all authority.

The prohibition era gave a slight indication of what might happen. Any new move in the same direction ought to be checked immediately. Strangely, the check in the present instance has been applied by southerners purely for sectional reasons.

[From the Springfield (Ohio) Sun of January 31, 1938]

LYNCHINGS

It now seems highly probable that the antilynching bill will not be passed. This is not the first time that such a measure has been

offered and defeated. But this defeat is the more serious, because there has been more strength behind the bill than ever before. Defeated under the present conditions, it may be a long time before another attempt to pass a bill of this nature is tried.

Both advocates and opponents of the bill have spoken as if they took it for granted that if the bill were passed it would be enforced. The opponents have, perhaps, given more emphasis to what they considered the probable bad effects of its enforcement than the advocates have given to the good effects.

The advocates have thought it would stop lynching. The opponents have declared that it would enable the United States Government to inflict unjust punishment upon police officers. Some have urged that such a bill would pave the way to complete dominance of the Central Government in local police matters. Others have urged that if the bill is to be passed it should now be made more inclusive, give the Central Government the right to interfere with local officers who fail in prosecuting gangsters, as well as with those who fail in prosecuting mob members.

The possibility that the bill might be enacted and have no important effect one way or another, because of lack of enforcement, does not seem to have crossed the mind of anybody, in spite of the large numbers of laws which have been passed in this country, sometimes State laws and sometimes Federal laws, and which have never been adequately enforced.

With strong local feeling against the enforcement of such a law in the States against which it was primarily directed, the chances are that political influence, as well as the practical difficulties in the way of getting needed testimony, would make the law a dead letter.

Neither the defeat of the law, which seems certain, nor its ineffectiveness if passed, makes the crime by lynching any less.

But the difficulty in passing such a law and the difficulty of enforcing it if it were passed, suggest that this evil should be dealt with in some other manner.

The crime has decreased. In every State the best public opinion is opposed to it. It seems certain that all of our energies should be concentrated in making local fights against this crime, in strengthening local sentiment against it, and in increasing local sentiment in favor of the punishment of all those who engage in it.

[From the Minneapolis (Minn.) Journal of January 31, 1938]

ENDING A FILIBUSTER

The country will be glad to see the end of the Senate's filibuster. It has not been an elevating spectacle, though sometimes mildly entertaining. It should have been called off weeks ago and would have been if the proponents of the antilynching bill had known of some way to save their faces with the voters so frankly courted by the proposal.

Regardless of the bill's merits, it is not a subject of sufficient importance to warrant blocking all other legislation. The South has made some progress in suppressing the crime of lynching, and the battle over this bill may serve to increase official vigilance there in protecting persons under arrest.

The best people of the South, and that means a great majority of them, never have been in sympathy with lynching. But they have by inheritance the deep feeling that it is a phase of the difficult race problem, which the States of the South must settle for themselves. In their course, blocking the bill, the southern Senators were standing, as they believed, for their altars and their fires.

They were a minority, blocking the will of a majority. So they can be called stubborn. But there was stubbornness, too, among those who were pressing the bill ahead of other important matters. The stubborn southerners held the bridge successfully for so long that they actually began to gain in public sympathy. They read books, documents, and other men's speeches into the RECORD, discussed the race problem from Egypt to Haiti, and they droned on and on, one Senator holding the floor for 5 days. It became apparent that these men were fighting from deep conviction and with feeling.

If the bill is laid aside to permit transaction of other business, it will not be dead. There will be the possibility of taking it up later on. The South, then, will be on trial, or at least on good behavior. Just one more brutal lynching, and the cry for Federal legislation will be renewed with greater insistence than ever.

[From the Providence (R. I.) Journal of February 1, 1938]

SENATORIAL CLOTURE

Not without reason, the United States Senate regards itself as the final citadel of free speech in this country. The Senate, therefore, tends to view askance any proposal to discourage its Members from speaking as long as they like on any subject they select.

There is a rule in the Senate—known as the cloture rule—under which debate can be curtailed by vote of two-thirds of the Members. It was adopted in 1917. It is interesting to note, however, that in the 21 years of its existence only 12 attempts have been made to invoke it, and 6 of these attempts have ended in failure.

The last attempt, a few days ago, was one of the most abject failures of all. Senators who sought to invoke the cloture rule then not only failed to win over two-thirds of their colleagues; they failed even to win over a simple majority of them. The vote against cloture was 51 to 37.

The measure on which the attempt was made to limit debate was the antilynching bill, against which a filibuster has been waging for well over 3 weeks. During these 3 weeks the admitted purpose of opponents of the measure has been to waste as much time as possible. Yet, even so, the relatively short time devoted to pertinent debate on the issue itself has been enough to make the arguments clear and familiar—all too familiar to those who have followed them day by day.

Proponents of the antilynching bill, mostly northerners, say it would discourage lynchings. Opponents, mostly southerners, say it would not, but that it would flagrantly invade States' rights. Proponents charge that opponents are opposing the bill to defend indefensible lynching bees. Opponents charge that proponents are championing the bill chiefly to make votes among the Negroes of the North.

Like the music in the recently popular song, the argument goes 'round and 'round. It is so dull that newspapers have ceased to carry more than a few inches of it on any given day, so repetitious that most of it finds all but a handful of the Senators fleeing to the cloakrooms.

To carry the argument further in this session would be completely pointless. To repeat the so often repeated contentions of both sides would simply be inane. The thing to do, it seems plain, is to lay the bill aside. It is good to see that there is a movement to that effect under way in Congress.

It is plainly not a bill likely to win the Senate's endorsement. Nor, for that matter, does the country expect the Senate to devote its time to a bill concerning lynching when the subject concerning the rest of the country is the current recession in business.

[From the Easton (Pa.) Express of January 31, 1938]

ANTILYNCHING ISSUE ENDING?

It is good to know that a step at last has been taken toward ending the controversy over the antilynching measure and that Congress is now disposed to get down to the real business of the people.

The antilynching bill is undesirable from almost every angle from which it can be viewed. Its constitutionality is questionable. It would single out one section of the country for application and it would cause unnecessary sectional bitterness at a time when unity of all the people is sorely needed to fight the recession.

It is to be hoped that proponents of the bill will give up the fight in the interests of desirable legislation, and that the recent battle will leave no wounds that cannot be healed by real congressional cooperation in behalf of the Nation as a whole.

[From the Flint (Mich.) Journal of January 31, 1938]

ANTILYNCHING FILIBUSTER MAY BE LAID ASIDE

There is now good prospect that the Senate will temporarily abandon its filibuster on the antilynching bill—not because either faction in the dispute has altered its opinion, but chiefly because it has reached a stalemate and in recognition of this condition other legislation will be allowed to progress.

This is no mere case of the minority preventing the majority from exercising its will. There are not, perhaps, a half dozen convinced advocates of the antilynching bill in the Senate. But Congress rarely votes its convictions. And, in a test, if it were not for the sponsors of the filibuster, the antilynching bill probably would pass. Hence, it is a case of the minority forcing the majority to holding to its convictions.

The antilynching bill is one of the touchy issues which almost all Members of the Senate wish they did not have to handle. It is a bill which not only extends Federal power but raises grave doubts on its constitutionality, since States' rights may be invaded. There is also the question of the political wisdom of the Federal Government, or at least the administration, forcing its opinion upon any section of the country where the public is plainly opposed to such an act.

The Nation as a whole will be relieved to have the filibuster set aside so as to permit work on a large batch of measures deserving the attention of the Senate—bills with constructive value in meeting some of the pressing problems of the country.

[From the Schenectady (N. Y.) Union-Star of January 27, 1938]

TALK ISN'T ALWAYS CHEAP

For every dance you have to pay the fiddler; for every spree there comes the "morning after"; for every filibuster comes the day of reckoning. So we are reminded by some statistically minded citizens that for the talkfest which has been running wild in the United States Senate since the 5th of January, somebody will have to pay.

One estimate puts the cost at $9,000 of the taxpayers' money for every day of the filibuster on the antilynching bill. This would include the pro rata share of each Senator's salary for a day, the cost of operating, the overhead, clerk hire, and all the appurtenances, including the printing of the CONGRESSIONAL RECORD.

For instance, Senator ALLEN J. ELLENDER, of Louisiana, recently held the floor for 6 straight days. During that time, talking much of the time to empty seats, he spoke enough words to fill 105 pages of the CONGRESSIONAL RECORD. The RECORD costs $50 a page to print, so ELLENDER'S 6-day speech cost the taxpayers more than $5,000.

Even the fact that the speech was interspersed with such pungent remarks as "Father Divine's followers believe he was not born, but combusted," will not make the cost any easier to bear for the hard-bitten citizen who sees his tax money consumed in such a riot of oratory.

The fact that an iniquitous and vicious piece of legislation is being disposed of—we hope—by the only expedient by which it could be killed will be lost from sight if we dwell too long on the dollars-and-cents cost of the filibuster.

Looked at from another angle, it may be worth whatever it costs to save the country from having the Federal Government get its foot within the door of State's rights. When it starts taking over the functions of the State in respect to law enforcement, there is no telling how far it might go, nor how bereft of authority each State might find itself after a few years.

[From the Utica (N. Y.) Observer-Dispatch of January 14, 1938]

GOOD AIM WITH WRONG METHOD

Sometimes Senators display a curious obstinacy. It is now illustrated in connection with the antilynching bill.

Although lynching has been declining and is said to have numbered not more than a dozen last year, this bill is advanced, and the Senate wastes much time over it.

The measure puts the National Government into the management of State affairs in a way that is said to be unconstitutional. Even if it were not, it would be a bad precedent that might lead the way for further centralization of national power in matters which should remain with the States.

It is highly desirable that lynching should be eradicated, just as there are some wrongs in the North which should be mended. But all of these problems should be attended to in the right way, not in a manner that would not work and would cause a great deal of harm.

[From the Cedar Rapids (Iowa) Gazette of January 13, 1938]

NOT SO UNREASONABLE, EITHER

As this is written, southern Senators fighting the antilynching bill are threatening to expand the bill to include gang and mob violence. It goes without saying that they are not inspired by any real enthusiasm for such provisions, but are advancing them in the hope of crippling the antilynching movement.

They know many of the Senators from northern industrial States, who advocate Federal legislation to penalize areas where lynchings occur, would hesitate to apply such legislation to areas where other types of mob violence occur. The reason is that labor disputes frequently are marked by mob violence on the part of striking workers, and passing laws that might get striking voters in trouble is not the safest pastime in which a politician can engage. Existing laws cause the politically minded more than enough embarrassment in such emergencies.

The fact remains, however, that if mob intimidation of peace officers should make a Mississippi county subject to fine, it should also make a Michigan county subject to fine. Lynching is merely the gravest consequence of mob violence. The essential offense is defiance of legally constituted authority.

So the southern filibusterers can advance some pretty strong logic in support of their proposals to expand the scope of the antilynching bill. And we are not at all sure that the need for more legislation to curb other types of mob violence isn't greater than the need for more legislation to curb lynching. Both needs probably could be eliminated by electing more law-enforcement officials with gumption.

[From the Schenectady (N. Y.) Union-Star of January 21, 1938]

THE SENATE'S FILIBUSTER

The time is at hand when it will be possible to speak of the prevailing Senate filibuster on the antilynching bill in the past tense. The amazing talkfest has been going on day after day, filling pages of the CONGRESSIONAL RECORD with more or less pertinent verbiage and not a little valid criticism of the administration. With the prospect of a Democratic split over the issue, the administration may not put the antilynching bill on the "must" list.

For 2 weeks Senators, mostly from Southern States, carried on their oratorical effort to stave off a vote on the controversial issue. Operating as on the legislative day of January 5, the Senate maintained the fiction of not adjourning, recessing at the end of each day's speech making, instead of adjourning. The number of Senators in the Chamber dwindled pretty small sometimes. Frequent roll calls were invoked to hold the Senate together. At one period Senators were insisting on a roll call to compel the presence of Leader BARKLEY. The CONGRESSIONAL RECORD for these 12 days makes interesting reading, replete with quotations from histories, speeches of Andrew Jackson, and even pages from the story of Egypt and the book Race or Mongrel.

Two amazing circumstances marked this filibuster. One was public indifference. The amount of vexation it roused in the public was small. Little mention was made of it in the newspapers. Nobody seemed to care how long it ran, it being generally understood it was a stall to thwart the New Deal. Even the Vice President made not a gesture to stem the flood of oratory until the administration admitted defeat. The public knew what was going on. It understood. The public was aware that the antilynching bill was an administration measure touching on a highly controversial subject. The public understood that the bill has nothing to do with lynching, but that it had been shaped as an entering wedge by which the Federal Government could assume power over the internal affairs of the 48 States. The bill did not propose to penalize lynching, but to give the Federal Government power to proceed against sheriffs and other State officers in whose jurisdiction lynchings occurred. Were such a bill to be found constitutional by the reconstructed Supreme Court, nothing could stop further encroachments on State's right. Soon States might become mere dependencies on the Federal Government, like those puppet states in China.

Under the circumstances, Senators in both parties and from all parts of the country were glad to let the southern Senators fulminate against the bill as a race and color issue.

The second circumstance marking this unusual filibuster is the amount of independence, not to say hostility, Congress is displaying to the administration. Administration leadership showed itself to be weak. It was unable to hold the President's party in line. In open defiance to Mr. Roosevelt's insistent wishes, Democrats balked. The President's hand-picked majority leader, Senator BARKLEY—from Kentucky and with southern sympathies on lynching questions—displayed loose leadership through the lengthy debate. It was apparent that he was doing only his duty in a perfunctory manner in advocating the bill. When he weakened on calling night sessions of the Senate, it was indication that the administration was not much disturbed by the filibuster and would not risk a split by insisting upon the bill.

[From the San Francisco (Calif.) Chronicle of January 24, 1938]

DAMAGES FOR LYNCHING

The Supreme Court of Wisconsin has handed down a decision holding the municipality of Milwaukee responsible for damage done to property in that city in riots during a strike. The court held it was the duty of the city to protect property and, failing in this duty, it must pay the damages.

This is interesting in a different direction. If Wisconsin can have a valid law making a city liable for strike-riot damage, Wisconsin, or any other State, can have a law making a city or county or other municipal corporation liable for damages in lynching riots. Thus, what the so-called antilynch bill pretends to do, but almost certainly in unconstitutional fashion, can be done by the States themselves. When done by the States themselves there is no Federal invasion of their police powers, opening the way to Federal invasion of their rights in other fields.

Does not this strengthen the argument that this antilynch bill, so-called, is an unwarranted invasion of the States? The end sought is something the States have an unquestioned right to do for themselves and that the Federal Government almost certainly has not the right to do. Probably that Wisconsin law just upheld by the State supreme court and similar laws in some other States would now cover the case of damages to relatives of victims of lynching riots.

[From the Erie (Pa.) Dispatch-Herald of January 31, 1938]

A HOT POTATO

It looks now as if the Senate will put aside the antilynching bill for the time being, and perhaps permanently. If the Senate does this the action will ease a situation which has been worrying a large number of people in Washington, including the President.

The measure is a "hot potato" few Members of Congress have enjoyed finding in their hands. And while many of them, perhaps a majority, would vote for it in a pinch, the emphasis with which the Members of the Senate voted down the proposal to stop the filibuster against it by invoking cloture probably is a closer indication of real sentiment than any poll would be.

The southern Members are fighting the bill desperately for reasons with which all are familiar. A considerable contingent of other Members oppose it either openly or secretly, because they are afraid of the precedent the enactment of a measure so flagrantly defiant of State rights would set.

The support has come chiefly from men who consider it politically shrewd for them to be sponsors. The action of the Senate is likely to bring relief to a lot of tortured minds in the National Capital. It also will give the Senate a chance to stop marking time and get down to work.

[From the New York Herald Tribune of February 1, 1938]

THE RIGHT OF FILIBUSTER

It is generally assumed that it is rather undemocratic and disreputable to carry on a filibuster in the United States Senate. The filibuster is, of course, a weapon of the minority. It is a device for prolonging the debate in order to prevent the majority from voting to pass a bill, and those who feel that democracy means that any majority should be able to do whatever it chooses whenever it chooses naturally condemn the filibuster.

They are, I think, mistaken. It can be shown, I feel sure, that the filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution and that it is one of the very strongest practical guaranties we possess for preserving the rights which are in the Constitution.

The apparent objection to the filibuster—that it obstructs the rule of the majority—is easily disposed of. The majority of the Senate has the power to apply cloture at any time. In other words, whenever a majority wishes to stop a filibuster it can vote to stop it, and after that no one may speak more than once or longer than 1 hour on the pending measure. Therefore, though the filibuster is conducted by a minority it can only be conducted with the consent of the majority.

We have just seen this exemplified in the Senate. There is presumably a majority ready to vote yes on the Wagner-Van Nuys

antilynching bill. The filibuster is being carried on by a minority of southern Senators. But last week when the Senate majority was asked to decide whether it would permit the filibuster to continue, whether or not it would apply cloture, the Senate voted 51 to 37 not to stop the filibuster. After that it could not be said any longer that the minority was using undemocratic means to obstruct the will of the majority. After that vote the filibuster had the sanction of the majority, and it may proceed not only lawfully but without apologies as long as the majority, which always has the power to stop it, consents.

Behind this more or less technical justification of the filibuster there is a much more substantial justification. Democracy, as we have always understood it in America, has never meant the unrestricted rule of the majority. Our whole constitutional system is based on a conscious and deliberate rejection of that principle, and the insistence, in place of it, upon the principle that it is not the bare current majority but the great ultimate majority, the majority which is formed after there has been plenty of time for debate, which is sovereign in this democracy. The American Constitution is simply an elaborate device for depriving Philip Drunk of much power and for placing final power in the hands of Philip Sober.

Thus, there is no guaranty in the Constitution—of freedom of conscience, of the press, or even of the prohibition of human slavery—which a great majority of the voters cannot repeal. The final power is in the people and they can, if they decide, amend the Constitution in order to establish a complete despotism. But they cannot do it as the German Reichstag did 5 years ago when by majority vote it consented to commit suicide. American liberty is ever so much more strongly entrenched, and the majority of the moment cannot vote away the democratic system or the constitutional rights of the individual.

That can be done in America only if there is an overwhelming majority and then only after the minority has had time to make a thorough appeal to the conscience of the people. That is what is meant by the checks and balances of the American Constitution. That is why we have a Constitution which limits the power of Congress, of the President, of State legislatures, and of governors. That is why the Constitution is interpreted by an independent judiciary. That is why this Constitution cannot be amended until an enormous and deliberate majority speaking through two-thirds of both Houses of Congress and three-quarters of the States consents to the amendment. And that is why in one of these Houses, the Senate, we have the jealously guarded tradition of unlimited debate, and why a majority of the Senate is very reluctant to apply cloture and stop debate.

No frame of government can absolutely guarantee human liberty. But the American system, whatever its other faults may be, is the most ingeniously and elaborately contrived mechanism on earth to make it difficult to abolish liberty in a gust of popular passion.

If we ask ourselves how we are to know when a minority is justified in using the mechanism to obstruct the majority, the answer is, I think, clear enough. Only a minority with deep convictions facing a majority with weak convictions can under the present rules conduct a filibuster. If the yeas were as sure that the antilynching bill is right and necessary as the minority are that it is wrong and unnecessary, the majority could pass the bill in 48 hours.

The fact that the majority do not do this is proof, as definite proof as could be wanted, that there is no really considered and convinced majority in favor of the bill. It is proof, too, that to pass the bill under these circumstances is to override a convinced minority, mistakenly convinced perhaps, but nevertheless convinced, when the reasons for overriding it are not entirely certain. So while no one would deny that a real majority must prevail over a minority, it is clear that in the traditional American sense there is not a real majority for the bill.

Under these circumstances the bill ought not to pass at this time. The sponsors of the bill must still persuade more voters that the bill ought to pass. For if the spirit of democracy is to be maintained a minority must never be coerced unless the reasons for coercing it are decisive and overwhelming.

Is it necessary to say by way of avoiding misunderstanding that to be willing to see this particular bill laid aside is not to condone lynching? If anyone thinks the contrary, let him ask himself whether any sane man believes that Senator BORAH, the leading opponent, is any less horrified by lynching than, say, Senator WAGNER.

Surely it must be plain that the issue is not the odious crime of lynching, nor anything rising from southern feeling about the relations of the white and the colored peoples, but a deep difference of opinion about the proper functions of the National Government. On that question Senator BORAH may be mistaken. But a majority of the Senate are on record as saying they do not think him so surely mistaken that they are prepared to force the bill to a vote.

[From the San Jose (Calif.) Mercury Herald of January 22, 1938]

SOLD DOWN THE RIVER

Southern Democratic Senators assert their section is being sold down the river by the New Deal Democrats to pay northern Negroes for their support of the administration in 1936 and continued support in 1940. In private cloakroom conversations in Congress, Washington correspondents say, it is frankly admitted the purpose in passing the antilynching bill is just this.

No other inference can be drawn, for two reasons. One is that the South is vigorously combating this evil, and, if let alone, will soon stamp it out. The proof is that lynchings, which in the turbulent period after the Civil War reached a high of 162, have steadily declined and were only 8 last year. There is an aroused public opinion against it, and law-enforcement officials are vigilant in protecting Negroes accused of crime.

The other reason is that the Federal Government has no more right to impose penalties on southern communities and officers for failing to stop murder and kidnaping. Crime prevention is exclusively a State responsibility, and interference with it by the Federal Government is a violation of the Constitution.

Viewed in its moral and political aspect, this attempt to buy the northern Negro vote is a national disgrace. But there is a more serious aspect, for the argument made in support of the bill is the insidious doctrine that if any State lags behind other States in social and economic progress the Federal Government may intervene and regiment it. This doctrine broke down parliamentary government in European countries and established the totalitarian state. The passage of the antilynching bill would be a step toward the totalitarian state in this country, and the President, as the leader of the Democratic Party and the defender of the Constitution, owes a duty to stop this Fascist assault on the institutions of his country.

[From the Sioux City (Iowa) Journal of January 12, 1938]

WARNING OF A SPLIT

Possibly on occasions Senator PAT HARRISON, of Mississippi, indulges in the employment of poker tactics in political maneuvers, but it is doubted that he was bluffing in the Senate Monday when he warned northern Democrats who insist on passing the antilynching bill that they might precipitate a split in the party. PAT HARRISON is still a powerful Democrat down South even if Senator BARKLEY, of Kentucky, no better nor worse than a border State, defeated him in a race for the Senate majority leadership. Besides, he has influence that has come to him as a result of his many years of experience in the Senate.

It is pretty well understood that northern and eastern Democrats who are supporting the measure to which the South so strenuously objects are not really interested in seeing the thing become a permanent law. It also is understood that they are confident it could not get past the Supreme Court in tests sure to be made, for they admit it is unconstitutional. So operation of the law is not the goal of the Wagners and Van Nuyses and others who are backing the bill. They want it as a gesture to make the Negro vote permanently Democratic in the East, North, and Middle West.

Still, the South, as Senator HARRISON has said, looks upon the bill as a legislative monstrosity and one that is particularly offensive. Wherefore the warning, and if PAT HARRISON isn't bluffing the situation becomes serious.

[From the Springfield (Mass.) Union of January 14, 1938]

THE ANTILYNCHING BILL

Senator BORAH'S claim that the antilynching bill now being filibustered to death in the Senate would "destroy the last vestige of State rights" is enough to damn the measure. But there are other grounds on which it might be condemned. For one thing, it is strongly suspected of being little more than a political device to curry favor among the Negro population of the large northern cities.

The extent to which lynching is practiced in this country is a disgraceful blot on our national escutcheon, but there were only eight lynchings in 1937, nine in 1936. The Federal bill would apply only to those cases in which local officials failed to use "all due diligence" in preventing the lynching or establishing responsibility for the act. That would narrow to a very few the number of cases affected by the Federal measure.

The number of such cases would be much smaller than the victims of gang lawlessness in the Northern States. And the South is just as diligently seeking to eradicate lynching, with greater success. It is not surprising in the circumstances that the Southern States should view Federal interference as a reflection on their own serious efforts to end this disgrace.

An onerous aspect of the Federal bill is that the Federal courts would take matters out of the hands of the State courts. This is a dangerous invasion of State rights, as Senator BORAH and others have pointed out. It is a clear move in the direction of centralized government, for if the Government can supplant the State courts in such action, it can eventually take over other functions of the States.

[From the Boise (Idaho) Statesman of January 20, 1938]

WHAT'S ALL THE SHOOTING ABOUT?

The so-called antilynching bill which is causing such a furore in Congress will finally be lost, predicted Paul Mallon in yesterday's Statesman, and in the next column Mark Sullivan made an observation concerning the rarity of lynchings which doubtless appealed to all thinking persons who have been following the battle.

During 1937 there were only eight lynchings in the entire United States; during 1936 there were nine. These cases, in which mobs took the law into their own hands, are to be devoutly deplored; nevertheless, the figures indicate that lynching is far from the national problem supporters of the measure would have us believe, and, as Mr. Sullivan points out, gang murders in the northern cities (or in any big city, for that matter) far outnumber the victims of lynchings in the entire South.

Yet, under the guise of warring against lynching, supporters of the bill would place law-enforcement officers of sovereign States under the thumb of Federal authorities, supplant State courts with Federal Courts, and compel these same States to turn over much of their police authority to the Federal Government.

In the past few years we have seen States surrender many of their rights to Washington bureaucrats, but it is doubtful whether any legislation has been introduced which would strike a more terrific blow at States' rights than this antilynching bill.

Few who have studied the lynching question from an unprejudiced standpoint believe that it would decrease the present very low lynching rate. Indeed, it probably would increase the rate. For the South is attacking and solving the problem itself; the interference by the Federal Government will only serve to create antagonism and add new fuel to the flame of dying race hatred.

Then why are the northern Democrats, especially from the big cities, so anxious to pass the bill? The answer may be made in one word. It is "politics."

In the big cities the Negroes, who have been falsely led to believe that the legislation is desirable as protection for their race, hold the balance of political power; a large proportion of them already have been lured from their traditional Republicanism to the Democratic fold, and the "smart boys" whose constituents they are in Congress long since came to the conclusion that the most certain way to hold them is to espouse—and, if possible, pass—the antilynching legislation.

Figures compiled by the Washington Research Bureau show that in 1930 Negroes made up the following percentages of the population in the cities cited:

	Percent
Chicago	7
Cleveland	8
Detroit	8
Indianapolis	12
Manhattan Borough, New York City	12
Newark	9
Philadelphia	11
Pittsburgh	8
St. Louis	11

And the Democratic machine in most Northern States is primarily an affair of the large cities, weak in most of the rural areas. So the allegiance of the Negro voters might well be a major factor in carrying the cities, not only in National but also in State and local elections.

[From the Buffalo (N. Y.) News of January 31, 1938]

WAGNER BILL'S DEFEAT

Senator ALBEN W. BARKLEY, majority leader of the Senate, announces that that body will move to consider this week the crop control and housing measures, a tacit admission that the Wagner antilynching bill is dead. The refusal to limit debate by cloture was the final blow to a measure whose validity has been seriously questioned by Senator WILLIAM E. BORAH, of Idaho, and bitterly opposed by Congressmen from the South who felt it would hinder rather than help efforts to stamp out mob violence.

Every Republican in the Senate, except Senator ARTHUR H. CAPPER, of Kansas, joined with 37 Democrats to defeat cloture by a vote of 51 to 37. It takes a two-thirds vote of the Senate to adopt the famous rule No. 22, which limits debate. The fact that a majority of the Senate voted against cloture would seem to indicate that it considers the Wagner measure, however well-meaning, the wrong cure for the evil of lynching. In 1933 enemies of the Glass banking bill could muster only nine votes in opposition to cloture.

The Senate always has been reluctant to limit debate. At its first session in 1790 the Senate endured a filibuster, some of its Members wanting to sit at New York, others at Philadelphia. Votes to invoke the cloture rule have succeeded only 4 times in 11 attempts; an indication that the freedom to talk for hours, if not days, still is cherished by the Senate.

It would seem that the failure to limit debate leaves proponents of the antilynching measure no choice but to shelve their bill. The effort to project the Federal Government into a field where action on the part of the States has been at least partly effective was one which many Americans viewed with grave misgivings. No one condones mob violence. As a matter of fact the South, where most outrages occur, has made remarkable progress in stamping out the practice during the past decades. Virginia and North Carolina especially have clean records. The responsible elements in the South will not relax their vigilance to protect their communities from lynching. They probably will redouble their efforts to uphold the hands of peace officers and prosecutors who are active and vigilant.

[From the Minneapolis (Minn.) Tribune of January 26, 1938]

OUR SENATE NEROS

The Senate has clearly lost all sense of proportion so far as the antilynching bill is concerned. For 3 weeks it has been divided into two intransigent and willful groups, each determined to have its own way at any cost and each shockingly indifferent to the consequences of its folly.

One might suppose that the very life of the Nation hung tenuously on this antilynching bill, and that the issue completely dominated all others; yet the truth is that the Senate is brawling over a matter of legislation which has no logical or proper claim to priority upon the crowded calendar of Congress. Our Senate Neros are simply fiddling away precious days while the urgent problems presented by the business recession go unheeded.

Unemployment may continue to increase, and industrial production to decline, but what boots it to the embattled Members of the upper House? The importance of putting first things first has utterly escaped them. The mountains may wait their pleasure; there is a molehill, after all, which requires their immediate and ponderous attentions. So the proponents of the bill cling grimly to their purpose, yielding not an inch; its enemies continue to filibuster against it, as if the very heavens would fall upon its passage; and the Nation, which is interested in nothing quite so much as sound recovery legislation, is left to meditate upon this stupid spectacle.

The responsibility for such a situation is not easily assigned, yet we think that the greater share of it should be placed upon those who have chosen this wretchedly inappropriate time to press for the antilynching bill. The bill was known to be highly controversial; it was a foregone conclusion that its introduction would precipitate a bitter war. Yet its advocates have deliberately invited that war, knowing full well that costly delay was inevitable.

The bill, of course, is aimed at no "emergency." There were only eight persons lynched in the United States last year, and any high-school child knows that the spread of enlightened, decent opinion in the South has all but put an end to this barbarous crime. While eight lynchings are admittedly eight too many, it is a fact, too obvious to be denied, that the South is putting its own house in order without benefit of Federal legislation; and it is obvious, as well, that the bill in question is a highly dubious guaranty of further progress. The notion that those who oppose it are in favor of lynching has been assiduously cultivated, but it is too preposterous to warrant serious consideration, and the sooner the bill is stripped of its false emotional appeals and its political window-dressing, the better it will be.

The truth is that there are serious objections to the bill which go far beyond the matter of lynchings to the question of its constitutionality and the issue of State rights; and the further truth is these objections are being sincerely voiced by many Senators who are no more lynchers at heart than Senator BORAH.

Under the circumstances, the advocates of the bill might wisely consent to withdraw it from consideration for the present. Their sincerity, too, may be conceded, yet they have elected to air their estimable motives and intentions at a disastrously inopportune time.

The first item of business of the present session should be the problems of recovery; after they are disposed of, there will be ample opportunity to renew the present war of words. But today, to its shame, the Senate is deadlocked by its own pride and obstinacy, while some 11,000,000 jobless persons hope against hope for action that will help give new impulse to recovery.

[From the Colorado Springs (Colo.) Gazette of January 19, 1938]

THE SOUTH'S CHALLENGE

Southern Senators, battling to block the antilynching bill, are doing more than delivering engaging lectures on general subjects. They are bringing out a few pertinent, highly appropriate and largely overlooked facts which offer little comfort to their northern brethren who are pressing so hard for antilynching legislation.

For instance, it is remarked that while in 1937 there were only eight Negroes lynched, New York and Chicago alone counted gang killings by the score.

Senator RUSSELL, of Georgia, notes that in 1935 Chicago had 243 murders and "nonnegligent" manslaughters, and in 1936, 221. Senator MCKELLAR quotes from the Illinois crime survey: "There have been no convictions in gang murders in Chicago during the period covered by this analysis—1935–37. This immunity from punishment is apparently due in part to collusion between politicians and racketeers and to the rule of silence required by the underworld code of ethics."

Gangs can engage in rackets in the big cities—levy tribute as they will, bomb and murder when it is not paid—and it is a local problem. Enraged citizens can resort to violence in a scattered few instances, and it is a matter demanding drastic extension and exercise of the Federal police power.

If lynching is properly a matter of Federal concern, is it not infinitely more urgent that the suppression of crime at large be made a Federal responsibility, with Federal police moving in to supplant local authority? Lynching is repugnant, but it is minor as compared to the crime that is an everyday occurrence in big cities. Why should Federal power be invoked in the one instance and not in the other?

[From the Milwaukee (Wis.) Journal of January 25, 1938]

FILIBUSTER GOES ON

Committees of the Senate meet and probably do some good spade work on matters that need attention. But since Congress assembled on January 3 the time of the Senate has been given to a filibuster against the antilynching bill. Not all the speeches are worthless or mere time killers. Several very good speeches have been made against the measure. Most of these are made by Senators from the South, which made Senator BORAH's philippic against the bill all the more notable. Not a single speech has been made in favor of the bill.

Yet the filibuster goes on. The question it raises is the functioning of Congress. Last year the Senate's force was spent from February until June on the Supreme Court bill. This was caused by the insistence of the President and the administration Senators. With much that was important in the President's own program neglected, Congress faced a fundamental of our Government.

Now, with the country disturbed and anxious, with matters of serious import to this year's agriculture and employment and business calling for attention, the Senate's energies are spent on a measure which raises the whole question of Federal and State authority, whose constitutionality is seriously doubted, and for which no one pretends to show any immediate need.

The crime of lynching has darkened our history for 75 years. But it has steadily decreased through 45 years. From 231 lynchings in 1892 it had fallen to 8 in 1936 and 1937. From 1 victim in every 284,000 of our population it had become 1 in every 16,000,000. No other crime has thus decreased.

Of course, this does not excuse lynching. It does not remove it from the field of Federal concern. It certainly raises the question why the Senate should be so much concerned about an offense decreased almost to the vanishing point in the South and not concerned at all about the rapid increase of rape in New York or Chicago's 1937 record of 218 murders.

The question that is raised is whether the Senate is justified in taking this time and all the additional time that must be given to the lynching question, for a great deal of time will be taken, as Senator BORAH's speech proved, not on the evil of lynching but on the right of the Federal Government to enter the States and hold officials responsible.

The reason for the bill is not devotion to the rights of the Negro, who is the principal victim of lynching, but devotion to the increasingly important Negro vote in Northern States.

Again, morality is not less moral because political motives support it. But there is here the question of the Senate's rightness in putting other things aside. At a time when the country is prepared to see Congress reassume some of its old authority we get this demonstration of near futility. Leadership in the Senate is at a low ebb when, with the jobs of many thousands at stake, this kind of thing goes on week after week.

[From the Bakersfield Californian of January 21, 1938]

TIME AND POLITICS

Time brings about unbelievable changes in politics. Not so many years have passed since protests of the entire "solid South" against government by carpetbaggers, or, as they less politely called them in Dixie, skallawags, were ignored by the great Republican majority in Congress and were supported by the Democratic minority. If anybody had suggested then that within the lives of some then participating in national events the existence of a situation that now manifests itself, he would have been considered a false prophet. Yet here are the statesmen and near Democratic statesmen from the South protesting against the antilynching bill, declaring it an invasion of States' rights uncalled for by any condition that obtains in the South, while the chief proponents of the measure to which they object are Democratic Senators from the North. And the South now relies upon northern Republicans for support to continue the long drawn out debate which has occupied senatorial attention for the past several days.

True, the issue as it has been created by the antilynching bill has to do with a northern as well as a southern political program. The inspiration of the measure is a desire to secure for the Democratic Party the great colored vote of cities like New York, Chicago, and Philadelphia. And there is no secret that the northern Democrats who are consistently supporting the bill are more concerned over their own politics than they are with the politics of the South.

The southern Senators become more and more belligerent with each passing day; they point out that there were but eight lynchings in the United States within the last year and that there is no justification for Federal laws or Federal intervention under such circumstances. But they do not convince their northern brethren; the battle gets warmer day by day and it bids fair to destroy the solidity of the Democratic majority. The statesmen of reconstruction days, if they could now return to the scenes of their activity, would naturally be surprised at the sectional and political alinement in the Senate due to the antilynching bill and so contrary to that with which they were familiar in the long-time battle in the reconstruction days.

[From the Brooklyn (N. Y.) Citizen of January 24, 1938]

THE NEGRO PROBLEM IN THE SENATE

An effort will be made this week to break the filibuster against the antilynching bill, which is holding up all legislation in the Senate. That the opposition of the South to the bill is sincere and deep-hearted is without question by anyone who has read the speeches of the southern Senators.

These southern Senators remember what followed reconstruction after the Civil War. They recall that a mulatto was acting as Governor of Louisiana and a Negro legislature made laws for the proud State of South Carolina.

In one of Senator ELLENDER's speeches he read extracts from the book published by a southern gentleman named Caperton Braxton reviewing the history of reconstruction. He noted the fact that before the Civil War the South held the balance of power. In order to continue the Republican Party in control of the Federal Government, Mr. Braxton charged that they enacted the fifteenth amendment, giving the Negro suffrage purely as a political measure. Mr. Braxton claimed that there was no sentiment for Negro suffrage among the white people of the North, and, in fact, many of the constitutions of Northern States either excluded Negroes from the suffrage or else placed property qualifications upon them, which few Negroes were able to meet.

It is the contention of the southern Senators that the antilynching bill was introduced to keep in line the Negro voters in doubtful Northern States for the Democratic Party. Many personal attacks were made upon Senator WAGNER, who was accused of sponsoring the bill because of the large Negro vote in Harlem.

Senator ELLENDER said that Harlem is the most congested Negro section in the entire country. He claimed that voodooism is practiced in Harlem, and he made fun of Father Divine as the god of Harlem Negroes.

This Father Divine, he said, is really George F. Baker, son of a Georgia slave. He wondered where Father Divine got all his money, and insinuated that it must come from Russia.

Senator ELLENDER pictured what mongrelization of the races had done to Egypt and India, and said the same degeneration would befall this country if measures were not taken to repeal Negro suffrage, which was a step toward Negro social equality.

Theodore Roosevelt, in one of his books, said that the Negro problem is the greatest problem confronting the country. He failed to indicate how the problem is to be solved, but that it is a real problem not only in the South but also in parts of the North is beyond dispute.

Since emancipation 75 years ago, the Negro race has shown remarkable improvement. It has developed distinguished poets and musicians and many able doctors and lawyers. But the mass of the Negroes, as the career of Father Divine proves, are still steeped in the barbaric traditions of the African jungle.

[From the Brooklyn Eagle of January 29, 1938]

DEFEAT FOR CLOTURE

It is not without significance that only one Republican Member of the Senate, CAPPER, of Kansas, voted for the motion to impose cloture to end debate on the antilynching bill. Twelve Republicans voted against cloture which was beaten by a majority of 14 in a total vote of 88, and a cloture motion must have a majority of two-thirds to become effective. The anticloture vote is interpreted as meaning that the bill will be shelved under the threat of a continued filibuster by its opponents if an attempt is made to press it further. The Senate Democrats were almost evenly split on the vote, with 35 voting for it and 37 against it.

Sentiment for the bill has been dwindling in Congress, yet its proponents feel they would have a chance to pass it if cloture could be imposed. Senator MCNARY, of Oregon, claims that all of his fellow Republicans but one would vote for passage, but they stand almost unanimously against cloture to protect their right as a minority to unlimited debate on other measures. The provision for cloture was adopted more than 20 years ago, and in the interval the Senate has shut off debate on only four occasions.

There is a powerful argument against the bill in Senator GLASS' contention that it doesn't undertake to punish lynchers through exercise of the Federal power, but that it turns that power loose upon State authorities "on the assumption that the State officials haven't done their duty." It would make the Federal power supreme in judging whether State officials were derelict, and enable the levying of penalties against any district of a State in which a lynching occurs. That would be a broad and very possibly a dangerous power to confer.

[From the Las Vegas (Nev.) Review-Journal of January 26, 1938]

THE BILL SHOULD BE SHELVED

Latest word from Washington indicates that the antilynching bill will be shelved within the next few days to make way for more important and pressing legislation.

There never was any excuse for the bill in the first place. Lynching is no longer a major problem. It is the only type of crime the several States have had any success in decreasing during the past generation. There were but eight lynchings during 1937—lowest figure since reconstruction days.

True, even eight is too many, but the record shows the States are doing quite well in controlling this crime and that there is no reason whatever for the Federal Government to attempt to step in and take charge in the manner proposed.

Sponsors of the bill, Senator BOB WAGNER, of New York, and Senator WILLIAM DIETERICH, of Illinois, have never denied the charges of southern Senators that their measure is entirely political, designed only to please the Negro voters in New York and Chicago, even at the expense of administering a historic insult to the old South.

That such a measure should tie up the National Congress for weeks borders on an absurdity and certainly doesn't speak very well for the sponsors of the measure or the Senate leadership. It's about time somebody came to their senses to end the fiasco.

Incidentally, the debate on the subject belies the designation of a "filibuster." While some Senators have prolonged their remarks to consume time, there can be no question but that the high caliber of the discussion frees it entirely from that sinister implication.

The speakers have not only held closely to their subject but have revealed the heart of the issue in no uncertain terms. While unanimously deploring the now isolated cases of mob murder, they

have dissected the antilynching bill and found it to be impractical, unnecessary, repugnant to the American system of government, and an insult to the South.

The really strange aspect of the debate is that no effort has been made to answer these devastating attacks upon a measure of grave import. This gives rise to the question as to whether a majority of the Senators who are supposed to be pledged to vote for it are actually willing to go so far for entirely political considerations? If so, there are more demagogues in the National Congress than has been popularly supposed.

[From the Butte (Mont.) Standard of January 26, 1938]

THE SENATE'S FILIBUSTER

The United States Senate has accomplished but little in the present session of Congress because of the filibuster of southern Senators against the antilynching measure that has been before it in one form or another since early in the special session last fall. During the special session the antilynching bill was laid aside by agreement that no vote on it would be requested. It was made the first order of business for the regular session.

Throughout Washington the antilynching bill is regarded as a purely political piece of legislation to hold the large Negro vote in the North for the New Deal. In the South this measure is regarded as a reflection upon the honor and integrity of government in the Southern States. Senator WAGNER, of New York, is a co-author of the measure and its principal sponsor. Senator WAGNER, incidentally, will be the chief immediate beneficiary of the measure, since New York City in its Harlem district numbers the greatest mass of Negro voters in the United States. If the New Deal Democrats can control the Negro vote in New York City they will have a mass vote that will help substantially in overcoming adverse sentiment throughout that State. The same is true in only slightly lesser extent in the cities of Chicago and Philadelphia, where the Negro vote mounts up to a tremendous total. Heretofore the Negroes of the North have usually voted the Republican ticket. They had cast their lot with the heirs of Lincoln's views on slavery.

Negro organizations of the North have made antilynching legislation a condition of their support of the New Deal. That is why Southern Senators have taunted Northern Democrats with the charge that Negroes are in command of their party policies.

To the southerners this fight is more than a mere matter of politics. It is a fight for sentiment and an effort to resist what is regarded as a legislative insult. The imposition of night sessions upon the Senate in an effort to break the filibuster by exhausting the speakers has only caused the southerners to gird themselves more strongly for the battle. They threaten a new division in the Democratic Party. They call attention to the fact that last year there were but eight cases of lynching in the South and they point with derision to the lawlessness, the kidnapings, and the murders in the North. They have proposed amendments to the anti-lynching law which shall place criminal responsibility upon peace officers in the North, whose precincts are honeycombed with crime, similar to the responsibility placed by this measure on peace officers of the South.

In the meantime administration leaders are twisting and squirming as the filibuster jams the administration's legislative program. The farm bill, the vast appropriation measures, wages and hours legislation and the administration's bid for Government reorganization, all are held up behind the jam, to say nothing of the delay that will be encountered when the tax revision plans get to the Senate.

But Majority Leader BARKLEY, whose tenure since the death of the late Joe Robinson has seen only stormy controversy, is tenaciously clinging to the program of forcing the antilynching bill to a vote. The southerners declare it will never come to a vote. They insist they will talk it and the present legislative session to a disastrous conclusion.

[From the Scranton (Pa.) Tribune of January 28, 1938]

UP AGAINST IT

Failure of the backers of the antilynching bill to get cloture adopted by the Senate probably means that the bill will die.

Its introduction at a critical time was a mistake. Opposition from the South was certain, and it should not have been hard to foresee danger of a filibuster that would tie up legislation of overshadowing importance.

The bill's backers are now under the necessity of saving their faces if they can. They blundered in introducing the bill, they have blundered in pressing for its passage in the face of indomitable opposition, and there would appear to be nothing for them to do but make the best of a bad situation.

[From the Detroit (Mich.) Free Press of January 29, 1938]

SIDE-TRACKED

The prospect that the Senate will put aside the antilynching bill for the time being, and perhaps permanently, eases a situation which has been worrying a large number of people in Washington, including the President.

The measure is a hot potato few Members of Congress have enjoyed finding in their hands. And while many of them, perhaps a majority, would vote for it in a pinch, the emphasis with which the Members of the Senate voted down the proposal to stop the filibuster against it by invoking cloture probably is a closer indication of real sentiment than any poll would be.

The southern Members are fighting the bill desperately for reasons with which all are familiar.

A considerable contingent of other Members oppose it either openly or secretly, because they are afraid of the precedent the enactment of a measure so flagrantly defiant of State rights would set.

The support has come chiefly from men who consider it politically shrewd for them to be sponsors.

The action of the Senate is likely to bring relief to a lot of tortured minds in the National Capital. It also will give the Senate a chance to stop marking time and get down to work.

[From the Brooklyn (N. Y.) Citizen of January 29, 1938]

WE ANSWER OUR NEGRO CRITIC

The Brooklyn Citizen has received a letter from the National Association for the Advancement of Colored People, which we cheerfully print on this page, protesting against the editorials published in the Brooklyn Citizen on the antilynching bill.

What the association particularly resents is the space given in the editorials to excerpts from the speeches of some of the southern Senators and the speech of Senator BORAH, of Idaho, in opposition to the bill. This is the basis of a charge that the Brooklyn Citizen is unfriendly to the Negro and is an undemocratic newspaper.

Another complaint registered by the association is a statement erroneously attributed to the paper stating that there is little or no northern white sentiment in favor of the bill.

We submit that there are two sides to every question, and it is the duty of a newspaper to report both sides. As for the statements of Senator ELLENDER of conditions in Harlem, the Brooklyn Citizen has no personal knowledge of their truth, but merely called attention to them to show the character of the southern opposition.

In regard to northern white sentiment, we published views expressed by Mr. Caperton Braxton, a distinguished Virginian, in a book published by him which has for its subject the relations between the Negro and southern white people since the Civil War.

The Brooklyn Citizen, as our files will show, has always been friendly and sympathetic to the Negro, and, contrary to statements in the letter, in our editorials on the antilynching bill we have given due recognition to the many distinguished Negro poets, musicians, artists, and educators. But we still maintain that the vast majority of the Negroes in this country are too prone to succumb to the superstitious and absurd teachings of men like Father Divine and other adventurers.

Lynching in the South, as has been pointed out by southern Senators, is becoming a thing of the past. Last year there were only eight lynchings in the whole of the South, and, while these were eight too many, nonetheless it showed that education and the efforts of the southern Governors and newspapers were having their effect in checking mob rule.

We believe that Senator WAGNER and Senator VAN NUYS were ill advised in precipitating the antilynching bill at this time, when the economic condition of the country demands prompt enactment of the measures that have been sidetracked while the filibuster has been going on. The overwhelming majority cast against cloture is evidence that there is no real support for the bill in the Senate, and the sooner it is set aside or defeated the better for all concerned, both whites and blacks. The South will never submit either to Negro political equality or social equality. Political equality was forced upon the white people of the South by the Republican Party. That party is no longer interested in the Negro, since the Negroes of the North went over to the Democratic Party in 1932 and 1936.

Some 25 years ago, as Senator BORAH stated in his speech, the Republican Party backed an antilynching bill. But today the Republican Party is opposed to the antilynching bill. In other words, both parties have been playing politics with the Negro vote, and this is well understood, we believe, by intelligent Negroes.

The Negro has more freedom in the North than in the South, but his economic position is better in the South than in the North. The South has done wonders in educating the Negro since the Civil War. It needs the Negro as a laborer in its cotton fields and otherwise, and Senator BILBO's suggestion that the Negroes be deported to Africa is not taken seriously by the southern plantation owners. The Negro is here to stay, and the solution of his problem, as Theodore Roosevelt said, is the greatest problem which confronts the country.

[From the Hartford (Conn.) Courant of February 8, 1938]

MR. BORAH GOES TO THE HEART OF IT

When Senator BORAH on January 7 addressed himself in the Senate to the antilynching bill, what he had to say created a profound impression. He did not, of course, condone the crime of lynching. He did not show any lack of sympathy for the position in which the Negro race, whether in the South or in the North, even in the District of Columbia, finds itself. He opposed the measure on two main grounds, first, that it had no constitutional validity and, second, that it offered no assurance that the Federal Government would succeed better than the States have succeeded in stopping lynching.

He mentioned the fact that the Federal Government is in full control of the city of Washington, "which if not the first is at least the second capital city of the world which is most plagued with crime." He recalled that on a single night recently 75 persons had been robbed there. He would not venture to say

where the police were, but he understood that they, themselves, escaped being robbed. When $30,000,000 a year was being taken by criminals from the citizens of the District of Columbia, Mr. BORAH thought the evidence fairly complete that these citizens were being deprived of life, liberty, and property without due process of law, which language found in the fourteenth amendment is made the sole constitutional basis for the antilynching bill.

But if the Senator's 7th of January speech left little of the question remaining, his exceedingly able address to the Senate on last Friday effectually disposed of that little. It was a magnificent reassertion of the constitutional principles upon which our Government rests. Reciting decision after decision of the Supreme Court he asked where any authority could be found which holds "that another sovereignty can step over into the State sovereignty and say 'You must exercise the police powers which you possess.'" A long list of opinions, all to the effect that it was not the purpose of the fourteenth amendment to transfer from the States to the Federal Government the security and protection of those civil rights that inhere in State citizenship, was cited by Mr. BORAH in support of his contention that the antilynching bill is directly contrary to the legal and philosophical conceptions on which the whole structure of our Government rests.

"When the powers of government," he said, "are separated from the people you have an empire, although it may be thought expedient, as did Augustus Caesar, to still call it a republic." He admitted that he may have derived his views on democracy from James Otis and Sam Adams and Thomas Jefferson and Andrew Jackson and Abraham Lincoln, but he still thought them to be essentially sound. "I believe," he said, "that the State is the fountain source of the people's power and when that is destroyed democratic government is at an end." He was not ashamed to say that "even in these days of advanced thought" he is still a believer "in the old-time Americanism, in the rights of the States, in local government, and in all the policies and precepts and principles which made us great as a nation and which alone will keep us great."

The Senator said it was a much debated question "whether we can hope to escape the remorseless trend of arbitrary power against popular government, as we see it in other countries." He give this picture of what is taking place right now in the United States: Although the people still elect their officers according to the established rules, these officers are prone to transfer most of their power to officers whom the people do not elect and over whom they have no control. "We (the elected officers) lay on taxes far beyond the ability of the people to pay, and they seem as helpless to obtain relief as the denizens of the most arbitrary government of old Europe. We lay on debts upon debts, mortgaging the brain and the energy of our people even to the third and fourth generation, and all they can do is to mutter their protests and seek to pay. But, in my opinion, if we leave to the people the right and the power of local government, the right and the power of control over their States, the time ultimately will come when they will take back the powers which they have forfeited by reason of war or of great emergency. If we keep alive the feeling that they are a part of the Government, that it is their Government—stimulate the sense of responsibility, and preserve intact the means by which the people may act when they choose to act—we shall have the only guaranty there is for the continuation of democracy in this country."

These are some of the reasons why Senator BORAH, despite all his abhorrence of lynching, despite his desire to see this crime obliterated, denounces the attempt to give the Federal Government a police power which has been for all these years exclusively a power belonging to the States. If that can be done in this instance, to what extent may it not be carried? If this infringement on the reserved rights of the States is permitted, where does it leave our dual system of government? Once that system is destroyed on one pretext or another we are headed for totalitarianism with the Federal Government exercising over the people all the powers of dictatorship.

[From the Bakersfield Californian of January 28, 1938]

POLITICS FIRST

Cloture has failed in the Senate and the filibuster over the antilynching bill will continue. It will continue even in the face of the fact that there is much legislation awaiting consideration, some of it held to be of grave import. But by a substantial vote the decision is made that measures which are designed to contribute something to easing the economic situation must await the political one which has so long occupied the attention of the Senate. For, of course, the antilynching bill is political.

There was little justification for presenting such a measure at the present time. Most of the Southern States have dealt with this problem in a fairly satisfactory way; there were few lynchings in the South, not as many as in the North, during the past year; but it was not the purpose to deal with the southern situation. Rather it is a bid for political support in the centers of population, and there is little pretense to the contrary. So the endless debate will continue while the housing bill, the bill for the repeal of burdensome taxes, the wage and hour bill, and other measures await the settlement of a strictly political issue.

[From the Bismarck (N. Dak.) Tribune of January 29, 1938]

PEOPLE LIKE A SHOW

One of the most curious items in the national political scene is the reaction of the people to the Senate filibuster on the antilynching bill—or rather the lack of it.

A mass of other legislation is being held up while this filibuster goes on, yet there is no resentment on the part of the people. In fact, there are signs that the average citizen feels the antilynching bill to be wrong in principle. It is so patently a political measure to curry favor with the important Negro vote that it sickens him.

He isn't in favor of lynching, regards it as barbaric. But neither is he in favor of the Federal Government making such servile gestures toward any element in our population for political purposes only.

He regards the whole thing as a sham and hence views it as though it were a show staged for his benefit. In his heart he hopes the southern Senators who are leading the filibuster will win and force abandonment of this odious legislation.

Your average citizen is a pretty smart fellow. He is bright enough to see that the whole thing is political hokum and hence he refuses to get excited about it.

He senses that there are a lot of underlying issues—and there are. He also knows that the proposed law will not help the Negro or prevent one lynching and that the bill is fundamentally bad. This explains the lack of protest which might be expected to arise in the wake of a filibuster such as now is being carried on.

[From the Troy (N. Y.) Record of January 29, 1938]

JOUSTING WITH FUTILITY

The spectacle now going on in the United States Senate of a handful of legislators holding up essential business of the country while attempting to talk to death a bill of which they disapprove is scarcely of a nature to elevate that body in public respect or regard. An end could be put to it if the Senators were so minded, but they are content to sit back and do nothing while the Nation's time and money are being wasted.

Senate committees meet and probably do some spade work on matters that need attention. But since Congress assembled on January 3 the time of the Senate has been given to a filibuster against the antilynching bill. Not all the speeches are worthless or mere time-killers. Several very good speeches have been made against the measure. Not a single speech has been in its favor.

Yet the filibuster goes on. The question it raises is the functioning of Congress. Last year the Senate's force was spent from February until June on the Supreme Court bill. This was caused by the insistence of the President and the administration Senators. With much that was important in the President's own program neglected, Congress faced a fundamental of our Government.

Now, with the country disturbed and anxious, with matters of serious import to this year's agriculture and employment and business calling for attention, the Senate's energies are spent on a measure which raises the whole question of Federal and State authority, the constitutionality of which is seriously doubted and for which no one pretends to show any immediate need.

The crime of lynching has darkened our history for 75 years. But it has steadily decreased through 45 years. From 231 lynchings in 1892, it has fallen to 8 in 1936 and 1937. From 1 victim in every 284,000 of our population, it has become 1 in every 16,000,000. No other crime has thus decreased.

Of course, this does not excuse lynching. It does not remove it from the field of Federal concern. It certainly raises the question why the Senate should be so much concerned about an offense decreased almost to the vanishing point in the South and not concerned at all about the rapid increase of rape in New York and Chicago's record of 218 murders.

The question that is raised is whether the Senate is justified in taking this time and all the additional time that must be given to the lynching question. For a great deal of time will be taken, as Senator BORAH's speech proved, not on the evil of lynching but on the right of the Federal Government to enter the States and hold officials responsible.

The reason for the bill is not devotion to the rights of the Negro, who is the principal victim of lynching, but devotion to the increasingly important Negro vote in Northern States.

Again, morality is not less moral because political motives support it. But there is here the question of the Senate's rightness in putting other things aside. At a time when the country is prepared to see Congress reassume some of its old authority, we get this demonstration of near futility. Leadership in the Senate is at a low ebb when, with the jobs of millions at stake, this kind of thing goes on week after week.

[From the Helena (Mont.) Independent of January 31, 1938]

AN OLD ROMAN CUSTOM

Few sessions of Congress fail to develop a filibuster against some bill or another. Generally it is an effective method of defeating legislation opposed by minority groups.

Filibusters always occur in the Senate. The rules under which the lower House of Congress works does not permit such long-drawn fights. But the Senate still preserves its practice of being a free and untrammeled body where unlimited debate is permitted.

The Senate has produced some great filibusterers. Most noted among them were Senators Robert M. La Follette, Sr., and Huey P. Long. Senators BORAH, JOHNSON, and others have engaged in some striking filibusters.

One of the most notable occurrences in the case of a filibuster occurred several years ago when Senators Gore and La Follette were working together. Senator Gore was blind. Because of his blindness he missed his cue when the time came for him to relieve La Follette and lost the privilege of the floor. The question under debate was immediately put to a vote and carried.

Filibustering is, at the present, a practice indulged by only one legislative body on earth, the American Congress. But it is not peculiarly an American institution. It is an old Roman practice and it may have originated in some earlier legislative body.

Julius Caesar, when praetor, engaged in a notable filibuster to prevent imposition of the death penalty upon the accomplices of Cataline. Cato used the same obstructive strategy against Caesar and Pompey on other occasions. Proving that after all there is not much in this world that is new.

[From the Woonsocket (R. I.) Call of February 1, 1938]

ANTILYNCHING BILL DOOMED

Prospects that the political antilynching bill would be killed off by the Senate filibuster cheered Congress last week as President Roosevelt's statement opposing wage cuts and demanding lower prices dampened the ardor of businessmen. The week saw little or no progress toward an industrial Government understanding.

The only bill that has become law thus far during this session is that which penalizes photographing of military and naval establishments.

Failure of the effort to apply cloture in the Senate demonstrated the futility of trying to pass the antilynching bill in the face of the southern "battalion of death."

While the way was opened for constructive legislation there was none ready except the housing bill. Practical construction men see little in this measure to justify hope of a building boom. They contend that high cost of materials and wages is a wet blanket covering most of the country. Business uncertainty and high taxes spread the blanket wider.

Apparently those industrialists who expect early agreement between industry and the Government on a recovery program are in the minority. Prevailing comment in Washington reflected the action of the stock market after the President's statement. It was to the effect that the President has a knack of increasing business uncertainty at the very moment he is asking for its cooperation.

Senators and Members in States where the Negro vote is important and sometimes decisive are worried over the situation resulting from failure of the Wagner antilynching bill. They hope Negro leaders will realize that everything possible was done to jam the bill through. But nothing fails like failure.

If the Negro vote should turn against Democrats up for reelection, marked changes will appear in the House roll call. Only a few Senators would be affected. Among them is VAN NUYS, of Indiana, coauthor of the antilynching bill. He is already on the administration blacklist because of his opposition to the Supreme Court rejuvenation bill.

Sources in a position to know report that Senator BOB WAGNER'S own enthusiasm for the antilynching bill which bears his name has cooled somewhat. Some of his northern Democratic colleagues are beginning to wonder whether the Senator from New York has led them out on a limb. They understood from him that President Roosevelt would come out for the bill, but the White House shows no signs of doing so.

The southern bloc that opposed the lynching bill is not united on anything else. Some of its members have voted for measures that "invaded the rights of the States" as markedly as the antilynching bill. They have willingly traded States' rights for appropriations.

There's some indication, however, that these Senators will not so easily agree to a wage-hour bill as they did last year. Unless they can get a wage differential for the South, or railroad freight rate concessions, they will fight.

Southeastern Governors thought they saw freight-rate concessions in the offing when they conferred with the President. But the Interstate Commerce Commission is boss of the rate matter, and is miffed at the President because of his criticisms of that body.

This undeclared feud between the President and the Interstate Commerce Commission figures in the controversy over executive reorganization—a matter that may soon rip the United States Senate wide open. The size of the bloc that will lock horns with the President's supporters is not exactly known, but it is strong. It is backed by influential officials in the commissions and bureaus. The powers of Congress are involved in the struggle, besides important questions of patronage.

The probings now going on, with others threatened, are partly for the purpose of demonstrating that Congress must maintain the General Accounting Office as a guardian over expenditures. The supply bills now usually contain provisions requiring stricter auditing. The President will not be empowered to veto items in these bills—he must take all or nothing.

[From the Canton (Ohio) Repository of January 25, 1938]

FIGHTING THE CIVIL WAR

The Civil War, it is recalled, was won by the side with the advantage in men and money. The Confederacy had the spirit and the generals, but they weren't enough.

The modern civil war being fought in the Senate—and it's astonishing how similar the issues are—is probably going to turn out the same way as the original one. The men, the money, and the Government are against the South in its fight against the antilynching bill.

One more probability is important. The South probably isn't going to forget its wounds any more quickly after the current civil war is over than it did when it was "reconstructed" the first time.

[From the Salt Lake City (Utah) Tribune of January 24, 1938]

CONSTITUTIONAL ISSUES INVOLVED IN ANTILYNCHING BILL

Congressional controversies over certain pending measures seem destined to arouse sectional feelings almost as intense as those preceding the War between the States. The reclamation policy, vigorously condemned in the East as beneficial only to the West, the silver-purchase plan with a similar division of sentiment, the wage-hour bill that has been fought by southern Senators and Representatives, the antilynching debate that is growing more bitter every day, all indicate the difficulties encountered in maintaining harmony in a land of diverse resources and dissimilar social problems.

This animus is particularly bitter and dogged in every debate on the desirability and constitutionality of Federal legislation to punish counties in which lynchings occur. For obvious reasons mob violence has been more manifest in the South than elsewhere during the post-war period, while residents of that section are still supersensitive, not because of the fighting but on account of indignities suffered in the period of reconstruction.

Politicians have appealed to race prejudice and sought to hold or win support of the colored descendants of emancipated slaves, awakening animosities gradually dying out in comradeships of two foreign wars. The issue of State sovereignty, involving the right of each Commonwealth to regulate its own internal affairs, was practically exhausted and apparently shelved until recent developments, for which politicians may again be blamed, have hung it on the headlines and State lines of the Republic for further contemplation.

Mob violence is a form of outlawry neither to be condoned nor tolerated. No matter what State or section is thereby disgraced, nor of what race, color, or social status the victims may be, crimes committed by groups are as reprehensible as those perpetrated by individuals. Laws have been enacted, communities organized, courts created, punishments prescribed, and methods for inflicting penalties provided. If the laws are lax, or enforcement officials remiss, or the rules of evidence conducive to abuse in cross-examinations, ample remedies are provided for all such defects in this representative Government.

For 2 weeks southern Senators have carried on a filibuster against final consideration of pending measure. Senator WAGNER, of New York, author of the bill, asserts that enough votes are pledged to put it through the upper House. Mass meetings are being held in Southern States protesting against further invasion of State rights. While many Democratic leaders threaten to bolt the party if the bill is passed, it is not regarded as a party question, since Senator WILLIAM E. BORAH is a powerful leader of opposition to the measure.

On constitutional grounds alone the Idaho statesman has been fighting all such proposals. His position is based on section 4, article IV of the Federal Constitution, which reads as follows:

"The United States shall guarantee to every State in this Union a republican form of government."

The Bill of Rights, which is a vital part of the Constitution, contains two guaranties upon which opponents of the Wagner bill rely. They are articles IX and X, reading as follows:

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The question of State rights has always been paramount in this Republic. Recognition thereof was a condition of agreement to adoption of the Constitution. In theory, the rights retained by the States can be reduced only by constitutional amendment. Since the Civil War, however, there has been a tendency toward curtailing the rights of States and absorbing them in central authority. This is largely the natural result of a long series of decisions by the Supreme Court consolidating and expanding powers of the Federal Government.

Freeman, the English historian, says this change can be traced in legislation and court reports by the gradual disuse of the plural verb after the words "United States" and the substitution of the singular verb in lieu thereof. Whether the outcome of the present agitation will result in a new elucidation of respective rights or a serious awakening of dormant hatreds remains to be seen.

[From the Terre Haute (Ind.) Star of January 14, 1938]

THE ANTILYNCHING WRANGLE

The current filibuster in the Senate over the antilynching bill provides a sad commentary upon legislative processes in the United States. Perhaps such things are among the bitter doses that must be accepted as part of the price of representative government, but the dosage seems to have grown out of proper proportions when a wrangle such as developed Wednesday in the Senate gets under way.

The antilynching bill in itself would provide praiseworthy cause for which to fight if there was the slightest chance that it would stop lynching. But, looking at the matter candidly, there is no indication that the bill would even discourage lynchings, and certainly it would not eliminate them.

To make the whole situation worse, there are some slight indications that supporters of the antilynching bill might be moved to let the bill die if southern Congressmen would come to the support of a wage and hour bill, but the southerners are not disposed to take the least step which would discourage the trek of industry southward, attracted by lower prevailing wage scales.

However, the significance of the antilynching wrangle has passed beyond all merit or lack of merit in the bill. It has brought to the surface some of the deeper political currents which have been threatening the present composition of the Democratic Party since the day President Roosevelt went into office. The party has come to be composed of several heterogeneous groups which are bound to dissolve all relationships, because their interest and political philosophies are widely varied.

Those in high places within the party have disliked to say much about the situation, however well they may have realized what it was. It took the stress of bitter debate to remove the restraint from such a man as Senator BAILEY, of North Carolina, and make him warn that "we'll not let anybody take the Democratic Party from us. * * * When we won the victory of 1932, we won it as Democratic Party. Then a group of Socialists swooped down on the party, and they have not left."

The most vitriolic interchange of remarks in Wednesday's Senate melee was not between Republicans and Democrats but between northern and southern Democrats. It reached its peak in the verbal dueling between Senator RUSSELL, of Georgia, Senator MCKELLAR, of Tennessee, and Senators LEWIS and DIETERICH, of Illinois.

It would not have been important in itself if the exchange had not represented some feelings that have been rankling long in the breasts of those who let the bars down and finally said what they thought.

[From the Salt Lake City (Utah) Deseret News of January 23, 1938]

TIME FOR ACTION

One of the greatest defects in our legislative system is the manner by which pressing national business may be obstructed by a small minority of Members in the Senate. The present session of Congress is, like the special session in December, remarkable only because of the lack of accomplishment. The Senate has been tied up for 14 days by a filibuster on the antilynching bill. Senator ELLENDER, of Louisiana, evidently seeking to outdo the late Huey Long's record, spoke for 25 hours, letting loose a total of 175,000 words.

The Nation stands waiting for action, begging and praying for action, and the Senate filibusters. Business leaders, big and little, over all the land are pleading for tax revision, for action on the wage and hour bill, for attention to the low-cost housing measure, for legislative leadership to head us out of our economic doldrums, and the Senate filibusters.

There seems to be little doubt but that the antilynching bill was badly drafted at the outset. It is also undoubtedly true that every right-minded adult in these United States is opposed to the vicious and indefensible practice of lynching. Champions of State's rights in the Senate are unquestionably correct in their assertion that this bill is a dangerous encroachment upon the powers of the separate States. Proponents of the bill are determined to put their votes on record against lynching, and opponents are willing to risk adverse public reaction to their filibuster in order to save the rights of 48 States.

It would seem that when supposedly logical, able, and astute men reach such an impasse that they would be able to amicably bring the two factions together in order to reach an acceptable compromise. With the whole Nation anxiously awaiting action on grave matters of immediate importance one would think that our Senators would regard it as their clear duty to stop wasting time and get down to business.

The issue is not so much the merits of the antilynching bill as it is the fact that far too much time has already been wasted in debating that measure. The economic security of the Nation demands quick action, and filibustering to defeat a bill intended to outlaw a rapidly vanishing practice is no way to get it. Filibustering at such a time is certainly no way to convince the people of this country that Congress is capable of leading us back to prosperity.

[From the Indianapolis (Ind.) News of January 25, 1938]

THE FILIBUSTER

The opponents of the antilynching bill, who for more than 2 weeks have been engaging in debate against it, know that if it were to come to a vote it would be passed. The supporters of the measure have more than a majority pledged for it. This is the reason that the opponents will not let it come to a vote. Their hope is that the authors of the bill will withdraw it, which will be another victory for them—a victory to the extent that they will again, as they have during the 15 years that bills intended to discourage lynching have been before Congress, postpone defeat. They will be able to face their constituents again this fall with a record of having prevented the passage of the bill.

On the surface this device seems to be a means of defeating the will of the majority, which apparently is the same as submitting to undemocratic minority rule. The argument that if a minority can frustrate the will of the majority, the democratic process of majority rule is defeated, is difficult to refute. Yet the Senate certainly is for majority rule and cannot in truth be charged with condoning minority rule. The explanation is that nearly all Senators believe that the Senate should conserve its reputation as being the one deliberative assembly in the world where a Member may talk himself out, where, in fact, free speech is free speech.

This belief is so firmly held that when it is abused by such filibusters as that now in progress the Senate declines to intervene. It can at any time, by a two-thirds vote, limit debate. This is its way of quashing a filibuster if it desires to bring the question to a vote. But every Senator hesitates to join in closing the debate, for he may himself wish to join a filibuster, and he wishes to avoid the possibility of reprisal votes against him; nor can it be said that filibusters do not have their use. The Supreme Court enlargement bill filibuster last summer certainly developed a popular opinion that helped greatly to defeat a measure which, it is now generally conceded, was destructive of democratic government. The Senate will hardly abandon the filibuster as long as it proves to be helpful at times.

[From the Huntington (W. Va.) Advertiser of January 21, 1938]

ENDING THE FILIBUSTER

Advocates of the antilynching bill are reported as mapping a campaign of parliamentary strategy that will insure the passage of the measure by the Senate within the next 10 days.

At the same time, opponents of the bill, who have been filibustering against it since this session of Congress began, are confident they will be able to maneuver it onto the shelf early next week.

Let us hope that one side or the other succeeds in some kind of an undertaking that will definitely get the measure out of the way and clear the legislative track for the consideration of matters that are vital to national welfare.

Another 10 days or 2 weeks of the filibuster and irreparable harm may be done to the prospects of any worth-while accomplishments by this session of Congress. The debate has been marked by sharp and angry exchanges. It is rapidly engendering a spirit of ill will and intolerance that is not conducive to congenial deliberation and cooperation when issues of real significance to economic welfare must be taken up. The resentment and emotions stirred by the fierce debate may remain throughout the session and prove a hindrance to constructive action.

[From the Wilmington (Del.) News of February 7, 1938]

A CONVENIENT OUT

A full week after it was supposed to have been painlessly put to death, the antilynching filibuster rolls merrily on. Consideration of the housing bill in the Senate brought only a temporary lull, instead of the complete quietus that had been forecast. Now the Senate has blocked, by a 52 to 34 vote, the first attempt of the session to pigeonhole the antilynching measure and clear the decks for other pressing legislation.

Decisive as this vote was, it would be a mistake to assume that this means that the antilynching bill is going to continue to be held before the Senate indefinitely.

This vote has given many Senators, who are supporting the bill for purely political reasons, a convenient out. It allows them to tell their constituents that they voted to keep the bill on the floor even after a month of futile debate. This will place them in a better position to shelve the bill later on the excuse that the fight against the filibuster was hopeless and that it was blocking all other legislation.

One thing that supports this conclusion is the significant sparsity of speeches in favor of the bill. Since the filibuster began early in January, only one real effort has been made to answer the arguments advanced by the bloc of southern Senators. This was the speech delivered last week by Senator WAGNER, whose name is on the bill.

Antilynching legislation will be displaced anyway with the presentation of the conference report on the farm bill, which had a preferred position on the calendar. After this is disposed of, it will not be at all surprising to see a reversal of last week's vote, with a majority favoring the shelving of the antilynching bill for this session.

Administration leaders have been content enough to let things ride for the time being since President Roosevelt is still waiting out the recession and uncertain which way to turn. But it is inconceivable they will continue to tolerate this time-consuming debate much longer, particularly since supporters of the measure show no strong determination to enact the antilynching bill.

[From the Sioux City (Iowa) Tribune of January 28, 1938]

ON AND ON

And so by a vote of 51 to 37 the antilynch filibuster in the United States Senate goes on, and on, and on, and on. Meanwhile an

increasing number of voters fondly hoped this session was for other and different purposes. Some folks back home had an idea that farm aid was a matter of paramount importance; others that a wage and hour bill was a fair subject for immediate discussion. Frigid temperatures did little to lessen thoughts of Federal housing and slum-clearance projects. Even so, it is perhaps impertinent to point out at this time to our Senators that this is election year, and that the people hereabouts are becoming more than ordinarily irked by the senselessness of the present procedure.

As one wag puts it, the Senate never thinks of appointing a committee to investigate the Senate. And right now that doesn't seem to be such a bad idea. After all, Senators get $10,000 a year, $5,600 for clerical expenses, and 20 cents per mile for traveling. At these prices 18 days of filibustering are—well, they are 18 days.

[From the Grand Rapids (Mich.) Press of January 29, 1938]

NO CLOTURE

The decisive manner in which the Senate turned down cloture on the antilynching bill indicates that the measure is not only a dead issue for this session of Congress, but perhaps for all time. Without limitation of debate there is little hope that antilynching legislation ever will be adopted. This is evident despite the fact that a majority vote probably could be obtained in the Senate in favor of the proposed bill if it ever came to a vote.

But it is not likely ever to come to a vote for the reason that the Senate is not likely to vote for cloture, the only device by which filibuster might be broken.

Prior to 1917 the Senate had no rule limiting debate. The Senate finally adopted cloture at the insistence of President Wilson after a filibuster by 12 men against the bill authorizing the arming of merchant ships against submarine attacks. When the Sixty-fourth Congress adjourned on March 3, 1917, Wilson made his famous "willful men" statement.

"The Senate of the United States", he said, "is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, has rendered the great Government of the United States helpless and contemptible. The remedy? There is but one remedy. The only remedy is that the rules of the Senate shall be altered that it can act."

The new Senate then met in special session and on March 8 changed its rules to allow for application of cloture. Under this rule a motion signed by 16 Senators—one-sixth of the total membership—to close debate on any pending measure must be presented to the Senate without debate on the second following calendar day. If two-thirds of the Senators present support the motion the pending measure becomes the unfinished business of the Senate until disposed of and no Senator may speak thereafter for more than 1 hour. No new amendments may be introduced without unanimous consent and no dilatory motions or amendments and no amendments not germane to the bill are in order. All points of order and appeals from the chair must be decided without debate.

In this manner a filibuster may be broken if two-thirds of the Senators desire it. But since 1917 cloture has been applied only four times: In November 1919, on the Versailles Treaty; in January 1926, on membership in the World Court; in February 1927, on the McFadden banking bill, and on the bill creating the Bureau of Prohibition. On seven other occasions when a cloture motion was put it failed to receive a two-thirds vote.

The Senate has been loath to apply cloture in the past and its vote Thursday indicated that its attitude has not changed. The antilynching bill therefore will be laid on the shelf and allowed to die. And that is probably just as well. No matter how sincere the bill's proponents may have been it was a measure that threatened national unity and a further invasion of the realm of State responsibility. The lynching problem undoubtedly will be solved more quickly and to better advantage in another way.

[From the New Haven (Conn.) Journal-Courier of February 7, 1938]

THE ANTILYNCH FILIBUSTER

Senate Leader BARKLEY's announcement that he will move for the replacement of the antilynching bill by other business is not premature. The session is getting older and little business has been done. Stripped of its political overtones, there is small reason to believe the bill commands a majority in the Senate. We do not suggest that political overtones can be left out of the account of any measure in the Congress; but few of them are so restricted to such strength for their support. Everyone in Washington hates lynching as a revolting barbarism. There seems very excellent reasons for believing this bill is not its cure.

But whatever the merits of the proposal, it seems clear that its enemies in the Senate are strong enough, if not to kill it, then to kill the session. They can keep on talking with the covert aid of a good many gentlemen who don't want to aid in public; and in the meantime the country's business can remain sidetracked behind a peculiarly intractable issue. It is pretty clear that the administration program remaining to be debated will kick up a historic controversy in the legislature. That controversy itself will take time, and the country may well hope that the time will be available.

[From the Huntington (W. Va.) Advertiser of January 28, 1938]

TIME TO END THE DEBATE

The Senate's traditional love of unlimited debate yesterday stood the southern orators in hand in their effort to talk the antilynching bill to death.

Under Senate rules, a two-thirds vote is required to apply the drastic cloture order to end needless discussion or stop an organized filibuster such as the southerners have been engaged in for weeks to prevent Federal interference with lynching.

The supporters of the measure not only failed to get the required two-thirds vote to silence the opposition's orators but fell short of any majority at all. The vote was 51 to 37 against the gag rule.

It was an important skirmish in the almost month-old fight to impose penalties upon local officials and counties wherein lynchings occur. The southerners' decisive victory probably seals the doom of the antilynching legislation so far as this session of Congress is concerned. As much is indicated in the statement of Senator BARKLEY, of Kentucky, the Democratic floor leader. He says he shortly will call upon the proponents of the measure to decide whether they want to continue debating or take up some other legislative question.

The sooner he acts and the fight to pass the bill is ended the better for the country. There are legislative matters of far greater moment than the antilynching bill which need the attention of the Senators at this time. The people will be greatly relieved when they know the filibuster is over and measures of real economic significance get the attention they deserve. Anyhow, what's the use of fighting on when you know you are licked; and it should be clear to all by this time that the southerners have the bill they despise licked.

[From the Lansing (Mich.) Journal of January 28, 1938]

THE ANTILYNCHING FILIBUSTER

Practically all people able to control violent prejudices are opposed to lynching, yet we have the spectacle of many opponents of lynching hurrahing over the minority stand of a band of southern Senators to defeat the antilynching bill. But not all opponents of the bill are southerners.

The expectation, as this is written just before the decision, is that the antilynching bill will be shelved at this session.

The opposition to the antilynching bill in the North is due to the thought and feeling that the measure, if it should become law, would be an unwise extension of Federal power over local government. It would be another link forged in the chain which would bind private lives under the tyranny of bureaucratic Washington.

The antilynching bill has been stoutly opposed on principle; but there has been a deal of politics in the situation beside. Truth to tell, perhaps political considerations, rather than basic principles, have dictated much of the maneuvering both for and against the bill.

On the one side, southern Senators have opposed in one of the most spectacular of filibusters. But, on the other hand, Senators of the North, having large Negro constituencies, have been equally strong for the measure. Were it not for the consideration of votes back home, it may be that the legislation might have been modified to some measure of practicality, without a filibuster preventing it altogether. But with votes directly involved the fight has been a stand-up, knock-down, and drag-out affair. Other legislation has been blocked.

Once again the filibuster as a legislative device has come in for wide attention. Is the filibuster a good thing or bad? The answer likely depends on whether the critic is for or against the measure being filibustered. When one is opposed to a measure, a filibuster against it appears highly justified, but when one finds his ideas frustrated, then the filibuster is a wicked instrumentality.

The Roman senate, even in the classic period, knew the practice of staving off action by debating interminably. Julius Caesar is reported to have filibustered to save the Cataline conspirators. Here in America, Congress has long practiced the tactics of staving off a vote. Our first Congress in June 1790 saw a filibuster. Others followed but it was not until early in the decade before the Civil War that the term "filibuster" was used to designate obstructive political methods. The application of the word illustrates American adeptness with political slang.

The word "filibustero" means a freebooter, or sort of pirate. In 1851 there was a privately organized American effort to seize Cuba. It was termed a filibustering expedition. There were other expeditions of the kind. Filibustering came to be much talked in those days because of international complications. So when obstructionists appeared in the Senate someone termed the obstructionists "filibusters." The term has stuck ever since as has the word "gerrymander" though it was originally slang.

[From the Manchester (N. H.) Union of January 28, 1938]

CLOTURE MOVE DEFEATED

The failure of the sponsors of the antilynching bill to invoke cloture on the almost 3-weeks-old filibuster in the Senate leaves that body hopelessly deadlocked on that measure.

No other recourse is now available to silence southern opponents, and there is no indication that they can be induced to yield and allow the bill to come to a vote. Under the circumstances, the

only reasonable course is for its sponsors to withdraw the bill, in order that the processes of legislation may be resumed. Already a heavy log jam of desired legislation has piled up, and the country at large is weary and becoming resentful over a continuation of this aimless waste of time.

An examination of the vote on cloture is interesting. Originally the fight over this bill was regarded as a division between the North and the South. But it is now apparent that it is not dominated by either geographical or party considerations. Of the 37 votes in favor of cloture, 35 were Democrats, with 1 Republican, Senator CAPPER, of Kansas, and 1 Progressive, Senator LA FOLLETTE.

Of the 51 votes against it, 37 were Democrats, with 12 Republicans, 1 Farmer-Laborite, and 1 Independent, Senator NORRIS, of Nebraska. Senator BROWN, of New Hampshire, voted in favor of cloture and Senator BRIDGES against it. Senators AUSTIN and GIBSON, of Vermont, were both opposed.

Singularly enough in the Democratic vote, the South was divided for and against in a proportion almost equal to the rest of the country. Judging by the vote itself it would seem that the opponents of the bill would have nothing to fear by letting it come to a final ballot. To invoke cloture the sponsors of the bill had to muster a two-thirds support. To pass it they would need only a bare majority. But the cloture vote was so heavily in favor of the opponents that they might with good reason hope to defeat the bill on a majority basis.

[From the Akron (Ohio) Beacon Journal of February 7, 1938]

BREAKING A LOG JAM

At some propitious moment this week, Senator ALBEN W. BARKLEY, majority leader, will move to lay aside the antilynching bill which has induced a filibuster that the reputed friends of the bill lack either the inclination or votes to break.

The Senator says he is unwilling that this whole session of Congress should be wasted or consumed in futile discussion.

The bill will be shelved to make way for the long-delayed farm program, Government reorganization, and naval, postal, and Treasury appropriations. It will be so gently done that the political faces of both its friends and foes will be saved.

Supporters of the antilynching bill erred in strategy in pressing for its passage when problems of much larger moment were facing the country. This made it easy for a determined minority group to talk it to death under threat of obstructing needed legislation.

Under the circumstances Senator BARKLEY cannot be blamed for taking the convenient way out of an impossible and awkward situation.

[From the Miami (Fla.) Herald of January 27, 1938]

FEDERATION FOR LYNCH BILL

The South has openly sided with the American Federation of Labor in its dispute with the Committee for Industrial Organization. This has been especially true of Florida.

Yet the mighty moguls of the federation, assembled in executive council at Miami, announce that the antilynching bill is a "fair" measure and condemn the tactics of southern Senators who are trying to kill the measure through filibuster.

If William Green, federation president, and his executive council can look at the proposed antilynching bill and call it "fair," it is evident why the war which it is waging with the C. I. O. continues to harass and disturb the economic and industrial peace of the country. John Lewis hasn't a chance for conciliation if reasoning of this character is typical of the deliberations of the federation's executive council.

The sectionalism, which would punish people for the insane actions of a mob, is not confined to Congress. It taints the council of the American Federation of Labor.

[From the Peoria (Ill.) Journal-Transcript of January 28, 1938]

A DEMOCRATIC "MINORITY"

An effort to invoke cloture in connection with the antilynching bill in the Senate has failed. Southern Senators have filibustered against House bill 1507, to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, ever since the opening of the regular session.

The administration, noting that important legislation was caught in a log jam, ordered cloture, commonly called the gag rule. On the petition of 17 Senators, a roll was called on drastic limitation of debate. The vote was 51 against and 37 for cloture.

"I have done everything I could to bring this bill to a vote," said Majority Leader BARKLEY, who added, "I want to serve notice that in the very near future I am going to call on the proponents of this bill to decided whether they want to continue debate on a measure on which we cannot get a final vote or whether we should take up some other legislation."

Of course, both proponents and opponents of the pending bill are playing politics. The former are bidding for the Negro vote in Northern States and cities and the latter are defending State rights and southern traditions. The latter are insisting that the bill is aimed at the South and that they will filibuster against it until it is withdrawn.

Some bad bills and some good bills have been beaten by filibusters, but if southern Senators were cocksure that the pending measure would be beaten on roll call, there would be no filibuster. No filibuster would be needed. It is, therefore, one of the ironies of national politics that while President Roosevelt is bawling out "minorities" in industry and business, a "minority" in the Senate is holding up all legislation. The antilynching bill has been debated since last August. The Senate is nominally democratic by a 4-to-1 margin. Democrats, not Republicans, are conducting the filibuster.

We hold no brief against the filibuster. It is an accepted Senate institution. There are precedents for it in other parliaments. But, on the whole, it is a minority weapon, invoked in this case on behalf and in the interest of the backbone of the Democratic Party.

As this is written, the filibuster continues to block the President's legislative program and to confound his philosophy respecting intransigent minorities.

[From the Missoula (Mont.) Missoulian of January 28, 1938]

THIS SHOULD BE THE END OF IT

While the southern delegation in the Senate was confident that it had sufficient strength to defeat attempt to force cloture on debate over the antilynching bill, these Senators were frankly delighted by the unexpected support that came their way when the vote finally was taken.

Of the 89 votes cast, only 37 were registered in favor of invoking the cloture rule, which would have wound up the filibuster against the antilynching bill in short order. Sixty votes were required to make the rule effective. Considerably fewer than half of the Democratic membership of the Senate supported Leader BARKLEY in this effort, which would have been another step toward forcing passage of a measure promised by the administration last session.

After this defeat it is more than likely that the antilynching measure will be withdrawn as soon as the most graceful way out can be found. There seems to be no chance to break down the solid resistance from the Southern States. It is possible, were a vote to be taken on the bill itself, that it might squeeze through, although after the result of Thursday this is not now at all certain. But many Senators who are supporters of the bill believe it would be folly to continue the present battle, with so much legislation of importance to the entire country waiting to be acted upon.

This decision will not be at all pleasing to organizations that have been before Congress for several sessions with demands for passage of an antilynching bill, and who had received assurances from Democratic leaders it would be done certainly at this session. The failure will be charged against them.

[From the Saginaw (Mich.) News of January 28, 1938]

DEFENSE TOO RARE

It is too bad that a natural and praiseworthy sympathy with the ostensible purposes of the antilynching bill has obscured some very important principles involved in the stubborn fight of southern leaders against the bill. Certainly no one wants to be put in the position of defending the horrible crime of lynching or mob rule in any form; nor is it possible to avoid some misgivings about the filibustering tactics of the southerners. Nevertheless, they are giving us an example of a determined defense of what they consider their rights. They are showing a disposition to defend these rights and uphold a time-tested conception of government that is all too rare in this day and age.

The southerners are among the few groups that are making any effective defense against centering all Government power in Washington. It is too bad that they have neglected that defense so largely in other cases. The same principle has been manifested in other bills which the South has accepted without much opposition, principally because they offered direct or indirect bribes in the form of Federal hand-outs. But, better late than never, they have awakened in some degree to the dangers in breaking down local responsibility and authority and transferring all power to Washington.

Whether the antilynching bill actually would help to stamp out lynchings is a matter of dispute. Southerners point out justly that they have made excellent progress in curing the evil themselves—better progress than the North has made in curing its own peculiar varieties of gang and mob crimes. But there can be no question that the bill would be another step toward breaking down local self-government. If Federal authority can step in and deal with lynching, it can equally well, on some other occasion, take over other phases of law enforcement.

It is unfashionable these days to defend local government prerogatives or protest, as the southerners are doing, against their violation. But a break-down in the local field of the people's ability to govern themselves and solve their own problems is but the forerunner of a similar break-down on a larger scale. That is why it is so heartening to see the southerners fighting valiantly to ward off encroachments from Washington, even if they have chosen the cause least likely to appeal to people in other parts of the country.

[From the Shreveport (La.) Journal of January 29, 1938]

LAY IT ON THE SHELF

The boast of the sponsors of the antilynching bill that they were assured of 70 Senate votes whenever the measure came up for passage was amply disproved when on a motion for closing debate they could muster but 37 supporters. That is just a little more than one-third of the Senate, and for the imposition of cloture two-thirds of the Members was required. Under the circum-

stances the only sensible course remaining is for the Wagner-Van Nuys bill to be laid upon the shelf and forgotten.

On the test of strength in the upper House it is shown by a break-down of the vote 35 Democrats from the North, East, and West (none from the South) voted to put a stop to debate. They were joined by one Republican and one Farmer-Labor Member. Against the cloture rule there were 37 Democrats, including all of those from Dixie, with several from scattered sections. Twelve Republicans joined them. The total vote on cloture was: For 37, against 59. Thus once more ends, for the time being at least, a successful filibuster against the infamous attempt of self-seeking politicians to foist an antilynching measure upon the South.

While the Senate is in recess over the week end, dispatches from Washington indicate that on Monday a formal proposal will be submitted to get rid of the Wagner-Van Nuys bill for the session. Really important legislation, delayed by the 3 weeks of filibustering, is jamming up in the Senate, and administration supporters are concerned over its fate; with the antilynching bill on the shelf it will be possible to proceed with the housing and farm bills and the several appropriation measures which must be enacted. The Nation will be happy to have heard the last of the proposition which has wasted the time of Congress and which came near splitting the Democratic Party.

[From the Sioux Falls (S. Dak.) Argus-Leader of January 29, 1938]

Though the majority of the Senate is reputedly in favor of the antilynching bill, it refused to limit debate to terminate the filibuster being conducted by the southern solons. In the opinion of the Senators, the maintenance of the rule regarding free speech in the law-making body was regarded as more important than the squelching of the filibuster. The right of unlimited speech in the Senate is often abused, but the advantages that lie in its preservation are important. It is the only weapon the minority has. In times when the administration is in complete control a minority can use a filibuster to postpone action at least until the public has had an opportunity to become familiar with the measure under discussion.

[From the Lincoln (Nebr.) Journal of January 29, 1938]

CLOTURE REFUSED

The Senate by a vote of 51 to 37 refused to drastically limit debate in order to choke off the antilynching filibuster which is keeping the Senate from its regular business. There is a well-developed feeling against cloture in the Senate and the Senators evidently felt that this filibuster was not sufficient reason for switching their positions. Senators NORRIS and BURKE both voted against cloture. This does not mean that they favor either the filibuster or are in support of the southern Senators fighting the lynching bill.

The best rule is free and unlimited debate. The Senate operates under this rule most of the time. The Senate is small enough to do business without placing a limit on debate. The House is so large that it is unable to function without a limit.

The Norris idea is that filibusters cannot do any considerable damage under the present arrangement of sessions because no definite end is fixed. The ordinary time for a filibuster is near the end of a session. With one session taking up at the statutory close of the one preceding, filibusters mean little. Even the present one is annoying, rather than serious.

Rather than interfere with the ordinary rules of procedure, a number of Senators who frown on the antilynching filibuster, voted against cloture. Thus a vote against cloture does not mean a vote against the antilynching bill.

The Senate has only reaffirmed its dislike for restrictions on debate in this test vote. The Nation will applaud this decision. The antilynching bill is incidental and the filibuster itself a mere incident. The cloture rule strikes much deeper, at a fundamental principle of Senate procedure.

[From the Spokane (Wash.) Spokesman-Review of January 29, 1938]

SENATE CURBS F. D. R.

The Senate's overwhelming vote of 51 to 37 against clamping down on debate of the antilynching bill was an administration defeat. The drive to shut off debate was directed by Senator BARKLEY, of Kentucky, administration leader. While the opposing lines were not rigid, it is significant that such last-ditch administration Senators as BARKLEY, WAGNER, BONE, and SCHWELLENBACH voted to stop debate. On the opposing side, such critical Democratic Senators as BAILEY, BYRD, GLASS, HOLT, O'MAHONEY, and WHEELER voted against cloture.

It is conceded that if the administration had broken the filibuster the bill, so objectionable to the South, would have passed by a substantial majority. The consensus at Washington is that the measure will not come to a vote at this session. A renewed filibuster would block it, and the administration can't choke off the filibuster. The deeper issue was free speech and reasoned legislation.

The Senate's overwhelming vote was due to two deepening convictions—that the President is too free with his whip cracking; and if free speech were throttled in the Senate, the last citadel of legislation by deliberation would go under in this country.

Each filibuster must be judged by the circumstances around it. It is a method not to be approved nor to be condemned by rule of thumb. Debate on this filibuster seems to have established that the Wagner bill was conceived in political iniquity. Southern Senators charged, with apparent factual basis, that the bill was compensation for delivery of the Negro vote in northern and border States at the last Presidential election, and Senator WAGNER, of New York, sponsored it as a bid for the Harlem vote. If these charges are well-founded, the Negro side of the deal is left holding an empty sack.

[From the Springfield (Mass.) Union of January 29, 1938]

IT SHOULD BE SHELVED

The cloture proposal having failed, thus failing to end the Senate filibuster against the antilynching bill, the next step should be to put this business aside. It should have been shelved long ago.

Senator BORAH pointed out 3 weeks ago that this bill would "destroy the last vestige of State rights," but it should be condemned on still other grounds. Undoubtedly, the attitude of some parts of the South toward lynching is not all that could be desired but there were only eight lynchings in 1937 and nine in 1936 throughout the country. Only when local officials failed to use "all due vigilance" in preventing this crime would the antilynching bill apply in any event.

In most Southern States local officials have used great diligence, and enviable progress is being made toward stamping out this disgrace. There would have to be local cooperation with Federal officials in any event from local juries and local prosecutors. Where such cooperation is now afforded, there is no need of Federal interference. If the agencies directed from Washington undertook to interfere with local authority, the result would be to antagonize the people and make cooperation difficult.

When gang lawlessness is eliminated in the Northern States, the South might feel less resentful toward Federal interference as a reflection on its own serious efforts to eradicate lynching. The thing to do with the bill is to shelve it, not only as an encroachment upon State rights and a reflection on the efforts of Southern States to end this disgrace, but as an invitation to further centralization of government at Washington.

[From the Lowell (Mass.) Courier-Citizen of January 29, 1938]

LET THIS BE THE END

However much one may disapprove on principle the obstruction of legislation by an obstreperous minority against the will of the majority, one may still feel a good deal of sympathy with the southern Senators who have more than once fought the antilynching bill to a standstill. Even on principle there is something to be said for this method of killing a bill so largely sectional. There are moral limits even to the rights of a majority, when the issue is of this sort, that one section attempts to coerce a smaller section.

Now that the cloture has been voted down, it is to be expected that the bill will be set aside for other measures, with little prospect that it will come up again. It is to be hoped that before another Congress assembles a year of comparative freedom from lynching—the establishment of a new low record, perhaps—will confirm all that has been said about the disposition of the South to solve its own problem.

Any serious relapse is liable to create an irresistible pressure for the enactment of a law along the lines of the bill which was introduced in this Congress. But, if the number of lynchings remains at worst as low as it is at present, it is not likely that the next filibuster will be less successful than those which have preceded it. Therefore, the time of Congress, and particularly of the Senate, ought not again to be taken up by consideration of a Federal antilynching law.

There are some political reasons which may militate against continuing the fight. The issue has raised more ill feeling among southern Democrats against the northern wing than anything else that has tended to force the two sections of the democracy apart. Northern politicians who have been bidding for Negro support have gone about the limit now in exhibiting their friendliness. Hitherto it has been safe enough to court this vote, without regard to southern feelings, but the situation has changed somewhat. When Senator HARRISON cries out "Beware!" it is just possible that he and his colleagues mean that their patience really is in danger of being exhausted. By this time the northerners have done about all for the Negro that he could reasonably expect, as far as lynching is concerned, and the South has not yet been exasperated beyond all reconciliation. This would seem to be about the place to drop the whole matter.

Led by Governor Aiken, of Vermont, a group of New England Republicans are seeking to bring about the establishment of the Republican Party as a "national party" through a purge of the present Republican organization in the South. This reform movement represents a resumption of the efforts made by President Hoover, during his term of office, to reduce the influence of southern Republicans in the party's councils. Such action would doubtless involve minimizing the influence of the Negro in the southern Republican Party. This has been dangerous hitherto, because of the effect which it would have on the northern Negro vote. But if that has gone over to the Democrats, anyway, there is not so much loss to be set against a possible gain of southern white votes.

[From the Johnstown (Pa.) Democrat of January 31, 1938]

WHAT ANTILYNCHING BILL REALLY MEANS

What is the so-called antilynching bill all about? Why are such men as Senator BORAH, for example, alined against it? And why

are prominent Democrats like Senator WAGNER striving so militantly to enact it?

The antilynching bill, first of all, has been misnamed. The newspaper correspondents coined the descriptive phrase, "antilynching." The result is that 9 out of 10 among those who have read news agency press dispatches actually believe it is a measure designed to punish lynchers. The contrary, of course, is true. No member of a lynching mob could be punished or even apprehended under the terms of the so-called antilynching bill.

The measure now pending in the Senate is not a new proposal by any means. It came before the Senate some 25 years ago. At that time WILLIAM E. BORAH was a member of the Senate Judiciary Committee. He wrote the committee report, which held that the measure was clearly unconstitutional.

The antilynching bill, in effect, would authorize the National Government to enter into the States to take charge of and prosecute as criminals the duly elected officials of the State from the Governor down. It proposes that in such instances the Federal Government shall be the sole judge of the guilt or innocence of State officials. That's right. The antilynching bill would punish public officials while it would not punish lynchers.

Let us read from the bill, which in section 3 says:

"Whenever a lynching of any person or persons shall occur, any officer or employee of a State, or any governmental subdivision thereof, who shall have been charged with the duty or shall have possessed the authority of such officer or employee to protect such person or persons from lynching and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State, or governmental subdivision thereof, who shall have custody of the person or persons lynched and shall have willfully neglected, refused, or failed to make all diligent efforts to protect such person or persons from lynching, and any officer or employee of a State or governmental subdivision thereof having the duty of such officer or employee who shall willfully neglect, refuse, or fail to make all diligent efforts to apprehend, keep in custody, or prosecute the members or any member of the lynching mob shall be guilty of felony and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment."

Section 3 would include not simply local police officers but also the Governor of any State and all his subordinates in the executive department. Under this clause, the Federal Government would assume jurisdiction and proceed to punish local or State officers for having failed to perform the duties imposed upon them by State statutes.

As Senator BORAH points out, the constitutional features of the so-called antilynching bill are as vital to Pennsylvania as they are to Alabama and are of as much concern to Vermont as they are to Georgia. Moreover, as Senator BORAH further points out, if the Federal Government can send a United States marshal into the State of Tennessee to arrest a sheriff because he has failed to protect a colored man—or a white man—from violence, it can under the same principle send a United States marshal into this State to arrest a sheriff or any other officer because he neglected to protect the life of a citizen against thugs.

It is just as much the duty of the State to protect the citizen not under arrest against violence as it is to protect those who are under arrest. Moreover, there is no sound ground upon which it is possible to argue that violence committed by two men it not an offense against a Federal statute while violence committed by three men is—and yet a provision of this kind is found in the antilynching bill. Under the terms of the pending measure, three or more constitute a mob. If a sheriff permitted two men to capture his prisoner, that would not be an offense under the terms of the antilynching bill. However, if three men did the capturing, the Federal Government would step in.

The so-called antilynching bill, by reason of the way it is drawn and by virtue of its legal terms, strikes a blow at our dual system of government. It destroys the sovereignty of the States, for under its provisions State officers who offend State statutes are subject to punishment in the Federal courts.

The antilynching bill is defended on the ground it is proper legislation under the terms of the fourteenth amendment to the Federal Constitution. Section 1 of the fourteenth amendment reads:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of law."

No State has, by statute, denied any citizen, white or black, the equal protection of the law. There are no statutory enactments in force anywhere in the Union which countenance lynching. The fourteenth amendment, by placing restrictions upon the various States, does not in any way impair the responsibility of the State to enforce its own statutes.

The claim is made that it is necessary to enact the so-called lynching bill because local self-government has broken down in Southern States. Broken down? Why? Because eight Negroes were lynched last year? In 1937 there were 20 kidnaping cases in the United States. After all the efforts of the States and after all the efforts of the Federal Government in taking charge of those who cross State lines, we still had 20 kidnaping cases as against the eight lynchings in the South. If the Federal Government cannot prevent kidnaping, has it any right to attempt to punish States which cannot prevent lynchings?

J. Edgar Hoover, in numerous addresses, has pointed out that crime is on the increase in the United States. That may be true generally, but lynching is one crime that has been markedly on the decrease. The figures compiled by Prof. Charles S. Johnson, of Fiske University, show that, taking the period of 1889 to 1893 as of 100 percent, every 5-year period thereafter has shown a decrease in the total number of individuals lynched. During the 30-year period from 1889 to 1918, the average number of lynchings was 84 a year. In 1924 the number had dropped to 16. Last year, as already pointed out, the number was 8.

In many of the Southern States lynching has practically disappeared. Virginia has had only one case in 10 years. West Virginia has had none during the past 5 years. South Carolina had none during the past 3 years. Maryland had two in 10 years and none for the past 3 years. Incidentally, it is also interesting to note that from 1862 to 1892 the number of white men lynched in the United States exceeded the number of black men who suffered a similar fate. At any rate, there has been a steady decline in the number of lynchings.

As Senator BORAH points out, once State sovereignty is destroyed it is destroyed. If the Federal Government can punish State officers who have failed to prevent lynchings, it can punish State officers who fail to prevent kidnapings. If the Federal Government can intervene in a particular locality to prevent lynchings, it can intervene in that same locality to prevent Sunday fishing. Once the antilynching bill passes and becomes a part of the so-called American tradition, there will no longer be any sovereign States. The enforcement of law, all law—the supreme authority in local affairs—will become vested in the Federal Government.

The antilynching bill has two motivating forces back of it. First, Negro leaders in New York's Harlem section have demanded some sort of an antilynching measure be passed. Second, Democratic strategists conceived the notion it would be possible to force the South into line for a wage and hour bill by presenting an antilynching measure as a part of the administration program. Southern States resent the antilynching bill because they very properly regard the measure as a proposal directed at them. Southern Members of the Congress feel they are being disciplined in order to provide material for a Negro holiday in Harlem.

The Democrat regards the so-called antilynching bill as the most insidious proposal so far advanced by the radical Federalists who have managed to entrench themselves in the Democratic Party. These radical Federalists are bent upon achieving the legal obliteration of State lines. They evidently believe sound administration can be achieved only by imposing sole responsibility for the enforcement of law upon the Federal Government. If the so-called antilynching bill were enacted and sustained by the courts, all local and State officers would become directly subject to Federal supervision. This is the major reason why the so-called antilynching bill is being so strenuously opposed.

[From the Kenosha (Wis.) News of January 28, 1938]

CLOTURE IS DEFEATED

By a vote of 51 against and 34 for the United States Senate has refused to invoke cloture to halt the filibuster which has blocked the passage of the Federal antilynching bill. This probably means the death of the latter measure as opponents of the measure will now be able to carry on their filibuster indefinitely. Administration leaders may wisely decide to give up this fight and turn attention of the lawmakers to more pressing problems.

The defeat of cloture has been a time immemorial custom in the Senate. Despite the realization that filibustering may be abused, Senators have repeatedly refused to adopt a gag rule. They fear that the destruction of this one method of defense left to a minority may be needed at some future time by their own forces. Cloture is a two-edged sword and it strikes against the fundamental principle of freedom of debate, so long considered sacred by the American people.

There are, of course, two sides to this cloture question. Filibustering may become such an abuse of the right of freedom of speech that there would seem to be some reason for adopting a rule which would prevent a vote on a measure and block the consideration of other needed legislation. On the other hand it is the only effective method left to a minority to oppose a measure which they sincerely believe may be of detriment to the Nation or may be particularly discriminatory against a certain group or section. The remedy for such a situation lies not in cloture but rather in an effort on the part of all to prevent the existence of a situation which would make filibustering likely.

An interesting sidelight on the vote yesterday on the proposal to invoke cloture was that Senator ROBERT M. LA FOLLETTE, of Wisconsin, voted for the measure. One cannot help but recall that his father, the late Senator Robert M. La Follette, Sr., won fame as an able filibusterer and that the invoking of cloture in his day might have prevented him from being the power in fighting the battles of a minority against a large majority. Today, the present Senator LA FOLLETTE is allied with the majority and evidently that makes some difference.

As a general comment, we believe that the majority of the people of this Nation will approve the action of the Senate in refusing to invoke cloture. That action protects the rights of a minority and there is very little protection left for those rights.

[From the South Bend (Ind.) Tribune of January 28, 1938]

ANTILYNCHING FARCE

History is repeating itself as the antilynching bill moves toward the morgue. Every time the issue of Federal intervention to end

or reduce lynching has been raised in Congress it has caused serious parliamentary trouble. This year, as in 1935, the United States Senate machinery has been practically paralyzed by opponents of the antilynching measure. The filibuster in 1935 lasted about a week. Among the blockaders at that time was Senator Hugo L. Black, who is now a member of the United States Supreme Court. Although Senator Black, an Alabaman, could have opposed the bill on the sectional-insult ground, he chose to base his opposition on the theory that a Federal antilynching law could be invoked against labor unions when violence developed in strikes.

In 1935 and again this year the Negro vote, massed mostly in the larger northern cities, apparently was in the minds of some, if not all, of the politicians pushing the antilynching bill. Certainly the lynching statistics have not justified these recent attempts to give the Federal Government so much control of State and local law enforcement. Lynching, once so obtrusive in the national crime picture, has been declining steadily for years. It has become comparatively negligible. That and the fact that the constitutionality of the bill is doubted, even by some who publicly profess enthusiasm for it, give this "humanitarian" project a sordid vote-bait aspect. Those who pushed a practically unnecessary bill so vigorously must share blame with the filibustering Senators for any national damage resulting from the legislative paralysis in Washington.

[From the Davenport (Iowa) Democrat of January 28, 1938]

PREJUDICE AND SECTIONALISM SHOULD HAVE NO PLACE IN NATIONAL LEGISLATION

As large a proportion of the people of the South, probably, as of the North hold lynching in horror. For that reason one can feel a real sympathy for the southern Senators who are declaring, in their opposition to the antilynching bill, that they can regulate the matter themselves; that they have been doing it, as is evidenced by the decreasing number of lynchings; and that the attempt being made to put the law onto them and their officials in this matter is an invasion of their States' rights and an addition of insult to injury.

Senator BORAH, who bravely votes "no" oftener than any other Member of the Senate, made an admirable summing up of the matter, which concluded thus:

"And, Mr. President, in conclusion, the progress, the development, and the advancement of the South, including the last 70 arduous years, her history from Washington and Jefferson down, rich with the names of leaders, orators, and statesmen; her soil, her sunshine, her brave and hospitable people, her patient and successful wrestling with the most difficult of all problems, are all a part of the achievements of our common country and constitute no ignoble portion of the strength and glory of the American democracy. I will cast no vote in this Chamber which reflects upon her fidelity to our institutions or upon her ability and purpose to maintain the principles upon which they rest."

For something even better than that, we might go back to that remarkable address made by a southerner before the New England Society of New York a half century ago. On that occasion Henry W. Grady, ambassador of good will from the Southland, spoke for the new South when he said:

"In my native town of Athens is a monument that crowns its central hills—a plain, white, simple shaft. Deep cut into its shining side is a name dear to me above the names of men—that of a brave and simple man who died in brave and simple faith. Not for all the glories of New England—from Plymouth Rock all the way—would I exchange the heritage he left me in his soldier's death. To the foot of that shaft I shall send my children's children to reverence him who ennobled their name with his heroic blood.

"But, sir, speaking from the very shadow of that memory, which I honor as I do nothing else on earth, I say to you that the cause in which he suffered and for which he gave his life was adjudged by higher and fuller wisdom than either his or mine, and I am glad that the omniscient God held the balance on the battle in His almighty hand, and that human slavery was swept forever from American soil—the American Union saved from the wreck of war."

And in that spirit Henry W. Grady pleaded that New England should meet the new South, not to withhold the hand of cordiality and sincerity which straight from his soldier's heart Grant offered to Lee at Appomattox.

"If she does," he said, "the South, never abject in asking for comradeship, must accept with dignity such refusal; but if she does not; if she accepts in frankness and sincerity this message of good will and friendship from my people, then will the prophecy of Webster, delivered in this very society 40 years ago, be verified in its fullest and final sense, when he said:

" 'Standing hand to hand and clasping hands, we should remain united, as we have been for 60 years, citizens of the same country, members of the same Government, united all, united now and united forever.' "

If we had more Websters in the Senate now, some Gradys, or even more Borahs, we might have been spared the long and bitter battle which has been obstructing legislation for the past several weeks. When the North and the South understand each other fully, legislation in Washington will be on a basis commanding the good will and support of men of all sections, and the country will be much better off.

[From the Sioux City (Iowa) Journal of January 28, 1938]

SOUTH IN THE SADDLE

The South's filibuster in the Senate against the antilynching bill, as this is written, has not been checked. For it happened that the southerners had more than enough votes to defeat a motion for cloture, which would have limited debate, thereby ending it within a day or two.

The South seems to be in the saddle for the time being. It does not want the antilynching bill, which has some features said to be recognized by the measure's proponents as unconstitutional. For example, the fining of communities in which a lynching occurs would put a tax burden upon upright, law-abiding citizens who would be absolutely innocent of any connection with the crime for which they would be punished. Morally, regardless of the legal interpretation a court may give it, that kind of punitive treatment imposed upon a community or a county is wrong for the simple reason that it is unjust.

It would be just as logical—and southern filibusterers have pointed this out—to say that the city of Chicago should be fined thousands of dollars every time there is a gangster killing in the community. Chicago taxpayers thus would be forced to carry a heavier tax burden, though unable to prevent the crimes for which they were penalized. The bill if enacted into law would not stand before the courts, say its proponents and opponents, yet advocates of the antilynch measure insist in its passage—for the sake of catering to the Negro vote in the East, the North, and the West.

[From the Minneapolis (Minn.) Tribune of February 9, 1938]

CONTINUING THE DEADLOCK

Senator WAGNER's bitter-end determination to bring his antilynching bill to a vote in the upper House at the present session may or may not have a political background. While he faces reelection this year, it is entirely possible that his refusal to give ground is inspired by the loftiest of motives.

But why is it so all-important that the antilynching bill be passed in 1938 when the crime at which it aims, in 1937, hit a 50-year low? In 1927, the year that Mr. WAGNER entered the Senate, there were 16 lynchings; last year there were only 8. Over that period, the South has made notable progress in its effort to stamp out mob lawlessness and, while the record still leaves something to be desired, it testifies to nothing so much as the quickening of public conscience with regard to lynchings.

Senator WAGNER and his colleagues in the upper House may be conceded all sincerity in their championship of the antilynching bill; yet the fact remains that their insistence on a vote has deadlocked the Senate for almost a month, and that a matter which is not of first importance is holding up the whole legislative procession.

On Friday the Senate refused, by a vote of 52 to 34, to lay aside the antilynching bill and thereby invited further confusion and delay. The southern filibusterers, of course, are not without their responsibility for this situation but at least they can point to a marked decline in lynching to support their opposition to the bill. As for its proponents, they seem to have sounded a general alarm when the blaze is almost out and at a time, moreover, when all hands are badly needed to combat a national emergency.

[From the Pasadena (Calif.) Star-News of February 8, 1938]

ANTILYNCHING MEASURE DEFECTS APPARENT

While the so-called antilynching bill in Congress probably will be killed, or rather never will become a living law, it should be remembered that lynching is just as much of a crime as ever. Lynching is murder, just as it always has been, whether or not this particular Federal law is passed.

As a matter of fact, the proposed antilynching law which southern Senators have been fighting so bitterly would not make lynching any more of a crime than it is now, except in the one special instance, which is when lynchers take a victim across a State line.

The provisions of the bill are that the Federal Government can take action, over the head of the State authorities, to punish the officers in whose custody the victim was held, provided it can be proved that said officers were negligent. The Federal bill offers no terrors for the actual lynchers. Aside from the fact that the constitutionality of the measure is in doubt, the law does not do at all what an antilynching law should do.

Unbiased observers see in the proposed law only an attempt to offer political pap to the northern Negroes who voted for the New Deal in the last election. Aside from a little coterie of administration disciples in Congress, the act is regarded as ineffectual but dangerous. It is fortunate that there is so little likelihood of it ever becoming a law in its present form.

[From the Canton (Ohio) Repository of February 6, 1938]

LYNCHING PARTY

The most objectionable feature of opposition to the antilynching bill is the popular belief that because most filibusters are bad and this is called a filibuster, therefore it is bad. This is sloppy reasoning.

Arthur Krock, one of the more cautious Washington correspondents, has said in the New York Times that only about half a dozen Senators want the antilynching bill to be passed. They refuse to abandon their drive nevertheless.

Approximately 90 Senators are opposed to the bill, even though most of them feel they would have to vote for it if it came to a show-down. The filibuster, which is generally supposed to be obstruction of a majority by a minority, actually is the majority's method of forestalling coercion by a minority in this particular case.

The point needs to be made plain. It is one of the few recent signs of congressional capability to resist political pressure.

ADDITIONAL RELIEF APPROPRIATION

The Senate resumed the consideration of the joint resolution (H. J. Res. 596) making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938.

The PRESIDING OFFICER (Mr. MILLER in the chair). The question is on agreeing to the amendment offered by the Senator from Washington [Mr. BONE], on which the yeas and nays have been ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hill	Neely
Andrews	Copeland	Hitchcock	Norris
Ashurst	Davis	Holt	Nye
Austin	Dieterich	Johnson, Calif.	O'Mahoney
Bailey	Donahey	Johnson, Colo.	Overton
Bankhead	Duffy	King	Pope
Barkley	Ellender	La Follette	Radcliffe
Berry	Frazier	Lee	Reames
Bone	George	Lodge	Russell
Borah	Gerry	Logan	Schwartz
Bridges	Gibson	Lonergan	Schwellenbach
Bulkley	Gillette	Lundeen	Sheppard
Bulow	Glass	McAdoo	Shipstead
Burke	Green	McKellar	Thomas, Okla.
Byrd	Guffey	McNary	Thomas, Utah
Byrnes	Hale	Maloney	Townsend
Capper	Hatch	Miller	Truman
Caraway	Hayden	Milton	Tydings
Chavez	Herring	Murray	Wagner

The PRESIDING OFFICER. Seventy-six Senators have answered to their names. A quorum is present.

Mr. BORAH. Mr. President, I understand the question before the Senate is the amendment offered by the Senator from Washington [Mr. BONE].

The PRESIDING OFFICER. That is correct.

Mr. BORAH. And that on that amendment the yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. BORAH. The amendment proposes to increase the appropriation to $400,000,000. I wish to ask the Senator from Colorado [Mr. ADAMS], in charge of the bill, what does the evidence show, what do the hearings disclose, as to the length of time which the $250,000,000 proposed to be appropriated by the joint resolution will take care of the relief situation?

Mr. ADAMS. I will say to the Senator from Idaho that at the present time $545,000,000 are available; that that amount will take care of 1,720,000 people until the 30th of June, 1938; that is, if there is no increase in number it will carry that load. At the present time 1,950,000 are carried on the relief rolls, and unless the appropriation shall be made it will mean that over 200,000 must go off the rolls.

The estimate of the necessity for added relief cases is 200,000 who are now on the roll in excess of what the present funds will provide for, and 500,000 additional. In other words, the money provided by the pending measure will take care of 700,000 cases until the 30th of June, which the relief administration says will meet every need they will have during the remainder of the present fiscal year.

Mr. BORAH. That includes the amount now available and the amount which we are about to appropriate?

Mr. ADAMS. Yes; and also in the fund which we now have is a certain amount of unobligated balances which are included in the available funds.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. BONE]. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McNARY (when his name was called). On this vote I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I am advised that, if present, he would vote as I intend to vote. Therefore, I feel at liberty to vote, and vote "nay."

The roll call was concluded.

Mr. AUSTIN. I announce that the Senator from Michigan [Mr. VANDENBERG] is necessarily detained from the Senate. On this question he is paired with the Senator from Montana [Mr. WHEELER]. I am advised that, if present, the Senator from Michigan would vote "nay," and the Senator from Montana would vote "yea."

Mr. MINTON. I announce that the Senator from Delaware [Mr. HUGHES], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The Senator from Michigan [Mr. BROWN], the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Illinois [Mr. LEWIS], the Senator from Kansas [Mr. McGILL], the Senator from New Jersey [Mr. MILTON], the Senator from Florida [Mr. PEPPER], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH] are detained from the Senate on important public business.

The Senator from Mississippi [Mr. BILBO], and Senators from Nevada [Mr. McCARRAN and Mr. PITTMAN] are detained on official business.

The Senator from Nebraska [Mr. BURKE], the Senator from Mississippi [Mr. HARRISON], and the Senator from Indiana [Mr. VAN NUYS] are detained in various Government departments.

The Senator from Massachusetts [Mr. WALSH] is absent attending the patriotic exercises at Fort Belvoir. I am advised that if present and voting he would vote "nay."

YEAS—22

Bone	Hitchcock	Murray	Shipstead
Bulkley	La Follette	Neely	Thomas, Okla.
Bulow	Lee	Norris	Thomas, Utah
Donahey	Lonergan	Nye	Wagner
Duffy	Lundeen	Schwartz	
Frazier	Maloney	Schwellenbach	

NAYS—53

Adams	Chavez	Hatch	Minton
Andrews	Connally	Hayden	O'Mahoney
Ashurst	Copeland	Herring	Overton
Austin	Davis	Hill	Pope
Bailey	Dieterich	Holt	Radcliffe
Bankhead	Ellender	Johnson, Calif.	Reames
Barkley	George	Johnson, Colo.	Russell
Berry	Gerry	King	Sheppard
Borah	Gibson	Lodge	Townsend
Bridges	Gillette	Logan	Truman
Byrd	Glass	McAdoo	Tydings
Byrnes	Green	McKellar	
Capper	Guffey	McNary	
Caraway	Hale	Miller	

NOT VOTING—21

Bilbo	Hughes	Pittman	Walsh
Brown, Mich.	Lewis	Reynolds	Wheeler
Brown, N. H.	McCarran	Smathers	White
Burke	McGill	Smith	
Clark	Milton	Vandenberg	
Harrison	Pepper	Van Nuys	

So Mr. BONE's amendment was rejected.

Mr. HALE. Mr. President, in view of the fact that in the debate yesterday it was developed that the needs of the W. P. A. would be adequately taken care of by an appropriation somewhat under $200,000,000, and in view of the fact that they have on hand a reserve of $12,000,000, which will be somewhat increased from the $200,000,000, and also in view of the fact that we are approaching the last quarter of the fiscal year, which comprises good months for seasonal employment, and that we are hoping to pass a tax bill which will improve the business of the country and thereby will result in the employment of additional workers, I wonder if the Senator from Colorado will not agree to an amendment cutting down the appropriation from $250,000,000 to $200,000,000.

Mr. ADAMS. Mr. President, I remind the Senator that the matter was discussed in the subcommittee upon the Senator's motion to cut down the amount; and it was decided there to recommend to the Senate the appropriation of the amount now contained in the joint resolution. I know of no reason why the committee should change its recommendation, which is in accordance with the recommendation of the President, and in accordance with the request of the Works Progress Administration.

Mr. HALE. Mr. President, the motion I made in the committee referred to an entirely different matter. I then suggested that the appropriation for work relief be cut down, and that a certain amount be appropriated and turned over to the States for direct relief. That motion failed in the committee, and I am not now renewing it.

Mr. BYRNES. Mr. President, what amount did the Senator seek to fix in the amendment he offered in the committee?

Mr. HALE. I think I fixed the amount at $75,000,000 for work relief and $75,000,000 for direct relief to the States.

Mr. BYRNES. If, since last week, the Senator has increased from $75,000,000 to $200,000,000 the amount which he thinks is necessary, does he not think we had better let the joint resolution be passed as it stands? If 2 or 3 more days elapse, I do not know how high the Senator will go.

Mr. HALE. This is an entirely different plan. In view of the fact that we do not need this full amount of money to carry out the plans of the W. P. A., I hope the Senator will accept the amendment which otherwise I shall offer, and that we may at least have the matter in conference.

Mr. ADAMS. The Senator from Colorado cannot accept the amendment.

Mr. HALE. Am I to understand that the Senator does not accept my suggestion?

Mr. ADAMS. Mr. President, in the committee the Senator from Maine suggested that the amount appropriated to the W. P. A. should be $75,000,000, and that, in addition $75,000,000 should be appropriated for direct relief.

Mr. HALE. To go to the States; that is quite correct.

Mr. ADAMS. To go to the States. In other words, the Senator's former amendment would have reduced the W. P. A. appropriation to $75,000,000 for customary W. P. A. purposes. Now, I understand that the Senator is raising his sights to $200,000,000.

Mr. HALE. Yes; and not attempting to have anything appropriated for direct relief. The figures show that with $200,000,000 we can take care of the plan proposed by the W. P. A.

Mr. ADAMS. Of course, I cannot have personal knowledge of the figures. I am relying upon the Presidential recommendation, supported by the Budget investigations and supported by the Works Progress Administration statistics. So far as I am personally concerned, therefore, I cannot agree to the Senator's amendment, much as I normally should like to have the appropriation cut.

Mr. HALE. Mr. President, is it not a fact that if we appropriate $250,000,000 we shall have slightly more than $50,000,000 which will go into the reserve? That, with the $12,000,000 which the Works Progress Administration already have on hand, will give us a reserve for the last 4 months of the fiscal year of $62,000,000, whereas the reserve which was provided for the whole of last year was only $42,000,000.

Mr. ADAMS. The computations of the Senator from Maine are slightly in error. He speaks of a reserve of $12,000,000. That $12,000,000 is part of an unobligated amount of $42,000,000, which is included in the balance now available of $545,000,000. That is already included in the figures which are now being considered, and to which the $250,000,000 is to be added.

Mr. HALE. Is the Senator certain that the $12,000,000 is included in the $545,000,000?

Mr. ADAMS. I am quite certain of it.

Mr. HALE. I understood not. However, I may be mistaken. Even if that be the case, however, we should then have a reserve of $50,000,000 for the last 4 months of the fiscal year, whereas last year we had only $42,000,000 for the full year, and so it seems to me that if the matter be taken to conference we can save a certain amount of money.

The PRESIDING OFFICER. Is the Senator from Maine offering an amendment?

Mr. HALE. In view of the fact that the Senator from Colorado has not accepted my suggestion, I offer the amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Maine will be stated.

The CHIEF CLERK. On page 1, line 8, it is proposed to strike out "$250,000,000" and in lieu thereof to insert "$200,000,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine [Mr. HALE].

The amendment was rejected.

Mr. SCHWELLENBACH. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, after line 10, it is proposed to add the following new section:

SEC. 2. The second paragraph of the first section of the joint resolution entitled "Joint resolution making appropriations for relief purposes," approved June 29, 1937, is hereby repealed.

Mr. SCHWELLENBACH. Mr. President, the purpose of this amendment is to repeal the so-called Woodrum amendment to the 1937 relief appropriation act.

Mr. ADAMS. Mr. President, will the Senator allow an interruption for a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. SCHWELLENBACH. I do.

Mr. ADAMS. The Senator doubtless has studied the matter; but it seems to me that this amendment proposes general legislation, and we are not permitted to put general legislation on an appropriation bill. I simply ask the Senator if he has given consideration to that question.

Mr. SCHWELLENBACH. In answer to the Senator's question, I will say that the joint resolution now under consideration says:

That to continue to provide relief, and work relief on useful public projects, as authorized in the Emergency Relief Appropriation Act of 1937, and subject to all the provisions thereof, there is hereby appropriated * * * $250,000,000.

All I propose to do is to change one of the provisions of the act referred to in the joint resolution.

In the pending joint resolution we propose to make an appropriation subject to certain provisions of an existing law, and what I am trying to do is to eliminate one of those provisions, which is referred to in the pending measure, and I do not feel that it is legislation.

Mr. ADAMS. I should like to have the Senator discuss it because I shall feel obligated, under the orders of the committee, to raise the point of order after the discussion, unless I shall be persuaded it is not legislation.

Mr. SCHWELLENBACH. I do not feel that it is legislation, because in the joint resolution which the committee reports it is specifically provided that the appropriation is to be subject to certain restrictions, and all I am trying to do is to eliminate one of those restrictions.

Mr. ADAMS. The Senator's amendment in its terms changes the existing law as to an existing appropriation, not merely as to the proposed appropriation, but it would change the law as to the billion and a half appropriation heretofore made. In its terms it is an amendment of the Emergency Relief Act of 1937.

Mr. SCHWELLENBACH. If the question of a point of order should rest upon the question whether it is a change in the 1937 relief act or merely a change insofar as it refers to the pending appropriation, I am perfectly satisfied to limit it to this appropriation.

Mr. BYRNES. Mr. President, I do not think there is any question that the amendment is legislation; but I agree that this is not a general appropriation bill, it is a joint resolution, and the Senator can get by the point of order on the ground that it is not a general appropriation bill.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. COPELAND. What is the purpose of the Senator's amendment?

Mr. SCHWELLENBACH. It is to repeal the Woodrum amendment, and I will explain what that amendment is.

In the relief act of last summer an amendment was attached in the House of Representatives. We appropriated a billion and a half dollars, as the Senator remembers. To the appropriation measure Representative WOODRUM attached an amendment, which provided that the money should be so expended through the months of the year that there would be a sufficient amount to last out the full fiscal year, so that there would be no deficiency appropriation before the 30th of June 1938.

The mere fact that we are here considering a deficiency appropriation is in itself proof of the fact that the Woodrum amendment has not been successful in its operation. Its purpose was to prevent a deficiency appropriation; we are today considering a deficiency appropriation. Therefore, we must conclude that the Woodrum amendment has not accomplished its purpose.

Mr. COPELAND. I assume that the purpose of the Senator is to make clear that the money appropriated under the pending measure shall be used for relief, and if perchance the demands for relief should be so great as to exhaust the money in half a year, it could be exhausted, and then there could be a return to Congress for a deficiency appropriation.

Mr. SCHWELLENBACH. The point is, as I just pointed out, that the Woodrum amendment has not accomplished its purpose. However, it has accomplished another purpose. The Senator from Colorado stated yesterday, and he was correct in his statement, that in the relief fund there remains $545,000,000. We do not ordinarily have a request for a deficiency appropriation when half a billion dollars remain in a fund. The reason why the President and the Works Progress Administration are here asking for an additional $250,000,000 is that under the Woodrum amendment they cannot spend the money which they have on hand, despite the fact that there is the need, which is recognized. The fact that we are asked to appropriate $250,000,000 is a recognition by the Works Progress Administration that there is this need, and we are met with the entirely illogical and anomalous situation of having a request for a deficiency appropriation in the case of a fund which still amounts to half a billion dollars.

I have stated that the Woodrum amendment has not worked so far as preventing a deficiency appropriation is concerned, but it has had one result. It must be conceded by everyone who is familiar with the situation that for the last month or 6 weeks there have been upward of half a million people in this country who, according to the standards by which we judge the question of employment under W. P. A., have been entitled to W. P. A. work, but the Works Progress Administration has not been able to give them W. P. A. employment, because the Administration knew that if the number of unemployed increased above a million seven hundred thousand in January, along in March or April they would have to decrease the amounts which could be expended below what would be necessary in those and succeeding months.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. ADAMS. I wish to point out to the Senator that Congress has been in session since the 15th of November, and whatever difficulty exists is not the fault of Congress. If there was the necessity, all the administration had to do was to come to Congress any day after the 15th of November, present the case, and, if Congress acquiesced, it would meet the problem.

Mr. SCHWELLENBACH. I agree with the Senator from Colorado that the administration and the W. P. A. officials have been lagging behind about a month or 6 weeks; they should have been here a month or 6 weeks ago asking for this deficiency appropriation. But that does not affect the question whether or not we should permit to remain in our law a provision which handicaps them when they want to provide jobs, and cannot provide jobs because of the Woodrum amendment.

I call to the attention of the Senate the statement made by the Senator from Kentucky [Mr. BARKLEY], the majority leader, in the Senate yesterday when he said:

> It turns out that the Woodrum amendment has handicapped the W. P. A. in undertaking to reach forward into the allocation for March, we will say, and use the money in February, which is absolutely essential in order not to throw men out of employment, but to keep them at work, not only on buildings, but on all sorts of projects.

I should like also to call to the attention of the Senate a statement of the chairman of the Committee on Appropriations, the senior Senator from Virginia [Mr. GLASS], when he said yesterday afternoon in response to a statement by me:

> I will say to the Senator that I was opposed to applying that rule—

He was referring to the Woodrum amendment—

> to this appropriation, but the W. P. A. administrators were so explicit and confident in their statement that they could foresee nothing in the world which would make it impossible to take care of any situation that might arise, that we merely acted on their testimony.

I should like to call attention to the statement of the Senator from Virginia in the Senate hearings on the bill, found on page 32 of the hearings, as follows:

> Senator GLASS. I very distinctly understood that we were to have a resolution here appropriating this $250,000,000 to supply any deficiency that might arise because of the Woodrum limitation. We discussed that very thing in turn as to whether or not we should apply the Woodrum amendment to the proposition and that $250,000,000 was to be turned over to the Works Progress Administration to supply any emergency or deficiency that might arise out of the requirement of the Woodrum amendment.

The theory of the Woodrum amendment is very fine. It has behind it the desire of the Congress to prevent the Works Progress Administration from spending money when it is not needed. I should like to call the attention of the Senate to the fact, however, that in the last two appropriations we have been faced with a situation which the existence of the Woodrum amendment makes it impossible to handle. In our 1936 relief appropriation bill we did not have the Woodrum amendment. In the summer and fall of 1936 there was a drought condition in the States of North and South Dakota, Montana, and other States of the Middle West and the Northwest. Had the Woodrum amendment been in effect then, it would not have been possible to meet the emergency which there existed. Then in the spring of 1937 there was a flood condition on the Ohio River. Had the Woodrum amendment been in effect at that time, it would not have been possible to meet that flood condition by the use of W. P. A. funds.

Congress was in session last summer. At that time everything seemed fine. Business was improving; employment was increasing. We appropriated a billion and a half dollars upon the express statement of the W. P. A. Administrator, Mr. Hopkins, that that would be sufficient if the rate of reemployment by private industry succeeded in taking care of the unemployed. Then there came another emergency. We had adopted the Woodrum amendment, thinking that a billion and a half dollars would be sufficient, and thinking that by the adoption of that amendment it would be possible to prevent the W. P. A. from wasting its money. Then there was a third condition, which was not a drought, which was not a flood, but which was a depression. It came on, and, as a result of the Woodrum amendment, for the last month or 6 weeks or 2 months there have been upward of half a million people in this country entitled to W. P. A. employment who have not received such employment.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. LA FOLLETTE. Is there not a further argument in support of the Senator's amendment, namely, that in the sum of $250,000,000 there is obviously calculated an estimated amount of recovery in the spring, and whether or not this $250,000,000 will be adequate will depend on how good a guess has been made as to the amount of seasonal upturn there may be in the spring. If the estimate of an upturn proves to have been overly optimistic, once more several hun-

dred thousand people will become the unfortunate victims of unemployment without chance of relief while it is being ascertained that the estimates were overly optimistic, and while the delay ensues incident to securing a further estimate and an additional deficiency appropriation.

Mr. SCHWELLENBACH. The Senator from Wisconsin is absolutely correct. In appearing recently before the committee the representatives of the Works Progress Administration took precisely the same position that they took last year. They said last year that they would get along with a billion and a half because private employment was going to increase. They now say that they can get along with $250,000,000 additional because private employment will increase, and that during the months of April, May, and June they will be able to reduce a hundred thousand a month.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. BORAH. I came into the Chamber only a few moments ago. Is it the purpose of the Senator, by his amendment, to repeal what is known as the Woodrum amendment?

Mr. SCHWELLENBACH. Yes.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. COPELAND. So far as I am concerned, I can see no hope, under present conditions, of increasing employment in the next few months; and if it is necessary to have enacted the proposal suggested by the Senator from Washington, I am sure we should take such action, because otherwise, as I understand the situation, there will be such a limitation from month to month placed upon the administrative body that we may be certain, with the acceleration of the recession, to confront conditions which cannot be met if there is a close application of the Woodrum amendment.

So, for my part, I want to say to the Senator, I hope he will succeed in his proposal.

Mr. SCHWELLENBACH. I wish to conclude with a brief additional statement. I cannot see that there can be very much dispute or debate about this proposition. The record in the committee very clearly demonstrated, as stated by the Senator from Virginia [Mr. GLASS], that the conference which was held—and I assume that that was the conference which was attended by the President and by the representatives of the Works Progress Administration—very definitely decided that the Woodrum amendment should not be applied to this $250,000,000 appropriation. In the amendment which I propose I ask to have it repealed as to the entire appropriation. There is no justification for it. The majority leader in the Senate himself stated yesterday that it handicapped the operation of the appropriation. The majority leader indicated by that statement that he must necessarily be in favor of the repeal of the Woodrum amendment. It was indicated in the committee that the President was in favor of its repeal, and the Senator from Virginia yesterday indicated that the Appropriations Committee was in favor of its repeal.

In view of the fact that it has been conclusively demonstrated that it is a handicap, that it does not work successfully in the case of relief appropriations, I can see no reason why we should continue to have shackles placed upon the administrators of the W. P. A. funds, when everyone in authority recognizes that they are shackles and that they make it impossible for W. P. A. to take care of the problem with which W. P. A. is confronted.

Mr. POPE. Mr. President——

The PRESIDING OFFICER (Mr. HERRING in the chair). Does the Senator from Washington yield to the Senator from Idaho?

Mr. SCHWELLENBACH. I yield.

Mr. POPE. The Senator from Wisconsin raised a question in my mind as to whether or not the estimate of the W. P. A. officials is sufficiently accurate with respect to the pick-up in employment next spring. I voted against the increase to $400,000,000 on the recent vote because I assumed that the W. P. A. officials took into consideration all these matters and were at least fairly generous in their estimates. Is there a question in the mind of the Senator from Washington or the Senator from Wisconsin that they have been too optimistic in estimating the pick-up in the employment due to seasonal conditions next spring?

Mr. SCHWELLENBACH. If I may answer that first, I point out to the Senator from Idaho that during the course of the discussion on this bill I have not discussed the question of amount at all. I voted for the increase asked by my colleague. But clearly one cannot read the testimony without concluding that the W. P. A. officials are figuring on an increase. One cannot read the testimony given last year by Harry Hopkins when he asked for $1,500,000,000 without concluding that he was figuring on an increase. They were mistaken once. We had the drop in employment in October and November. We do not know whether they are mistaken now. But certainly, since they have been mistaken in their figures for this last year, we should not include in this joint resolution a provision which would tie their hands against taking care of the situation if they are not correct in their conclusions. With the inclusion of the Woodrum amendment it is simply impossible for them to do anything without going through the whole study and then coming before Congress again and asking for another deficiency. In the meantime, for a month or 6 weeks a half million people in this country who, according to all the standards that even the most conservative persons have laid down, are entitled to W. P. A. employment would not be receiving it.

Mr. POPE. I agree thoroughly with the Senator as to the Woodrum amendment, but the question as to the accuracy of the estimate was raised in my mind by the statement made by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BYRNES. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I am not criticizing anyone for attempting, as well as any human being can, to estimate what he thinks the trend of business conditions is going to be for the next 4 or 5 months. But the point is that it is a human estimate. There are no accurate statistics upon which to predicate it, and if it has been overly optimistic, if events demonstrate that a greater upturn is anticipated than actually takes place, then under the Woodrum amendment the W. P. A. cannot recognize that situation, and, by an administrative change, take care of people who are in need. It will have to come back to Congress and ask for another deficiency appropriation.

I know the argument is made that that is sound procedure with regard to appropriations, and I believe that it is, but in this instance we are dealing with men, women, and children. We are dealing with flesh and blood; and if there is no provision for taking care of those who are laid off, if the business upturn is not sufficient to permit workers to be reemployed, then they will be thrown off W. P. A. rolls while the W. P. A. and the administration are going through the process of coming to Congress with new estimates, appearing before the committee and taking the time necessary to pass upon a further appropriation.

Mr. President, we will have to face the issue as to whether we want the Woodrum amendment in another appropriation for the next fiscal year, but for the remainder of the present fiscal year the only question involved is whether the money which remains as an unexpended balance and this additional $250,000,000 may be spent in the next 4 months as the needs require, or whether it will have to be budgeted on a monthly expenditure basis and, perhaps, if the upturn is not so great as has been estimated, many thousands of people will suffer hardship and want because of this provision of law which the Senator from Washington seeks to have repealed.

Mr. BYRNES. Mr. President, first I wish to refer to the statement by the Senator from Washington with reference to the repeal of the Woodrum amendment meeting the approval of the Appropriations Committee. The Senator was misinformed in that respect. The Appropriations Committee discussed it, but was not in favor of the repeal of the Woodrum amendment.

The Senator from Virginia [Mr. GLASS] did say to the committee that he understood that at a conference the Administrator of W. P. A. had no objection to the repeal of the amendment. Outside of that statement there was no discussion of the matter by the committee. However, as the Senator from Virginia stated yesterday, after hearing the statements by the W. P. A. officials, he was in favor of the Woodrum amendment and will so inform the Senator now. But the Senator from Virginia insists that at the conference to which he referred it was agreed the amendment should be repealed.

Because of the fact that we have in question the statement, I may say that I was referring to the statement which the Senator from Virginia made yesterday in which he said:

> I will say to the Senator that I was opposed to applying that rule to this appropriation, but the W. P. A. administrators were so explicit and confident in their statement that they could foresee nothing in the world which would make it impossible to take care of any situation that might arise, that we merely acted on their testimony.

I do not know what is the attitude of the President, but I know what ought to be his attitude.

Mr. ADAMS. Mr. President, I may point out to the Senator what is the attitude of the President. In the President's letter sending his request for this appropriation to the Speaker of the House of Representatives, the President said, and it appears in the report which the committee submitted to the Senate:

> SIR: I have the honor to submit herewith for your consideration a supplemental estimate of appropriation of $250,000,000, for relief of the unemployed.

Then he quotes with his approval the Budget estimate:

> Emergency and work relief: To continue to provide relief and work relief as authorized in the Emergency Relief Appropriation Act of 1937, and subject to all the provisions thereof, $250,000,000, which amount shall be added to, and proportionately increase, the specified amounts of the limitations prescribed under the appropriation made in such act.

Mr. BYRNES. Mr. President, I thank the Senator from Colorado for calling to my attention that the President asked for this resolution in language continuing the Woodrum amendment. The discussion with reference to the Woodrum amendment has greatly exaggerated its importance, I admit, because one law is no stronger than another law, or should not be stronger than another law, controlling the executive department, and the law is and has been for years just what the Woodrum amendment is.

Let me again read that law. The law is:

> No executive department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law.

Under that provision, which is the law of the land and has been for 30 years or more, whenever an appropriation is made for relief or for any other purpose, it must be apportioned by months upon the books of the department. That does not mean that $1,500,000,000 must be apportioned equally, month by month, but the spending department must send to the General Accounting Office a statement showing how it proposes to spend the money—so much for this month, so much for the next month, and a larger amount in the months of the year when experience has taught them a larger amount will be needed—the purpose being to apportion the money over the 12 months so that the law will not be violated by the head of the executive department.

An emergency may arise during the year. My good friend from Washington says a flood occurred last year, and that under the Woodrum amendment the need could not be taken care of. The Senator is mistaken. It could be taken care of, and I will tell the Senator exactly how it could be taken care of.

In connection with the apportionment of one and a half billion dollars made by W. P. A. for its expenditures, an apportionment of a certain amount was made for the months of August, September, October, and November. Then an apportionment of a larger amount was made on the books for the winter months. If a flood occurs, the apportionment which has been tentatively suggested to the General Accounting Office is not binding. The appropriation may be used to help those who are in need by reason of the flood. One thing, however, must be borne in mind, and that is the provision of the law that the amount appropriated by the Congress for the fiscal year must not be exceeded.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BYRNES. Just a moment.

If, by reason of the expenditure for flood relief, it is unnecessary thereafter to ask for a deficiency appropriation, the Congress does not receive such a request. If thereafter the need should appear to be not so great, it is not necessary to ask for a deficiency appropriation. But if it is necessary to have more money, in the judgment of the Executive, by reason of the flood expenditure, an estimate for a deficiency appropriation is presented to Congress, setting forth that the deficiency has arisen by reason of circumstances which could not be foreseen, and the Congress acts upon the request and grants the deficiency appropriation.

Every year, 30 days and sometimes 60 days before the adjournment of the Congress, the President submits an estimate for deficiency appropriations, and the heads of the Departments come before the Congress. All the money has not been spent from any one of these appropriations when the Department heads come to Congress asking for deficiency appropriations, but the Department heads have declined, in compliance with the law, to undertake obligations for future expenditures which in their judgment would cause them to exceed the appropriation for the fiscal year, and therefore they submit estimates for deficiency appropriations. There is no better illustration of the operation of that system than the instance now before us. Unforeseen demands arise. The Works Progress Administrator told me in December that he had no idea that the demands would exceed the appropriation, and that he expected to be able to live within the apportionment. If there never had been a Woodrum amendment, he would have had an apportionment for each month. Then, when the need arose, when thousands of persons were thrown out of employment, a different situation was confronted. It is the business of the Administrator to watch his appropriation, and whenever he concludes that the necessities are so great that the amount appropriated for a given year will not enable him to supply all the needs for the remainder of the year, it is his duty to report that fact to the President. The President then submits a request for a deficiency appropriation, and the Congress determines, as we are now determining, whether or not it will grant the deficiency appropriation, and, if so, in what amount.

To my mind, the only objection to repealing the Woodrum amendment is that some executives might get the idea that there is no law on the books requiring them to apportion the funds which the Congress appropriates for the fiscal year. I do not want the heads of executive departments to come to the conclusion that the deficiency law has been repealed, and that it is necessary to call their attention in some spectacular way to the fact that they must abide by the law. To my mind, the only objection is the one I have mentioned, because if the amount suggested is appropriated, and if the W. P. A. Administrator abides by the law, he must follow under existing law the same course which the Woodrum amendment prescribes.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. HATCH. As I have listened to the Senator's remarks, I have been wondering what was the object of the Woodrum amendment in the first instance.

Mr. BYRNES. When I read it in the first instance, I, myself could not understand its object. I came to the conclusion that it was necessary to reaffirm the existing law. When it

comes to diagnosing the motives of an individual, I may be entirely wrong, and may do the individual an injustice. It is a very dangerous thing to do; but my own conclusion was that because of the repeated deficiencies in this particular appropriation, the House came to the conclusion before adopting the Woodrum amendment that it was necessary to reaffirm the existing law in this particular way. I can see no other object.

Mr. HATCH. If the Senator will yield further, the thought is prompted that perhaps in a year or two we should add another amendment reaffirming the Woodrum amendment.

Mr. BYRNES. I may say further to the Senator that several times I have thought we might also put a like provision in other appropriation bills. As the Senator will remember, my first statement was that I think the importance of the amendment has been greatly exaggerated, because if the heads of the departments obey the existing law they will do the same thing that is provided by the Woodrum amendment.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. SCHWELLENBACH. Is not the theory of the Woodrum amendment that we should have one red light on all appropriations to warn the administrative officers that they must not have a deficiency, but so far as the W. P. A. is concerned we must have two red lights?

Mr. BYRNES. It may be. As I have said, I do not like to try to diagnose the motives which actuate individuals.

Mr. SCHWELLENBACH. In view of the fact that an appropriation for relief is one the need of which cannot be accurately estimated—which fact has been amply demonstrated three times in the last year and a half—and in view of the fact that the welfare of many hundreds of thousands of human beings is involved, is it fair for the Government and the Congress to say, "We are going to have one red light so far as every other sort of appropriation is concerned, but when we are dealing with the W. P. A., which involves more emergent conditions and more needy conditions, we are going to have two red lights to stop them from spending the money under those circumstances"?

Mr. BYRNES. I do not think we could stop them from spending money with 4 red lights or 10 red lights. The money will be spent, and whenever an estimate for a deficiency appropriation is submitted the Congress will provide the appropriation. The appropriation will be provided in this instance. I agree that this is a matter which we cannot well refuse to consider. Whenever such a request is submitted and proof of the need is furnished the Congress will make the appropriation. The only question is as to the amount. If it were not for the existing law, I certainly would not agree under any circumstances, in connection with any appropriation, to say to the head of a department, "Congress says, after listening to you and hearing your statement, that one and a half billions is sufficient for the fiscal year; but you, Mr. Executive, can say, 'I will take the one and a half billion dollars. I will not apportion it, as has been done throughout the history of this country, but I will spend the one and a half billion dollars in the first 60 days,' and then walk in and say, 'I want a deficiency appropriation for the next 10 months,' and when that appropriation is made, if you see fit, you may spend it within 60 days and come in again."

I do not want any official of the executive departments of the Government, in any commission, administration, or office to get the impression that we are doing away with the deficiency law, which has been the sole restraint through the years upon the spending officers of the Government.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. SCHWELLENBACH. The Senator has been in the Senate for a much longer time than have I, and I should like to ask him a question.

Through the years of his experience in the Congress has he ever seen a situation similar to the present one, in which a deficiency appropriation was asked with respect to a fund which still contained $545,000,000?

In answering the question I should like to have the Senator bear in mind the fact that last year when the Works Progress Administration asked for $889,000,000, as I remember, it had almost run out of money. The Works Progress Administration was anxious because of the fact that it was afraid it would not have money for the next week, and at times fears were expressed even about the next day. Is it not extraordinary to ask for a deficiency appropriation when there is $545,000,000 on hand?

Mr. BYRNES. It would seem so. Five hundred million dollars is a lot of money; but the $500,000,000 must be considered in connection with the total sum appropriated, which was one and a half billion dollars. I will say to the Senator that I have known of departments requesting a deficiency appropriation when they still had one-third of their appropriation left at this time of the year, and submitting facts in support of the request. As I say, $500,000,000 seems a lot of money. It may be that last year the W. P. A. officials did not come to the Congress as soon as they should, but that fact does not change the situation. The Administrator has reported to the President that he cannot meet the prospective demands with the money now available. I think he is exactly right. I would not criticize him for making the request at this time instead of waiting for 60 days. He could not wait until the last day. The Works Progress Administration must do something that other departments do not have to do. Therefore it was wise administration on the part of the Administrator to do as he did. He must make commitments to the various States. He must let the administrators for the various States know how much money they can expect to have for March, April, and May.

The law with respect to deficiencies provides that he should not make a commitment or obligation which would be in excess of the funds available. He knows that the needs at this time are so great that he cannot apportion to Ohio and to New York and to Illinois the amount which is needed, and therefore cannot make a commitment to those States without realizing that immediately he would incur a deficiency. Therefore, he comes and reports a deficiency. This is as fine illustration of the proper working of the law against deficiencies as one can possibly imagine. So far as doing any harm is concerned, it is not going to do any harm. Let us see what will happen.

Mr. COPELAND. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New York?

Mr. BYRNES. I yield.

Mr. COPELAND. I am convinced, Mr. President, that if I ever need a lawyer I am going to hire the Senator from South Carolina.

Mr. BYRNES. The Senator would have a good one.

Mr. COPELAND. The Senator from South Carolina has a way of finding substantive laws that some of us never before heard of. I suppose that is not surprising so far as I am concerned. But does the Senator mean to say that on the statute books now there is a law which, in effect, is the same as the Woodrum amendment, requiring the allotment of appropriations month by month by the executive department and requiring an arrangement and allocation of funds which cannot be changed by the executive department?

Mr. BYRNES. Oh, no. I did not make myself clear. The first part of what the Senator says is exactly correct; the law does require it, and it is done by every department; but, as I said, it can be changed. The W. P. A. Administrator today, regardless of the Woodrum amendment, can go ahead and spend more than the amount that he intended to spend.

Mr. COPELAND. Then, why do we have a law such as the Woodrum amendment?

Mr. BYRNES. I can explain it in a moment. It does not prevent the Administrator exceeding the amount that he apportions for a month, but it provides that he may not

exceed the amount that the Congress appropriates for the year. Then when a billion and a half dollars is appropriated, say, for relief, the Administrator can apportion that for each month, apportioning greater amounts for the months in which he knows he will be called upon to spend the larger amounts, but, if it develops that he needs more for a certain month, and he so finds, he can exceed the allotment for that month provided he does not exceed the total amount for the fiscal year. He can exceed the amount he sets up tentatively for the month, and if he does that, as it is being done now, and he finds that he will exceed the available amount for the fiscal year, then he must come to Congress and say, "I am going to incur a deficiency, and I want authority to do it."

Mr. COPELAND. Then why did not someone tell Harry Hopkins so that he could go ahead and spend the money at a time when it is so much needed?

Mr. President, I have had the old-fashioned idea that laws were made to be observed. Now I find this morning that that is not so at all. That is the reason why if I ever become involved in a complicated lawsuit I want the Senator from South Carolina as my lawyer, because he will find means of relief which other lawyers and certainly no layman ever before heard of.

Mr. BYRNES. I have 4 more years to serve in the Senate, and therefore do not expect to return to the practice of the law in the immediate future, but I may say I shall preserve the RECORD in order that I may show it to prospective clients. [Laughter.]

Mr. POPE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. BYRNES. I yield.

Mr. POPE. Does not the Woodrum amendment, though, have this effect: The Administrator knows he has a certain number of people to take care of during the year, which means that a certain amount of money must be expended. When there is a drought, particularly when Congress is not in session, we will say, or a flood or any other emergency, would it not have a tendency to cause him to delay or refrain from spending the money as it is needed because he might be uncertain as to whether or not he would get the additional money which would be needed? Would there not be the tendency not to do the thing which was needed and not to do it in the full measure that circumstances might make necessary?

Mr. BYRNES. I would say yes; and that is the purpose of a deficiency law—namely, to cause an executive officer to hesitate before incurring a deficiency, and not to make an application unless he is satisfied that the facts are such that when he comes to the Congress he will get funds to meet the deficiency. Sometimes executive officers come to Congress and present their cause to the Appropriations Committee and the committee does not allow the deficiency. Then they go back and finish the remainder of the fiscal year with the amount appropriated for their particular agencies.

Mr. POPE. I think there might be a difference of opinion, and I wonder if the Senator wants too much caution to be exercised when people are suffering and dying?

Mr. BYRNES. It is not a question of too much caution.

Mr. ADAMS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Colorado?

Mr. BYRNES. I yield.

Mr. ADAMS. A clause in the current statutory law opens the way for a modification in emergencies. The provision was placed in the RECORD yesterday. As the Senator will recollect, it provides that the allocations "shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment."

That is the specific authorization. Then, it provides that when that is done by the head of the department he shall make a statement to the Congress as to the reasons for it. Thus the law meets the very conditions that have been suggested of an emergency by authorizing a change in allocations and apportionments in the case of an emergency.

Mr. BYRNES. The purpose of Congress was to provide for such emergencies as indicated by the provision to which the Senator calls attention:

> And all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment.

When a flood occurs it could not have been foreseen or anticipated, and it constitutes an emergency that justifies, under the existing law, the department going ahead, changing its apportionment of money, and expending it. Then it may come to Congress and submit its cause and ask for a deficiency.

Now, let me say a word as to the number of people upon relief, a situation about which I know my good friend from Washington has been disturbed. Investigating this matter, I found in some cases that Mr. Hopkins could not depend upon the number of people who are upon the relief rolls throughout the country as affording him an idea as to the need. We can well understand his limitations. He is dependent upon relief rolls which are established not by Mr. Hopkins' agency but by welfare organizations in South Carolina, in Washington, Ohio, and in all the other States. The State organization determines who shall go upon the relief rolls. I found on examining witnesses, W. P. A. administrators from several States, before the Unemployment Committee, that men, who are today upon the rolls, when notified that they had a job awaiting them replied that they did not want the job. That did not mean what someone might hastily conclude, that the men were running away from jobs. It meant that when a man got out of unemployment and feared he might have to go upon the relief rolls and might want a job, he filed an application with his State organization. He had some money; he had a little of his savings, and he merely wanted to be on the safe side. He knew that he had to be investigated in order that his need might be determined, and while the little money he had was being used, or while he had some temporary occupation, the State organizations were investigating him. Then the organization put his name on the relief rolls. When they notify him that a job has been found for him he changes his mind and determines he does not want that kind of a job; that he has a chance to get a better job. I think it was in the case of the State of Illinois in particular—the State of Illinois or Pennsylvania—we were surprised by the number of men upon the relief rolls who when notified of a job responded that they at that time did not want the job.

The headquarters here cannot tell, except by experience, the number of men upon the relief rolls who will act in that way. I recall that in another State there were very few such cases. It is a question largely of local conditions. But the Administrator of Works Progress, in my opinion, has done a splendid job, and he cannot be criticized now for the number throughout the country who are supposed to be eligible for jobs but are not receiving them.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. BARKLEY. In that connection I think it ought to be said that in many cases men on the relief rolls have gotten there through the regular process, and when they are offered a temporary job of some kind they realize that if they take it they will be taken off the rolls, although the job may not last more than a week or two, and they will have to go through the same process to get back on the relief rolls. I think that makes it plain why some of those on the rolls do not always accept the proffered job at the moment.

Mr. BYRNES. The Senator, I think, is overlooking an important fact. Last year several Senators upon the floor participated in a discussion of the matter, and, as a result, that condition has been remedied, so that insofar as men now go off the relief rolls they are no longer penalized as they were.

Mr. BARKLEY. I think that is true; that condition was remedied in a very substantial way; but I doubt whether the whole field has been covered by the remedy which has been applied.

Mr. BYRNES. So long as I am on the subject, I will refer to a situation brought to our attention that is responsible for more trouble than the condition to which the Senator from Kentucky has referred. I refer to the fact that upon the rolls there are some men who have remained upon the rolls from the inception of the W. P. A. in 1935. Then, there are some men who were so unfortunate as to be placed upon the rolls during the last 6 months who have not been certified for a job by the State. It has made a great impression upon me that a man should be permitted to hold a job with the W. P. A. and, in some circumstances, get outside work, filling in the time when he leaves W. P. A. work to do jobs which are really in competition with union labor, such as plastering and painting houses in the suburbs. He is a competitor and is doing an injustice to the worker who has never gone upon relief, but, on his own, has been fighting his own fight.

Mr. BARKLEY. Mr. President, if the Senator will yield further, I desire to ask him a question. I am not a member of the Committee on Appropriations, and there have been no hearings on the subject during the past 6 months. Did the Acting Administrator, Mr. Williams, state to the committee that during the past 6 months the policy has been changed sufficiently to take care of these temporary employments to the fullest extent?

Mr. BYRNES. Yes.

Mr. BARKLEY. Of course I would accept the Senator's word for that, and Mr. Williams' word also.

Mr. BYRNES. The Administrator assured us of that. The Administrator made an additional apportionment in December, and as a result of that apportionment the States were advised of the amounts to their credit. In some States there has been a delay, and that delay is due to some reasons which I am now investigating. Some of the administrators claimed that when they submitted projects, the projects were held up either at the Budget Bureau or at the General Accounting Office, where they had to receive approval; and then, in the case of one State, 4 weeks after the Administrator was notified of the additional funds available to that State, only a few men had been put to work. That is one administrative matter which must be corrected if this is a function which Congress intends to exercise.

Mr. BARKLEY. Mr. President, will the Senator yield while we are on that subject?

Mr. BYRNES. I yield to the Senator from Kentucky.

Mr. BARKLEY. Inasmuch as my name has been brought into this matter because of something said yesterday, which I think was a correct statement—that because of the Woodrum amendment the Administrator has been unable to reach forward and bring up funds to use in a particular month, because they had to be allocated over a period of 12 months—I desire to say that I was in the conference referred to by the Senator from Virginia [Mr. GLASS] when the question of this additional relief was discussed. The Administrator then took the position, and I agreed with it, and I agree with it now, that the Woodrum amendment did handicap him in bringing forward and making available in any one month or 2 months during the peak of unemployment—or during the winter months, we will say, when unemployment is greater than it would be in the summer—any allotments supposed to have been spread out over subsequent months, and using them in the earlier months. For that reason it was extremely important that the $250,000,000 be made available at once, so that that gap might be bridged during the present winter months; and it was generally understood and agreed, as I recall, without revealing any conversations, that the Woodrum amendment would not be applied to this $250,000,000. There was also a discussion as to whether it ought to apply to next year's appropriation, which is a matter which will come up when that matter comes before the Congress.

So far as I recall, there was no discussion as to the repeal of the Woodrum amendment as it applies to the appropriation already available for this fiscal year; and the theory was that making this $250,000,000 immediately available would cure any defect in the inability of the Administrator to bring forward to March or February, funds which might be expendable in July or June or May or April.

While the statement I made yesterday so far as the appropriation is concerned was undoubtedly correct—that the Woodrum amendment had handicapped the Administrator so far as the past appropriation was concerned—in view of the availability of this $250,000,000 at once, it does not appear to me to be very vital whether the Woodrum amendment shall continue to apply to the last appropriation or whether it shall be repealed. I think the result will be about the same in either case.

Mr. BYRNES. Mr. President, I desire to address an appeal to the Senator from Washington just for that reason. I have said heretofore that I do not think it is of importance, in view of the existing law. From the practical standpoint, I desire to make this suggestion to the Senator:

Of course, what the Senator from Kentucky [Mr. BARKLEY] has said as to what was agreed upon by the conference is true. The Administrator says that regardless of any apportionment, $250,000,000 will enable him to do all that is needed. I am satisfied that it will; but if, 60 days from now, as the Senator says, not only unemployment but need should be greater, and it should be necessary to appropriate more money, we are going to have at least two deficiency bills here, and the matter could be taken care of in them.

I desire, however, to make a further suggestion to the Senator. This amendment of his applies to the Woodrum amendment to the existing law as well as to this joint resolution. The joint resolution is an emergency measure. There is only one amendment to the joint resolution as it now stands, which will be agreed to, because it strikes out language which was added on the floor of the House. If people are in need throughout the country, and if Mr. Hopkins is hesitating about proceeding because of doubt about the passage of this joint resolution, the best thing we can do to help these people is to pass the joint resolution as it stands; and, if that is done, there will be no conference.

The House will agree to the Senate amendment tomorrow, and the joint resolution will be sent to the President and will become law at once. If, however, we adopt an amendment to repeal the Woodrum amendment, and go into a conference with the House, with Representative WOODRUM as the chairman of the House conferees, the House having adopted the language of the Woodrum amendment, it will simply mean delay, and will not accomplish any good, because the $250,000,000 will accomplish all that the Senator has in mind. This, I fear, would mean delay, and would defeat an object that is very dear to the Senator from Washington.

Mr. SCHWELLENBACH. Mr. President, I will say to the Senator from South Carolina that so far as I am concerned the issue of the inclusion or exclusion of the Woodrum amendment goes much deeper than the question of this particular appropriation. I think it is extremely important that we do not say that while we are willing to have one red light so far as every other kind of appropriation is concerned, we insist upon two red lights on this relief appropriation.

I recognize, practically and realistically, that the inclusion of the Woodrum amendment on the 1937 relief act is not of great importance if this $250,000,000 can be made available without the Woodrum amendment being attached to it, upon the basis, as the Senator from Kentucky [Mr. BARKLEY] suggested, that the conference which was attended by him and by the Senator from Virginia [Mr. GLASS] understood that we were not to have the Woodrum amendment on the $250,000,000 appropriation. I am perfectly willing, as I indicated to the Senator from Colorado [Mr. ADAMS], to change my suggested amendment and confine it to this particular appropriation, and not attempt to repeal the 1937 act, if the committee is willing to accept that sort of an amendment.

Mr. ADAMS. Mr. President, will the Senator yield in order to let me make a suggestion which furthers what the Senator has just suggested? I am not an expert on procedure in the House; but it is my understanding that if we were to endeavor to amend the Woodrum amendment as applying to the 1937 appropriation, our action would have to be submitted to the House for a separate vote. In other words, it could not go back to the House merely as part of the conference report, to be adopted or rejected. If, however, it were an amendment merely to this joint resolution, a release of the Woodrum amendment as to the $250,000,000, that would not be the case; and we might save some time and some legislative controversy in the House by restricting the amendment as the Senator has suggested.

Mr. SCHWELLENBACH. Is the committee willing to accept such an amendment with reference to this appropriation?

Mr. ADAMS. I should like to talk to the Senator from Virginia [Mr. GLASS] about that.

Mr. BYRNES. Mr. President, I ask the Senator from Washington if he will not withhold this matter until we have before us the appropriation bill for the next fiscal year, and let us then determine the question. If the Senator were not satisfied that the $250,000,000 would take care of this particular matter, of course, he would not agree to that; but the Senator is satisfied of that, as I understand.

Mr. SCHWELLENBACH. I am not quite satisfied that the $250,000,000, with the Woodrum amendment, would be sufficient to take care of the situation.

Mr. BYRNES. The Administrator says that if the $250,000,000 is apportioned for March, April, May, and June—4 months, approximately $60,000,000 more for each month—it will be sufficient, but, if the Senator has any doubt about it, the Senator knows that Congress will be in session and can appropriate any additional amount that may appear necessary. If that be so, it would be a great help in this emergency if this joint resolution could go through without going to conference and having a delay with the House over an amendment which can be dressed up on the bill for the next fiscal year, which will come before us in a month.

Mr. SCHWELLENBACH. I am willing to do this: If the committee will accept this amendment applicable only to the $250,000,000 appropriation, and if I may have the assurance of the Senator from Colorado that he will make the same sort of an effort in support of the Senate amendment that he did with the amendment which I offered last year—to which he was opposed, but for which, nevertheless, he made a fight, and out of which we worked out a compromise, it will be remembered, on the question of riders on appropriation bills—I am willing to change my amendment so as to let the matter go to conference with that sort of an understanding.

I will say that I am primarily interested in knowing that the next appropriation shall not include the Woodrum amendment; and I am very anxious that the Senate shall assert itself upon this particular appropriation, so that when the appropriation comes through for the next year it shall not include the Woodrum amendment. I want every effort made by the Senate now to make sure that that will not happen when the regular appropriation comes through.

If the committee is willing to accept the amendment upon that sort of a basis, I am satisfied to withdraw my present amendment, and offer as a substitute one which would apply primarily to this joint resolution.

Mr. GLASS. Mr. President, I do not think any one member of the Appropriations Committee may give any such assurance. As a matter of fact, in the Appropriations Committee I very sharply opposed such a course and made the point that the application of the Woodrum amendment to this $250,000,000 was contrary to an agreement which was had in an important conference at the White House. The fact that I made that point did not prevail with the committee. The committee insisted upon applying it to this $250,000,000, and I am going to follow the action of the committee.

I do not think that the distinguished Senator in charge of this bill, the chairman of the subcommittee which considered it, would be authorized to give any assurance as to what is going to happen next year in regard to any appropriation matters.

Mr. SCHWELLENBACH. Mr. President, I think the Senator from Virginia misunderstood me. I was not asking for any such assurance.

Mr. ADAMS. Mr. President, I was about to say to the Senate that I had no authority and claimed no authority to make any commitment as to this measure or any future measure in reference to legislative matters. As a matter of fact, all I will say to the Senator from Washington in reference to his first suggestion is that if I am on the conference committee he may rely, regardless of my individual opinion, on my utmost efforts to uphold the opinion of the Senate, just as I have endeavored to carry out on the floor of the Senate the directions of the committee. When I have presented a bill representing the committee I have followed the instructions of the committee, and I have never presumed, and I would not presume, to speak for the committee as to any future appropriation bill; I would not presume in any way to commit the Committee on Appropriations as to any legislative provision.

Mr. GLASS. Mr. President, I was perfectly confident that that was the attitude of the distinguished Senator from Colorado, but I thought it would be more agreeable to him for me to say it than to say it himself.

Mr. SCHWELLENBACH. Mr. President, I think both the Senator from Virginia and the Senator from Colorado, if I understand their statements correctly, have misconstrued the suggestion I made. I did not ask for any binding agreement upon the part of the Senator from Colorado that this provision would be retained. I asked for an agreement upon his part that he would put forth the same sort of an effort that I know he did last year. I did not ask for any agreement from the Committee on Appropriations upon this particular appropriation. I did not ask for any agreement from the Committee on Appropriations upon the next year's appropriation. I did want to impress upon the committee that I felt that it was important that an effort be made in connection with this joint resolution, so far as the Senate is concerned, to express our disapproval of the theory of the Woodrum amendment, and I am perfectly willing to change my amendment, making it applicable merely to the pending joint resolution, with the understanding that it will be taken by the Committee on Appropriations to conference and the argument presented so that the House of Representatives may know that when the next appropriation comes forward, the question is going to be subject to serious consideration and discussion by the Senate.

Mr. President, I do not think there is anything unreasonable about that. I do not think any Member of this body can object to it. I think I have been perfectly reasonable in my attitude so far, and I do not think any Member of the Senate has any right to indicate that I was asking for anything unreasonable, for my discussion of the matter has been perfectly reasonable.

The Senator from South Carolina suggested an alterative. I have just as much right to rise and offer another alternative, which is reasonable and appropriate, as has any other Member of this body, and I do not like the attitude of those who think I am infringing upon some rights of the Committee on Appropriations, or of any individual Member. I am not a member of the Committee on Appropriations, but I am a Member of this body, and I think that the membership of the Senate will agree that throughout the discussion I have been perfectly reasonable and fair. I am not asking for anything except some expression on the part of the Senate that it does not believe in the principle of the Woodrum amendment, that it does not believe that the Works Progress Administration should have its hands tied and should not have an opportunity to take care of needy persons. When I try to make a very reasonable suggestion, there are those who

think I am infringing upon the rights of the Committee on Appropriations. I did not intend to do that in the slightest.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. COPELAND. I should like to pour a little oil on the waters.

Mr. GLASS. I suggest that the Senator pour the oil over there; he need not pour any on me, because I am not in the least excited about the matter. [Laughter.]

Mr. COPELAND. Then let me ask the Senator from Virginia if he said that after the White House conference it was understood that the Woodrum amendment would not apply to the amounts which we are adding this year?

Mr. GLASS. If the Senator will look at the hearings, he will see that I emphatically so stated.

Mr. COPELAND. Mr. President, so far as I am concerned, regardless of how the committee of conference may be governed in the matter, I feel that the Senator from Washington has presented a matter which is very important, and apparently it is in accord with the views of the White House—and I always want to be in accord with the White House. I believe, at any rate, that in a matter of this kind, which involves the welfare of human beings, as the Senator from Wisconsin [Mr. LA FOLLETTE] has so well said, certainly there should not be two red lights, as the Senator from Washington put it. If there is now protection under the law generally, very well; but we are asked to appropriate money to take care of needy people. As I stated a little while ago, I look for a greater recession than we have had; I am convinced of it; and my conscience would not permit me, when I am committed to the thought of taking care of the needy, to agree to a dangerous limitation upon the expenditure of money. I hope the Senator from Washington will press his amendment.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BYRNES. I know that the Senator does desire to do exactly what the President wants, and I call his attention to the fact that the President in submitting this matter to the Congress presented this request:

> I have the honor to submit herewith for your consideration a supplemental estimate of appropriation of $250,000,000 for relief of the unemployed.
>
> "Emergency and work relief: To continue to provide relief and work relief as authorized in the Emergency Relief Appropriation Act of 1937, and subject to all the provisions thereof."

The Woodrum amendment is one of the provisions.

Mr. COPELAND. I heard the Senator read that previously, but I just heard the Senator from Virginia, whom I follow in all matters, say that there was an understanding that, so far as the Woodrum amendment is concerned, it would not be attached to the appropriation measure now being considered.

Mr. BYRNES. I think the Senator from Virginia would say that the conference was held before the letter of the President was written.

Mr. COPELAND. Able as the Senator is as a lawyer——

Mr. BYRNES. A statement I am always ready to admit. [Laughter.]

Mr. COPELAND. Able as the Senator is as a lawyer, has he not in his experience sometimes inadvertently added a clause in a bill of particulars which he afterward wished he had not included?

Mr. BYRNES. I will say to the Senator that, once a statement of the President is committed to writing, it could not be changed by a statement by the Senator from Virginia as to the conversations leading up to the written statement.

Mr. COPELAND. I confess I have observed that on many occasions.

Mr. POPE. Mr. President, does the Senator from South Carolina attach any importance to that general statement as to what the President thought about the Woodrum amendment?

Mr. BYRNES. I do. I have not the slightest doubt that the President wanted this emergency measure passed at as early a date as possible. My own thought is that the President, when he asked that the money be made available to carry out the law with the limitation in the law, must have had in mind that he was promoting an early appropriation of these funds so that they would be available. I have stated heretofore that I have no great objection to the elimination of the Woodrum amendment from the pending measure, except that I know it would delay the enactment of the joint resolution, and delay the administration in giving relief to needy persons.

Mr. POPE. It occurs to me that the statement which the President made is merely general in character, without any particular reference to the Woodrum amendment, or expressing any views on the Woodrum amendment.

Mr. BYRNES. If the Senator from Virginia says the statement he has repeated was made, he undoubtedly is correct, and I think the President reached the view that this money would be sufficient for all the purposes contemplated, and that in this form the measure would be immediately passed by the Congress, whereas if he did not ask that it be passed subject to the existing law, there would be a hundred different questions introduced which would keep the bill in conference, and prevent the granting of immediate relief.

Mr. ADAMS. Mr. President, I desire to add merely a word. It seems to me the Senator from South Carolina has touched the point in the whole situation, that here was a fund which time and events have demonstrated to be somewhat inadequate, and the administration was merely seeking to have provided an additional sum of money to be poured into the pocket from which the money was drawn, subject to the same rules, the same proceedings, so that there would be no conflict.

Now, one other suggestion. I do not share the pessimism of some Senators as to what is ahead of us. I have a good deal of faith in what will be accomplished by the pending measure, and I am supported in that view by my neighbor at the right, the junior Senator from Idaho [Mr. POPE]. I have a good deal of faith in what the housing law will do. I have a good deal of confidence in what the administration is going to do. It is my sincere judgment that it will not be many days before business and industry in the United States will be on the upturn.

Many who are closer friends of the administration than am I are assuming that we are inevitably going on the downward path, and that there will be an increase of unemployment and an increase of need. My judgment is that we have reached the bottom of this decline, or depression, and that we are already on the upturn. We have, as the foundation upon which to build a sound banking and a sound financial structure.

We recall that back in 1929, 1930, and 1931 the foundation of industry, which is the banking structure of the country, was unsound; 7,000 banks had been closed. Today there are only a few scattering banks that are not sound, and their deposits are guaranteed by the Federal Deposit Insurance Corporation. So we have the foundation for development, the foundation for business, and I am convinced that the fear which in a measure paralyzes industry is going to be relieved. I think there will be encouragement coming from the administration. I think what Congress will do will be less damaging than some apprehend. I am looking forward to an increase in employment and betterment in business and self-confidence by reason of the legislation we shall pass, and I have confidence in the administration.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. McKELLAR. I agree with what the Senator says. Some of us believe in the principle of the Woodrum amendment. I think it is very advantageous. It presents a program of paying so much per month over a period of 12 months, and provides a very excellent method for handling the matter. I do not think it is necessary at this time to repeal the Woodrum amendment.

Mr. ADAMS. I wish to add one other word with respect to the illustration which has been used repeatedly as to two red lights being placed against the use of relief funds and only one in reference to other funds. I rather agree with the Senator from Washington and the Senator from New York about that, but my suggestion is that we put two red lights against all these funds so that we will hold other departments and other parts of the administration to the law as well as the relief administration, rather than remove any of the red lights.

Mr. GLASS rose.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. GLASS. Oh, I will not talk any more. There has been enough talk already.

Mr. COPELAND. Mr. President, in spite of the wise admonition which has just come from the Senator from Virginia, I wish to say a word or two more. The Senator from Colorado [Mr. ADAMS] has given us great encouragement about the future. So far as I am concerned, I need it. I want to be encouraged.

I have no doubt at all that there would be a rosy outlook for the future if certain things were done. If I am right at all in my estimate of the desires of men of affairs, I am here to say that if there could be some reasonable assurance that legitimate business, properly regulated, will not be interfered with, we would have prosperity, and that almost immediately. In that event, we would not need this money.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. HATCH. The Senator's statement about assurance reminds me of testimony of witnesses who appeared before the Committee on Unemployment on the days I was permitted to attend the committee hearings. Almost every witness made substantially the statement which the Senator has just now made, and I think the chairman of the committee the Senator from South Carolina [Mr. BYRNES] and other members of the committee propounded to each of those witnesses the question, "What assurance is desired from the Government? What action can Congress take which would give that assurance?" I am wondering if the Senator from New York has in mind certain definite suggestions to make, for of all the witnesses who appeared before our committee not one had anything to suggest, with the exception of general remarks about repeal of certain taxes and the need for a general feeling of confidence.

Mr. COPELAND. Mr. President, about the only thing the Congress can do is to repeal the surplus and undivided profits taxes, or to deal wisely with respect to them. That is what Congress can do at will. But there is more that could be done outside the field and function of the Senate itself.

If there could be an understanding that there will not be undue interference with the activities of industry I am perfectly confident that industry would spend money. Since we are in the argument, in spite of the friendly warning of my friend from Virginia, I want to say a few words more about that.

I spent my holidays, the period between Christmas and New Years, interviewing presidents of banks, presidents of life-insurance companies, and directors of large industries, to ascertain if there had been or if there was then in existence a conspiracy on the part of business to withhold activity. I wished to learn whether there was in effect a sit-down strike.

I do not need to go into the reasons for my conclusions, and perhaps the reasons and the conclusions themselves are not particularly important. However, I am convinced that there is no conspiracy and that we cannot have recovery in America until there is a restoration of confidence and a release of frozen funds.

It is all very well to attack the officers of great corporations. I am sorry to say I have no financial interest in them of any consequence. However, there is no use attacking the officers because they do not go forward. They can go no further than the directors permit them to go, and the directors will permit them to go no further than the stockholders will permit, and back of all is the timidity of money. There is nothing more hysterical or timid than money, and nobody more hysterical and timid than the possessors of money. Mr. President, it is necessary to coddle money and the possessors of money just exactly as it is necessary for a physician to coddle his hysterical patients.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I will yield in a moment. The Senator from Tennessee has not been listening to me, anyway.

Mr. McKELLAR. Yes; I was listening to the Senator, and I heard him speak of coddling money. I wish to know how that is to be done.

Mr. COPELAND. Do not ask me that question. I am talking about coddling hysterical patients. I am not speaking of coddling hysterical money. That is something I know nothing about.

Mr. President, the statement was made to me in the presence of 70 other men that the electric utilities are prepared to expend an amazing sum, an amount which I will mention in a moment. If it seems as amazing to the Senate as it did to me, Senators will be startled indeed. The electric utilities are prepared to spend a tremendous sum. Why? Because in the last dozen years there has been no replacement of heavy machinery. There has been no other period in our history like the last decade or two decades, in the development of invention in its application to electricity and the cheap production of electric power. Invention has gone on until now it is possible to develop power for 1.6 cents per kilowatt-hour; practically 1½ cents. That is an amazing thing.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. MINTON. The Senator has referred to a large sum that the utilities are prepared to invest at the present time in replacements and repair of their worn-down plants. Did I understand the Senator correctly in that?

Mr. COPELAND. That is the part of the statement that I have already made. There is more to the statement.

Mr. MINTON. Does the Senator think that they ought to go ahead and spend that money anyway, because they took it out of the pockets of the people as a part of their operating expenses and charged it back to the people in their rates?

Mr. COPELAND. I will go along with the Senator in all that. That particular phase of the matter we will discuss at another time.

I will go just as far as the Senator from Indiana, or any other Senator, in the regulation of utilities, to make certain that the public shall not be exploited. No doubt the public has been exploited; but that is not the argument at the moment.

Mr. MINTON. If what the Senator says is correct, would not the utilities have the money which they have accumulated in their depreciation fund extending over the years, and which they have taken out of the pockets of the rate payers, available for replacements? If so, why do they not use it?

Mr. COPELAND. I think I know.

Mr. MINTON. I am afraid they will do what Insull did in Indiana. They will put it in the surplus fund and distribute it to the common-stock holders in the form of common-stock dividends.

Mr. COPELAND. We shall never progress so long as we discuss outworn methods and outworn vehicles. Nobody can defend what the Insulls did in Indiana or elsewhere. I am not seeking to defend what they did. I am not seeking to whitewash the institutions which were wrecked by reason of their abuse of public confidence. I am not discussing that subject. I am trying to look into the future. I am trying to paint a picture, or at least give a blueprint of what I have learned. It is not a picture. I do not want a picture. I do not want glorious sunrises painted on canvas. I want the matter presented in the form of a blueprint of a practical plan for the development of recovery.

If I may proceed, Mr. President, the man who told the story which I was reciting was not a financier. He was not the fiscal agent of any concern. He was the chief engineer

of the greatest electrical-machinery concern in America. He pointed out that by reason of invention it is now possible to make electricity at an amazingly low price. Think what it would mean in the development of human progress and human comfort if electricity could be sold, and even at a profit, for 2 cents a kilowatt hour!

But the utilities have not spent this money—a limited amount of it ill-gotten, possibly as the Senator from Indiana has suggested. They are not going to spend it unless certain things happen. In order to make the needed replacements, in order to install the great electrical devices which have been invented, in order to erect buildings of greater capacity to house them, they are prepared to spend $4,000,000,000.

Think what such an expenditure would mean to the American people if we should take these men at their word and encourage them to go forward. There would be $4,000,000,000 of capital investment. Think what that would mean, not only in terms of employment to take up the present slack, but more than that. The enlargement of facilities would mean greater employment in such institutions in the future, and therefore the hope of continuance of a prosperity which would begin at once.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. HATCH. I should like to ask a question, and I do not want the Senator to misunderstand my purpose. I really want the information, and that is the reason why I interrupt.

The Senator said, if I understood him correctly, that unless certain things happened, this money would not be spent.

Mr. COPELAND. That is correct.

Mr. HATCH. What things must happen in order that this money may be spent?

Mr. COPELAND. I suppose I am one of the last who ought to suggest it, because of the reputation I have in a certain field; but, in answer to the direct question of the Senator, I may say that if the White House will reach an understanding with business and industry, what I have prophesied—reflected from what I have been told—will come to pass.

I learned a great deal last winter during the week to which I have referred. I am sorry to say I learned little that increased my respect for the foresight and wisdom of men in high financial places. On the contrary, as I made the diagnosis, I learned that many of them failed to possess vision.

I am sorry to say this: When captains of industry are called to the White House, too, they become like a lot of the rest of us when we go there. They become "yes" men, agreeing to what is said to them.

The so-called little-business men were not of that kind. They told what is needed to be told—that there must be a better understanding and a more friendly relationship between the Government in Washington and the business world.

I am not saying these things with any hope that wings will be given to my language. But I live in this country; I have a family; I have grandchildren; I have an interest in the future of America; and I want to say for myself that I am very much concerned about the future of America. I even stay awake nights worrying about it. The thing about which I worry most is what I regard as the failure of those in high places to see the necessity for a better understanding between Government and business.

I do not speak for Wall Street. I do not speak for "big business." I have said many times on this floor that I have no particular interest in New York City below Seventeenth Street. I live in a city and in a State populated largely by plain, ordinary human beings, most of them very poor in this world's goods. I want to see them better conditioned. I want to see their self-respect restored. It does not tend to good citizenship for a man to have to pass the hat, or to hold a tincup, or to take money from the Government. The vast majority of our people desire to work. They desire to gather with their own hands the sustenance necessary for their welfare.

We are building in America a different order than that with which we have been familiar. We are building an order which may develop into a real menace to our institutions. Outside influences not indigenous to our soil are at work. Influence is brought to bear from foreign lands; and when there is distress such as we have in America, a fertile soil exists for the growth of ideas which are not native to our United States.

Mr. President, I did not intend to say all this, of course; but it is well to say it. We are facing a state of affairs necessitating the appropriation of vast sums. We have before us a bill which provides a large sum of money for the immediate needs of our people. I am in favor of it, because if our people cannot maintain themselves through gainful occupation, if their situation is something their own efforts cannot overcome, we must appropriate the money to take care of our brethren in distress. Why place restrictions upon our act? I think the Senator from Washington is entirely right in his contention.

What the Senator from South Carolina said in his latest speech confuses me. He speaks about the necessity of haste, and yet he has assured us that the Woodrum amendment really means nothing, that even the substantive law may be evaded. If such restrictions are so elastic, what difference does it make? We can surely wait long enough to have the conference committee determine whether or not the House will accept the proposed amendment.

In the meantime, if those who spend the money are told that the two red lights that have been spoken of really mean nothing at all, then they can use the money in hand to go along with the regular program. Use can be made, or should be, of the great unexpended balance.

But surely, regardless of technical difficulties, until there is a recovery in America and until men and women can earn enough to support themselves, we must do our part. It is our duty to make available such funds as are needed to keep our people from distress and to keep them clothed, fed, and housed. That is the purpose of the joint resolution.

While I wish, as the Senator from Colorado [Mr. ADAMS] has suggested, to put a red light, or a dozen red lights, against all unnecessary expenditures, when it comes to human beings and their care we cannot be too kindly or too thoughtful. We must make such provisions as will make it certain that through this period of distress there will be effective relief.

Mr. BYRNES. Mr. President, I have already expressed my views upon this question. I have great respect for the views of my friend the Senator from New York [Mr. COPELAND], but I again wish to ask the Senator from Washington [Mr. SCHWELLENBACH] whether, in view of the appeal of the President for the passage of the pending joint resolution at the earliest possible date as an emergency measure, the question of the principle of apportioning funds should not be left to the bill which will come before the Senate later and which will provide relief funds for the next fiscal year.

I again desire to call his attention to the fact, which I have already stated, that, so far as I am concerned, I think the effect of the Woodrum amendment is greatly exaggerated, and that it is nothing but a reassertion of what is existing law. Nevertheless, I know that, if the amendment of the Senator from Washington is to be added to the pending joint resolution, there will have to be a conference on the joint resolution. Without his amendment, I have reason to believe there will be no conference, but that when the joint resolution goes to the other House with only one amendment made to it by the Senate—the amendment which refers to aliens and which amendment was adopted on the floor of the House and is not approved by the committee—the House will concur in the Senate amendment, and the joint resolution will pass today or tomorrow morning, and within 24 hours the funds provided by the joint resolution will be available for the needy people of the country. When the President has asked that Congress appropriate this money for the purposes set forth in the law

passed for the present fiscal year and subject to the limitations of that law, if we amend the joint resolution by repealing the Woodrum amendment or providing that the Woodrum amendment shall not apply to the funds carried by this measure, and then send it to the other House, there will be a conference; the conferees on the part of the Senate will meet the conferees on the part of the House, headed by Representative WOODRUM, the author of the amendment.

If I happen to be on the conference committee, should the Senate adopt the pending amendment, I will certainly feel it my duty to represent the Senate and fight for their views, no matter how long it takes, because I would be only the ambassador of the Senate and it would be my duty to do it.

As I say, it would mean, if the House stood by its position, that a week or 10 days from now we woud be coming back into the Senate and asking for another vote to ascertain whether the Senate would change its view upon this amendment. In the meantime the people throughout the country who are in need would continue to go to W. P. A. offices and be advised that there were not funds available to provide them relief. No one is more interested in preventing that than is the Senator from Washington. Not only today but on previous occasions he has demonstrated his interest in this particular question, but, as a practical matter, I submit to the Senate, and I submit to him and appeal to him, that this question, which he deems one of principle, should be fought out on the bill which will come before the Senate providing relief funds for the next fiscal year, when time is not important, when he can present his views, and the matter can be determined as the Senate may decide it wise to determine it. But right now on the pending joint resolution many of the Senators will be influenced against their own views by the emergency and by the demands of the needy of the country. I submit to the Senator from Washington that, when in 30 days there will be pending another bill in connection with which this question can be determined, he should not ask for consideration of his amendment at this time and possibly delay what the Senator from Washington is more interested in than most of the other Members of this body, namely, help for the needy.

Mr. SCHWELLENBACH. Mr. President, I have been very much impressed by the statement of the Senator from South Carolina, particularly insofar as it makes an appeal on the ground of the emergency. Personally I am confronted with this situation: I believe most profoundly in the principle of the amendment which I have submitted; I believe that the so-called Woodrum amendment is a positive source of menace so far as the administration of W. P. A. projects is concerned. I introduced in the Senate as late as last June or probably July a resolution which had as its purpose the repeal of the Woodrum amendment. In view of that, despite the fact that I recognize the force of the argument of the Senator from South Carolina, I do not feel that I can withdraw fully the amendment which I have submitted. I do, however, wish to withdraw the amendment which has been read and offer the one which I now send to the desk and ask to have stated. It limits the operation of the proposed amendment to this particular $250,000,000 appropriation. It does not attempt to repeal the Woodrum amendment so far as the 1937 act is concerned. So I ask that I may withdraw my previous amendment and offer the one which I now send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment of the Senator from Washington, as modified.

The LEGISLATIVE CLERK. On page 2, after line 6, it is proposed to insert:

Provided, That the second paragraph of the first section of the joint resolution entitled "Joint resolution making appropriations for relief purposes," approved June 29, 1937, shall not apply to this joint resolution.

Mr. HATCH. Mr. President, it is not my purpose at this time to discuss the pending amendment. I wanted during the progress of this debate to say something about the general subject of unemployment and relief. I regret the pressure of time is such that we cannot go into any extended discussion of all the factors involved in the question of unemployment and relief.

Yesterday the Senator from Washington [Mr. BONE] spoke most earnestly concerning the human aspects of the question in support of his amendment proposing an increase in the appropriation. Much has been said throughout the country, much is said in the press, and some things have been said on the floor of the Senate concerning the administration of the relief funds and of the waste and, perhaps, extravagance in the expenditure of the large sums of money which the Congress has appropriated for the relief of unfortunate American citizens who cannot find employment. That is a subject, Mr. President, about which I should like to speak somewhat at length, because, with the Senator from Washington, I agree that our democracy itself is involved in finding a solution of this problem.

Eight, nine, ten, or eleven million men—whatever the number may be—not finding work in this land of opportunity portends a condition much graver, Mr. President, than an unbalanced Budget. But, as I have said, I am not going to discuss that question today. I wish, however, to call the attention of the Senate to a survey which has been made purely by an unprejudiced and unbiased source, a source not connected with the United States Government in any way and not connected with the Works Progress Administration, one which ordinarily would be presumed to have been antagonistic to the views of the W. P. A. At regular intervals the magazine Fortune conducts a study of unemployment. The issue of October 1937 carries one of those studies and surveys, and I have selected it today because certain definite questions were asked in the study carried on by the magazine referred to and certain definite questions were answered during a period when we thought prosperity had returned and before the effects of the so-called recession became apparent. So I am going to detain the Senate sufficiently long to read some of the questions and answers and some of the results of this study.

In the very beginning, I desire to read from the foreword of this article:

No single story that Fortune has ever published has cost so much to assemble as Unemployment in 1937. Before the Fortune writer could strike the first key on his typewriter $12,000 had to be spent to gather the research on which it could be based.

Then the foreword goes ahead and tells how the survey was conducted. The concluding sentence reads as follows:

One conclusion of the research will perhaps startle you: This impartial and wholly unbiased survey gave strongest support to the feeling that the machinery (as opposed to the laborer cared for) of the damned and despised W. P. A.—

I am still quoting the language of the magazine when I say "damned and despised W. P. A."—

functions with an efficiency of which any industrialist would be proud.

In commenting on the subject studied and the questions they asked, the article says:

In rapid-fire order, here are the answers to 11 basic questions that are being hotly debated everywhere by citizen and politician alike:

1. Are the reliefers bums? No.
2. Have they had much education? No.
3. Did industry fire them because they could not do their jobs? No.
4. Do they ask for too much help?

I call attention to that question because I heard a discussion earlier this morning, in one of the committees, to the effect that the people on relief were asking too much help; but the answer to that question which Fortune Magazine determined as a result of its study was "No; the people on relief are not asking too much help."

5. Has industry taken many of them back since 1935?

This report, remember, was published in October of 1937. The answer to that question was:

Yes; almost half.

That is, industry has employed practically one-half since 1935, the peak of the relief load. I think that was in 1935.

6. Is there a shortage of skilled labor? Yes.

There is a shortage of skilled labor at the present time.

7. Is there an abundance of unskilled labor available to industry that is not being "bid away" by W. P. A.? Yes.

8. Are those remaining on relief "marginal men" in that they are unfit for employment by lack of skill, age, or disability? Yes.

9. Are these "marginal men" unemployable? The unskilled, no; the aged and disabled, probably yes.

10. Is the W. P. A. "spoiling" them and wasting the taxpayers' money?

That, I think, is a very pertinent question; but Fortune Magazine answered it "No." The Works Progress Administration is not spoiling them. The people on relief are not wasting the taxpayers' money.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. HATCH. I yield.

Mr. KING. Were no qualifications made to that statement by Fortune?

Mr. HATCH. Oh, I am certain there were qualifications. What I am now giving is part of a long article which discusses each one of these questions at length. As stated in the beginning of my remarks, I should like to have the time to take up and discuss each one of the questions and read the entire report; but I am just selecting the questions as they have been set forth here in brief form in order that they may be gotten into the RECORD.

Mr. KING. I think there would be a large volume of evidence to the contrary, namely, that the W. P. A. spoils some of those on relief, and that a great deal of money has been wasted.

Mr. HATCH. The Senator from Utah makes the point that people on relief have been spoiled by the use of relief funds, and that funds have been wasted. I am quite sure there is truth in the Senator's statement. Certainly there is always in every great program some misuse of funds, and some things which should not exist; but I cannot say with the Senator from Utah or with any other person that on the whole, when millions and millions of our people—honest, industrious, able-bodied American citizens—want work and cannot find jobs it is waste or extravagance to use some of the credit of the United States Government to preserve those human beings. I want to protect the credit of the United States; I want to see the Budget balanced, and all those things; but I cannot conceive of saving human lives as being waste or extravagance.

Mr. KING. Mr. President, if the Senator will yield, I congratulate him upon the statement that he desires to see the Budget balanced. I have not heard that statement made for some time; but, upon the contrary, I have learned of very large appropriations being made which will tend more and more to unbalance the Budget.

Mr. HATCH. Personally I think there are things which are more important today than balancing the Budget. I assume that the Senator from Utah is opposed to the present appropriation.

Mr. KING. The Senator has no right to indulge in any assumption of that kind from anything I have said. I congratulated him upon his announcement of what I conceive to be a very proper policy, namely, balancing the Budget. I agree with the Senator that there may be some conditions which would make it impossible to balance the Budget, and that we should not be justified in ignoring those conditions. With respect to this appropriation I am sitting at the feet of Gamaliel, and I shall listen with great interest to see whether or not I shall vote for it.

Mr. HATCH. Mr. President, I will say to the Senator from Utah that if I did him an injustice by assuming that he was going to vote against the appropriation, that remark and my other remarks were prompted by what I thought he took exception to in this article from which I was reading, in which Fortune Magazine says, as the result of its study and survey, that these funds have not been wasted, and that the people on relief have not been spoiled; and I assumed that the Senator from Utah had the opposite view. That was the reason why I said I assumed that he was going to vote against the appropriation.

Mr. KING. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. KING. I think when the Senator responded to that interrogatory of mine, he accepted the view which I took. I did not say there was not some truth in the statement. I asked if there was any other testimony showing to the contrary. Then I stated that I believed there was a large volume of testimony tending to show that there had been some waste, and that some relief workers had been spoiled; and my dear friend from New Mexico, when he replied, said he thought I was correct.

Mr. HATCH. Oh, I am sure there has been some waste; certainly.

I shall return to the article, however, and read the last question. It is one which is of particular interest in view of many arguments which have been made on the floor of the Senate:

11. Are the local communities doing as good a job of giving direct relief to these unemployables as the Federal Government did 2 years ago?

The answer is, "No."

Mr. President, I shall not longer detain the Senate on this subject. I do desire later, perhaps, when the next appropriation bill comes up, to have something more to say on the general subject of unemployment and relief.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington [Mr. SCHWELLENBACH], as modified.

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Dieterich	Johnson, Colo.	Overton
Austin	Donahey	King	Pope
Bailey	Duffy	La Follette	Radcliffe
Bankhead	Ellender	Lee	Reames
Barkley	Frazier	Lodge	Russell
Berry	George	Logan	Schwartz
Bone	Gerry	Lonergan	Schwellenbach
Borah	Gibson	Lundeen	Sheppard
Bridges	Glass	Maloney	Shipstead
Bulkley	Green	McAdoo	Thomas, Okla.
Bulow	Hale	McKellar	Thomas, Utah
Byrd	Harrison	McNary	Townsend
Byrnes	Hatch	Miller	Truman
Capper	Hayden	Minton	Tydings
Caraway	Herring	Murray	Vandenberg
Chavez	Hill	Neely	Wagner
Connally	Hitchcock	Norris	Walsh
Copeland	Holt	Nye	
Davis	Johnson, Calif.	O'Mahoney	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Washington [Mr. SCHWELLENBACH], as modified.

Mr. AUSTIN. I ask for a yea-and-nay vote.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. MINTON. I announce that the Senator from Delaware [Mr. HUGHES], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Montana [Mr. WHEELER] are unavoidably detained from the Senate.

The Senator from Michigan [Mr. BROWN], the Senator from New Hampshire [Mr. BROWN], the Senator from Nebraska [Mr. BURKE], the Senator from Missouri [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Illinois [Mr. LEWIS], the Senator from Kansas [Mr. MCGILL], the Senator from New Jersey [Mr. MILTON], the Senator from Florida [Mr. PEPPER], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on important public business.

The Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. BILBO], the Senator from Iowa [Mr. GILLETTE], and the Senator from Indiana [Mr. VAN NUYS] are necessarily detained.

The Senators from Nevada [Mr. McCARRAN and Mr. PITTMAN] are detained in their State on official business.

The result was announced—yeas 38, nays 36, as follows:

YEAS—38

Bone	Duffy	Logan	Pope
Borah	Ellender	Lonergan	Schwartz
Bulkley	Frazier	Lundeen	Schwellenbach
Capper	Gibson	Maloney	Shipstead
Caraway	Hatch	Minton	Thomas, Okla.
Chavez	Hitchcock	Murray	Thomas, Utah
Copeland	Holt	Neely	Truman
Davis	Johnson, Calif.	Norris	Wagner
Dieterich	La Follette	Nye	
Donahey	Lee	O'Mahoney	

NAYS—36

Adams	Byrnes	Herring	Overton
Austin	Connally	Hill	Radcliffe
Bailey	George	Johnson, Colo.	Reames
Bankhead	Gerry	King	Russell
Barkley	Glass	Lodge	Sheppard
Berry	Green	McAdoo	Townsend
Bridges	Hale	McKellar	Tydings
Bulow	Harrison	McNary	Vandenberg
Byrd	Hayden	Miller	Walsh

NOT VOTING—22

Andrews	Clark	McGill	Smith
Ashurst	Gillette	Milton	Van Nuys
Bilbo	Guffey	Pepper	Wheeler
Brown, Mich.	Hughes	Pittman	White
Brown, N. H.	Lewis	Reynolds	
Burke	McCarran	Smathers	

So Mr. SCHWELLENBACH's amendment, as modified, was agreed to.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to further amendment.

Mr. LA FOLLETTE. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 10, after the word "act", it is proposed to insert:

Provided, That projects for the production of materials for fertilizing soil for distribution to farmers under such conditions as may be determined by the sponsors of such projects under provisions of State law, shall be eligible for prosecution under this appropriation.

Mr. LA FOLLETTE. Mr. President, this amendment would definitely authorize soil conservation and soil upbuilding projects as to which there is some controversy at the present time between the Works Progress Administration and the office of the Comptroller General. I have conferred with the Senator from Colorado [Mr. ADAMS], and the Senator from South Carolina [Mr. BYRNES] about the matter, and in view of the fact that there probably will be a conference between the two Houses on the joint resolution, and in view of their familiarity with the situation, I am hopeful that the amendment may be adopted and be given consideration in conference.

Mr. BYRNES. Mr. President, I will say to the Senator from Colorado [Mr. ADAMS] that I did speak to the Senator from Wisconsin, and I stated that I had reason to believe that with the joint resolution in the form as reported by the committee there would be no conference. The adoption a moment ago of the amendment of the Senator from Washington means that there will be a conference, and, therefore, so far as I am concerned, I have no objection to the amendment offered by the Senator from Wisconsin, because in the days to come we can consider it and deliberate upon it.

Mr. ADAMS. The substance of the amendment is, I think, really within the intent of the original measure.

Mr. LA FOLLETTE. Yes; but it seems to be necessary that the language shall be more specific in order that these worth-while projects may be authorized.

Mr. BANKHEAD. I should like to hear the amendment read.

The PRESIDING OFFICER. The amendment will be again stated.

The LEGISLATIVE CLERK. On page 1, line 10, after the word "act", it is proposed to insert:

Provided, That projects for the production of materials for fertilizing soil for distribution to farmers under such conditions as may be determined by the sponsors of such projects under provisions of State law, shall be eligible for prosecution under this appropriation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. BAILEY. I send forward an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the proper place in the joint resolution it is proposed to insert the following:

Provided, That if the President shall find any project to be necessary in order to provide work relief in the community where the project is to be located, and that the applicant is unable to supply 25 percent of the cost, he may authorize the project upon such contribution as he finds that the applicant is able to make: *Provided further*, That in cases of direct relief the President may require contributions upon condition to allocations to any State, city, or political subdivision in such ratio as he considers just upon investigation, but in no case shall the local contribution be less than 20 percent of the allocation by the Works Progress Administration.

Mr. BAILEY. Mr. President, I shall very briefly explain the amendment. The first portion of the amendment is a reiteration of an amendment proposed in the Senate when the bill was pending in 1937 making the original appropriation of a billion and a half dollars for the W. P. A. It had to me an unusual signification in that that amendment was prepared and advocated by the late leader of the Senate, the honored senior Senator from Arkansas at that time, Senator Robinson.

The latter part of the second proviso was prepared by me, but it is supplementary to the first proviso. The first proviso leaves the authorization discretionary with the President. It is not mandatory. It gives the President the power upon a proper finding, to require, in the case of any project for any county or city or State, that if the county, city, or State is able to contribute one-fourth of the cost, it shall be required to do so.

The second proviso is mandatory, and relates to direct relief, and provides that in cases of direct relief, counties, cities, and States shall be required to put up not less than 20 percent of the amount advanced by the Federal Government.

The amendment as a whole is intended to place a portion of the responsibility for unemployment relief upon the localities which are chiefly concerned, and which are primarily affected, and I think primarily responsible.

I am going to read to the Senate a paragraph or two as uttered by our late Democratic leader, Senator Robinson, speaking in behalf of this amendment.

I sometimes think we are more inclined to hear those who have left us than those who are yet with us. I ask the Senate to listen to the words of the late Senator Robinson, spoken on the floor of the Senate on the 18th day of June 1937, just a few days before his death. I think it was the next to the last of his messages to his fellow Senators:

> Gentlemen may laugh about a $36,000,000,000 debt hanging over the Treasury of the United States if they wish to, but with all my refined and expanded sense of humor I find it impossible to laugh about such a thing. I recall the time when our armies came out of the bloodiest and most cruel war that was ever waged on this earth to find a debt far below the amount the Government now owes, and we worried about it then. But now nobody seems to worry about the debt. We spend and we spend and we spend, and there are some who vote for all appropriations and against all taxes. I do not name anyone; sometimes I have been inclined to get into that class myself. But the point I am making is that we cannot go on forever doing it.
>
> I do not say that even a thirty-six and one-half billion dollar debt, taking into consideration all the circumstances, endangers the credit of the United States; but I do say that in the time of prosperity we ought to begin to put our house in order.

The following words seem almost prophetic:

> Let me ask what would happen if another depression, such as that which began in 1929 or 1930, and which has continued until recently, should strike the people of the United States and their affairs next year or the year following? Of course, we do not look for it; of course, we hope it will not occur; but there are some who say that we will have a recession in business and industry.
>
> What if our revenues from incomes should fall off?

Just as they have fallen off.

What if the sources of taxation available for the United States should dry up to an extent, as they did dry up in 1930 and in the years which immediately followed that year? We would find ourselves in a situation which would be terrible; and as representatives of the whole people, expressing full appreciation for the liberality of the Government, we owe an obligation to the Government, to those who live now and to those who will come after, to make provision for the needy living, for those who cannot get along without assistance; but we also owe the generations to come a measure of duty to safeguard them against an unreasonable and an excessive burden which may bring back upon them the sorrows, the travails, and the woes we have so recently experienced.

I should now like to undertake to discuss what seems to me to be one of the gravest and most grievous situations to which our country has come—perhaps the most grievous in all its long story.

Here we are at this moment, reversing our policy. Here we are at this moment, abandoning our hopes. If I am not mistaken, Mr. President, here we are at this moment realizing that the whole theory on which we have proceeded for 6 years has been exploded by the events of which we and our fellow men are the victims and to which we are the witnesses. Here we are, having expended for work relief and emergency relief alone, under the 1935, the 1936, and the 1937 acts, $9,010,000,000. That is the record. Here we are this year with the junior Senator from South Carolina [Mr. BYRNES] telling us on yesterday that we are pouring out of the Federal Treasury this year $3,800,000,000 in gifts, pensions, and bonuses to the people. If this joint resolution passes, the figure for this year will be $4,000,000,000. Here we are, Mr. President, not only with all that expenditure having been made but with our revenue decreasing. Our sources of revenue are decreasing. The national income is decreasing, and the tide of unemployment is rising.

The situation suggests something to me. In the language of a very humble man whose letter I saw just a day or two ago, that is "something to think about."

If there is virtue in the public spending policy, wherein has it succeeded? If we have made progress in arresting the tide of unemployment, why is it argued that we should now add to the one and a half billions of direct W. P. A. expenditure, and to the $3,800,000,000 poured out in gifts, another $250,000,000 to take us only to June 30 of the present year?

After having expended $9,010,000,000, we find a demand for more, not for less. The tide of unemployment is rising about us day by day to such an extent that the President tells us that we now have 1,950,000 persons on the list of the helpless and dependent, and that we must now pass a measure which I think, in fair interpretation, is intended to take care of 1,000,000 more. All this is in the light of the facts which come to us from all sources, indicating that the number of the unemployed has increased by not less than 3,000,000 workers in the space of 5 months.

Such a situation would be infinitely distressing under any circumstances, but a government which has already spent $9,000,000,000 in the 3 years 1935, 1936, and 1937 and which has increased its public debt from $15,000,000,000 in 1920 to $38,500,000,000 at the present time is, I think, something to think about. It confronts us with an inexpressible impression.

Is there virtue in the public-spending policy? Has it succeeded? Has it reduced unemployment? Has it met the necessities of the situation? If so, how do we explain our present position? When we look about us we see a new army of 3,000,000 workers turned loose in helplessness throughout the land. Our President is calling upon us for more money at a time when we well know that to pass the joint resolution and appropriate the money is only a mere matter of taking care of the distressed for 3 or 4 more months. What shall we do in the future?

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. BAILEY. Just a moment, and then I shall be glad to yield.

If the way out is the way suggested, and if that is the only way to meet the situation, what do the facts with which we are surrounded tell us about it if they do not tell us that our situation is utterly hopeless?

I now yield.

Mr. SHIPSTEAD. Mr. President, I am not sure that I understood the Senator. Did he say that the total amount expended had been something over $9,000,000,000?

Mr. BAILEY. Mr. Hopkins' report, which is on my desk shows that, under the 1935, 1936, and 1937 acts, leaving out the balance of $545,000,000, which is now available, plus the appropriation provided for in the pending measure to carry on relief work until June 30, 1938, we have spent $9,010,000,000. That is in this report on progress of the Works Program for December 1937 addressed to the President and by him sent to the Senate.

Mr. SHIPSTEAD. Is that money which has been spent by W. P. A. only?

Mr. BAILEY. Oh, no.

Mr. SHIPSTEAD. That is the total?

Mr. BAILEY. It is the money that has been spent by the W. P. A., the C. C. C., the Federal Emergency Relief, and so forth—it will be seen that it goes back for a number of years—in the name of emergency-relief appropriations.

Mr. SHIPSTEAD. Mr. President, will the Senator yield further?

Mr. BAILEY. Yes.

Mr. SHIPSTEAD. Does the Senator have any idea how much the various States, counties, and municipalities have spent?

Mr. BAILEY. I think that amount can be approximated; the figures are in the report; and it is indicated that they have spent about $2,900,000,000. I am just making the statement from memory, but I have the figures in this report. That is an estimate, I think. I will obtain the exact figures for the Senator before I take my seat, because I am not certain that I can place my finger upon them right now. Does the Senator desire to ask a further question?

Mr. SHIPSTEAD. Yes; if the Senator will permit me.

Mr. BAILEY. I yield.

Mr. SHIPSTEAD. When the program for breaking down the depression was first advanced we were told that it would be necessary to spend $10,000,000,000 in order to break the depression. Upon inquiry as to what should be done or what it would be necessary to do after the $10,000,000,000 had been spent, I was assured that then it would be necessary to do nothing further, because the depression would be gone; there would be no more depression; people would be employed and business would be booming. That became the doctrine of salvation. So I beg the Senator not to worry, for we only have to spend $800,000,000 more and then the prophecy will be fulfilled. [Laughter.]

Mr. BAILEY. Now I can answer the Senator's question. On page 82 of the Report on Progress of the Works Program, under the title "Estimated amount of State and local funds used for security programs by agencies"—I understand that it takes in participation in the Federal Social Security activities which were begun in 1936—the total sum put down for the years 1933, 1934, 1935, 1936, and 1937 is $2,959,000,000. That is for 5 years. So the Senator can easily make his calculations.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Maryland?

Mr. BAILEY. I yield.

Mr. TYDINGS. The Senator said a moment ago that the total was $2,000,000,000 a year. I take it from the figure he has just quoted that the amount is $2,000,000,000 all told.

Mr. BAILEY. It is $2,900,000,000 for 1933, 1934, 1935, 1936, and 1937, making 5 years, and averaging about $600,000,000 a year.

Mr. TYDINGS. Yes; instead of $2,000,000,000 a year.

Mr. BAILEY. Yes; that is correct.

Mr. President, I am glad the Senator from Minnesota [Mr. SHIPSTEAD] made the remark he did. I think probably all of us thought that there was something in "pump priming."

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. SHIPSTEAD. I wish to deny that I thought anything of the kind. [Laughter.]

Mr. BAILEY. Very good. I happen to know about that, Mr. President, and if it were necessary to confirm the accuracy of the Senator's statement I would confirm it, but it is not necessary to do so here.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Maryland?

Mr. BAILEY. Yes.

Mr. TYDINGS. A hasty calculation shows if the Federal Government spent $9,100,000,000 and during the same period the local agencies spent $2,900,000,000, that about 25 or 26 percent of the total spent was advanced by the local communities. As I understand the amendment of the Senator from North Carolina, he advocates that a permanent policy calling for contributions of not less than 20 percent be adopted?

Mr. BAILEY. Yes.

Mr. TYDINGS. Therefore, if the Senator's amendment shall be adopted, the amount required of local communities will be under what they have averaged according to past experience. Is that correct?

Mr. BAILEY. That is precisely correct. I am merely proposing to throw the burden over the country, as a whole, and endeavoring to prevent local subdivisions which might wish to escape responsibility from escaping it.

Mr. McKELLAR and Mr. OVERTON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Carolina yield; and if so, to whom?

Mr. BAILEY. I yield first to the Senator from Tennessee.

Mr. McKELLAR. As I understand, during the past year the States and localities, on the average, have put up about 22 percent plus? Is that correct?

Mr. BAILEY. The percentage is not calculated here but the total is.

Mr. McKELLAR. Well, the percentage is 22½?

Mr. ADAMS. It is 22.8.

Mr. BAILEY. For the second half of 1936 and the first half of 1937 the amount was about $900,000,000.

Mr. McKELLAR. Under the present law, beginning last July, the percentage is nearly 23, which is a greater percentage than the Senator proposes in his amendment. I realize, as I think the Senator from North Carolina realizes, that there must be some discretion somewhere not to charge exactly the same in the case of every project. I think my State leads all the rest—I have been told that it leads all the rest, though I have not the figures before me—in the amount put up by the various localities, and it seems to me that, by all means, the W. P. A. should certainly have the right to have some latitude in carrying on these projects which are for the benefit of the people generally.

Mr. BAILEY. It would be very difficult to arrange to have one percentage in the case of one project and another in the case of another project. I am simply asserting the general principle for all projects. I will come to that in a moment.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. TYDINGS. As I understand the Senator's amendment, it does allow such latitude, because the bottom is about 4 percent under the actual percentage, according to experience, of the contributions on an average for the whole country from local agencies. I should like to ask the Senator if it is not his experience in dealing with the relief agencies of his own State, and if it is not the experience of all other Senators in dealing with the relief agencies of their respective States, that, knowing a certain sum of money is available for relief, there is a tendency on the part of mayors, county commissioners, and Governors to come to Washington and get the maximum amount and to shirk their local responsibility, because the Congress has put no bottom under the appropriation as to the amount they must put up as a minimum; and that, unless we adopt such a policy as this, every Senator asking for relief funds will try to get the most he can from the Federal Government, without regard to the local agency's ability to pay, lest it be shown that some other States got a better deal with the Federal Government than did his State?

Mr. BAILEY. Mr. President, what the Senator from Maryland states is not only "a tendency" but it is a disposition and a habit that has been carried so far in our country that it amounts to a scandal.

Mr. OVERTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Louisiana?

Mr. BAILEY. I yield to the Senator from Louisiana.

Mr. OVERTON. As I understood the amendment as it was read from the desk, the Senator proposes that there shall be a local contribution of 20 percent in cases of direct relief. What are the "cases of direct relief"? Is there any "direct relief" now except under the Relief Settlement Administration?

Mr. BAILEY. No; and this proposal does not relate to the Resettlement Administration at all. This is the works-relief program, and the pending joint resolution which proposes to appropriate an additional $250,000,000 is directed to the work-relief program in taking care of the unemployed.

Mr. OVERTON. Is there any "direct relief" now under the W. P. A. program?

Mr. BAILEY. I do not know that there is, but, Mr. President, I am glad the Senator asked the question. I put that clause in the amendment, because I suspected that localities might say, "All right, since you require a 25-percent contribution for a project, we will just lie down on it and call on you for relief." The amendment is designed to provide protection in connection with the policy.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. BAILEY. I yield.

Mr. MINTON. I should like to ask the Senator if he does not think, in view of the experience in the administration of relief laws, which shows that local contributions have approximated the figure the Senator suggests that the condition which he has in mind will prevail without putting this bottom or ceiling, or whatever one may want to call it, into the measure? If the limitation should go into the joint resolution, it might make it impossible for a particular community or sponsor to meet the obligation. With such a provision in the law, it would have to make the contribution—or else; whereas the average may be entirely satisfactory, though there may be many communities that cannot come within the average. But since in the administration of relief laws local contributions have reached, on an average, about what the Senator suggests, does he not think it better to leave it to the administration?

Mr. BAILEY. I do not; and I will say on that point that I think the Congress has been very careless in leaving so much to the discretion of the Works Progress Administration. I think the Congress is responsible for taking the money from the people, and it ought to be responsible for its application to their needs. I do not think that the Works Progress Administration should complain at all of the Congress when it undertakes to put limitations, terms, and conditions upon the money which it appropriates.

Mr. BARKLEY. Mr. President——

Mr. BAILEY. I yield to the Senator from Kentucky.

Mr. BARKLEY. Did I correctly understand the Senator to say that he put in his 20-percent provision with regard to direct relief so that in any case where the community could not put up its share for work——

Mr. BAILEY. Where it would not do so.

Mr. BARKLEY. It would also be denied any direct relief, so that the people of such a community would get neither work nor relief under the Senator's amendment?

Mr. BAILEY. Unless they put up 20 percent.

Now, Mr. President, I should like to be heard about that matter.

The communities in America are relatively as strong as the country—that is, all the communities together. I do not think there is a community in the land but that, in response to humane sentiments and ordinary political self-respect, would welcome the opportunity to share this burden which now threatens to overwhelm the Federal Government.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Maryland?

Mr. BAILEY. I do.

Mr. TYDINGS. Is it not also a fact that the Senator's amendment will tend to make the administration of relief in the localities more realistic, perhaps, by reason of the fact that communities have a direct financial stake in the relief problem?

If the Senator will allow me just a moment, I want to tell him about one county in my own State.

About 2 years ago a young lady was placed in charge of relief in the particular county to which I refer. She wrote a letter to every one of the persons on relief and said:

> Commencing 2 weeks from date, your name will be stricken from the relief roll unless prior to that time you make a statement that you have honestly tried to secure employment, that you are in real need, and that you cannot sustain yourself and family without relief, and this statement must be supported by the signatures of two responsible persons in your community.

I am advised that nearly two-thirds of those on relief immediately went off.

Perhaps that was too drastic. I am not holding that up as a model to be copied. I am simply pointing out to the Senator from North Carolina that by interesting the localities in this problem, and making them contribute, persons who deserve relief will get it, and those who perhaps are on the border-line, or do not deserve it, will be eliminated; and the net result will be that the persons for whom these appropriations are made are more likely to be taken care of than if the Federal Government paid almost the entire bill.

Mr. BAILEY. I am very grateful to the Senator for his contribution to the discussion.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BAILEY. Will the Senator from Oklahoma permit me to comment on the remarks of the Senator from Maryland and then yield to him?

Mr. LEE. Certainly.

Mr. BAILEY. We have trouble now, Mr. President, along this line: There are literally hundreds of cities and communities in the country which are calling on the W. P. A. for money, not because they need it, not because they could not take care of their unemployed, but because they say, "The money is here; others are getting it, and we must have our share."

Let me illustrate.

I do not like to say anything which tends to reflect upon my State. I do not like to antagonize the administration of W. P. A. here or there; but I read last week in the North Carolina newspapers a statement of six projects for our State. What were they?

One was to clean up a cemetery in one of the most prosperous towns in North Carolina. I shall not call its name. The project was to rehabilitate and renovate the public burial ground. Who ever heard of the Federal Government having to do that? There is not a man who breathes the breath of air in that little town who would hear anyone say that they could not take care of their own graveyard.

Another one in the same list was a project to renovate the county courthouse. In plain language, any county in North Carolina—I will speak for my own State—which is not able to renovate its own courthouse ought to be consolidated with some county which will renovate it; and there is not a man in that county but who would knock you down if you told him his county was not able to keep the courthouse in good repair, or to renovate it.

Another one of those projects is to index the public records of a city. A municipality which has to go to the Federal Government to get an appropriation to hire a man to index its public records ought to go out of business as a municipality, and nobody in that city would deny that statement. If you go down and complain to them about it, however, they will say, "Why Senator BAILEY, see what New York is getting. See what Chicago is getting. The money comes in part from us; and if you do not get us our share, we shall just be the losers." That has gone on all over the country, in my judgment, but I bear witness to its existence in my own State.

Now let me make a suggestion. If the Senate will pass a resolution to have a committee examine the various projects, and winnow out all projects of that type, we shall save our $250,000,000. We shall not have to appropriate it. We have been careless, Senators. We have just turned loose the floodgates of the public credit and poured out the money. I do not hesitate to say that the complaint in this land is not in behalf of the unemployed. It has reached the point where the raid on the Treasury is not based upon the needs of people, but is based upon something else far less worthy. My amendment will tend to stop that.

Mr. SCHWARTZ. Mr. President——

Mr. BAILEY. I yield to the Senator from Wyoming.

Mr. SCHWARTZ. In the State of Wyoming I think it will be found that the local communities have contributed more than the average. We have a small county there in which the miners worked only part-time last summer, and I know that the county now is in a distressed condition and cannot raise any funds. Three weeks ago 500 miners were laid off, and the mines were closed. Under the Senator's amendment, could they and their families get any relief from this joint resolution?

Mr. BAILEY. The State of Wyoming ought to look after some of its people sometimes.

Mr. SCHWARTZ. Oh, yes; that is a very nice thing to say.

Mr. BAILEY. I am saying it to the Senator in all seriousness.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BAILEY. Let me answer the question of the Senator from Wyoming. This new conception that the American people and their States shall hang around the Public Treasury when we are on the verge of exhausting our credit is a state of mind which is utterly unworthy of the American people and the American States.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BAILEY. Yes; I yield to the Senator from Maryland.

Mr. TYDINGS. The Senator began his address by referring to the eloquent plea of the late beloved Senator from Arkansas, Joseph T. Robinson, in which, at that time of comparative prosperity, the late Senator alluded to the possibility of another depression.

Mr. BAILEY. Yes.

Mr. TYDINGS. Why not carry his illustration further? Why not assume that after a time, through one means or another, we shall get out of this depression without taking any precautions to curtail an increasing national debt? Then suppose we go into another depression. If we do not at some time face the fact that there is no such thing under the sun as lasting prosperity the day may come when the one thing we have left, the national credit, will be so seriously impaired that then we may find we have not any credit through which to give relief to the States or the local subdivisions thereof.

Mr. LEE. Mr. President——

Mr. BAILEY. I yield to the Senator from Oklahoma.

Mr. LEE. I think I share the Senator's desire to have no more money spent than is absolutely necessary to take care of actual suffering; but I am wondering if the Senator's amendment will reduce public spending. It occurs to me

that the Senator probably will agree that the whole $250,000,000 will be spent either way, whether his amendment is agreed to or whether it is rejected. If his amendment is agreed to, the cities and communities, in order to take advantage of this provision, will match it with the 20 percent matching, adding $50,000,000, or 20 percent of the $250,000,000, which will make a public expenditure of $300,000,000 instead of $250,000,000. Then does the Senator believe that the adoption of the amendment would result in a reduction of public expenditures?

Mr. BAILEY. The Senator is arguing that local responsibility would cause the communities to spend more. I think I can give him an illustration. If the Federal Government promises to give me $100,000 on demand for a purpose, I will take it; but if it promises to give me $100,000 on condition that I put up $50,000, I shall have some question about it. That is the difference with the cities. When we require a city to assume a share of the responsibility, the city is going to be careful how it calls for money. That is the point.

Mr. LEE. That is exactly what I think will happen. A city, for fear that a neighboring city will get something that it is not getting, will ask its people to vote bonds which they are not able to pay; and the competition between cities will cause them to press on the public $50,000,000 more expenditure than the joint resolution now provides.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BAILEY. Let me answer the Senator from Oklahoma, and then I will yield. It strikes me it is a rather singular argument to make that because we require the cities, counties, and States to put up something they will use that as an excuse for demanding more money.

If they should demand more money than was needed, we could refuse to give it to them. That is very clear. If they do put up the 25 percent, we put up 75 percent, whereas now in a great many cases we are putting up a hundred percent, and in a great many cases 90 percent.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. TYDINGS. The current revenues of the National Government run about $6,000,000,000 a year, of which amount the corporations contribute about $1,000,000,000. The individual income taxpayers and the corporations contribute about two and one-half billion dollars a year. Therefore, if all the corporations and all the other income taxpayers furnish only two and a half billion a year, and we raise six billion a year, the other three and a half billion comes from what source? Does it come from the rich? Does it come from the corporations? No; it comes from the poor people of the United States. Therefore, it is their money which is going to pay off this debt, and for that reason we ought to throw every possible safeguard around large expenditures, because the poor people are now raising two-thirds of the taxes, and it is the poor people who will pay off the national debt. These are facts which cannot be disputed.

Mr. LEE. Mr. President, will the Senator from North Carolina yield again?

Mr. BAILEY. I yield.

Mr. LEE. I do not think I am greatly in disagreement with the Senator, but if we attach a qualifying amendment to the bill it will be used in every community, I am convinced, to urge the people to vote bonds they are not able to carry in order to get four or five dollars for every dollar they raise.

Mr. BAILEY. I think the Senator is laboring under a very decided misapprehension. The city would get money on the basis of the human need there, and it would then put up a fourth of it. The Senator from Oklahoma is arguing that because of my amendment a city could have a bond issue of $100,000, and thereby get three or four hundred thousand dollars from the Federal Government. That does not follow at all. Theoretically, at any rate, the city would never get a dollar from the Federal Government except as it contributed 25 percent, not for the glory of the city, not in order to get the money, but to relieve unemployment. That is the limitation.

Mr. LEE. I used the words of the Senator from North Carolina and the Senator from Maryland, in which they pointed out that communities find the unemployed, and in some cases they put themselves in that position in order to get this relief money.

Mr. BAILEY. I think the Senator would recognize that the W. P. A. can investigate the conditions. They would not be imposed upon. It is a fair presumption they are investigating the conditions now. The trouble about it now is that the communities cannot resist the temptation.

I have here a paragraph from Senator Robinson's speech which I think I will read rather than utter the sentiment myself:

> No one need challenge me to cite instances of that nature. No one need tell me that there are no places in which the representatives of local political subdivisions have exerted their influence, appealed to their Representatives and to their Senators, in order to get funds out of the Federal Treasury for projects which were not primarily necessary work-relief projects, but which were of great advantage to the communities in which they were constructed. So long as we impose no limitation, the administrator will be encountered with that difficulty. He will be encountered with the difficulty of having Senators and Representatives come to him supporting local influences and asking for projects which, to say the least, are not in the first aspect designed to promote work relief. I could discuss that phase of the subject indefinitely.

Those are the words of our late leader here in the Senate.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. MALONEY. Will the Senator help me a little by telling me how this proposal differs from the amendment he offered to the relief bill of a year ago, I think it was? My reason for inquiring is that the argument the Senator makes now has an especial appeal to me, and I think I favor this restraining influence. I am wondering whether the amendment differs, and if I am right about it in this respect, was it not necessary, under the Senator's earlier proposal in connection with the last relief bill, that the municipalities take a kind of a pauper's oath before they could get money?

Mr. BAILEY. I think it was in February last year that I offered the first amendment of this sort in the Senate. I would not undertake now to say just what the terms were. My impression is that it did require a 25-percent contribution from cities, States, and counties receiving the Public Works money, and provided that they would not have to make that contribution if it should be found upon investigation that they had no money, and could not make the contribution.

Later on the late Senator Robinson very greatly gratified me by writing out the amendment I am now offering, which is almost in the same language, except that it gives to the President discretion. I did not give that discretion to the President, I gave it to the Works Progress Administration, and I required a finding of real inability on the part of the cities. The cry was raised here that we had to find that they were bankrupted and impoverished. Have I made that clear?

Mr. MALONEY. Not entirely. Am I to understand that the proposal offered by the Senator now makes it discretionary?

Mr. BAILEY. It would be discretionary with reference to the works-progress projects, and the discretion would be lodged in the President. If he should find that any community could not raise the money, was not equal to the situation, he could authorize the project regardless of the 25-percent contribution provision; but there is no discretion with respect to direct relief, in case we must hand out some money directly to the workers in order to take care of them, not in connection with a project. It is provided then that the city, county, or the State must, before any contribution, put up 20 percent. That is the pending amendment.

Mr. MALONEY. The Senator makes it clear to me now, but I am disappointed. I had hoped that the amendment was mandatory. It seems to me that under the Senator's

proposal he makes it possible to discriminate against communities which are anxious to do their job, and I am not so much pleased with the amendment as I thought I was.

Mr. BAILEY. I would like to get the Senator's vote, even on the theory of discretion. If I make it mandatory, I lose a lot of support. If I make it discretionary, I lost a lot of support. But why not make a start toward adoption of the principle, start by making it discretionary, and if it does not work, then we can make it mandatory; but we have to start somewhere. I drew this amendment in the most moderate form possible, and was careful to follow the language of Senator Robinson.

Mr. MALONEY. I should like to point out that by refusing to make it mandatory the Senator in his amendment makes it possible to penalize thrifty communities, communities which will not take a pauper's oath.

Mr. BAILEY. I think we can trust the President.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BAILEY. Let me answer the Senator from Connecticut and then I will be glad to yield.

A hardship may be worked either way. If we make it mandatory, we might find some community, like the county to which the Senator from Wyoming referred, which would be excluded. If we make it discretionary, the President could take care of such a county. I might lose a vote by making it too rigid, and I do not want to lose a vote by making it too elastic. What I want to do is to get the principle adopted, and it is the principle of local responsibility and local contribution. If we do not do that we will reach the time when we will have to do it, because the Treasury will be broken, and the country will be bankrupt.

Mr. MALONEY. If the Senator believes that to be true, why not attempt to do it right now?

Mr. BAILEY. Because I fear that if I try to do it I will run into this mandatory obstacle, and I will lose votes. That is the whole reason. I would do it willingly if I thought I could get it through.

I now yield to the Senator from Maryland.

Mr. TYDINGS. I have not the text of the Senator's amendment before me; but as he has explained it, I am assuming that the discretionary power to which he has alluded could not be employed willy-nilly. In other words, the discretionary power would be applicable and usable only if upon examination it were shown that the community in question was in such shape that it could not make the contribution; and unless a state of facts such as that were adduced, then there would be no discretion at all, and the 20-percent bottom would apply. Am I correct?

Mr. BAILEY. That is correct.

Mr. TYDINGS. I think that with that explanation we have gotten as close to the humane side of this thing as sound policy will permit, namely, that there is no discretion except in a case where it is absolutely unavoidable that the community cannot produce its share of the necessary funds.

Mr. BAILEY. I thank the Senator.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BAILEY. Just let me make one comment on the Senator's remarks.

We must place some value upon the good faith of the President. We lodge the discretion with him. To be sure, we can trust him to act wisely and justly in the matter.

I yield to the Senator from New Mexico.

Mr. HATCH. Mr. President, I have not been on the floor all the time the Senator has been speaking in behalf of his amendment, and he may have discussed the matter about which I desire to inquire. If so, I will not ask him to repeat.

Is it not true now that under existing policies all of the direct relief is carried by the local communities?

Mr. BAILEY. I think that may be so, but I am fearing that the administration may go into direct relief without requiring the local communities to contribute.

Mr. HATCH. For 2 years past the rule for which the Senator contends has actually been in effect, has it not?

Mr. BAILEY. Then what is the objection to incorporating it in the amendment?

Mr. HATCH. Is not my assumption correct?

Mr. BAILEY. I do not know about that.

Mr. HATCH. The Senator knows, does he not, that the unemployables have been the burden and charge of the local communities for 2 years?

Mr. BAILEY. Theoretically, yes; not actually.

Mr. HATCH. Not actually?

Mr. BAILEY. Not actually; oh, no. That is wholly a theoretical division now.

Mr. LEE. Mr. President——

Mr. HATCH. Let me ask one more question. Is it not also true—and the Senator may say "theoretically"—that the local communities are required, in connection with the various projects, to make what are called sponsors' contributions, and that the average of those contributions exceeds what the Senator asks?

Mr. BAILEY. That is true. Before the Senator entered the Chamber we brought out the fact that in the last 5 years the local communities have contributed $2,800,000,000, whereas our appropriations for 1935, 1936, and 1937 were $9,000,000,000. But let that be as it may, we know of a great many communities which are contributing nothing. Why not put them all on an equality, and have a flat rate?

Mr. HATCH. The point I was making—and I believe the Senator will agree with me—is that the principle for which the Senator contends has already been put into effect by the administration in a large number of cases.

Mr. BAILEY. I think so.

Mr. HATCH. It is the exception where it is not done.

Mr. BAILEY. I do not think it is the exception, and I shall go into that question. I think the W. P. A. has spent money in this country in the last 4 years in the most extravagant way, and I am going into that matter directly. I am going to show some of the projects under W. P. A. I verily believe that if the Congress had put proper limitations upon the W. P. A. to begin with, we would not be here today with a $38,000,000,000 debt, and calling for $250,000,000 more to carry us to July 1 of the present year.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. WAGNER. The Senator said a moment ago—and I am simply seeking information now; I am not questioning the Senator's statement at all—that there are communities that made no contributions at all toward the projects undertaken by the Works Progress Administration, and I was just looking at a table on page 22 of the hearings, and alongside the name of each State appears the sponsors' fund, in percentage, compared with the total funds, that is, the sponsors' contribution, and I have found no State which made no contributions. I am looking for States which might have made no contributions at all.

Mr. BAILEY. The Senator shows me the figures of sponsors by States. I agree that in running over the list it will be found that contributions are made by all the States. Here is Tennessee, which made contributions equal to 45 percent of the Federal fund. New Jersey made contributions to the extent of 20 percent; Montana, 19 percent; California, 19 percent; Delaware, 16 percent; the District of Columbia, 11 percent. It will be seen that as far as the State contributions are concerned, that is the State as a whole, the State contributions were from 11 to 45 percent. However, that is not putting the responsibility upon the locality.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. WAGNER. I understood the Senator to say—I undoubtedly misunderstood him—that there were States which made no contributions at all.

Mr. BAILEY. I did not mean that there was a State in the Union which did not contribute something. I did not mean that. We all know that there is no State which made no contributions. But there are communities which made no contributions.

Mr. WAGNER. Communities within States.

Mr. BAILEY. Yes. Some contribute little, some contribute a good deal—some contribute 5 percent, some contribute 20 percent. My amendment would require them all to make contributions at least up to 25 percent, according to their ability. I hope I have made that clear.

Mr. President, I am going into the W. P. A. just a little. They have been building country clubs, golf courses, and ski courses, and all that sort of thing, all over the country.

I think a community ought to build its own golf course or else not have one. I think if people want a country club they ought not to call on the Federal Government to give them one. I think that if people want to ride on skis and take these long 180-foot jumps in the snow they might do it on their own responsibility and at their own expense. The W. P. A. has gone out into that sort of thing.

Let me get into my main theme. This thing has grown until we have a picture of the Federal Government building all sorts of things, including swimming pools, all over this country, and the American people have developed the strange conception that they can come up here to the W. P. A. and get built for them almost anything they want.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. LEE. We might agree on that, but is not the purpose of all this to furnish employment? It is not so much the actual project itself as it is to give jobs and employment, regardless of what those employed work on.

Mr. BAILEY. I agree with that, but I think when it comes to giving employment it ought not to be given on the basis of doing such things. Let us consider something. We read in the newspapers a few weeks ago that the W. P. A. had a theater in New York, and had put on a play in which my distinguished friend the junior Senator from the State of New York [Mr. WAGNER] was the hero, and in which my other friend the junior Senator from Virginia [Mr. BYRD] was the villain, who was hissed by the audience, as I read, and in which the senior Senator from Florida [Mr. ANDREWS] was put on, I think, as some sort of a supernumerary, and in which altogether we had a reproduction in drama of our Senate.

I am going to read to the Senate a part of that play so Senators will see how we are spending part of our money. The Senator from New York asks me if I mind his being a hero.

Mr. WAGNER. In that play, but not here.

Mr. BAILEY. Here is the libretto of the play. It is entitled:

One-third of a Nation.

There is written on the libretto:

National Service Bureau, Federal Theater Project, Works Progress Administration.

They have a newspaper here to advertise them. The newspaper is called "The Living Newspaper," and that, of course, is printed by the W. P. A. They tell us here that they have put on 2,000 plays and that they have had an attendance of 20,000,000 people. That is very good.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. WAGNER. I have not seen the play, but in designating the hero and the villian does not a great deal depend on the point of view of the particular individual who is looking at the play?

Mr. BAILEY. I was saying that from my point of view that makes the Senator from New York the hero. It may not be that way after I read it to him. After a while I am going to read from act II, scene 4, which is a reproduction of what happened here in the Senate, according to the play.

Let us see about this play. It was written by Mr. Arthur Arent and is about housing. It is sold at 50 cents a copy. He has a list here in the first place of how much he read.

Here is the bibliography of the books the gentleman read in order to write this play. There are page after page of all sorts of books which he read. I imagine he was paid by the hour for reading these books. That is a W. P. A. activity, I take it. He read everything on earth about the tenant business, and some books which were not about the tenant business. I notice it says here that he read the book, Thoughts for a Young Man, by Horace Mann; and looking a little bit higher in this list I find that he read a book entitled "The World's Social Evil." Further over I find that he read a book called "Mirrors of Harlem" and a great many other books to which I will not refer.

Then he read the magazines. Here are two pages of magazines which he read. He read Fortune. He read the Forum. He read the Illinois Law Review, Munsey's, the Nation, and, of course, all the time he was reading he was getting some money; I suppose he was paid to read them in getting up this play.

Then here are all the pamphlets and reports and the surveys which he read. Here are the Government sources. I will say that the only Senator's speech he read was that of the Senator from New York [Mr. WAGNER].

Here are all the people he interviewed, and all the organizations he has dealt with, and all the libraries he visited. He was a very industrious young man, and I must say he did a great deal of reading for the money. I should hate to have done it.

If the Government is going to pay people to sit up and read this stuff, I do not know how many will do this sort of reading.

The main thing I wanted to get to our people was act II, scene 4, of Government Housing. I am going to read it just as it is here. It says:

ACT II

SCENE 4—GOVERNMENT HOUSING

(Light up on little man and guide.)

LITTLE MAN (pacing excitedly). Five dollars a room, six dollars a room . . . Lakeview Terrace . . . First houses . . . That's the kind of place I want to live in!

GUIDE. Well, why don't you?

LITTLE MAN. Didn't you hear what he said? [Points to loudspeaker.]

They have a loudspeaker in the play. It is not a man. It is a real loudspeaker.

My chances of getting a flat in one of 'em are about three thousand six hundred to one. Three thousand six hundred to one.

GUIDE. Well, why don't they build more of 'em?

LITTLE MAN. Why don't they build [stops short in amazement, then]—say, that's right! Why don't they?

GUIDE. I don't know. I'm asking you . . . You — er still have a Congress?

LITTLE MAN. Certainly we've got a Congress!

GUIDE. Do they — er — still pass laws?

This was not written during the filibuster. [Laughter.]

LITTLE MAN. Certainly they still pass laws!

GUIDE. Well, what're they doing about it?

LITTLE MAN. Seems to me I remember reading something about . . . (to Loudspeaker) Hey! What's this about a housing bill they passed some time last summer?

LOUDSPEAKER. February 24, 1937 . . . The Wagner-Steagall housing bill is introduced in the Senate! . . . The Wagner-Steagall housing bill.

(Spot on clerk of Senate.)

CLERK. To provide financial assistance to the States and the political subdivisions thereof for the elimination of unsafe and unsanitary housing conditions, for the development of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity. . . . For these purposes there shall be made available the sum of one billion dollars!

(Overhead spots pick out the Senators and Vice President Garner left and right before scrim.)

LOUDSPEAKER. Senator WILLIAM E. BORAH, of Idaho.

BORAH (left of center).

That is a new description of Senator BORAH, but I judge it is right. [Laughter.]

Mr. President——

Vice President JOHN N. GARNER. Does the Senator from New York yield to the Senator from Idaho?

Mr. WAGNER (right). Certainly.

Mr. BORAH. Is the Senator going to discuss the question of causes of slums? Why do we have these awful degraded conditions?

LOUDSPEAKER. Senator ROBERT F. WAGNER, of New York.

Mr. WAGNER. I think it is a very simple matter. It is because of the low incomes received by the individuals who live in the slums.

That is the fundamental difficulty. If overnight we could increase their incomes by a more fair distribution of the wealth of the country, we would not have any slums.

LOUDSPEAKER. Senator C. O. ANDREWS, of Florida.

Mr. ANDREWS. Mr. President, I should like to ask the Senator from New York where the people who live in slums come from?

Mr. WAGNER. A great many of them have been here a long time. What does the Senator mean by, "Where do they come from?" Whether they have come from some other country?

Mr. ANDREWS. I think we ought not to offer any inducement to people to come in from our country or foreign countries or anywhere else and take advantage of our Government in supplying them with homes. For instance, if we examine the birth records in New York, we will find that most of the people there in the slums were not born in New York, but the bright lights have attracted them from everywhere and that is one reason why there are so many millions in New York without homes.

Vice President GARNER (bringing down his gavel, reads). The appropriation for the Wagner-Steagall housing bill has been reduced from one billion to seven hundred million dollars.

LOUDSPEAKER. Senator HARRY F. BYRD, of Virginia.

Mr. BYRD. Mr. President, I offer an amendment, the purpose of which is to prevent the extravagance which has occurred in other homestead projects built throughout the country. . . . This amendment is presented for the purpose of preventing the expenditure of more than $4,000 per family unit.

WAGNER. Those who are not in sympathy with our efforts to do something for the one-third of the people of the United States who are ill-housed—something to give these unfortunate people who have not sufficient income to enable them to live in decent quarters a chance for life—will feel that the amendment of the Senator from Virginia ought to be adopted and the bill defeated. I say very candidly to the Senate that if the amendment of the Senator from Virginia is adopted it will kill the bill.

BYRD. Does the Senator think this low-income group about which he is talking—and I am thoroughly in accord with that——

WAGNER. If the Senator is, he should not suggest this amendment because he may be able to do in Virginia what he suggests, but there will be few areas in the United States where a room can be built for a thousand dollars, and under the Senator's amendment this benefit would be limited to a few localities.

LOUDSPEAKER. Senator MILLARD E. TYDINGS, of Maryland.

TYDINGS. Mr. President, I think the amendment of the Senator from Virginia is liberal. If these people cannot be rehabilitated at $4,000 per family, then we had better give up slum clearance.

Vice President GARNER (bringing down gavel; reads). The appropriation for the Wagner-Steagall housing bill has been reduced from seven hundred million to five hundred twenty-six million dollars.

(At this point his voice fades—

That is, the Vice President's voice fades—

as the first projections of slums are thrown on the scrim. They follow one another and are accompanied by a detailed description over the loudspeaker—a sort of running narrative. The voices of the Senators fade but are heard debating in a vague sort of mumbo pattern under the loudspeaker).

That is a fine description of the Senate—the "mumbo pattern." [Laughter.]

(At intervals, such as pause at the end of a sentence, in between projections, etc., the Senators' voices—still engaged in the debate—rise, and a word is heard distinctly. As the scene grows, tenants appear all over the tenements, in the room, on the steps, leaning over the balustrades, etc., shouting, "Pass the bill! Pass the bill!")

LOUDSPEAKER (as projection of city appears). This is New York City, in 1937. A city of 7,000,000 people, considered by many to be the wealthiest in the world. The home of skyscrapers, Wall Street, the Empire State.

Vice President. Senator EDWARD R. BURKE, of Nebraska.

BURKE. One reason I have been inclined to favor this bill is——

Mr. BURKE was not allowed to say more.

LOUDSPEAKER (as projection changes). This is 266 Cherry Street.

FIRST SENATOR'S VOICE. I do not favor this bill.

LOUDSPEAKER. The rent for this apartment is——

SECOND SENATOR'S VOICE. And slum clearance.

TENANTS. Pass the bill!

LOUDSPEAKER. Twenty dollars a month——

(Projection changes to another slum.)

THIRD SENATOR'S VOICE. Dealing with New York, Chicago, and Seattle——

LOUDSPEAKER. 125 Columbia Street, rear house, second floor.

Vice President. Senator LEWIS B. SCHWELLENBACH, of Washington——

TENANTS. Pass the bill!

LOUDSPEAKER. Twenty dollars a month.

SCHWELLENBACH. Mr. President, I hope the Senator has not been as inaccurate in the rest of his statements as——

(Projection changes to another slum.)

TENANTS.—Pass the bill!

LOUDSPEAKER. 155 Cherry Street, basement . . . $17 a month.

FOURTH SENATOR'S VOICE. Is there a need for . . . ? We will have slums as long as we have . . . $4,000 per unit . . . $5,000 per unit . . . four! . . . five!

It sounds like an auction.

(Suddenly there is a ripping sound and a crash as one of the balustrades gives way. The people fall with it. . . .)

I suppose that is for the gallery.

LOUDSPEAKER. Flash! . . . While the Senate was debating the Wagner housing bill today, 21 people were killed and 5 injured when a 50-year-old tenement collapsed at 5 New Street in Staten Island.

FIFTH SENATOR'S VOICE (picking right up). Who are these people who live in the slums . . . ?

TENANTS. Pass the bill!

LOUDSPEAKER (as projection changes). Harlem! . . . 201 West One Hundred and Forty-first Street . . . $50 a month.

FIRST SENATOR'S VOICE. Stay on the farms.

TENANTS. Pass the bill!

LOUDSPEAKER. 55 West One Hundred and Seventeenth Street.

SECOND SENATOR'S VOICE. Yes! . . . No!

TENANTS. Pass the bill!

LOUDSPEAKER (projection changes). 203 West One Hundred and Forty-first Street . . . $50 a month.

THIRD SENATOR'S VOICE. . . . to the best of my knowledge and belief . . . I do not wish to contradict the Senator from . . .

TENANTS. Pass the bill!

(And so forth . . . When the required number of shots have been projected—the voices of Senators being raised higher and higher in dispute, the tenants shouting: "Pass the bill! Pass the bill!" . . . There is heard the crash of the gavel. The projection, the voices, everything stops.)

VICE PRESIDENT. The Wagner-Steagall housing bill, with an appropriation of $526,000,000 is passed.

Black out everything.

So I take it we got the thing through without a vote, after all. [Laughter.]

All this reminds me, Mr. President, of the story I read the other day about the Russian Parliament. I hope Senators read it. The members of the Parliament were all elected in the greatest democratic election in the history of the whole world. Everything was democratic. One hundred million people voted in the election and they all voted the same ticket. There was a great celebration. The Parliament stayed in session 4 weeks. Nobody ever sat down. During the whole time there was no record vote. All the votes were viva voce, and unanimous. Then the members all went home, and they said they did not know what they had passed, but they had done what Mr. Stalin had directed them to do, and everything was all right. So I take it we have a very good picture of how we pass bills in the Senate.

I like the suggestion about a loudspeaker in the Senate. As I get the picture of this play, there was a loudspeaker on the desk, and every now and then somebody would call out in order that the Senate might know where it was. I think that would be a very great improvement.

I also like the idea of our discussing things in a sort of "mumbo pattern." I never before knew the real description of our senatorial discussion, and I am glad to have it.

All this will be handled very fairly. I have heard that complaint was made down yonder to Mr. Hopkins about putting on this play. Senators complained that one was made a hero and the other was made a villain; but we have the promise that the W. P. A. will reverse that and will have the glory equally distributed among us. But, after all, those of us who do not "vote right" will not quite attain the standing enjoyed by those who do. I think that is forgivable. But I hear that there is some complaint in the House that no Member of the House was put on the stage in this play. The promise has now been made to every Member of the House that he will have an opportunity to appear.

To go a little further with this National Service Theater business, run by the W. P. A., and for which they want us to continue to appropriate money, I notice the following statement in the publication which I hold in my hand:

Among the published lists which contain a wealth of highly recommended plays are antiwar plays, marionette plays, Catholic plays, and Jewish plays.

I shall report that statement to the Baptists, the Mormons, the Seventh-Day Adventists, and the Methodists. I want them to have some Baptist, Mormon, Seventh-Day Adventist, and Methodist plays. We all pay taxes. I do not see why we cannot be put on the stage.

Senators, I think this activity is a fine thing for us. After all, our little brief authority here will not go very far. We shall soon be forgotten; but it is a great thing to know that we have this great activity for which we may appropriate money, and which will make us all actors on the stage forever.

The play to which I have referred probably will be reproduced longer than Hamlet, and people will be talking about the Senator from New York instead of the Prince of Denmark. Perhaps there is an opportunity for some of us who are very faithful in voting to give the W. P. A. money; the time may come when we shall rank in the memory of men with Oedipus Tyrannus or King Lear. The prospect is a very intriguing one to me. When most of us die, we are forgotten almost before the resolution to pay for our burial expenses is passed; but with the National Service Theater we may rest assured that down yonder at the W. P. A. there are playwrights who are putting us down in books, and that we may become a part of the permanent literature of the ages.

Men will walk the stage a thousand, two thousand, three thousand years from now, representing us in our proper persons and our dignity. It is the first time, I think, that the Senate ever won immortality, and the first time Senators ever had a chance to do it. So I recommend this as a very worthy thing, and also present it to the Senate as an illustration of what is going on in this Government by way of taking money from the taxpayers in the name of helpless people, and then employing it in setting people down to read newspapers and books, and then write a play like that.

Who ever thought of the Federal Government getting into anything like that? When Senators appeal to me to appropriate money in the name of the helpless and the suffering millions, it reaches my heart. I have as much sympathy, I hope, as anybody else. I do not like to boast of it, though. I have a little suspicion of persons who do boast of it. I have a great deal of suspicion of persons who claim to have more sympathy than other folks.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BAILEY. Let me finish my sentence, and then I will yield.

Mr. BARKLEY. I wondered if the Senator wanted to finish his address tonight.

Mr. BAILEY. Oh, yes, I am nearly through. I am going to come back on the track directly. I did not want to miss the opportunity of letting the Senate know that the W. P. A., amongst all its other great works, is making the Senate immortal and preparing the way for every Senator to take the places of Hamlet and Macbeth and Shylock and all the rest of the great figures that walk the stage of life and the theater forever. I was just saying that when Senators appeal to me, as the appeal was made today, to vote for money on the ground of humanity, and I see what is being done, I raise a very serious question about it.

Now let me get back to the subject under consideration.

We have a task in America. I do not know whether or not we are going to get through. I have a deep fear that after 4 years of this procedure we must realize that pouring out money is futile so far as relief is concerned, futile so far as recovery is concerned, and, on the other hand, is breaking down our credit and breaking down our Government every day. A Senator today said something about the people in need, and said he could not resist the demand for the appropriation of this money on account of the suffering. It is a great appeal; but we here must think of something more than two, or three, or four, or even nine million unemployed Americans. We have to think of 130,000,000 Americans whose government is at stake in the spending policy. It cannot go on. It simply cannot go on. What is more, we ought to realize that with what we have done so far, we have come right back upon the track. The money is gone, and the unemployed are still here. Oh, the helplessness of it!

That suggests something to me. Old Dr. Samuel Johnson said to Boswell one day that it was a mournful commentary upon the paucity of human pleasures that fox hunting was counted in the number. I will paraphrase his remark. It is a mournful commentary upon the statesmanship of the Senate that we can think of nothing more to do in times like these than to tap the credit of the Government, and pour out money borrowed on Government bonds practically by forced loans from the banks. If that is all we can do, Senators, we had better go home and do nothing. We have 9,000,000 unemployed, a public debt of $38,000,000,000, and we are still being called on to pour it out and pour it out, and we know that when it is paid and spent our condition will be worse than it was before!

I have a suspicion—I have a faith more than a suspicion—that at the end of all this, if this administration and this Congress would set out to encourage Americans and American enterprises, we would employ more people in 90 days, and employ them for years to come, than we could employ with billions of dollars; but we cannot continue to go the way we are going. We cannot spend and discourage, and spend and discourage. Personally, I should be perfectly willing to throw this responsibility as far as possible upon the States and the counties and the cities, cut down the expenditures as much as possible, renew our hopes of balancing the Budget, stand the gaff for awhile, and give business a chance; and I suspect that by doing that we would do far more to relieve our situation than by this mere business of reaching our hands into the Treasury with a little piece of paper, taking money out of the banks, and then scattering it far and wide. It does not create buying power. It does not "prime the pump." It does not employ the unemployed. Are we going to temporize forever? Are we going to procrastinate forever?

Mr. President, these are the things that occur to me. I know that what we are doing is the easy way. Borrowing always was the easy way. It is the easy way to bankruptcy, too. The man who lives on borrowed money finally falls into the ditch. The government that lives on borrowed money finally falls into the ditch. We in America now have an annual account for interest alone of approximately a billion dollars. To be very exact, it is $936,000,000 this year. It will be a billion dollars next year. We are starting now with a billion-dollar appropriation for the Navy. The appropriation for relief was a billion and a half, and now we are going to make it $1,750,000,000. It was $3,800,000,000 this year, and now it is to be $4,000,000,000, and the tide of unemployment is rising around us all the time. What are we doing about it?

I say that the man who has not any better remedy for this condition than to reach his hand into an empty Treasury and borrow money from banks has no remedy at all, and he ought not to be trying to do anything. The only excuse for this sort of thing is to keep the mob from the door. It does not do any good in any other way.

Mr. President, this is the anniversary of George Washington's birth. I am going to close my remarks by reading just a word from him:

> As a very important source of strength and security, cherish public credit—

"Cherish public credit!" He does not say "preserve" it; he uses the word of the marriage ceremony, "cherish" public credit—what the husband has sworn at the altar to do by his wife —

> cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

This is our country, and Washington is the Father of our Country. You and I have enjoyed it because George Washington was unwilling to place the burden of it upon posterity. We got the good of it; we got the glory of it; but every Senator here who wants to go on with this scheme of borrowing money has a tremendous responsibility. How do we borrow it? Not upon bonds taken from the people; there is no limitation like that; but by the simple process of the French Revolution: print a piece of paper, a mere promise to pay. Notify the banks that you have it. Notify each of them that unless it pays out its money for the piece of paper the bank itself will be at stake and all that is in it. We have been borrowing money on mere paper until we have now reached the point where we know that the public debt of the United States would not be paid in 75 years if we should start upon it tomorrow, placing the burden upon our posterity, we here enjoying ourselves, postponing the day of trial, so far as we are concerned, at the expense of the welfare and happiness of the millions of children who live in American homes. That is what we are doing, and we are getting nowhere with it.

If I could think we were getting anywhere, I would feel a little better about it.

Why is this relief measure before us? What is the testimony as to the facts? The joint resolution is here because the number of unemployed is nearly as high today as it was at the peak in 1934. We do not know the number. We have the authority of the President himself that the number has increased by 3,000,000 in 5 months; and the end is not yet. All the other employees are working 2 and 3 days a week, and their incomes are reduced accordingly. The national revenue is going down, and the debt is increasing.

Mr. President, I cannot get rid of the impression that this is a situation of the utmost gravity. I cannot get rid of the thought that there is something more to be done about it than we have done. But it has to be done with infinitely more seriousness than has been exhibited heretofore.

I am not so much concerned about the measure now pending. I look upon it as the symbol of a failure, as the end of an era, as a warning to every Senator that the time has come when we must rise and meet this situation, and meet it by measures other than the mere matter of reaching our hands into the Treasury for a note and sticking the note into the bank, knowing that the debt is going up. Here we are at the end of 8 years of an unbalanced Budget, 8 years, and this year we are promised that the deficit will be a billion, and everyone of us knows it will be nearer to a billion and a half than to a billion. We are appropriating money with a view to next year, everything looking to a two or three or four billion dollar deficit next year.

I beg Senators to look beyond this measure, look to some means of passing this burden back to where it belongs, look to some method of getting rid of the scandalous waste of money as it has been carried on under the W. P. A., throwing it away for political purposes; I do not mean to carry an election, I will not make that charge, but to placate localities. Let us get away from all that and get down to hardpan. Let us nourish our resources. We are at the beginning, not the end, of a new depression, or it is merely the continuance of the old one. We are at the end of a great experiment. We know that the expenditures of $9,000,000,000 has not resulted in the employment of the unemployed. We know that it has not primed the pump. We know that it has not met the situation. We know that we have to meet the situation. We know that we have to meet the situation by some other means than the mere matter of borrowing money. We know that if we go on we will reach the time when we cannot borrow any more; then we will have our millions crying to us; then we will have a bankrupt Treasury.

We know, if we know anything, that we have reached the point when we must put ourselves to a new and better and nobler device than we have so far employed.

Mr. AUSTIN obtained the floor.

Mr. BARKLEY. Mr. President, would the Senator be willing to yield for a recess, with the understanding that he may go on in the morning?

Mr. AUSTIN. I should like to have the floor, but I am willing to proceed tomorrow morning, if that is thought best. I yield.

Mr. MINTON. Mr. President, I hope the Senator from Kentucky will not move a recess for a few minutes.

Mr. BARKLEY. The Senator from Vermont has the floor. I had hoped we might finish with the joint resolution tonight, but it is evident that we cannot do so.

Mr. AUSTIN. Mr. President, I wish to support the pending amendment and suggest certain amendments to it with an idea of making it more flexible. In order to do what I contemplate, I will have to bring to the attention of the Senate some facts, which will take me, perhaps, 30 minutes. I do not desire to detain Senators for that length of time tonight, and I am perfectly willing to yield at this time.

Mr. BARKLEY. Does the Senator from Indiana wish to address the Senate at this time, if the Senator from Vermont will yield for that purpose?

Mr. MINTON. I should like to do so.

Mr. BARKLEY. Mr. President, will the Senator from Vermont yield for that purpose?

Mr. AUSTIN. I am glad to have the Senator from Indiana take the floor.

Mr. MINTON. Mr. President, I do not intend to keep the Senate more than a moment or so, but I do not think we should take a recess at this particular juncture.

We have heard a very eloquent and forceful speech from one of the ablest men in public life in this country today. He represents a cause, and represents it well. He has spoken eloquently and forcefully for the thing in which he believes. Many people share his view: I do not. I could not sit here and hear the able Senator from North Carolina in his eloquent appeal, his impassioned appeal, without feeling a bit of shame, and entertaining a feeling of sorrow for people who are not so well off, perhaps, as we are. We sit here and we snivel and we sneer at poor devils who are down and out, who are trying to earn enough to buy bread and butter for themselves and their wives and their kiddies by writing a little play under the W. P. A., and producing it with actors who are out of work and walking the streets, and perhaps begging for bread with which to feed themselves and their families. Do we want to turn them out and put a pick and shovel in their hands, when there are too many hands now for the picks and shovels we have? Why cannot these poor people, who have been raised in certain professions, be allowed to pursue their vocations without some one sneering and sniveling at them when they are trying to drive the wolf from the door?

Mr. BAILEY. I hope the Senator is not suggesting that I either sniveled or sneered.

Mr. MINTON. I did not say the Senator did, but the snickering went all over the Chamber as he read that little playlet and pointed the finger of scorn at those engaged on W. P. A. theater and writing projects. God knows, they could not go out and use a shovel, and you would not give them one if you could. All they want is a chance to eat, and you snicker and you snivel at them.

Mr. President, shame on the Senate! Shame on this country whenever it can take such an attitude toward the poor unfortunate devils in any walk of life in this country. I hope the time has not come when we can bring them here on the floor of the Senate and crucify them because they are poor, when we can make sport out of them because they cannot help themselves. I know the Senator from North Carolina [Mr. BAILEY] wants to help them. He does not want to hurt them.

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BAILEY. I should like to say to the Senator that our friends of the theater, whoever they were, wrote a play

on the subject of housing, which I read. That was done under the W. P. A. If the Senator smiles upon the reading of it, that would be a very nice way for him to take it. It would be terrible if he frowned. I sometimes thought I would apologize for the lines being so stupid, but when we recall that they were trying to reproduce the proceedings of the Senate I do not think we can blame them for that.

Mr. MINTON. Oh, the Senator was not making a critical review of the play. We know better than that. He was making a critical review of the projects of W. P. A. which permitted any such thing. Perhaps it was not a very good play. I do not think it was very "hot" myself. But here was a poor man, who sweat, perhaps, over that little play and tried to do the best he could with the tools he had at hand in order to make a dollar or two for his wife and children.

I am not going to snicker and sneer at him, because perhaps he did not create a Hamlet or a Launcelot Gobbo or some such character, or some play of great fame, in playing which actors have strutted the stage of many a country.

Mr. President, I want to see those who cannot go out and use a pick and shovel have the same chance as those who can, and I am very sorry that a United States Senator could derive any entertainment from holding up to scorn that kind of project under the W. P. A. Such projects are just as worthy as are the pick and shovel projects or any other projects.

The Senator from Idaho [Mr. POPE] has just handed me a paper which indicates that in connection with these theater projects 8,693 people were employed by the W. P. A.

Mr. President, we were only trying to help some of those who were down and out, those who had no other training except what we know as in the white collar vocations, in trades and professions. We were only trying to help them as we were trying to help others.

As I said a while ago, I am sure the Senator from North Carolina would not want to hurt them; I am sure I would not want to hurt them, and I am sure other Senators do not want to hurt them. But we cannot dodge the fact that these people are destitute and in need today, and so long as the Government is rich and powerful, so long as it has a dollar of credit, it owes it to the people of this country that none of them shall starve.

We hear talk about encouraging business by freedom of enterprise, so that business can put people back to work. We had all of that for 12 years under the Harding and Coolidge and Hoover administrations. Freedom of enterprise closed the banks of this country. It resulted in 15,000,000 men walking the streets of the land begging for an opportunity to work. It closed the factories and gave this country the worst depression it ever had in all its history. We had freedom of enterprise then, and it did not work.

That kind of a policy led us to the brink of God knows what. Now, when we stand wrestling with the problems which we have inherited from the great era of free enterprise, we are met with the suggestion at the hands of some that we should not do these things for men and women who are the innocent victims of this thing with which they themselves had nothing to do.

Fellow Senators, we are asked to encourage enterprise and thus bring about employment. We had 12 years of that sort of encouragement, but it did not result in a continuance of employment. Twelve years of confidence in that kind of government did not lead us out of the wilderness. It led us into the ditch. We hear talk about control by the present administration hurting business and hurting the institutions of this country, and some ask for less control of business. We could not have less control from the White House than we had under Harding, Coolidge, and Hoover, unless we should put Charlie McCarthy in the White House and shoot Edgar Bergen.

No, the Government cannot shirk its responsibility for the unfortunate victims of the depression, say what one may.

Mr. President, I wanted to say only what I felt in my heart, that we should not leave the Senate and close this session today with a sneer on our lips at certain unfortunate victims of the depression.

Mr. BARKLEY. I hope the Senator from Vermont will not desire to speak this afternoon if he has assurance that he will be recognized when the Senate assembles tomorrow.

Mr. AUSTIN. Very well, I shall not speak at this time if it is understood that I shall be recognized when the Senate meets tomorrow.

Mr. BARKLEY. It is understood that the Senator from Vermont shall be recognized tomorrow.

Mr. AUSTIN. I thank the Senator.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 26 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, February 23, 1938, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 22, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

On this day, Almighty God, let the people praise Thee; let all the people praise Thee. We now praise great men and our fathers who begat us. The Lord manifested in them great glory; even His mighty power from the beginning. In prayer let us bring our hearts in fellowship with Thee. We wait in memory of him whose natal day we seek to honor. We pray that his spirit may bow over us in holy benediction. In these hallowed moments may it be ours to see and feel the everlasting and the immortal Washington. Grave, courteous, and just, he lives as a lighthouse along the dreary coast of this weary world. He guided our country's struggling hosts who suffered defeat but not dishonor. They bought our freedom with treasures of blood, and at the last they raised their signals of victory. The Lord God in His great wisdom bless our President, our Speaker, and the Congress. Let all confess under God, that our Republic shall forever stand for the ideals of American manhood. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3452. An act to extend the lending authority of the Disaster Loan Corporation to apply to disasters in the year 1938.

EXTENSION OF REMARKS

Mr. O'CONNELL of Rhode Island. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a reply by the Secretary of the Interior to the remarks I made before a Senate committee, together with my reply to his remarks.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. DEMUTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article on the kidnaping and death of Father Gerard Donovan, of Pittsburgh, who was an American missionary in China, together with a letter from Secretary Cordell Hull of the Department of State and two telegrams he received from China.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOBBS. Mr. Speaker, in behalf of my colleague the gentleman from Alabama [Mr. BOYKIN], I ask unanimous consent that he may have permission to extend his own remarks in the RECORD and include therein a short translation of a poem on the Statue of Liberty.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, again the House is met to receive a message from the Father of our Nation. With every passing year the reading of George Washington's Farewell Address to the people of the United States becomes freighted with more meaning, and its wisdom is more apparent in the light of our history.

As the message is read today, please permit me to invite your particular and especial attention to those passages wherein is expressed his parental solicitude: "That your Union and brotherly affection may be perpetual"; and the primary injunction:

> The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity in every shape, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

The mighty mind of our first President, as he let it run down the long years of the future, saw clearly that from time to time there would be legislation proposed and administrative policies considered which would tend toward disintegration of the unity which he conceived to be and which we all must admit is essential to the preservation of our form of government.

Yesterday the Senate of the United States, by a vote of 58 to 22, laid aside the so-called antilynching bill and determined to proceed to the consideration of other matters. This action does not mean that the consideration of this bill will not again come before the Senate at this session. It may again be called up for consideration, and, in fact, one of its authors gave notice on the floor of the Senate of his intention so to do.

It is not my intention to discuss today the merits or demerits of such a bill. My sole thought is to use this opportunity to make a plea to all those interested that they consider well the injunction which I have just read from the pen of Washington, urging that the unity of government which constitutes us a people should be preserved at all costs, and challenging to discountenance whatever may suggest even a suspicion that it can in any event be abandoned, and that we indignantly frown upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

Nothing could be clearer than that the so-called antilynching bills constitute at least the first dawning of an attempt to alienate one portion of our country from the rest, or at least to enfeeble the sacred ties which now link together the various parts of our Nation.

Yesterday the distinguished senior Senator from Nebraska took the floor in the Senate and, in speaking of the antilynching bill, which was about to be laid aside, said:

> I am opposed to it because I think it would have a tendency to raise again that slumbering monster which came into being as the result of the Civil War. I am opposed to the bill because I believe it would do more harm than good even to the colored race. * * * The people of the South have done a wonderful job. I confess we could not have improved upon it. With all the hatred, the animosity, and the agony which came to the people, it is amazing to me that the crime of lynching has been gradually dying out. The people of the South have made a record of which they have a right to be proud.
>
> We have forgotten the reconstruction days. The agonizing animosities which came about from the Civil War and the reconstruction period have been, thank God, largely forgotten. If enacted into law, this bill would revive them all. It would have a tendency, I think, to halt the progress which has been made during these eventful years.
>
> We could not improve upon what has been done. Confronted by a condition which never before faced a people, the people of the South have now almost reached the time, in the few short years which have passed since the Civil War, when the crime of lynching is almost unknown. Why should we interfere now? Why should the Federal Government undertake to step in now? With their record, it would be a step backward in human progress, as I see it.

[Applause.]

In the debate on this bill in the Senate on January 7, 1938, another great leader of American thought, the distinguished senior Senator from Idaho, spoke, in part, as follows:

> The same arguments are made in support of the pending measure, to wit: That the southern people are to be distrusted and are incapable of local self-government.
>
> We know now what those measures in those days did. They retarded and frustrated the coming together of the people of the different States. They gave us the solid South. They separated us politically, which separation continues until this day. They implanted a sense of bitterness in the minds of those people, not because of what had happened upon the field but because of what happened in Congress.
>
> It is not in the interest of national unity to stir old embers, to arouse old fears, to lacerate old wounds, to again, after all these years, brand the southern people as incapable or unwilling to deal with the question of human life. This bill is not in the interests of that good feeling between the two races so essential to the welfare of the colored people.
>
> Nations are not held together merely by constitutions and laws. They are held together by mutual respect, by mutual confidence, by toleration for conditions in different parts of the country, by confidence that the people in the different parts of the country will solve their problems, and that is just as essential today as it was in 1865 and 1870.
>
> In the beginning, Mr. President, I reject the pending measure as fundamentally not in the interest of the white people of the South, not in the interest of the black people of the South, not in the interest of national unity nor of national solidarity, not in the interest of eliminating crime. History has proven that it will be a failure, and those who suffer most will be the weaker race.

[Applause.]

These two outstanding statesmen are neither from the South. They are looking at the problem dispassionately and objectively. They have the perspective which distance gives. Their words are weighted by these facts.

Reverting again to the farewell address, we hear our first President say:

> You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils, and joint efforts—of common dangers, sufferings, and successes.
>
> But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

No one can deny that the South has taken its rightful place and performed well its full part in every foreign war which this country has waged. In the War of the Revolution the blood of Southern patriots reddened the soil of New England and wrote thereby a plea against sectionalism! [Applause.] The ragged heroes who followed Washington across the Delaware and to Valley Forge were Americans all! [Applause.] There was no sectional partisanship among the boys who fought at Chapultepec nor San Jacinto! [Applause.] The forces of the Republic in our war with Spain were not clad

in blue or gray, but in the uniform of the Nation! [Applause.] The boys who sleep on San Juan Hill or in the trenches around Santiago were from every part of the Union.

In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly

Scarce heard amid the guns below.
We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders fields.

Take up our quarrel with the foe;
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

These men who "gave the last full measure of devotion" and their "buddies" who, thank God, came back to live among us were Americans—not northerners nor southerners nor easterners nor westerners. [Applause.]

Another poem which came out of the World War expresses the thought aptly:

Here's to the boys of the windswept North
As they charge on the fields of France!
May the spirit of Grant be on them all
As the sons of the North advance.

Here's to the boys of the sunny South
As they charge on the fields of France!
May the spirit of Lee be on them all
As the sons of the South advance.

Here's to the Blue and the Gray as one,
As they charge on the fields of France!
May the spirit of God be on them all
As the sons of the Flag advance!

More than a year before the Declaration of Independence was adopted by the Continental Congress at Philadelphia, a similar declaration of independence was adopted by a convention which met in Charlotte, N. C. It is known as the Mecklenburg Declaration of Independence. From a pamphlet preserved in the Library of Congress we learn:

Therefore on the sd. 19th May, 1775 the sd. committee met in Charlotte Town (2 men from each company) vested with all powers these their constituents had or conceived they had.

After a short conference about their suffering brethren beseiged and suffering every hardship in Boston and the American blood running in Lexington, the electrical fire flew into every breast.

These men of the South felt keenly the afflictions of their brethren in Boston, and the news of the American blood running in Lexington caused the electrical fire to fly into every breast. Would that we were so closely knit in bonds of brotherhood and sympathetic regard today. [Applause.] The ground that we have lost in this respect may be regained but not without mutual respect and confidence. [Applause.]

Our forefathers came to this new land of promise seeking God, not gold. Every one of those hardy pioneers loved his fellows engaged in the common struggle to build here "a new nation, conceived in liberty and dedicated to the proposition that all men are created equal." We have a rich, common heritage from these founding fathers. There is much to love in the citizens of every part of our great Nation. We may look on this and be drawn closer together. We may look on the divisive elements and become hostile camps. The future is in our hands today to mar or to make. The South asks and will have no part in the local problems of other sections. We have full confidence in our brethren that they will work out their own difficulties wisely and well. We may consider the things that will make us one or the things which divide. My plea is not made as a southerner nor as the Representative of a great district of Alabama, but as a humble citizen of this great Republic. I plead with you, my colleagues, and with all who have ears to hear, that we set ourselves against consideration of those things which tend to divide us and give our best thought to those things which unite. [Applause.] There are many measures challenging our best, united thought. Great domestic and foreign problems press for solution. Let us press forward toward our glorious destiny, in unity, "discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts." [Applause.]

[Here the gavel fell.]

Mr. LAMNECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting therein an address I delivered over the radio last night on the tax bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief statement by the Secretary of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein an article concerning the number of reports required by the Government from the average businessman.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

By unanimous consent, Mr. COFFEE of Washington was granted leave to extend his own remarks in the RECORD.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HAMILTON, for Monday and Tuesday of this week, on account of important business.

WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. Under previous order of the House, the Chair presents to the House the Honorable FRANCIS H. CASE, a Representative from the State of South Dakota, who will read George Washington's Farewell Address.

Mr. CASE of South Dakota. Mr. Speaker, Washington's Farewell Address was not really an address to the Congress, but was an address to the people of the United States, and was first printed in a newspaper. It reads as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had

been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater

security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and maintaining within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent

despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes, that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe; my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverence and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience.

With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I an unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p. m.) the House adjourned until tomorrow, Wednesday, February 23, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce adjourned its meetings on S. 69—train lengths—Friday morning, February 18, 1938, the next meetings to be held subject to the call of the committee chairman.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Wednesday, February 23, 1938, at 10 a. m., for the consideration of a building program for the Navy. Very important.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, February 23, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes-to-the-Gulf waterway, and for other purposes.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will meet at 10:30 a. m., Wednesday, February 23, 1938, in room 445, House Office Building, on a private bill—H. R. 8631.

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary on Wednesday, February 23, 1938, at 10 a. m., on Senate Joint Resolution 208, relative to the establishment of title of the United States to certain submerged lands containing petroleum deposits.

There will be a hearing before Subcommittee No. 2 of the Committee on the Judiciary at 10 a. m., on Tuesday, March 1, 1938, on the bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 a. m., on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 9, 1938, at 10 a. m., on the following bills: H. R. 8225, authorizing the appointment of 30 principal traveling inspectors by the Secretary of Commerce; H. R. 9368, authorizing the issuance of certain seamen's certificates by inspectors of hulls and boilers.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 16, 1938, at 10 a. m., on H. R. 8251, relative to radio operators on cargo vessels.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1093. A letter from the Secretary of the Navy, transmitting a proposed bill which has as its purpose the extension of suitable national recognition to the officers of the British Navy named therein for their courageous action and cooperation in assisting with the recovery of the survivors of the U. S. S. *Panay* after that vessel had been bombed and sunk in the Yangtze River, near Nanking, China, on December 12, 1937; to the Committee on Foreign Affairs.

1094. A letter from the District of Columbia Unemployment Compensation Board, transmitting Annual Report of the District of Columbia Unemployment Compensation Board for the calendar year ending December 31, 1937; to the Committee on the District of Columbia.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McREYNOLDS: A bill (H. R. 9590) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battles of Chickamauga, Lookout Mountain, Chattanooga, and Missionary Ridge; to the Committee on Coinage, Weights, and Measures.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 9591) to authorize the construction of works for the protection of the city of Lowell, Mass., from floodwaters; to the Committee on Flood Control.

By Mr. SABATH: A bill (H. R. 9592) to provide for the establishment of a mechanism of regulation among over-the-counter brokers and dealers operating in interstate and foreign commerce or through the mails, comparable to that provided by national securities exchanges under the Securities Exchange Act of 1934, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONNERY: Resolution (H. Res. 422) providing for the consideration of H. R. 2730; to the Committee on Rules.

By Mr. HILDEBRANDT: Joint resolution (H. J. Res. 602) to authorize the Postmaster General to withhold the awarding of contracts for a period of 60 days; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9593) granting an increase of pension to Drunella M. Crooks; to the Committee on Invalid Pensions.

By Mr. DOXEY: A bill (H. R. 9594) for the relief of Hubert A. Sanders and Maude E. Sanders; to the Committee on Claims.

By Mr. HULL: A bill (H. R. 9595) for the relief of Gertrude Ricketts; to the Committee on Claims.

By Mr. O'CONNOR of New York: A bill (H. R. 9596) for the relief of the Nathan Products Corporation; to the Committee on Claims.

Also, a bill (H. R. 9597) for the relief of the Nathan Products Corporation; to the Committee on Claims.

Also, a bill (H. R. 9598) for the relief of the Nathan Products Corporation; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4193. By Mr. BEITER: Petition of the Associated General Contractors of America, Inc., urging that the wage and hour legislation be considered by State legislature rather than Federal Legislature; to the Committee on Labor.

4194. Also, petition of the Associated General Contractors of America, Inc., urging that Congress repeal the undistributed-profits tax on industry, and that no such other penalty tax be enacted to impose a further hardship and restriction on industry to the end that confidence may be restored, that industry may again proceed in a permanent manner toward recovery, thereby providing to a large extent employment for both our working people and capital; to the Committee on Ways and Means.

4195. Also, petition of the Associated General Contractors of America, Inc., condemning the practice of diverting funds collected from highway users for purposes other than the construction and maintenance of the Nation's highways, and urging immediate steps nationally and locally to require irrevocably that the revenues from such taxes be expended solely for highway construction and maintenance; to the Committee on Ways and Means.

4196. Also, petition of the Associated General Contractors of America, Inc., urging the adoption of governmental policies and positive steps taken to withdraw from competition with its citizens, thus removing a cause of fear and uncertainty and giving encouragement to private initiative, a fundamental necessity for the welfare of the Nation; to the Committee on the Judiciary.

4197. Also, petition of the Associated General Contractors of America, Inc., supporting the proposals pending before Congress (S. 3309 and H. R. 8838), which propose the continuation of Federal aid without reduction; providing for automatic allotments to the States and to be administered through the Bureau of Public Roads and the respective State highway departments; and urging the planning and execution of all highways eligible for Federal aid, including both primary and secondary roads, be placed under the jurisdiction of the Bureau of Public Roads and the respective State highway departments; to the Committee on Appropriations.

4198. Also, petition of the Associated General Contractors of America, Inc., urging that Congress be memorialized that in its consideration of measures to provide funds for unemployment relief it require the immediate resumption of the Public Works Administration program in accordance with its intention, and that it require the immediate revision of policies of the Works Progress Administration require it to utilize the facilities of the construction industry in the management of its works, and that it be prohibited from making purchases of vast stocks of construction equipment from funds appropriated for unemployment relief; to the Committee on Ways and Means.

4199. Also, petition of the Associated General Contractors of America, Inc., urging that Congress, State legislatures, and administrative boards of each State be requested to secure appropriate remedial action to eliminate the inequitable burden upon the construction industry so as to make its obligations commensurate with those in other industries; to the Committee on Ways and Means.

4200. By Mr. LAMNECK: Resolution of Penn Lodge, No. 141, Brotherhood of Railroad Trainmen, submitted by D. O. Taylor, secretary, urging the passage of the Crosser 6-hour bill; to the Committee on Labor.

4201. By Mr. PFEIFER: Petition of the Brooklyn Church and Mission Federation, Brooklyn, N. Y., opposing the Navy bill and the May bill; to the Committee on Naval Affairs.

4202. Also, petition of the International Association of Bridge, Structural, and Ornamental Iron Workers, Local Union No. 361, Brooklyn, N. Y., urging support of amendment to the relief joint resolution (H. J. Res. 596); to the Committee on Appropriations.

SENATE

WEDNESDAY, FEBRUARY 23, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, February 22, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Holt	Nye
Andrews	Copeland	Hughes	O'Mahoney
Ashurst	Davis	Johnson, Calif.	Overton
Austin	Dieterich	Johnson, Colo.	Pope
Bailey	Donahey	King	Radcliffe
Bankhead	Duffy	La Follette	Reames
Barkley	Ellender	Lee	Russell
Berry	Frazier	Lodge	Schwartz
Bilbo	George	Logan	Schwellenbach
Bone	Gerry	Lonergan	Sheppard
Borah	Gibson	Lundeen	Shipstead
Brown, Mich.	Gillette	McAdoo	Smathers
Bulkley	Glass	McKellar	Thomas, Okla.
Bulow	Green	McNary	Thomas, Utah
Burke	Hale	Maloney	Townsend
Byrd	Harrison	Miller	Truman
Byrnes	Hatch	Milton	Tydings
Capper	Hayden	Minton	Vandenberg
Caraway	Herring	Murray	Van Nuys
Chavez	Hill	Neely	Wagner
Clark	Hitchcock	Norris	Walsh

Mr. MINTON. I announce that the Senator from Montana [Mr. WHEELER] is unavoidably detained from the Senate.

The Senators from Nevada [Mr. MCCARRAN and Mr. PITTMAN] are detained in their State on official business.

The Senator from New Hampshire [Mr. BROWN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Illinois [Mr. LEWIS], the Senator from Kansas [Mr. MCGILL],

the Senator from Florida [Mr. PEPPER], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are detained in their respective States on important public business.

Mr. AUSTIN. I am requested to announce the necessary absence of the Senator from New Hampshire [Mr. BRIDGES], caused by illness.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

REPORT OF ADVISORY COMMITTEE ON EDUCATION

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Education and Labor:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, report of the Advisory Committee on Education appointed by me in September 1936 to study the experience under the existing program of Federal aid for vocational education, the relation of such training to general education, and to prevailing economic and social conditions, and the extent of the need for an expanded program.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 23, 1938.*

CLAIM OF EARLE LINDSEY AGAINST THE UNITED STATES

The VICE PRESIDENT laid before the Senate a letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of Earle Lindsey against the United States, which, with the accompanying paper, was referred to the Committee on Claims.

AMENDMENT OF EXISTING LAW RELATIVE TO ALASKAN SCHOOLS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend section 5 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905 (33 Stat. 616), which, with the accompanying paper, was referred to the Committee on Territories and Insular Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions of the General Court of Massachusetts, favoring the enactment of legislation to increase the tariff duties on certain foreign-made products imported into the United States, which were referred to the Committee on Finance.

(See resolutions printed in full when presented yesterday by Mr. WALSH, p. 2262, CONGRESSIONAL RECORD.)

He also laid before the Senate a resolution adopted by the Common Council of the City of Milwaukee, Wis., favoring the adoption of measures to spread the work of wage earners throughout the year rather than to pay them by the hour or week, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution endorsed by the San Francisco (Calif.) District Industrial Union Council; the Seattle Industrial Labor Union Council; and the Seattle Newspaper Guild, in the State of Washington, favoring the adoption of measures to suspend economic relations with Japan in the interest of a speedy termination of the Sino-Japanese conflict, which was referred to the Committee on Foreign Relations.

Mr. VANDENBERG presented a memorial of sundry citizens of Saginaw and vicinity, Michigan, remonstrating against the United States entering into foreign entanglements, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Detroit, Mich., praying for the enactment of the bill (H. R. 7230) providing for Government ownership of the 12 Federal Reserve banks, and for other purposes, which was referred to the Committee on Banking and Currency.

REPORTS OF THE COMMITTEE ON COMMERCE

Mr. SHEPPARD, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 8409. A bill authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Norman County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North between Caledonia, N. Dak., and Shelly, Minn. (Rept. No. 1398);

H. R. 8466. A bill authorizing the city of Rock Island, Ill., or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Ill., and to a place at or near the city of Davenport, Iowa (Rept. No. 1399); and

H. R. 8623. A bill authorizing the State Highway Departments of North Dakota and Minnesota and the Boards of County Commissioners of Traill County, N. Dak., and Polk County, Minn., to construct, maintain, and operate a free highway bridge across the Red River of the North westerly of Nielsville, Minn. (Rept. No. 1400).

INVESTIGATION OF COSTS, PRICES, AND PROFITS OF PRINCIPAL COMMODITIES IN COMMERCE—REPORT OF COMMITTEE ON COMMERCE

Mr. BAILEY, from the Committee on Commerce, to which was referred the resolution (S. Res. 237) providing for an investigation of costs, prices, and profits of the principal commodities of commerce of the United States, reported it with an amendment; and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PENSION TO MARY LORD HARRISON—MINORITY VIEWS

Mr. WALSH, as a member of the Committee on Pensions, submitted minority views on the bill (H. R. 6410) granting a pension to Mary Lord Harrison (widow of the late President Benjamin Harrison), which were ordered to be printed as part 2 of Senate Report No. 1331.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3519) authorizing the Secretary of War to grant an easement to the West Coast Power Co. authorizing the grantee to maintain an electric distribution line on certain lands of the United States located in Douglas County, Oreg.; and

A bill (S. 3520) authorizing the Secretary of War to grant an easement to the West Coast Power Co. authorizing the grantee to maintain an electric distribution line on certain lands of the United States constituting a part of the Fort Canby Military Reservation in the State of Oregon; to the Committee on Military Affairs.

By Mr. ANDREWS:

A bill (S. 3521) granting a pension to Clara Moore Gordon; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 3522) authorizing the President to present the Distinguished Service Medal to Rear Admiral Reginald Vesey Holt, British Navy, and to Capt. George Eric Maxia O'Donnell, British Navy, and the Navy Cross to Vice Admiral Lewis Gonne Eyre Crabbe, British Navy, and to Lt. Comdr. Harry Douglas Barlow, British Navy; to the Committee on Naval Affairs.

By Mr. SCHWELLENBACH:

A bill (S. 3523) providing for the payment of wages at the prevailing rates to the employees of certain mail contractors; to the Committee on Post Offices and Post Roads.

By Mr. RUSSELL:

A bill (S. 3524) for the relief of the Southern Flour & Grain Co.; to the Committee on Claims.

By Mr. BULOW:

A bill (S. 3525) to amend the act entitled "An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government," approved July 13, 1937; to the Committee on Civil Service.

TRUTH IN FABRIC—RECOMMITTAL OF BILL

Mr. SCHWARTZ. Mr. President, I ask unanimous consent that the bill (S. 2190) to protect producers, manufacturers, and consumers from the unrevealed presence of substitutes and mixtures in woven or knitted fabrics, and in garments or articles of apparel made therefrom, and for other purposes, introduced by the Senator from Kansas [Mr. CAPPER] and reported to the Senate, be recommitted to the Interstate Commerce Committee. My request is agreeable to the Senator from Kansas and also to the chairman of the committee, who reported the bill on behalf of the committee.

Mr. KING. Mr. President, will the Senator submit to an inquiry?

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. SCHWARTZ. I yield.

Mr. KING. It seems to me, from the statement which the Senator has made, that the bill should go to the Committee on Finance if it relates to duties and the imposition of tariffs.

Mr. SCHWARTZ. The bill merely requires the proper labeling of wool products, as to their contents.

Mr. KING. Before what committee is it now?

Mr. SCHWARTZ. It is on the Unanimous Consent Calendar at the present time. The author of the bill and those who reported it desire to have it recommitted to the Interstate Commerce Committee, from which it came.

Mr. KING. I have no objection.

The VICE PRESIDENT. Without objection, Senate bill 2190 is taken from the calendar and recommitted to the Committee on Interstate Commerce.

REORGANIZATION OF GOVERNMENT AGENCIES—AMENDMENT

Mr. O'MAHONEY submitted an amendment intended to be proposed by him to the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT TO NAVAL APPROPRIATION BILL

Mr. ANDREWS submitted an amendment proposing, under the heading "Bureau of Navigation," to increase the appropriation for the Naval Reserve Officers' Training Corps from $134,434 to $185,000, intended to be proposed by him to the bill (H. R. 8993) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1939, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes, which was ordered to lie on the table and to be printed, as follows:

On page 67, line 12, after the words "United States", to insert "or a person owing allegiance to the United States."

AMENDMENT TO TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (H. R. 8947) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1939, and for other purposes, which was ordered to lie on the table and to be printed, as follows:

On page 74, line 15, after the words "United States", to insert "or a person owing allegiance to the United States."

PRINTING OF REPORT ON MIGRATION OF WORKERS

Mr. THOMAS of Utah submitted the following resolution (S. Res. 238), which was referred to the Committee on Printing:

Resolved, That the report of the Secretary of Labor on migration of workers, transmitted to the Senate on July 6, 1937, pursuant to Senate Resolution 298 of the Seventy-fourth Congress, and referred to the Committee on Education and Labor, be printed as a Senate document.

WISCONSIN CHEESE

Mr. DUFFY. Mr. President, I invite the attention of the majority leader, the Senator from Kentucky [Mr. BARKLEY], as he is mentioned in the message, to a telegram I have received from Plymouth, Wis., the cheese capital of the United States:

PLYMOUTH, WIS., *February 18, 1938.*

SENATOR F. RYAN DUFFY:

Letters received. Am selecting an assortment of cheese, heroic in proportion, exquisite in palatability, infinite in variety, Wisconsin's contribution to the divinities of diet. Plans will be completed for March 2. Men working overtime boring holes in Swiss; aromatic Limberger demanding recognition; Wisconsin longhorns deny Texan nativity; the majestic Cheddar having difficulty in the impartial selection of the lucky Wisconsin twins, daisies, and young Americas who will accompany him. Brick claims we cannot build without it, while modest Muenster, Edam, Brie, Liederkranz, and Parmesan promise to satisfy the most fastidious gourmet. If Senator BARKLEY raises point of order, Limberger will speak for itself. Letter follows.

GEO. L. MOONEY,
Secretary, National Cheese Institute.

[Laughter.]

I read this telegram because of the propaganda which has been going around in the corridors, among the employees of the Senate, that Wisconsin is going to back out of its offer to furnish cheese here 1 week from today. We are going to go through with the original program.

Mr. BARKLEY. Mr. President, I merely wish to say to my colleague from Wisconsin that I should much prefer to listen to Limberger than to smell it. [Laughter.]

IMPORTS OF POLISH HAM AND BACON

Mr. CAPPER. Mr. President, I have just received a letter from Mr. D. M. Hildebrand, of Seward, Nebr., president of the United States Livestock Association, again calling my attention to the increasing imports of Polish ham and bacon into the United States. Back in 1932 only 2,673 pounds of these commodities were imported into the United States. Last year the importation totaled 38,000,000 pounds. During the first 14 days of this year 815,000 pounds were imported into the United States.

Mr. Hildebrand points out that the 1937 imports of Polish ham and bacon were equivalent to the production of hams from 40 percent of the number of hogs marketed at Chicago last year. I maintain that the American farmer is entitled to the American market; but this importation certainly is taking his market away from him.

I have offered an amendment to the Revenue Act of 1932 which would increase the tariff on fresh pork and products to 6 cents a pound, and on cured-pork products to 3 cents per pound, doubling the existing rates. I hope these provisions will be included in the next amendment to the revenue act.

I send to the desk Mr. Hildebrand's letter and ask that it be printed in the RECORD as a part of my remarks at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

UNITED STATES LIVESTOCK ASSOCIATION,
Seward, Nebr., February 15, 1938.

Senator ARTHUR CAPPER,
Senate Office Building, Washington, D. C.

DEAR MR. CAPPER: My attention has been called to the following recently published article entitled "Polish Authorities Plan for United States Trade":

"The new Polish export organization, controlled by the Polish bacon and ham industry, has been authorized for the express

purpose of developing trade between United States and Poland, according to the United States Department of Commerce. Its main functions, apparently, will be to aid Polish ham exporters to maintain and extend their present market in the United States and to obtain a profitable return for ham exports through price control of profit on a complementary export trade.

"Polish authorities are reported to be making a definite effort to connect imports of raw cotton fiber from the United States with Polish hams and bacon exports to this country. They believe cotton-growing States of the southern part of the United States provide a potential market for large quantities of Polish hams."

In 1932 ham imports only amounted to 2,673 pounds. There has been a substantial increase since then, and during 1937 we imported approximately 38,000,000 pounds of canned ham into the United States. This compared with 17,500 pounds in 1936. During the first 14 days of 1938 canned ham and pork products imported into the United States amounted to 815,000 pounds.

Imports during the year just ended were about equivalent to the production of hams from 40 percent of the hogs marketed at Chicago during the year, equaling the ham production of approximately 1,500,000 hogs, as those imported were cooked and ready to serve.

In addition to pork, approximately 90,000 live hogs for slaughter were imported, compared with around 70,000 head a year ago.

Cattle and calves imported for slaughter totaled 500,000 head, compared with nearly 400,000 head in 1936. The bulk of these cattle came from Canada or Mexico, Canada furnishing most of those weighing 700 pounds or over, and the imports from Mexico falling in the group weighing under 700 pounds.

The principal imports of beef are in the form of canned beef from South America, which totaled nearly 100,000,000 pounds. About 3,000,000 pounds of fresh beef were imported from Canada, which also furnished approximately 17,500,000 pounds of fresh pork. During the month of October 1937, we imported canned beef in the amount of 7,435,311 pounds, valued at $805,768,000. Bear in mind, this covers only 1 month.

During 1937 there were slaughtered in the United States 10,069,550 head of cattle, 31,642,140 hogs, and 17,270,140 sheep.

From these figures you can make your own estimate as to the amount of feed grains it would require to feed the amount of livestock we imported during the past year, and then reduce it to acres.

Since last October beef steer prices have declined nearly 50 percent in one of the most severe and prolonged market breaks in history. During the same period hog and lamb quotations have also suffered extreme downturns. How many millions of dollars of purchasing power has been lost by these terrific declines?

Congressman HARRY COFFEE, of Nebraska, and Congressman CHESTER THOMPSON, of Illinois, have introduced bills in Congress to partially equalize the tariff on pork with the tariff on other commodities. The present tariff on lard is 3 cents, fresh pork 2½ cents, and cured pork 3¼ cents per pound.

We feel the American producers are entitled to first consideration in the American market, and will appreciate your interest in our behalf.

Yours very truly,

D. M. HILDEBRAND, *President.*

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WASHINGTON'S BIRTHDAY—ADDRESS BY SENATOR DAVIS AT PITTSBURGH, PA.

[Mr. MCNARY asked and obtained leave to have printed in the RECORD an address delivered on Washington's Birthday by Senator DAVIS before the Independent Americans on the North Side of Pittsburgh, which appears in the Appendix.]

NATIONAL DEFENSE—ADDRESS BY SENATOR RUSSELL

[Mr. BYRNES asked and obtained leave to have printed in the RECORD a radio address delivered by Senator RUSSELL on February 22, 1938, on the subject of national defense, which appears in the Appendix.]

A SIX PERCENT FORGOTTEN MAN—EDITORIAL FROM ATLANTIC CITY PRESS

[Mr. SMATHERS asked and obtained leave to have printed in the RECORD an editorial from the Atlantic City Press entitled "A Six Percent Forgotten Man," which appears in the Appendix.]

ADDITIONAL RELIEF APPROPRIATION

The Senate resumed the consideration of the joint resolution (H. J. Res. 596) making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938.

Mr. AUSTIN. Mr. President——

The VICE PRESIDENT. When the Senate took a recess yesterday, there was a gentlemen's agreement that the Senator from Vermont [Mr. AUSTIN] should have the floor today. The Chair always takes delight in carrying out gentlemen's agreements, and recognizes the Senator from Vermont.

Mr. AUSTIN. Mr. President, I am opposed to the dogma that a man off the pay roll is a man on the tax roll. In dealing with a relief bill we ought to visualize the economic goal of a system in which the individual provides a measure of security for himself and his family, upon which he may rely in hard times. I believe that the gradual restoration to the several States and local subdivisions of the responsibility for relief would help to attain that goal. It is obvious that it cannot be reached by a leap, and must be approached step by step. Decentralization of relief responsibility must proceed according to the ability of local communities, and according to the character of the relief needed.

We do not yet know whether or not the Unemployment Compensation Act will be successful; the experience under it is so brief. At the present time, however, it appears that it does not answer to carry us through the beginnings of a depression, but I shall not condemn it upon so short a trial. I favor the Bailey amendment providing for contributions by the local governmental units; but I wish to have it made sufficiently flexible to accommodate the variation in projects and kind of relief required, as well as the method of contribution by the local community. Therefore, I am about to offer amendments to the Bailey amendment which would enable local communities to make their contributions in materials ready at hand and available to them, or in funds if that method should be more convenient.

Mr. President, the act of June 29, 1937, making appropriations for relief purposes, to which the amendment of the Senator from North Carolina refers, contains a proviso reading as follows:

Provided, That no Federal construction project shall be undertaken or prosecuted under this appropriation unless and until there shall have been allocated and irrevocably set aside Federal funds sufficient for its completion—

Then follows this provision, which is important in considering the Bailey amendment:

And no non-Federal project shall be undertaken or prosecuted under this appropriation unless and until the sponsor has made a written agreement to finance such part of the entire cost thereof as is not to be supplied from Federal funds.

There is no provision in the law as it now stands for any ratio whatever of contribution by the local subdivision of a State, or by the State itself, and to accomplish that objective the Bailey amendment is offered.

I am going to take the time to make a case record here, and give some facts, in order to have it clearly appear what effect a rigid ratio provision like that of the Bailey amendment would have upon the practical operation of administering relief.

The amendment which the Senator from North Carolina proposes reads as follows, omitting the introductory part:

Provided, That if the President shall find any project to be necessary in order to provide work relief in the community where the project is to be located, and that the applicant is unable to supply 25 percent of the cost, he may authorize the project upon such contribution as he finds that the applicant is able to make: *Provided further*, That in cases of direct relief the President may require contributions upon condition to allocations to any State, city, or political subdivision in such ratio as he considers just upon investigation, but in no case shall the local contribution be less than 20 percent of the allocation by the Works Progress Administration.

Mr. President, I propose to amend the amendment in line 6, after the word "cost", by inserting "in either materials or funds", and again in line 9, after the word "contributions", by inserting "in either materials or funds"; and now I want to justify the proposal to amend which I have made. In order to do this I must use my own State of Vermont, because it is the only State that I know about. I do not use Vermont as an example to any other State or person, or in any boastful way at all.

There is a wide variation in the character of projects which have been used in my State for relief purposes; and that variation is so great that it affects the contributions which the State and other governmental units make so much that we find that in a certain type of project the contribution of the local community is as high as 75 percent, and in respect of some other projects it is as low as 3 or 4 percent, of the cost of the project.

This requirement of an arbitrary, fixed percentage, payable in money by a local community, would interfere greatly with administering relief in the State of Vermont if it were adopted without any amendment that permitted the continuation there of practices to which I now call attention.

At the inception of the W. P. A. program, a general rule was promulgated in Vermont which required the sponsor of each project, whether it was a department of the Federal Government, or the State, or a city, town, village, school, fire, or water district, to furnish all of the materials, equipment, and supplies necessary to operate the project. The sponsor also was required to pay the wages of supervisors unless persons competent to act in that capacity were found upon the relief rolls. Few exceptions have occurred in the administration of that general rule. Some materials were purchased for airport projects; cotton textiles were furnished for sewing projects; and travel was paid on nursing projects.

Aside from these comparatively minor exceptions, however, project funds allotted to Vermont have been expended for labor only. This policy was adopted, because, if the sponsor was by this method to bear a considerable portion of the cost of each project, the projects would be more wisely selected and more carefully supervised than if the Federal Government were paying the entire cost. Furthermore, every Federal dollar which otherwise would have been expended for nonlabor costs would be available for the payment of relief labor, which, after all, was the real object of the law.

As a result of the application of that general rule in the State, sponsors have agreed to contribute well in excess of 30 percent of the cost of projects approved there. In fact, the tables printed in the hearings on the joint resolution show that the average contribution by Vermont is 32.1 percent.

By the application of this general rule of contribution of all materials, greater flexibility is obtained in the administration of relief. Each sponsor may select such projects as are best suited to its particular situation, both from a physical and financial standpoint. If the municipality's financial condition is such that it can afford to furnish the material for a building or other project in which other than labor costs are high, it may do so. On the other hand, a municipality the financial condition of which is not so favorable may select projects which require less materials.

Last year one town, because it was financially able to do so, selected projects to be undertaken which, due to the high ratio of nonlabor items, cost the town more than they cost the Federal Government. The wide variance in the percentage of sponsors' contributions is illustrated by the fact that a cumulative report of completed or discontinued projects in Vermont through September 30, 1937, discloses that the sponsors bore 49 percent of the cost of bridge projects; 45 percent of public-building projects; 43 percent of sidewalk, curb, and path projects; 42 percent of water-supply projects; and 35 percent of all classes of highway, road, and street projects.

At the other extreme, they have contributed 9 percent of the cost of the construction of recreational facilities, exclusive of buildings, 4 percent of sewing projects, and only 1⅓ percent of professional and clerical, or so-called "white collar" projects. One has only to understand that condition to realize that if in every project the sponsor must provide 25 percent of the cost, much of the relief intended by this measure would never be administered.

Mr. President, I have a table of projects further illustrating the great variation in these cases, and as the law is applied to my home city, the city of Burlington, I should like to have this table printed in connection with my remarks as a part of the RECORD.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Is there objection?

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Burlington—Analysis of Works Progress Administration project costs

Class of projects	Expenditures			Percentage	
	W. P. A.	Sponsor	Total	W. P. A.	Sponsor
Construction	$337,685	$127,707	$465,392	72.6	27.4
Women's and professional	42,894	1,640	44,534	96.3	3.7
Total	380,579	129,347	509,926	74.6	25.4

O. P. No.	Class	Expenditures			Percentage	
		W. P. A.	Sponsor	Total	W. P. A.	Sponsor
Construction:						
65-12-168	Airport	$19,506.69	$1,270.33	$20,777.02	93.9	6.1
65-12-214	Playground	6,431.75	15.03	6,446.78	99.8	.2
65-12-215	School	8,095.89	2,031.87	10,127.76	79.9	20.1
65-12-216	Road	2,790.40	1,644.21	4,434.61	62.9	37.1
65-12-217	Sewer	280.67	876.35	1,157.02	24.3	75.7
65-12-219	Streets	25,003.73	6,405.19	31,408.92	79.6	20.4
65-12-281	School	2,521.85	535.73	3,057.58	82.5	17.5
65-12-332	Sewer	18,244.96	5,915.60	24,160.56	75.5	24.5
65-12-333	Public Administration building.	777.87	808.77	1,586.64	49.0	51.0
65-12-334	School	821.90		821.90	100.0	
65-12-335	Streets	2,173.90	3,714.78	5,888.68	36.9	63.1
65-12-336	do	10,046.98	13,828.36	23,875.34	42.1	57.9
65-12-337	Quarry	36,054.57	16,392.89	52,447.46	68.7	31.3
65-12-339	Water system	13,007.35	8,864.10	21,871.45	59.5	40.5
65-12-342	Playground	32,672.22	149.86	32,822.08	99.5	.5
65-12-343	Water system	5,434.30	6,939.18	12,373.48	43.9	56.1
65-12-344	Landscaping	22,917.07	6,280.51	29,197.58	78.5	21.5
65-12-345	Wood cutting	14,742.26	8,429.70	23,171.96	63.6	36.4
65-12-346	Sidewalks	3,190.45	2,770.66	5,961.11	53.5	46.5
65-12-347	Gravel pit	8,777.15	1,732.59	10,509.74	83.5	16.5
65-12-356	Sidewalks	672.00	667.06	1,339.06	50.2	49.8
65-12-935	Armory	185.85	151.25	337.10	55.1	44.9
65-12-1068	Flood	633.00	248.74	881.74	71.8	28.2
65-12-1072	Sewer	34,239.90	13,540.38	47,780.28	71.7	28.3
65-12-1080	Airport	17,063.96	1,177.37	18,241.33	93.5	6.5
65-12-1082	Cemetery	652.00		652.00	100.0	
165-12-4003	Airport	48,314.13	22,649.76	70,963.89	68.1	31.9
465-12-2-4	Sewer	2,432.72	697.09	3,129.81	77.7	22.3
Total		337,685.52	127,707.36	465,392.88	72.6	27.4
Women's and professional:						
65-12-388	Sewing	12,690.96	391.85	13,082.81	97.0	3.0
65-12-969	Case records	1,379.80	12.00	1,391.80	99.1	.9
165-12-7999	Sewing	27,639.12	1,236.51	28,875.63	95.7	4.3
465-12-3-21	do	1,184.79		1,184.79	100.0	
Total		42,894.67	1,640.36	44,535.03	96.3	3.7
National Youth Administration:						
65-12-879	Recreational assistants.	2,375.15		2,375.15	100.0	
165-12-9001	Recreational leaders.	1,564.40		1,564.40	100.0	
165-12-9001	Recreational facilities.	569.20		569.20	100.0	
565-12-4-1	do	34.80		34.80	100.0	
65-1711	do	378.00		378.00	100.0	
65-1711	Recreational leaders.	309.57		309.57	100.0	
65-1711	do	489.91		489.91	100.0	
65-1711	Recreational facilities.	306.52		306.52	100.0	
65-1711	Commerce survey.	256.46		256.46	100.0	
65-1713	Class assistants, Resettlement Administration.	256.00		256.00	100.0	
Total		6,540.01		6,540.01	100.0	
Grand total		387,120.20	129,347.72	516,467.92	75.0	25.0

Mr. AUSTIN. Mr. President, the table discloses that the city of Burlington has borne to date 27.4 percent of the cost of construction projects, and only 3.7 percent of the cost of those projects operated under the women's and professional division. The city's share of the cost of individual projects

varies from 75.7 percent, which was a sewer project, and 63.1 percent, a street project, to no part of a certain school project, a cemetery project, and a sewing project.

In the case of the Works Progress Administration, I am convinced that the primary object is the employment of relief labor. If an abundance of such labor is available, work will proceed with reasonable dispatch. On the contrary, if conditions may be such that otherwise available labor is absorbed by private or other public employment, operations on W. P. A. projects might be curtailed, and in some cases suspended.

I am informed of one project in the State upon which operations were suspended for a period of 18 months, much to the disgust of the community, of course, due to the scarcity of relief labor.

On March 15, 1937, there were assigned to construction projects 442 Burlington residents. I almost blush with shame to use these cases to illustrate my point, because when compared with the cases from other States and cities the numbers are extremely small. Six months later, on September 15, only 139 were so assigned. On December 1, 1937, the number had increased to 206.

Monthly, and sometimes oftener, as relief conditions demand, local quotas for W. P. A. employees are adjusted upward or downward by the State officer. Not only does the number of relief workers available fluctuate rapidly with business conditions, but it often happens that carpenters, masons, and other skilled workers on relief rolls may not be available at all for considerable periods of time. In consequence, operations on a building project may necessarily be suspended, and the common laborer transferred to a street, sidewalk, or other project not requiring the services of carpenters, masons, and so forth. Obviously, if there were in the law an inflexible provision which required a contribution of 25 percent of the cost of any and every project, a great obstacle to the administering of relief would be set up, as contrasted with the cases where there is no call for relief and where all the carpenters are engaged in gainful employment upon their own self-reliance, and a building-construction project has to be stopped entirely and a transfer has to be made from that job to another in order to give relief to common laborers who can be put on street construction.

Under all these conditions it is impossible for local or State officials to forecast when a project may be completed. It would be manifestly improvident and unfair to require a city to deposit, and thus tie up, sums of money for a score or more of different projects of different classes necessary to give the required flexibility in the employment of relief labor, without knowing how many months would elapse before the sums would be disbursed, if ever.

If the sponsors' money were deposited with the Treasury, and materials, supplies, and equipment purchased and rented through the Works Progress Administration, it would necessarily be done by the Procurement Division of the Treasury Department on bids. This would in many cases result in other than local materials and equipment being used. Cities and towns would be deprived of the use of municipally owned equipment, much of which has been purchased by them especially for use on W. P. A. projects.

In my opinion, the object which Congress is striving to achieve, namely, larger sponsors' contributions for certain States, can be accomplished by other means without crippling programs such as are carried on in Vermont. Of course, I would be glad to know if other States employ similar rules in the administration of relief funds, and have an experience similar to that of Vermont, where 99.4 percent of all the labor that is being paid for with Federal funds is relief labor; in other words, the funds are being used for the very humane purpose to which the Congress intends to apply them.

Up to December 31, 1936, sponsors of W. P. A. projects throughout the Nation had agreed to contribute only 13.1 percent of the cost of all projects initiated by them. In February 1937 Mr. Hopkins established an administrative policy limiting, so far as practicable, expenditures by State Works Progress administrations for other than labor costs to $5 per man-month of employment. After that time projects submitted showed sponsors' contributions averaging around 23 percent. I observe in the record of hearings that Mr. Williams states that at the present time the average of contribution is 22 and a fraction percent. It thus appears that it is possible through administrative action to raise sponsors' contributions to a reasonable level.

I am persuaded that a provision in the relief act requiring the sponsors to contribute 25 percent of each project, without regard to the circumstances and the character of the project in which relief is given, would deal a most serious blow to the Works Progress Administration program in Vermont and in other States where similar rules are applied in administering such funds. Under the rule, which permits our people to make their contributions in materials ready at hand, with good economy, and utilizing their own products, we are able to give scope and influence to every Federal dollar in the direction in which Congress intends to have it given.

Over 94 cents of each Federal dollar expended for project operation has been for labor in our State. In December 1937 we were employing over 99.4 percent of relief labor upon all projects, as I have previously stated.

Mr. President, yesterday, I think, a meeting was held in the State of Vermont to discuss this problem of relief in the State. Unemployment in that State is strangely greater than it has ever been before. In passing let me say that Congress ought to take a lesson from the experience of the years since 1933 and up to the present time of earnest and honest effort and experimentation to change our economic system in some manner so that it may operate in hard times and take care of service and employment and keep men off the tax rolls and on the pay rolls.

It is as perfectly clear now as it will ever be that those schemes were ill-conceived and have wholly failed. The theory of made work and pump priming has been given an extended opportunity. Now, for 4 years—nearly 5—we have experimented with pump priming, stimulating the purchasing power of the people by forcing into our society Federal money—the taxpayers' money—and we have seen that while that process of fattening the consumers' pocketbooks by the taxes of their neighbors continued, the purchasing power of the country was increased, and therefore business was stimulated; but, Mr. President, how long did it last? It lasted only so long as that stimulating stream kept flowing into our society. The moment the Federal Government changed its policy and withdrew $275,000,000 a month from the purchasing power of the people, as it did do every month of the year 1937, that moment began one of the most remarkable depressions in history. No other depression has had such velocity as has had the depression which has come to us and which is now on our hands.

Cases talk. I want to call to the Senate's attention a very human story. I am not reading the whole letter, but only the following:

> Blank company was formed as a partnership in 1869. On the death of one of the partners it was incorporated in 1897. It is essentially a family business as all the stock is owned by the grandchildren of the original founder of the business. Ninety percent of the profits for the last 25 years have been put back into machinery, improvements, and buildings, so that although we are still capitalized at $30,000, we have a plant which has a value of $500,000, and are manufacturing approximately one and three-quarters million yards a year of cotton warp overcoatings and cloakings which are sold largely to the mail-order houses at low prices.

Let me interrupt the reading to comment that that is the market which was afforded the purchasing power generated by the pump-priming process which started in 1937.

> Coats made of our materials sell at retail for approximately $2 for zipper jackets, $8 to $10 for a woman's heavyweight coat, and $10 to $12 for men's ulsters.
>
> This mill is the only industry in the town of Blank—

I will say I know it well. It is on a shining, beautiful, clear stream of water—

which has a population of 1,400 people, and when we are running full we employ 265 people, with a pay roll of $6,500 per week. We have always been far in advance of any labor legislation, as far as employment conditions are concerned. We adopted a 5-day week 15 years ago. For the past few years we have run on a 40-hour week, and our minimum wage for common labor is 48½ cents per hour. Two years ago a C. I. O. union was formed in the mill and an election was held last year, which came out in favor of the C. I. O. by a vote of 2 to 1. Our relation with the union has always been pleasant, and because of the cooperation between employer and employee, this industry is regarded as outstanding in the State of Vermont. As you are aware, the textile business for the last 4 months has been at a very low ebb, and we have been unable to sell goods, and have such a small working reserve that we have been unable to operate our plant since November 1. If this inactivity continues very much longer the plant will never be able to operate again.

Mr. President, that appeals to me very much, because I happen to know these good people intimately, and according to the story of the writer of the letter, there is a small institution which has substantially supported a whole village. It is the only industrial institution in the village. The village is dependent upon it. It came through the great depression. From 1869 on it never shut down. Until the year 1937 it continued to give employment to the people of the village, who take great pride in it, laborers as well as owners.

Now it confronts the possibility of never opening again, partly because of the ill-conceived idea of Congress that we must penalize anyone who is thrifty enough to turn back into his business his profits instead of dividing them up, partly because it has no fat now on which to feed in lean times, partly because under the compulsion of penalty it has distributed its surpluses, but more because the United States of America launched out upon a scheme that ran counter to our competitive system of economy, based upon the theory that a man off the pay roll is a man on the tax roll; on the theory that the more abundant life must be given to the people of our country by the Government at Washington; on the theory that it is not necessary or good for the United States of America that every individual in the United States shall do his part in providing for his own future, in setting up a security for his family and himself, and in supporting himself.

Mr. President, we have always had the poor with us. I am sorry to have to admit that I think we always will have some poor with us, but we have always taken care of them, and we have improved the amount and kind of care from time to time, until I thought that we were doing very well; certainly in my little State of Vermont I was proud of the way in which we were taking care of those unfortunates who could not provide for themselves. All this, Mr. President, was taking place under a competitive system, under a free system; and then because we were victims of a great depression which affected the entire world we had to make the sudden decision that all the splendid advance which we had made in social improvements and in taking care of the poor in every way conceivable, and all the remarkable progress we had made in the production of wealth, and comforts, and high standards of living, in culture, in education, and religious activity for our people—all this which had been accomplished under a great competitive free system was dead wrong.

So we launched out, under the banner of the ubiquitous Blue Eagle, and we imposed upon the people of the country this thing which is called the New Deal. All the wealth we have spent, the wealth of taxes, was taken out of the American people. That wealth did not come out of the so-called economic royalists who are the butt of opprobrious epithet. It came out of the poor people, who pay taxes whenever they buy a morsel of food, or pay a dollar of rent, or buy a shirt made in whole or in part of cotton. The wealth came out of the poor people through taxes which are supposed to compel the people of this country to provide for their own security against unemployment. The wealth represented a vast sum of money because the very broad tax reached every employee in the United States.

What has happened? All the great wealth, even that which was supposed to be appropriated for the security of the employee, has just gone down the river, and so far as any benefit in the way of reviving the economic stream and the Nation's business is concerned, it is a complete and total loss. Worse than that, unless we stop the present tendency, it is the beginning of disaster. It is the beginning of an entirely new system of economy on this continent, in direct contrast to the free economy which has made our Nation the leader of all the countries of the world in business and enterprise, in invention, and in raising the standard of living.

There is no use evading or dodging. We are in a depression which has only begun. So far as relief is concerned, we need relief more than we did when Congress started to enact relief measures. So far as the information from my State is concerned, I compare the demand of over 19,000 seeking work today in Vermont, with the demand of 9,902 a year ago.

Our Governor and others who are interested in humane assistance to all who need it were intending to meet yesterday—and I suppose they did meet—in an effort to do the part which Vermont ought to do, and is always willing to do toward supporting the unfortunate among our people.

Mr. President, a grave question arises on a relief bill which ought more properly to arise upon some other bill, such as one for the reorganization of the Government, or upon a tax bill. That question is, where are the policies of government toward business and toward our people leading us? That question stares us in the face. I believe we are confronting today, in the consideration of the relief measure before us—and we shall confront it every time an important measure comes before us—the grave question whether the United States of America shall take unto itself complete control of the lives of its citizens and whether it shall take over from the States the authority, responsibility, and independence which the States heretofore have always exercised and have always been willing to assume. Shall we say to the States and to the people, "Come to us. We have strong arms. We can tax all the people. We can get all the wealth. No matter who possesses the wealth of this country, we can take it. If necessary, we can impose a capital levy."

We already know that the income-tax department has sent out a questionnaire designed to acquire the kind of information upon which to build a capital-levy tax.

Shall we say to the people, "Come to us. We are powerful, and in consideration of your giving us more power, greater control of business, indeed, even the power of life and death over business, we will give you employment; we will see that you continue to receive a pay envelope. You pay with your liberty for the security which we give you. As the cost of this safety which we, as an almighty power, will give to you, you pay in terms of the surrender of the right to sell your services, of the right to sell your time, of the right to use your genius and your inventive capacity as you wish. You become a chattel. You come under the control and power of an almighty Government at Washington. And your State? Why, of course your State has to pay something, because we are going to take over all the relief and take the burden off the State." Why should not the State give up its sovereignty? Why should there be any more States, anyway? Why not sovietize the entire country and wipe out the State boundaries?

If the States are to be left, why not do what is proposed in a suggested amendment to the Constitution which is now pending before a subcommittee of which I am a member; namely, to make the Federal Government the reservoir of all power, and let it delegate to the States such power as it sees fit? Why not turn topsy turvy the whole Government of the United States, the great institution which, by virtue of the spirit of liberty which animated it, inspired and stimulated our people to work for their own improvement, progress, and development, until they became, and are today, in

spite of the things which have occurred within the past 5 or 6 years, the leaders of thought of the world?

Naturally, our people are examining government as they never have examined it before. I doubt if, at the time of the War between the States, the people of America, by and large, all over our hills and valleys, devoted so much scrutiny to government as they do at this very day. Our people are beginning to understand by experience something of which wisdom and virtue could never convince them. They are realizing from this depression the evil effects of an artificial prosperity created by spending their own tax money. They are learning, by having the repercussion hit them, the unwisdom of it, the fallacy of it, and the futility of it. They are learning that artificial prosperity leads to but one result, and that is to carry on until every dollar is spent, until we have expanded and dilated and stretched every dollar to its maximum limit, and it has become worthless. There is no other way for government to sustain a prosperity which is purely artificial, and which depends wholly upon the spending of the taxpayers' money.

Mr. President, I have before me two editorials published in the Burlington (Vt.) Free Press on February 17 and 19, respectively, of this year, raising the questions I have been discussing with respect to the decentralization of relief and in respect to the effect of our unemployment acts in easing the people through a depression in business. I ask unanimous consent that these editorials may appear in the RECORD in connection with what I have had to say.

The PRESIDING OFFICER. Without objection, the editorials will be printed in the RECORD.

The editorials referred to are as follows:

[From the Burlington (Vt.) Free Press of February 17, 1938]

DECENTRALIZING RELIEF

President Roosevelt indicated in his Budget message to Congress that it probably would be necessary to spend at least a billion dollars for relief during the coming fiscal year. In rather a pessimistic mood, he added that if economic conditions in the Nation did not improve, it might be necessary to spend even more than that. Now he is asking for $250,000,000 at once to meet needed relief this year.

The New York Times, which was ardent in its support of Mr. Roosevelt in the 1936 campaign, raises the question as to whether the United States should continue to promote "work relief," as it has been doing for the past 2 years, and as Mr. Roosevelt indicates it is planned to do in future.

Although the Times appreciates Mr. Roosevelt's objections to substituting a dole for "useful work," it is pointed out that "the dole" has already been substituted in many parts of the Nation, because W. P. A. has provided work for only a small percentage of the unemployed, and State and local governments have been required to carry the rest of the relief burden. It has been financially impossible to furnish "work relief" for all.

The theory that the Federal Government was going to give work to all "employables" has never been fulfilled and never can be fulfilled with any sum which Congress or the President are likely to approve for relief, the Times says. States and municipalities have been taking over gradually the heavy end of the relief problem, and it is probable they will have to continue to do so.

In view of these circumstances, the Times calls attention to the fact that "a change in the method of Federal spending is being urged by the most experienced of all private relief groups in the field—the Community Mobilization for Human Needs—to whose lot it has fallen during recent years to raise funds for community chests in every corner of the country."

Spokesmen of this organization advocate establishing a single unified program of Federal, State, and local relief, with the Federal Government making grants-in-aid to the States, "such grants being conditioned upon the willingness of the States to furnish a definitely prescribed proportion of the total amount needed for relief, and conditioned also upon the assurance of satisfactory standards in the matter of administration."

It would be left to the States and local communities to decide how the relief money should be spent, how much for work relief, how much for direct relief, and who is eligible to receive each type of aid.

Endorsing this plan, the Times expresses the belief that the Federal money would be more wisely spent, would go further than under the present program of work relief, would take the relief problem out of national politics, and "would restore to local communities the responsibility which they ought properly to have in the matter of deciding how relief funds can be used locally to best advantage."

There are arguments on both sides of this issue. There is, of course, the danger that without strict supervision some communities would misuse this Federal money, but we are inclined to the belief that there is less danger of this than that the money will be misused under the present system. Anyhow this proposed plan should be given careful consideration in view of the piling up of the Federal deficit on account of relief expenditures.

[From the Burlington (Vt.) Free Press of February 19, 1938]

UNEMPLOYMENT RELIEF

To the average man the figures which are published regarding the amount of unemployment in Vermont these days must be rather confusing. For instance, we are told that 10,850 claims for compensation because of unemployment have been filed with the unemployment compensation department since January 3. We are told also that more than 19,000 persons are seeking work in the State, as compared with 9,902 a year ago at this time.

This appears to mean that there are nearly as many unemployed in Vermont who do not come under the provisions of the Unemployment Compensation Act as there are those who do come under the act. It may be that there are even more who are ineligible for these benefits, for not all of those who apply for benefits will be found eligible to receive them.

If this proves to be the case throughout the country, the unemployment-compensation laws in the various States will have comparatively little effect in doing what it was said they would do, namely tide over the early days of a depression and maintain spending power among the masses of the people until other means of dealing with the situation could be devised.

This recession has come upon us so quickly after the inauguration of the unemployment-compensation laws in the various States that it may not be fair to judge the whole system on this first test, yet it is difficult to see how such judgment can be avoided. If unemployment compensation fails to ease the demand from the unemployed for relief money from cities and towns, many questions will be raised as to whether this system is worth continuing.

The growing demand for decentralization of relief expenditures, so that local overseers of the poor and other local officials will have more voice in the handling of relief money, was noticeable in the meeting of town overseers of the poor held in Montpelier on Thursday. It is likely that this demand will grow and become an important issue in the next session of the legislature.

While it may be that local administration of relief funds would prove less expensive, taking everything into consideration, than the present system, it is hard to see how we can ever go back to a completely localized system of relief. Old-age assistance, aid to dependent children and needy mothers, and compensation benefits for the unemployed are all a part of the relief system now. And these are financed largely with funds controlled by the Federal and State Governments.

In order to get the Federal funds, the State has to satisfy the controlling authorities in Washington that they are being expended efficiently and according to law. State officials cannot give such assurance without keeping a close check on the expenditures.

Officials of municipalities might as well resign themselves to the situation and recognize the fact that so long as they receive Federal and State aid to help meet their relief problems, they must expect to be closely supervised in the expenditure of relief funds.

Mr. AUSTIN. I realize, Mr. President, that I have detained the Senate for a longer time than I had intended to do. Therefore, I am going to conclude my remarks. I think it is very pertinent upon the amendment offered by the Senator from North Carolina to vote according to our views with respect to the question whether the American form of government shall continue substantially as it is with respect to those fundamental things, namely, the division of responsibility for relief between the States and the Federal Government, the division of authority between the States and the Federal Government, and the division of powers between the executive, the legislative, and the judicial branches of the Government; for the pending joint resolution and every one of the important measures that we are to consider in the near future vitally affect the question of where we are going as a self-governing people.

I do not charge any man living with being a traitor to our Government because he believes our Government is inadequate, because he believes our Government is too slow in action, because he believes our Government, no matter how admirable it is, is, nevertheless, capable of improvement and ought to be improved. I do not condemn him or criticize him because I differ from him, but I say the time has come for men to stand on their convictions. We cannot play with this thing any longer. We have reached a point where the American people are bound to know where the Congress stands and what the Congress means by the acts it passes. Before we vote to transfer power from the legislative to the executive department to expend the revenues without limitation, before we vote to give the President control over our courts, before we vote to take away from the

States some of their rights and their liabilities, let us face the fundamental question of where are we going with our Government.

We can make humane improvements in the administration of our laws without changing the fundamentals of the Government of the United States. I have never doubted for a moment that if we want to "freeze" the hours and wages of the laborer we can do it, but we could not do it constitutionally by an act of Congress covering the whole United States. We would have to do it by acts of the several States that have control over production and manufacture and mining within their borders and by supplemental acts of Congress dealing with the transactions among the several States and with foreign nations.

The amendment adheres to the principle to which I have addressed myself, because it applies an arbitrary fixed percentage of contribution to the cost of W. P. A. relief projects by the several States and their subdivisions; but it should be relaxed somewhat and amended, and the amendment should be of a character to tend toward the ultimate resumption by the several States and the surrender by the Federal Government of the business and the responsibility of taking care of our poor people.

The PRESIDING OFFICER. The amendment proposed by the Senator from Vermont to the amendment offered by the Senator from North Carolina will be stated by the clerk.

The LEGISLATIVE CLERK. In the amendment of Mr. BAILEY, on page 1, line 6, after the word "cost", it is proposed to insert the words "in either materials or funds"; and in line 9, after the word "contributions", to insert "in either materials or funds", so as to make the amendment read:

Provided, That if the President shall find any project to be necessary in order to provide work relief in the community where the project is to be located, and that the applicant is unable to supply 25 percent of the cost in either materials or funds, he may authorize the project upon such contribution as he finds that the applicant is able to make: *Provided further*, That in cases of direct relief the President may require contributions in either materials or funds upon condition to allocations to any State, city, or political subdivision in such ratio as he considers just upon investigation, but in no case shall the local contribution be less than 20 percent of the allocation by the Works Progress Administration.

Mr. BAILEY. Mr. President, I am glad to accept the amendment offered by the Senator from Vermont to my amendment and to have it incorporated in the amendment which I have offered.

The PRESIDING OFFICER. The Senator from North Carolina, as the Chair understands, modifies his amendment?

Mr. BAILEY. I have accepted the amendment offered by the Senator from Vermont.

Mr. BARKLEY. Mr. President, from the parliamentary standpoint, it will still be necessary for the Senate to vote on the amendment to the amendment, although the Senator from North Carolina accepts it. The better parliamentary procedure would be for him to modify his own amendment in that regard. That would simplify the procedure and it would not then be necessary to take a vote on it.

Mr. BAILEY. Very well; I thank our leader for the suggestion. Then, I ask leave to modify my amendment so as to incorporate the two amendments suggested by the Senator from Vermont.

The PRESIDING OFFICER. The Senator from North Carolina modifies his amendment as indicated.

WITHDRAWAL OF SHIPPING FROM INTERCOASTAL TRAFFIC

Mr. McADOO. Mr. President, I desire to occupy the time of the Senate for a brief period to bring to its attention a serious situation which is facing my State of California. In order to make my remarks as brief as possible, I shall ask the clerk to read a letter which I addressed to the Chairman of the Maritime Commission on the 15th of February, and then to read a copy of the reply of Hon. Joseph P. Kennedy, Chairman of the Maritime Commission, dated February 18, 1938. I should like to have these letters read sufficiently slowly so that my colleagues may comprehend them.

The PRESIDING OFFICER. Without objection, the clerk will read.

The legislative clerk read as follows:

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
February 15, 1938.

HON. JOSEPH P. KENNEDY,
Chairman, United States Maritime Commission,
Washington, D. C.

DEAR MR. CHAIRMAN: I have received from Hon. Angelo J. Rossi, mayor of San Francisco, the following telegram:

"I am surprised and alarmed in reading Washington press advices stating Maritime Commission is about to purchase Panama Pacific Lines and remove them from their present service to California and place them in the Atlantic coast-South American trade. After the removal of the Grace Lines and other important shipping companies from San Francisco an act of this kind on the part of the Maritime Commission in face of representations and efforts made by the entire Pacific coast and the policy of the President of the United States for adequate naval preparedness on the Pacific coming at a time when remedial legislation is pending in Congress, is an absolute disregard of any important part of the country by a body supposed to give us their representation and treatment. Will you please make the necessary representations Monday morning to the Commission and secure their agreement not to take such action pending outcome of your proposed legislation. I would greatly appreciate your advice on the result of your conference; also the status of proposed legislation. Kindest regards."

This was communicated to your office by telephone. In your absence, Executive Director Sheehan advised my secretary as follows:

"Plans for Maritime Commission purchase of these ships one of several now under consideration. Nature of circumstances existing in east coast-South American trade today such that imperative that it be rehabilitated at once or grave consequences will result. Therefore, Maritime Commission faced with the necessity of building up this service immediately. Present owners Panama Pacific ships intend removing them from present intercoastal service on April 1 because of legal inability to obtain subsidies which is resulting in heavy financial losses and they have a legal right to do this."

The purchase by the Commission and removal of these ships to the east coast-South American trade will result in grave injury to the interests of the people of the Pacific slope, California, Oregon, and Washington as well as Nevada, Arizona, Idaho, and other States in the western Rocky Mountain area.

I am at a loss to understand the "nature of circumstances existing in the east coast-South American trade today" which is so "imperative that it be rehabilitated at once or grave consequences will result."

This matter is so important that I shall be greatly obliged if you will advise me at once of the nature of the circumstances referred to and of the grave consequences which will result unless the ships now serving California and the Pacific coast are withdrawn from that service and employed in the east coast-South American trade.

I sincerely hope that the Commission will not execute its purpose to take the Panama Pacific ships away from the Pacific coast trade. I have introduced a bill, which is now in the Commerce Committee of the Senate, authorizing subsidies for intercoastal ships which are suitable for naval reserves and which have a speed of 16½ knots per hour. Until the Congress can act on this measure, I earnestly protest against the removal of the Panama Pacific liners from our intercoastal trade.

Cordially yours,

WILLIAM G. McADOO.

UNITED STATES MARITIME COMMISSION,
Washington, February 18, 1938.

HON. WILLIAM GIBBS McADOO,
United States Senate, Washington, D. C.

MY DEAR SENATOR McADOO: I have carefully considered your letter of February 15, in which you quote from a telegram directed to you by Mayor Rossi, of San Francisco, and the reply which you have received from Mr. Sheehan.

Mayor Rossi's telegram apparently is based upon the theory that the Commission is about to remove the *California*, *Virginia*, and *Pennsylvania* from their present service. This is erroneous. The American Line Steamship Corporation has advised you as well as the Commission that on account of enormous losses suffered in operating these vessels in the intercoastal service between New York and San Francisco they are obliged to withdraw them from the service upon their arrival in New York between March 27 and April 15. In other words, the ships are not being removed from their present service by the Commission but by their owner, the American Line Steamship Corporation.

As you know there is nothing in the law which authorizes or permits the Commission to assist in maintaining these vessels in their present service. There has never been any misunderstanding about that between any of us, I am sure. With respect to the possibility that these ships may be placed in service to the east coast of South America, it strikes me that the west coast is not affected by final

disposition of the ships once they have been removed from their present service. It is clear, however, that having been forced to take the ships from their present run because of financial losses the American Line Steamship Corporation is faced with the following alternatives:

1. Turn the ships over to United States Lines for trans-Atlantic operation, for which they are only reasonably well suited.
2. Run them in the service to the east coast of South America, which is, in fact, the only service in which they can be placed.
3. Sell them abroad.
4. Tie them up and let them rot.

Of course, regardless of which alternative is adopted the ships will not be running in the intercoastal service. The Commission having considered all possible alternatives has found that it is most desirable for the vessels to be placed in service to the east coast of South America. However, the Commission is unwilling to permit United States Lines Co., in its present financial condition, to operate the South American service under its present capital structure for fear that operating costs and possible losses might seriously affect the operation of the trans-Atlantic line. Therefore, we have considered the question of acquiring these ships at a fair price to the Government, thereby setting the claims of the American Line Steamship Corporation against the Government for termination of its foreign ocean-mail contract.

Although it may be a matter of regret to all of us that the Commission cannot acquire these ships and operate them in the intercoastal trade, nevertheless, as we are without authority to do this, and inasmuch as the present service to South America is wholly inadequate, we feel that our duty demands that we try to build up the South American service, which affects a most valuable trade area, by utilizing these ships when they are removed from the intercoastal service and become available for that purpose.

I hope that I have made the position of the Commission clear.

With warmest regards, I am,

Yours most sincerely,

JOSEPH P. KENNEDY.

Mr. McADOO. Mr. President, the letter of the Chairman of the Maritime Commission discloses an extraordinary situation for the people of the west coast; and it is due not so much to economic considerations as it is to the state of our laws since we passed the Maritime Act.

I call to the attention of the Senate the fact that prior to the enactment of the Maritime Act we had two intercoastal services between New York and the leading ports of the Pacific coast, one operated by the Grace Line and the other by the Panama-Pacific Line. Each operated three ships, or six in all. These are fast ships, making 16½ knots or more, and so constructed as to be suitable for Naval Reserve ships in time of need.

Prior to the enactment of the Maritime Act these ships operated on what was commonly known as a mail subsidy, and that subsidy was in large part essential to enable the owners to operate the ships without a loss, or, in any event, at a minimum loss. At the same time, these ships were forced to pay, as they went through the Panama Canal, tolls which aggregated a million dollars a year for the two services. But when the mail subsidy was withdrawn, the owners of the ships were faced with the loss of millions of dollars a year, which, of course, they could not be expected to suffer indefinitely.

Under the Maritime Act, certain subsidies are granted to American ships operating in the foreign trade; but if they operate in the intercoastal trade—that is, if they run from one American port to another American port, no matter how essential the service may be—they are denied any subsidies or mail contracts or immunity from Panama Canal tolls. If, however, they are operated from New York to some South American port, no matter how inconsequential it may be, with the approval of the Commission, they may be given subsidies out of the Treasury of the United States to maintain them in that service.

Mr. President, I denounce the inequity of any such law as that, and I protest with all the power I can command against a continuation of an act of Congress which so grossly and unfairly discriminates against American citizens, and against the economic welfare of American citizens. Three of these fast ships have already been withdrawn. The last three will be withdrawn on or before the 1st of April of this year. These two services are not only essential to the protection of the economic situation on the Pacific coast, but they are essential to safeguard our people against extortionate railroad rates upon some of our chief products—products upon which the prosperity of our State in large measure depends.

In the testimony the other day before the Committee on Commerce, it was brought out that these ships are carrying citrus fruits, because they have introduced a system of circulatory refrigeration which enables these fruits to be kept for more than 2 weeks in transit. Ordinarily, as you know, fruit of that sort has to be moved very rapidly; and the refrigeration must be of a particular character, so that the fruit will not be damaged in transit. Therefore, the railroads have enjoyed practically the whole of the citrus-fruit movement from southern California to New York.

The operators of these ships, after long experiments with various forms of refrigeration, finally discovered a method by which they could compete with the railroads in the citrus trade. The withdrawal of these ships means, in actual money, a loss of $150,000 per annum to the citrus-fruit growers of southern California alone, because with the withdrawal of the ships that amount of money must literally be taken out of the pockets of the farmers and transferred to the treasuries of the various railroad companies which are in competition with the ships. Of course the railroads rejoice that the ships are going to disappear. Of course they are glad, and I do not blame them. They are glad to have them transferred to South America or to any foreign part where their owners can get subsidies from the Treasury of the United States and thereby be destroyed as competitors with the railroads.

But if we ask for a reasonable subsidy to keep these ships in the intercoastal trade to protect the interests of millions of our own citizens, we are denied that right; we are denied that privilege. Subsidies for foreigners, penalties for Americans.

Mr. President, it seems extraordinary to me that the Maritime Commission is actually going to buy these ships with the money of the people of the United States and take them out of the service to the Pacific coast and operate them, at a subsidy to be paid out of the Treasury, to some South American port because of the alleged necessities of that situation. Mr. Kennedy explains it is true that, as the operating companies can withdraw the ships without the permission of the Commission, it having no power to prevent it, and as they are going out of the service on the Pacific coast anyway, we have no reason to complain, that being the law of the land; and that if the Government does not buy them they will have to be tied up to rot. If the Government is forced to buy them and to put them into foreign trade with a subsidy, I say that ordinary common intelligence and regard for the rights of the people of our own country, some 20,000,000 of American citizens residing west of the Rocky Mountains, would dictate that that money ought to be expended by the Government to maintain these ships in the service of the people of the Pacific coast and the people of the Atlantic coast, or in the service of the United States, rather than transfer them to a service to some foreign country.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. BERRY in the chair). Does the Senator from California yield to the Senator from Utah?

Mr. McADOO. I yield.

Mr. KING. Being detained in a committee hearing, I did not have the pleasure of hearing the entire address of the Senator. I am a little curious to know just how much money it is proposed the Government of the United States shall pay in the aggregate, or annually, for the purchase of ships, or for the operation of ships.

Mr. McADOO. I am not prepared to answer that question. I think the Maritime Commission alone can answer it, because they are in the course of preparing a program for a merchant marine, which, as I understand, under the law, is designed to be engaged chiefly in foreign service.

Mr. KING. Is it the Senator's understanding that we have made large appropriations which may be utilized by the Maritime Commission at their own discretion and pleasure, with no limitations upon them; that they can buy ships or

build them or operate them between any ports, intercoastal or foreign, as they may desire?

Mr. McADOO. I understand that to be the law to this extent: That they may do it with respect to foreign ports, but they cannot do it with respect to American ports, and the people of the Pacific coast are discriminated against by having these ships which are now in our service, removed under existing law and put in a foreign service, at great cost and great injury to our American citizens, some 20,000,000 of whom are affected directly or indirectly by this extraordinary movement.

Mr. KING. The Senator will recall that immediately following the war we had over 2,700 ships. The Government operated a number of them, put out of commission a large number, and we spent considerably over a billion dollars—my recollection is between two and three billion dollars—in the experiment. I am wondering whether we are now to embark upon the same program—have the Federal Government go into the building and operation of ships at another expense of a billion dollars or more.

Mr. McADOO. It may be true, I say to my distinguished friend from Utah, that the Government again may go into the construction and operation of ships. I will not say that I am opposed to that, under proper conditions, because I think that if we are to thoroughly protect the people of the United States in case of extraordinary emergency, it is absolutely vital that there shall be a sufficient merchant marine of a certain character available as naval auxiliaries. We cannot have an effective navy without the essential auxiliaries. So to that extent I think it is desirable to create a strong merchant marine. I have always been for it. I was for it when I was Secretary of the Treasury, in 1913, and I have fought for a merchant marine of that character ever since. What I object to, and what I protest against, is a law, which only we can change, and which I think we inadvertently passed, which makes it possible to subsidize ships if engaged in foreign trade, and discriminate against the rights and interests of our own people by denying subsidies to needed ships for naval auxiliaries and for essential services to our own people.

Mr. KING. Mr. President, it seems to me we have done a great deal for the intercoastal trade. We have given them a complete monopoly, and it seems to me they ought to be satisfied with that, because no foreign ships can come in and take goods from San Francisco to New York, or vice versa. Our own coastwise trade has a monopoly, and the people on the Pacific coast are denied the advantage of any possible competition with their ships.

Mr. McADOO. That is a very beautiful theory, but the way it practically works out is anything but beautiful. It is as if you give me a monopoly of something and it costs me millions of dollars a year for the privilege of having the monopoly. Will there be any appeal to private capital to go into the operating business? Here are these ships, the construction of which was encouraged by the Government of the United States, and they were put into this intercoastal service because it was regarded as an essential service for the benefit of all the American people, as it is. At first we gave them mail contracts at a price which would enable them to take up the losses because of insufficient business in this trade, these ships being also of advantage to the American people since they were suitable for use as naval auxiliaries in time of war.

If we are to say to the American citizens, who in good faith made these investments, and who have been operating these ships, "We will take away from you the mail contracts and we will not substitute anything in place of them; we will not help maintain a service which is of value to all the people of the United States but we are going to give it to foreigners," I say it is a discrimination against our own people, which is not justified in any circumstances, and that it demands immediate remedial legislation.

Let me tell the Senate what will happen unless something is promptly done. My distinguished colleague from California and myself have advocated certain bills which are now pending before the Committee on Interoceanic Canals and before the Committee on Commerce of the Senate. Neither of those bills has as yet been reported. One of the bills provides a reasonable subsidy for these intercoastal liners which will enable them to continue in the Pacific trade. The other bill exempts them from the payment of tolls through the Panama Canal. That bill, if enacted, would relieve the ships of a burden of about a million dollars a year.

I do not criticize these committees for not as yet having reported the bills. They are important measures, and they involve questions of large public policy. But I am arguing against the policy which permits a wrong of this kind to be done to the people of my section of the United States.

In the hearing before the Committee on Interoceanic Canals it was shown that the Canal administration would lose about a million dollars a year if these ships were given free transit through the Canal, and the Canal administration regretted the possibility of losing a million dollars a year. They were much concerned about that. I said:

> If the ships are withdrawn from the service and do not use the Canal at all, you will lose a million dollars a year just the same, will you not?

They had to concede that to be true. I said:

> As you are going to lose a million dollars each year anyway, would it not be much better to give the million dollars which you are getting from these ships back to the ships and keep them in the service?

They could not answer that in any other way, of course, except to say, "Yes; that undoubtedly would be preferable." Otherwise they lose the tolls and the ships both, and a new burden is thrown on the American people to buy these ships and put them into a foreign service.

Mr. President, I had not intended to speak so long, but having mentioned the Panama Canal tolls, I merely wish to add that there has always been some question about the application of the Hay-Pauncefote treaty to our right to give our own vessels free transit through the Canal. In spite of the fact that one of the greatest men I have ever known, and one of the greatest men in our history, Woodrow Wilson, took the position that there was enough ambiguity in the Hay-Pauncefote treaty to make us, as a great people, willing to concede the contention of Great Britain for the time being, and to impose tolls upon our own ships going through the Canal, I have never believed in that policy. I think that President Taft's view was the correct one. President Taft did not think the Hay-Pauncefote treaty compels us to give equality of treatment, so far as our intercoastal and coastwise trade is concerned, to any power on earth using the Canal. But it is not necessary for me to discuss that question today.

We give our warships the right to free transit through the Canal, in spite of the fact that under the British contention the Canal must be open to all Nations on terms of equality. The British have never challenged our right to do that. If we may send our own vessels of war through the Canal without payment of tolls, and no other nation can do it, then I say we may give free transit to our Naval Reserve vessels going through that Canal without denying that equality of use by all nations which is claimed under the Hay-Pauncefote treaty.

Mr. President, I wish I could make all the people of the United States realize as keenly as we on the Pacific coast realize that the Pacific coast is really quite an essential part of the United States of America. Since I have been in the Senate I have only too frequently encountered a kind of feeling that the Pacific coast gets more than it is entitled to. I wish to say here and now that I do not think the Pacific coast gets as much as it is entitled to. I think there has been discrimination in the application of many of our laws. I do not claim it was intentional, but the structure and fabric, as well as application of many of our laws, have occasioned discrimination against the people on the Pacific coast and the western slope of the Rocky Mountains. However, I think the Pacific slope contributes to the whole of the United States much more than the whole of the United States contributes to the Pacific slope.

I do not wish to get into a discussion of that question. I do not desire to emphasize it, because I think it is parochial. We are one people and one nation. All I am appealing for is that we shall be treated upon terms of equality with every other section of the United States, for whatever is done for us, and whatever is done for other sections is done with reference to the interests of the entire Nation, and not with reference alone to the section which is immediately affected.

Upon that theory, Mr. President, I feel that a grave wrong is about to be done to the Pacific slope and the 20,000,000 people out there who love this flag as much as those in this section of the country love it, who are willing to make as many sacrifices of life and of property as those in any section of our country, and who are eager and earnest in their desire to make their full contribution at all times for the good of the country. All they ask is justice, prompt, swift justice, in this important matter.

Mr. KING. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. KING. I agree with the Senator's attitude with respect to the Pacific coast, and he is justified in making any criticism, if there were any indication of discrimination against the Pacific coast in any governmental activities.

The point I rose to make was that it seems to me the Congress, having so much faith in bureaucracy, unwisely has committed to bureaus and Federal agencies almost unlimited authority, so that you now—when I say "you" I mean your section of the country—are obtaining the fruits of that unlimited discretion which we have conferred upon bureaus. If we would put some hooks into their jaws and surround them with proper limitations so that Congress could have something to say in the administration of acts which are committed to them, the Senator's part of the country would not be in the dilemma it now is. I shall be glad if the Senator will offer a bill to modify the law and to limit the authority and discretion of the Maritime Commission. It seems to me it has entirely too much discretion.

Mr. McADOO. I may say to the Senator, whom I thank for his observation, that I have a bill pending which will correct the inequities which are going to result to the Pacific coast if the present plans are carried out by private owners and by the Maritime Commission.

I may say further that the present law does not give this particular Commission—the Maritime Commission—the power to keep these ships in the Pacific service. But it gives the Commission authority to send them to any little country on the face of the earth and pay them a subsidy in that foreign service. As I understand the law we could start one of these identical liners from the port of New York, run it around through the Canal, pay the Canal tolls, and make as its terminus the port of Ensenada, Mexico, which is about 100 miles below the California border. It is a beautiful harbor, quite suitable for this purpose. The town has a population of perhaps 500.

The ship company could get a nice subsidy if it should run its ships to Ensenada, and put the people of San Francisco to the expense and inconvenience of riding some 600 miles to go there to board the ship and the people of Los Angeles of journeying some 200 miles to go there to board the ship. During the maritime strike some of these ships did stop at Ensenada and landed passengers there.

Mr. President, it is a reflection, I think, upon the intelligence of our country—and I want to indict the intelligence of our country—when our people are put in such a position that they are forced to give up a service vital to California ports and to accept the only alternative permissible under the law, namely, the operation of vessels to the nearest port in a foreign country, in order that we may have even a lame sea transportation service that will tend at least to keep down the high rates which the railroads are now applying for, and which, with the withdrawal of these ships, will, I am confident, be imposed on all the agricultural products of the Pacific coast. I mean not only California, but Washington and Oregon, and also those States adjacent to them, because all will be affected by increased freight rates.

Mr. BONE. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. BONE. I have read with a great deal of interest the Senator's book—I believe it was published about 7 years ago—in which he discusses at some length this problem as it arose in the pre-war days. I am wondering why it is that steamship companies which get their vessels for practically nothing are unable to operate them at a profit, or seemingly at all. I recall, for instance, one company which bought quite good boats from the Federal Government for one-seventieth of their cost to the Government. In that case the Government is supplying practically the entire capital of the shipping concern. I would say that sixty-nine seventieths is practically the whole capital. Is the whole marine business so superhazardous that a concern which has sixty-nine seventieths of its capital supplied to it cannot be operated without a subsidy?

Mr. McADOO. I may say to the Senator from Washington that it depends upon the character and quality of the ship. I may say, furthermore—and I do not want to talk politics about this matter—that a historic filibuster occurred in the Senate when the shipping bill was first proposed in 1914 to create a naval auxiliary for the purpose of giving us added protection in the event of war and meanwhile to carry our commerce across the seas. "Filibuster!" I hate to mention the word. We do not engage in them often, and I do not object to them. I would rather have free speech accompanied by filibusters than to be denied free speech in the Senate of the United States. However, as the result of that filibuster, I will say to my distinguished friend, that when we became involved in the World War we were wholly unprepared so far as shipping was concerned. Then we had to attempt to build ships in great haste, without adequate shipyards, without adequate labor, and without adequate experience and organization. Billions of dollars were expended in the construction of ships to meet the immediate emergency which, when peace came, were not well equipped or qualified for commercial uses. Some of those ships are in our ports today rotting at the docks. But we should learn enough from that lesson not to repeat again such a colossal mistake.

Mr. BONE. I think if Congress had followed the suggestions of the able Senator from California, who was then Secretary of the Treasury, many unhappy chapters of that story would never have been written. The Senator will recall that he urged the Government to build ships at a time when they could have been built not in unseemly haste, but with some care and preparation. Had his warning been heeded it might have resulted in the building of decent ships, but subsequently that program cost several times what it should have cost.

I have the thought that, judging from what Mr. Kennedy said to committees and to newspapermen, the ships which the Government is going to build now are going to cost so much that they will literally make the teeth of taxpayers chatter when they see the bids. I have no doubt that with respect to some capital ships of the Navy the bids possibly are going to reach $70,000,000, and the American people are going to be frightened. I am wondering just how it is going to be possible to achieve a merchant marine for something like a reasonable figure. Perhaps the Senator knows how it can be accomplished. I know many Members of this body are very much interested and they are more than curous about this whole business, because if Mr. Kennedy's statements are correct we are headed for a great deal of trouble.

Mr. McADOO. I want to thank my distinguished colleague from Washington for the generous reference he has made to a book which I was indiscreet enough to write once upon a time. I now feel somewhat compensated for my indiscretion by the generous reference of my esteemed colleague.

Mr. BONE. I want to say to the Senator that his book is well worth reading. If I could give it some advertising, and make Americans read it, I am sure they would find in it a wealth of very fine historical material.

Mr. McADOO. I thank the Senator again, and I hope his wise words will reach to the farthest confines of the United States. I should like to sell a few of those books. [Laughter.]

Mr. BARKLEY. Mr. President, while I am sure my colleague from California appreciates the compliment paid his book by the Senator from Washington, I note that he says he is being compensated for having written it. I hope that is not the only compensation he derives from his most excellent book, which I read with great pleasure.

Mr. McADOO. I said I was compensated for my indiscretion in writing it. I wish to say to all intending authors on the floor of the Senate that I advise them not to write a book, not only because they will not get any money out of it but in addition they may commit themselves in such ways that in the future it may prove to be a very great handicap.

Mr. KING. Senators should remember the Biblical expression, "Oh that mine adversary had written a book!"

Mr. McADOO. Yes; the Senator reminds me of a very apt quotation.

So far as the future of the merchant marine is concerned, I think Mr. Kennedy has made some very intelligent and rational observations about the necessity for such a merchant marine. He finds that it is going to cost a great deal more money than anyone would ordinarily expect. The question of policy will have to be considered by the Senate in the very near future if we are to have a great Navy to protect our coasts. I am in favor of an adequate Navy, because I think it is essential. My distinguished friend from Washington may not agree with me, but I am more anxious to save him than almost any other friend I have. He lives on the Pacific coast and he may be in grave danger some day unless we follow such a course.

But the subject under discussion is a great national problem, and it cannot be settled merely on the basis of the number of ships and the cost of building them. A grave question of national policy is involved which must be deliberately debated. Finally a policy must be adopted and executed, whatever its cost may be. That is the only way we can deal with the question; but that is something for the future.

I thank my colleagues for their great courtesy and kindness in allowing me to speak at such length on this important matter.

NATIONAL HOUSING PROGRAM

Mr. BONE. Mr. President, when the President of the United States announced his hope that there might be a great revival in the building industry of the United States, I think there was a genuine desire on the part of businessmen to cooperate. I had no means of knowing what form that cooperation would take.

A few days ago a representative of the National Retail Lumber Dealers' Association and the Red Cedar Shingle Bureau of the United States, which are tied in with that part of the lumber business which represents the activities of housebuilders in the United States, told me that they had called into consultation some 40 or 50 leading architects of the United States and asked them to cooperate with experts from the Federal Housing Bureau in the preparation of plans for a small "model home." The technical advisers of the Federal Housing Bureau were asked to work in conjunction with the house builders of America to produce plans of such a home, which could be built at a figure which would bring it within the reach of the income of the average worker in America.

I went over to a place in Virginia where one of these model homes is to be built at Lacey Forest, in Arlington County; but before going over, these gentlemen gave me a picture of the house, and I observe that it has been published in a great many newspapers of the country by house builders who are trying to work with the National Housing Administration in its new program. I thought this circular might interest Senators, for obviously they must be interested in the housing program, because the measure excited so much interest when we passed it. This circular indicates that the house will be about 38 feet long, and will have a garage; and strange to say, Mr. President, unless the figures are entirely wrong, out in my part of the country a house like this could be built for about $3,000 and here in the East for somewhere near $4,500. It is complete, has air conditioning and a furnace, and is covered, roof and sides, with red-cedar shingles, which, as those who are familiar with their quality know, furnish a very fine insulation; and they are probably about the most durable kind of shingle or covering that can be used. The lumber used in construction is of the best grade.

I understand from these gentlemen that the lumber is to be cut to certain dimensions, so that when it is delivered on the ground there is no loss or wastage, and the lumber is to be supplied by lumber dealers all over the United States. It does not come from any one section. The red cedar shingles would come from the areas of the country which produce red cedar. It makes the most durable shingle. The model home is designed to have first-grade electrical accessories, first-grade plumbing, and air-conditioning feature. The home builder can pay for one of these houses at the rate of about $30 a month, or out West for about $25 a month. In the South and West lumber is cheaper, because it is locally produced. These houses should not be confused with prefabricated houses, because they are to be built under plans which are to be given to contractors all over the United States. This model on my desk reflects the best that all these architects were able to produce in the way of an ideal small American home. It has two bedrooms; and when I saw the model it occurred to me that it might be interesting to Senators and so I asked the builders to let me show it to you so that you may see its possibilities. This house lends itself admirably to mass production. I presume some features might be varied according to the taste of the individual, but it seems to me this crowd of builders in the United States have offered something really worth while in the plans of this beautiful little house. Here is a chance for the average man to have a lovely home at a cheap price. It would be well worth acquiring if it runs true to its description. Certainly when one contemplates the horrific rents in this city, a home like this is like a breath from heaven. I do not know how the landlords in the District of Columbia might feel about the matter I mention, but with a true spirit of Christian charity I am tendering the idea with the faint hope that it may have a little moral effect on the outrageous rent levels here, if nothing else.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BONE. I am glad to yield.

Mr. WAGNER. The Senator stated that the monthly payment would be about how much? Did the Senator say $30 a month? I wondered whether the Senator was informed what period of amortization that covers. Is it 25 years?

Mr. BONE. Over the period contemplated by the act, this house could be amortized out in the West and in the South, where lumber is cheaper than here, at about $25 a month. In Washington and other parts of the East and North it might require about $30 a month. The down payment here would have to be about $450. Of course, that does not include the land. It does include, as I understand, the garage and the house complete, ready to move the furniture in. The house has air-conditioning equipment and heating furnace. It is about the most complete little house I ever saw.

Mr. WAGNER. I think the Senator will find that that amount does include the land. The cost of the entire project—the land, house, and all that—in this part of the country would be about $4,500.

Mr. BONE. I used the figure of $4,500 because that is the figure that some one of these businessmen gave me for this locality. That does not include the land. I have no idea what land sells for here; but if land prices here bear any relationship to the high District of Columbia rents, land values are a subject which I would rather not discuss. It may be that other business organizations will also submit plans for model low-cost homes. I hope they may and thus

help to stimulate home building and home owning. This is a program worth while, for better homes make better Americans.

ADDITIONAL RELIEF APPROPRIATION

The Senate resumed the consideration of the joint resolution (H. J. Res. 596) making an additional appropriation for relief purposes for the fiscal year ending June 30, 1938.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. BAILEY], as modified by the amendment of the Senator from Vermont [Mr. AUSTIN].

Mr. SCHWARTZ. Mr. President, I wish to say a very few words about the pending amendment.

During the debate yesterday the Senator from North Carolina [Mr. BAILEY] made the suggestion that it is the duty of Wyoming to take care of its own people. In normal times I believe that is a very logical suggestion. I assume, of course, that the Senator from North Carolina was not singling out Wyoming particularly. Therefore, I judge that under the present conditions it is his philosophy that every State in the Union should take care of its own people, and that the United States should move out of the picture.

Mr. BAILEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from North Carolina?

Mr. SCHWARTZ. I yield.

Mr. BAILEY. Will the Senator permit me to say that I was very far from singling out Wyoming? The Senator suggested Wyoming. I had not thought of Wyoming in this connection. He brought up the matter of one county in Wyoming.

As to my philosophy, to which the Senator referred, I do not take the view that the States should do the whole job; but I do take the view that the States, the counties, and the cities of this country ought to be required to do at least 25 percent of the job; and I do say it is their primary responsibility. That is my position.

I thank the Senator.

Mr. SCHWARTZ. I referred yesterday to an unfortunate, distressing situation that exists at the present time in the State of Wyoming. The Senator from North Carolina replied that it was Wyoming's business to look after its own people; so I assume he would make his suggestion equally applicable to every other State in the Union if a like situation arose. Otherwise, he would be singling out Wyoming. Now he says that all he is asking is that the sponsors shall contribute 25 percent.

Mr. BAILEY. At least that much.

Mr. SCHWARTZ. At least that much. Lest the Senator get the idea that Wyoming has been "riding free on somebody else's wagon," let me say that the fact is that the hearings from which the Senator read, and from which he cited the shares contributed by a few of the States, show that Wyoming has contributed 36.9 percent to its W. P. A. projects. At least our Administrator in Wyoming has not been trying to carry on a perpetually expensive operation.

Wyoming is a large State, with a small population. Therefore, naturally, in looking over the projects, the expense seems proportionately large; but our administrative expense in Wyoming has been 5.6 percent.

Lately, the situation has changed, and we are back where we were before. It happens that in different places we are caught in a situation in which we are unable to take care of ourselves. I previously made reference to the situation in one of our small counties. We are limited in our tax levies, both by the State constitution and by the statutes. The county to which I referred does not have a great deal of large, taxable property. For many years one of the prominent coal mines of the State has operated in the county to which I have referred. As I said yesterday, for almost the past year that mining property has been working part time. About 3 or 4 weeks ago the management shut down the mine permanently, and is engaged in salvaging what is left. Five hundred miners, most of whom are married and have families, were thrown out of employment in the middle of the winter. The situation to which I have referred is one in which we are unable to make the proper contribution through the State or the county.

So, I think the State of Wyoming could not be charged, even inferentially, with having gotten itself into a position in which it could not take care of its own people. Of course, we do take care of our own people, and always have done so; but in a time of extraordinary emergency, as a result of drought or other conditions over which we have no control, when suddenly a large part of our population requires extraordinary relief, the counties are not always able immediately to meet the need.

The State of Wyoming does not differ from the other Western States. In our constitution we have fixed a limit of 4 mills on the levy for State purposes, 12 mills for county purposes, and 4 mills for city purposes. We could, of course, have called a constitutional convention and endeavored to amend the constitution in time to keep some of our hungry citizens from starving, but such procedure did not seem reasonable.

We also have a State statute which limits us to a certain amount for the support of the poor. That statute, of course, was enacted as a result of past experience, and heretofore the amount has always sufficed; but under present conditions it happens that it does not suffice.

I merely wanted to make these few observations in view of what was said by the Senator from North Carolina.

Beginning in September 1936 the situation in Wyoming improved; and our administrator, so far from running wild and trying to get people jobs—the general supposition is that that is what is happening all over the country—reduced the personnel of the W. P. A. We reduced the personnel of W. P. A. 64 percent from early in 1936 until September 1937. We reduced the personnel of the National Youth Administration 34 percent; and we reduced the personnel of the Emergency Relief Administration 34 percent. The total decrease, compared with the situation a little over a year ago, is 62 percent.

In the past, as I have stated, we have made an average contribution to W. P. A. projects in Wyoming of 36.9 percent. Where it was possible, many of the sponsors were required to put up more than 50 percent. In some places the money was not available. The property valuations would not provide the money and the people were hungry. We did not require the local agencies to put up anything in such cases.

I think our administration compares favorably with the average for the other States of the Union. I think it is doing its job wisely and with reasonable discretion in the handling of particular projects.

Mr. MALONEY. Mr. President, I wish to comment briefly upon the amendment of the Senator from North Carolina [Mr. BAILEY]. Very reluctantly I find myself in disagreement with the proposal.

When we were considering an earlier relief bill, the very able Senator from North Carolina made a proposal which, in effect, provided that municipalities should make a contribution, I think, to the amount of 25 percent, unless they were able to prove that they were financially unable to do so, or, in other words, took a pauper's oath.

I was not in the Chamber when the pending amendment was read yesterday; but after listening to various Senators explain it, it seemed to me at first that it was a definite, mandatory provision that States and municipalities contribute 25 percent on W. P. A. projects. I said to the Senator then that it had a particular appeal to me, and I thought I could support the proposal; but during a very brief colloquy it developed that it was not a mandatory proposal and that discretion was left with the President of the United States. While the language of the amendment leaves discretion in the President, we know that it would be a physical impossibility for the President to inquire into the financial situation of the thousands of municipalities throughout the country; we know it would be a responsibility that he would have to delegate to others. We know

something of the frailties of human nature, and we know that if it were decided that some small community in my State, or in your State, Mr. President, was financially able to make a 25-percent contribution, the cost of making the contribution would fall upon the small home owners, the individual taxpayers. On the other hand, if it were determined that the State or the municipality should receive no Government funds because of inability to contribute, the entire burden of relief would fall on the small home owner and the little property owner.

I dislike to oppose a proposal of any kind when I am able to say that I am in sympathy with the objective. I do not like to be among those who say, "I am for this, but—." So, I should like to clarify my stand on this question by saying that if now or later a proposal is made to compel municipalities and States to contribute 25 percent of the funds allocated by W. P. A. for projects, I will unhesitatingly vote for such a proposal; but I do not like to see in a law the opportunity for discrimination and for favoritism that might come about as a result of carelessness or oversight. For these reasons, Mr. President, I am opposed to this proposal.

There are other reasons why Members of the Senate might properly oppose it. At this late day, 3 or 4 months before the end of the fiscal year, when we are making a supplementary addition to the annual relief appropriation, it is probably wrong to make this great change. It seems to me it might be more properly considered when we are providing an annual relief appropriation. If this amendment were to be adopted now, it might be necessary for States to call extraordinary sessions of their legislatures in order to provide relief money. In many municipalities it would be necessary to levy a special tax rate, and Members of the Senate know the confusion that would create. But, in spite of those obstacles, in spite of the validity of such an objection, I should be willing to vote for this proposal if there were wiped out the chance for the ordinary mistakes of human nature and the possibilities of favoritism and discrimination against one State or community in favor of another.

I should like to comment very briefly, Mr. President, on the second clause of the amendment now pending, which provides—

> That in cases of direct relief the President may require contributions in either materials or funds upon condition to allocations to any State, city, or political subdivision in such ratio as he considers just upon investigation, but in no case shall the local contribution be less than 20 percent of the allocation by the Works Progress Administration.

It seems to me that the particular proposal has no place in the amendment which has been offered. Insofar as I know—and I think I am correctly informed—the W. P. A. makes no direct-relief expenditures, and I cannot see the need of confusing this measure by imposing a restriction that, in effect, is not a restriction upon anything.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. BARKLEY. The author of the amendment yesterday explained that the object of that language was to provide in the case of communities which could not make a 25-percent contribution for a W. P. A. project that they also would be denied direct relief if the W. P. A. were even inclined to give them direct relief, because they could not raise the necessary amount of money to carry on a project. That is as I understood the Senator from North Carolina. In other words, that they could not get either a project or direct relief without putting up in one case 20 percent and in the other 25.

Mr. MALONEY. It seems rather unusual to deny funds for a project, because a local subdivision cannot contribute 25 percent, and then to insist that before it can get any direct-relief funds it must contribute 20 percent.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. MALONEY. I yield.

Mr. BAILEY. I fully agree with the Senator from Connecticut that with such an interpretation of purpose placed upon my motives as imputed by the Senator from Connecticut, it would be unusual. However, I did not say that. I am sure the Senator from Kentucky misunderstood me.

Mr. BARKLEY. I am sorry if I misunderstood the Senator. I know I inquired of him on that very point yesterday, and I understood him to say substantially what I have indicated.

Mr. BAILEY. I undertook to make it clear yesterday to the Senator from Kentucky, in response to his inquiry, that I had placed the second proviso in the amendment in order to prevent cities, towns, counties, and States which were unwilling to put up the 25 percent——

Mr. BARKLEY. Or were unable.

Mr. BAILEY. I said "unwilling."

Mr. BARKLEY. But the language of the amendment does not make any distinction between unwillingness and inability.

Mr. BAILEY. No; but read the amendment as a whole, as the Senator as a good lawyer would do. The first proviso definitely provides that the President may allow a city or county or State to have a project without a 25 percent contribution. The two provisos cannot be read together and have placed upon them the interpretation which the Senator from Kentucky has inadvertently placed upon them. It is conceivable, however, that upon a city being required to put up 25 percent it should say, "We are unwilling to do that," and then lie down on the Government, and say, "We have 100,000 people here out of work and you must send us money."

The second proviso relates directly to that possibility, so that we could say, "All right; if you are unwilling to put up any money, if you are trying to lie down on us, we will send you some money, but you must put up 20 percent." That is the whole purpose of the amendment.

Mr. BARKLEY. Mr. President, will the Senator from Connecticut allow me further?

Mr. MALONEY. I yield.

Mr. BARKLEY. The amendment provides that the President may make exceptions. Of course, the President himself cannot make the investigations.

Mr. BAILEY. I thoroughly understand that. The President would have to have someone do it for him. I agree to that.

Mr. BARKLEY. Suppose the President, with such facilities as are available, decides that a community can put up 25 percent and requires that it be done, and the authorities of the community, who know their financial condition better than do the President and his investigators, not because of any unwillingness but because of their inability to carry out the requirements, cannot put up 25 percent. They would then be denied any direct relief unless they could raise the required 20 percent.

Mr. BAILEY. Yes; but those same authorities could get a works project without a 25-percent contribution under the first proviso.

Mr. BARKLEY. They could do so if they could convince the President they could not put up the money.

Mr. BAILEY. I assume the President or those whom he would appoint would be reasonable in acting on the matter. I think that is a fair presumption.

Mr. WAGNER. Mr. President, would it be imposing upon the Senator from Connecticut if I should ask a question in connection with this amendment?

Mr. MALONEY. I yield to the Senator from New York.

Mr. WAGNER. I read:

> That in cases of direct relief the President may require contributions upon condition to allocations to any State, city, or political subdivision in such ratio as he considers just upon investigation—

But if there is to be any contribution required, that contribution, in all cases, must be at least 20 percent.

Mr. BAILEY. That is correct.

Mr. WAGNER. So that the President has no discretion; and if a contribution is to be required it cannot be less than 20 percent. The President could not say the community ought to contribute 10 percent if direct relief is to be afforded.

Mr. BAILEY. The President has absolute discretion in the matter of projects. He can allow projects.

Mr. WAGNER. I am speaking of direct relief, and in that case there must be a 20-percent contribution.

Mr. BAILEY. If a city chooses direct relief rather than a project free—that is the proposition—then the President could require the city to put up 20 percent, but under the first proviso——

Mr. WAGNER. That is what I am trying to find out. The President if he finds that a contribution is to be made must require at least a 20-percent contribution.

Mr. BAILEY. That is true, but he may allow a project for less than 20 percent, or for nothing. That would be the effect of the amendment.

Mr. MALONEY. Mr. President, in conclusion, I should like to lay emphasis on the fact that I am in sympathy with the objective of the Senator from North Carolina; I should welcome the chance to vote for a mandatory contribution provision; I share his feeling that the States of the Union are able to make a contribution to the relief problem; I share his opinion also that it is a responsibility of the States and municipalities, and I only regret that I cannot go along with him because it is made discretionary, and I fear the possible consequences and dangers.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. BAILEY], as modified by the amendment of the Senator from Vermont [Mr. AUSTIN].

Mr. BAILEY. Mr. President, if the debate is at an end, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Calif.	Pope
Andrews	Davis	Johnson, Colo.	Radcliffe
Ashurst	Dieterich	King	Reames
Austin	Donahey	La Follette	Russell
Bailey	Duffy	Lee	Schwartz
Bankhead	Ellender	Lodge	Schwellenbach
Barkley	Frazier	Logan	Sheppard
Berry	George	Lonergan	Shipstead
Bilbo	Gerry	Lundeen	Smathers
Bone	Gibson	McAdoo	Thomas, Okla.
Borah	Gillette	McKellar	Thomas, Utah
Brown, Mich.	Glass	McNary	Townsend
Bulkley	Green	Maloney	Truman
Bulow	Hale	Miller	Tydings
Burke	Harrison	Milton	Vandenberg
Byrd	Hatch	Minton	Van Nuys
Byrnes	Hayden	Murray	Wagner
Capper	Herring	Neely	Walsh
Caraway	Hill	Norris	Wheeler
Chavez	Hitchcock	Nye	
Clark	Holt	O'Mahoney	
Connally	Hughes	Overton	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

Mr. BYRNES. Mr. President, I shall vote against the amendment, and therefore desire to make a statement with reference to it.

In the last Congress I offered an amendment requiring a greater contribution by the sponsors of projects, and specifying what the contribution should be. I have not changed my view as to the wisdom of having the law specify the contributions which should be made by the sponsors of projects.

In the course of the investigation I have been making upon this subject by direction of the Senate I determined that we should first ascertain the ability of States, counties, and cities to make contributions, and, looking to that end, have had a committee make a detailed survey of the financial condition of States, cities, and counties in order to determine their ability to contribute and their taxpaying capacity. The survey that was undertaken by our committee has not as yet been completed, but will be within 10 days, and the first week in March has tentatively been set by us for the presentation of the testimony.

Involved in that matter are several other questions, among them the determination as to whether the contribution that is required of a State should be the average contribution, and whether the same percentage should not be required for every project, some of the statements made to us indicating that it is not only possible, but that it is proper, to demand a larger contribution for construction projects and a lesser contribution for the so-called white-collar projects, involving all labor and no materials.

Involved, too, are several other question, which I will not take the time of the Senate now to discuss. But in determining my course with reference to this particular measure, I told members of the Committee on Appropriations that it was my opinion that the question of matching by the sponsors is one in which I am interested, as well as the other questions incident to the question of unemployment relief. Whether it should be conducted through W. P. A. or whether the Federal Government should aid the States and permit the States to determine how much shall be used in work relief and how much in direct relief, and all the other questions, should first be considered in the committee, and with great care should be determined by the committee, and then the results presented to the Senate for consideration 3 weeks or a month from now, when the President must submit an estimate for the next fiscal year.

It was my opinion that if there were justification for a deficiency appropriation—and I believe there was—the deficiency appropriation should be made as the President has requested it, to carry out the law which was passed by the Congress for this year, and that it would not be practicable or wise to attempt at this time to change the provisions so as to apply the change to this $250,000,000 appropriation, and impose limitations and restrictions which did not apply to the unexpended balance of the one and a half billion dollars.

I do not believe that on the floor of the Senate without consideration which can be given in committee, it is wise to adopt this amendment. I say that with regret, because I listened to the Senator from North Carolina yesterday, and with most of what he stated with reference to this matter, certainly as to the financial condition of this Government, I am in hearty accord. I believe, however, that the matter should be taken up by the committee appointed by the Senate to consider this question, and that the committee should be permitted to conclude its consideration. The Senate has the assurance that the committee, of which I am chairman, will report to the Senate before the estimates for the next fiscal year are considered, and then the Committee on Appropriations of the Senate, having before it the recommendations of the special committee, can determine what form we shall give to the appropriations for direct relief and work relief, if we conclude that we must make such appropriations from year to year.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. HAYDEN. The Senator's objection to the pending amendment is quite similar to the objection he made to an amendment I offered a few days ago, is it not?

Mr. BYRNES. It is exactly the same. I know that the Senator from North Carolina has given consideration to this question, but on reading the amendment I am afraid that it might be construed as requiring a contribution of only 25 percent, when the administrator is requiring in my State today nearly 40 percent, and he should require it. I would not want that changed in my State, or in any other State. Certainly as to some projects, 40 percent is proper, and the sponsors are willing to pay it. I believe that if the amendment should be adopted in the form in which it now appears, it might be interpreted as justifying the administrator in asking a smaller contribution in some instances than he is now receiving.

While I am discussing this matter, I desire to say that I have the same objective in mind the Senator from North Carolina has. I have no apologies to make for the fight I made last year. Sponsors throughout this country said they could not increase their contributions. We were told by officials of the Works Progress Administration that it could not be done. However, as a result of the discussion on the floor of the Senate, as a result of the disclosures as to the

varying contributions that were required, the Administrator did demand larger contributions from the sponsors of projects throughout the country, and today, instead of there being an average of 13.5 percent of contributions for the country, it is 23 percent. Therefore, as a practical matter the effect of the adoption of the resolution is the difference between 13 percent and 23 percent.

I want to see what the survey being made by our committee will show. I think it will show that States, counties, and cities can contribute much more than 25 percent, certainly as to some projects. Surely we should not leave any doubt in the minds of those who will administer the law that we do not want any reduction, when the debt of the Federal Government is, as the Senator from North Carolina says, $38,000,000,000, and when in many States, instead of increasing their debts, they have been reducing them, and instead of exceeding their incomes they are living within their incomes, while the United States Government is borrowing money to pay interest on the money it borrows. But in some other States that is not the case, and the matter should be gone into, I think, with great care, in order to make sure that in handling the relief question we will not do an injustice to some State or county or city unable to meet the requirements which others can meet.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. BARKLEY. The mere fact that some communities, under the present plan of approving projects, are contributing as low as 4 percent, others 10 percent, and others 12 percent, shows that many of them are contributing more than 25; otherwise there could not be an average of 23.

Mr. BYRNES. Of course, I must admit that when we first introduced the bill in the last session of the Congress we had not gone into it in the committee as fully as we thereafter went into it. I recognize that there are differences in projects. There are some projects the nature of which is such that the sponsors cannot contribute 25 percent. There are other projects to which they ought to contribute more. The sponsors throughout this country do not hesitate to go to the P. W. A. and put up 45 percent. Appropriate this money to P. W. A. today and there will be found no lack of applicants at the Public Works Administration asking for the privilege of putting up 45 percent. But when they come to W. P. A., even though they have a project which has been considered by the Public Works Administration, they say, "Oh, no; we cannot do that." Then we force upon the Administrator the duty of trying to make them put up as much as they should on every project.

I do not know the answers to all of the questions which arise as to this very important and very complicated subject. I promised earlier in my statement today—and I mean to stand by the promise—that before the estimate for the next fiscal year is considered my committee will make a report in an attempt to make such contribution as it can toward the solution of the question. It must be considered and considered carefully if we are to be able to say that this problem is one that we are going to handle successfully through the years to come.

Mr. BARKLEY. I agree with the Senator as to that. I think it is a question that must be carefully considered, and considered in connection with a long-term program. But all we must consider now is the effect for 4 months. At the end of that time we may find that we must adopt a rule of more permanent nature for the solution of the problem.

Mr. HAYDEN. The Senator will remember that I opposed the amendment a year ago for the reason he is now giving, that we did not have adequate information. I am happy to know that a study is being made, and I am sure that out of it we shall be able to evolve a sound policy.

The Senator will also remember that I opposed the amendment, a part of which we have before us, when it was offered by the late Senator from Arkansas [Mr. ROBINSON]. At that time I called attention to what I considered the vice of the amendment, and the same vice appears in the pending amendment. It indicates a 25-percent contribution, but that does not mean anything. That percentage can be moved up or down in the discretion or judgment of various officials in respect to individual cases. For that reason I doubt now, as I did then, the advisability of adopting the amendment.

The second part of the amendment relates to direct relief, and it has been my understanding that that was an obligation of the cities, counties, and States. It may be a mistake to have the amendment indicate that 25 percent would be paid in direct relief.

Mr. BYRNES. As the Senator knows, the statement made to the committee was that no part of this appropriation will be used for direct relief. I think there is no doubt about that, and that particular part of the amendment would not apply.

I have no objection to the principle of having the States make contributions, the principle stated in the amendment of the Senator from North Carolina, but inasmuch as this joint resolution seeks to make available an amount only for the remainder balance of this fiscal year, for 4 months, I think it would be unwise to change the direction of the Congress as to the limitation upon the expenditure of the fund. I believe it would be better, even from the standpoint of those who share the views which are entertained by the Senator from North Carolina and by me, that the matter should be permitted to go over until the estimate is submitted for the next fiscal year, when the Congress will owe it to itself to determine how this money should hereafter be spent.

Mr. BORAH. Mr. President, I understand this amendment would relate to and have effect only upon the $250,000,000. That would leave the other sum to be utilized under the general rule. It seems to me that that constitutes a pretty serious objection.

Mr. BYRNES. Mr. President, I will say to the Senator from Idaho that that is a question which caused me, in the consideration of this amendment, to refrain from offering several proposals which I do want to suggest at the proper time for consideration by the Senate. However, I do not believe it would be wise to have two different provisions, one to govern the expenditure of $250,000,000, and the other to govern the expenditure of the approximately half a billion dollars remaining in the unexpended balance.

When this $250,000,000 is appropriated, under the language of the joint resolution to what must it be added? It must be added to the unexpended balance which is now in the Treasury. Once it is in the Treasury, then it is all one fund, but there would be two different rules, two different yardsticks, one by which the $250,000,000 could be expended, and one by which $500,000,000 could be expended. I do not believe it would be wise so to provide.

Mr. McKELLAR. Mr. President, this is substantially the same amendment that was offered to the relief bill last year, and which was voted down by a substantial majority. I am very hopeful that the Senate will vote it down again. For the reasons which have just been so well stated by the Senator from South Carolina, and for other reasons, it seems to me we should not place this limitation on the measure.

Like the Senator from South Carolina, I believe that the discussion in the Senate last year tended to help in the administration of the fund. The money is primarily for the purpose of giving work to people who are not employed. Of course, under those circumstances, as it seemed to me then, and as it seems to me now, the administrator should have a leeway, he should have discretion. In one community it would be necessary for the sponsors to put up more money than in another community. I do not see how it can well be argued otherwise.

Mr. President, if we adopt this amendment we will provide a fixed rule with respect to the expenditure of the fund. In making this argument I am not arguing for my own State. I am informed by the authorities that my own State puts up a greater amount than any other State in the Union. I am very happy that it does. I am not complaining about that matter at all. I realize that in some States it is necessary for the localities to contribute more than has to be contributed in other States. I am willing to leave

that to the good judgment, to the very excellent judgment, of the administrators of the fund. I believe they have done a splendid job. I believe the W. P. A. officers all over this country have done a splendid job, and we ought not to limit them as provided in the amendment, and I hope the amendment will be voted down.

Mr. BAILEY. Mr. President, I have been very much gratified by the statement of the junior Senator from South Carolina, the chairman of the subcommittee in charge of the measure.

Mr. BYRNES. Mr. President, I must tell the Senator that I am chairman of the Unemployment Committee of the Senate.

Mr. BAILEY. I thank the Senator for the correction. I have been very much gratified by his statement, and by the statement of the leader on the Democratic side as to what we may fairly expect.

Let me see if we can get that in definite form. The chairman of the Committee on Unemployment stated that his committee was investigating this whole matter, and that it would report prior to the submission of the relief bill for the ensuing year. The chairman of the Committee on Unemployment stated that his committee was investigating the whole subject of unemployment in the light of the present conditions and the extraordinary increase of unemployment. He stated he was also investigating the matter of Federal relief and its relation to the State and its political subdivisions.

Mr. BYRNES. That is correct.

Mr. BAILEY. He stated that he had in contemplation that the committee will report to the Senate prior to the passage of the relief bill for the ensuing year, with respect to some plan of handling this matter, with a view to a definite resumption of responsibility by States, counties, and cities according to their capacity.

Mr. BYRNES. Mr. President, that is a correct statement of exactly what is being done.

Mr. BAILEY. I understand from the leader on the Democratic side, the senior Senator from Kentucky, that he has in contemplation that the report will be favorably regarded by him.

Mr. BARKLEY. I do not know. I have not seen it. I do not know what it will be. I shall make no committal on the report until I see it.

Mr. BAILEY. Did not the Senator express himself favorably to the suggestion?

Mr. BARKLEY. I want to state frankly to the Senator that when this matter was up a year ago I was opposed to the amendment in the form in which it was offered, for the reason which I gave then, and in the absence of additional information on the subject I personally still occupy the same position I occupied at that time.

I think it is unfair—and I will continue to think so until the additional information changes my opinion about it—to fix a rigid requirement on the part of any community to put up a certain percentage of money necessary to inaugurate a W. P. A. project, but I am always amenable—I hope I shall always be amenable—to new information which may be gathered by the Senate and its committees on any problem that confronts us. I certainly will take into consideration very carefully the report of the committee of which the Senator from South Carolina is chairman, and I have no preconceived notions which would preclude me from modifying my views in the light of new information. I do not want the Senator to understand by what I said a while ago that, in advance, I have taken a position favorable to the theory which he himself entertains, or the theory entertained last year by the Senator from South Carolina, because I was on the other side of that controversy at that time.

Mr. BAILEY. I am glad to have the statement, Mr. President, because I gathered from what had been said by the Senator from Kentucky that he was giving some favorable countenance to the statement made by the Senator from South Carolina.

Mr. BARKLEY. I was giving favorable countenance to his objection to the amendment at this time, with the reservation that, in the light of information which he will reveal, we might more deliberately consider the whole question when the other appropriation measure comes in. But I should not want to be foreclosed as to any position I might take individually when the time comes to consider the question.

Mr. BAILEY. I did not wish to foreclose the Senator.

Mr. BARKLEY. I know the Senator did not.

Mr. BAILEY. But I shall proceed rather cautiously, and with no disposition to have the Senator committed beyond what he thinks would be fair. I am trying to make some progress in this matter. Would the Senator from Kentucky look with favor upon some formal proposition coming from the committee which is investigating the whole subject, intended to place upon the States, the counties, and the cities a fair degree of responsibility in the circumstances?

Mr. BARKLEY. In the absence of additional information on the subject, my view at this time is that W. P. A., with the flexible authority which it has, is requiring from the communities all they can now put up. The amount in each case is a flexible, variable quantity. As I said a while ago, some communities cannot put up anything, but I think most communities can, and they are being required to do so. Some communities are putting up 4 percent, some 8, some 10, some 12, and some 50 or 60. The average is about 23 percent, which shows that many of them are putting up more than 23 percent, or it would not be possible to have an average of 23 percent. Many communities are putting up less.

I am not now favorably inclined, and I should not want to commit myself later to be favorably inclined, unless I am convinced I am wrong, to a rigid requirement of any particular percentage that we should require any community to put into a project before unemployment can be relieved by the inauguration of the project itself.

After all, the problem is one of unemployment. While incidentally we hope that the work to be done will be valuable and that the improvements made in every community will be lasting and permanent, the primary object is to give men work and to allow them to earn what they get out of the public, whether it be the community, the State, or the Federal Government. I think if we do not continue that sort of flexibility, we tend to favor the richer communities because of their greater ability; and we might, without intending to do so, carry out the Biblical injunction that "He that hath, to him shall be given; and he that hath not, from him shall be taken even that which he hath."

Mr. BAILEY. I understand perfectly the interpretation of the Biblical injunction. The Federal Government has nothing, and we are taking from it that which it does not have.

Mr. BARKLEY. The Federal Government has much more power to get something than have many of the local communities.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BAILEY. I wish to respond to the Senator from Kentucky, and then I will yield.

The Senator has made it perfectly clear to me that he is not willing to be committed, as leader, to any definite scheme for placing responsibility upon the counties, the cities, and the States. I take it that means that we shall have to continue to take what the cities, the counties, and the States in their generosity may finally decide to let us have.

I now yield to the Senator from South Carolina.

Mr. BYRNES. Mr. President, I did not think there could be any misunderstanding of my statement.

Mr. BAILEY. I did not misunderstand it.

Mr. BYRNES. I do not think the Senator did. I say that only because of the way in which it was expressed by the Senator from Kentucky.

I should not assume to speak for the committee of which I happen to be chairman. I am not permitted to do so. What I stated to the Senator was that week after next there will be presented to our committee the result of the survey

which has been made by a group of experts during the past 3 or 4 months. The information they have gathered has been obtained at some considerable cost and considerable effort. I do not think we should go into the question on this particular measure. Information as to the ability of States, counties, and cities to contribute, including information not only as to their financial condition but as to their taxpaying capacity, will be submitted to the Senate, so that the Senator from North Carolina and all the other Members of the Senate, in the light of complete information on the subject, may determine what shall be done with the problem before us.

I know the Senator from North Carolina did not misunderstand me. I was not endeavoring to speak for the committee.

Mr. BAILEY. I did not undertake to say that the Senator was speaking in any capacity except that of chairman of the committee. I understood he was not speaking for the committee.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. McKELLAR. I understand the position of the Senator, and it has much force. The Senator has certainly presented it in an able manner.

Mr. BAILEY. I thank the Senator.

Mr. McKELLAR. As to the question of the contributions of the States, counties, and local communities, I ask the Senator if he does not think splendid progress has been made since last year. The average amount contributed by the local communities is 22.8 percent, I believe. It seems to me that in the present condition of our country we have quite a remarkable showing by the W. P. A. itself. It is a showing which we ought not to ignore, but which we ought to approve. We ought to aid the W. P. A. in carrying out its program. If the W. P. A. finds that it can obtain a larger proportion in a proper way without doing injustice to anyone, it will continue to do just what it is now doing.

Mr. BAILEY. I think we have made a great deal of progress since the matter was first brought forward. I recall with some satisfaction that I first brought it forward. I was sorry when the resolution offered by the late Senator Robinson was defeated; but I still believe that the very fine speech he made in support of the resolution, the very fact that he supported a resolution of that sort, was most influential in the conduct of the W. P. A. I believe if we continue to agitate this matter we shall be aided not only by considerations of reason and of logic but by considerations of necessity.

I am sure the Federal Government is not going to be able to carry on in this matter of relief. I think we should teach the counties, the cities, the States, and the other subdivisions of Government to look to themselves, for the time is coming when they must look to themselves. They are breaking the Treasury of the United States. We are not raising the money, Mr. President. We are not getting any revenue for this purpose. We are simply handing little notes to banks, which have to honor them; that is all. If we had the revenue, I should feel better. The revenue is going down, not up. The expenses of the Government are going up, not down. The tide of unemployment is rising. I feel that we may render some service here by insisting that the cities, the counties, and the States look more to themselves, because the hour is coming when probably they will have to look altogether to themselves if we go on at the rate we are going.

One more word: I had intended, if the leader had made the statement which I understood him to make and which I now thoroughly understand he did not make, to withdraw the amendment; but I do not think I can do so without some assurance. I am glad to have the assurance we have had from the Senator from South Carolina in his capacity as chairman of the special committee. Regardless of the result of the vote today, I believe a roll-call vote will be salutary. I intend to ask for it. Before I take my seat, however, I desire to say a word or two about some remarks which have been made on the floor of the Senate.

The proposed appropriation is a special appropriation, Mr. President, and it is not going to the States. The appropriation is for a few congested communities. No part of the money is going to Nebraska. No part of it is going to Mississippi. Nebraska and Mississippi do not need it, to begin with. No part of the money is going to North Carolina or to Virginia.

The demand for the money comes from a half dozen, or perhaps a dozen, great cities in America. It comes from Detroit, from Cleveland, from Chicago, from New York, perhaps from Boston, from Pittsburgh, and perhaps from St. Louis and San Francisco. Those cities are the richest cities in the world—not just in America, but anywhere. The cities I have mentioned are calling upon our States, and calling upon me, to vote money which I know will come out of the pockets of the people of North Carolina.

The people of North Carolina are not able to take care of the people in Detroit. We are a very generous people, and we take care of the people of Detroit to a great extent by buying as many automobiles as we can, but that is as far as we can go.

On the basis of population, the proposed appropriation amounts to $4,000,000 from North Carolina. I know that I have not the right to think only in terms of my State, but at the same time I have the duty to consider my State.

Mr. POPE. Mr. President, will the Senator yield?

Mr. BAILEY. I will yield to the Senator in a moment. I think we should apply a curb. It is proposed to give the money to a few great centers which, if they were willing to put property taxes on themselves, would not be calling on us for the money. We do not get our taxes back from them, for we issue bonds. There is nobody taxed except our children and our grandchildren. Let that be realized.

Now, I am asked to vote taxes on my children and grandchildren in order to relieve people in the great cities who could pay the cost of taking care of their unemployed for at least a half or a fourth of the cost. I am unwilling to do that.

I wish to say a word about the distribution of wealth. This is not a distribution of wealth scheme either, nor is it a distribution of present income. It is a distribution of future income of children born and unborn, and I am unwilling to do that, too. I do not care to rob the little children round about us, and I certainly do not want to do it when those living in great cities, with their buildings towering to the skies and their treasuries overflowing with bonds, are unwilling to put a property tax upon themselves which is necessary in order to take care of the needy of their own cities. When our cities break down in America, everything is broken down. If we cannot look to New York to take care of the needs of New York, how can the people of New York hope that my city of Raleigh will help take care of New York or my county of Wake or some farmer there will do so? That is the size of it; but that is not the worst of it.

The proposition here is one to reach into the future by way of bonds, to take the money out of the pockets of the children who are now growing up and perhaps of children who are yet unborn. I do not think that is a sound proposition or even a just one at all.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. SHIPSTEAD. Does the Senator mean to say that he is worried about future generations paying this debt?

Mr. BAILEY. No; I am not worrying about it because I do not want to put the debt on them. I would be worried if I were putting the debt on them. I have no right to do it.

Mr. SHIPSTEAD. Does the Senator mean to say that he thinks this debt will be paid?

Mr. BAILEY. As an honorable man, I expect all honorable men to pay their debts, and God forbid the day will ever come when any city, county, State, or the American Republic will repudiate its debts. Such a thing is inconceivable, and I will not think of it.

Mr. SHIPSTEAD. Everyone is aware that the Senator is an honorable man, but even honorable men at times cannot pay their debts. Does the Senator mean to say that these debts are going to be paid?

Mr. BAILEY. I catch the point of the Senator's remarks, but I am not going to contemplate that. I would not be a Senator in a government that would issue bonds with a feeling that they were not going to be paid. I would not do that. I would be conspiring in a fraud when I did it. No; notwithstanding the difficulties, I am going to assert, and I am going to hold to it, that the United States Government will pay its debts, no matter how great they may be. I would not think anything else.

Mr. SHIPSTEAD. I am confident that the Federal Government will pay its debts, if its citizens can produce sufficient wealth and have sufficient income to pay the taxes.

Mr. BAILEY. I appreciate the Senator's point, but I may say to him that I am not willing for a moment to tolerate a situation in which we authorize debts to be incurred with even a feeling that they are not going to be paid. I am going to say that our little children after us will pay them for the sake of their own honor and the honor of their country. I am saying it is wrong for us to put it on them when we could say to the cities that are calling for this money, "Levy a tax on your property; you stand the gaff"; and they would raise it.

The whole thing is a matter of "passing the buck" to the Federal Government and we "passing the buck" to unborn children. That is all it is. It is very simple to put it to the test. Let New York, let Boston, let Detroit, let Cleveland levy a tax to pay the cost, instead of asking us to issue bonds which we know will not be paid for 40 years, and which we know will be a burden upon the children growing up around about us. That is the situation.

Mr. President, I am going to make a few remarks more and then I am going to take my seat. Here is the record of the money that has been spent. It is on page 104 of the report on progress of works program, dated December 19, 1937, table 10.

The total available for allocations as of October 31, 1937, was $8,421,000,000. How much do you suppose, Mr. President, New York State got of that? It got $1,000,000,000, or one-eighth of the entire amount. Pennsylvania got $628,000,000 and Illinois got $426,000,000. The three States together got more than $2,000,000,000 of the $8,000,000,000, or one-fourth of the whole. I want to check that; it is wrong. They are rich States. The per capita income in New York is twice the per capita income in North Carolina; yet they are calling on us. The per-capita income in Illinois is twice the per-capita income in North Carolina; yet they are calling on us. It is not right.

Let me go further and add to the three States to which I have referred, California, which received $424,000,000, Ohio which received $400,000,000, and Massachusetts which received $288,000,000. I have named six of the richest States in the American Union, rich in possessions and rich in per capita income. They have a larger per capita income than any State west of the Mississippi River or any State south of the Mason and Dixon's line. The three States last named—California, Ohio, and Massachusetts—got $1,112,000,000, making a total for the six States of $3,200,000,000. Taking $3,200,000,000 out of $8,421,000,000 we find, in round numbers, that the six States named got three-eighths of the money paid out. I think it is time to look into this matter; I think it is time to check it.

I have another remark to make. What do we want with this money right now? We have $545,000,000 to the credit of the W. P. A. as of February 1. We have 2,000,000 people on the relief roll as of February 1; we have 5 months to run from February 1 to the 1st of July. We are asked to appropriate $250,000,000. Adding the $250,000,000 to the $545,000,000 we have practically $800,000,000 available with which to carry on the business of W. P. A. relief for 5 months. With 2,000,000 on the relief roll that is equivalent to $80 per man per month. If the number on the relief roll is increased to two and a half million, then, the amount available would provide $60 per man per month; and if the number should be increased to 3,000,000 the amount available would provide for $50 a month each.

I will say something about that. Mr. President, you may think that $50 a month is very low, but it is not very low. The per capita income in North Carolina is less than that; the per capita income in North Carolina is about $25 or $30 a month. Yet we are putting taxes—and the poor people pay the taxes; do not mistake about that—we are putting taxes upon poor people down there, whose incomes are $30 and $40 a month, in order to pay $50 a month to people on relief in the richest cities in the world. Something has got to be done about it. I am going to hammer at this thing until we get it right. I know the amendment is not going to be adopted; I never thought it would be; but I have not any question that it will be adopted in due season. I think the big battle is going to be fought when the Unemployment Committee reports. I am glad we have fought this battle, and I am going to fight it out on this line if it takes my whole term in the Senate. When we get through, we are going to have an end to placing taxes on people whose incomes are 20 or 30 dollars a month in order to pay 50 or 80 dollars a month to people on relief in the great cities. We are going to put a stop to putting taxes on the people of the State of North Carolina whose per-capita income is only half that of the people of New York in order to take care of people in New York. It is wrong.,

So, Mr. President, I ask for a yea-and-nay vote on my amendment.

Mr. GEORGE. Mr. President, before a vote is had on this amendment I desire to say a few words. I understand that the amendment is not applicable to direct relief, because under existing law none of this appropriation, including the $250,000,000 to be appropriated by the joint resolution, can be applied to direct relief.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. GEORGE. I do.

Mr. ADAMS. I think the situation is not quite as the Senator has stated it. I think under the law there is no prohibition against direct relief, but under the policies of the Works Progress Administration none of the money is given for direct relief. I think it is a matter of policy rather than of straight law. The appropriation, as I see it, runs for "relief and work relief," so that under the law it would be possible to give direct relief; and it should be added that a certain portion of these appropriations is turned over to the Farm Security Administration and some direct relief is given to farmers in distress by that organization. None is given by the Works Progress Administration itself.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. GEORGE. I yield to the Senator from South Carolina.

Mr. BYRNES. Perhaps the Senator was misled by my statement. I was referring to a statement before the committee that it has been the purpose of the officials that this money should be applied only to work relief, with the exception of the funds to which the Senator from Colorado has referred, supplementing the Farm Security Administration in its direct grants. Though the language of the law does say "relief and work relief," the money is not being spent this year by the Federal Government for direct relief, except in the manner the Senator from Colorado has stated—a comparatively small amount for direct grants.

Mr. GEORGE. Then, Mr. President, as I understand, in practical application the $250,000,000 provided by the joint resolution is to be used for work relief, with the exceptions noted by the able Senator from Colorado and the able Senator from South Carolina.

Mr. President, I wish to say just one word on this amendment. I am very much impressed, of course, by the statement made by the distinguished Senator from North Carolina [Mr. BAILEY], who offered the amendment. I voted for

the amendment in principle when it was offered by the late Senator Robinson, of Arkansas, the leader on this side of the Chamber; but I am going to vote for this amendment, Mr. President, for an additional reason, or perhaps I should say for an all-inclusive reason, but one which to me is absolutely fundamental. I shall not only vote for the amendment, Mr. President, but, so long as I retain my seat in this body, I shall lose no opportunity to cast every vote I have the opportunity of casting in line with the principle I am now declaring.

This amendment seeks to condition work projects upon some fair contribution by the local community, by the city, by the county, or by the State in which the project is located. It is not for that reason alone that I favor the amendment but also for this reason:

By this amendment the Congress of the United States is at least expressing some disposition to exercise some control over the public money we appropriate. I shall lose no opportunity from now on to vote, every time I can vote, for that principle. I have tried to do it in the past, but I shall take every possible opportunity in the future to vote for that principle and for a reassertion of the responsibility of the Congress of the United States in the expenditure of the taxpayers' money.

This is a very minor restriction upon the expenditure. It may not be altogether a wise restriction upon it; but the responsibility is that of the Congress, and it is not the responsibility of an executive agent who may expend the money virtually without restriction, without let, without hindrance. That, to my mind, is a most dangerous practice, one that is more utterly lacking in any justification than any other policy the Congress of the United States has adopted in recent years.

Mr. President, I am not particularly or directly criticizing the Works Progress Administration—not at all. I am perfectly willing to concede that Mr. Hopkins has done a commendable job. At least he has been charged with a frightful responsibility, and, so far as I am able to say, he has met his responsibility in a creditable way. That, however, does not affect the broader principle, the vital principle, the principle which goes to the very roots of free government in America. It does not stop one iota of an inch short of the basic roots of free government in this country. I welcome this opportunity, and I welcome every opportunity to place some restrictions upon the expenditure of public funds, and I shall doubly welcome the final opportunity of returning to the Congress itself full responsibility for full direction of such expenditure.

Mr. President, I know there are those who will say that when the welfare of human beings is at stake and human suffering is present and is imminent large discretion must be vested in some official; that Congress cannot direct how the money shall be spent. It may be that the expenditure cannot be directed in detail. It may be that we cannot descend into minutiae; but, to my mind, it is begging the question, it is an indefensible evasion of the responsibility resting upon the Congress of the United States, to say that we cannot give reasonable direction to and cannot exercise reasonable control over the expenditure of the taxpayers' money.

I know that the Congress does not believe that. I know that the people of the United States do not take any stock in it. I also know that the constituency of each Member of this body will have a perfect right to hold us accountable for the appropriation of money to be spent without direction, without control, without even a general control over the funds appropriated.

This amendment, while it conditions the approval of the project upon a minimum contribution by the political subdivision in which the project is located, and does not go very far, also indicates that there is a sense of responsibility in the Congress itself for the manner in which, for the places where, for the general conditions under which we are going to permit executive agencies to expend the money of the taxpayers. That is why I shall vote for the amendment. That is why I shall continue to vote for some restrictions, as long as they are at all reasonable, upon the expenditure of money taken out of the Treasury of the United States.

Mr. President, I repeat that my purpose in making this statement is not specifically or particularly to criticize the manner in which public funds for general relief purposes have been expended. Undoubtedly I, as well as other Senators, might be able to criticize specific expenditures. That is not the purpose and that is not the cause which inspires this statement upon my part. It is made because of my willingness to recognize the responsibility of Congress to direct and to control the expenditure of public money when we make appropriations of public money for any and all causes that we deem to be worthy.

Mr. BORAH. Mr. President, before the Senator takes his seat, may I ask him a question?

Mr. GEORGE. I yield to the Senator from Idaho.

Mr. BORAH. I do not quarrel with the principle which the Senator has stated. It is a sound principle, but this amendment does not give us any control whatever over this money.

Mr. GEORGE. I stated, if the Senator from Idaho pleases, that the amendment gives us very little control; that at most we are merely prescribing one condition which must be observed in the approval of work projects within a political subdivision or county or State. It is a very mild restriction, and it is a very mild assumption of responsibility by the Congress.

Mr. BORAH. Yes; it is rather timid.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Colo.	Pope
Andrews	Davis	La Follette	Radcliffe
Austin	Duffy	Lee	Reames
Bailey	Ellender	Lodge	Russell
Barkley	Frazier	Logan	Schwartz
Berry	George	Lonergan	Schwellenbach
Bilbo	Gerry	Lundeen	Sheppard
Bone	Gibson	McAdoo	Shipstead
Borah	Gillette	McKellar	Smathers
Brown, Mich.	Green	McNary	Thomas, Utah
Bulkley	Hale	Maloney	Townsend
Bulow	Hatch	Miller	Truman
Burke	Hayden	Milton	Tydings
Byrd	Herring	Murray	Vandenberg
Byrnes	Hill	Neely	Wagner
Capper	Hitchcock	Norris	Walsh
Caraway	Holt	Nye	
Chavez	Hughes	O'Mahoney	
Connally	Johnson, Calif.	Overton	

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the senior Senator from North Carolina [Mr. BAILEY], as modified.

Mr. BAILEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McNARY (when his name was called). On this question I have a pair with the senior Senator from Mississippi [Mr. HARRISON], which I transfer to the junior Senator from New Hampshire [Mr. BRIDGES] and vote "yea."

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness. If present, he would vote "yea."

The roll call was concluded.

Mr. HILL. The senior Senator from Alabama [Mr. BANKHEAD] is unavoidably absent on public business. If present, he would vote "nay."

Mr. SHIPSTEAD (after having voted in the negative). I have a pair with the senior Senator from Virginia [Mr. GLASS] who, I understand, is absent. I am not informed as to how the Senator from Virginia would vote if present, and, as I cannot get a transfer, I withdraw my vote.

Mr. BARKLEY. I announce the unavoidable absence of the senior Senator from Illinois [Mr. LEWIS]. If present, he would vote "nay."

The senior Senator from Utah [Mr. KING] is paired on this question with the junior Senator from Pennsylvania [Mr. GUFFEY]. If present and voting, the Senator from Utah

[Mr. KING] would vote "yea," and the Senator from Pennsylvania [Mr. GUFFEY] would vote "nay."

The Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Illinois [Mr. DIETERICH], the Senator from Ohio [Mr. DONAHEY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Kansas [Mr. MCGILL], the Senator from Florida [Mr. PEPPER], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on important public business.

The Senator from Arizona [Mr. ASHURST], the Senator from Virginia [Mr. GLASS], the Senator from Utah [Mr. KING], the Senators from Nevada [Mr. MCCARRAN and Mr. PITTMAN], and the Senator from Oklahoma [Mr. THOMAS] are absent on official business.

I further announce that the Senator from Mississippi [Mr. HARRISON], the Senators from Indiana [Mr. MINTON and Mr. VAN NUYS] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The result was announced—yeas 25, nays 47, as follows:

YEAS—25

Austin	Davis	Johnson, Colo.	Russell
Bailey	George	Lodge	Townsend
Berry	Gerry	Logan	Tydings
Burke	Gibson	McNary	Vandenberg
Byrd	Hale	Miller	
Capper	Holt	Milton	
Copeland	Johnson, Calif.	Radcliffe	

NAYS—47

Adams	Connally	La Follette	Overton
Andrews	Duffy	Lee	Pope
Barkley	Ellender	Lonergan	Reames
Bilbo	Frazier	Lundeen	Schwartz
Bone	Gillette	Maloney	Schwellenbach
Borah	Green	McAdoo	Sheppard
Brown, Mich.	Hatch	McKellar	Smathers
Bulkley	Hayden	Murray	Thomas, Utah
Bulow	Herring	Neely	Truman
Byrnes	Hill	Norris	Wagner
Caraway	Hitchcock	Nye	Walsh
Chavez	Hughes	O'Mahoney	

NOT VOTING—24

Ashurst	Donahey	McCarran	Shipstead
Bankhead	Glass	McGill	Smith
Bridges	Guffey	Minton	Thomas, Okla.
Brown, N. H.	Harrison	Pepper	Van Nuys
Clark	King	Pittman	Wheeler
Dieterich	Lewis	Reynolds	White

So Mr. BAILEY's amendment was rejected.

Mr. WALSH. Mr. President, I should like the RECORD to show that my vote in opposition to the amendment does not necessarily indicate my views or convictions on this question. I was prompted to vote as I did—and I assume other Senators were prompted by the same reason—by the statement made by the Senator from South Carolina that the committee of which he is chairman was considering the principles involved in the amendment and expects to make a report to the Senate later.

Mr. WAGNER. Mr. President, I offer an amendment which I send to the desk and ask to have read. I have conferred with the Senator in charge of the joint resolution, and I understand he has no objection to the adoption of my amendment.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. At the end of the joint resolution it is proposed to add the following proviso:

Provided, That all mechanics and laborers employed on construction contract projects financed in whole or in part by the sum herein appropriated shall have the right to organize and bargain collectively as guaranteed in the National Labor Relations Act (49 Stat. 449).

Mr. BYRNES. Mr. President, does that mean to bargain collectively with the United States Government on projects of the United States Government?

Mr. WAGNER. As I understand, the W. P. A. already has a policy, or at least has adopted rules, permitting collective bargaining so far as its projects are concerned. My amendment has reference to a case where work is done through contracts, by the use of Federal money; the workers on such a project, employed by a contractor, shall have the right to organize and bargain collectively.

Mr. BYRNES. I would have absolutely no objection to that, but the fact is that not one dollar of this money can be used under contract. I thought I should make that statement to the Senator, and ask him whether he really meant that as to projects of the United States Government—and a large number of these projects are Federal projects—we should write that provision into the law.

Mr. WAGNER. There is no absolute prohibition against some of these projects being handled under contract.

Mr. BYRNES. There is no prohibition, but it is entirely in conflict with the theory of this law from the beginning. It has not been done. Not a dollar of W. P. A. money is spent by contract. In the case of the Public Works Administration it was different; the money was spent by contract. The theory of the law is that the work should not be done by contract.

Mr. WAGNER. In the event that that work should not be done in that way, this particular amendment would have no application.

Mr. BYRNES. I do not so understand the amendment.

Mr. WAGNER. The Senator has not read the amendment.

Mr. BYRNES. I should be glad to have the amendment read then. I may be mistaken.

Mr. BARKLEY. I should like to get the interpretation of it, because I believe it is not as specific as it ought to be:

Provided, That all mechanics and laborers employed on construction contract projects.

Does that mean that the project must be under construction by a private contractor, or what does the Senator mean by "construction contract projects"? An ambiguity exists there, I think the Senator from New York will realize, as to what is meant by "construction contract projects."

Mr. WAGNER. There is no ambiguity in that. In a discussion the other day by the junior Senator from Arizona [Mr. HAYDEN] the question was raised as to the difference between force accounts and projects under contract.

Mr. BYRNES. Would the Senator have any objection to using this language:

Provided, That on any work done by a contractor, payment for which is made out of these funds—

And so forth. I mean simply to make specific what is the intent of the Senator, as he declares it.

Mr. WAGNER. Of course, I should like to oblige the Senator, but I will say that the Government contract can have but one meaning. It cannot mean force account, as I stated to the Senator. Under the rules promulgated by the W. P. A., they recognize collective bargaining now, although we do not enforce it by statute. I think that really ought to have been done. However, I am not asking for that. I am providing that in the event a project is built by a contractor, such provision shall be made.

Mr. BYRNES. I am in accord with that.

Mr. WAGNER. I was sure the Senator would be in accord with it.

Mr. BYRNES. But I do not think the language conveys that meaning.

Mr. WAGNER. I will state the only reason for its introduction. Let us say that some of this construction work is let out to a contractor within a State. The question will arise as to whether the construction takes place in direct relation to intrastate commerce or interstate commerce.

If it were held, as in some of the earlier cases—for example, the Bedford Stonecutters case—that a strike in such employment directly affected interstate commerce, the National Labor Relations Act would apply, and the workers would have a right to organize and bargain collectively. But let us say that some contract is let to a private contractor, and it should be determined that it was wholly intrastate. The Schechter case throws some doubt upon that question. Therefore, whenever the Government's money is used for the construction of any public project under contract, the

right to organize and bargain collectively should be accorded, regardless of the interstate commerce question.

Mr. BARKLEY. I agree with the Senator. We are all trying to do the same thing. I think the language leaves it in a little doubt. Would the Senator be willing to adopt this language:

Provided, That all mechanics and laborers employed on projects financed in whole or in part by the sum herein appropriated, which are constructed under contract, shall have the right to organize—

And so on.

Mr. WAGNER. And so contract.

Mr. BARKLEY. Yes; but the Senator's amendment makes provision in connection with construction contract projects, which is not as specific, it seems to me, as it ought to be.

Mr. WAGNER. I think it is more specific than the other suggestion. I have no pride of authorship, however.

Mr. BARKLEY. I understand that. But the question has been raised as to what the language means.

Mr. WAGNER. I think my proposal is very much more definite.

Mr. MALONEY. If the Senator will permit me, I think the suggestion of the Senator from Kentucky is insufficient. I think the word "private" should be placed in the amendment.

Mr. BARKLEY. I thought of suggesting the word "private," so as to differentiate between force accounts and contracts by the Government.

Mr. MALONEY. As I understand, there are instances where the States construct buildings in connection with which they make a small contribution to the W. P. A. funds. It seems to me that in such a case there is definitely a contract between the State and the W. P. A. as to who will pay the cost. The W. P. A. does the work wherein W. P. A. workers are employed. I think it is necessary to say "private contract."

Mr. WAGNER. No. If we use the word "private" and make it "private contract," that may create another ambiguity, because a private contractor is one not doing public work. A contractor who is constructing a public building is a public contractor, not a private contractor.

Mr. MALONEY. That is not so at all.

Mr. WAGNER. It may be so interpreted if we use the words "private contractor."

Mr. BARKLEY. The difficulty which confronts me is whether there is any legal interpretation of the words "construction contract projects."

Mr. WAGNER. I prepared the amendment after reflecting upon the language so as to carry out absolutely what I intended to accomplish. I believe this language is used in other statutes in distinguishing this type of work from force account work. I think the words generally employed are, "construction contract projects." I do not know what we can add to make that language clearer.

Mr. BARKLEY. With all due respect to the Senator, I do not think that is quite as clear as to say "projects constructed by contract," whether you use the word "private" or not.

Mr. WAGNER. Very well, "projects constructed by contract."

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. SCHWELLENBACH. Is it not a fact that every W. P. A. project which has a local sponsor is a construction project, and is constructed by contract with the local sponsor? If that interpretation should be placed upon it, and it seems to me it must necessarily be placed upon it, it would mean that the Senator's amendment would apply to every W. P. A. project.

Mr. WAGNER. What I am saying is that the project itself is to be constructed by contract, as against forced labor; in every case of that kind the Labor Relations Act ought to apply.

Mr. SCHWELLENBACH. What is the objection to the suggestion of the Senator from Connecticut [Mr. MALONEY] that we use the words "private contract" as distinguished from public contract?

Mr. WAGNER. I am not sure whether that would cover the situation, or whether a contractor doing a job for the Federal Government, for a State, or for a municipality is really a private contractor. He obtains the contract from the Government.

Mr. SCHWELLENBACH. So far as he is concerned, he is a private contractor. The mere fact that he comes under the provision of the amendment means that he is dealing with the public. The use of the words "private contractor" certainly would not eliminate him from the provisions of this amendment, because he is dealing with the Federal Government.

Mr. BARKLEY. The difficulty with such language, as the Senator from Washington has pointed out, is that all such projects are constructed as the result of a contract between the W. P. A. and the local sponsor, whether that sponsor be a city council, a county office, or any local agency. Under such a contract the local sponsor agrees to put up a certain amount of money, and the W. P. A. puts up a certain amount of money, and they go ahead with it.

Mr. WAGNER. I did not intend to affect that situation.

Mr. BARKLEY. I understand; but if a differentiation is not made between that sort of a contract and the one the Senator has in mind in the proposed language, there is likelihood of confusing the two.

Mr. WAGNER. What was the language the Senator suggested?

Mr. BARKLEY. I had suggested that the words "construction contract project" be eliminated and that the project be described as a project which is constructed under contract, and which is financed in whole or in part by the appropriation. Whether or not we use the word "private" I think may be immaterial.

Mr. WAGNER. Suppose we say, "*Provided*, That all mechanics and laborers employed on projects——"

Mr. BARKLEY. "Which are constructed under contract—which are financed in whole or in part from the sum herein appropriated."

Mr. MALONEY. Mr. President, I hope the Senator from Kentucky, the majority leader, will not yield so easily on this point.

Mr. BARKLEY. I do not object to the word "private."

Mr. MALONEY. This is a fine way to keep the W. P. A. in hot water from now on. The proposal simply means that every W. P. A. project henceforth is a contract job, and it means constant confusion.

I am in sympathy with what the Senator from New York indicates he is endeavoring to do. I am quite in favor of his aims insofar as collective bargaining is concerned; but, unless the words "private contract" or "private contractor" are put into the amendment, no end of confusion will be created.

Mr. BARKLEY. Mr. President, the present situation illustrates the difficulty of trying to write exact terms in an amendment of this sort on the floor. I had in view the very difficulty pointed out by the Senator from Connecticut, the Senator from Washington, and the Senator from South Carolina. I think the language in the amendment as originally offered might be construed to apply to all construction projects, because a contract of some kind is entered into. It may be between two public bodies, but it is a contract; and there ought to be a differentiation between that sort of a contract and a project which is let to a contractor in which the contractor himself supervises and employs the labor.

Mr. WAGNER. Mr. President, of course, I limited my suggestion because I thought there might be some objection to the broader provision. However, so far as I am concerned, I should apply collective bargaining and the right to organize to all such projects. Let me say, on behalf of the labor organizations and the labor leaders, that the right to bargain collectively has been accorded by the W. P. A. so far as the force accounts are concerned, in spite of the fact that men are employed only part-time during the week.

Mr. BARKLEY. That is true.

Mr. WAGNER. Such part-time employment has been the result of cooperation between the labor leaders and the W. P. A. officials. The labor leaders have been more than anxious to do everything they could to permit the employment of as many people as possible, and have been very reasonable in their requests, as the Works Progress Administration can testify. The Works Progress Administration would have no control over the cases which I am trying to cover—cases in which the right to bargain collectively, and to organize, may be absolutely denied to the particular workers upon the job. Those are the cases, as I said, where the contract is let, and the project may be regarded as a wholly intrastate activity.

Since the Schechter case it is an open question whether a construction project built within a State would be regarded as wholly beyond the reach of the commerce clause. Only a few States have laws guaranteeing the right to collective bargaining and the right to organize. Unless a State had such a law, the contractor would be able to use his economic power to prevent collective bargaining and prevent the right of organizing.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WAGNER. May I finish?

Mr. BARKLEY. Yes.

Mr. WAGNER. The cases which I have described are the ones I am trying to reach. I now yield.

Mr. BARKLEY. The Schechter case involved a private proposition. The projects under consideration are projects to be constructed in whole or in part from Federal money, and we certainly have the right to fix the terms on which the Government of the United States will expend money in any such projects. So the doctrine of the Schechter case with respect to intrastate activities would not apply. The project is a project to be constructed in whole or in part out of Federal funds.

Mr. WAGNER. That is so with regard to all the force accounts.

Mr. BARKLEY. It would be so with respect to a contract.

Mr. WAGNER. The Comptroller General has ruled that no such requirement can be demanded of those bidding for public contracts. That is the reason why I introduced a bill upon the proposition which I am sure will be favorably considered by Congress. The bill provides that whenever a contractor receives a contract, or a grant, or a loan, from the Federal Government he must show that he has complied with the National Labor Relations Act.

The question was raised in the case of a contractor, and the Comptroller General held that no such condition could be applied against a bidder for a particular contract in the absence of a statute. That prompted the introduction of a bill which now is pending before the Committee on Education and Labor, and to which I can see no objection. It simply asks that those who benefit from Government moneys, either in the form of a loan, a grant, or a contract, shall comply with the laws of the United States. I am trying to reach the cases in the "twilight zone."

Mr. BARKLEY. If the Comptroller General bases his opinion on the absence of any law on the subject, the situation can be corrected now by the adoption of the suggestion of the Senator from Connecticut [Mr. MALONEY].

Mr. WAGNER. In view of the present discussion, it is very clear what we intend by the amendment, so I am going to state it in this form:

Provided, That all mechanics and laborers employed on contract projects which are constructed under private contract financed in whole or in part by the sum herein appropriated shall have the right to organize and bargain collectively, as guaranteed in the National Labor Relations Act.

In view of the discussion we have had today, I think the doubt involved in the use of the word "private" is removed.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. MILLER. What effect will the amendment have on the existing law, which requires, as I understand, the payment of the prevailing wage by the W. P. A. in the particular community?

Mr. WAGNER. The payment of the prevailing wage is the law of the land and would apply to such contracts. The difficulty is that the minimum wage is fixed in the law——

Mr. MILLER. As the prevailing wage in the community.

Mr. WAGNER. As the prevailing wage in the community. That is what the Davis-Bacon law provides also. But if we do not guarantee the workers the right to bargain collectively, a static situation will exist. It may be that the workers in the locality are unorganized, in which case the prevailing wage will be very low. Under changed conditions the workers may contend that the prevailing wage, or the minimum wage of the past, is no longer a fair wage. Through collective bargaining, which is now embedded in our economic system for all time—and no Congress will ever deprive the workers of that right—the workers may ask a higher wage. Of course, a wage below the prevailing rate may not be paid, because the law has fixed the bottom.

Mr. MILLER. Then, as a matter of fact, we are injecting into the W. P. A. work in this country a new element, and we are setting aside, in effect, the existing law, which requires the payment of the prevailing wage.

Mr. WAGNER. No; we are not.

Mr. MILLER. We are giving to those engaged on W. P. A. projects the right of collective bargaining, which will lead to controversies without end in every community where there is a W. P. A. project. The question that will be foremost will be a controversy over the wage, largely because of agitation by labor agitators in the community. That is what we are heading into.

Mr. WAGNER. I am providing for nothing more than we have already guaranteed, through a Federal statute, to all the workers of the United States. The prevailing wage is not a fixed wage.

Mr. MILLER. I agree to that; but is fixed by the custom of the community where the project is pending.

Mr. WAGNER. The workers are always in a position to say, "We desire a higher wage." A higher wage can be obtained only by collective bargaining, which means by contract between employer and employee. If a higher wage is obtained, then that higher wage becomes the prevailing rate of wage. But if the Senator wants to take the position that the workers employed upon a private contract financed by the Government shall not be accorded the right of collective bargaining, then, of course, he is opposed to a philosophy which has been fought out in Congress and vindicated by Federal law.

Mr. MILLER. No; I am not on the opposite side of collective bargaining at all; but I do think it is a grave mistake to inject into a relief program and into a W. P. A. program any amendment of the character suggested, because the workers are now protected by the law so far as the prevailing wage is concerned; and we are inserting in this relief appropriation an amendment which, in effect, says, "This is not a relief proposition at all." Although no contract is let, as I understand the amendment, it would assure the right of collective bargaining. It ceases to be a relief question and becomes a question of the determination of wages to be paid.

Mr. WAGNER. The Senator has not done me the honor of reading my amendment.

Mr. MILLER. I have heard it read, and I was trying to understand it as best I could.

Mr. WAGNER. The amendment applies only to a case where a contract is let. A private contractor, if I may use that term, undertakes, say, the work of constructing a building. In nearly every case, certainly in all cases, let me say to the Senator, where the project becomes interrelated with interstate commerce, the law now gives to the workers the right to bargain collectively.

Mr. MILLER. I understand that.

Mr. WAGNER. The amendment is designed only to remove a doubt. In the community of the Senator from Arkansas, or in any other community, the construction of a schoolhouse, which is being financed by the W. P. A., may be regarded as directly related to interstate commerce, because part of the material, in every instance, comes from some other State. In the cases decided by the United States

Supreme Court growing out of the National Labor Relations Act, the interstate-commerce definition was widened so that, in my judgment, it includes every project in which any of the material is imported from another State. The only difficulty is that the Schechter case, which was not overruled though differentiated by the Court in the Labor Act cases, casts some doubt on whether construction work such as I just mentioned might be within the Federal interstate-commerce power under the Labor Relations Act. In States which have guaranteed the right of workers to organize the amendment would be superfluous, but the overwhelming majority of the States have no such law upon their statute books.

In those instances the contractor is able to use his economic power and say to the workers, "You cannot organize; you cannot bargain collectively; and I will not make any contract with you, but you are going to take this wage," which may be the lowest wage prevailing in that community. Wages are very, very low in some communities because there have been no trade unions which have been able to bring them up. I say that when Government money is used, certainly the workers upon such projects ought to have the right to organize and bargain collectively. That is all there is to the amendment. I am willing to accept the judgment of the Senate upon that proposition, and I am going to ask for the yeas and nays.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. WAGNER. I yield.

Mr. MILLER. Can the Senator suggest any contract that might be let under the W. P. A. to which his amendment would apply?

Mr. WAGNER. The W. P. A. still has the discretion either to build a project by force account—that is, where the Government itself constructs the project——

Mr. MILLER. I understand what is meant by "force account."

Mr. WAGNER. Or it may let out a contract. I am told that the instances where the Government does that will be very rare.

But suppose a school is to be built in a certain community, and it is desirable, under all the circumstances, that the school be built by awarding a contract to a private contractor rather than having the Government do the construction work itself. In that case, in the event that the Federal court in that area, assuming the case does not go any further, should hold that the National Labor Relations Act does not apply, and the State has no law protecting the workers' right to organize and bargain collectively, the contractor is in a position to refuse to bargain collectively, to refuse to permit the organization of the workers, to refuse to recognize any union that might exist in the community. His only obligation is to pay the prevailing rate of wage.

Mr. MILLER. Mr. President——

Mr. WAGNER. If I may finish, let me say that I have studied the prevailing rate of wage question somewhat, and in many communities where there are no unions or where, because of opposition in the community, no laws have been enacted to protect workers, they are unable to organize, and the prevailing wage is very low.

Mr. MILLER. How would the amendment of the Senator work in a case where a school district contributed 25 percent of the cost of the project? How would his amendment be adjusted to such circumstances?

Mr. WAGNER. All we say in that case——

Mr. MILLER. I know what the Senator says.

Mr. WAGNER. Take a case, for instance, of a contractor refusing to permit the workers to organize.

Mr. MILLER. And the school district pays 25 percent of the cost of the project.

Mr. WAGNER. If the workers are permitted to organize and bargain collectively, there is no difficulty about it, and the amendment would not have to be invoked. I know that the cases which will be affected by the amendment are going to be rare; but the amendment would be effective in cases where the contractor refuses to recognize what we have declared to be a national policy, and the workers upon such projects would have the right to organize and bargain collectively.

Mr. MILLER. I know the Senator is sincere in his intention about that matter, and I am just as sincere in saying that I think the Senator's amendment, if it were adopted, would add confusion to the situation. I believe the Senator will find that to be the case in the application of his amendment to actual conditions.

Mr. WAGNER. I do not see how there can possibly be any confusion.

Mr. President, I ask for a yea-and-nay vote upon my amendment.

SEVERAL SENATORS. Vote!

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York, on which he demands the yeas and nays. Is the demand seconded?

Mr. WAGNER. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Calif.	Overton
Andrews	Copeland	Johnson, Colo.	Pope
Austin	Donahey	La Follette	Radcliffe
Bailey	Ellender	Lee	Reames
Bankhead	Frazier	Lodge	Russell
Barkley	Gerry	Lonergan	Schwartz
Berry	Gibson	Lundeen	Schwellenbach
Bilbo	Gillette	McAdoo	Sheppard
Bone	Glass	McKellar	Shipstead
Borah	Green	McNary	Thomas, Utah
Brown, Mich.	Hale	Maloney	Townsend
Bulow	Hatch	Miller	Truman
Burke	Hayden	Milton	Tydings
Byrd	Herring	Murray	Vandenberg
Byrnes	Hill	Neely	Wagner
Capper	Hitchcock	Norris	
Caraway	Holt	Nye	
Chavez	Hughes	O'Mahoney	

The PRESIDING OFFICER (Mr. SMATHERS in the chair). Sixty-nine Senators having answered to their names, a quorum is present.

Mr. BYRNES. Mr. President, I desire to say only a word or two with reference to the amendment.

The Works Progress Administration does not use any of its funds for the employment of persons on the rolls through contractors. The effect of this amendment would be that so much of the funds as is allotted to the War Department for flood control might be affected, because the War Department, in contracting for flood control or river and harbor works, does make contracts; and any private contractor who might receive a contract from the War Department for work upon a project of that character would come under the provisions of the amendment. As to the rest of the funds, they are spent by the W. P. A. by force account, not under contract, and the amendment would have no effect upon any of that money.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield to the Senator from Kentucky.

Mr. BARKLEY. In the discussion a while ago, reference was not made to any particular kind of expenditure. I have been reminded of the fact that out of these W. P. A. funds money is allotted for flood-control projects; and for the most part those projects are let by contract, as I understand the Senator.

Mr. BYRNES. That is correct.

Mr. BARKLEY. Would this amendment apply to any project which has already been started but not completed? If any of this money went into the completion of such a project, what effect would it have, or might it have, upon the completion of a flood-control project, for instance?

Mr. BYRNES. I have not the amendment before me. As the Senator knows, if it said, "No part of the funds carried in this joint resolution", and so forth, it would affect such a project. I really fear the effect of it would be that when the W. P. A. or the War Department hereafter might be about to expend, for river and harbor work, money allotted out of this fund, they would take into consideration the question whether they would spend that money under contract, in

which case the contractor would have to comply with this provision, or whether they would go ahead on force account.

Mr. WAGNER, Mr. MILLER, and Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. BYRNES. I decline to yield until I finish my statement. If the War Department should proceed as they have been proceeding, and do the work under contract, then, of course, the provisions of the amendment would apply to collective bargaining between the employees and the contractor; but, as the matter now stands, the amendment would not affect the situation, because it would be a private contractor. My construction of the amendment, I will say to the Senator from Kentucky, is that it would not affect the right of employees of the W. P. A. to bargain collectively with the State of Kentucky, or the State of Mississippi, or the State of Ohio.

Mr. BARKLEY. In a case where a flood-control project is being constructed by the Army engineers with money allotted to them by the President for flood control out of this fund, or the fund which has been available—and I have in mind a project or two of that sort—what effect would the amendment have on that?

Mr. BYRNES. I now have the amendment before me. It reads:

> That all mechanics and laborers employed on contract projects which are constructed under private contract financed in whole or in part by the sum herein appropriated shall have the right to organize and bargain collectively—

And so forth. Therefore, if there were a contract for flood-control work on the Mississippi River, and a part of this money were used to pay for that work, it would come under the terms of the amendment. If no part of this fund were allotted for flood control, it would not.

Mr. BARKLEY. No; but in any case where the work is being done under the Chief of Engineers, through one of his subordinate officers, by force account although it is a flood-control project, this amendment would not apply?

Mr. BYRNES. It would not; and my information from the officials of the Works Progress Administration confirms the statement I have heretofore made, that they make no contracts, and the amendment would have no effect except upon the funds which are spent upon river and harbor work.

Mr. ADAMS. Mr. President, during a hearing before the subcommittee, the question of an item to be allocated to the War Department came up, and I inquired whether or not W. P. A. people were being employed, and my understanding was—I have been unable so far to locate the testimony in the record—that they did not let contracts, but that all of this money was used to pay W. P. A. labor, even on War Department projects, rather than to pay for work done under contract.

Mr. BYRNES. The Works Progress officials stated that no contracts would be affected by the amendment unless it should affect contracts by the War Department for flood control. Otherwise, it would not affect them.

Mr. WAGNER. Mr. President, I think the discussion has confused the situation rather than enlightened it. The contracts which are let under flood-control are let to private contractors. The workers upon those projects now have the right to bargain collectively. It will be found in almost every instance that there is a wage-scale provision; the contractor and the union have agreements; and there is no difficulty about that situation. It is not changed by the amendment. My only reason for offering the amendment is because of the twilight zone which may exist in some instances in which our money may be used upon a project which may be regarded as wholly intrastate.

I am sure no one here would want to see Government money used on a public project which is constructed by a private contractor whose men have not the right to organize and bargain collectively. To me it is unthinkable that any Senator would be in favor of that state of affairs; and that is the only instance in which this amendment would apply. I doubt whether there would be many cases in which the construction would be regarded as wholly intrastate.

Mr. SHIPSTEAD. Mr. President, will the Senator from New York yield for a question?

Mr. WAGNER. Certainly.

Mr. SHIPSTEAD. I understand this appropriation to be exclusively for W. P. A. work.

Mr. WAGNER. That is true; but there is nothing in the joint resolution itself which would prohibit the W. P. A., in some instances, instead of doing the work through a force-account system, from letting out a contract to a private contractor for the purpose of constructing a particular project, such as a school, or something of the kind. Under those circumstances I say that where a private contractor undertakes the work, the workers shall have the same right that we have provided in the National Labor Relations Act to organize and bargain collectively, if they so choose; that is all. If they do not choose to do so, there is nothing to compel them to do it.

Mr. SHIPSTEAD. But does the Senator think there is any likelihood of the policy of the W. P. A. being changed so as to work through private contractors?

Mr. WAGNER. Not a bit. The W. P. A. itself has adopted a rule permitting collective bargaining. It bargains with trade unions; and let me say that the unions, as the W. P. A. will testify, have been eminently fair, and have cooperated in every way. Otherwise, the security wage would not have been possible. The unions have cooperated. They have accepted and recognized conditions and were glad to see their men get employment even though for only part of the time.

This situation may or may not be covered by the National Labor Relations Act, and it is the only thing I am trying to cover: I think the Senator will agree that whenever Government money is used, and private contractors undertake the work, not only should the prevailing wage be paid, as the law now provides, but if the workers desire to organize and bargain collectively for their services, they should be permitted to do so. I do not think anyone would want to deny them that right; and all the amendment provides is that they shall have it.

Mr. SHIPSTEAD. But the W. P. A. have never before worked through private contractors.

Mr. WAGNER. I understand that they have not. This amendment is offered only in the event that they do. If they do not, the amendment will have absolutely no application.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. WAGNER. Yes.

Mr. TYDINGS. Would not the men have a right to collective bargaining anyway, under the present law, without any qualification in this measure?

Mr. WAGNER. Yes; they would, except in the respect I have been trying to explain. Evidently I have not made myself clear. Because of the decision in the Schechter case there might be a twilight zone in which, for instance, a contract might be let for the construction, say, of a school in a certain community, and the courts might hold that that was a wholly intrastate project to which the National Labor Relations Act could not apply.

If the community itself has no law to protect the workers, the workers are powerless to organize or bargain collectively, and the employer may then use his economic power to prevent such organization. Frankly, I think the instances will be very rare.

Mr. TYDINGS. I think the Senator has fully answered my question, and I would like to ask him another. Does the Senator feel that the Congress ought to go into purely intrastate construction?

Mr. WAGNER. Where money of the Federal Government is used for the purpose of constructing a project, then the policy of the Government ought to follow the money. I would not think anyone would deny this right to the workers.

Mr. SHIPSTEAD. As I understand it, the W. P. A. money has been spent to give what we call a subsistence wage.

Mr. WAGNER. Yes.

Mr. SHIPSTEAD. If money is spent on a private contract for the employment of labor, the prevailing wage will have to be in force.

Mr. WAGNER. It is only in that case that the amendment would apply. It would not apply to the W. P. A. force account program, because there a security wage, it is hoped, is fixed. The prevailing rate of wage is paid, but the men are employed only for several days per week. This amendment has to do with a case where a contract is let and the contractor performs his work through the employment of skilled mechanics. It gives those men the right which we have so often declared, the right to organize. I really did not think there would be any opposition at all to the proposal.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. OVERTON. All appropriations for flood control during the last fiscal year and during the present fiscal year have been augmented by allocations out of relief funds. I remember that last year $7,500,000 was allocated out of relief funds for flood-control work in the lower Mississippi Valley and certain allocations were made for flood-control work in the Ohio River Valley and elsewhere. What effect will the amendment have in the use of those appropriations, which are intermingled with the relief funds, which are allocated to aid in flood-control work?

Mr. WAGNER. It would have no effect, unless the project were built, not as the War Department has been building them, by itself, but if the project were constructed by a contractor who bid for the work and then performed it in the regular way, employing skilled mechanics to carry on the project. In that case those workers probably already have the right to organize and bargain collectively, because I think all of those are regarded as interstate projects. I am sure the Senator would not deny that right to the workers.

Mr. BARKLEY. May I ask the Senator a question?

Mr. WAGNER. I yield.

Mr. BARKLEY. What effect would the amendment have on a contract already signed, where the contract involved a fixed sum, already determined and signed up by a contractor?

Mr. WAGNER. The Senator means the contractor has already secured the contract?

Mr. BARKLEY. The contractor has already secured the contract and is engaged in the work, and the terms of the contract have already been signed.

Mr. WAGNER. Of course, it is not intended to apply to that. It may be held that you cannot impair the obligations of that contract.

Mr. BARKLEY. The State cannot do it, but frequently the Congress has done it, and I am interested in knowing what effect this amendment would have on the expenditure of this particular fund to carry to completion a contract already entered into.

Mr. WAGNER. Where the contract has been made for the employment of labor?

Mr. BARKLEY. I am speaking of a contract between the Government and the contractor, a flood-control project, for instance. There may be no contract between the contractor and the workers as to wages and hours, and all those things; but assuming there is a contract between the Government and the contractor fixing a definite sum for the doing of a certain job, would the amendment have any effect on that? Or, if there were any effect at all, would it tend to modify the terms of the contract, or would the Government be in a position to change the contract based upon any change in wages or in hours?

Mr. WAGNER. I do not see how it could have any application at all.

Mr. SHIPSTEAD. Mr. President, I thought I had understood the appropriations for W. P. A., that they were to give employment to workers who could not get employment from private contractors, that whoever got work with a private contractor in private industry or on a public contract would get the prevailing wage, but because of the fact that all unemployed could not get that kind of work, they were to go in another category, and get a subsistence wage. There are two classes of employees.

Mr. WAGNER. I have not made myself very clear to the Senator. So far as that policy is concerned, this amendment has no application at all. It is only to apply in the event the W. P. A. exercises its discretion and lets out to a private contractor the construction of a particular project. Then, I say, and I am sure the Senator will agree with me, that is an entirely different policy from a policy of a force account, which the Senator has mentioned, and in that instance the workers shall have the same right as they have on any other private projects. That is all the amendment provides.

Mr. SHIPSTEAD. Does the Senator think that the policy of the W. P. A. may be so changed that from now on they may let contracts to private contractors?

Mr. WAGNER. I have no idea.

Mr. SHIPSTEAD. I think it is very important we should know that.

Mr. WAGNER. It is only in the event that a contract is let that the amendment will have application. If the work is done otherwise, the amendment will have no application. We cannot interfere with that policy. I might say that the W. P. A. has granted to workers the right of collective bargaining, even under the force account system.

Mr. McKELLAR. Mr. President, has there been any complaint that the W. P. A. have not treated the workers properly? What is the reason for the Senator's amendment on a measure of the kind now pending? Has there been any complaint? Has anyone complained that the administrators of the W. P. A. have not acted fairly and squarely, and carried out the law which is now on the statute books?

Mr. WAGNER. There is no complaint involved in this.

Mr. McKELLAR. If it is already the law, as the Senator says it is—and I know it is already the law—why put it into the pending measure at this time?

Mr. WAGNER. What is already the law?

Mr. McKELLAR. The right of collective bargaining.

Mr. WAGNER. It is evident the Senator has not done me the honor of listening to me.

Mr. McKELLAR. Yes; I have; but I have not been able to ascertain what the Senator is really trying to do, and I do not think the Senator knows.

Mr. ADAMS. Mr. President, will the Senator yield to me?

Mr. WAGNER. In spite of what the Senator from Tennessee says, I am going to try to reiterate what I have stated, and I hope the Senator will understand it then.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. NEELY. Mr. President, inasmuch as we have wasted more than an hour in a futile attempt to obtain a satisfactory explanation of the obvious meaning of an eight-line amendment, may I not inquire of the able Senator from New York whether he will accept the following as a substitute for what he has offered:

Provided, That if any private contractor shall be paid in whole or in part with funds hereby appropriated for work on any project or improvement, all persons employed by such contractor in relation to such project or improvement shall have the right to organize and bargain collectively, as guaranteed by the National Labor Relations Act.

Mr. WAGNER. The Senator has read my amendment, in effect.

Mr. NEELY. Mr. President, the language of my proposed substitute is materially different from that which the Senator from New York has employed.

Mr. WAGNER. There is no ambiguity; I agree with the Senator. I was just about to answer the question asked me, and then I shall have finished.

Mr. NEELY. Will the Senator from New York accept my substitute for his amendment?

Mr. WAGNER. Is not the amendment perfectly clear as I have offered it? Is there anything difficult about it?

Mr. NEELY. Mr. President, I do not question the sufficiency of the language which the Senator from New York

has used, but others have emphatically stated that they do not understand it, or that they consider it ambiguous.

Mr. WAGNER. They do not believe in the policy; not that they are interested in the effect of the amendment, I will say to the Senator.

Does the Senator from Tennessee want me to answer his question?

Mr. NEELY. May I not assure the Senator from New York that if my substitute is not acceptable to him, I shall vote for his amendment.

Mr. WAGNER. I think it is very clear.

Mr. NEELY. If the Senator is willing to risk a vote on the amendment in its present form, I shall not insist upon the acceptance of the substitute which I have proposed.

Mr. WAGNER. I think the amendment itself is very clear.

I suppose the Senator from Tennessee merely desired to make a facetious remark reflecting upon my inability to explain.

Mr. McKELLAR. No.

Mr. WAGNER. Did the Senator really mean to ask a question?

Mr. McKELLAR. I do not mean to reflect on the Senator, but I know that the law giving the right to collective bargaining is now the law of the land, and why does the Senator want to reenact it in the pending measure? I asked him for the reason, and he did not give me the reason. I asked him if anyone was complaining that the W. P. A. was not doing the right and fair thing, and the Senator did not know. The Senator says he does not know. Why does he want to put something into this measure which is already the law of the land, when no demand has been made on him to do it?

Mr. WAGNER. When did I say that I did not know?

Mr. McKELLAR. The Senator said he did not know.

Mr. WAGNER. There is nothing in the RECORD like that.

Mr. BORAH. Mr. President, I suggest that Senators address the Chair, so that we can get some continuity of thought in the debate.

Mr. WAGNER. Mr. President, in view of the fact that we have a law on the statute books giving workers engaged in interstate commerce the right to bargain collectively, why do we need this amendment? If the Senator will listen, I think I can make clear why we need this amendment. I said that in view of the decision of the Supreme Court in the Schechter case there is some doubt, even where Government money is used for the construction, let us say, of a schoolhouse in the city of Memphis, under a contract with a private contractor, whether that project would be regarded as an activity directly related to interstate commerce. In the event such a project is not regarded as being in interstate commerce, but in intrastate commerce, the National Labor Relations Act would not apply, and the right to bargain collectively and organize, as guaranteed in that law, would have no application. I now contend that in work done under the proposed legislation, since Government money is to be used, the worker upon any project ought to be guaranteed the same rights guaranteed to workers under the National Labor Relations Act, the right to bargain collectively and the right to organize. In the event a project should be regarded as purely intrastate, I want to extend the law so that the workers upon such project, although engaged in intrastate commerce, may have the right to organize and to bargain collectively. That is the point I am trying to make.

Mr. ADAMS. Mr. President, the discussion has all been upon the assumption that the W. P. A. funds hereby appropriated are going to be used in the same way to finance private contracts or even public contracts.

The law under which the W. P. A. funds are expended, the original appropriation of 1937, which is made applicable in this measure, provides:

> No portion of the funds hereby appropriated shall be allocated or used for any purpose except to provide relief or work relief for persons in need.

It seems to me that that is a definite declaration which excludes the making of private contracts or any contract for doing work with W. P. A. funds. Personally I have no objection to what the Senator from New York has in mind, to protect the worker in the event there are contracts, to assure him his right of collective bargaining; but I have felt that the whole discussion about the money being expended under private contracts was founded upon something which could not exist and which has not existed.

A while ago the Senator from South Carolina [Mr. BYRNES] referred to certain War Department contracts. I wish to read a few words from the testimony before the committee with reference to the War Department contracts. Mr. Aubrey Williams, Director of the Works Progress Administration, was on the stand, and he stated:

> I think it would make it a little clearer if I said to you that these Federal agencies act as sponsors and supervisors of the work—

He was referring to the War Department—

> and the people that do the work are all relief people. It is not a regular part of the work of any of these departments, and relief people are employed on the projects.
>
> Senator ADAMS. Just a moment. Over on page 48 you find "River and harbor improvements" under the Corps of Engineers and the War Department, $47,000,000. Well, that has not been done by people on your relief roll, has it?
>
> Mr. WILLIAMS. That is part of the $52,500,000 that Congress allocated to the Corps of Engineers in the War Department Civil Appropriation Act of 1938. These Federal allocations are for the employment of relief workers.
>
> Senator MCKELLAR. That is what we understood, and therefore we did not want the Woodrum amendment to apply to this resolution, and that was agreed.
>
> Senator HALE. You do not want to have these appropriations increased, do you, for these various agencies?
>
> Mr. WILLIAMS. Let me cite as an example a project down in Mississippi, of a type which the War Department, through its established agencies down there, is best equipped to supervise. We ask the War Department to assist us by supervising the work, but the workers come from the relief rolls of that locality. The Army simply organizes and supervises the project, and it is a 95-percent relief project. It is not a regular part of the Army's work, but they can provide the technical supervision which we would otherwise have to find somewhere else.
>
> Senator RUSSELL. They might build a road down at Fort Oglethorpe, but all the people employed on this road would be taken from York County or the adjoining county.
>
> Mr. WILLIAMS. Yes, sir; and the President has insisted that 95 percent of the people who work on these projects shall be taken from relief rolls.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The question is on the amendment of the Senator from New York, as modified.

Mr. WAGNER. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment, as modified, was rejected.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. McNARY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BARKLEY (when Mr. LOGAN's name was called). My colleague [Mr. LOGAN] is unavoidably absent. He is paired with the Senator from Pennsylvania [Mr. DAVIS]. My colleague, if present, would vote "yea."

Mr. McNARY (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. HARRISON]. If present, he would vote as I am about to vote. I vote "yea."

The roll call was concluded.

Mr. BARKLEY. I announce that the Senator from New Hampshire [Mr. BROWN], the Senator from Illinois [Mr. DIETERICH], the Senator from Pennsylvania [Mr. GUFFEY],

the Senator from Kansas [Mr. McGILL], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on important public business.

The Senator from Mississippi [Mr. HARRISON], the Senator from Illinois [Mr. LEWIS], the Senator from Montana [Mr. WHEELER], and the Senator from Indiana [Mr. MINTON] are unavoidably detained.

I further announce that the Senator from Arizona [Mr. ASHURST], the Senator from Ohio [Mr. BULKLEY], the Senator from Wisconsin [Mr. DUFFY], the Senator from Georgia [Mr. GEORGE], the Senators from Nevada [Mr. MCCARRAN and Mr. PITTMAN], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Oklahoma [Mr. THOMAS] are detained on official business.

I am advised that if present and voting these Senators would vote "yea."

The Senator from Utah [Mr. KING] is detained in an important committee meeting. I am not advised how he would vote if present.

Mr. LONERGAN. The Senator from Massachusetts [Mr. WALSH] is detained on official business. I am advised that if present and at liberty to vote he would vote "yea."

Mr. TRUMAN. I wish to announce that my colleague the senior Senator from Missouri [Mr. CLARK] is detained at home with a severe cold. If present, he would vote "yea" on this question.

Mr. BURKE. I am informed that the senior Senator from Indiana [Mr. VAN NUYS] is unavoidably detained. If present, he would vote "yea."

Mr. AUSTIN. I announce the absence of the Senator from Pennsylvania [Mr. DAVIS], who is necessarily detained, and also the absence of the Senator from New Hampshire [Mr. BRIDGES], caused by illness. Each of these Senators, if present, would vote "yea" on this question.

The result was announced—yeas 68, nays 1, as follows:

YEAS—68

Adams	Connally	Hughes	Nye
Andrews	Copeland	Johnson, Calif.	O'Mahoney
Austin	Donahey	Johnson, Colo.	Overton
Bankhead	Ellender	La Follette	Pope
Barkley	Frazier	Lee	Radcliffe
Berry	Gerry	Lodge	Reames
Bilbo	Gibson	Lonergan	Russell
Bone	Gillette	Lundeen	Schwartz
Borah	Glass	McAdoo	Schwellenbach
Brown, Mich.	Green	McKellar	Sheppard
Bulow	Hale	McNary	Shipstead
Burke	Hatch	Maloney	Thomas, Utah
Byrd	Hayden	Miller	Townsend
Byrnes	Herring	Milton	Truman
Capper	Hill	Murray	Tydings
Caraway	Hitchcock	Neely	Vandenberg
Chavez	Holt	Norris	Wagner

NAYS—1

Bailey

NOT VOTING—27

Ashurst	Duffy	McCarran	Smith
Bridges	George	McGill	Thomas, Okla.
Brown, N. H.	Guffey	Minton	Van Nuys
Bulkley	Harrison	Pepper	Walsh
Clark	King	Pittman	Wheeler
Davis	Lewis	Reynolds	White
Dieterich	Logan	Smathers	

So the joint resolution (H. J. Res. 596) was passed as amended.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. GLASS. Mr. President, I move that the Senate proceed to the consideration of House bill 8837, being the independent offices appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. GLASS. I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

APPROPRIATIONS FOR CONTROL OF INSECT PESTS

Mr. ADAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Colorado?

Mr. GLASS. I yield.

Mr. ADAMS. I inquire of the Senator from Virginia if he will permit the unfinished business to be laid aside for a moment in order that an emergency appropriation measure for the eradication of insect pests may be taken up? The appropriation is badly needed at this time. The joint resolution has been reported unanimously by the Committee on Appropriations. It has passed the House, and if it is to be effective it should be passed at once, as warm weather is now coming on and the insect pests are developing. The item is included in the agricultural bill, but if the appropriation were delayed until the agricultural bill is passed it would be too late.

Mr. GLASS. Mr. President, in conformity with the suggestion of the Senator from Colorado, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. ADAMS. I move that the Senate proceed to the consideration of House Joint Resolution 591, making appropriations for the control of outbreaks of insect pests.

The motion was agreed to; and the Senate proceeded to consider the joint resolution (H. J. Res. 591) making appropriations for the control of outbreaks of insect pests, which had been reported from the Committee on Appropriations without amendment, and which was read, as follows:

Resolved, etc., That for carrying out the purposes of and for expenditures authorized under the public resolution entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs," approved April 6, 1937 (50 Stat. 57), there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000,000, to be immediately available and to remain available until June 30, 1939: *Provided*, That, in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for control of grasshoppers, Mormon crickets, or chinch bugs in any State until such State has provided the organization or materials and supplies necessary for cooperation: *Provided further*, That this appropriation shall be expended under the personal supervision and direction of the Secretary of Agriculture, who shall make a detailed report to the Secretary of the Senate and the Clerk of the House of Representatives of the several items of expenditure made hereunder: *Provided further*, That transportation of control materials purchased under this appropriation shall be under conditions and means determined by the Secretary of Agriculture as most advantageous to the Federal Government: *Provided further*, That procurements under this appropriation may be made by open-market purchases notwithstanding the provisions of section 3709 of the Revised Statutes of the United States (41 U. S. C. 5).

Mr. BANKHEAD. Mr. President, I desire to offer an amendment to the joint resolution. I am sure there will not be any controversy about it. If there is, I shall not press it.

The farm bill passed a few days ago imposed upon the Department of Agriculture a number of duties for which there is no appropriation to pay the expenses at this time. We included in the farm bill an authorization for the reappropriation of $5,000,000 for that purpose. My amendment simply reappropriates that money. It is not a new appropriation, but it carries out the authorization in the farm bill. It is urgently needed, because until the money is appropriated the Department cannot proceed with any of the work in connection with referendums and other matters.

The VICE PRESIDENT. The Senator from Alabama offers an amendment which will be stated.

The LEGISLATIVE CLERK. At the end of the joint resolution, it is proposed to add a new section, as follows:

SEC. 2. For the administration of the Agricultural Adjustment Act of 1938 (including the provisions of title 5 thereof) during the fiscal year ending June 30, 1938, there is hereby appropriated out of the unexpended balance of the funds appropriated for such fiscal year for carrying out the purposes of the Soil Conservation and Domestic Allotment Act, as amended, the sum of $5,000,000.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BANKHEAD].

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 8837) making appropriations for the Executive Office and sundry independent executive bureaus boards, commissions, and offices for the fiscal year ending June 30, 1939, and for other purposes.

Mr. BARKLEY. Mr. President, I understand that the Senator from Virginia does not wish to go on with the bill at this hour. If that be so, I am willing to move a recess until tomorrow.

Mr. GLASS. I should prefer to proceed with the consideration of the bill tomorrow.

EXECUTIVE SESSION

Mr. BARKLEY. Then I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Commerce, reported favorably the nomination of Max O'Rell Truitt, of Missouri, to be a member of the United States Maritime Commission for the remainder of the unexpired term of 2 years from September 26, 1936, vice Joseph P. Kennedy.

Mr. KING, from the Committee on Finance, reported favorably the nomination of J. Walter Doyle, of Honolulu, Hawaii, to be collector of customs for customs collection district No. 32, with headquarters at Honolulu, Hawaii. (Reappointment.)

The VICE PRESIDENT. The reports will be received and placed on the Executive Calendar.

MARITIME COMMISSION—MAX O'RELL TRUITT

Mr. COPELAND. Mr. President, Mr. Kennedy, who has been the able chairman of the Maritime Commission, has resigned and become Ambassador to Great Britain. The President has sent to the Senate the name of Mr. Max O'Rell Truitt to fill until next September the vacancy thereby created. There are reasons, and I think they are well understood by all the members of the Senate body, why the work of the Maritime Commission, which is now very pressing, should be proceeded with, and no break whatever in the work should occur. On behalf of the Committee on Commerce, from which I have reported Mr. Truitt's nomination, I venture to ask unanimous consent that the nomination be now confirmed.

Mr. McNARY. Mr. President, I think that is a proper request, and I join the Senator in making it.

The VICE PRESIDENT. The clerk will state the nomination.

The legislative clerk read the nomination of Max O'Rell Truitt, of Missouri, to be a member of the Maritime Commission.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to this nomination? [Putting the question.] The ayes have it, and the nomination is confirmed.

Mr. COPELAND. Mr. President, I move that the President be notified of the confirmation of Mr. Truitt's nomination.

The VICE PRESIDENT. The question is on the motion of the Senator from New York.

The motion was agreed to.

REGISTERS OF LAND OFFICE

The VICE PRESIDENT. The clerk will state in their order the nominations on the Executive Calendar.

The legislative clerk read the nomination of William G. Johnson to be register of the land office at Cheyenne, Wyo.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Ellis Purlee to be register of the land office at Sacramento, Calif.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the nominations of postmasters on the Executive Calendar be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the Executive Calendar.

COLLECTOR OF CUSTOMS AT HONOLULU, HAWAII—J. WALTER DOYLE

Mr. KING. Mr. President, there is on the table, having been reported by me from the Committte on Finance, the nomination of a collector of customs of Honolulu, Hawaii, which I should like to have acted upon. It has been unanimously endorsed by the committee.

The VICE PRESIDENT. The nomination will be read.

The legislative clerk read the nomination of J. Walter Doyle, of Honolulu, Hawaii, to be collector of customs for customs collection district No. 32, with headquarters at Honolulu, Hawaii.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to this nomination? [Putting the question.] The ayes have it, and the nomination is confirmed.

Mr. KING. I ask unanimous consent that the President be notified of the confirmation of the nomination of Mr. Doyle.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the President will be notified.

CONSTRUCTION OF SUPERHIGHWAYS

The Senate resumed legislative session.

Mr. McKELLAR. Mr. President, I move that the Committee on Banking and Currency be discharged from the further consideration of the bill (S. 3428) to provide for financing certain self-liquidating public works, to provide additional facilities for the national defense, to aid in the relief of unemployment, to stimulate business recovery, to promote the public safety, and for other purposes, and that the bill be referred to the Committee on Post Offices and Post Roads.

I merely make the motion at this time. It has to lie over, so I send it to the desk.

The VICE PRESIDENT. The motion will lie over 1 day.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate took a recess until tomorrow, Thursday, February 24, 1938, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 23 (legislative day of January 5), 1938

COLLECTORS OF CUSTOMS

William H. Bartley, of Montana, to be collector of customs for customs collection district No. 33, with headquarters at Great Falls, Mont. (Reappointment.)

J. Walter Doyle, of Honolulu, Hawaii, to be collector of customs for customs collection district No. 32, with headquarters at Honolulu, Hawaii. (Reappointment.)

COMPTROLLER OF CUSTOMS

Thomas Temple Hoyne, of Chicago, Ill., to be comptroller of customs in customs collection district No. 39, with headquarters at Chicago, Ill. (Reappointment.)

APPOINTMENTS IN THE REGULAR ARMY

TO BE MAJOR GENERALS

Brig. Gen. James Albert Woodruff, United States Army, from March 1, 1938, vice Maj. Gen. William D. Connor, United States Army, to be retired February 28, 1938.

Brig. Gen. Frank Wheaton Rowell, United States Army, from April 1, 1938, vice Maj. Gen. George S. Simonds, United States Army, to be retired March 31, 1938.

TO BE BRIGADIER GENERALS

Col. Joseph Michael Cummins, Infantry, from February 1, 1938, vice Brig. Gen. Louis M. Nuttman, United States Army, retired January 31, 1938.

Col. Richard Curtis Moore, Corps of Engineers, vice Brig. Gen. James A. Woodruff, United States Army, nominated for appointment as major general.

Col. Karl Truesdell, Infantry, vice Brig. Gen. Frank W. Rowell, United States Army, nominated for appointment as major general.

Col. Fulton Quintus Cincinnatus Gardner, Coast Artillery Corps, from May 1, 1938, vice Brig. Gen. Manus McCloskey, United States Army, to be retired April 30, 1938.

TO BE THE ADJUTANT GENERAL, WITH THE RANK OF MAJOR GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE, WITH RANK FROM MAY 1, 1938

Col. Emery Sherwood Adams, Adjutant General's Department, vice Maj. Gen. Edgar T. Conley, The Adjutant General, to be retired April 30, 1938.

TO BE CHIEF OF CAVALRY, WITH THE RANK OF MAJOR GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE, WITH RANK FROM MARCH 26, 1938

Col. John Knowles Herr, Cavalry, vice Maj. Gen. Leon B. Kromer, Chief of Cavalry, whose term of office expires March 25, 1938.

TO BE CHIEF OF FIELD ARTILLERY, WITH THE RANK OF MAJOR GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE, WITH RANK FROM MARCH 26, 1938

Col. Robert Melville Danford, Field Artillery, vice Maj. Gen. Upton Birnie, Jr., Chief of Field Artillery, whose term of office expires March 25, 1938.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 23 (legislative day of January 5), 1938

UNITED STATES MARITIME COMMISSION

Max O'Rell Truitt to be a member of the United States Maritime Commission.

COLLECTOR OF CUSTOMS

J. Walter Doyle to be collector of customs for customs collection district No. 32, with headquarters at Honolulu, Hawaii.

REGISTERS OF LAND OFFICES

William G. Johnson to be register of the land office at Cheyenne, Wyo.

Ellis Purlee to be register of the land office at Sacramento, Calif.

POSTMASTERS

NEW YORK

Raymond H. LaClair, Huntington.
William J. Holbert, Morrisville.
Francis X. Desmond, Niagara University.

TENNESSEE

Phil W. Campbell, Tiptonville.

WISCONSIN

Arthur C. Finder, Ableman.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 23, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Great is the Lord, and greatly to be praised in the city of our God, in the mountain of His holiness. Beautiful for situation, the joy of the whole earth, is Mount Zion, on the sides of the north, the city of the great King. God is known in her palaces for a refuge.

We thank Thee that Thou art our God and will be our guide even unto death; may we realize the great mercy which is ministered unto us. By all that is sacred in our religious faith and by all that is sacred in the divine heart may we bring Thee the offerings of our best. Grant, our Father, that the fruits of the Spirit may be in us and be as the garden of the Lord, full of willingness, industry, and growing fruit for the good of all. Blessed Lord God, may our labors be nothing less than noble. In the Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2215. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

S. 2381. An act to amend the Criminal Code by providing punishment for impersonation of officers and employees of Government-owned and Government-controlled corporations.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

EXTENSION OF REMARKS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD an address I delivered in New York before the National Republican Club on Saturday last.

Mr. RICH. Mr. Speaker, reserving the right to object, and I am not going to object, I would like to call the attention of the House, and especially the majority leader, the gentleman from Texas [Mr. RAYBURN], to the fact that the Senate yesterday inserted in the main part of the RECORD over 18 pages of editorials. The Senate permitted these 18 pages, or almost 95 editorials, to desecrate the RECORD on Washington's Birthday. I think the Senate ought to be chastised [laughter] for permitting such a desecration of the RECORD. This is the wrong thing to do. They spent 40 days on the lynching bill; now all these editorials. Will these Senators never wake up and stop such desecration of the RECORD? It should be a record of things that happen in Congress, and if you men of the House of Representatives will look into this and bring it to the attention of the Senators, probably they will realize that something should be done.

Mr. RAYBURN. My only answer to the gentleman from Pennsylvania is, "You tell 'em." [Laughter.]

Mr. RICH. Mr. Majority Leader, I am trying to "tell 'em," and if I were permitted to go over there I would want to have something more than words.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. O'CONNOR of New York. Did the distinguished gentleman from Pennsylvania ever think that possibly the solution of all this might be a unicameral legislature like they have in Nebraska with only one legislative body instead of two?

Mr. RICH. If they had one party——

Mr. O'CONNOR of New York. One body.

Mr. RICH. Oh, body! [Laughter.] We would have an opportunity to say something if the gentleman from New York and I were in that body.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I understand the gentleman from Massachusetts [Mr. TREADWAY] desires to amend his request.

Mr. TREADWAY. Mr. Speaker, the remarks that I asked to have inserted in the RECORD were made in conjunction with remarks made by Dr. Henry F. Grady, Chairman of the Tariff Commission, in a joint debate, and I ask unanimous consent that both his remarks and mine may be included in the RECORD.

The SPEAKER. Is there objection to the amended request of the gentleman from Massachusetts?

There was no objection.

Mr. SAUTHOFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a letter to Hon. Louis Johnson, Assistant Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PACE. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a portion of the proclamation of the Secretary of Agriculture fixing a national allotment for cotton.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and insert an address given today by the Ambassador from China before the Rotary Club in Washington on their anniversary?

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

THE COMMITTEE ON THE JUDICIARY

Mr. CREAL. Mr. Speaker, at the request of the chairman of the Committee on the Judiciary, I ask unanimous consent that that committee may be permitted to sit during sessions of the House for the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CALENDAR WEDNESDAY

The SPEAKER. Today is Calendar Wednesday. The Clerk will call the committees.

Mr. RAYBURN (when the Committee on Public Buildings and Grounds was called). Mr. Speaker, I ask unanimous consent that further proceedings under the call of the calendar may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADVISORY COMMITTEE ON EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 529)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers and illustrations, referred to the Committee on Education and ordered printed:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, report of the Advisory Committee on Education, appointed by me in September 1936 to study the experience under the existing program of Federal aid for vocational education, the relation of such training to general education and to prevailing economic and social conditions, and the extent of the need for an expanded program.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 23, 1938.*

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AGAIN GOVERNMENT IN BUSINESS

Mr. RICH. Mr. Speaker, I call the attention of the House once again to the fact that the Federal Government is going into all kinds of business. Never before in the history of this country has the Federal Government so tried to usurp the rights of the individual citizens of America, and if we continue on for several years more as we have been doing in the past 5 or 6 years, we will be a communistic, socialistic government, if we do not have a dictator in the White House instead of a President. I wrote a letter to the Resettlement Administration in Washington, D. C., on January 12, asking them to give me information in respect to the resettlement project at Greensburg, Pa., and I ask unanimous consent to insert that letter in the RECORD as well as the reply they sent to me from the Farm Security Administration relative to that project.

Mr. Speaker, I ask unanimous consent to have that privilege, and the letters follow:

WESTMORELAND HOMESTEAD PROJECT OF THE RESETTLEMENT ADMINISTRATION

JANUARY 12, 1938

RESETTLEMENT ADMINISTRATION,
Washington, D. C.

GENTLEMEN: I am very much interested in the Westmoreland County (Pa.) homestead project of the Resettlement Administration, which is located near Greensburg, Pa.

It is my understanding that some sort of manufacturing plant is being built at this site, and I am interested to know what it is. Will you kindly give me a statement of how many homes have been constructed at this project, how many you expect ultimately to construct, how many people are living there at the present time, what the houses cost as a whole, and what the average cost of each of these houses is to the Federal Government? Also, is the Resettlement Administration building a manufacturing establishment at the Westmoreland homestead project; and if so, what is to be manufactured there? How many people will be employed, and what will be the cost of the buildings and machinery and equipment?

Awaiting a reply at your earliest convenience, and thanking you in advance for the information, I am,

Very respectfully,

ROBERT F. RICH.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FARM SECURITY ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
Washington, January 26, 1938.

Hon. ROBERT F. RICH,
House of Representatives.

MY DEAR MR. RICH: This is in reply to your letter of January 12, requesting information concerning the Westmoreland Homesteads project and the proposed construction and operation of a garment factory there.

The Westmoreland Homesteads, located near Greensburg, Pa., was initiated as a subsistence homesteads project by the Division of Subsistence Homesteads of the Department of the Interior to care for families made destitute because of cessation of the local coal-mining industry, pursuant to title II of the National Industrial Recovery Act. The project was subsequently transferred by Executive order to the Resettlement Administration and thereafter to the Secretary of Agriculture. The construction of 252 homes has been completed. Our plans do not contemplate any expansion in the number of these units. Two hundred and thirty-six of these homes were occupied as of January 1, 1938, with a population of 1,269 persons. Applications have been accepted for the remaining houses.

The total direct construction cost of the 252 homes amounted to $686,807.97, and the indirect costs aggregated $135,829.12, totaling $822,637.09. The average homestead unit costs were as follows: Houses, $3,264.43; outbuildings, $453.26; and land, $500.28—totaling $4,217.97 per unit.

A cooperative organization was formed by the resident members of the Westmoreland Homesteads and incorporated under the laws of Pennsylvania, operating as Westmoreland Community Enterprises, Inc. Under this organization various enterprises are undertaken by the homesteaders to provide a livelihood for themselves.

The need for creating employment opportunities requires the establishment of privately owned and operated industries in order to obviate the necessity of direct Government employment. The background of employment and experience of these stranded families has for years been limited to coal and coke operations. The range of possibilities of employment in other fields, consequently, is narrow. Heavy industries requiring capital investment or industries requiring prolonged training periods for labor to acquire the necessary skill are impractical from both viewpoints. An investigation of industries requiring moderate capital investments with comparative ease of adaptation lead to the conclusion that the needle trades offered a field of activity most logical to meet the requirements of the factors involved.

Subsequent investigation and negotiations have led to the approval of a proposal by the cooperative association for the utilization of some of their available funds in the construction and operation of a garment factory. To this end they set aside a total of $260,000, of which $140,000 will be spent in the construction of a factory and office building and equipment and $120,000 for raw material and working capital.

The association, holding title to the plant and equipment, has formed an operating company, to be known as the Westmoreland Garment Corporation, to which will be leased the building and equipment. The operating company in turn has engaged, under a 5-year contract, expert private management to supervise the operation of the plant and to sell and distribute its products.

This latter organization is the Washington Sales Co., of New York City. It is planned to employ a maximum number of 226 persons. This figure includes both men and women.

Your interest in the Westmoreland Homesteads project is appreciated.

Sincerely yours,

MILO PERKINS,
Assistant Administrator.

I call attention to what they are doing in this resettlement project. Probably Members noticed the article in the Saturday Evening Post the other day about a project down in New Jersey going into business. This project has cost the taxpayers of this country for the building of 250 small homes, the sum of $686,807.97, and the indirect cost of the building of these homes was $135,829.12, making a total of $822,637.09, or an average cost for the land and buildings of $4,217.97 per small homestead. That is a small cost, and probably one that would be the kind I would suggest that they build if they are going to build these settlement projects, not like Greenbelt, where they cost $15,000 each; but they built this project at Greensburg, Pa., in a locality where there are a great many mining communities with good homes vacant, and the people have nothing to do. They built this project, and after they had it built they did not know what to do with the people that were to live in it, notwithstanding the fact, as I called attention through several other communications, that good houses were remaining vacant in that vicinity. What are they doing in this community? Here is the meat in the coconut. And this applies to all of these community settlements that are being constructed. They are trying to find something for these people to do, so instead of allowing the people to form some organization of some kind, the Government goes in there and spends $260,000 to build a factory and equip it, a manufacturing establishment, to employ, as they say, about 225 people. Then they are going to give them $140,000 to put machinery into this manufacturing establishment and $120,000 for raw material and working capital. They then go to New York and get a man from New York City—think of it—to go down into Westmoreland County, Pa., and run this manufacturing establishment. A New York representative is sent out into Pennsylvania to run a manufacturing establishment paid by the Federal taxpayers, to compete with manufacturing establishments of the country, because they want to set the Government up in business, because they do not know what else to do; and call it the Westmoreland Garment Corporation, a corporation to compete with every manufacturer in the country, with his own money, Government money.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. RICH. No; not now. If the gentlemen would make a survey of the different industries that the Federal Government has established, it would make them shudder, because when you put the Government into these manufacturing establishments, private individuals must go back, because the Government drives them out of business. Oh, we will soon be like Russia.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes; to the distinguished gentleman from New York City.

Mr. O'CONNOR of New York. One of the most serious questions that confronts the District of Columbia is having some manufacturing businesses here rather than having the District a beautiful park. If they had some businesses here that the Government is interested in, to give work to the people in the District rather than educating them to be Government employees, they might solve part of the relief question right here.

Mr. RICH. The gentleman does not want the Federal Government to go into business, does he? Here in the District of Columbia?

Mr. O'CONNOR of New York. I do not know why the Federal Government should be buying things made up in Pennsylvania or be making uniforms in Philadelphia instead of having a plant right here in the District of Columbia.

Mr. RICH. There is as much merit to that as there would be to building plants up there. I am against their building them in Philadelphia or Westmoreland County or in Washington. I do not think the Government has any right to monkey with business. It does not know how; politicians cannot run anything. Look at the business people of this country today. They are sick, they want to get out of business, and when you push business interests to the point where they want to quit business—and I say that 5 percent of the people give employment to the other 95 percent—then you are just wrecking business interests of the country, and if you want to give labor employment, you must give business an opportunity, because when you crush business, you crush labor and make unemployment. That is just what this administration has done.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes; to find out what the gentleman wants to ask.

Mr. WHITE of Idaho. The gentleman is talking about the Government going into business. If prices are out of line, if the manufacturers are charging too much, profiteering prices, how are you going to get fair prices that the President says are necessary for stable and profitable business in this country?

Mr. RICH. The President says that we have to raise the wages of labor and we have to raise prices, and then he tells the manufacturers that they cannot cut the price of labor, that they cannot cut their manufacturing costs, but they must cut their prices. Did you ever hear of anything so ridiculous, so dumb? You can easily tell he never ran anything but Astor's yacht and a sailboat.

Mr. WHITE of Idaho. When they charge profiteering prices, is not that necessary?

Mr. RICH. He wants the people of this country to be wrecked. That is what he is trying to do—wreck them—instead of trying to help business, which is the most essential thing we have to do today, if you want to give men jobs. If you or the President think the prices of a commodity are too high, do not buy it. Shop around. There is always a substitute, and a person will buy where he can get the best merchandise for the least money. That is human nature. If a concern has too high prices it cannot sell its merchandise. Do not worry about that. If he makes too much profit, the income tax will get him, so do not worry about that. You need not meddle so much with the other fellow's business. You and the President attend to your own business and you then have too much to do. This administration is trying to run everything, even to the remotest detail of a man's business and his home. I say to you again, mind your own business and not every man's.

Mr. WHITE of Idaho. Is there any justification——

Mr. RICH. Mr. Speaker, I decline to yield further. Such are the conditions in the country. You are trying to get the businessmen of the country to keep wages up, but at the same time you are trying to drive prices down. The businessmen will lose in the operation. So far as I know there is not a man in the United States who is going to run his business because he wants to run it at a loss; he is not fool enough to do a thing like that.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. PIERCE. Is not the gentleman aware that the businessmen can never employ the unemployed, and that we have to find some employment for them?

Mr. RICH. No, never; the gentleman is absolutely wrong. The business people and the farmers of this country have employed the people before. We have had scarcity of labor in this country more than once under Republican administrations. If you Democrats would give the people of this country an opportunity to put their capital to work they would employ them again. Whoever says that capital is on strike is certainly dumb, because the people who have capital today want to put it to work to get a return on it, they want to give people jobs. All they want to know is that

the principal is safe. But, when you crush them it is like trying to stop a nose bleed by cutting the man's throat. If you strangle a business how do you expect it to operate and in return give employment?

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein the letters to which I referred.

The SPEAKER. Without objection it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield to permit me to make a short announcement?

Mr. DICKSTEIN. I yield.

UNVEILING OF SOUTH DAKOTA STATUE TO THE MEMORY OF GEN. WILLIAM H. H. BEADLE

Mr. CASE of South Dakota. Mr. Speaker, this afternoon at 4 o'clock in Statuary Hall, South Dakota will unveil the first statue this State has placed there. It is to the memory of an educator, Gen. William H. H. Beadle, who, I understand, is the first educator to be so honored. We honor him because he saved from speculation the school lands in North Dakota, South Dakota, Montana, Wyoming, Idaho, and Washington. The Vice President will receive the statue on behalf of the United States. The Honorable Leslie Jensen, Governor of South Dakota, will present the statue to the United States. Members of the Beadle Centennial Commission will be there, headed by Mr. Barrett Lowe, president of the South Dakota Education Association. We cordially invite you all to be there. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. DICKSTEIN. I yield.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of the legislative business for the day and the previous special orders, I may be permitted to address the House for 20 minutes.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the majority leader tell us what the legislative program is for tomorrow?

Mr. RAYBURN. There is no legislative program for tomorrow, I may say to the gentleman from Massachusetts. It is our intention to have general debate on the Interior Department appropriation bill on Friday.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER. The gentleman from New York is recognized for 9 minutes.

UN-AMERICAN ACTIVITIES

Mr. DICKSTEIN. Mr. Speaker, it was not my intention to make any speech, nor was it my intention to burden this House with what I am about to say; but I thought it important enough that I rise on this floor today to advise the House that un-Americanism and all foreign "isms" are marching on without the slightest thing being done to stop it. It has spread from coast to coast; it has become a profession handled by racketeers who are carrying on this work. Uncle Sam is doing nothing. Fritz Kuhn, the Nazi leader, as you may have noticed by the press, has left for Germany, where he was called by the Hitler government for a new program of un-American activity for him to carry on in the United States.

Only a few days ago there was a riot in Buffalo where I do not know how many skulls were fractured in a conflict between American Legion veterans of the Great War and these alien "isms." Blood was shed. In Rochester, N. Y., a similar incident occurred in which legionnaires and private citizens took the law into their own hands by taking up arms to defend our Government. In Pennsylvania a few days ago at the meeting held by the so-called German bund—I should not say German bund; Nazi bund—a bomb was thrown right in the meeting. Hundreds of people might have been killed. And this danger came about as a result of the activities of this so-called Nazi system in this country.

It may interest you to know that the Nazis bought another camp in New Jersey only as recently as 2 weeks ago. This makes the twenty-seventh camp they will have in the United States.

Un-Americanism marches on east, west, north, and south, and not a solitary thing is being done by this Government or this Congress to eradicate this evil.

A few days ago I had the privilege of addressing a radio audience over station WJZ. I have definitely established an espionage system by Japanese spies together with the Nazi agitators in California through which arms and ammunition are being smuggled from the United States into Mexico. I called this to the attention of the House on other occasions, but no attention has been paid to it.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. Did the gentleman take notice in the press yesterday morning of a communistic meeting held in Madison Square Garden attended by 18,000 Communists with a red flag displayed in the chamber?

Mr. DICKSTEIN. If it were up to me, I would have sealed the doors and let them stay there for the rest of their natural lives. I am not exempting them. They are just the same as the Nazis. They are all a bad lot. They are all parading around, organizing and creating more trouble in this country than we can possibly endure in these days when the whole of Europe is on a keg of dynamite and each nation is waiting for another country to knock a chip off its shoulder.

Mr. RICH. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. I think the gentleman is giving the Members of the House sound facts which should be recognized by all of us. It is my desire that the House of Representatives give more consideration to the resolution that the gentleman from New York has heretofore presented so that we may get more of these facts and stop all of this propaganda.

Mr. DICKSTEIN. Mr. Speaker, what right has any foreign government to send in its alien forces and parade in this country under the banner of the swastika, the red flag, the Fascist flag, or the black flag? By what right do they come here? By what right do we allow this to go on? I have been accused of exaggerating the whole story, but I have not exaggerated one iota during the time I have been calling these facts to your attention.

Mr. GREEVER. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wyoming.

Mr. GREEVER. Has the gentleman, through his investigations, been able to determine about how many there are enlisted in the Nazi organization in this country or the Communist organization?

Mr. DICKSTEIN. There are about 450,000 in the Nazis and about 35,000 in the Communists. We have also a Fascist black-shirt organization consisting of about 50,000 or more. There is another Fascist group known as the White Russians, or the so-called White Russians, and these organizations are all combined. Since the treaty was made between Japan, Italy, and Germany all these so-called subversive foreign groups, as I would call them, have become cousins around the table, and they are all combined to carry on as I have stated to you heretofore. I have photographs showing all the leaders—the Fascists, the Nazis, and the members of other groups—which are combining together in conspiring against other governments, and in the meantime they

are indulging in espionage as far as our own Government is concerned. I have pictures, as I told you before, of all of them. I may say also that they have pictures of our forts, of our bridges, and that they know more about our Government than we do ourselves.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. The gentleman speaks of the Russian group and the Nazi group. There is no cooperation or connection between those two lines of activities, is there?

Mr. DICKSTEIN. Yes; there is.

Mr. WHITE of Idaho. Between the Communists and the Nazis?

Mr. DICKSTEIN. No. There is a group known as the White Russians who do not like Stalin. They have conspired and combined with the Nazis in this country, by which they put their heads and forces together to carry on an attack against Soviet Russia. The Nazis' bund is a bund foreign to our democracy and contrary to our principles. They are carrying on a fight against democracy.

Mr. WHITE of Idaho. Does not the gentleman think the courts of the United States and the laws of the United States are able to cope with this situation?

Mr. DICKSTEIN. No; that is the trouble. Let us take our Intelligence Service. We are going to vote in the next couple of weeks on a bill which will carry $800,000,000 for armament, for defensive purposes, so to speak. I say right now our defenses are not worth a dollar unless we turn around and go further than that. We have to organize some sort of a group.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, we have to have a group which will watch these foreign agitators; we have to have someone on the inside who will check on these various groups which seek to undermine our Government, these groups which seek to overthrow it one way or another. What good are our defenses when we have such a rotten condition on the inside? Unless we can clean up that rotten condition in this country, all of our defenses are not worth much.

Mr. RICH. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. If Hitler makes good his threat, as indicated in his speech the other day, this organization of 500,000 men in America is ready to go in and scoop us up?

Mr. DICKSTEIN. Yes.

Mr. RICH. They have their eye on that and we ought to do everything to stop them, because Hitler is a dangerous man, and the Nazis in this country are dangerous to our form of government.

Mr. DICKSTEIN. In Hitler's speech the other day he stated he is ready to defend his nationals no matter where they are located. They are already prepared in this country. If you men are reasonable, if you love your country, and I know you do, you will go to the bottom of this thing and find out who is financing these groups and who is behind them. [Applause.]

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address which I made over station WJZ on February 18.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. EVANS, indefinitely, on account of illness.

To Mr. BOLAND of Pennsylvania, on account of important business.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that after the business on the Speaker's desk has been disposed of tomorrow and at the conclusion of the other special orders I may be permitted to speak for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, by request, I ask unanimous consent to proceed for 1 minute. I have been asked to make this request.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks at this point in the RECORD and include therein an editorial from the New York Sun of Monday night.

Mr. RICH. Reserving the right to object, Mr. Speaker, may I call the attention of the gentlewoman to the fact that the Senate on yesterday inserted almost 100 editorials in the RECORD in one batch. If the gentlewoman inserts one editorial in the RECORD, we are liable to embarrass the Senate. [Laughter.]

Mrs. ROGERS of Massachusetts. We are being very modest. I believe it is a good plan to call to the attention of the other body how modest we are in our requests.

Mr. RICH. I will admit the gentlewoman is always very gracious and modest.

[Here the gavel fell.]

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The editorial is as follows:

[From the New York Sun of February 21, 1938]

MR. HULL IN IOWA

In Des Moines last Saturday night Secretary Hull tried hard to convince the National Farm Institute that the administration is the farmers' best friend in its reciprocal-trade policy. Aware of Iowa's interest in corn and pork products, he said that in 5 years preceding the depression corn imports totaled only 15,000,000 bushels. He argued that if an embargo had kept out this corn, either as grain or as lard and other hog products, it would have meant a surplus of corn here, for in those 5 years 800,000,000 bushels of corn as grain and as hog products were exported.

Mr. Hull did not cite the fact, however, that in the first 11 months of last year more than 16,548,500 pounds of live hogs and 44,140,000 pounds of pork products came into this country from abroad. These imports should be compared with the 3,400,000 pounds of live hogs and 5,300,000 pounds of hog products imported in 1935.

Neither did Secretary Hull tell the Iowans that last year 86,000,000 bushels of foreign corn entered this country, compared with 43,000,000 bushels in 1935. He failed to mention that in making its trade pact with Cuba the United States cut the duty on corn 50 percent.

His chief intention was to convince his audience that the reciprocal-trade pact now pending with the United Kingdom and the British Colonial Empire will help business here. The greatest consumers of Iowan corn and hogs, and of all other American farm products, are American industrial workers. Hearings in March on the proposed British pact will consider tariff cuts on a long list of competitive manufactures made abroad. Textiles on this list include cotton and woolen fabrics, blankets, carpets, rugs, curtains, linoleums, and many kinds of wearing apparel, including underwear, knitted outerwear, gloves, mittens, handkerchiefs, and mufflers. Will more severe foreign competition in these help domestic consumers to buy more farm products?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the editorial I have just secured permission to insert in the RECORD points out that in his Iowa speech to the farmers Secretary Hull spoke of exports and sales of corn and grain to foreign countries, but he failed to mention the very large increase in the importations of corn and pork and pork products over the importations in 1935.

Mr. Speaker, I was also very much distressed to note, as I listened to Mr. Hull's address over the radio, and in reading a copy of his speech, that he attacked people who make protests in behalf of their various industries and their workers against certain items in the reciprocal-trade agreements. The following is a quotation from his speech:

> You and the rest of our people have been subjected to a veritable barrage of sinister propaganda designed, for narrow and selfish reasons, to wreck the most important policy which our country can pursue to promote its economic well-being and peace.

He has used the words "unholy zeal" and "selfish interests" in connection with such activities. He does not seem to believe these workers feel the New Deal is selfish in not wishing them to bring their cause to the Secretary of State or to the Committee for Reciprocity Information. Mr. Speaker, the New Deal administration has all the means in the world for distributing propaganda of all kinds through both the radio and the press. I feel the people of the country are entitled to every enlightenment concerning these trade treaties and the effects they have or may have upon their jobs. The reciprocal-trade agreements were supposed to create work, but before we go forward negotiating other treaties we should be sure work is secured rather than lost as a result of existing trade agreements. We must be sure the policy in practice is a benefit and not a detriment. Nothing Secretary Hull said on Saturday night really informs us upon this point.

Mr. Speaker, I have the highest regard for the Secretary of State and have always felt he was a very patient man, but his remarks seem not at all patient and manifestly unfair.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LYNDON B. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief address by former Senator W. K. Hopkins, of Texas.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the closely held corporation tax.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes p. m.) the House adjourned until tomorrow, Thursday, February 24, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce adjourned its meetings on S. 69—train lengths—Friday morning, February 18, 1938, the next meetings to be held subject to the call of the committee chairman.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Thursday, February 24, 1938, at 10 a. m., for the consideration of a building program for the Navy. Very important.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday, February 24, 1938, at 10:30 a. m., to continue hearings on H. R. 8327, a bill to promote interstate and foreign commerce, to improve the navigability of the Lakes to the Gulf waterway, and for other purposes.

COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. II of the Committee on the Judiciary at 10 a. m., on Tuesday, March 1, 1938, on the bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes. The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUPPLEMENT TO NOTICE OF HEARING DATED JANUARY 11, 1938

Under date of January 11, 1938, notice was advertised of the intention of the committee to commence hearings on February 23, 1938, at 10 a. m., in room 219, House Office Building, Washington, D. C., on the following bills, copies of which were enclosed with that notice:

H. R. 8595, relating to vessels engaged in whaling;

H. R. 8627, relating to inspection of fishing vessels;

H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; and

H. R. 8906, an improved form of H. R. 8778.

The purpose of this notice is to advise that the consideration of H. R. 8627, relating to inspection of fishing vessels, has been indefinitely postponed, and accordingly hearings on this measure will not be had on February 23, 1938.

The hearings will be limited to H. R. 8595, H. R. 8778, and H. R. 8906.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., on Tuesday, March 8, 1938, at 10 a. m., on House Joint Resolution 463, permitting the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence River.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 9, 1938, at 10 a. m., on the following bills: H. R. 9225, authorizing the appointment of 30 principal traveling inspectors by the Secretary of Commerce; H. R. 9368, authorizing the issuance of certain seamen's certificates by inspectors of hulls and boilers.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, March 16, 1938, at 10 a. m., on H. R. 8251, relative to radio operators on cargo vessels.

EXECUTIVE COMMUNICATIONS, ETC.

1095. Under clause 2 of rule XXIV a letter from the Acting Comptroller General of the United States, transmitting his report and recommendation to the Congress concerning the claim of Earle Lindsey against the United States, with the request that the same be submitted to the House of Representatives, was taken from the Speaker's table and referred to the Committee on Claims.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KRAMER: Committee on Immigration and Naturalization. S. 2710. An act for the relief of Ernestine Huber Neuheller (nee Ernestine Huber); without amendment (Rept. No. 1838). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 9281) extending the time for filing a claim for reimbursement for the

funeral expenses of Harold P. Straus, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLLINS: A bill (H. R. 9599) authorizing and directing the Secretary of Agriculture to make cotton price-adjustment payments at the rate of 3 cents per pound on 100 percent of a producer's 1937 cotton crop; to the Committee on Agriculture.

By Mr. LUCAS: A bill (H. R. 9600) to authorize a preliminary examination and survey of McCraney Creek, Hadley Creek, Kiser Creek, Six-Mile Creek, and Bay Creek, and their tributaries, in Pike County, in the State of Illinois, for flood control, for run-off and water-flow retardation, and for soil erosion; to the Committee on Flood Control.

By Mr. HAINES: A bill (H. R. 9601) to amend the acts for promoting the circulation of reading matter among the blind; to the Committee on the Post Office and Post Roads.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to consider their resolution to increase the tariff or duty on certain foreign-made products imported into the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of Illinois: A bill (H. R. 9602) for the relief of Frances O. Sperry; to the Committee on Claims.

By Mr. GASQUE: A bill (H. R. 9603) for the relief of Ellen Matthews; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4203. By Mr. KEE: Resolution of the McDowell County Sportsmen's League, of Welch, W. Va., opposing transfer of conservation agencies to the Interior Department and favoring the establishment of a Department of Conservation; to the Committee on Government Organization.

4204. By Mr. KEOGH: Petition of the Retail Tobacco Dealers of America, Inc., New York, N. Y., concerning House bill 6791, to amend paragraph 1798 of the Tariff Act of 1930; to the Committee on Ways and Means.

4205. Also, petition of Local No. 43, United Federal Workers of America, 186 William Street, New York City, concerning House bill 8428 and Senate bill 3051, the Federal Workers Appeals Act; to the Committee on the Civil Service.

4206. By Mr. KRAMER: Resolution of the General Welfare Central Welfare Center delegates of the welfare centers of the Thirteenth Congressional District of California, relative to the Boileau amendments of House bill 4199; to the Committee on Ways and Means.

4207. By Mr. LEAVY: Petition signed by a group of 25 representative citizens of the towns of Ione and Metaline Falls, Pend Oreille County, Wash., strenuously protesting against any reduction of the tariff on lead and zinc in contemplated trade agreements with Canada or any other foreign power, as Pend Oreille County leads the State in the production of these metals and the industry across the Canadian border is almost entirely owned or controlled by the Consolidated Mining & Smelting Corporation of Trail, British Columbia, and it is contended that this firm would reap the benefits of any tariff reduction at the expense of curtailed activity and consequent unemployment and hardships on the part of those engaged in the industry on the American side; to the Committee on Ways and Means.

4208. By Mr. PFEIFER: Petition of the Steamfitters Local Union, No. 638, New York City, concerning amendment to House Joint Resolution 596; to the Committee on Appropriations.

4209. Also, petition of the Building and Construction Trades Council, New York City, urging support to amendment of relief joint resolution (H. J. Res. 596); to the Committee on Appropriations.

4210. By Mrs. ROGERS of Massachusetts: Petition of the General Court of Massachusetts, memoralizing Congress to increase the tariff or duty on certain foreign-made products imported into the United States; to the Committee on Ways and Means.

4211. By Mr. THOMAS of New Jersey: Letter of David W. Goble, Jr., commander of the American Legion, Sussex County, N. J., enclosing petition signed by 385 citizens of Sussex County in favor of the passage of the universal service bill; to the Committee on Military Affairs.

4212. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, urging an increase in the tariff or duty on certain foreign-made products imported into the United States; to the Committee on Ways and Means.